

As Passed by the House

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

H. B. No. 83

Representative Hackett

**Cosponsors: Representatives Beck, Carney, Ramos, Anielski, Antonio,
Bishoff, Brown, Burkley, Celebrezze, Driehaus, Foley, Grossman, Letson,
McClain, Milkovich, O'Brien, Pillich, Rogers, Sears, Winburn
Speaker Batchelder**

—

A B I L L

To amend sections 102.02, 102.022, 102.03, 2152.54, 1
2919.271, 2945.37, 4732.01, 4732.02, 4732.03, 2
4732.06, 4732.07, 4732.09, 4732.10, 4732.11, 3
4732.12, 4732.13, 4732.14, 4732.141, 4732.16, 4
4732.17, 4732.172, 4732.173, 4732.18, 4732.21, 5
4732.22, 4732.31, 4755.13, 4757.42, 5120.55, and 6
5122.01, to amend, for the purpose of adopting new 7
section numbers as indicated in parentheses, 8
sections 4732.16 (4732.15), 4732.172 (4732.171), 9
and 4732.173 (4732.172), to enact new sections 10
4732.16 and 4732.173 and sections 4732.142, 11
4732.151, 4732.221, and 4732.33, and to repeal 12
sections 4732.15, 4732.171, and 4732.23 of the 13
Revised Code to revise the laws governing the 14
practice of psychology. 15

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

Section 1. That sections 102.02, 102.022, 102.03, 2152.54, 16
2919.271, 2945.37, 4732.01, 4732.02, 4732.03, 4732.06, 4732.07, 17

4732.09, 4732.10, 4732.11, 4732.12, 4732.13, 4732.14, 4732.141, 18
4732.16, 4732.17, 4732.172, 4732.173, 4732.18, 4732.21, 4732.22, 19
4732.31, 4755.13, 4757.42, 5120.55, and 5122.01 be amended; 20
sections 4732.16 (4732.15), 4732.172 (4732.171), and 4732.173 21
(4732.172) be amended for the purpose of adopting new section 22
numbers as indicated in parentheses; and that new sections 4732.16 23
and 4732.173 and sections 4732.142, 4732.151, 4732.221, and 24
4732.33 of the Revised Code be enacted to read as follows: 25

Sec. 102.02. (A) Except as otherwise provided in division (H) 26
of this section, all of the following shall file with the 27
appropriate ethics commission the disclosure statement described 28
in this division on a form prescribed by the appropriate 29
commission: every person who is elected to or is a candidate for a 30
state, county, or city office and every person who is appointed to 31
fill a vacancy for an unexpired term in such an elective office; 32
all members of the state board of education; the director, 33
assistant directors, deputy directors, division chiefs, or persons 34
of equivalent rank of any administrative department of the state; 35
the president or other chief administrative officer of every state 36
institution of higher education as defined in section 3345.011 of 37
the Revised Code; the executive director and the members of the 38
capitol square review and advisory board appointed or employed 39
pursuant to section 105.41 of the Revised Code; all members of the 40
Ohio casino control commission, the executive director of the 41
commission, all professional employees of the commission, and all 42
technical employees of the commission who perform an internal 43
audit function; the individuals set forth in division (B)(2) of 44
section 187.03 of the Revised Code; the chief executive officer 45
and the members of the board of each state retirement system; each 46
employee of a state retirement board who is a state retirement 47
system investment officer licensed pursuant to section 1707.163 of 48

the Revised Code; the members of the Ohio retirement study council 49
appointed pursuant to division (C) of section 171.01 of the 50
Revised Code; employees of the Ohio retirement study council, 51
other than employees who perform purely administrative or clerical 52
functions; the administrator of workers' compensation and each 53
member of the bureau of workers' compensation board of directors; 54
the bureau of workers' compensation director of investments; the 55
chief investment officer of the bureau of workers' compensation; 56
all members of the board of commissioners on grievances and 57
discipline of the supreme court and the ethics commission created 58
under section 102.05 of the Revised Code; every business manager, 59
treasurer, or superintendent of a city, local, exempted village, 60
joint vocational, or cooperative education school district or an 61
educational service center; every person who is elected to or is a 62
candidate for the office of member of a board of education of a 63
city, local, exempted village, joint vocational, or cooperative 64
education school district or of a governing board of an 65
educational service center that has a total student count of 66
twelve thousand or more as most recently determined by the 67
department of education pursuant to section 3317.03 of the Revised 68
Code; every person who is appointed to the board of education of a 69
municipal school district pursuant to division (B) or (F) of 70
section 3311.71 of the Revised Code; all members of the board of 71
directors of a sanitary district that is established under Chapter 72
6115. of the Revised Code and organized wholly for the purpose of 73
providing a water supply for domestic, municipal, and public use, 74
and that includes two municipal corporations in two counties; 75
every public official or employee who is paid a salary or wage in 76
accordance with schedule C of section 124.15 or schedule E-2 of 77
section 124.152 of the Revised Code; members of the board of 78
trustees and the executive director of the southern Ohio 79
agricultural and community development foundation; all members 80
appointed to the Ohio livestock care standards board under section 81

904.02 of the Revised Code; and every other public official or 82
employee who is designated by the appropriate ethics commission 83
pursuant to division (B) of this section. 84

The disclosure statement shall include all of the following: 85

(1) The name of the person filing the statement and each 86
member of the person's immediate family and all names under which 87
the person or members of the person's immediate family do 88
business; 89

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section 90
and except as otherwise provided in section 102.022 of the Revised 91
Code, identification of every source of income, other than income 92
from a legislative agent identified in division (A)(2)(b) of this 93
section, received during the preceding calendar year, in the 94
person's own name or by any other person for the person's use or 95
benefit, by the person filing the statement, and a brief 96
description of the nature of the services for which the income was 97
received. If the person filing the statement is a member of the 98
general assembly, the statement shall identify the amount of every 99
source of income received in accordance with the following ranges 100
of amounts: zero or more, but less than one thousand dollars; one 101
thousand dollars or more, but less than ten thousand dollars; ten 102
thousand dollars or more, but less than twenty-five thousand 103
dollars; twenty-five thousand dollars or more, but less than fifty 104
thousand dollars; fifty thousand dollars or more, but less than 105
one hundred thousand dollars; and one hundred thousand dollars or 106
more. Division (A)(2)(a) of this section shall not be construed to 107
require a person filing the statement who derives income from a 108
business or profession to disclose the individual items of income 109
that constitute the gross income of that business or profession, 110
except for those individual items of income that are attributable 111
to the person's or, if the income is shared with the person, the 112
partner's, solicitation of services or goods or performance, 113

arrangement, or facilitation of services or provision of goods on 114
behalf of the business or profession of clients, including 115
corporate clients, who are legislative agents. A person who files 116
the statement under this section shall disclose the identity of 117
and the amount of income received from a person who the public 118
official or employee knows or has reason to know is doing or 119
seeking to do business of any kind with the public official's or 120
employee's agency. 121

(b) If the person filing the statement is a member of the 122
general assembly, the statement shall identify every source of 123
income and the amount of that income that was received from a 124
legislative agent during the preceding calendar year, in the 125
person's own name or by any other person for the person's use or 126
benefit, by the person filing the statement, and a brief 127
description of the nature of the services for which the income was 128
received. Division (A)(2)(b) of this section requires the 129
disclosure of clients of attorneys or persons licensed under 130
section 4732.12 of the Revised Code, or patients of persons 131
certified under section 4731.14 of the Revised Code, if those 132
clients or patients are legislative agents. Division (A)(2)(b) of 133
this section requires a person filing the statement who derives 134
income from a business or profession to disclose those individual 135
items of income that constitute the gross income of that business 136
or profession that are received from legislative agents. 137

(c) Except as otherwise provided in division (A)(2)(c) of 138
this section, division (A)(2)(a) of this section applies to 139
attorneys, physicians, and other persons who engage in the 140
practice of a profession and who, pursuant to a section of the 141
Revised Code, the common law of this state, a code of ethics 142
applicable to the profession, or otherwise, generally are required 143
not to reveal, disclose, or use confidences of clients, patients, 144
or other recipients of professional services except under 145

specified circumstances or generally are required to maintain 146
those types of confidences as privileged communications except 147
under specified circumstances. Division (A)(2)(a) of this section 148
does not require an attorney, physician, or other professional 149
subject to a confidentiality requirement as described in division 150
(A)(2)(c) of this section to disclose the name, other identity, or 151
address of a client, patient, or other recipient of professional 152
services if the disclosure would threaten the client, patient, or 153
other recipient of professional services, would reveal details of 154
the subject matter for which legal, medical, or professional 155
advice or other services were sought, or would reveal an otherwise 156
privileged communication involving the client, patient, or other 157
recipient of professional services. Division (A)(2)(a) of this 158
section does not require an attorney, physician, or other 159
professional subject to a confidentiality requirement as described 160
in division (A)(2)(c) of this section to disclose in the brief 161
description of the nature of services required by division 162
(A)(2)(a) of this section any information pertaining to specific 163
professional services rendered for a client, patient, or other 164
recipient of professional services that would reveal details of 165
the subject matter for which legal, medical, or professional 166
advice was sought or would reveal an otherwise privileged 167
communication involving the client, patient, or other recipient of 168
professional services. 169

(3) The name of every corporation on file with the secretary 170
of state that is incorporated in this state or holds a certificate 171
of compliance authorizing it to do business in this state, trust, 172
business trust, partnership, or association that transacts 173
business in this state in which the person filing the statement or 174
any other person for the person's use and benefit had during the 175
preceding calendar year an investment of over one thousand dollars 176
at fair market value as of the thirty-first day of December of the 177
preceding calendar year, or the date of disposition, whichever is 178

earlier, or in which the person holds any office or has a 179
fiduciary relationship, and a description of the nature of the 180
investment, office, or relationship. Division (A)(3) of this 181
section does not require disclosure of the name of any bank, 182
savings and loan association, credit union, or building and loan 183
association with which the person filing the statement has a 184
deposit or a withdrawable share account. 185

(4) All fee simple and leasehold interests to which the 186
person filing the statement holds legal title to or a beneficial 187
interest in real property located within the state, excluding the 188
person's residence and property used primarily for personal 189
recreation; 190

(5) The names of all persons residing or transacting business 191
in the state to whom the person filing the statement owes, in the 192
person's own name or in the name of any other person, more than 193
one thousand dollars. Division (A)(5) of this section shall not be 194
construed to require the disclosure of debts owed by the person 195
resulting from the ordinary conduct of a business or profession or 196
debts on the person's residence or real property used primarily 197
for personal recreation, except that the superintendent of 198
financial institutions shall disclose the names of all 199
state-chartered savings and loan associations and of all service 200
corporations subject to regulation under division (E)(2) of 201
section 1151.34 of the Revised Code to whom the superintendent in 202
the superintendent's own name or in the name of any other person 203
owes any money, and that the superintendent and any deputy 204
superintendent of banks shall disclose the names of all 205
state-chartered banks and all bank subsidiary corporations subject 206
to regulation under section 1109.44 of the Revised Code to whom 207
the superintendent or deputy superintendent owes any money. 208

(6) The names of all persons residing or transacting business 209
in the state, other than a depository excluded under division 210

(A)(3) of this section, who owe more than one thousand dollars to 211
the person filing the statement, either in the person's own name 212
or to any person for the person's use or benefit. Division (A)(6) 213
of this section shall not be construed to require the disclosure 214
of clients of attorneys or persons licensed under section 4732.12 215
~~or 4732.15~~ of the Revised Code, or patients of persons certified 216
under section 4731.14 of the Revised Code, nor the disclosure of 217
debts owed to the person resulting from the ordinary conduct of a 218
business or profession. 219

(7) Except as otherwise provided in section 102.022 of the 220
Revised Code, the source of each gift of over seventy-five 221
dollars, or of each gift of over twenty-five dollars received by a 222
member of the general assembly from a legislative agent, received 223
by the person in the person's own name or by any other person for 224
the person's use or benefit during the preceding calendar year, 225
except gifts received by will or by virtue of section 2105.06 of 226
the Revised Code, or received from spouses, parents, grandparents, 227
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 228
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 229
fathers-in-law, mothers-in-law, or any person to whom the person 230
filing the statement stands in loco parentis, or received by way 231
of distribution from any inter vivos or testamentary trust 232
established by a spouse or by an ancestor; 233

(8) Except as otherwise provided in section 102.022 of the 234
Revised Code, identification of the source and amount of every 235
payment of expenses incurred for travel to destinations inside or 236
outside this state that is received by the person in the person's 237
own name or by any other person for the person's use or benefit 238
and that is incurred in connection with the person's official 239
duties, except for expenses for travel to meetings or conventions 240
of a national or state organization to which any state agency, 241
including, but not limited to, any legislative agency or state 242

institution of higher education as defined in section 3345.011 of 243
the Revised Code, pays membership dues, or any political 244
subdivision or any office or agency of a political subdivision 245
pays membership dues; 246

(9) Except as otherwise provided in section 102.022 of the 247
Revised Code, identification of the source of payment of expenses 248
for meals and other food and beverages, other than for meals and 249
other food and beverages provided at a meeting at which the person 250
participated in a panel, seminar, or speaking engagement or at a 251
meeting or convention of a national or state organization to which 252
any state agency, including, but not limited to, any legislative 253
agency or state institution of higher education as defined in 254
section 3345.011 of the Revised Code, pays membership dues, or any 255
political subdivision or any office or agency of a political 256
subdivision pays membership dues, that are incurred in connection 257
with the person's official duties and that exceed one hundred 258
dollars aggregated per calendar year; 259

(10) If the disclosure statement is filed by a public 260
official or employee described in division (B)(2) of section 261
101.73 of the Revised Code or division (B)(2) of section 121.63 of 262
the Revised Code who receives a statement from a legislative 263
agent, executive agency lobbyist, or employer that contains the 264
information described in division (F)(2) of section 101.73 of the 265
Revised Code or division (G)(2) of section 121.63 of the Revised 266
Code, all of the nondisputed information contained in the 267
statement delivered to that public official or employee by the 268
legislative agent, executive agency lobbyist, or employer under 269
division (F)(2) of section 101.73 or (G)(2) of section 121.63 of 270
the Revised Code. 271

A person may file a statement required by this section in 272
person or by mail. A person who is a candidate for elective office 273
shall file the statement no later than the thirtieth day before 274

the primary, special, or general election at which the candidacy 275
is to be voted on, whichever election occurs soonest, except that 276
a person who is a write-in candidate shall file the statement no 277
later than the twentieth day before the earliest election at which 278
the person's candidacy is to be voted on. A person who holds 279
elective office shall file the statement on or before the 280
fifteenth day of April of each year unless the person is a 281
candidate for office. A person who is appointed to fill a vacancy 282
for an unexpired term in an elective office shall file the 283
statement within fifteen days after the person qualifies for 284
office. Other persons shall file an annual statement on or before 285
the fifteenth day of April or, if appointed or employed after that 286
date, within ninety days after appointment or employment. No 287
person shall be required to file with the appropriate ethics 288
commission more than one statement or pay more than one filing fee 289
for any one calendar year. 290

The appropriate ethics commission, for good cause, may extend 291
for a reasonable time the deadline for filing a statement under 292
this section. 293

A statement filed under this section is subject to public 294
inspection at locations designated by the appropriate ethics 295
commission except as otherwise provided in this section. 296

(B) The Ohio ethics commission, the joint legislative ethics 297
committee, and the board of commissioners on grievances and 298
discipline of the supreme court, using the rule-making procedures 299
of Chapter 119. of the Revised Code, may require any class of 300
public officials or employees under its jurisdiction and not 301
specifically excluded by this section whose positions involve a 302
substantial and material exercise of administrative discretion in 303
the formulation of public policy, expenditure of public funds, 304
enforcement of laws and rules of the state or a county or city, or 305
the execution of other public trusts, to file an annual statement 306

on or before the fifteenth day of April under division (A) of this 307
section. The appropriate ethics commission shall send the public 308
officials or employees written notice of the requirement by the 309
fifteenth day of February of each year the filing is required 310
unless the public official or employee is appointed after that 311
date, in which case the notice shall be sent within thirty days 312
after appointment, and the filing shall be made not later than 313
ninety days after appointment. 314

Except for disclosure statements filed by members of the 315
board of trustees and the executive director of the southern Ohio 316
agricultural and community development foundation, disclosure 317
statements filed under this division with the Ohio ethics 318
commission by members of boards, commissions, or bureaus of the 319
state for which no compensation is received other than reasonable 320
and necessary expenses shall be kept confidential. Disclosure 321
statements filed with the Ohio ethics commission under division 322
(A) of this section by business managers, treasurers, and 323
superintendents of city, local, exempted village, joint 324
vocational, or cooperative education school districts or 325
educational service centers shall be kept confidential, except 326
that any person conducting an audit of any such school district or 327
educational service center pursuant to section 115.56 or Chapter 328
117. of the Revised Code may examine the disclosure statement of 329
any business manager, treasurer, or superintendent of that school 330
district or educational service center. Disclosure statements 331
filed with the Ohio ethics commission under division (A) of this 332
section by the individuals set forth in division (B)(2) of section 333
187.03 of the Revised Code shall be kept confidential. The Ohio 334
ethics commission shall examine each disclosure statement required 335
to be kept confidential to determine whether a potential conflict 336
of interest exists for the person who filed the disclosure 337
statement. A potential conflict of interest exists if the private 338
interests of the person, as indicated by the person's disclosure 339

statement, might interfere with the public interests the person is 340
required to serve in the exercise of the person's authority and 341
duties in the person's office or position of employment. If the 342
commission determines that a potential conflict of interest 343
exists, it shall notify the person who filed the disclosure 344
statement and shall make the portions of the disclosure statement 345
that indicate a potential conflict of interest subject to public 346
inspection in the same manner as is provided for other disclosure 347
statements. Any portion of the disclosure statement that the 348
commission determines does not indicate a potential conflict of 349
interest shall be kept confidential by the commission and shall 350
not be made subject to public inspection, except as is necessary 351
for the enforcement of Chapters 102. and 2921. of the Revised Code 352
and except as otherwise provided in this division. 353

(C) No person shall knowingly fail to file, on or before the 354
applicable filing deadline established under this section, a 355
statement that is required by this section. 356

(D) No person shall knowingly file a false statement that is 357
required to be filed under this section. 358

(E)(1) Except as provided in divisions (E)(2) and (3) of this 359
section, the statement required by division (A) or (B) of this 360
section shall be accompanied by a filing fee of sixty dollars. 361

(2) The statement required by division (A) of this section 362
shall be accompanied by the following filing fee to be paid by the 363
person who is elected or appointed to, or is a candidate for, any 364
of the following offices: 365

For state office, except member of the		366
state board of education	\$95	367
For office of member of general assembly	\$40	368
For county office	\$60	369
For city office	\$35	370

For office of member of the state board		371
of education	\$35	372
		373
		374
For office of member of a city, local,		375
exempted village, or cooperative		376
education board of		377
education or educational service		378
center governing board	\$30	379
For position of business manager,		380
treasurer, or superintendent of a		381
city, local, exempted village, joint		382
vocational, or cooperative education		383
school district or		384
educational service center	\$30	385
(3) No judge of a court of record or candidate for judge of a		386
court of record, and no referee or magistrate serving a court of		387
record, shall be required to pay the fee required under division		388
(E)(1) or (2) or (F) of this section.		389
(4) For any public official who is appointed to a nonelective		390
office of the state and for any employee who holds a nonelective		391
position in a public agency of the state, the state agency that is		392
the primary employer of the state official or employee shall pay		393
the fee required under division (E)(1) or (F) of this section.		394
(F) If a statement required to be filed under this section is		395
not filed by the date on which it is required to be filed, the		396
appropriate ethics commission shall assess the person required to		397
file the statement a late filing fee of ten dollars for each day		398
the statement is not filed, except that the total amount of the		399
late filing fee shall not exceed two hundred fifty dollars.		400
(G)(1) The appropriate ethics commission other than the Ohio		401
ethics commission and the joint legislative ethics committee shall		402

deposit all fees it receives under divisions (E) and (F) of this 403
section into the general revenue fund of the state. 404

(2) The Ohio ethics commission shall deposit all receipts, 405
including, but not limited to, fees it receives under divisions 406
(E) and (F) of this section, investigative or other fees, costs, 407
or other funds it receives as a result of court orders, and all 408
moneys it receives from settlements under division (G) of section 409
102.06 of the Revised Code, into the Ohio ethics commission fund, 410
which is hereby created in the state treasury. All moneys credited 411
to the fund shall be used solely for expenses related to the 412
operation and statutory functions of the commission. 413

(3) The joint legislative ethics committee shall deposit all 414
receipts it receives from the payment of financial disclosure 415
statement filing fees under divisions (E) and (F) of this section 416
into the joint legislative ethics committee investigative fund. 417

(H) Division (A) of this section does not apply to a person 418
elected or appointed to the office of precinct, ward, or district 419
committee member under Chapter 3517. of the Revised Code; a 420
presidential elector; a delegate to a national convention; village 421
or township officials and employees; any physician or psychiatrist 422
who is paid a salary or wage in accordance with schedule C of 423
section 124.15 or schedule E-2 of section 124.152 of the Revised 424
Code and whose primary duties do not require the exercise of 425
administrative discretion; or any member of a board, commission, 426
or bureau of any county or city who receives less than one 427
thousand dollars per year for serving in that position. 428

Sec. 102.022. Each person who is an officer or employee of a 429
political subdivision, who receives compensation of less than 430
sixteen thousand dollars a year for holding an office or position 431
of employment with that political subdivision, and who is required 432
to file a statement under section 102.02 of the Revised Code; each 433

member of the board of trustees of a state institution of higher 434
education as defined in section 3345.011 of the Revised Code who 435
is required to file a statement under section 102.02 of the 436
Revised Code; and each individual set forth in division (B)(2) of 437
section 187.03 of the Revised Code who is required to file a 438
statement under section 102.02 of the Revised Code, shall include 439
in that statement, in place of the information required by 440
divisions (A)(2), (7), (8), and (9) of that section, the following 441
information: 442

(A) Exclusive of reasonable expenses, identification of every 443
source of income over five hundred dollars received during the 444
preceding calendar year, in the officer's or employee's own name 445
or by any other person for the officer's or employee's use or 446
benefit, by the person filing the statement, and a brief 447
description of the nature of the services for which the income was 448
received. This division shall not be construed to require the 449
disclosure of clients of attorneys or persons licensed under 450
section 4732.12 ~~or 4732.15~~ of the Revised Code or patients of 451
persons certified under section 4731.14 of the Revised Code. This 452
division shall not be construed to require a person filing the 453
statement who derives income from a business or profession to 454
disclose the individual items of income that constitute the gross 455
income of the business or profession. 456

(B) The source of each gift of over five hundred dollars 457
received by the person in the officer's or employee's own name or 458
by any other person for the officer's or employee's use or benefit 459
during the preceding calendar year, except gifts received by will 460
or by virtue of section 2105.06 of the Revised Code, received from 461
parents, grandparents, children, grandchildren, siblings, nephews, 462
nieces, uncles, aunts, brothers-in-law, sisters-in-law, 463
sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, or 464
any person to whom the person filing the statement stands in loco 465

parentis, or received by way of distribution from any inter vivos 466
or testamentary trust established by a spouse or by an ancestor. 467

Sec. 102.03. (A)(1) No present or former public official or 468
employee shall, during public employment or service or for twelve 469
months thereafter, represent a client or act in a representative 470
capacity for any person on any matter in which the public official 471
or employee personally participated as a public official or 472
employee through decision, approval, disapproval, recommendation, 473
the rendering of advice, investigation, or other substantial 474
exercise of administrative discretion. 475

(2) For twenty-four months after the conclusion of service, 476
no former commissioner or attorney examiner of the public 477
utilities commission shall represent a public utility, as defined 478
in section 4905.02 of the Revised Code, or act in a representative 479
capacity on behalf of such a utility before any state board, 480
commission, or agency. 481

(3) For twenty-four months after the conclusion of employment 482
or service, no former public official or employee who personally 483
participated as a public official or employee through decision, 484
approval, disapproval, recommendation, the rendering of advice, 485
the development or adoption of solid waste management plans, 486
investigation, inspection, or other substantial exercise of 487
administrative discretion under Chapter 343. or 3734. of the 488
Revised Code shall represent a person who is the owner or operator 489
of a facility, as defined in section 3734.01 of the Revised Code, 490
or who is an applicant for a permit or license for a facility 491
under that chapter, on any matter in which the public official or 492
employee personally participated as a public official or employee. 493

(4) For a period of one year after the conclusion of 494
employment or service as a member or employee of the general 495
assembly, no former member or employee of the general assembly 496

shall represent, or act in a representative capacity for, any 497
person on any matter before the general assembly, any committee of 498
the general assembly, or the controlling board. Division (A)(4) of 499
this section does not apply to or affect a person who separates 500
from service with the general assembly on or before December 31, 501
1995. As used in division (A)(4) of this section "person" does not 502
include any state agency or political subdivision of the state. 503

(5) As used in divisions (A)(1), (2), and (3) of this 504
section, "matter" includes any case, proceeding, application, 505
determination, issue, or question, but does not include the 506
proposal, consideration, or enactment of statutes, rules, 507
ordinances, resolutions, or charter or constitutional amendments. 508
As used in division (A)(4) of this section, "matter" includes the 509
proposal, consideration, or enactment of statutes, resolutions, or 510
constitutional amendments. As used in division (A) of this 511
section, "represent" includes any formal or informal appearance 512
before, or any written or oral communication with, any public 513
agency on behalf of any person. 514

(6) Nothing contained in division (A) of this section shall 515
prohibit, during such period, a former public official or employee 516
from being retained or employed to represent, assist, or act in a 517
representative capacity for the public agency by which the public 518
official or employee was employed or on which the public official 519
or employee served. 520

(7) Division (A) of this section shall not be construed to 521
prohibit the performance of ministerial functions, including, but 522
not limited to, the filing or amendment of tax returns, 523
applications for permits and licenses, incorporation papers, and 524
other similar documents. 525

(8) Division (A) of this section does not prohibit a 526
nonelected public official or employee of a state agency, as 527
defined in section 1.60 of the Revised Code, from becoming a 528

public official or employee of another state agency. Division (A) 529
of this section does not prohibit such an official or employee 530
from representing or acting in a representative capacity for the 531
official's or employee's new state agency on any matter in which 532
the public official or employee personally participated as a 533
public official or employee at the official's or employee's former 534
state agency. However, no public official or employee of a state 535
agency shall, during public employment or for twelve months 536
thereafter, represent or act in a representative capacity for the 537
official's or employee's new state agency on any audit or 538
investigation pertaining to the official's or employee's new state 539
agency in which the public official or employee personally 540
participated at the official's or employee's former state agency 541
through decision, approval, disapproval, recommendation, the 542
rendering of advice, investigation, or other substantial exercise 543
of administrative discretion. 544

(9) Division (A) of this section does not prohibit a 545
nonelected public official or employee of a political subdivision 546
from becoming a public official or employee of a different 547
department, division, agency, office, or unit of the same 548
political subdivision. Division (A) of this section does not 549
prohibit such an official or employee from representing or acting 550
in a representative capacity for the official's or employee's new 551
department, division, agency, office, or unit on any matter in 552
which the public official or employee personally participated as a 553
public official or employee at the official's or employee's former 554
department, division, agency, office, or unit of the same 555
political subdivision. As used in this division, "political 556
subdivision" means a county, township, municipal corporation, or 557
any other body corporate and politic that is responsible for 558
government activities in a geographic area smaller than that of 559
the state. 560

(10) No present or former Ohio casino control commission 561
official shall, during public service or for two years thereafter, 562
represent a client, be employed or compensated by a person 563
regulated by the commission, or act in a representative capacity 564
for any person on any matter before or concerning the commission. 565

No present or former commission employee shall, during public 566
employment or for two years thereafter, represent a client or act 567
in a representative capacity on any matter in which the employee 568
personally participated as a commission employee through decision, 569
approval, disapproval, recommendation, the rendering of advice, 570
investigation, or other substantial exercise of administrative 571
discretion. 572

(B) No present or former public official or employee shall 573
disclose or use, without appropriate authorization, any 574
information acquired by the public official or employee in the 575
course of the public official's or employee's official duties that 576
is confidential because of statutory provisions, or that has been 577
clearly designated to the public official or employee as 578
confidential when that confidential designation is warranted 579
because of the status of the proceedings or the circumstances 580
under which the information was received and preserving its 581
confidentiality is necessary to the proper conduct of government 582
business. 583

(C) No public official or employee shall participate within 584
the scope of duties as a public official or employee, except 585
through ministerial functions as defined in division (A) of this 586
section, in any license or rate-making proceeding that directly 587
affects the license or rates of any person, partnership, trust, 588
business trust, corporation, or association in which the public 589
official or employee or immediate family owns or controls more 590
than five per cent. No public official or employee shall 591
participate within the scope of duties as a public official or 592

employee, except through ministerial functions as defined in 593
division (A) of this section, in any license or rate-making 594
proceeding that directly affects the license or rates of any 595
person to whom the public official or employee or immediate 596
family, or a partnership, trust, business trust, corporation, or 597
association of which the public official or employee or the public 598
official's or employee's immediate family owns or controls more 599
than five per cent, has sold goods or services totaling more than 600
one thousand dollars during the preceding year, unless the public 601
official or employee has filed a written statement acknowledging 602
that sale with the clerk or secretary of the public agency and the 603
statement is entered in any public record of the agency's 604
proceedings. This division shall not be construed to require the 605
disclosure of clients of attorneys or persons licensed under 606
section 4732.12 ~~or 4732.15~~ of the Revised Code, or patients of 607
persons certified under section 4731.14 of the Revised Code. 608

(D) No public official or employee shall use or authorize the 609
use of the authority or influence of office or employment to 610
secure anything of value or the promise or offer of anything of 611
value that is of such a character as to manifest a substantial and 612
improper influence upon the public official or employee with 613
respect to that person's duties. 614

(E) No public official or employee shall solicit or accept 615
anything of value that is of such a character as to manifest a 616
substantial and improper influence upon the public official or 617
employee with respect to that person's duties. 618

(F) No person shall promise or give to a public official or 619
employee anything of value that is of such a character as to 620
manifest a substantial and improper influence upon the public 621
official or employee with respect to that person's duties. 622

(G) In the absence of bribery or another offense under the 623
Revised Code or a purpose to defraud, contributions made to a 624

campaign committee, political party, legislative campaign fund, 625
political action committee, or political contributing entity on 626
behalf of an elected public officer or other public official or 627
employee who seeks elective office shall be considered to accrue 628
ordinarily to the public official or employee for the purposes of 629
divisions (D), (E), and (F) of this section. 630

As used in this division, "contributions," "campaign 631
committee," "political party," "legislative campaign fund," 632
"political action committee," and "political contributing entity" 633
have the same meanings as in section 3517.01 of the Revised Code. 634

(H)(1) No public official or employee, except for the 635
president or other chief administrative officer of or a member of 636
a board of trustees of a state institution of higher education as 637
defined in section 3345.011 of the Revised Code, who is required 638
to file a financial disclosure statement under section 102.02 of 639
the Revised Code shall solicit or accept, and no person shall give 640
to that public official or employee, an honorarium. Except as 641
provided in division (H)(2) of this section, this division and 642
divisions (D), (E), and (F) of this section do not prohibit a 643
public official or employee who is required to file a financial 644
disclosure statement under section 102.02 of the Revised Code from 645
accepting and do not prohibit a person from giving to that public 646
official or employee the payment of actual travel expenses, 647
including any expenses incurred in connection with the travel for 648
lodging, and meals, food, and beverages provided to the public 649
official or employee at a meeting at which the public official or 650
employee participates in a panel, seminar, or speaking engagement 651
or provided to the public official or employee at a meeting or 652
convention of a national organization to which any state agency, 653
including, but not limited to, any state legislative agency or 654
state institution of higher education as defined in section 655
3345.011 of the Revised Code, pays membership dues. Except as 656

provided in division (H)(2) of this section, this division and 657
divisions (D), (E), and (F) of this section do not prohibit a 658
public official or employee who is not required to file a 659
financial disclosure statement under section 102.02 of the Revised 660
Code from accepting and do not prohibit a person from promising or 661
giving to that public official or employee an honorarium or the 662
payment of travel, meal, and lodging expenses if the honorarium, 663
expenses, or both were paid in recognition of demonstrable 664
business, professional, or esthetic interests of the public 665
official or employee that exist apart from public office or 666
employment, including, but not limited to, such a demonstrable 667
interest in public speaking and were not paid by any person or 668
other entity, or by any representative or association of those 669
persons or entities, that is regulated by, doing business with, or 670
seeking to do business with the department, division, institution, 671
board, commission, authority, bureau, or other instrumentality of 672
the governmental entity with which the public official or employee 673
serves. 674

(2) No person who is a member of the board of a state 675
retirement system, a state retirement system investment officer, 676
or an employee of a state retirement system whose position 677
involves substantial and material exercise of discretion in the 678
investment of retirement system funds shall solicit or accept, and 679
no person shall give to that board member, officer, or employee, 680
payment of actual travel expenses, including expenses incurred 681
with the travel for lodging, meals, food, and beverages. 682

(I) A public official or employee may accept travel, meals, 683
and lodging or expenses or reimbursement of expenses for travel, 684
meals, and lodging in connection with conferences, seminars, and 685
similar events related to official duties if the travel, meals, 686
and lodging, expenses, or reimbursement is not of such a character 687
as to manifest a substantial and improper influence upon the 688

public official or employee with respect to that person's duties. 689
The house of representatives and senate, in their code of ethics, 690
and the Ohio ethics commission, under section 111.15 of the 691
Revised Code, may adopt rules setting standards and conditions for 692
the furnishing and acceptance of such travel, meals, and lodging, 693
expenses, or reimbursement. 694

A person who acts in compliance with this division and any 695
applicable rules adopted under it, or any applicable, similar 696
rules adopted by the supreme court governing judicial officers and 697
employees, does not violate division (D), (E), or (F) of this 698
section. This division does not preclude any person from seeking 699
an advisory opinion from the appropriate ethics commission under 700
section 102.08 of the Revised Code. 701

(J) For purposes of divisions (D), (E), and (F) of this 702
section, the membership of a public official or employee in an 703
organization shall not be considered, in and of itself, to be of 704
such a character as to manifest a substantial and improper 705
influence on the public official or employee with respect to that 706
person's duties. As used in this division, "organization" means a 707
church or a religious, benevolent, fraternal, or professional 708
organization that is tax exempt under subsection 501(a) and 709
described in subsection 501(c)(3), (4), (8), (10), or (19) of the 710
"Internal Revenue Code of 1986." This division does not apply to a 711
public official or employee who is an employee of an organization, 712
serves as a trustee, director, or officer of an organization, or 713
otherwise holds a fiduciary relationship with an organization. 714
This division does not allow a public official or employee who is 715
a member of an organization to participate, formally or 716
informally, in deliberations, discussions, or voting on a matter 717
or to use the public official's or employee's official position 718
with regard to the interests of the organization on the matter if 719
the public official or employee has assumed a particular 720

responsibility in the organization with respect to the matter or 721
if the matter would affect that person's personal, pecuniary 722
interests. 723

(K) It is not a violation of this section for a prosecuting 724
attorney to appoint assistants and employees in accordance with 725
division (B) of section 309.06 and section 2921.421 of the Revised 726
Code, for a chief legal officer of a municipal corporation or an 727
official designated as prosecutor in a municipal corporation to 728
appoint assistants and employees in accordance with sections 729
733.621 and 2921.421 of the Revised Code, for a township law 730
director appointed under section 504.15 of the Revised Code to 731
appoint assistants and employees in accordance with sections 732
504.151 and 2921.421 of the Revised Code, or for a coroner to 733
appoint assistants and employees in accordance with division (B) 734
of section 313.05 of the Revised Code. 735

As used in this division, "chief legal officer" has the same 736
meaning as in section 733.621 of the Revised Code. 737

(L) No present public official or employee with a casino 738
gaming regulatory function shall indirectly invest, by way of an 739
entity the public official or employee has an ownership interest 740
or control in, or directly invest in a casino operator, management 741
company, holding company, casino facility, or gaming-related 742
vendor. No present public official or employee with a casino 743
gaming regulatory function shall directly or indirectly have a 744
financial interest in, have an ownership interest in, be the 745
creditor or hold a debt instrument issued by, or have an interest 746
in a contractual or service relationship with a casino operator, 747
management company, holding company, casino facility, or 748
gaming-related vendor. This section does not prohibit or limit 749
permitted passive investing by the public official or employee. 750

As used in this division, "passive investing" means 751
investment by the public official or employee by means of a mutual 752

fund in which the public official or employee has no control of 753
the investments or investment decisions. "Casino operator," 754
"holding company," "management company," "casino facility," and 755
"gaming-related vendor" have the same meanings as in section 756
3772.01 of the Revised Code. 757

(M) A member of the Ohio casino control commission, the 758
executive director of the commission, or an employee of the 759
commission shall not: 760

(1) Accept anything of value, including but not limited to a 761
gift, gratuity, emolument, or employment from a casino operator, 762
management company, or other person subject to the jurisdiction of 763
the commission, or from an officer, attorney, agent, or employee 764
of a casino operator, management company, or other person subject 765
to the jurisdiction of the commission; 766

(2) Solicit, suggest, request, or recommend, directly or 767
indirectly, to a casino operator, management company, or other 768
person subject to the jurisdiction of the commission, or to an 769
officer, attorney, agent, or employee of a casino operator, 770
management company, or other person subject to the jurisdiction of 771
the commission, the appointment of a person to an office, place, 772
position, or employment; 773

(3) Participate in casino gaming or any other amusement or 774
activity at a casino facility in this state or at an affiliate 775
gaming facility of a licensed casino operator, wherever located. 776

In addition to the penalty provided in section 102.99 of the 777
Revised Code, whoever violates division (M)(1), (2), or (3) of 778
this section forfeits the individual's office or employment. 779

Sec. 2152.54. (A) An evaluation of a child who does not 780
appear to the court to be a person who is at least moderately 781
intellectually disabled shall be made by an evaluator who is one 782

of the following: 783

(1) A professional employed by a psychiatric facility or 784
center certified by the department of mental health to provide 785
forensic services and appointed by the director of the facility or 786
center to conduct the evaluation; 787

(2) A psychiatrist or a licensed clinical psychologist who 788
satisfies the criteria of division (I)~~(1)~~ of section 5122.01 of 789
the Revised Code and has specialized education, training, or 790
experience in forensic evaluations of children or adolescents. 791

(B) An evaluation of a child who appears to the court to be a 792
person who is at least moderately intellectually disabled shall be 793
made by a psychiatrist or licensed clinical psychologist who 794
satisfies the criteria of division (I)~~(1)~~ of section 5122.01 of 795
the Revised Code and has specialized education, training, or 796
experience in forensic evaluations of children or adolescents who 797
have intellectual disability. 798

(C) If an evaluation is conducted by an evaluator of the type 799
described in division (A)(1) or (2) of this section and the 800
evaluator concludes that the child is a person who is at least 801
moderately intellectually disabled, the evaluator shall 802
discontinue the evaluation and notify the court within one 803
business day after reaching the conclusion. Within two business 804
days after receiving notification, the court shall order the child 805
to undergo an evaluation by an evaluator of the type described in 806
division (B) of this section. Within two business days after the 807
appointment of the new evaluator, the original evaluator shall 808
deliver to the new evaluator all information relating to the child 809
obtained during the original evaluation. 810

Sec. 2919.271. (A)(1)(a) If a defendant is charged with a 811
violation of section 2919.27 of the Revised Code or of a municipal 812

ordinance that is substantially similar to that section, the court 813
may order an evaluation of the mental condition of the defendant 814
if the court determines that either of the following criteria 815
apply: 816

(i) If the alleged violation is a violation of a protection 817
order issued or consent agreement approved pursuant to section 818
2919.26 or 3113.31 of the Revised Code, that the violation 819
allegedly involves conduct by the defendant that caused physical 820
harm to the person or property of a family or household member 821
covered by the order or agreement, or conduct by the defendant 822
that caused a family or household member to believe that the 823
defendant would cause physical harm to that member or that 824
member's property. 825

(ii) If the alleged violation is a violation of a protection 826
order issued pursuant to section 2903.213 or 2903.214 of the 827
Revised Code or a protection order issued by a court of another 828
state, that the violation allegedly involves conduct by the 829
defendant that caused physical harm to the person or property of 830
the person covered by the order, or conduct by the defendant that 831
caused the person covered by the order to believe that the 832
defendant would cause physical harm to that person or that 833
person's property. 834

(b) If a defendant is charged with a violation of section 835
2903.211 of the Revised Code or of a municipal ordinance that is 836
substantially similar to that section, the court may order an 837
evaluation of the mental condition of the defendant. 838

(2) An evaluation ordered under division (A)(1) of this 839
section shall be completed no later than thirty days from the date 840
the order is entered pursuant to that division. In that order, the 841
court shall do either of the following: 842

(a) Order that the evaluation of the mental condition of the 843

defendant be preceded by an examination conducted either by a 844
forensic center that is designated by the department of mental 845
health to conduct examinations and make evaluations of defendants 846
charged with violations of section 2903.211 or 2919.27 of the 847
Revised Code or of substantially similar municipal ordinances in 848
the area in which the court is located, or by any other program or 849
facility that is designated by the department of mental health or 850
the department of developmental disabilities to conduct 851
examinations and make evaluations of defendants charged with 852
violations of section 2903.211 or 2919.27 of the Revised Code or 853
of substantially similar municipal ordinances, and that is 854
operated by either department or is certified by either department 855
as being in compliance with the standards established under 856
division (H) of section 5119.01 of the Revised Code or division 857
(C) of section 5123.04 of the Revised Code. 858

(b) Designate a center, program, or facility other than one 859
designated by the department of mental health or the department of 860
developmental disabilities, as described in division (A)(2)(a) of 861
this section, to conduct the evaluation and preceding examination 862
of the mental condition of the defendant. 863

Whether the court acts pursuant to division (A)(2)(a) or (b) 864
of this section, the court may designate examiners other than the 865
personnel of the center, program, facility, or department involved 866
to make the evaluation and preceding examination of the mental 867
condition of the defendant. 868

(B) If the court considers that additional evaluations of the 869
mental condition of a defendant are necessary following the 870
evaluation authorized by division (A) of this section, the court 871
may order up to two additional similar evaluations. These 872
evaluations shall be completed no later than thirty days from the 873
date the applicable court order is entered. If more than one 874
evaluation of the mental condition of the defendant is ordered 875

under this division, the prosecutor and the defendant may 876
recommend to the court an examiner whom each prefers to perform 877
one of the evaluations and preceding examinations. 878

(C)(1) The court may order a defendant who has been released 879
on bail to submit to an examination under division (A) or (B) of 880
this section. The examination shall be conducted either at the 881
detention facility in which the defendant would have been confined 882
if the defendant had not been released on bail, or, if so 883
specified by the center, program, facility, or examiners involved, 884
at the premises of the center, program, or facility. Additionally, 885
the examination shall be conducted at the times established by the 886
examiners involved. If such a defendant refuses to submit to an 887
examination or a complete examination as required by the court or 888
the center, program, facility, or examiners involved, the court 889
may amend the conditions of the bail of the defendant and order 890
the sheriff to take the defendant into custody and deliver the 891
defendant to the detention facility in which the defendant would 892
have been confined if the defendant had not been released on bail, 893
or, if so specified by the center, program, facility, or examiners 894
involved, to the premises of the center, program, or facility, for 895
purposes of the examination. 896

(2) A defendant who has not been released on bail shall be 897
examined at the detention facility in which the defendant is 898
confined or, if so specified by the center, program, facility, or 899
examiners involved, at the premises of the center, program, or 900
facility. 901

(D) The examiner of the mental condition of a defendant under 902
division (A) or (B) of this section shall file a written report 903
with the court within thirty days after the entry of an order for 904
the evaluation of the mental condition of the defendant. The 905
report shall contain the findings of the examiner; the facts in 906
reasonable detail on which the findings are based; the opinion of 907

the examiner as to the mental condition of the defendant; the 908
opinion of the examiner as to whether the defendant represents a 909
substantial risk of physical harm to other persons as manifested 910
by evidence of recent homicidal or other violent behavior, 911
evidence of recent threats that placed other persons in reasonable 912
fear of violent behavior and serious physical harm, or evidence of 913
present dangerousness; and the opinion of the examiner as to the 914
types of treatment or counseling that the defendant needs. The 915
court shall provide copies of the report to the prosecutor and 916
defense counsel. 917

(E) The costs of any evaluation and preceding examination of 918
a defendant that is ordered pursuant to division (A) or (B) of 919
this section shall be taxed as court costs in the criminal case. 920

(F) If the examiner considers it necessary in order to make 921
an accurate evaluation of the mental condition of a defendant, an 922
examiner under division (A) or (B) of this section may request any 923
family or household member of the defendant to provide the 924
examiner with information. A family or household member may, but 925
is not required to, provide information to the examiner upon 926
receipt of the request. 927

(G) As used in this section: 928

(1) "Bail" includes a recognizance. 929

(2) "Examiner" means a psychiatrist, a licensed independent 930
social worker who is employed by a forensic center that is 931
certified as being in compliance with the standards established 932
under division (H) of section 5119.01 or division (C) of section 933
5123.04 of the Revised Code, a licensed professional clinical 934
counselor who is employed at a forensic center that is certified 935
as being in compliance with such standards, or a licensed clinical 936
psychologist, except that in order to be an examiner, a licensed 937
clinical psychologist shall meet the criteria of division (I)~~(I)~~ 938

of section 5122.01 of the Revised Code or be employed to conduct 939
examinations by the department of mental health or by a forensic 940
center certified as being in compliance with the standards 941
established under division (H) of section 5119.01 or division (C) 942
of section 5123.04 of the Revised Code that is designated by the 943
department of mental health. 944

(3) "Family or household member" has the same meaning as in 945
section 2919.25 of the Revised Code. 946

(4) "Prosecutor" has the same meaning as in section 2935.01 947
of the Revised Code. 948

(5) "Psychiatrist" and "licensed clinical psychologist" have 949
the same meanings as in section 5122.01 of the Revised Code. 950

(6) "Protection order issued by a court of another state" has 951
the same meaning as in section 2919.27 of the Revised Code. 952

Sec. 2945.37. (A) As used in sections 2945.37 to 2945.402 of 953
the Revised Code: 954

(1) "Prosecutor" means a prosecuting attorney or a city 955
director of law, village solicitor, or similar chief legal officer 956
of a municipal corporation who has authority to prosecute a 957
criminal case that is before the court or the criminal case in 958
which a defendant in a criminal case has been found incompetent to 959
stand trial or not guilty by reason of insanity. 960

(2) "Examiner" means either of the following: 961

(a) A psychiatrist or a licensed clinical psychologist who 962
satisfies the criteria of division (I)~~(1)~~ of section 5122.01 of 963
the Revised Code or is employed by a certified forensic center 964
designated by the department of mental health to conduct 965
examinations or evaluations. 966

(b) For purposes of a separate mental retardation evaluation 967
that is ordered by a court pursuant to division (H) of section 968

2945.371 of the Revised Code, a psychologist designated by the 969
director of developmental disabilities pursuant to that section to 970
conduct that separate mental retardation evaluation. 971

(3) "Nonsecured status" means any unsupervised, off-grounds 972
movement or trial visit from a hospital or institution, or any 973
conditional release, that is granted to a person who is found 974
incompetent to stand trial and is committed pursuant to section 975
2945.39 of the Revised Code or to a person who is found not guilty 976
by reason of insanity and is committed pursuant to section 2945.40 977
of the Revised Code. 978

(4) "Unsupervised, off-grounds movement" includes only 979
off-grounds privileges that are unsupervised and that have an 980
expectation of return to the hospital or institution on a daily 981
basis. 982

(5) "Trial visit" means a patient privilege of a longer 983
stated duration of unsupervised community contact with an 984
expectation of return to the hospital or institution at designated 985
times. 986

(6) "Conditional release" means a commitment status under 987
which the trial court at any time may revoke a person's 988
conditional release and order the rehospitalization or 989
reinstitutionalization of the person as described in division (A) 990
of section 2945.402 of the Revised Code and pursuant to which a 991
person who is found incompetent to stand trial or a person who is 992
found not guilty by reason of insanity lives and receives 993
treatment in the community for a period of time that does not 994
exceed the maximum prison term or term of imprisonment that the 995
person could have received for the offense in question had the 996
person been convicted of the offense instead of being found 997
incompetent to stand trial on the charge of the offense or being 998
found not guilty by reason of insanity relative to the offense. 999

(7) "Licensed clinical psychologist," "mentally ill person
subject to hospitalization by court order," and "psychiatrist"
have the same meanings as in section 5122.01 of the Revised Code.

(8) "Mentally retarded person subject to institutionalization
by court order" has the same meaning as in section 5123.01 of the
Revised Code.

(B) In a criminal action in a court of common pleas, a county
court, or a municipal court, the court, prosecutor, or defense may
raise the issue of the defendant's competence to stand trial. If
the issue is raised before the trial has commenced, the court
shall hold a hearing on the issue as provided in this section. If
the issue is raised after the trial has commenced, the court shall
hold a hearing on the issue only for good cause shown or on the
court's own motion.

(C) The court shall conduct the hearing required or
authorized under division (B) of this section within thirty days
after the issue is raised, unless the defendant has been referred
for evaluation in which case the court shall conduct the hearing
within ten days after the filing of the report of the evaluation
or, in the case of a defendant who is ordered by the court
pursuant to division (H) of section 2945.371 of the Revised Code
to undergo a separate mental retardation evaluation conducted by a
psychologist designated by the director of developmental
disabilities, within ten days after the filing of the report of
the separate mental retardation evaluation under that division. A
hearing may be continued for good cause.

(D) The defendant shall be represented by counsel at the
hearing conducted under division (C) of this section. If the
defendant is unable to obtain counsel, the court shall appoint
counsel under Chapter 120. of the Revised Code or under the
authority recognized in division (C) of section 120.06, division
(E) of section 120.16, division (E) of section 120.26, or section

2941.51 of the Revised Code before proceeding with the hearing. 1032

(E) The prosecutor and defense counsel may submit evidence on 1033
the issue of the defendant's competence to stand trial. A written 1034
report of the evaluation of the defendant may be admitted into 1035
evidence at the hearing by stipulation, but, if either the 1036
prosecution or defense objects to its admission, the report may be 1037
admitted under sections 2317.36 to 2317.38 of the Revised Code or 1038
any other applicable statute or rule. 1039

(F) The court shall not find a defendant incompetent to stand 1040
trial solely because the defendant is receiving or has received 1041
treatment as a voluntary or involuntary mentally ill patient under 1042
Chapter 5122. or a voluntary or involuntary mentally retarded 1043
resident under Chapter 5123. of the Revised Code or because the 1044
defendant is receiving or has received psychotropic drugs or other 1045
medication, even if the defendant might become incompetent to 1046
stand trial without the drugs or medication. 1047

(G) A defendant is presumed to be competent to stand trial. 1048
If, after a hearing, the court finds by a preponderance of the 1049
evidence that, because of the defendant's present mental 1050
condition, the defendant is incapable of understanding the nature 1051
and objective of the proceedings against the defendant or of 1052
assisting in the defendant's defense, the court shall find the 1053
defendant incompetent to stand trial and shall enter an order 1054
authorized by section 2945.38 of the Revised Code. 1055

(H) Municipal courts shall follow the procedures set forth in 1056
sections 2945.37 to 2945.402 of the Revised Code. Except as 1057
provided in section 2945.371 of the Revised Code, a municipal 1058
court shall not order an evaluation of the defendant's competence 1059
to stand trial or the defendant's mental condition at the time of 1060
the commission of the offense to be conducted at any hospital 1061
operated by the department of mental health. Those evaluations 1062
shall be performed through community resources including, but not 1063

limited to, certified forensic centers, court probation 1064
departments, and community mental health agencies. All expenses of 1065
the evaluations shall be borne by the legislative authority of the 1066
municipal court, as defined in section 1901.03 of the Revised 1067
Code, and shall be taxed as costs in the case. If a defendant is 1068
found incompetent to stand trial or not guilty by reason of 1069
insanity, a municipal court may commit the defendant as provided 1070
in sections 2945.38 to 2945.402 of the Revised Code. 1071

Sec. 4732.01. As used in ~~sections 4732.01 to 4732.25 of the~~ 1072
~~Revised Code~~ this chapter: 1073

(A) "Psychologist" means any person who holds self out to the 1074
public by any title or description of services incorporating the 1075
words "psychologic," "psychological," "psychologist," 1076
"psychology," or any other terms that imply the person is trained, 1077
experienced, or an expert in the field of psychology. 1078

(B) "The practice of psychology" means rendering or offering 1079
to render to individuals, groups, organizations, or the public any 1080
service involving the application of psychological procedures to 1081
assessment, diagnosis, prevention, treatment, or amelioration of 1082
psychological problems or emotional or mental disorders of 1083
individuals or groups; or to the assessment or improvement of 1084
psychological adjustment or functioning of individuals or groups, 1085
whether or not there is a diagnosable pre-existing psychological 1086
problem. Practice of psychology includes the practice of school 1087
psychology. For purposes of this chapter, teaching or research 1088
shall not be regarded as the practice of psychology, even when 1089
dealing with psychological subject matter, provided it does not 1090
otherwise involve the professional practice of psychology in which 1091
~~patient or client~~ an individual's welfare is directly affected by 1092
the application of psychological procedures. 1093

(C) "Psychological procedures" include but are not restricted 1094

to application of principles, methods, or procedures of 1095
understanding, predicting, or influencing behavior, such as the 1096
principles pertaining to learning, conditioning, perception, 1097
motivation, thinking, emotions, or interpersonal relationships; 1098
the methods or procedures of verbal interaction, interviewing, 1099
counseling, behavior modification, environmental manipulation, 1100
group process, psychological psychotherapy, or hypnosis; and the 1101
methods or procedures of administering or interpreting tests of 1102
mental abilities, aptitudes, interests, attitudes, personality 1103
characteristics, emotions, or motivation. 1104

(D) "School psychologist" means any person who holds self out 1105
to the public by any title or description of services 1106
incorporating the words "school psychologist" or "school 1107
psychology," or who holds self out to be trained, experienced, or 1108
an expert in the practice of school psychology. 1109

(E) "Practice of school psychology" means rendering or 1110
offering to render to individuals, groups, organizations, or the 1111
public any of the following services: 1112

(1) Evaluation, diagnosis, or test interpretation limited to 1113
assessment of intellectual ability, learning patterns, 1114
achievement, motivation, behavior, or personality factors directly 1115
related to learning problems ~~in an educational setting~~; 1116

(2) ~~Counseling~~ Intervention services, including counseling, 1117
for children or adults for amelioration or prevention of 1118
educationally related learning problems, including emotional and 1119
behavioral aspects of such problems; 1120

(3) ~~Educational~~ Psychological, educational, or vocational 1121
consultation or direct educational services. This does not include 1122
industrial consultation or counseling services to clients 1123
undergoing vocational rehabilitation. 1124

(F) "Licensed psychologist" means an individual holding a 1125

current, valid license to practice psychology issued under section 1126
4732.12 or 4732.15 of the Revised Code. 1127

(G) "~~Licensed school~~ School psychologist licensed by the 1128
state board of psychology" means an individual holding a current, 1129
valid license to practice school psychology issued under section 1130
4732.12 or 4732.15 of the Revised Code. 1131

(H) "~~Certificated school~~ School psychologist licensed by the 1132
state board of education" means an individual holding a current, 1133
valid school psychologist ~~certificate~~ license issued under 1134
~~division (M) of~~ rules adopted under section 3319.22 of the Revised 1135
Code. 1136

(I) "Mental health professional" and "mental health service" 1137
have the same meanings as in section 2305.51 of the Revised Code. 1138

(J) "Telepsychology" means the practice of psychology or 1139
school psychology by distance communication technology, including 1140
telephone, electronic mail, internet-based communications, and 1141
video conferencing. 1142

Sec. 4732.02. The governor, with the advice and consent of 1143
the senate, shall appoint a state board of psychology consisting 1144
of nine persons who are citizens of the United States and 1145
residents of this state. Three members shall be patient advocates 1146
who are not mental health professionals and who either are parents 1147
or other relatives of a person who has received or is receiving 1148
mental health services or are representatives of organizations 1149
that represent persons who have received or are receiving mental 1150
health services. At least one patient advocate member shall be a 1151
parent or other relative of a mental health service recipient, and 1152
at least one patient advocate member shall be a representative of 1153
an organization representing mental health service recipients. 1154
Each of the remaining members shall be a licensed psychologist or 1155
a ~~licensed~~ school psychologist licensed by the state board of 1156

~~psychology. The terms of the licensed psychologist and licensed school psychologist members that are in effect on the effective date of this amendment shall continue as under the law in effect prior to the effective date of this amendment. Of the patient advocate members whose positions are created on the effective date of this amendment, one shall replace the current member who is not a psychologist or other health professional at the end of that member's term, one shall be appointed for a term that ends on October 5, 2003, and one shall be appointed for a term that ends on October 5, 2006. Thereafter, terms~~ Terms of office for all members shall be for five years, commencing on the sixth day of October and ending on the fifth day of October. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. Any member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. No person shall be appointed to more than two five-year terms in succession. The licensed psychologist and licensed school psychologist members of the board shall be so chosen that they represent the diverse fields of specialization and practice in the profession of psychology and the profession of school psychology. The governor may make such appointments from lists submitted annually by the Ohio psychological association ~~and by~~, the Ohio school psychologists association, and the Ohio association of black psychologists. A vacancy in an unexpired term shall be filled in the same manner as the original appointment.

The governor may remove any member for malfeasance, misfeasance, or nonfeasance after a hearing in accordance with

Chapter 119. of the Revised Code. The governor shall remove, after 1189
a hearing in accordance with Chapter 119. of the Revised Code, any 1190
member who has been convicted of or pleaded guilty to the 1191
commission of a felony offense under any law of this state, 1192
another state, or the United States. No person may be appointed to 1193
the board who has been convicted of or pleaded guilty to a felony 1194
offense under any law of this state, another state, or the United 1195
States. 1196

Sec. 4732.03. The state board of psychology shall organize 1197
within thirty days after its members have been appointed by the 1198
governor. The board shall elect a president and a secretary from 1199
its members to serve for terms of one year. The president and the 1200
secretary may administer oaths. A majority of the board 1201
constitutes a quorum. ~~The secretary shall be compensated for his~~ 1202
~~necessary expenses incurred in the performance of his official~~ 1203
~~duties.~~ 1204

Sec. 4732.06. The principal office of the state board of 1205
psychology shall be in Columbus, but it may meet or conduct 1206
business at any place in this state. The board may empower any one 1207
or more of its members to conduct any proceeding, hearing, or 1208
investigation necessary to its purposes. The board shall meet at 1209
least twice annually and at such other times as it determines. 1210
Special meetings may be called by the president and shall be 1211
called by the secretary upon the written request of two members. 1212
The board shall not conduct business by teleconference except as 1213
provided in division (F)(1) of section 4732.17 of the Revised 1214
Code. 1215

The board shall make such rules as are necessary to conduct 1216
its business. 1217

The board ~~may~~ shall employ ~~such~~ an executive director, 1218

investigators, and administrative assistants ~~and clerical help~~ as 1219
are necessary to administer and enforce this chapter. 1220

Sec. 4732.07. The state board of psychology shall keep a 1221
record of its proceedings and a register of applicants for 1222
licenses. The books and records of the board shall be prima-facie 1223
evidence of the matters therein contained. ~~Such records shall~~ 1224
~~include applicants' written examination papers.~~ 1225

Sec. 4732.09. Each person who desires to practice psychology 1226
or school psychology shall file with the ~~secretary~~ executive 1227
director of the state board of psychology a written application, 1228
under oath, on a form prescribed by the board. 1229

Sec. 4732.10. (A) The state board of psychology shall appoint 1230
an entrance examiner who shall determine the sufficiency of an 1231
applicant's qualifications for admission to the appropriate 1232
examination. A member of the board or the executive director may 1233
be appointed as the entrance examiner. 1234

(B) Requirements for admission to examination for a 1235
psychologist license shall be that the applicant: 1236

(1) Is at least twenty-one years of age; 1237

(2) Is of good moral character; 1238

(3) ~~Is a citizen of the United States or has legally declared~~ 1239
~~the intention of becoming such;~~ 1240

~~(4) Meets one of the following requirements of division~~ 1241

~~(B)(4)(a), (b), (c), or (d) of this section:~~ 1242

(a) Received an earned doctoral degree from an institution 1243
accredited or recognized by a national or regional accrediting 1244
agency and a program accredited by any of the following: 1245

(i) The American psychological association, office of program 1246

consultation and accreditation;	1247
(ii) The accreditation office of the Canadian psychological association;	1248
(iii) A program listed by the association of state and provincial psychology boards/national register designation committee;	1250
(iv) The national association of school psychologists.	1251
(b) Received from an academic institution outside of the United States or Canada a degree determined, under rules adopted by the board under division (E) of this section, to be equivalent to a doctoral degree in psychology from a program described in division (B) (4) <u>(3)</u> (a) of this section;	1252
(c) Held a psychologist license, certificate, or registration required for practice in another United States or Canadian jurisdiction for a minimum of ten years and meets educational, experience, and professional requirements established under rules adopted by the board.	1253
(d) Enrolled, not later than sixty days after the effective date of this amendment <u>April 7, 2009</u> , in an educational institution accredited or recognized by national or regional accrediting agencies as maintaining satisfactory standards and not later than eight years after the effective date of this amendment <u>April 7, 2009</u> , received an earned doctoral degree in psychology, or school psychology, or a doctoral degree deemed equivalent by the board.	1254
(5) <u>(4)</u> Has had at least two years of supervised professional experience in psychological work of a type satisfactory to the board, at least one year of which must be a predoctoral internship. <u>The</u>	1255
The board shall adopt guidelines for the kind of supervised	1256

professional experience which fulfill ~~the~~ this requirement of 1277
~~division (B)(5) of this section.~~ 1278

(C) Requirements for admission to examination for a school 1279
psychologist license shall be that the applicant: 1280

(1) Has received from an educational institution accredited 1281
or recognized by national or regional accrediting agencies as 1282
maintaining satisfactory standards, including those approved by 1283
the state board of education for the training of school 1284
psychologists, at least a master's degree in school psychology, or 1285
a degree considered equivalent by the board; 1286

(2) Is at least twenty-one years of age; 1287

(3) Is of good moral character; 1288

(4) ~~Is a citizen of the United States or has legally declared~~ 1289
~~the intention of becoming such;~~ 1290

~~(5)~~ Has completed at least sixty quarter hours, or the 1291
semester hours equivalent, at the graduate level, of accredited 1292
study in course work relevant to the study of school psychology; 1293

~~(6)~~(5) Has completed an internship in an educational 1294
institution approved by the Ohio department of education for 1295
school psychology supervised experience or one year of other 1296
training experience acceptable to the board, such as supervised 1297
professional experience under the direction of a licensed 1298
psychologist or licensed school psychologist; 1299

~~(7)~~(6) Furnishes proof of at least twenty-seven months, 1300
exclusive of internship, of full-time experience as a certificated 1301
school psychologist employed by a board of education or a private 1302
school meeting the standards prescribed by the state board of 1303
education, or of experience which the board deems equivalent. 1304

(D) If the entrance examiner finds that the applicant meets 1305
the requirements set forth in this section, the applicant shall be 1306

admitted to the appropriate examination. 1307

(E) The board shall adopt under Chapter 119. of the Revised 1308
Code rules for determining for the purposes of division 1309
(B)(4)(3)(b) of this section whether a degree is equivalent to a 1310
degree in psychology from an institution in the United States. 1311

Sec. 4732.11. ~~License examinations shall be conducted under~~ 1312
~~rules prescribed by the state board of psychology. (A)(1) Each~~ 1313
~~applicant shall be examined for knowledge in whatever theoretical~~ 1314
~~or applied fields of psychology the board considers appropriate.~~ 1315
~~The examination for the school psychologist license shall be~~ 1316
~~prepared and administered by a~~ for a license to practice as a 1317
psychologist shall be required to earn a score acceptable to the 1318
state board of psychology on an examination selected by the board. 1319
The applicant shall follow all necessary procedures and pay all 1320
necessary fees for the examination. An applicant who fails to earn 1321
a score acceptable to the board may be admitted to a subsequent 1322
examination no less than thirty days after the initial 1323
examination. After failing to earn a passing score three 1324
consecutive times, an applicant may not be admitted to the 1325
examination for a period of six months following the third 1326
examination attempt. An applicant who fails to achieve an 1327
acceptable score in nine attempts is not eligible for additional 1328
admissions to the examination, and the application shall be 1329
permanently closed. 1330

An applicant who achieves an acceptable score on the 1331
examination selected by the board as a candidate in another state 1332
or Canadian province before or after submitting an application to 1333
the board must cause the score to be submitted directly to the 1334
board's executive director. 1335

(2) The board may also require that an applicant for a 1336
license to practice as a psychologist earn a passing score on an 1337

<u>examination that covers one or more of the following:</u>	1338
<u>(a) Chapter 4732. of the Revised Code;</u>	1339
<u>(b) Rules promulgated under Chapter 4732. of the Revised</u> <u>Code;</u>	1340 1341
<u>(c) Related provisions of the Revised Code;</u>	1342
<u>(d) Professional ethical principles;</u>	1343
<u>(e) Professional standards of care.</u>	1344
<u>The examination may be administered orally or in writing in</u> <u>accordance with rules adopted by the board.</u>	1345 1346
<u>(B)(1) Each applicant for a license to practice as a school</u> <u>psychologist licensed by the state board of psychology shall be</u> <u>required to earn a score acceptable to the board on an examination</u> <u>selected by the board. The applicant shall follow all necessary</u> <u>procedures and pay all necessary fees for the examination.</u>	1347 1348 1349 1350 1351
<u>(2) The board may also require that an applicant for a</u> <u>license to practice as a school psychologist licensed by the state</u> <u>board of psychology earn a passing score on an examination that</u> <u>covers one or more of the following:</u>	1352 1353 1354 1355
<u>(a) Chapter 4732. of the Revised Code;</u>	1356
<u>(b) Rules promulgated under Chapter 4732. of the Revised</u> <u>Code;</u>	1357 1358
<u>(c) Related provisions of the Revised Code;</u>	1359
<u>(d) Professional ethical principles;</u>	1360
<u>(e) Professional standards of care.</u>	1361
<u>The examination may be administered orally or in writing in</u> <u>accordance with rules adopted by the board.</u>	1362 1363
<u>(C) The board may establish procedures designed to expose</u> <u>applicants to the subject matter of the examinations described in</u>	1364 1365

divisions (A)(2) and (B)(2) of this section. 1366

(D) The board shall appoint a school psychology licensing 1367
examination committee responsible to the board and consisting. The 1368
committee shall consist of five licensed school psychologists or 1369
licensed psychologists who shall be certificated school 1370
psychologists each of whom holds either of the following: 1371

(1) A school psychologist license issued under this chapter; 1372

(2) A psychologist license issued under this chapter and a 1373
certificate or license issued by the state board of education. 1374

Committee members shall be appointed by the state board of 1375
psychology for staggered five-year terms, according to rules 1376
adopted by the that board. The board may delegate to the committee 1377
authority to develop the examination described in division (B)(2) 1378
of this section and any procedures to be established under 1379
division (C) of this section. 1380

Examinations shall be given at least twice annually at such 1381
time and place and under such supervision as the board prescribes. 1382
Except as provided in section 4732.16 of the Revised Code, each 1383
applicant shall pay an application and license fee established by 1384
the board of not less than seventy five nor more than one hundred 1385
fifty dollars, no part of which shall be returned. If an applicant 1386
fails an examination, he may be admitted, after no less than six 1387
months, to a subsequent examination upon payment of an additional 1388
fee as established by the board. After failing three examinations, 1389
a person is not eligible for licensure until he completes such 1390
additional training as the board prescribes. 1391

Sec. 4732.12. The state board of psychology shall grade 1392
examinations conducted under section 4732.11 of the Revised Code 1393
and uniformly apply such standards as it considers appropriate in 1394
determining the level of competence necessary for a passing score. 1395

The level of competence necessary for a passing score for the school psychologist examination shall be determined by the school psychology examining committee. If an applicant passes for a license issued by the state board of psychology to practice as a psychologist or school psychologist receives a score acceptable to the board on the appropriate examination required by section 4732.11 of the Revised Code and has paid the ~~required~~ fee required by section 4732.15 of the Revised Code, the board shall issue the appropriate license.

Sec. 4732.13. A license issued by the state board of psychology shall remain ~~in effect~~ active until it expires pursuant to section 4732.14 of the Revised Code, or is suspended or, ~~revoked, or placed in retired status.~~ An active psychologist license shall entitle the holder to practice psychology. ~~A current, valid~~ An active school psychologist license shall entitle the holder to practice school psychology.

Sec. 4732.14. (A) On or before the thirty-first day of August of each even-numbered year, each person ~~licensed~~ who holds an active license issued by the state board of psychology shall register with the board ~~on a form~~ in a format and manner prescribed by the board, giving the person's name, address, license number, the continuing education information required by section 4732.141 of the Revised Code, and such other reasonable information as the board requires, ~~and. The person shall pay to the board secretary a biennial registration fee in an amount determined by the board, but not to exceed two,~~ as follows:

(1) From the effective date of this amendment through June 30, 2014, three hundred ~~seventy five~~ fifty dollars in fiscal year 2000 and;

(2) From July 1, 2014, through June 30, 2018, three hundred

~~fifty sixty~~ dollars in each fiscal year thereafter; 1426

(3) July 1, 2018, and thereafter three hundred sixty-five 1427
dollars. A 1428

A person licensed for the first time on or before the 1429
~~thirty first~~ thirtieth day of ~~August~~ September of an even-numbered 1430
year shall next be required to register on or before the 1431
~~thirty first~~ thirtieth day of ~~August~~ September of the next 1432
even-numbered year. 1433

(B) Before the first day of August of each even-numbered 1434
year, the ~~secretary~~ board shall send a notice to each ~~licensed~~ 1435
~~psychologist and licensed school psychologist~~ license holder, 1436
whether a resident or not, at the ~~licensed psychologist's or~~ 1437
~~licensed school psychologist's~~ license holder's last known 1438
provided official mailing address, that the ~~licensed~~ 1439
~~psychologist's or licensed school psychologist's~~ license holder's 1440
continuing education compliance must be completed on or before the 1441
last day of August and the biennial registration form and fee are 1442
due on or before the last day of ~~August~~ September. ~~Before the~~ 1443
~~fifteenth day of September of such years, the secretary shall send~~ 1444
~~a second notice to each such person who has not paid the~~ 1445
~~registration fee or registered with the board as required by this~~ 1446
~~section.~~ A license of any ~~licensed psychologist or licensed school~~ 1447
~~psychologist~~ license holder shall automatically be ~~suspended~~ 1448
expire if the biennial registration fee is not paid or the 1449
~~registration form is not~~ any of the following are not received on 1450
or before the thirtieth day of September of a renewal year- 1451
Within: 1452

(1) The biennial registration fee; 1453

(2) The registration form; 1454

(3) A report of compliance with continuing education 1455
requirements. 1456

Within five years thereafter, the board may reinstate any 1457
expired license ~~so suspended~~ upon payment of the current 1458
registration fee and a penalty fee established by the board, not 1459
to exceed two hundred fifty dollars, ~~as determined by the board~~, 1460
and receipt of the registration form completed by the registrant 1461
in accordance with this section and section 4732.141 of the 1462
Revised Code or in accordance with any modifications authorized by 1463
the board under division (F) of section 4732.141 of the Revised 1464
Code. ~~The~~ 1465

The board may by rule waive the payment of the registration 1466
fee and completion of the continuing psychology education required 1467
by section 4732.141 of the Revised Code by a ~~licensed psychologist~~ 1468
~~or licensed school psychologist~~ license holder when the licensed 1469
~~psychologist or licensed school psychologist~~ license holder is on 1470
active duty in the armed forces of the United States. 1471

An individual who has had a license placed on retired status 1472
under section 4732.142 of the Revised Code may seek reinstatement 1473
of the license in accordance with rules adopted by the board. 1474

(C) Each ~~licensed psychologist and licensed school~~ 1475
~~psychologist~~ license holder shall notify the ~~secretary~~ executive 1476
director of any change in the ~~licensed psychologist's or licensed~~ 1477
~~school psychologist's~~ license holder's official mailing address, 1478
office address, or employment within ninety sixty days of such 1479
change. 1480

Sec. 4732.141. (A)(1) ~~On or before the thirty first day of~~ 1481
~~August of each even numbered year beginning in 1998 and until the~~ 1482
~~requirement set forth in division (A)(2) of this section applies,~~ 1483
~~each person licensed under this chapter by the state board of~~ 1484
~~psychology shall have completed, in the preceding two year period,~~ 1485
~~not less than twenty hours of continuing education in psychology~~ 1486
~~or the number of hours determined under division (D) of this~~ 1487

~~section.~~ 1488

~~(2) On~~ Except as provided in division (D) of this section, on 1489
or before the thirty-first day of August of each even-numbered 1490
year ~~after the biennium in which this amendment takes effect~~, each 1491
person ~~licensed under this chapter~~ who holds a license issued by 1492
the state board of psychology shall have completed, in the 1493
preceding two-year period, not less than twenty-three hours of 1494
continuing education in psychology, including not less than ~~three~~ 1495
four hours of continuing education in ~~professional conduct and~~ 1496
~~ethics, or the number of hours determined under division (D) of~~ 1497
~~this section~~ one or more of the following: 1498

(a) Professional conduct; 1499

(b) Ethics; 1500

(c) The role of culture, ethnic identity, or both in the 1501
provision of psychological assessment, consultation, or 1502
psychological interventions, or a combination thereof. 1503

~~(3)(2)~~ Each ~~person subject to division (A)(1) or (2) of this~~ 1504
~~section~~ license holder shall certify to the board, at the time of 1505
biennial registration pursuant to section 4732.14 of the Revised 1506
Code and on the registration form prescribed by the board under 1507
that section, that in the preceding two years the ~~person~~ license 1508
holder has completed continuing psychology education in compliance 1509
with this section. The board shall adopt rules establishing the 1510
procedure for a ~~person~~ license holder to certify to the board and 1511
for properly recording with the Ohio psychological association or 1512
the ~~state board of education~~ Ohio school psychologists association 1513
completion of the continuing education. 1514

(B) Continuing psychology education may be applied to meet 1515
the requirement of division (A) of this section if both of the 1516
following requirements are met: 1517

(1) It is obtained through a program or course approved by 1518
the state board of psychology, the Ohio psychological association, 1519
the Ohio association of black psychologists, or the American 1520
psychological association or, in the case of a ~~licensed~~ school 1521
psychologist who holds a license issued under this chapter or a 1522
licensed psychologist with a school psychology specialty, by the 1523
state board of education, the Ohio school psychologists 1524
association, or the national association of school psychologists; 1525

(2) Completion of the program or course is recorded with the 1526
Ohio psychological association or the ~~state board of education~~ 1527
Ohio school psychologists association in accordance with rules 1528
adopted by the state board of psychology in accordance with 1529
division (A) of this section. 1530

The state board of psychology may disapprove any program or 1531
course that has been approved by the Ohio psychological 1532
association, Ohio association of black psychologists, American 1533
psychological association, state board of education, Ohio school 1534
psychologists association, or national association of school 1535
psychologists. Such program or course may not be applied to meet 1536
the requirement of division (A) of this section. 1537

(C) Each ~~person licensed under this chapter~~ license holder 1538
shall be given a sufficient choice of continuing education 1539
programs or courses in psychology, including programs or courses 1540
on professional conduct and ethics when required under division 1541
(A)(2) of this section, to ensure that the ~~person~~ license holder 1542
has had a reasonable opportunity to participate in programs or 1543
courses that are relevant to the ~~person's~~ license holder's 1544
practice in terms of subject matter and level. 1545

(D) The board shall adopt rules providing for reductions of 1546
the hours of continuing psychology education required by this 1547
section for ~~persons~~ license holders in their first registration 1548
period. 1549

(E) Each ~~person licensed under this chapter~~ license holder 1550
shall retain in the ~~person's~~ license holder's records for at least 1551
three years the receipts, vouchers, or certificates necessary to 1552
document completion of continuing psychology education. Proof of 1553
continuing psychology education recorded with the Ohio 1554
psychological association or the ~~state board of education~~ Ohio 1555
school psychologists association in accordance with the procedures 1556
established pursuant to division (A) of this section shall serve 1557
as sufficient documentation of completion. With cause, the board 1558
may request the documentation from the ~~person~~. ~~The board also may~~ 1559
~~request the documentation from persons licensed under this chapter~~ 1560
~~selected at random, without cause~~ license holder. The board may 1561
review any continuing psychology education records recorded by the 1562
Ohio psychological association or the ~~state board of education~~ 1563
Ohio school psychologists association. 1564

(F) The board may excuse ~~persons licensed under this chapter~~ 1565
license holders, as a group or as individuals, from all or any 1566
part of the requirements of this section because of an unusual 1567
circumstance, emergency, or special hardship. 1568

(G) The state board of psychology shall approve one or more 1569
continuing education courses of study that assist psychologists 1570
and school psychologists in recognizing the signs of domestic 1571
violence and its relationship to child abuse. Psychologists and 1572
school psychologists are not required to take the courses. 1573

(H) The board may require a license holder to evidence 1574
completion of specific continuing education coursework as part of 1575
the process of registering or continuing to register a person 1576
working under the license holder's supervision under division (B) 1577
of section 4732.22 of the Revised Code and conducting 1578
psychological or psychological work or training supervision. 1579
Procedures for the completion, verification, and documentation of 1580
such continuing education shall be specified in rules adopted by 1581

the board. A license holder completing this continuing education 1582
may receive credit toward the four-hour requirement in division 1583
(A)(1) of this section during the next continuing education period 1584
following the completion of this continuing education. 1585

Sec. 4732.142. (A) The holder of a license issued under this 1586
chapter who retires from the practice of psychology or school 1587
psychology may request during the biennial license registration 1588
process that the license holder's license be placed in "licensed 1589
psychologist-retired" or "licensed school psychologist-retired" 1590
status. Once the license is placed in retired status, the license 1591
holder shall not practice psychology or school psychology in this 1592
state. A license holder selecting this status shall pay to the 1593
state board of psychology a fee of fifty dollars. 1594

(B) Procedures for reinstating a retired license shall be 1595
established in rules adopted by the board. 1596

Sec. 4732.16 ~~4732.15.~~ ~~Each applicant under section 4732.15 of~~ 1597
~~the Revised Code for a license to be issued under this chapter~~ 1598
~~shall pay a fee established by the state board of psychology of~~ 1599
~~not less than seventy five nor more than one of three hundred~~ 1600
~~fifty dollars, no part of which shall be returned. An applicant~~ 1601
~~who is denied licensure under section 4732.15 of the Revised Code~~ 1602
~~may apply for licensure under section 4732.10 of the Revised Code~~ 1603
~~within one year from the date of the denial and upon payment of a~~ 1604
~~fee not to exceed twenty five dollars.~~ 1605

Sec. 4732.151. The state board of psychology shall charge a 1606
fee of forty dollars to a license holder for the written 1607
verification of licensure status, including verification of the 1608
date of licensure, the presence or absence of a history of 1609
disciplinary action, and the expiration date of the license. 1610

Sec. 4732.16. (A) The state board of psychology shall 1611
investigate alleged violations of this chapter or the rules 1612
adopted under it. Each investigation shall be assigned by the 1613
executive director or designated investigator to one of the 1614
members of the board who shall serve as the supervising member of 1615
the investigation. 1616

As part of its conduct of investigations, the board may 1617
examine witnesses, administer oaths, and issue subpoenas, except 1618
that the board may not compel the attendance of the respondent in 1619
an investigation. A subpoena for patient record information may be 1620
issued only if the supervising member, executive director, 1621
secretary, and an attorney from the office of the attorney general 1622
determine that there is probable cause to believe that the 1623
complaint alleges a violation of this chapter and that the records 1624
sought are relevant to the alleged violation and material to the 1625
investigation. No member of the board who supervises the 1626
investigation or approves the issuance of a subpoena for patient 1627
records shall participate in further adjudication of the case. The 1628
subpoena may apply only to records that cover a reasonable period 1629
of time surrounding the alleged violation. On failure of a person 1630
to comply with a subpoena issued by the board and after reasonable 1631
notice to that person, the board may move for an order compelling 1632
the production of records or persons pursuant to the Rules of 1633
Civil Procedure. 1634

A subpoena issued by the board may be served by a sheriff, 1635
the sheriff's deputy, or a board employee designated by the board. 1636
Service of a subpoena issued by the board may be made by 1637
delivering a copy of the subpoena to the person named in the 1638
subpoena, reading it to the person, or leaving it at the person's 1639
usual place of residence. When the person being served is a person 1640
whose practice is authorized by this chapter, service of the 1641
subpoena may be made by certified mail, return receipt requested, 1642

and the subpoena shall be deemed served on the date delivery is 1643
made or the date the person refuses to accept delivery. 1644

A sheriff's deputy who serves a subpoena shall receive the 1645
same fees as a sheriff. Each witness who appears before the board 1646
in obedience to a subpoena shall receive the fees and mileage 1647
provided for witnesses under section 119.094 of the Revised Code. 1648

(B)(1) The board shall conduct all investigations and 1649
proceedings in a manner that protects the confidentiality of 1650
patients and persons who file complaints with the board. The board 1651
shall not make public the names or any other identifying 1652
information about patients or complainants unless proper consent 1653
is given or, in the case of a patient, the patient privilege has 1654
been waived by the patient. Information received by the board 1655
pursuant to an investigation is confidential and not subject to 1656
discovery in any civil action. 1657

(2) The board may share any information it receives pursuant 1658
to an investigation, including patient records and patient record 1659
information, with law enforcement agencies, other licensing 1660
boards, and other government agencies that are prosecuting, 1661
adjudicating, or investigating alleged violations of statutes or 1662
administrative rules. An agency or board that receives the 1663
information shall comply with the same requirements regarding 1664
confidentiality as the board must comply with under division 1665
(B)(1) of this section, notwithstanding any conflicting provision 1666
of the Revised Code or procedure of the agency or board that 1667
applies when it is dealing with other information in its 1668
possession. 1669

(3) In a judicial proceeding, any information the board 1670
receives pursuant to an investigation may be admitted into 1671
evidence only in accordance with the Ohio Rules of Evidence, but 1672
the court shall require that appropriate measures be taken to 1673
ensure that confidentiality is maintained with respect to any part 1674

of the information that contains names or other identifying 1675
information about patients or complainants whose confidentiality 1676
was protected by the board when the information was in the board's 1677
possession. Measures to ensure confidentiality that may be taken 1678
by the court include sealing its records or deleting specific 1679
information from its records. 1680

Sec. 4732.17. (A) ~~The~~ Subject to division (F) of this 1681
section, the state board of psychology may refuse to issue a 1682
license to any applicant, may issue a reprimand, or suspend or 1683
revoke the license of any licensed psychologist or licensed school 1684
psychologist, take any of the actions specified in division (C) of 1685
this section against an applicant for or a person who holds a 1686
license issued under this chapter on any of the following grounds 1687
as applicable: 1688

(1) Conviction, including a plea of guilty or no contest, of 1689
a felony, or of any offense involving moral turpitude, in a court 1690
of this or any other state or in a federal court; 1691

(2) A judicial finding of eligibility for intervention in 1692
lieu of conviction for a felony or any offense involving moral 1693
turpitude in a court of this or any other state or in a federal 1694
court; 1695

(3) Using fraud or deceit in the procurement of the license 1696
to practice psychology or school psychology or knowingly assisting 1697
another in the procurement of such a license through fraud or 1698
deceit; 1699

~~(3)~~(4) Accepting commissions or rebates or other forms of 1700
remuneration for referring persons to other professionals; 1701

~~(4)~~(5) Willful, unauthorized communication of information 1702
received in professional confidence; 1703

~~(5)~~(6) Being negligent in the practice of psychology or 1704

school psychology; 1705

~~(6) Using any controlled substance or alcoholic beverage to~~ 1706
~~an extent that such use impairs the person's ability to perform~~ 1707
~~the work of a psychologist or school psychologist with safety to~~ 1708
~~the public (7) Inability to practice according to acceptable and~~ 1709
~~prevailing standards of care by reason of a mental, emotional,~~ 1710
~~physiological, or pharmacological condition or substance abuse;~~ 1711

~~(7)(8)~~ Subject to section 4732.28 of the Revised Code, 1712
violating any rule of professional conduct promulgated by the 1713
board; 1714

~~(8)(9)~~ Practicing in an area of psychology for which the 1715
person is clearly untrained or incompetent; 1716

~~(9)(10)~~ An adjudication by a court, as provided in section 1717
5122.301 of the Revised Code, that the person is incompetent for 1718
the purpose of holding the license. Such person may have the 1719
person's license issued or restored only upon determination by a 1720
court that the person is competent for the purpose of holding the 1721
license and upon the decision by the board that such license be 1722
issued or restored. The board may require an examination prior to 1723
such issuance or restoration. 1724

~~(10)(11)~~ Waiving the payment of all or any part of a 1725
deductible or copayment that a patient, pursuant to a health 1726
insurance or health care policy, contract, or plan that covers 1727
psychological services, would otherwise be required to pay if the 1728
waiver is used as an enticement to a patient or group of patients 1729
to receive health care services from that provider; 1730

~~(11)(12)~~ Advertising that the person will waive the payment 1731
of all or any part of a deductible or copayment that a patient, 1732
pursuant to a health insurance or health care policy, contract, or 1733
plan that covers psychological services, would otherwise be 1734
required to pay; 1735

<u>(12) (13) Any of the following actions taken by the agency</u>	1736
<u>responsible for authorizing or certifying the person to practice</u>	1737
<u>or regulating the person's practice of a health care occupation or</u>	1738
<u>provision of health care services in this state or another</u>	1739
<u>jurisdiction, as evidenced by a certified copy of that agency's</u>	1740
<u>records and findings for any reason other than the nonpayment of</u>	1741
<u>fees:</u>	1742
<u>(a) Limitation, revocation, or suspension of the person's</u>	1743
<u>license to practice;</u>	1744
<u>(b) Acceptance of the person's license surrender;</u>	1745
<u>(c) Denial of a license to the person;</u>	1746
<u>(d) Refuse to renew or reinstate the person's license;</u>	1747
<u>(e) Imposition of probation on the person;</u>	1748
<u>(f) Issuance of an order of censure or other reprimand</u>	1749
<u>against the person;</u>	1750
<u>(g) Other negative action or finding against the person about</u>	1751
<u>which information is available to the public.</u>	1752
<u>(14) Offering or rendering psychological services after a</u>	1753
<u>license issued under this chapter has expired due to a failure to</u>	1754
<u>timely register under section 4732.14 of the Revised Code or</u>	1755
<u>complete continuing education requirements;</u>	1756
<u>(15) Offering or rendering psychological services after a</u>	1757
<u>license issued under this chapter has been placed in retired</u>	1758
<u>status pursuant to section 4732.142 of the Revised Code;</u>	1759
<u>(16) Unless the person is a school psychologist licensed by</u>	1760
<u>the state board of education:</u>	1761
<u>(a) Offering or rendering school psychological services after</u>	1762
<u>a license issued under this chapter has expired due to a failure</u>	1763
<u>to timely register under section 4732.14 of the Revised Code or</u>	1764
<u>complete continuing education requirements;</u>	1765

<u>(b) Offering or rendering school psychological services after a license issued under this chapter has been placed in retired status pursuant to section 4732.142 of the Revised Code.</u>	1766
	1767
	1768
<u>(17) Violating any adjudication order or consent agreement adopted by the board;</u>	1769
	1770
<u>(18) Failure to submit to mental, cognitive, substance abuse, or medical evaluations, or a combination of these evaluations, ordered by the board under division (E) of this section.</u>	1771
	1772
	1773
<u>(B) Notwithstanding division divisions (A)(10)(11) and (11)(12) of this section, sanctions shall not be imposed against any licensee license holder who waives deductibles and copayments:</u>	1774
	1775
	1776
	1777
<u>(a)(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copays shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Such consent shall be made available to the board upon request.</u>	1778
	1779
	1780
	1781
	1782
<u>(b)(2) For professional services rendered to any other person licensed pursuant to this chapter to the extent allowed by this chapter and the rules of the board.</u>	1783
	1784
	1785
<u>(C) For any of the reasons specified in division (A) of this section, the board may do one or more of the following:</u>	1786
	1787
<u>(1) Refuse to issue a license to an applicant;</u>	1788
<u>(2) Issue a reprimand to a license holder;</u>	1789
<u>(3) Suspend the license of a license holder;</u>	1790
<u>(4) Revoke the license of a license holder;</u>	1791
<u>(5) Limit or restrict the areas of practice of an applicant or a license holder;</u>	1792
	1793
<u>(6) Require mental, substance abuse, or physical evaluations,</u>	1794

or any combination of these evaluations, of an applicant or a 1795
license holder; 1796

(7) Require remedial education and training of an applicant 1797
or a license holder. 1798

(D) When it revokes the license of a license holder under 1799
division (C)(4) of this section, the board may specify that the 1800
revocation is permanent. An individual subject to permanent 1801
revocation is forever thereafter ineligible to hold a license, and 1802
the board shall not accept an application for reinstatement of the 1803
license or issuance of a new license. 1804

(E) When the board issues a notice of opportunity for a 1805
hearing on the basis of division (A)(7) of this section, the 1806
supervising member of the board, with cause and upon consultation 1807
with the board's executive director and the board's legal counsel, 1808
may compel the applicant or license holder to submit to mental, 1809
cognitive, substance abuse, or medical evaluations, or a 1810
combination of these evaluations, by a person or persons selected 1811
by the board. Notice shall be given to the applicant or license 1812
holder in writing signed by the supervising member, the executive 1813
director, and the board's legal counsel. The applicant or license 1814
holder is deemed to have given consent to submit to these 1815
evaluations and to have waived all objections to the admissibility 1816
of testimony or evaluation reports that constitute a privileged 1817
communication. The expense of the evaluation or evaluations shall 1818
be the responsibility of the applicant or license holder who is 1819
evaluated. 1820

~~(B) Except as provided in section 4732.171 of the Revised~~ 1821
~~Code, before (F) Before~~ the board may deny, suspend, or revoke a 1822
~~license take action~~ under this section, ~~or otherwise discipline~~ 1823
~~the holder of a license,~~ written charges shall be filed with the 1824
board by the secretary and a hearing shall be had thereon in 1825
accordance with Chapter 119. of the Revised Code, except as 1826

follows: 1827

(1) On receipt of a complaint that any of the grounds listed 1828
in division (A) of this section exist, the state board of 1829
psychology may suspend a license issued under this chapter prior 1830
to holding a hearing in accordance with Chapter 119. of the 1831
Revised Code if it determines, based on the complaint, that there 1832
is an immediate threat to the public. A telephone conference call 1833
may be used to conduct an emergency meeting for review of the 1834
matter by a quorum of the board, taking the vote, and 1835
memorializing the action in the minutes of the meeting. 1836

After suspending a license pursuant to division (F)(1) of 1837
this section, the board shall notify the license holder of the 1838
suspension in accordance with section 119.07 of the Revised Code. 1839
If the individual whose license is suspended fails to make a 1840
timely request for an adjudication under Chapter 119. of the 1841
Revised Code, the board shall enter a final order permanently 1842
revoking the license. 1843

(2) The board shall adopt rules establishing a case 1844
management schedule for pre-hearing procedures by the hearing 1845
examiner or presiding board member. The schedule shall include 1846
applicable deadlines related to the hearing process, including all 1847
of the following: 1848

(a) The date of the hearing; 1849

(b) The date for the disclosure of witnesses and exhibits; 1850

(c) The date for the disclosure of the identity of expert 1851
witnesses and the exchange of written reports; 1852

(d) The deadline for submitting a request for the issuance of 1853
a subpoena for the hearing as provided under Chapter 119. of the 1854
Revised Code and division (F)(4) of this section. 1855

(3) Either party to the hearing may submit a written request 1856

to the other party for a list of witnesses and copies of documents 1857
intended to be introduced at the hearing. The request shall be in 1858
writing and shall be served not less than thirty-seven days prior 1859
to the hearing, unless the hearing officer or presiding board 1860
member grants an extension of time to make the request. Not later 1861
than thirty days before the hearing, the responding party shall 1862
provide the requested list of witnesses, summary of their 1863
testimony, and copies of documents to the requesting party, unless 1864
the hearing officer or presiding board member grants an extension. 1865
Failure to timely provide a list or copies requested in accordance 1866
with this section may, at the discretion of the hearing officer or 1867
presiding board member, result in exclusion from the hearing of 1868
the witnesses, testimony, or documents. 1869

(4) In addition to subpoenas for the production of books, 1870
records, and papers requested under Chapter 119. of the Revised 1871
Code, either party may ask the board to issue a subpoena for the 1872
production of other tangible items. 1873

The person subject to a subpoena for the production of books, 1874
records, papers, or other tangible items shall respond to the 1875
subpoena at least twenty days prior to the date of the hearing. If 1876
a person fails to respond to a subpoena issued by the board, after 1877
providing reasonable notice to the person, the board, the hearing 1878
officer, or both may proceed with enforcement of the subpoena 1879
pursuant to section 119.09 of the Revised Code. 1880

Sec. ~~4732.172~~ 4732.171. (A) Except as provided in division 1881
(B) of this section, if, at the conclusion of a hearing required 1882
by section 4732.17 of the Revised Code, the state board of 1883
psychology determines that a licensed psychologist or ~~licensed~~ 1884
school psychologist licensed by the state board of psychology has 1885
engaged in sexual conduct or had sexual contact with the ~~licensed~~ 1886
~~psychologist's or licensed school psychologist's~~ license holder's 1887

patient or client in violation of any prohibition contained in 1888
Chapter 2907. of the Revised Code, the board shall do one of the 1889
following: 1890

(1) Suspend the ~~licensed psychologist's or licensed school~~ 1891
~~psychologist's~~ license holder's license; 1892

(2) Permanently revoke the ~~licensed psychologist's or~~ 1893
~~licensed school psychologist's~~ license holder's license. 1894

(B) If it determines at the conclusion of the hearing that 1895
neither of the sanctions described in division (A) of this section 1896
is appropriate, the board shall impose another sanction it 1897
considers appropriate and issue a written finding setting forth 1898
the reasons for the sanction imposed and the reason that neither 1899
of the sanctions described in division (A) of this section is 1900
appropriate. 1901

Sec. ~~4732.173~~ 4732.172. Any finding made, and the record of 1902
any sanction imposed, by the state board of psychology under 1903
section 4732.17~~7~~, or 4732.171, ~~or 4732.172~~ of the Revised Code is a 1904
public record under section 149.43 of the Revised Code. 1905

Sec. 4732.173. (A) The state board of psychology may approve 1906
or establish a colleague assistance program for the purpose of 1907
affording holders of licenses issued under this chapter, license 1908
applicants, and persons subject to discipline pursuant to division 1909
(B) of section 4731.22 of the Revised Code access to all of the 1910
following: 1911

(1) Resources concerning the prevention of distress; 1912

(2) Evaluation and intervention services concerning mental, 1913
emotional, substance use, and other conditions that may impair 1914
competence, objectivity, and judgment in the provision of 1915
psychological or school psychological services; 1916

(3) Consultation and mentoring services for practice oversight and remediation of professional skill deficits. 1917
1918

The board may compel a license holder, applicant, or registered person to participate in the program in conjunction with the board's actions under section 4732.17 of the Revised Code. 1919
1920
1921
1922

(B) If a program is approved or established, the board shall adopt rules specifying the circumstances under which self-referred participants may receive confidential services from the program. 1923
1924
1925

Sec. 4732.18. At any time after the suspension or revocation of a license, the state board of psychology may restore the license upon the written finding by the board that circumstances so warrant. The At the time it restores a license, the board may impose restrictions and limitations on the practice of the license holder. 1926
1927
1928
1929
1930
1931

The board may require a person seeking restoration of a license to submit to mental, substance abuse, cognitive, or physical evaluations, or a combination of these evaluations. Evaluations shall be conducted by qualified individuals selected by the board. The costs of any evaluative processes shall be paid by the applicant for restoration. A person requesting restoration of a license is deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication. 1932
1933
1934
1935
1936
1937
1938
1939
1940
1941
1942

As a further condition of license restoration, the board may require an examination of the applicant before such restoration to do both of the following: 1943
1944
1945

(A) Take the examination selected by the board under section 1946

4732.11 of the Revised Code and receive a score acceptable to the 1947
board; 1948

(B) Participate in board processes designed to expose the 1949
applicant to Chapter 4732. of the Revised Code and rules 1950
promulgated thereunder, which may include passing a written or 1951
oral examination on the Ohio laws and rules governing 1952
psychologists and school psychologists. 1953

Sec. 4732.21. ~~(A) On and after December 1, 1972, no~~ Except as 1954
provided in section 4732.22 of the Revised Code: 1955

(A) No person who is not a licensed psychologist shall offer 1956
or render services as a psychologist or otherwise engage in the 1957
practice of psychology ~~for a compensation or other personal gain.~~ 1958

~~(B) On and after December 1, 1972, no~~ No person who is not a 1959
licensed psychologist ~~or,~~ a school psychologist licensed by the 1960
state board of psychology, or a school psychologist licensed by 1961
the state board of education shall offer or render services as a 1962
school psychologist or otherwise engage in the practice of school 1963
psychology ~~for a compensation or other personal gain.~~ 1964

Sec. 4732.22. (A) The following persons are exempted from the 1965
licensing requirements of this chapter: 1966

~~(A)(1)~~ A certificated person who holds a license or 1967
certificate issued by the state board of education authorizing the 1968
practice of school psychologist psychology, while practicing 1969
school psychology within the scope of ~~his~~ employment by a board of 1970
education or by a private school meeting the standards prescribed 1971
by the state board of education under division (D) of section 1972
3301.07 of the Revised Code, or while acting as a school 1973
psychologist within the scope of ~~his~~ employment in a program for 1974
~~trainable mentally retarded~~ children with disabilities established 1975
under Chapter 3323. or 5126. of the Revised Code. A person 1976

exempted under this division shall not offer psychological 1977
services to any other individual, organization, or group for 1978
remuneration, monetary or otherwise, unless ~~he~~ the person is 1979
licensed by the state board of psychology. 1980

~~(B)(2)~~ Any nonresident temporarily employed in this state to 1981
render psychological services for not more than thirty days a 1982
year, who, in the opinion of the board, meets the standards for 1983
entrance in division (B) of section 4732.10 of the Revised Code, 1984
who has paid the required fee and submitted an application 1985
prescribed by the board, and who holds whatever license or 1986
certificate, if any, is required for such practice in ~~his~~ the 1987
person's home state or home country. 1988

~~(C)(3)~~ Any person ~~employed by~~ working under the supervision 1989
of a licensed psychologist or licensed school psychologist 1990
licensed under this chapter, while carrying out specific tasks, 1991
under the ~~licensee's~~ license holder's supervision, as an extension 1992
of the ~~licensee's~~ license holder's legal and ethical authority as 1993
specified under this chapter if the person is registered under 1994
division (B) of this section. All fees shall be billed under the 1995
name of the licensee, ~~and the employee~~ license holder. The person 1996
working under the license holder's supervision shall not represent 1997
~~himself~~ self to the public as a psychologist or school 1998
psychologist, although supervised persons and persons in training 1999
may be ascribed such titles as "psychology trainee," "psychology 2000
assistant," "psychology intern," or other appropriate term that 2001
clearly implies their supervised or training status. 2002

~~(D) Unlicensed persons holding a master's degree or doctoral~~ 2003
~~degree in psychology from a program approved by the board while~~ 2004
~~working under the supervision of a licensed psychologist. The~~ 2005
~~board shall establish rules governing such supervisory~~ 2006
~~relationship which shall include a regulation requiring~~ 2007
~~registration with the board of such unlicensed person.~~ 2008

~~(E)(4) Any student in an accredited educational institution, while carrying out activities that are part of his the student's prescribed course of study, provided such activities are supervised by a professional person who is qualified to perform such activities and is licensed under this chapter or is exempted under division (F) or (G) of this section or division (B) or (D) of section 4732.23 of the Revised Code. Such student shall hold himself out to the public only by clearly indicating his student status and the profession in which he is being trained.~~

~~(F) Duly ordained ministers while functioning in their ministerial capacity;~~

~~(G) Qualified social workers while functioning in their capacity as social workers a qualified supervisor pursuant to rules of the board;~~

(5) Recognized religious officials, including ministers, priests, rabbis, imams, Christian science practitioners, and other persons recognized by the board, conducting counseling when the counseling activities are within the scope of the performance of their regular duties and are performed under the auspices or sponsorship of an established and legally cognizable religious denomination or sect, as defined in current federal tax regulations, and when the religious official does not refer to the official's self as a psychologist and remains accountable to the established authority of the religious denomination or sect;

(6) Persons in the employ of the federal government insofar as their activities are a part of the duties of their positions;

(7) Persons licensed, certified, or registered under any other provision of the Revised Code who are practicing those arts and utilizing psychological procedures that are allowed and within the standards and ethics of their profession or within new areas of practice that represent appropriate extensions of their

profession, provided that they do not hold themselves out to the 2040
public by the title of psychologist; 2041

(8) Persons using the term "social psychologist," 2042
"experimental psychologist," "developmental psychologist," 2043
"research psychologist," "cognitive psychologist," and other terms 2044
used by those in academic and research settings who possess a 2045
doctoral degree in psychology from an educational institution 2046
accredited or recognized by national or regional accrediting 2047
agencies as maintaining satisfactory standards and who do not use 2048
such a term in the solicitation or rendering of professional 2049
psychological services. 2050

(B) The license holder who is supervising a person described 2051
in division (A)(3) of this section shall register the person with 2052
the board. The board shall adopt rules regarding the registration 2053
process and the supervisory relationship. 2054

Sec. 4732.221. A nonresident applicant seeking a review of 2055
qualifications and permission of the state board of psychology to 2056
practice psychology in Ohio for no more than thirty days per year 2057
under division (A)(2) of section 4732.22 of the Revised Code shall 2058
pay a fee established by the board of not less than seventy-five 2059
dollars and not more than one hundred fifty dollars, no part of 2060
which shall be returned. The board may adopt rules for the purpose 2061
of recognizing a nonresident's interjurisdictional practice 2062
credentials granted by the association of state and provincial 2063
psychology boards and other relevant professional organizations. 2064

Sec. 4732.31. (A) The state board of psychology shall provide 2065
access to the following information through the internet: 2066

(1) The names of all licensed psychologists and ~~licensed~~ all 2067
school psychologists licensed by the state board of psychology; 2068

(2) The names of all licensed psychologists and ~~licensed~~ all 2069

school psychologists licensed by the state board of psychology who 2070
have been reprimanded by the board for misconduct, the names of 2071
all licensed psychologists or school psychologists ~~who have~~ 2072
~~current licenses but~~ licensed by the state board of psychology 2073
whose licenses are under an active suspension imposed for 2074
misconduct, the names of all former licensed psychologists and 2075
~~licensed~~ school psychologists licensed by the state board of 2076
psychology whose licenses have been suspended or revoked for 2077
misconduct, and the reason for each reprimand, suspension, or 2078
revocation; 2079

(3) Written findings made under division (B) of section 2080
~~4732.172~~ 4732.171 of the Revised Code. 2081

(B) Division (A)(2) of this section does not apply to a 2082
suspension of the license of a psychologist or school psychologist 2083
that is an automatic suspension imposed under section 4732.14 of 2084
the Revised Code. 2085

Sec. 4732.33. The state board of psychology shall adopt rules 2086
governing the use of telepsychology for the purpose of protecting 2087
the welfare of recipients of telepsychology services and 2088
establishing requirements for the responsible use of 2089
telepsychology in the practice of psychology and school 2090
psychology, including supervision of persons registered with the 2091
state board of psychology as described in division (B) of section 2092
4732.22 of the Revised Code. 2093

Sec. 4755.13. ~~(A)~~ Nothing in sections 4755.04 to 4755.13 of 2094
the Revised Code shall be construed to prevent or restrict the 2095
practice, services, or activities of the following: 2096

~~(1)~~(A) Any person who does not claim to the public by any 2097
title, initials, or description of services as being engaged in 2098
the practice of occupational therapy, who is: 2099

~~(a)(1)~~ A physician licensed under Chapter 4731. of the Revised Code, or anyone employed or supervised by a licensed physician in the delivery of treatment or services;

~~(b)(2)~~ A person licensed, certified, or registered under sections 4755.40 to 4755.56 of the Revised Code or under any other chapter of the Revised Code who is practicing within the standards and ethics of practice that represent appropriate extensions of the person's profession;

~~(e)(3)~~ A qualified member of any other profession who is practicing within the standards and ethics of the member's profession.

~~(2)(B)~~ Any person employed as an occupational therapist or occupational therapy assistant by the government of the United States, if the person provides occupational therapy solely under the direction or control of the organization by which the person is employed;

~~(3)(C)~~ Any person pursuing a course of study leading to a degree or certificate in occupational therapy in an accredited or approved educational program if the activities and services constitute a part of a supervised course of study, if the person is designated by a title that clearly indicates the person's status as a student or trainee;

~~(4)(D)~~ Any person fulfilling the supervised field work experience requirements of section 4755.07 of the Revised Code, if the activities and services constitute a part of the experience necessary to meet those requirements.

~~(B) Nothing in sections 4755.04 to 4755.13 of the Revised Code authorizes any person to use psychological procedures defined by the state board of psychology under division (C) of section 4732.23 of the Revised Code as a serious hazard to mental health and to require professional expertise in psychology.~~

Sec. 4757.42. Except as otherwise expressly provided in this 2131
chapter, nothing in this chapter shall be construed as authorizing 2132
any person to engage in the practice of psychology as defined in 2133
division (B) of section 4732.01 of the Revised Code. ~~This section~~ 2134
~~shall not be construed as contravening section 4732.23 of the~~ 2135
~~Revised Code.~~ 2136

Sec. 5120.55. (A) As used in this section, "licensed health 2137
professional" means any or all of the following: 2138

(1) A dentist who holds a current, valid license issued under 2139
Chapter 4715. of the Revised Code to practice dentistry; 2140

(2) A licensed practical nurse who holds a current, valid 2141
license issued under Chapter 4723. of the Revised Code that 2142
authorizes the practice of nursing as a licensed practical nurse; 2143

(3) An optometrist who holds a current, valid certificate of 2144
licensure issued under Chapter 4725. of the Revised Code that 2145
authorizes the holder to engage in the practice of optometry; 2146

(4) A physician who is authorized under Chapter 4731. of the 2147
Revised Code to practice medicine and surgery, osteopathic 2148
medicine and surgery, or podiatric medicine and surgery; 2149

(5) A psychologist who holds a current, valid license issued 2150
under Chapter 4732. of the Revised Code that authorizes the 2151
practice of psychology as a licensed psychologist; 2152

(6) A registered nurse who holds a current, valid license 2153
issued under Chapter 4723. of the Revised Code that authorizes the 2154
practice of nursing as a registered nurse, including such a nurse 2155
who is also authorized to practice as an advanced practice 2156
registered nurse as defined in section 4723.01 of the Revised 2157
Code. 2158

(B)(1) The department of rehabilitation and correction may 2159

establish a recruitment program under which the department, by 2160
means of a contract entered into under division (C) of this 2161
section, agrees to repay all or part of the principal and interest 2162
of a government or other educational loan incurred by a licensed 2163
health professional who agrees to provide services to inmates of 2164
correctional institutions under the department's administration. 2165

(2)(a) For a physician to be eligible to participate in the 2166
program, the physician must have attended a school that was, 2167
during the time of attendance, a medical school or osteopathic 2168
medical school in this country accredited by the liaison committee 2169
on medical education or the American osteopathic association, a 2170
college of podiatry in this country recognized as being in good 2171
standing under section 4731.53 of the Revised Code, or a medical 2172
school, osteopathic medical school, or college of podiatry located 2173
outside this country that was acknowledged by the world health 2174
organization and verified by a member state of that organization 2175
as operating within that state's jurisdiction. 2176

(b) For a nurse to be eligible to participate in the program, 2177
the nurse must have attended a school that was, during the time of 2178
attendance, a nursing school in this country accredited by the 2179
commission on collegiate nursing education or the national league 2180
for nursing accrediting commission or a nursing school located 2181
outside this country that was acknowledged by the world health 2182
organization and verified by a member state of that organization 2183
as operating within that state's jurisdiction. 2184

(c) For a dentist to be eligible to participate in the 2185
program, the dentist must have attended a school that was, during 2186
the time of attendance, a dental college that enabled the dentist 2187
to meet the requirements specified in section 4715.10 of the 2188
Revised Code to be granted a license to practice dentistry. 2189

(d) For an optometrist to be eligible to participate in the 2190
program, the optometrist must have attended a school of optometry 2191

that was, during the time of attendance, approved by the state board of optometry.

(e) For a psychologist to be eligible to participate in the program, the psychologist must have attended an educational institution that, during the time of attendance, maintained a specific degree program recognized by the state board of psychology as acceptable for fulfilling the requirement of division (B)~~(4)~~(3) of section 4732.10 of the Revised Code.

(C) The department shall enter into a contract with each licensed health professional it recruits under this section. Each contract shall include at least the following terms:

(1) The licensed health professional agrees to provide a specified scope of medical, osteopathic medical, podiatric, optometric, psychological, nursing, or dental services to inmates of one or more specified state correctional institutions for a specified number of hours per week for a specified number of years.

(2) The department agrees to repay all or a specified portion of the principal and interest of a government or other educational loan taken by the licensed health professional for the following expenses to attend, for up to a maximum of four years, a school that qualifies the licensed health professional to participate in the program:

(a) Tuition;

(b) Other educational expenses for specific purposes, including fees, books, and laboratory expenses, in amounts determined to be reasonable in accordance with rules adopted under division (D) of this section;

(c) Room and board, in an amount determined to be reasonable in accordance with rules adopted under division (D) of this section.

(3) The licensed health professional agrees to pay the 2223
department a specified amount, which shall be no less than the 2224
amount already paid by the department pursuant to its agreement, 2225
as damages if the licensed health professional fails to complete 2226
the service obligation agreed to or fails to comply with other 2227
specified terms of the contract. The contract may vary the amount 2228
of damages based on the portion of the service obligation that 2229
remains uncompleted. 2230

(4) Other terms agreed upon by the parties. 2231

The licensed health professional's lending institution or the 2232
Ohio board of regents, may be a party to the contract. The 2233
contract may include an assignment to the department of the 2234
licensed health professional's duty to repay the principal and 2235
interest of the loan. 2236

(D) If the department elects to implement the recruitment 2237
program, it shall adopt rules in accordance with Chapter 119. of 2238
the Revised Code that establish all of the following: 2239

(1) Criteria for designating institutions for which licensed 2240
health professionals will be recruited; 2241

(2) Criteria for selecting licensed health professionals for 2242
participation in the program; 2243

(3) Criteria for determining the portion of a loan which the 2244
department will agree to repay; 2245

(4) Criteria for determining reasonable amounts of the 2246
expenses described in divisions (C)(2)(b) and (c) of this section; 2247

(5) Procedures for monitoring compliance by a licensed health 2248
professional with the terms of the contract the licensed health 2249
professional enters into under this section; 2250

(6) Any other criteria or procedures necessary to implement 2251
the program. 2252

Sec. 5122.01. As used in this chapter and Chapter 5119. of	2253
the Revised Code:	2254
(A) "Mental illness" means a substantial disorder of thought,	2255
mood, perception, orientation, or memory that grossly impairs	2256
judgment, behavior, capacity to recognize reality, or ability to	2257
meet the ordinary demands of life.	2258
(B) "Mentally ill person subject to hospitalization by court	2259
order" means a mentally ill person who, because of the person's	2260
illness:	2261
(1) Represents a substantial risk of physical harm to self as	2262
manifested by evidence of threats of, or attempts at, suicide or	2263
serious self-inflicted bodily harm;	2264
(2) Represents a substantial risk of physical harm to others	2265
as manifested by evidence of recent homicidal or other violent	2266
behavior, evidence of recent threats that place another in	2267
reasonable fear of violent behavior and serious physical harm, or	2268
other evidence of present dangerousness;	2269
(3) Represents a substantial and immediate risk of serious	2270
physical impairment or injury to self as manifested by evidence	2271
that the person is unable to provide for and is not providing for	2272
the person's basic physical needs because of the person's mental	2273
illness and that appropriate provision for those needs cannot be	2274
made immediately available in the community; or	2275
(4) Would benefit from treatment in a hospital for the	2276
person's mental illness and is in need of such treatment as	2277
manifested by evidence of behavior that creates a grave and	2278
imminent risk to substantial rights of others or the person.	2279
(C)(1) "Patient" means, subject to division (C)(2) of this	2280
section, a person who is admitted either voluntarily or	2281
involuntarily to a hospital or other place under section 2945.39,	2282

2945.40, 2945.401, or 2945.402 of the Revised Code subsequent to a 2283
finding of not guilty by reason of insanity or incompetence to 2284
stand trial or under this chapter, who is under observation or 2285
receiving treatment in such place. 2286

(2) "Patient" does not include a person admitted to a 2287
hospital or other place under section 2945.39, 2945.40, 2945.401, 2288
or 2945.402 of the Revised Code to the extent that the reference 2289
in this chapter to patient, or the context in which the reference 2290
occurs, is in conflict with any provision of sections 2945.37 to 2291
2945.402 of the Revised Code. 2292

(D) "Licensed physician" means a person licensed under the 2293
laws of this state to practice medicine or a medical officer of 2294
the government of the United States while in this state in the 2295
performance of the person's official duties. 2296

(E) "Psychiatrist" means a licensed physician who has 2297
satisfactorily completed a residency training program in 2298
psychiatry, as approved by the residency review committee of the 2299
American medical association, the committee on post-graduate 2300
education of the American osteopathic association, or the American 2301
osteopathic board of neurology and psychiatry, or who on July 1, 2302
1989, has been recognized as a psychiatrist by the Ohio state 2303
medical association or the Ohio osteopathic association on the 2304
basis of formal training and five or more years of medical 2305
practice limited to psychiatry. 2306

(F) "Hospital" means a hospital or inpatient unit licensed by 2307
the department of mental health under section 5119.20 of the 2308
Revised Code, and any institution, hospital, or other place 2309
established, controlled, or supervised by the department under 2310
Chapter 5119. of the Revised Code. 2311

(G) "Public hospital" means a facility that is tax-supported 2312
and under the jurisdiction of the department of mental health. 2313

(H) "Community mental health agency" means an agency that provides community mental health services that are certified by the director of mental health under section 5119.611 of the Revised Code.

(I) "Licensed clinical psychologist" means a person who holds a current valid psychologist license issued under section 4732.12 ~~or 4732.15~~ of the Revised Code, and in addition, meets ~~either of the following criteria:~~

~~(1) Meets~~ the educational requirements set forth in division (B) of section 4732.10 of the Revised Code and has a minimum of two years' full-time professional experience, or the equivalent as determined by rule of the state board of psychology, at least one year of which shall be a predoctoral internship, in clinical psychological work in a public or private hospital or clinic or in private practice, diagnosing and treating problems of mental illness or mental retardation under the supervision of a psychologist who is licensed or who holds a diploma issued by the American board of professional psychology, or whose qualifications are substantially similar to those required for licensure by the state board of psychology when the supervision has occurred prior to enactment of laws governing the practice of psychology;

~~(2) Meets the educational requirements set forth in division (B) of section 4732.15 of the Revised Code and has a minimum of four years' full-time professional experience, or the equivalent as determined by rule of the state board of psychology, in clinical psychological work in a public or private hospital or clinic or in private practice, diagnosing and treating problems of mental illness or mental retardation under supervision, as set forth in division (I)(1) of this section.~~

(J) "Health officer" means any public health physician; public health nurse; or other person authorized by or designated by a city health district; a general health district; or a board

of alcohol, drug addiction, and mental health services to perform 2346
the duties of a health officer under this chapter. 2347

(K) "Chief clinical officer" means the medical director of a 2348
hospital, or a community mental health agency, or a board of 2349
alcohol, drug addiction, and mental health services, or, if there 2350
is no medical director, the licensed physician responsible for the 2351
treatment a hospital or community mental health agency provides. 2352
The chief clinical officer may delegate to the attending physician 2353
responsible for a patient's care the duties imposed on the chief 2354
clinical officer by this chapter. Within a community mental health 2355
agency, the chief clinical officer shall be designated by the 2356
governing body of the agency and shall be a licensed physician or 2357
licensed clinical psychologist who supervises diagnostic and 2358
treatment services. A licensed physician or licensed clinical 2359
psychologist designated by the chief clinical officer may perform 2360
the duties and accept the responsibilities of the chief clinical 2361
officer in the chief clinical officer's absence. 2362

(L) "Working day" or "court day" means Monday, Tuesday, 2363
Wednesday, Thursday, and Friday, except when such day is a 2364
holiday. 2365

(M) "Indigent" means unable without deprivation of 2366
satisfaction of basic needs to provide for the payment of an 2367
attorney and other necessary expenses of legal representation, 2368
including expert testimony. 2369

(N) "Respondent" means the person whose detention, 2370
commitment, hospitalization, continued hospitalization or 2371
commitment, or discharge is being sought in any proceeding under 2372
this chapter. 2373

(O) "Ohio protection and advocacy system" has the same 2374
meaning as in section 5123.60 of the Revised Code. 2375

(P) "Independent expert evaluation" means an evaluation 2376

conducted by a licensed clinical psychologist, psychiatrist, or 2377
licensed physician who has been selected by the respondent or the 2378
respondent's counsel and who consents to conducting the 2379
evaluation. 2380

(Q) "Court" means the probate division of the court of common 2381
pleas. 2382

(R) "Expunge" means: 2383

(1) The removal and destruction of court files and records, 2384
originals and copies, and the deletion of all index references; 2385

(2) The reporting to the person of the nature and extent of 2386
any information about the person transmitted to any other person 2387
by the court; 2388

(3) Otherwise insuring that any examination of court files 2389
and records in question shall show no record whatever with respect 2390
to the person; 2391

(4) That all rights and privileges are restored, and that the 2392
person, the court, and any other person may properly reply that no 2393
such record exists, as to any matter expunged. 2394

(S) "Residence" means a person's physical presence in a 2395
county with intent to remain there, except that: 2396

(1) If a person is receiving a mental health service at a 2397
facility that includes nighttime sleeping accommodations, 2398
residence means that county in which the person maintained the 2399
person's primary place of residence at the time the person entered 2400
the facility; 2401

(2) If a person is committed pursuant to section 2945.38, 2402
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 2403
residence means the county where the criminal charges were filed. 2404

When the residence of a person is disputed, the matter of 2405
residence shall be referred to the department of mental health for 2406

investigation and determination. Residence shall not be a basis 2407
for a board's denying services to any person present in the 2408
board's service district, and the board shall provide services for 2409
a person whose residence is in dispute while residence is being 2410
determined and for a person in an emergency situation. 2411

(T) "Admission" to a hospital or other place means that a 2412
patient is accepted for and stays at least one night at the 2413
hospital or other place. 2414

(U) "Prosecutor" means the prosecuting attorney, village 2415
solicitor, city director of law, or similar chief legal officer 2416
who prosecuted a criminal case in which a person was found not 2417
guilty by reason of insanity, who would have had the authority to 2418
prosecute a criminal case against a person if the person had not 2419
been found incompetent to stand trial, or who prosecuted a case in 2420
which a person was found guilty. 2421

(V) "Treatment plan" means a written statement of reasonable 2422
objectives and goals for an individual established by the 2423
treatment team, with specific criteria to evaluate progress 2424
towards achieving those objectives. The active participation of 2425
the patient in establishing the objectives and goals shall be 2426
documented. The treatment plan shall be based on patient needs and 2427
include services to be provided to the patient while the patient 2428
is hospitalized and after the patient is discharged. The treatment 2429
plan shall address services to be provided upon discharge, 2430
including but not limited to housing, financial, and vocational 2431
services. 2432

(W) "Community control sanction" has the same meaning as in 2433
section 2929.01 of the Revised Code. 2434

(X) "Post-release control sanction" has the same meaning as 2435
in section 2967.01 of the Revised Code. 2436

Section 2. That existing sections 102.02, 102.022, 102.03, 2437

2152.54, 2919.271, 2945.37, 4732.01, 4732.02, 4732.03, 4732.06,	2438
4732.07, 4732.09, 4732.10, 4732.11, 4732.12, 4732.13, 4732.14,	2439
4732.141, 4732.16, 4732.17, 4732.172, 4732.173, 4732.18, 4732.21,	2440
4732.22, 4732.31, 4755.13, 4757.42, 5120.55, and 5122.01 and	2441
sections 4732.15, 4732.171, and 4732.23 of the Revised Code are	2442
hereby repealed.	2443