

**As Passed by the Senate**

**130th General Assembly  
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2013-2014**

**Sub. 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**

**Senators Tavares, Bacon, Balderson, Brown, Faber, Gentile, Jones, Lehner,  
Oelslager, Patton, Seitz, Uecker**

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**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 new sections 4732.16 and 23  
4732.173 and sections 4732.142, 4732.151, 4732.221, and 4732.33 of 24  
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 partner's, solicitation of services or goods or performance, arrangement, or facilitation of services or provision of goods on behalf of the business or profession of clients, including corporate clients, who are legislative agents. A person who files the statement under this section shall disclose the identity of and the amount of income received from a person who the public official or employee knows or has reason to know is doing or seeking to do business of any kind with the public official's or employee's agency.

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

(c) Except as otherwise provided in division (A)(2)(c) of this section, division (A)(2)(a) of this section applies to attorneys, physicians, and other persons who engage in the practice of a profession and who, pursuant to a section of the Revised Code, the common law of this state, a code of ethics applicable to the profession, or otherwise, generally are required

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  
~~er 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, by mail, or by electronic means. A person who is a 273  
candidate for elective office shall file the statement no later 274  
than the thirtieth day before the primary, special, or general 275  
election at which the candidacy is to be voted on, whichever 276  
election occurs soonest, except that a person who is a write-in 277  
candidate shall file the statement no later than the twentieth day 278  
before the earliest election at which the person's candidacy is to 279  
be voted on. A person who holds elective office shall file the 280  
statement on or before the fifteenth day of April of each year 281  
unless the person is a candidate for office. A person who is 282  
appointed to fill a vacancy for an unexpired term in an elective 283  
office shall file the statement within fifteen days after the 284  
person qualifies for office. Other persons shall file an annual 285  
statement on or before the fifteenth day of April or, if appointed 286  
or employed after that date, within ninety days after appointment 287  
or employment. No person shall be required to file with the 288  
appropriate ethics commission more than one statement or pay more 289  
than one filing fee 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 of education	\$35	371 372
For office of member of a city, local, exempted village, or cooperative education board of education or educational service center governing board	\$30	373 374 375 376 377
For position of business manager, treasurer, or superintendent of a city, local, exempted village, joint vocational, or cooperative education school district or educational service center	\$30	378 379 380 381 382 383
(3) No judge of a court of record or candidate for judge of a court of record, and no referee or magistrate serving a court of record, shall be required to pay the fee required under division (E)(1) or (2) or (F) of this section.		384 385 386 387
(4) For any public official who is appointed to a nonelective office of the state and for any employee who holds a nonelective position in a public agency of the state, the state agency that is the primary employer of the state official or employee shall pay the fee required under division (E)(1) or (F) of this section.		388 389 390 391 392
(F) If a statement required to be filed under this section is not filed by the date on which it is required to be filed, the appropriate ethics commission shall assess the person required to file the statement a late filing fee of ten dollars for each day the statement is not filed, except that the total amount of the late filing fee shall not exceed two hundred fifty dollars.		393 394 395 396 397 398
(G)(1) The appropriate ethics commission other than the Ohio ethics commission and the joint legislative ethics committee shall		399 400

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

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

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

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

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

member of the board of trustees of a state institution of higher 432  
education as defined in section 3345.011 of the Revised Code who 433  
is required to file a statement under section 102.02 of the 434  
Revised Code; and each individual set forth in division (B)(2) of 435  
section 187.03 of the Revised Code who is required to file a 436  
statement under section 102.02 of the Revised Code, shall include 437  
in that statement, in place of the information required by 438  
divisions (A)(2), (7), (8), and (9) of that section, the following 439  
information: 440

(A) Exclusive of reasonable expenses, identification of every 441  
source of income over five hundred dollars received during the 442  
preceding calendar year, in the officer's or employee's own name 443  
or by any other person for the officer's or employee's use or 444  
benefit, by the person filing the statement, and a brief 445  
description of the nature of the services for which the income was 446  
received. This division shall not be construed to require the 447  
disclosure of clients of attorneys or persons licensed under 448  
section 4732.12 ~~or 4732.15~~ of the Revised Code or patients of 449  
persons certified under section 4731.14 of the Revised Code. This 450  
division shall not be construed to require a person filing the 451  
statement who derives income from a business or profession to 452  
disclose the individual items of income that constitute the gross 453  
income of the business or profession. 454

(B) The source of each gift of over five hundred dollars 455  
received by the person in the officer's or employee's own name or 456  
by any other person for the officer's or employee's use or benefit 457  
during the preceding calendar year, except gifts received by will 458  
or by virtue of section 2105.06 of the Revised Code, received from 459  
parents, grandparents, children, grandchildren, siblings, nephews, 460  
nieces, uncles, aunts, brothers-in-law, sisters-in-law, 461  
sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, or 462  
any person to whom the person filing the statement stands in loco 463

parentis, or received by way of distribution from any inter vivos 464  
or testamentary trust established by a spouse or by an ancestor. 465

**Sec. 102.03.** (A)(1) No present or former public official or 466  
employee shall, during public employment or service or for twelve 467  
months thereafter, represent a client or act in a representative 468  
capacity for any person on any matter in which the public official 469  
or employee personally participated as a public official or 470  
employee through decision, approval, disapproval, recommendation, 471  
the rendering of advice, investigation, or other substantial 472  
exercise of administrative discretion. 473

(2) For twenty-four months after the conclusion of service, 474  
no former commissioner or attorney examiner of the public 475  
utilities commission shall represent a public utility, as defined 476  
in section 4905.02 of the Revised Code, or act in a representative 477  
capacity on behalf of such a utility before any state board, 478  
commission, or agency. 479

(3) For twenty-four months after the conclusion of employment 480  
or service, no former public official or employee who personally 481  
participated as a public official or employee through decision, 482  
approval, disapproval, recommendation, the rendering of advice, 483  
the development or adoption of solid waste management plans, 484  
investigation, inspection, or other substantial exercise of 485  
administrative discretion under Chapter 343. or 3734. of the 486  
Revised Code shall represent a person who is the owner or operator 487  
of a facility, as defined in section 3734.01 of the Revised Code, 488  
or who is an applicant for a permit or license for a facility 489  
under that chapter, on any matter in which the public official or 490  
employee personally participated as a public official or employee. 491

(4) For a period of one year after the conclusion of 492  
employment or service as a member or employee of the general 493  
assembly, no former member or employee of the general assembly 494

shall represent, or act in a representative capacity for, any 495  
person on any matter before the general assembly, any committee of 496  
the general assembly, or the controlling board. Division (A)(4) of 497  
this section does not apply to or affect a person who separates 498  
from service with the general assembly on or before December 31, 499  
1995. As used in division (A)(4) of this section "person" does not 500  
include any state agency or political subdivision of the state. 501

(5) As used in divisions (A)(1), (2), and (3) of this 502  
section, "matter" includes any case, proceeding, application, 503  
determination, issue, or question, but does not include the 504  
proposal, consideration, or enactment of statutes, rules, 505  
ordinances, resolutions, or charter or constitutional amendments. 506  
As used in division (A)(4) of this section, "matter" includes the 507  
proposal, consideration, or enactment of statutes, resolutions, or 508  
constitutional amendments. As used in division (A) of this 509  
section, "represent" includes any formal or informal appearance 510  
before, or any written or oral communication with, any public 511  
agency on behalf of any person. 512

(6) Nothing contained in division (A) of this section shall 513  
prohibit, during such period, a former public official or employee 514  
from being retained or employed to represent, assist, or act in a 515  
representative capacity for the public agency by which the public 516  
official or employee was employed or on which the public official 517  
or employee served. 518

(7) Division (A) of this section shall not be construed to 519  
prohibit the performance of ministerial functions, including, but 520  
not limited to, the filing or amendment of tax returns, 521  
applications for permits and licenses, incorporation papers, and 522  
other similar documents. 523

(8) Division (A) of this section does not prohibit a 524  
nonelected public official or employee of a state agency, as 525  
defined in section 1.60 of the Revised Code, from becoming a 526

public official or employee of another state agency. Division (A) 527  
of this section does not prohibit such an official or employee 528  
from representing or acting in a representative capacity for the 529  
official's or employee's new state agency on any matter in which 530  
the public official or employee personally participated as a 531  
public official or employee at the official's or employee's former 532  
state agency. However, no public official or employee of a state 533  
agency shall, during public employment or for twelve months 534  
thereafter, represent or act in a representative capacity for the 535  
official's or employee's new state agency on any audit or 536  
investigation pertaining to the official's or employee's new state 537  
agency in which the public official or employee personally 538  
participated at the official's or employee's former state agency 539  
through decision, approval, disapproval, recommendation, the 540  
rendering of advice, investigation, or other substantial exercise 541  
of administrative discretion. 542

(9) Division (A) of this section does not prohibit a 543  
nonelected public official or employee of a political subdivision 544  
from becoming a public official or employee of a different 545  
department, division, agency, office, or unit of the same 546  
political subdivision. Division (A) of this section does not 547  
prohibit such an official or employee from representing or acting 548  
in a representative capacity for the official's or employee's new 549  
department, division, agency, office, or unit on any matter in 550  
which the public official or employee personally participated as a 551  
public official or employee at the official's or employee's former 552  
department, division, agency, office, or unit of the same 553  
political subdivision. As used in this division, "political 554  
subdivision" means a county, township, municipal corporation, or 555  
any other body corporate and politic that is responsible for 556  
government activities in a geographic area smaller than that of 557  
the state. 558

(10) No present or former Ohio casino control commission 559  
official shall, during public service or for two years thereafter, 560  
represent a client, be employed or compensated by a person 561  
regulated by the commission, or act in a representative capacity 562  
for any person on any matter before or concerning the commission. 563

No present or former commission employee shall, during public 564  
employment or for two years thereafter, represent a client or act 565  
in a representative capacity on any matter in which the employee 566  
personally participated as a commission employee through decision, 567  
approval, disapproval, recommendation, the rendering of advice, 568  
investigation, or other substantial exercise of administrative 569  
discretion. 570

(B) No present or former public official or employee shall 571  
disclose or use, without appropriate authorization, any 572  
information acquired by the public official or employee in the 573  
course of the public official's or employee's official duties that 574  
is confidential because of statutory provisions, or that has been 575  
clearly designated to the public official or employee as 576  
confidential when that confidential designation is warranted 577  
because of the status of the proceedings or the circumstances 578  
under which the information was received and preserving its 579  
confidentiality is necessary to the proper conduct of government 580  
business. 581

(C) No public official or employee shall participate within 582  
the scope of duties as a public official or employee, except 583  
through ministerial functions as defined in division (A) of this 584  
section, in any license or rate-making proceeding that directly 585  
affects the license or rates of any person, partnership, trust, 586  
business trust, corporation, or association in which the public 587  
official or employee or immediate family owns or controls more 588  
than five per cent. No public official or employee shall 589  
participate within the scope of duties as a public official or 590

employee, except through ministerial functions as defined in 591  
division (A) of this section, in any license or rate-making 592  
proceeding that directly affects the license or rates of any 593  
person to whom the public official or employee or immediate 594  
family, or a partnership, trust, business trust, corporation, or 595  
association of which the public official or employee or the public 596  
official's or employee's immediate family owns or controls more 597  
than five per cent, has sold goods or services totaling more than 598  
one thousand dollars during the preceding year, unless the public 599  
official or employee has filed a written statement acknowledging 600  
that sale with the clerk or secretary of the public agency and the 601  
statement is entered in any public record of the agency's 602  
proceedings. This division shall not be construed to require the 603  
disclosure of clients of attorneys or persons licensed under 604  
section 4732.12 ~~or 4732.15~~ of the Revised Code, or patients of 605  
persons certified under section 4731.14 of the Revised Code. 606

(D) No public official or employee shall use or authorize the 607  
use of the authority or influence of office or employment to 608  
secure anything of value or the promise or offer of anything of 609  
value that is of such a character as to manifest a substantial and 610  
improper influence upon the public official or employee with 611  
respect to that person's duties. 612

(E) No public official or employee shall solicit or accept 613  
anything of value that is of such a character as to manifest a 614  
substantial and improper influence upon the public official or 615  
employee with respect to that person's duties. 616

(F) No person shall promise or give to a public official or 617  
employee anything of value that is of such a character as to 618  
manifest a substantial and improper influence upon the public 619  
official or employee with respect to that person's duties. 620

(G) In the absence of bribery or another offense under the 621  
Revised Code or a purpose to defraud, contributions made to a 622

campaign committee, political party, legislative campaign fund, 623  
political action committee, or political contributing entity on 624  
behalf of an elected public officer or other public official or 625  
employee who seeks elective office shall be considered to accrue 626  
ordinarily to the public official or employee for the purposes of 627  
divisions (D), (E), and (F) of this section. 628

As used in this division, "contributions," "campaign 629  
committee," "political party," "legislative campaign fund," 630  
"political action committee," and "political contributing entity" 631  
have the same meanings as in section 3517.01 of the Revised Code. 632

(H)(1) No public official or employee, except for the 633  
president or other chief administrative officer of or a member of 634  
a board of trustees of a state institution of higher education as 635  
defined in section 3345.011 of the Revised Code, who is required 636  
to file a financial disclosure statement under section 102.02 of 637  
the Revised Code shall solicit or accept, and no person shall give 638  
to that public official or employee, an honorarium. Except as 639  
provided in division (H)(2) of this section, this division and 640  
divisions (D), (E), and (F) of this section do not prohibit a 641  
public official or employee who is required to file a financial 642  
disclosure statement under section 102.02 of the Revised Code from 643  
accepting and do not prohibit a person from giving to that public 644  
official or employee the payment of actual travel expenses, 645  
including any expenses incurred in connection with the travel for 646  
lodging, and meals, food, and beverages provided to the public 647  
official or employee at a meeting at which the public official or 648  
employee participates in a panel, seminar, or speaking engagement 649  
or provided to the public official or employee at a meeting or 650  
convention of a national organization to which any state agency, 651  
including, but not limited to, any state legislative agency or 652  
state institution of higher education as defined in section 653  
3345.011 of the Revised Code, pays membership dues. Except as 654

provided in division (H)(2) of this section, this division and 655  
divisions (D), (E), and (F) of this section do not prohibit a 656  
public official or employee who is not required to file a 657  
financial disclosure statement under section 102.02 of the Revised 658  
Code from accepting and do not prohibit a person from promising or 659  
giving to that public official or employee an honorarium or the 660  
payment of travel, meal, and lodging expenses if the honorarium, 661  
expenses, or both were paid in recognition of demonstrable 662  
business, professional, or esthetic interests of the public 663  
official or employee that exist apart from public office or 664  
employment, including, but not limited to, such a demonstrable 665  
interest in public speaking and were not paid by any person or 666  
other entity, or by any representative or association of those 667  
persons or entities, that is regulated by, doing business with, or 668  
seeking to do business with the department, division, institution, 669  
board, commission, authority, bureau, or other instrumentality of 670  
the governmental entity with which the public official or employee 671  
serves. 672

(2) No person who is a member of the board of a state 673  
retirement system, a state retirement system investment officer, 674  
or an employee of a state retirement system whose position 675  
involves substantial and material exercise of discretion in the 676  
investment of retirement system funds shall solicit or accept, and 677  
no person shall give to that board member, officer, or employee, 678  
payment of actual travel expenses, including expenses incurred 679  
with the travel for lodging, meals, food, and beverages. 680

(I) A public official or employee may accept travel, meals, 681  
and lodging or expenses or reimbursement of expenses for travel, 682  
meals, and lodging in connection with conferences, seminars, and 683  
similar events related to official duties if the travel, meals, 684  
and lodging, expenses, or reimbursement is not of such a character 685  
as to manifest a substantial and improper influence upon the 686

public official or employee with respect to that person's duties. 687  
The house of representatives and senate, in their code of ethics, 688  
and the Ohio ethics commission, under section 111.15 of the 689  
Revised Code, may adopt rules setting standards and conditions for 690  
the furnishing and acceptance of such travel, meals, and lodging, 691  
expenses, or reimbursement. 692

A person who acts in compliance with this division and any 693  
applicable rules adopted under it, or any applicable, similar 694  
rules adopted by the supreme court governing judicial officers and 695  
employees, does not violate division (D), (E), or (F) of this 696  
section. This division does not preclude any person from seeking 697  
an advisory opinion from the appropriate ethics commission under 698  
section 102.08 of the Revised Code. 699

(J) For purposes of divisions (D), (E), and (F) of this 700  
section, the membership of a public official or employee in an 701  
organization shall not be considered, in and of itself, to be of 702  
such a character as to manifest a substantial and improper 703  
influence on the public official or employee with respect to that 704  
person's duties. As used in this division, "organization" means a 705  
church or a religious, benevolent, fraternal, or professional 706  
organization that is tax exempt under subsection 501(a) and 707  
described in subsection 501(c)(3), (4), (8), (10), or (19) of the 708  
"Internal Revenue Code of 1986." This division does not apply to a 709  
public official or employee who is an employee of an organization, 710  
serves as a trustee, director, or officer of an organization, or 711  
otherwise holds a fiduciary relationship with an organization. 712  
This division does not allow a public official or employee who is 713  
a member of an organization to participate, formally or 714  
informally, in deliberations, discussions, or voting on a matter 715  
or to use the public official's or employee's official position 716  
with regard to the interests of the organization on the matter if 717  
the public official or employee has assumed a particular 718

responsibility in the organization with respect to the matter or 719  
if the matter would affect that person's personal, pecuniary 720  
interests. 721

(K) It is not a violation of this section for a prosecuting 722  
attorney to appoint assistants and employees in accordance with 723  
division (B) of section 309.06 and section 2921.421 of the Revised 724  
Code, for a chief legal officer of a municipal corporation or an 725  
official designated as prosecutor in a municipal corporation to 726  
appoint assistants and employees in accordance with sections 727  
733.621 and 2921.421 of the Revised Code, for a township law 728  
director appointed under section 504.15 of the Revised Code to 729  
appoint assistants and employees in accordance with sections 730  
504.151 and 2921.421 of the Revised Code, or for a coroner to 731  
appoint assistants and employees in accordance with division (B) 732  
of section 313.05 of the Revised Code. 733

As used in this division, "chief legal officer" has the same 734  
meaning as in section 733.621 of the Revised Code. 735

(L) No present public official or employee with a casino 736  
gaming regulatory function shall indirectly invest, by way of an 737  
entity the public official or employee has an ownership interest 738  
or control in, or directly invest in a casino operator, management 739  
company, holding company, casino facility, or gaming-related 740  
vendor. No present public official or employee with a casino 741  
gaming regulatory function shall directly or indirectly have a 742  
financial interest in, have an ownership interest in, be the 743  
creditor or hold a debt instrument issued by, or have an interest 744  
in a contractual or service relationship with a casino operator, 745  
management company, holding company, casino facility, or 746  
gaming-related vendor. This section does not prohibit or limit 747  
permitted passive investing by the public official or employee. 748

As used in this division, "passive investing" means 749  
investment by the public official or employee by means of a mutual 750

fund in which the public official or employee has no control of 751  
the investments or investment decisions. "Casino operator," 752  
"holding company," "management company," "casino facility," and 753  
"gaming-related vendor" have the same meanings as in section 754  
3772.01 of the Revised Code. 755

(M) A member of the Ohio casino control commission, the 756  
executive director of the commission, or an employee of the 757  
commission shall not: 758

(1) Accept anything of value, including but not limited to a 759  
gift, gratuity, emolument, or employment from a casino operator, 760  
management company, or other person subject to the jurisdiction of 761  
the commission, or from an officer, attorney, agent, or employee 762  
of a casino operator, management company, or other person subject 763  
to the jurisdiction of the commission; 764

(2) Solicit, suggest, request, or recommend, directly or 765  
indirectly, to a casino operator, management company, or other 766  
person subject to the jurisdiction of the commission, or to an 767  
officer, attorney, agent, or employee of a casino operator, 768  
management company, or other person subject to the jurisdiction of 769  
the commission, the appointment of a person to an office, place, 770  
position, or employment; 771

(3) Participate in casino gaming or any other amusement or 772  
activity at a casino facility in this state or at an affiliate 773  
gaming facility of a licensed casino operator, wherever located. 774

In addition to the penalty provided in section 102.99 of the 775  
Revised Code, whoever violates division (M)(1), (2), or (3) of 776  
this section forfeits the individual's office or employment. 777

**Sec. 2152.54.** (A) An evaluation of a child who does not 778  
appear to the court to be a person who is at least moderately 779  
intellectually disabled shall be made by an evaluator who is one 780

of the following: 781

(1) A professional employed by a psychiatric facility or 782  
center certified by the department of mental health and addiction 783  
services to provide forensic services and appointed by the 784  
director of the facility or center to conduct the evaluation; 785

(2) A psychiatrist or a licensed clinical psychologist who 786  
satisfies the criteria of division (I)~~(1)~~ of section 5122.01 of 787  
the Revised Code and has specialized education, training, or 788  
experience in forensic evaluations of children or adolescents. 789

(B) An evaluation of a child who appears to the court to be a 790  
person who is at least moderately intellectually disabled shall be 791  
made by a psychiatrist or licensed clinical psychologist who 792  
satisfies the criteria of division (I)~~(1)~~ of section 5122.01 of 793  
the Revised Code and has specialized education, training, or 794  
experience in forensic evaluations of children or adolescents who 795  
have intellectual disability. 796

(C) If an evaluation is conducted by an evaluator of the type 797  
described in division (A)(1) or (2) of this section and the 798  
evaluator concludes that the child is a person who is at least 799  
moderately intellectually disabled, the evaluator shall 800  
discontinue the evaluation and notify the court within one 801  
business day after reaching the conclusion. Within two business 802  
days after receiving notification, the court shall order the child 803  
to undergo an evaluation by an evaluator of the type described in 804  
division (B) of this section. Within two business days after the 805  
appointment of the new evaluator, the original evaluator shall 806  
deliver to the new evaluator all information relating to the child 807  
obtained during the original evaluation. 808

**Sec. 2919.271.** (A)(1)(a) If a defendant is charged with a 809  
violation of section 2919.27 of the Revised Code or of a municipal 810

ordinance that is substantially similar to that section, the court 811  
may order an evaluation of the mental condition of the defendant 812  
if the court determines that either of the following criteria 813  
apply: 814

(i) If the alleged violation is a violation of a protection 815  
order issued or consent agreement approved pursuant to section 816  
2919.26 or 3113.31 of the Revised Code, that the violation 817  
allegedly involves conduct by the defendant that caused physical 818  
harm to the person or property of a family or household member 819  
covered by the order or agreement, or conduct by the defendant 820  
that caused a family or household member to believe that the 821  
defendant would cause physical harm to that member or that 822  
member's property. 823

(ii) If the alleged violation is a violation of a protection 824  
order issued pursuant to section 2903.213 or 2903.214 of the 825  
Revised Code or a protection order issued by a court of another 826  
state, that the violation allegedly involves conduct by the 827  
defendant that caused physical harm to the person or property of 828  
the person covered by the order, or conduct by the defendant that 829  
caused the person covered by the order to believe that the 830  
defendant would cause physical harm to that person or that 831  
person's property. 832

(b) If a defendant is charged with a violation of section 833  
2903.211 of the Revised Code or of a municipal ordinance that is 834  
substantially similar to that section, the court may order an 835  
evaluation of the mental condition of the defendant. 836

(2) An evaluation ordered under division (A)(1) of this 837  
section shall be completed no later than thirty days from the date 838  
the order is entered pursuant to that division. In that order, the 839  
court shall do either of the following: 840

(a) Order that the evaluation of the mental condition of the 841

defendant be preceded by an examination conducted either by a 842  
forensic center that is designated by the department of mental 843  
health and addiction services to conduct examinations and make 844  
evaluations of defendants charged with violations of section 845  
2903.211 or 2919.27 of the Revised Code or of substantially 846  
similar municipal ordinances in the area in which the court is 847  
located, or by any other program or facility that is designated by 848  
the department of mental health and addiction services or the 849  
department of developmental disabilities to conduct examinations 850  
and make evaluations of defendants charged with violations of 851  
section 2903.211 or 2919.27 of the Revised Code or of 852  
substantially similar municipal ordinances, and that is operated 853  
by either department or is certified by either department as being 854  
in compliance with the standards established under division (B)(7) 855  
of section 5119.10 of the Revised Code or division (C) of section 856  
5123.04 of the Revised Code. 857

(b) Designate a center, program, or facility other than one 858  
designated by the department of mental health and addiction 859  
services or the department of developmental disabilities, as 860  
described in division (A)(2)(a) of this section, to conduct the 861  
evaluation and preceding examination of the mental condition of 862  
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 (B)(7) of section 5119.10 or division (C) of 933  
section 5123.04 of the Revised Code, a licensed professional 934  
clinical counselor who is employed at a forensic center that is 935  
certified as being in compliance with such standards, or a 936

licensed clinical psychologist, except that in order to be an 937  
examiner, a licensed clinical psychologist shall meet the criteria 938  
of division (I)~~(1)~~ of section 5122.01 of the Revised Code or be 939  
employed to conduct examinations by the department of mental 940  
health and addiction services or by a forensic center certified as 941  
being in compliance with the standards established under division 942  
(B)(7) of section 5119.10 or division (C) of section 5123.04 of 943  
the Revised Code that is designated by the department of mental 944  
health and addiction services. 945

(3) "Family or household member" has the same meaning as in 946  
section 2919.25 of the Revised Code. 947

(4) "Prosecutor" has the same meaning as in section 2935.01 948  
of the Revised Code. 949

(5) "Psychiatrist" and "licensed clinical psychologist" have 950  
the same meanings as in section 5122.01 of the Revised Code. 951

(6) "Protection order issued by a court of another state" has 952  
the same meaning as in section 2919.27 of the Revised Code. 953

**Sec. 2945.37.** (A) As used in sections 2945.37 to 2945.402 of 954  
the Revised Code: 955

(1) "Prosecutor" means a prosecuting attorney or a city 956  
director of law, village solicitor, or similar chief legal officer 957  
of a municipal corporation who has authority to prosecute a 958  
criminal case that is before the court or the criminal case in 959  
which a defendant in a criminal case has been found incompetent to 960  
stand trial or not guilty by reason of insanity. 961

(2) "Examiner" means either of the following: 962

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

services to conduct examinations or evaluations. 967

(b) For purposes of a separate mental retardation evaluation 968  
that is ordered by a court pursuant to division (H) of section 969  
2945.371 of the Revised Code, a psychologist designated by the 970  
director of developmental disabilities pursuant to that section to 971  
conduct that separate mental retardation evaluation. 972

(3) "Nonsecured status" means any unsupervised, off-grounds 973  
movement or trial visit from a hospital or institution, or any 974  
conditional release, that is granted to a person who is found 975  
incompetent to stand trial and is committed pursuant to section 976  
2945.39 of the Revised Code or to a person who is found not guilty 977  
by reason of insanity and is committed pursuant to section 2945.40 978  
of the Revised Code. 979

(4) "Unsupervised, off-grounds movement" includes only 980  
off-grounds privileges that are unsupervised and that have an 981  
expectation of return to the hospital or institution on a daily 982  
basis. 983

(5) "Trial visit" means a patient privilege of a longer 984  
stated duration of unsupervised community contact with an 985  
expectation of return to the hospital or institution at designated 986  
times. 987

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

person been convicted of the offense instead of being found 998  
incompetent to stand trial on the charge of the offense or being 999  
found not guilty by reason of insanity relative to the offense. 1000

(7) "Licensed clinical psychologist," "mentally ill person 1001  
subject to hospitalization by court order," and "psychiatrist" 1002  
have the same meanings as in section 5122.01 of the Revised Code. 1003

(8) "Mentally retarded person subject to institutionalization 1004  
by court order" has the same meaning as in section 5123.01 of the 1005  
Revised Code. 1006

(B) In a criminal action in a court of common pleas, a county 1007  
court, or a municipal court, the court, prosecutor, or defense may 1008  
raise the issue of the defendant's competence to stand trial. If 1009  
the issue is raised before the trial has commenced, the court 1010  
shall hold a hearing on the issue as provided in this section. If 1011  
the issue is raised after the trial has commenced, the court shall 1012  
hold a hearing on the issue only for good cause shown or on the 1013  
court's own motion. 1014

(C) The court shall conduct the hearing required or 1015  
authorized under division (B) of this section within thirty days 1016  
after the issue is raised, unless the defendant has been referred 1017  
for evaluation in which case the court shall conduct the hearing 1018  
within ten days after the filing of the report of the evaluation 1019  
or, in the case of a defendant who is ordered by the court 1020  
pursuant to division (H) of section 2945.371 of the Revised Code 1021  
to undergo a separate mental retardation evaluation conducted by a 1022  
psychologist designated by the director of developmental 1023  
disabilities, within ten days after the filing of the report of 1024  
the separate mental retardation evaluation under that division. A 1025  
hearing may be continued for good cause. 1026

(D) The defendant shall be represented by counsel at the 1027  
hearing conducted under division (C) of this section. If the 1028

defendant is unable to obtain counsel, the court shall appoint 1029  
counsel under Chapter 120. of the Revised Code or under the 1030  
authority recognized in division (C) of section 120.06, division 1031  
(E) of section 120.16, division (E) of section 120.26, or section 1032  
2941.51 of the Revised Code before proceeding with the hearing. 1033

(E) The prosecutor and defense counsel may submit evidence on 1034  
the issue of the defendant's competence to stand trial. A written 1035  
report of the evaluation of the defendant may be admitted into 1036  
evidence at the hearing by stipulation, but, if either the 1037  
prosecution or defense objects to its admission, the report may be 1038  
admitted under sections 2317.36 to 2317.38 of the Revised Code or 1039  
any other applicable statute or rule. 1040

(F) The court shall not find a defendant incompetent to stand 1041  
trial solely because the defendant is receiving or has received 1042  
treatment as a voluntary or involuntary mentally ill patient under 1043  
Chapter 5122. or a voluntary or involuntary mentally retarded 1044  
resident under Chapter 5123. of the Revised Code or because the 1045  
defendant is receiving or has received psychotropic drugs or other 1046  
medication, even if the defendant might become incompetent to 1047  
stand trial without the drugs or medication. 1048

(G) A defendant is presumed to be competent to stand trial. 1049  
If, after a hearing, the court finds by a preponderance of the 1050  
evidence that, because of the defendant's present mental 1051  
condition, the defendant is incapable of understanding the nature 1052  
and objective of the proceedings against the defendant or of 1053  
assisting in the defendant's defense, the court shall find the 1054  
defendant incompetent to stand trial and shall enter an order 1055  
authorized by section 2945.38 of the Revised Code. 1056

(H) Municipal courts shall follow the procedures set forth in 1057  
sections 2945.37 to 2945.402 of the Revised Code. Except as 1058  
provided in section 2945.371 of the Revised Code, a municipal 1059  
court shall not order an evaluation of the defendant's competence 1060

to stand trial or the defendant's mental condition at the time of 1061  
the commission of the offense to be conducted at any hospital 1062  
operated by the department of mental health and addiction 1063  
services. Those evaluations shall be performed through community 1064  
resources including, but not limited to, certified forensic 1065  
centers, court probation departments, and community mental health 1066  
services providers. All expenses of the evaluations shall be borne 1067  
by the legislative authority of the municipal court, as defined in 1068  
section 1901.03 of the Revised Code, and shall be taxed as costs 1069  
in the case. If a defendant is found incompetent to stand trial or 1070  
not guilty by reason of insanity, a municipal court may commit the 1071  
defendant as provided in sections 2945.38 to 2945.402 of the 1072  
Revised Code. 1073

**Sec. 4732.01.** As used in ~~sections 4732.01 to 4732.25 of the~~ 1074  
~~Revised Code~~ this chapter: 1075

(A) "Psychologist" means any person who holds self out to the 1076  
public by any title or description of services incorporating the 1077  
words "psychologic," "psychological," "psychologist," 1078  
"psychology," or any other terms that imply the person is trained, 1079  
experienced, or an expert in the field of psychology. 1080

(B) "The practice of psychology" means rendering or offering 1081  
to render to individuals, groups, organizations, or the public any 1082  
service involving the application of psychological procedures to 1083  
assessment, diagnosis, prevention, treatment, or amelioration of 1084  
psychological problems or emotional or mental disorders of 1085  
individuals or groups; or to the assessment or improvement of 1086  
psychological adjustment or functioning of individuals or groups, 1087  
whether or not there is a diagnosable pre-existing psychological 1088  
problem. Practice of psychology includes the practice of school 1089  
psychology. For purposes of this chapter, teaching or research 1090  
shall not be regarded as the practice of psychology, even when 1091

dealing with psychological subject matter, provided it does not 1092  
otherwise involve the professional practice of psychology in which 1093  
~~patient or client~~ an individual's welfare is directly affected by 1094  
the application of psychological procedures. 1095

(C) "Psychological procedures" include but are not restricted 1096  
to application of principles, methods, or procedures of 1097  
understanding, predicting, or influencing behavior, such as the 1098  
principles pertaining to learning, conditioning, perception, 1099  
motivation, thinking, emotions, or interpersonal relationships; 1100  
the methods or procedures of verbal interaction, interviewing, 1101  
counseling, behavior modification, environmental manipulation, 1102  
group process, psychological psychotherapy, or hypnosis; and the 1103  
methods or procedures of administering or interpreting tests of 1104  
mental abilities, aptitudes, interests, attitudes, personality 1105  
characteristics, emotions, or motivation. 1106

(D) "School psychologist" means any person who holds self out 1107  
to the public by any title or description of services 1108  
incorporating the words "school psychologist" or "school 1109  
psychology," or who holds self out to be trained, experienced, or 1110  
an expert in the practice of school psychology. 1111

(E) "Practice of school psychology" means rendering or 1112  
offering to render to individuals, groups, organizations, or the 1113  
public any of the following services: 1114

(1) Evaluation, diagnosis, or test interpretation limited to 1115  
assessment of intellectual ability, learning patterns, 1116  
achievement, motivation, behavior, or personality factors directly 1117  
related to learning problems ~~in an educational setting~~; 1118

(2) ~~Counseling~~ Intervention services, including counseling, 1119  
for children or adults for amelioration or prevention of 1120  
educationally related learning problems, including emotional and 1121  
behavioral aspects of such problems; 1122

(3) ~~Educational~~ Psychological, educational, or vocational 1123  
consultation or direct educational services. This does not include 1124  
industrial consultation or counseling services to clients 1125  
undergoing vocational rehabilitation. 1126

(F) "Licensed psychologist" means an individual holding a 1127  
current, valid license to practice psychology issued under section 1128  
4732.12 or 4732.15 of the Revised Code. 1129

(G) "~~Licensed school~~ School psychologist licensed by the 1130  
state board of psychology" means an individual holding a current, 1131  
valid license to practice school psychology issued under section 1132  
4732.12 or 4732.15 of the Revised Code. 1133

(H) "~~Certificated school~~ School psychologist licensed by the 1134  
state board of education" means an individual holding a current, 1135  
valid school psychologist ~~certificate~~ license issued under 1136  
~~division (M) of~~ rules adopted under section 3319.22 of the Revised 1137  
Code. 1138

(I) "Mental health professional" and "mental health service" 1139  
have the same meanings as in section 2305.51 of the Revised Code. 1140

(J) "Telepsychology" means the practice of psychology or 1141  
school psychology by distance communication technology, including 1142  
telephone, electronic mail, internet-based communications, and 1143  
video conferencing. 1144

**Sec. 4732.02.** The governor, with the advice and consent of 1145  
the senate, shall appoint a state board of psychology consisting 1146  
of nine persons who are citizens of the United States and 1147  
residents of this state. Three members shall be patient advocates 1148  
who are not mental health professionals and who either are parents 1149  
or other relatives of a person who has received or is receiving 1150  
mental health services or are representatives of organizations 1151  
that represent persons who have received or are receiving mental 1152

health services. At least one patient advocate member shall be a 1153  
parent or other relative of a mental health service recipient, and 1154  
at least one patient advocate member shall be a representative of 1155  
an organization representing mental health service recipients. 1156  
Each of the remaining members shall be a licensed psychologist or 1157  
a ~~licensed~~ school psychologist licensed by the state board of 1158  
psychology. ~~The terms of the licensed psychologist and licensed~~ 1159  
~~school psychologist members that are in effect on the effective~~ 1160  
~~date of this amendment shall continue as under the law in effect~~ 1161  
~~prior to the effective date of this amendment. Of the patient~~ 1162  
~~advocate members whose positions are created on the effective date~~ 1163  
~~of this amendment, one shall replace the current member who is not~~ 1164  
~~a psychologist or other health professional at the end of that~~ 1165  
~~member's term, one shall be appointed for a term that ends on~~ 1166  
~~October 5, 2003, and one shall be appointed for a term that ends~~ 1167  
~~on October 5, 2006. Thereafter, terms~~ Terms of office for all 1168  
members shall be for five years, commencing on the sixth day of 1169  
October and ending on the fifth day of October. Each member shall 1170  
hold office from the date of appointment until the end of the term 1171  
for which the member was appointed. Any member appointed to fill a 1172  
vacancy occurring prior to the expiration of the term for which 1173  
the member's predecessor was appointed shall hold office for the 1174  
remainder of such term. Any member shall continue in office 1175  
subsequent to the expiration date of the member's term until the 1176  
member's successor takes office, or until a period of sixty days 1177  
has elapsed, whichever occurs first. No person shall be appointed 1178  
to more than two five-year terms in succession. The licensed 1179  
psychologist and licensed school psychologist members of the board 1180  
shall be so chosen that they represent the diverse fields of 1181  
specialization and practice in the profession of psychology and 1182  
the profession of school psychology. The governor may make such 1183  
appointments from lists submitted annually by the Ohio 1184

psychological association ~~and by,~~ the Ohio school psychologists 1185  
association, and the Ohio association of black psychologists. A 1186  
vacancy in an unexpired term shall be filled in the same manner as 1187  
the original appointment. 1188

The governor may remove any member for malfeasance, 1189  
misfeasance, or nonfeasance after a hearing in accordance with 1190  
Chapter 119. of the Revised Code. The governor shall remove, after 1191  
a hearing in accordance with Chapter 119. of the Revised Code, any 1192  
member who has been convicted of or pleaded guilty to the 1193  
commission of a felony offense under any law of this state, 1194  
another state, or the United States. No person may be appointed to 1195  
the board who has been convicted of or pleaded guilty to a felony 1196  
offense under any law of this state, another state, or the United 1197  
States. 1198

**Sec. 4732.03.** The state board of psychology shall organize 1199  
within thirty days after its members have been appointed by the 1200  
governor. The board shall elect a president and a secretary from 1201  
its members to serve for terms of one year. The president and the 1202  
secretary may administer oaths. A majority of the board 1203  
constitutes a quorum. ~~The secretary shall be compensated for his~~ 1204  
~~necessary expenses incurred in the performance of his official~~ 1205  
~~duties.~~ 1206

**Sec. 4732.06.** The principal office of the state board of 1207  
psychology shall be in Columbus, but it may meet or conduct 1208  
business at any place in this state. The board may empower any one 1209  
or more of its members to conduct any proceeding, hearing, or 1210  
investigation necessary to its purposes, including the 1211  
administration and enforcement of Chapter 4783. of the Revised 1212  
Code. The board shall meet at least twice annually and at such 1213  
other times as it determines. Special meetings may be called by 1214

the president and shall be called by the secretary upon the 1215  
written request of two members. The board shall not conduct 1216  
business by teleconference except as provided in division (F)(1) 1217  
of section 4732.17 of the Revised Code. 1218

The board shall make such rules as are necessary to conduct 1219  
its business. 1220

The board ~~may~~ shall employ ~~such an executive director,~~ 1221  
investigators, and administrative assistants ~~and clerical help~~ as 1222  
are necessary to administer and enforce this chapter and Chapter 1223  
4783. of the Revised Code. 1224

**Sec. 4732.07.** The state board of psychology shall keep a 1225  
record of its proceedings and a register of applicants for 1226  
licenses under this chapter and applicants for certificates under 1227  
Chapter 4783. of the Revised Code. The books and records of the 1228  
board shall be prima-facie evidence of the matters therein 1229  
contained. ~~The records regarding licensure applications shall~~ 1230  
~~include applicants' written examination papers.~~ 1231

**Sec. 4732.09.** Each person who desires to practice psychology 1232  
or school psychology shall file with the ~~secretary~~ executive 1233  
director of the state board of psychology a written application, 1234  
under oath, on a form prescribed by the board. 1235

**Sec. 4732.10.** (A) The state board of psychology shall appoint 1236  
an entrance examiner who shall determine the sufficiency of an 1237  
applicant's qualifications for admission to the appropriate 1238  
examination. A member of the board or the executive director may 1239  
be appointed as the entrance examiner. 1240

(B) Requirements for admission to examination for a 1241  
psychologist license shall be that the applicant: 1242

(1) Is at least twenty-one years of age; 1243

(2) Is of good moral character;	1244
(3) <del>Is a citizen of the United States or has legally declared the intention of becoming such;</del>	1245 1246
<del>(4) Meets one of the following requirements of division (B)(4)(a), (b), (c), or (d) of this section:</del>	1247 1248
(a) Received an earned doctoral degree from an institution accredited or recognized by a national or regional accrediting agency and a program accredited by any of the following:	1249 1250 1251
(i) The American psychological association, office of program consultation and accreditation;	1252 1253
(ii) The accreditation office of the Canadian psychological association;	1254 1255
(iii) A program listed by the association of state and provincial psychology boards/national register designation committee;	1256 1257 1258
(iv) The national association of school psychologists.	1259
(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) <del>(4)</del> <u>(3)</u> (a) of this section;	1260 1261 1262 1263 1264
(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.	1265 1266 1267 1268 1269
(d) Enrolled, not later than sixty days after <del>the effective date of this amendment</del> <u>April 7, 2009</u> , in an educational institution accredited or recognized by national or regional accrediting agencies as maintaining satisfactory standards and not	1270 1271 1272 1273

later than eight years after ~~the effective date of this amendment~~ 1274  
April 7, 2009, received an earned doctoral degree in psychology, 1275  
or school psychology, or a doctoral degree deemed equivalent by 1276  
~~the board.~~ 1277

~~(5)~~(4) Has had at least two years of supervised professional 1278  
experience in psychological work of a type satisfactory to the 1279  
board, at least one year of which must be a predoctoral 1280  
internship. The 1281

~~The~~ board shall adopt guidelines for the kind of supervised 1282  
professional experience which fulfill ~~the~~ this requirement ~~of~~ 1283  
~~division (B)(5) of this section.~~ 1284

(C) Requirements for admission to examination for a school 1285  
psychologist license shall be that the applicant: 1286

(1) Has received from an educational institution accredited 1287  
or recognized by national or regional accrediting agencies as 1288  
maintaining satisfactory standards, including those approved by 1289  
the state board of education for the training of school 1290  
psychologists, at least a master's degree in school psychology, or 1291  
a degree considered equivalent by the board; 1292

(2) Is at least twenty-one years of age; 1293

(3) Is of good moral character; 1294

(4) ~~Is a citizen of the United States or has legally declared~~ 1295  
~~the intention of becoming such;~~ 1296

~~(5)~~ Has completed at least sixty quarter hours, or the 1297  
semester hours equivalent, at the graduate level, of accredited 1298  
study in course work relevant to the study of school psychology; 1299

~~(6)~~(5) Has completed an internship in an educational 1300  
institution approved by the Ohio department of education for 1301  
school psychology supervised experience or one year of other 1302  
training experience acceptable to the board, such as supervised 1303

professional experience under the direction of a licensed 1304  
psychologist or licensed school psychologist; 1305

~~(7)~~(6) Furnishes proof of at least twenty-seven months, 1306  
exclusive of internship, of full-time experience as a certificated 1307  
school psychologist employed by a board of education or a private 1308  
school meeting the standards prescribed by the state board of 1309  
education, or of experience which the board deems equivalent. 1310

(D) If the entrance examiner finds that the applicant meets 1311  
the requirements set forth in this section, the applicant shall be 1312  
admitted to the appropriate examination. 1313

(E) The board shall adopt under Chapter 119. of the Revised 1314  
Code rules for determining for the purposes of division 1315  
(B)~~(4)~~(3)(b) of this section whether a degree is equivalent to a 1316  
degree in psychology from an institution in the United States. 1317

**Sec. 4732.11.** ~~License examinations shall be conducted under~~ 1318  
~~rules prescribed by the state board of psychology. (A)(1) Each~~ 1319  
~~applicant shall be examined for knowledge in whatever theoretical~~ 1320  
~~or applied fields of psychology the board considers appropriate.~~ 1321  
~~The examination for the school psychologist license shall be~~ 1322  
~~prepared and administered by a~~ for a license to practice as a 1323  
psychologist shall be required to earn a score acceptable to the 1324  
state board of psychology on an examination selected by the board. 1325  
The applicant shall follow all necessary procedures and pay all 1326  
necessary fees for the examination. An applicant who fails to earn 1327  
a score acceptable to the board may be admitted to a subsequent 1328  
examination no less than thirty days after the initial 1329  
examination. After failing to earn a passing score three 1330  
consecutive times, an applicant may not be admitted to the 1331  
examination for a period of six months following the third 1332  
examination attempt. An applicant who fails to achieve an 1333  
acceptable score in nine attempts is not eligible for additional 1334

admissions to the examination, and the application shall be 1335  
permanently closed. 1336

An applicant who achieves an acceptable score on the 1337  
examination selected by the board as a candidate in another state 1338  
or Canadian province before or after submitting an application to 1339  
the board must cause the score to be submitted directly to the 1340  
board's executive director. 1341

(2) The board may also require that an applicant for a 1342  
license to practice as a psychologist earn a passing score on an 1343  
examination that covers one or more of the following: 1344

(a) Chapter 4732. of the Revised Code; 1345

(b) Rules promulgated under Chapter 4732. of the Revised 1346  
Code; 1347

(c) Related provisions of the Revised Code; 1348

(d) Professional ethical principles; 1349

(e) Professional standards of care. 1350

The examination may be administered orally or in writing in 1351  
accordance with rules adopted by the board. 1352

(B)(1) Each applicant for a license to practice as a school 1353  
psychologist licensed by the state board of psychology shall be 1354  
required to earn a score acceptable to the board on an examination 1355  
selected by the board. The applicant shall follow all necessary 1356  
procedures and pay all necessary fees for the examination. 1357

(2) The board may also require that an applicant for a 1358  
license to practice as a school psychologist licensed by the state 1359  
board of psychology earn a passing score on an examination that 1360  
covers one or more of the following: 1361

(a) Chapter 4732. of the Revised Code; 1362

(b) Rules promulgated under Chapter 4732. of the Revised 1363

<u>Code;</u>	1364
<u>(c) Related provisions of the Revised Code;</u>	1365
<u>(d) Professional ethical principles;</u>	1366
<u>(e) Professional standards of care.</u>	1367
<u>The examination may be administered orally or in writing in accordance with rules adopted by the board.</u>	1368 1369
<u>(C) The board may establish procedures designed to expose applicants to the subject matter of the examinations described in divisions (A)(2) and (B)(2) of this section.</u>	1370 1371 1372
<u>(D) The board shall appoint a school psychology <del>licensing</del> examination committee responsible to the board <del>and consisting</del>. The committee shall consist of five <del>licensed</del> school psychologists <del>or licensed psychologists who shall be certificated school psychologists</del> <u>each of whom holds either of the following:</u></u>	1373 1374 1375 1376 1377
<u>(1) A school psychologist license issued under this chapter;</u>	1378
<u>(2) A psychologist license issued under this chapter and a certificate or license issued by the state board of education.</u>	1379 1380
<u>Committee members shall be appointed by the state board of psychology for staggered five-year terms, according to rules adopted by the <del>that</del> board. The board may delegate to the committee authority to develop the examination described in division (B)(2) of this section and any procedures to be established under division (C) of this section.</u>	1381 1382 1383 1384 1385 1386
<del>Examinations shall be given at least twice annually at such time and place and under such supervision as the board prescribes. Except as provided in section 4732.16 of the Revised Code, each applicant shall pay an application and license fee established by the board of not less than seventy five nor more than one hundred fifty dollars, no part of which shall be returned. If an applicant fails an examination, he may be admitted, after no less than six</del>	1387 1388 1389 1390 1391 1392 1393

~~months, to a subsequent examination upon payment of an additional~~ 1394  
~~fee as established by the board. After failing three examinations,~~ 1395  
~~a person is not eligible for licensure until he completes such~~ 1396  
~~additional training as the board prescribes.~~ 1397

**Sec. 4732.12.** ~~The state board of psychology shall grade~~ 1398  
~~examinations conducted under section 4732.11 of the Revised Code~~ 1399  
~~and uniformly apply such standards as it considers appropriate in~~ 1400  
~~determining the level of competence necessary for a passing score.~~ 1401  
~~The level of competence necessary for a passing score for the~~ 1402  
~~school psychologist examination shall be determined by the school~~ 1403  
~~psychology examining committee. If an applicant passes for a~~ 1404  
license issued by the state board of psychology to practice as a 1405  
psychologist or school psychologist receives a score acceptable to 1406  
the board on the appropriate examination required by section 1407  
4732.11 of the Revised Code and has paid the required fee required 1408  
by section 4732.15 of the Revised Code, the board shall issue the 1409  
appropriate license. 1410

**Sec. 4732.13.** A license issued by the state board of 1411  
psychology shall remain ~~in effect~~ active until it expires pursuant 1412  
to section 4732.14 of the Revised Code, or is suspended or, 1413  
revoked, or placed in retired status. A current, valid An active 1414  
psychologist license shall entitle the holder to practice 1415  
psychology. ~~A current, valid~~ An active school psychologist license 1416  
shall entitle the holder to practice school psychology. 1417

**Sec. 4732.14. (A)** On or before the thirty-first day of August 1418  
of each even-numbered year, each person ~~licensed~~ who holds an 1419  
active license issued by the state board of psychology shall 1420  
register with the board ~~on a form~~ in a format and manner 1421  
prescribed by the board, giving the person's name, address, 1422  
license number, the continuing education information required by 1423

section 4732.141 of the Revised Code, and such other reasonable 1424  
information as the board requires, ~~and. The person shall pay to~~ 1425  
the board ~~secretary~~ a biennial registration fee ~~in an amount~~ 1426  
~~determined by the board, but not to exceed two, as follows:~~ 1427

(1) From the effective date of this amendment through June 1428  
30, 2016, three hundred ~~seventy five~~ fifty dollars in fiscal year 1429  
2000 and; 1430

(2) From July 1, 2016, through June 30, 2020, three hundred 1431  
fifty ~~sixty~~ dollars in each fiscal year thereafter; 1432

(3) July 1, 2020, and thereafter three hundred ~~sixty-five~~ 1433  
dollars. A 1434

A person licensed for the first time on or before the 1435  
~~thirty first~~ thirtieth day of ~~August~~ September of an even-numbered 1436  
year shall next be required to register on or before the 1437  
~~thirty first~~ thirtieth day of ~~August~~ September of the next 1438  
even-numbered year. 1439

(B) Before the first day of August of each even-numbered 1440  
year, the ~~secretary~~ board shall send a notice to each ~~licensed~~ 1441  
~~psychologist and licensed school psychologist~~ license holder, 1442  
whether a resident or not, at the ~~licensed psychologist's or~~ 1443  
~~licensed school psychologist's~~ license holder's last ~~known~~ 1444  
provided official mailing address, that the ~~licensed~~ 1445  
~~psychologist's or licensed school psychologist's~~ license holder's 1446  
continuing education compliance must be completed on or before the 1447  
last day of August and the biennial registration form and fee are 1448  
due on or before the last day of ~~August~~ September. ~~Before the~~ 1449  
~~fifteenth day of September of such years, the secretary shall send~~ 1450  
~~a second notice to each such person who has not paid the~~ 1451  
~~registration fee or registered with the board as required by this~~ 1452  
~~section. A license of any licensed psychologist or licensed school~~ 1453  
~~psychologist~~ license holder shall automatically ~~be suspended~~ 1454

~~expire~~ if the biennial registration fee is not paid or the 1455  
registration form is not any of the following are not received on 1456  
or before the thirtieth day of September of a renewal year- 1457

Within: 1458

(1) The biennial registration fee; 1459

(2) The registration form; 1460

(3) A report of compliance with continuing education 1461  
requirements. 1462

Within five years thereafter, the board may reinstate any 1463  
~~expired~~ license ~~so suspended~~ upon payment of the current 1464  
registration fee and a penalty fee established by the board, not 1465  
to exceed two hundred fifty dollars, ~~as determined by the board~~, 1466  
and receipt of the registration form completed by the registrant 1467  
in accordance with this section and section 4732.141 of the 1468  
Revised Code or in accordance with any modifications authorized by 1469  
the board under division (F) of section 4732.141 of the Revised 1470  
Code. ~~The~~ 1471

The board may by rule waive the payment of the registration 1472  
fee and completion of the continuing psychology education required 1473  
by section 4732.141 of the Revised Code by a ~~licensed psychologist~~ 1474  
~~or licensed school psychologist~~ license holder when the ~~licensed~~ 1475  
~~psychologist or licensed school psychologist~~ license holder is on 1476  
active duty in the armed forces of the United States. 1477

An individual who has had a license placed on retired status 1478  
under section 4732.142 of the Revised Code may seek reinstatement 1479  
of the license in accordance with rules adopted by the board. 1480

(C) Each licensed psychologist and licensed school 1481  
psychologist license holder shall notify the ~~secretary~~ executive 1482  
director of any change in the ~~licensed psychologist's or licensed~~ 1483  
~~school psychologist's~~ license holder's official mailing address, 1484  
office address, or employment within ninety sixty days of such 1485

change. 1486

~~Sec. 4732.141. (A)(1) On or before the thirty first day of 1487  
August of each even numbered year beginning in 1998 and until the 1488  
requirement set forth in division (A)(2) of this section applies, 1489  
each person licensed under this chapter by the state board of 1490  
psychology shall have completed, in the preceding two year period, 1491  
not less than twenty hours of continuing education in psychology 1492  
or the number of hours determined under division (D) of this 1493  
section. 1494~~

~~(2) On Except as provided in division (D) of this section, on 1495  
or before the thirty-first day of August of each even-numbered 1496  
year after the biennium in which this amendment takes effect, each 1497  
person licensed under this chapter who holds a license issued by 1498  
the state board of psychology shall have completed, in the 1499  
preceding two-year period, not less than twenty-three hours of 1500  
continuing education in psychology, including not less than ~~three~~ 1501  
four hours of continuing education in ~~professional conduct and~~ 1502  
~~ethics, or the number of hours determined under division (D) of~~ 1503  
this section one or more of the following: 1504~~

~~(a) Professional conduct; 1505~~

~~(b) Ethics; 1506~~

~~(c) The role of culture, ethnic identity, or both in the 1507  
provision of psychological assessment, consultation, or 1508  
psychological interventions, or a combination thereof. 1509~~

~~(3)(2) Each person subject to division (A)(1) or (2) of this 1510  
section license holder shall certify to the board, at the time of 1511  
biennial registration pursuant to section 4732.14 of the Revised 1512  
Code and on the registration form prescribed by the board under 1513  
that section, that in the preceding two years the ~~person~~ license 1514  
holder has completed continuing psychology education in compliance 1515~~

with this section. The board shall adopt rules establishing the 1516  
procedure for a ~~person~~ license holder to certify to the board and 1517  
for properly recording with the Ohio psychological association or 1518  
the ~~state board of education~~ Ohio school psychologists association 1519  
completion of the continuing education. 1520

(B) Continuing psychology education may be applied to meet 1521  
the requirement of division (A) of this section if both of the 1522  
following requirements are met: 1523

(1) It is obtained through a program or course approved by 1524  
the state board of psychology, the Ohio psychological association, 1525  
the Ohio association of black psychologists, or the American 1526  
psychological association or, in the case of a ~~licensed~~ school 1527  
psychologist who holds a license issued under this chapter or a 1528  
licensed psychologist with a school psychology specialty, by the 1529  
state board of education, the Ohio school psychologists 1530  
association, or the national association of school psychologists; 1531

(2) Completion of the program or course is recorded with the 1532  
Ohio psychological association or the ~~state board of education~~ 1533  
Ohio school psychologists association in accordance with rules 1534  
adopted by the state board of psychology in accordance with 1535  
division (A) of this section. 1536

The state board of psychology may disapprove any program or 1537  
course that has been approved by the Ohio psychological 1538  
association, Ohio association of black psychologists, American 1539  
psychological association, state board of education, Ohio school 1540  
psychologists association, or national association of school 1541  
psychologists. Such program or course may not be applied to meet 1542  
the requirement of division (A) of this section. 1543

(C) Each ~~person licensed under this chapter~~ license holder 1544  
shall be given a sufficient choice of continuing education 1545  
programs or courses in psychology, including programs or courses 1546

on professional conduct and ethics when required under division 1547  
(A)(2) of this section, to ensure that the ~~person~~ license holder 1548  
has had a reasonable opportunity to participate in programs or 1549  
courses that are relevant to the ~~person's~~ license holder's 1550  
practice in terms of subject matter and level. 1551

(D) The board shall adopt rules providing for reductions of 1552  
the hours of continuing psychology education required by this 1553  
section for ~~persons~~ license holders in their first registration 1554  
period. 1555

(E) Each ~~person licensed under this chapter~~ license holder 1556  
shall retain in the ~~person's~~ license holder's records for at least 1557  
three years the receipts, vouchers, or certificates necessary to 1558  
document completion of continuing psychology education. Proof of 1559  
continuing psychology education recorded with the Ohio 1560  
psychological association or the ~~state board of education~~ Ohio 1561  
school psychologists association in accordance with the procedures 1562  
established pursuant to division (A) of this section shall serve 1563  
as sufficient documentation of completion. With cause, the board 1564  
may request the documentation from the ~~person~~. ~~The board also may~~ 1565  
~~request the documentation from persons licensed under this chapter~~ 1566  
~~selected at random, without cause~~ license holder. The board may 1567  
review any continuing psychology education records recorded by the 1568  
Ohio psychological association or the ~~state board of education~~ 1569  
Ohio school psychologists association. 1570

(F) The board may excuse ~~persons licensed under this chapter~~ 1571  
license holders, as a group or as individuals, from all or any 1572  
part of the requirements of this section because of an unusual 1573  
circumstance, emergency, or special hardship. 1574

(G) The state board of psychology shall approve one or more 1575  
continuing education courses of study that assist psychologists 1576  
and school psychologists in recognizing the signs of domestic 1577  
violence and its relationship to child abuse. Psychologists and 1578

school psychologists are not required to take the courses. 1579

(H) The board may require a license holder to evidence 1580  
completion of specific continuing education coursework as part of 1581  
the process of registering or continuing to register a person 1582  
working under the license holder's supervision under division (B) 1583  
of section 4732.22 of the Revised Code and conducting 1584  
psychological or psychological work or training supervision. 1585  
Procedures for the completion, verification, and documentation of 1586  
such continuing education shall be specified in rules adopted by 1587  
the board. A license holder completing this continuing education 1588  
may receive credit toward the four-hour requirement in division 1589  
(A)(1) of this section during the next continuing education period 1590  
following the completion of this continuing education. 1591

Sec. 4732.142. (A) The holder of a license issued under this 1592  
chapter who retires from the practice of psychology or school 1593  
psychology may request during the biennial license registration 1594  
process that the license holder's license be placed in "licensed 1595  
psychologist-retired" or "licensed school psychologist-retired" 1596  
status. Once the license is placed in retired status, the license 1597  
holder shall not practice psychology or school psychology in this 1598  
state. A license holder selecting this status shall pay to the 1599  
state board of psychology a fee of fifty dollars. 1600

(B) Procedures for reinstating a retired license shall be 1601  
established in rules adopted by the board. 1602

Sec. ~~4732.16~~ 4732.15. Each applicant under ~~section 4732.15~~ of 1603  
the ~~Revised Code~~ for a license to be issued under this chapter 1604  
shall pay a fee established by the state board of psychology of 1605  
not less than seventy five nor more than one of three hundred 1606  
fifty dollars, no part of which shall be returned. ~~An applicant~~ 1607  
who is denied licensure under ~~section 4732.15~~ of the Revised Code 1608

~~may apply for licensure under section 4732.10 of the Revised Code 1609  
within one year from the date of the denial and upon payment of a 1610  
fee not to exceed twenty five dollars. 1611~~

Sec. 4732.151. The state board of psychology shall charge a 1612  
fee of forty dollars to a license holder for the written 1613  
verification of licensure status, including verification of the 1614  
date of licensure, the presence or absence of a history of 1615  
disciplinary action, and the expiration date of the license. 1616

Sec. 4732.16. (A) The state board of psychology shall 1617  
investigate alleged violations of this chapter or the rules 1618  
adopted under it. Each investigation shall be assigned by the 1619  
executive director or designated investigator to one of the 1620  
members of the board who shall serve as the supervising member of 1621  
the investigation. 1622

As part of its conduct of investigations, the board may 1623  
examine witnesses, administer oaths, and issue subpoenas, except 1624  
that the board may not compel the attendance of the respondent in 1625  
an investigation. A subpoena for patient record information may be 1626  
issued only if the supervising member, executive director, 1627  
secretary, and an attorney from the office of the attorney general 1628  
determine that there is probable cause to believe that the 1629  
complaint alleges a violation of this chapter and that the records 1630  
sought are relevant to the alleged violation and material to the 1631  
investigation. No member of the board who supervises the 1632  
investigation or approves the issuance of a subpoena for patient 1633  
records shall participate in further adjudication of the case. The 1634  
subpoena may apply only to records that cover a reasonable period 1635  
of time surrounding the alleged violation. On failure of a person 1636  
to comply with a subpoena issued by the board and after reasonable 1637  
notice to that person, the board may move for an order compelling 1638  
the production of records or persons pursuant to the Rules of 1639

Civil Procedure. 1640

A subpoena issued by the board may be served by a sheriff, 1641  
the sheriff's deputy, or a board employee designated by the board. 1642  
Service of a subpoena issued by the board may be made by 1643  
delivering a copy of the subpoena to the person named in the 1644  
subpoena, reading it to the person, or leaving it at the person's 1645  
usual place of residence. When the person being served is a person 1646  
whose practice is authorized by this chapter, service of the 1647  
subpoena may be made by certified mail, return receipt requested, 1648  
and the subpoena shall be deemed served on the date delivery is 1649  
made or the date the person refuses to accept delivery. 1650

A sheriff's deputy who serves a subpoena shall receive the 1651  
same fees as a sheriff. Each witness who appears before the board 1652  
in obedience to a subpoena shall receive the fees and mileage 1653  
provided for witnesses under section 119.094 of the Revised Code. 1654

(B)(1) The board shall conduct all investigations and 1655  
proceedings in a manner that protects the confidentiality of 1656  
patients and persons who file complaints with the board. The board 1657  
shall not make public the names or any other identifying 1658  
information about patients or complainants unless proper consent 1659  
is given or, in the case of a patient, the patient privilege has 1660  
been waived by the patient. Information received by the board 1661  
pursuant to an investigation is confidential and not subject to 1662  
discovery in any civil action. 1663

(2) The board may share any information it receives pursuant 1664  
to an investigation, including patient records and patient record 1665  
information, with law enforcement agencies, other licensing 1666  
boards, and other government agencies that are prosecuting, 1667  
adjudicating, or investigating alleged violations of statutes or 1668  
administrative rules. An agency or board that receives the 1669  
information shall comply with the same requirements regarding 1670  
confidentiality as the board must comply with under division 1671

(B)(1) of this section, notwithstanding any conflicting provision 1672  
of the Revised Code or procedure of the agency or board that 1673  
applies when it is dealing with other information in its 1674  
possession. 1675

(3) In a judicial proceeding, any information the board 1676  
receives pursuant to an investigation may be admitted into 1677  
evidence only in accordance with the Ohio Rules of Evidence, but 1678  
the court shall require that appropriate measures be taken to 1679  
ensure that confidentiality is maintained with respect to any part 1680  
of the information that contains names or other identifying 1681  
information about patients or complainants whose confidentiality 1682  
was protected by the board when the information was in the board's 1683  
possession. Measures to ensure confidentiality that may be taken 1684  
by the court include sealing its records or deleting specific 1685  
information from its records. 1686

**Sec. 4732.17.** (A) The Subject to division (F) of this 1687  
section, the state board of psychology may refuse to issue a 1688  
license to any applicant, may issue a reprimand, or suspend or 1689  
revoke the license of any licensed psychologist or licensed school 1690  
psychologist, take any of the actions specified in division (C) of 1691  
this section against an applicant for or a person who holds a 1692  
license issued under this chapter on any of the following grounds 1693  
as applicable: 1694

(1) Conviction, including a plea of guilty or no contest, of 1695  
a felony, or of any offense involving moral turpitude, in a court 1696  
of this or any other state or in a federal court; 1697

(2) A judicial finding of eligibility for intervention in 1698  
lieu of conviction for a felony or any offense involving moral 1699  
turpitude in a court of this or any other state or in a federal 1700  
court; 1701

(3) Using fraud or deceit in the procurement of the license 1702

to practice psychology or school psychology or knowingly assisting	1703
another in the procurement of such a license through fraud or	1704
deceit;	1705
<del>(3)</del> <u>(4)</u> Accepting commissions or rebates or other forms of	1706
remuneration for referring persons to other professionals;	1707
<del>(4)</del> <u>(5)</u> Willful, unauthorized communication of information	1708
received in professional confidence;	1709
<del>(5)</del> <u>(6)</u> Being negligent in the practice of psychology or	1710
school psychology;	1711
<del>(6)</del> Using any controlled substance or alcoholic beverage to	1712
an extent that such use impairs the person's ability to perform	1713
the work of a psychologist or school psychologist with safety to	1714
the public <u>(7) Inability to practice according to acceptable and</u>	1715
<u>prevailing standards of care by reason of a mental, emotional,</u>	1716
<u>physiological, or pharmacological condition or substance abuse;</u>	1717
<del>(7)</del> <u>(8)</u> Subject to section 4732.28 of the Revised Code,	1718
violating any rule of professional conduct promulgated by the	1719
board;	1720
<del>(8)</del> <u>(9)</u> Practicing in an area of psychology for which the	1721
person is clearly untrained or incompetent;	1722
<del>(9)</del> <u>(10)</u> An adjudication by a court, as provided in section	1723
5122.301 of the Revised Code, that the person is incompetent for	1724
the purpose of holding the license. Such person may have the	1725
person's license issued or restored only upon determination by a	1726
court that the person is competent for the purpose of holding the	1727
license and upon the decision by the board that such license be	1728
issued or restored. The board may require an examination prior to	1729
such issuance or restoration.	1730
<del>(10)</del> <u>(11)</u> Waiving the payment of all or any part of a	1731
deductible or copayment that a patient, pursuant to a health	1732

insurance or health care policy, contract, or plan that covers 1733  
psychological services, would otherwise be required to pay if the 1734  
waiver is used as an enticement to a patient or group of patients 1735  
to receive health care services from that provider; 1736

~~(11)~~(12) Advertising that the person will waive the payment 1737  
of all or any part of a deductible or copayment that a patient, 1738  
pursuant to a health insurance or health care policy, contract, or 1739  
plan that covers psychological services, would otherwise be 1740  
required to pay; 1741

~~(12)~~(13) Any of the following actions taken by the agency 1742  
responsible for authorizing or certifying the person to practice 1743  
or regulating the person's practice of a health care occupation or 1744  
provision of health care services in this state or another 1745  
jurisdiction, as evidenced by a certified copy of that agency's 1746  
records and findings for any reason other than the nonpayment of 1747  
fees: 1748

(a) Limitation, revocation, or suspension of the person's 1749  
license to practice; 1750

(b) Acceptance of the person's license surrender; 1751

(c) Denial of a license to the person; 1752

(d) Refuse to renew or reinstate the person's license; 1753

(e) Imposition of probation on the person; 1754

(f) Issuance of an order of censure or other reprimand 1755  
against the person; 1756

(g) Other negative action or finding against the person about 1757  
which information is available to the public. 1758

(14) Offering or rendering psychological services after a 1759  
license issued under this chapter has expired due to a failure to 1760  
timely register under section 4732.14 of the Revised Code or 1761  
complete continuing education requirements; 1762

<u>(15) Offering or rendering 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>	1763 1764 1765
<u>(16) Unless the person is a school psychologist licensed by the state board of education:</u>	1766 1767
<u>(a) Offering or rendering school psychological services after a license issued under this chapter has expired due to a failure to timely register under section 4732.14 of the Revised Code or complete continuing education requirements;</u>	1768 1769 1770 1771
<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>	1772 1773 1774
<u>(17) Violating any adjudication order or consent agreement adopted by the board;</u>	1775 1776
<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>	1777 1778 1779
<u>(B) Notwithstanding <del>division</del> <u>divisions</u> (A)<del>(10)</del><u>(11)</u> and <del>(11)</del><u>(12)</u> of this section, sanctions shall not be imposed against any licensee <u>license holder</u> who waives deductibles and copayments:</u>	1780 1781 1782 1783
<del>(a)</del> <u>(1)</u> 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.	1784 1785 1786 1787 1788
<del>(b)</del> <u>(2)</u> 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.	1789 1790 1791
<u>(C) For any of the reasons specified in division (A) of this</u>	1792

<u>section, the board may do one or more of the following:</u>	1793
<u>(1) Refuse to issue a license to an applicant;</u>	1794
<u>(2) Issue a reprimand to a license holder;</u>	1795
<u>(3) Suspend the license of a license holder;</u>	1796
<u>(4) Revoke the license of a license holder;</u>	1797
<u>(5) Limit or restrict the areas of practice of an applicant</u> <u>or a license holder;</u>	1798 1799
<u>(6) Require mental, substance abuse, or physical evaluations,</u> <u>or any combination of these evaluations, of an applicant or a</u> <u>license holder;</u>	1800 1801 1802
<u>(7) Require remedial education and training of an applicant</u> <u>or a license holder.</u>	1803 1804
<u>(D) When it revokes the license of a license holder under</u> <u>division (C)(4) of this section, the board may specify that the</u> <u>revocation is permanent. An individual subject to permanent</u> <u>revocation is forever thereafter ineligible to hold a license, and</u> <u>the board shall not accept an application for reinstatement of the</u> <u>license or issuance of a new license.</u>	1805 1806 1807 1808 1809 1810
<u>(E) When the board issues a notice of opportunity for a</u> <u>hearing on the basis of division (A)(7) of this section, the</u> <u>supervising member of the board, with cause and upon consultation</u> <u>with the board's executive director and the board's legal counsel,</u> <u>may compel the applicant or license holder to submit to mental,</u> <u>cognitive, substance abuse, or medical evaluations, or a</u> <u>combination of these evaluations, by a person or persons selected</u> <u>by the board. Notice shall be given to the applicant or license</u> <u>holder in writing signed by the supervising member, the executive</u> <u>director, and the board's legal counsel. The applicant or license</u> <u>holder is deemed to have given consent to submit to these</u> <u>evaluations and to have waived all objections to the admissibility</u>	1811 1812 1813 1814 1815 1816 1817 1818 1819 1820 1821 1822

of testimony or evaluation reports that constitute a privileged 1823  
communication. The expense of the evaluation or evaluations shall 1824  
be the responsibility of the applicant or license holder who is 1825  
evaluated. 1826

~~(B) Except as provided in section 4732.171 of the Revised~~ 1827  
~~Code, before (F) Before the board may deny, suspend, or revoke a~~ 1828  
~~license take action under this section, or otherwise discipline~~ 1829  
~~the holder of a license, written charges shall be filed with the~~ 1830  
~~board by the secretary and a hearing shall be had thereon in~~ 1831  
~~accordance with Chapter 119. of the Revised Code, except as~~ 1832  
~~follows:~~ 1833

(1) On receipt of a complaint that any of the grounds listed 1834  
in division (A) of this section exist, the state board of 1835  
psychology may suspend a license issued under this chapter prior 1836  
to holding a hearing in accordance with Chapter 119. of the 1837  
Revised Code if it determines, based on the complaint, that there 1838  
is an immediate threat to the public. A telephone conference call 1839  
may be used to conduct an emergency meeting for review of the 1840  
matter by a quorum of the board, taking the vote, and 1841  
memorializing the action in the minutes of the meeting. 1842

After suspending a license pursuant to division (F)(1) of 1843  
this section, the board shall notify the license holder of the 1844  
suspension in accordance with section 119.07 of the Revised Code. 1845  
If the individual whose license is suspended fails to make a 1846  
timely request for an adjudication under Chapter 119. of the 1847  
Revised Code, the board shall enter a final order permanently 1848  
revoking the license. 1849

(2) The board shall adopt rules establishing a case 1850  
management schedule for pre-hearing procedures by the hearing 1851  
examiner or presiding board member. The schedule shall include 1852  
applicable deadlines related to the hearing process, including all 1853  
of the following: 1854

(a) The date of the hearing; 1855

(b) The date for the disclosure of witnesses and exhibits; 1856

(c) The date for the disclosure of the identity of expert 1857  
witnesses and the exchange of written reports; 1858

(d) The deadline for submitting a request for the issuance of 1859  
a subpoena for the hearing as provided under Chapter 119. of the 1860  
Revised Code and division (F)(4) of this section. 1861

(3) Either party to the hearing may submit a written request 1862  
to the other party for a list of witnesses and copies of documents 1863  
intended to be introduced at the hearing. The request shall be in 1864  
writing and shall be served not less than thirty-seven days prior 1865  
to the hearing, unless the hearing officer or presiding board 1866  
member grants an extension of time to make the request. Not later 1867  
than thirty days before the hearing, the responding party shall 1868  
provide the requested list of witnesses, summary of their 1869  
testimony, and copies of documents to the requesting party, unless 1870  
the hearing officer or presiding board member grants an extension. 1871  
Failure to timely provide a list or copies requested in accordance 1872  
with this section may, at the discretion of the hearing officer or 1873  
presiding board member, result in exclusion from the hearing of 1874  
the witnesses, testimony, or documents. 1875

(4) In addition to subpoenas for the production of books, 1876  
records, and papers requested under Chapter 119. of the Revised 1877  
Code, either party may ask the board to issue a subpoena for the 1878  
production of other tangible items. 1879

The person subject to a subpoena for the production of books, 1880  
records, papers, or other tangible items shall respond to the 1881  
subpoena at least twenty days prior to the date of the hearing. If 1882  
a person fails to respond to a subpoena issued by the board, after 1883  
providing reasonable notice to the person, the board, the hearing 1884  
officer, or both may proceed with enforcement of the subpoena 1885

pursuant to section 119.09 of the Revised Code. 1886

**Sec. ~~4732.172~~ 4732.171.** (A) Except as provided in division 1887  
(B) of this section, if, at the conclusion of a hearing required 1888  
by section 4732.17 of the Revised Code, the state board of 1889  
psychology determines that a licensed psychologist or ~~licensed~~ 1890  
school psychologist licensed by the state board of psychology has 1891  
engaged in sexual conduct or had sexual contact with the ~~licensed~~ 1892  
~~psychologist's or licensed school psychologist's~~ license holder's 1893  
patient or client in violation of any prohibition contained in 1894  
Chapter 2907. of the Revised Code, the board shall do one of the 1895  
following: 1896

(1) Suspend the ~~licensed psychologist's or licensed school~~ 1897  
~~psychologist's~~ license holder's license; 1898

(2) Permanently revoke the ~~licensed psychologist's or~~ 1899  
~~licensed school psychologist's~~ license holder's license. 1900

(B) If it determines at the conclusion of the hearing that 1901  
neither of the sanctions described in division (A) of this section 1902  
is appropriate, the board shall impose another sanction it 1903  
considers appropriate and issue a written finding setting forth 1904  
the reasons for the sanction imposed and the reason that neither 1905  
of the sanctions described in division (A) of this section is 1906  
appropriate. 1907

**Sec. ~~4732.173~~ 4732.172.** Any finding made, and the record of 1908  
any sanction imposed, by the state board of psychology under 1909  
section 4732.17, or ~~4732.171, or 4732.172~~ of the Revised Code is a 1910  
public record under section 149.43 of the Revised Code. 1911

**Sec. 4732.173.** (A) The state board of psychology may approve 1912  
or establish a colleague assistance program for the purpose of 1913  
affording holders of licenses issued under this chapter, license 1914

applicants, and persons subject to discipline pursuant to division 1915  
(B) of section 4731.22 of the Revised Code access to all of the 1916  
following: 1917

(1) Resources concerning the prevention of distress; 1918

(2) Evaluation and intervention services concerning mental, 1919  
emotional, substance use, and other conditions that may impair 1920  
competence, objectivity, and judgment in the provision of 1921  
psychological or school psychological services; 1922

(3) Consultation and mentoring services for practice 1923  
oversight and remediation of professional skill deficits. 1924

The board may compel a license holder, applicant, or 1925  
registered person to participate in the program in conjunction 1926  
with the board's actions under section 4732.17 of the Revised 1927  
Code. 1928

(B) If a program is approved or established, the board shall 1929  
adopt rules specifying the circumstances under which self-referred 1930  
participants may receive confidential services from the program. 1931

**Sec. 4732.18.** At any time after the suspension or revocation 1932  
of a license, the state board of psychology may restore the 1933  
license upon the written finding by the board that circumstances 1934  
so warrant. ~~The~~ At the time it restores a license, the board may 1935  
impose restrictions and limitations on the practice of the license 1936  
holder. 1937

The board may require a person seeking restoration of a 1938  
license to submit to mental, substance abuse, cognitive, or 1939  
physical evaluations, or a combination of these evaluations. 1940  
Evaluations shall be conducted by qualified individuals selected 1941  
by the board. The costs of any evaluative processes shall be paid 1942  
by the applicant for restoration. A person requesting restoration 1943  
of a license is deemed to have given consent to submit to a mental 1944

or physical examination when directed to do so in writing by the 1945  
board and to have waived all objections to the admissibility of 1946  
testimony or examination reports that constitute a privileged 1947  
communication. 1948

As a further condition of license restoration, the board may 1949  
require an examination of the applicant before such restoration to 1950  
do both of the following: 1951

(A) Take the examination selected by the board under section 1952  
4732.11 of the Revised Code and receive a score acceptable to the 1953  
board; 1954

(B) Participate in board processes designed to expose the 1955  
applicant to Chapter 4732. of the Revised Code and rules 1956  
promulgated thereunder, which may include passing a written or 1957  
oral examination on the Ohio laws and rules governing 1958  
psychologists and school psychologists. 1959

**Sec. 4732.21.** ~~(A) On and after December 1, 1972, no~~ Except as 1960  
provided in section 4732.22 of the Revised Code: 1961

(A) No person who is not a licensed psychologist shall offer 1962  
or render services as a psychologist or otherwise engage in the 1963  
practice of psychology ~~for a compensation or other personal gain.~~ 1964

~~(B) On and after December 1, 1972, no~~ No person who is not a 1965  
licensed psychologist ~~or,~~ a school psychologist licensed by the 1966  
state board of psychology, or a school psychologist licensed by 1967  
the state board of education shall offer or render services as a 1968  
school psychologist or otherwise engage in the practice of school 1969  
psychology ~~for a compensation or other personal gain.~~ 1970

**Sec. 4732.22.** (A) The following persons are exempted from the 1971  
licensing requirements of this chapter: 1972

~~(A)(1)~~ A certificated person who holds a license or 1973

certificate issued by the state board of education authorizing the 1974  
practice of school ~~psychologist~~ psychology, while practicing 1975  
school psychology within the scope of ~~his~~ employment by a board of 1976  
education or by a private school meeting the standards prescribed 1977  
by the state board of education under division (D) of section 1978  
3301.07 of the Revised Code, or while acting as a school 1979  
psychologist within the scope of ~~his~~ employment in a program for 1980  
~~trainable mentally retarded~~ children with disabilities established 1981  
under Chapter 3323. or 5126. of the Revised Code. A person 1982  
exempted under this division shall not offer psychological 1983  
services to any other individual, organization, or group for 1984  
remuneration, monetary or otherwise, unless ~~he~~ the person is 1985  
licensed by the state board of psychology. 1986

~~(B)~~(2) Any nonresident temporarily employed in this state to 1987  
render psychological services for not more than thirty days a 1988  
year, who, in the opinion of the board, meets the standards for 1989  
entrance in division (B) of section 4732.10 of the Revised Code, 1990  
who has paid the required fee and submitted an application 1991  
prescribed by the board, and who holds whatever license or 1992  
certificate, if any, is required for such practice in ~~his~~ the 1993  
person's home state or home country. 1994

~~(C)~~(3) Any person ~~employed by~~ working under the supervision 1995  
of a licensed psychologist or ~~licensed~~ school psychologist 1996  
licensed under this chapter, while carrying out specific tasks, 1997  
under the ~~licensee's~~ license holder's supervision, as an extension 1998  
of the ~~licensee's~~ license holder's legal and ethical authority as 1999  
specified under this chapter if the person is registered under 2000  
division (B) of this section. All fees shall be billed under the 2001  
name of the ~~licensee,~~ and ~~the employee~~ license holder. The person 2002  
working under the license holder's supervision shall not represent 2003  
~~himself~~ self to the public as a psychologist or school 2004  
psychologist, although supervised persons and persons in training 2005

may be ascribed such titles as "psychology trainee," "psychology assistant," "psychology intern," or other appropriate term that clearly implies their supervised or training status.

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

~~(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 2037  
established authority of the religious denomination or sect; 2038

(6) Persons in the employ of the federal government insofar 2039  
as their activities are a part of the duties of their positions; 2040

(7) Persons licensed, certified, or registered under any 2041  
other provision of the Revised Code who are practicing those arts 2042  
and utilizing psychological procedures that are allowed and within 2043  
the standards and ethics of their profession or within new areas 2044  
of practice that represent appropriate extensions of their 2045  
profession, provided that they do not hold themselves out to the 2046  
public by the title of psychologist; 2047

(8) Persons using the term "social psychologist," 2048  
"experimental psychologist," "developmental psychologist," 2049  
"research psychologist," "cognitive psychologist," and other terms 2050  
used by those in academic and research settings who possess a 2051  
doctoral degree in psychology from an educational institution 2052  
accredited or recognized by national or regional accrediting 2053  
agencies as maintaining satisfactory standards and who do not use 2054  
such a term in the solicitation or rendering of professional 2055  
psychological services. 2056

(B) The license holder who is supervising a person described 2057  
in division (A)(3) of this section shall register the person with 2058  
the board. The board shall adopt rules regarding the registration 2059  
process and the supervisory relationship. 2060

**Sec. 4732.221.** A nonresident applicant seeking a review of 2061  
qualifications and permission of the state board of psychology to 2062  
practice psychology in Ohio for no more than thirty days per year 2063  
under division (A)(2) of section 4732.22 of the Revised Code shall 2064  
pay a fee established by the board of not less than seventy-five 2065  
dollars and not more than one hundred fifty dollars, no part of 2066  
which shall be returned. The board may adopt rules for the purpose 2067

of recognizing a nonresident's interjurisdictional practice 2068  
credentials granted by the association of state and provincial 2069  
psychology boards and other relevant professional organizations. 2070

**Sec. 4732.31.** (A) The state board of psychology shall provide 2071  
access to the following information through the internet: 2072

(1) The names of all licensed psychologists and ~~licensed~~ all 2073  
school psychologists licensed by the state board of psychology; 2074

(2) The names of all licensed psychologists and ~~licensed~~ all 2075  
school psychologists licensed by the state board of psychology who 2076  
have been reprimanded by the board for misconduct, the names of 2077  
all licensed psychologists or school psychologists ~~who have~~ 2078  
~~current licenses but~~ licensed by the state board of psychology 2079  
whose licenses are under an active suspension imposed for 2080  
misconduct, the names of all former licensed psychologists and 2081  
~~licensed~~ school psychologists licensed by the state board of 2082  
psychology whose licenses have been suspended or revoked for 2083  
misconduct, and the reason for each reprimand, suspension, or 2084  
revocation; 2085

(3) Written findings made under division (B) of section 2086  
~~4732.172~~ 4732.171 of the Revised Code. 2087

(B) Division (A)(2) of this section does not apply to a 2088  
suspension of the license of a psychologist or school psychologist 2089  
that is an automatic suspension imposed under section 4732.14 of 2090  
the Revised Code. 2091

**Sec. 4732.33.** The state board of psychology shall adopt rules 2092  
governing the use of telepsychology for the purpose of protecting 2093  
the welfare of recipients of telepsychology services and 2094  
establishing requirements for the responsible use of 2095  
telepsychology in the practice of psychology and school 2096

psychology, including supervision of persons registered with the 2097  
state board of psychology as described in division (B) of section 2098  
4732.22 of the Revised Code. 2099

**Sec. 4755.13.** ~~(A)~~ Nothing in sections 4755.04 to 4755.13 of 2100  
the Revised Code shall be construed to prevent or restrict the 2101  
practice, services, or activities of the following: 2102

~~(1)~~(A) Any person who does not claim to the public by any 2103  
title, initials, or description of services as being engaged in 2104  
the practice of occupational therapy, who is: 2105

~~(a)~~(1) A physician licensed under Chapter 4731. of the 2106  
Revised Code, or anyone employed or supervised by a licensed 2107  
physician in the delivery of treatment or services; 2108

~~(b)~~(2) A person licensed, certified, or registered under 2109  
sections 4755.40 to 4755.56 of the Revised Code or under any other 2110  
chapter of the Revised Code who is practicing within the standards 2111  
and ethics of practice that represent appropriate extensions of 2112  
the person's profession; 2113

~~(e)~~(3) A qualified member of any other profession who is 2114  
practicing within the standards and ethics of the member's 2115  
profession. 2116

~~(2)~~(B) Any person employed as an occupational therapist or 2117  
occupational therapy assistant by the government of the United 2118  
States, if the person provides occupational therapy solely under 2119  
the direction or control of the organization by which the person 2120  
is employed; 2121

~~(3)~~(C) Any person pursuing a course of study leading to a 2122  
degree or certificate in occupational therapy in an accredited or 2123  
approved educational program if the activities and services 2124  
constitute a part of a supervised course of study, if the person 2125  
is designated by a title that clearly indicates the person's 2126

status as a student or trainee; 2127

~~(4)(D)~~ Any person fulfilling the supervised field work 2128  
experience requirements of section 4755.07 of the Revised Code, if 2129  
the activities and services constitute a part of the experience 2130  
necessary to meet those requirements. 2131

~~(B) Nothing in sections 4755.04 to 4755.13 of the Revised 2132  
Code authorizes any person to use psychological procedures defined 2133  
by the state board of psychology under division (C) of section 2134  
4732.23 of the Revised Code as a serious hazard to mental health 2135  
and to require professional expertise in psychology. 2136~~

**Sec. 4757.42.** Except as otherwise expressly provided in this 2137  
chapter, nothing in this chapter shall be construed as authorizing 2138  
any person to engage in the practice of psychology as defined in 2139  
division (B) of section 4732.01 of the Revised Code. ~~This section 2140  
shall not be construed as contravening section 4732.23 of the 2141  
Revised Code. 2142~~

**Sec. 5120.55.** (A) As used in this section, "licensed health 2143  
professional" means any or all of the following: 2144

(1) A dentist who holds a current, valid license issued under 2145  
Chapter 4715. of the Revised Code to practice dentistry; 2146

(2) A licensed practical nurse who holds a current, valid 2147  
license issued under Chapter 4723. of the Revised Code that 2148  
authorizes the practice of nursing as a licensed practical nurse; 2149

(3) An optometrist who holds a current, valid certificate of 2150  
licensure issued under Chapter 4725. of the Revised Code that 2151  
authorizes the holder to engage in the practice of optometry; 2152

(4) A physician who is authorized under Chapter 4731. of the 2153  
Revised Code to practice medicine and surgery, osteopathic 2154  
medicine and surgery, or podiatric medicine and surgery; 2155

(5) A psychologist who holds a current, valid license issued 2156  
under Chapter 4732. of the Revised Code that authorizes the 2157  
practice of psychology as a licensed psychologist; 2158

(6) A registered nurse who holds a current, valid license 2159  
issued under Chapter 4723. of the Revised Code that authorizes the 2160  
practice of nursing as a registered nurse, including such a nurse 2161  
who is also authorized to practice as an advanced practice 2162  
registered nurse as defined in section 4723.01 of the Revised 2163  
Code. 2164

(B)(1) The department of rehabilitation and correction may 2165  
establish a recruitment program under which the department, by 2166  
means of a contract entered into under division (C) of this 2167  
section, agrees to repay all or part of the principal and interest 2168  
of a government or other educational loan incurred by a licensed 2169  
health professional who agrees to provide services to inmates of 2170  
correctional institutions under the department's administration. 2171

(2)(a) For a physician to be eligible to participate in the 2172  
program, the physician must have attended a school that was, 2173  
during the time of attendance, a medical school or osteopathic 2174  
medical school in this country accredited by the liaison committee 2175  
on medical education or the American osteopathic association, a 2176  
college of podiatry in this country recognized as being in good 2177  
standing under section 4731.53 of the Revised Code, or a medical 2178  
school, osteopathic medical school, or college of podiatry located 2179  
outside this country that was acknowledged by the world health 2180  
organization and verified by a member state of that organization 2181  
as operating within that state's jurisdiction. 2182

(b) For a nurse to be eligible to participate in the program, 2183  
the nurse must have attended a school that was, during the time of 2184  
attendance, a nursing school in this country accredited by the 2185  
commission on collegiate nursing education or the national league 2186  
for nursing accrediting commission or a nursing school located 2187

outside this country that was acknowledged by the world health organization and verified by a member state of that organization as operating within that state's jurisdiction. 2188  
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(c) For a dentist to be eligible to participate in the program, the dentist must have attended a school that was, during the time of attendance, a dental college that enabled the dentist to meet the requirements specified in section 4715.10 of the Revised Code to be granted a license to practice dentistry. 2191  
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(d) For an optometrist to be eligible to participate in the program, the optometrist must have attended a school of optometry that was, during the time of attendance, approved by the state board of optometry. 2196  
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(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. 2200  
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(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: 2206  
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2208

(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. 2209  
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(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 2215  
2216  
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that qualifies the licensed health professional to participate in	2219
the program:	2220
(a) Tuition;	2221
(b) Other educational expenses for specific purposes,	2222
including fees, books, and laboratory expenses, in amounts	2223
determined to be reasonable in accordance with rules adopted under	2224
division (D) of this section;	2225
(c) Room and board, in an amount determined to be reasonable	2226
in accordance with rules adopted under division (D) of this	2227
section.	2228
(3) The licensed health professional agrees to pay the	2229
department a specified amount, which shall be no less than the	2230
amount already paid by the department pursuant to its agreement,	2231
as damages if the licensed health professional fails to complete	2232
the service obligation agreed to or fails to comply with other	2233
specified terms of the contract. The contract may vary the amount	2234
of damages based on the portion of the service obligation that	2235
remains uncompleted.	2236
(4) Other terms agreed upon by the parties.	2237
The licensed health professional's lending institution or the	2238
Ohio board of regents, may be a party to the contract. The	2239
contract may include an assignment to the department of the	2240
licensed health professional's duty to repay the principal and	2241
interest of the loan.	2242
(D) If the department elects to implement the recruitment	2243
program, it shall adopt rules in accordance with Chapter 119. of	2244
the Revised Code that establish all of the following:	2245
(1) Criteria for designating institutions for which licensed	2246
health professionals will be recruited;	2247
(2) Criteria for selecting licensed health professionals for	2248

participation in the program;	2249
(3) Criteria for determining the portion of a loan which the department will agree to repay;	2250 2251
(4) Criteria for determining reasonable amounts of the expenses described in divisions (C)(2)(b) and (c) of this section;	2252 2253
(5) Procedures for monitoring compliance by a licensed health professional with the terms of the contract the licensed health professional enters into under this section;	2254 2255 2256
(6) Any other criteria or procedures necessary to implement the program.	2257 2258
<b>Sec. 5122.01.</b> As used in this chapter and Chapter 5119. of the Revised Code:	2259 2260
(A) "Mental illness" means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life.	2261 2262 2263 2264
(B) "Mentally ill person subject to hospitalization by court order" means a mentally ill person who, because of the person's illness:	2265 2266 2267
(1) Represents a substantial risk of physical harm to self as manifested by evidence of threats of, or attempts at, suicide or serious self-inflicted bodily harm;	2268 2269 2270
(2) Represents a substantial risk of physical harm to others as manifested by evidence of recent homicidal or other violent behavior, evidence of recent threats that place another in reasonable fear of violent behavior and serious physical harm, or other evidence of present dangerousness;	2271 2272 2273 2274 2275
(3) Represents a substantial and immediate risk of serious physical impairment or injury to self as manifested by evidence	2276 2277

that the person is unable to provide for and is not providing for 2278  
the person's basic physical needs because of the person's mental 2279  
illness and that appropriate provision for those needs cannot be 2280  
made immediately available in the community; or 2281

(4) Would benefit from treatment in a hospital for the 2282  
person's mental illness and is in need of such treatment as 2283  
manifested by evidence of behavior that creates a grave and 2284  
imminent risk to substantial rights of others or the person. 2285

(C)(1) "Patient" means, subject to division (C)(2) of this 2286  
section, a person who is admitted either voluntarily or 2287  
involuntarily to a hospital or other place under section 2945.39, 2288  
2945.40, 2945.401, or 2945.402 of the Revised Code subsequent to a 2289  
finding of not guilty by reason of insanity or incompetence to 2290  
stand trial or under this chapter, who is under observation or 2291  
receiving treatment in such place. 2292

(2) "Patient" does not include a person admitted to a 2293  
hospital or other place under section 2945.39, 2945.40, 2945.401, 2294  
or 2945.402 of the Revised Code to the extent that the reference 2295  
in this chapter to patient, or the context in which the reference 2296  
occurs, is in conflict with any provision of sections 2945.37 to 2297  
2945.402 of the Revised Code. 2298

(D) "Licensed physician" means a person licensed under the 2299  
laws of this state to practice medicine or a medical officer of 2300  
the government of the United States while in this state in the 2301  
performance of the person's official duties. 2302

(E) "Psychiatrist" means a licensed physician who has 2303  
satisfactorily completed a residency training program in 2304  
psychiatry, as approved by the residency review committee of the 2305  
American medical association, the committee on post-graduate 2306  
education of the American osteopathic association, or the American 2307  
osteopathic board of neurology and psychiatry, or who on July 1, 2308

1989, has been recognized as a psychiatrist by the Ohio state 2309  
medical association or the Ohio osteopathic association on the 2310  
basis of formal training and five or more years of medical 2311  
practice limited to psychiatry. 2312

(F) "Hospital" means a hospital or inpatient unit licensed by 2313  
the department of mental health and addiction services under 2314  
section 5119.33 of the Revised Code, and any institution, 2315  
hospital, or other place established, controlled, or supervised by 2316  
the department under Chapter 5119. of the Revised Code. 2317

(G) "Public hospital" means a facility that is tax-supported 2318  
and under the jurisdiction of the department of mental health and 2319  
addiction services. 2320

(H) "Community mental health services provider" means an 2321  
agency, association, corporation, individual, or program that 2322  
provides community mental health services that are certified by 2323  
the director of mental health and addiction services under section 2324  
5119.36 of the Revised Code. 2325

(I) "Licensed clinical psychologist" means a person who holds 2326  
a current valid psychologist license issued under section 4732.12 2327  
~~or 4732.15~~ of the Revised Code, and in addition, meets ~~either of~~ 2328  
~~the following criteria:~~ 2329

~~(1) Meets~~ the educational requirements set forth in division 2330  
(B) of section 4732.10 of the Revised Code and has a minimum of 2331  
two years' full-time professional experience, or the equivalent as 2332  
determined by rule of the state board of psychology, at least one 2333  
year of which shall be a predoctoral internship, in clinical 2334  
psychological work in a public or private hospital or clinic or in 2335  
private practice, diagnosing and treating problems of mental 2336  
illness or mental retardation under the supervision of a 2337  
psychologist who is licensed or who holds a diploma issued by the 2338  
American board of professional psychology, or whose qualifications 2339

are substantially similar to those required for licensure by the 2340  
state board of psychology when the supervision has occurred prior 2341  
to enactment of laws governing the practice of psychology; 2342

~~(2) Meets the educational requirements set forth in division 2343  
(B) of section 4732.15 of the Revised Code and has a minimum of 2344  
four years' full-time professional experience, or the equivalent 2345  
as determined by rule of the state board of psychology, in 2346  
clinical psychological work in a public or private hospital or 2347  
clinic or in private practice, diagnosing and treating problems of 2348  
mental illness or mental retardation under supervision, as set 2349  
forth in division (I)(1) of this section. 2350~~

(J) "Health officer" means any public health physician; 2351  
public health nurse; or other person authorized by or designated 2352  
by a city health district; a general health district; or a board 2353  
of alcohol, drug addiction, and mental health services to perform 2354  
the duties of a health officer under this chapter. 2355

(K) "Chief clinical officer" means the medical director of a 2356  
hospital, or a community mental health services provider, or a 2357  
board of alcohol, drug addiction, and mental health services, or, 2358  
if there is no medical director, the licensed physician 2359  
responsible for the treatment a hospital or community mental 2360  
health services provider provides. The chief clinical officer may 2361  
delegate to the attending physician responsible for a patient's 2362  
care the duties imposed on the chief clinical officer by this 2363  
chapter. Within a community mental health services provider, the 2364  
chief clinical officer shall be designated by the governing body 2365  
of the services provider and shall be a licensed physician or 2366  
licensed clinical psychologist who supervises diagnostic and 2367  
treatment services. A licensed physician or licensed clinical 2368  
psychologist designated by the chief clinical officer may perform 2369  
the duties and accept the responsibilities of the chief clinical 2370  
officer in the chief clinical officer's absence. 2371

(L) "Working day" or "court day" means Monday, Tuesday, 2372  
Wednesday, Thursday, and Friday, except when such day is a 2373  
holiday. 2374

(M) "Indigent" means unable without deprivation of 2375  
satisfaction of basic needs to provide for the payment of an 2376  
attorney and other necessary expenses of legal representation, 2377  
including expert testimony. 2378

(N) "Respondent" means the person whose detention, 2379  
commitment, hospitalization, continued hospitalization or 2380  
commitment, or discharge is being sought in any proceeding under 2381  
this chapter. 2382

(O) "Ohio protection and advocacy system" has the same 2383  
meaning as in section 5123.60 of the Revised Code. 2384

(P) "Independent expert evaluation" means an evaluation 2385  
conducted by a licensed clinical psychologist, psychiatrist, or 2386  
licensed physician who has been selected by the respondent or the 2387  
respondent's counsel and who consents to conducting the 2388  
evaluation. 2389

(Q) "Court" means the probate division of the court of common 2390  
pleas. 2391

(R) "Expunge" means: 2392

(1) The removal and destruction of court files and records, 2393  
originals and copies, and the deletion of all index references; 2394

(2) The reporting to the person of the nature and extent of 2395  
any information about the person transmitted to any other person 2396  
by the court; 2397

(3) Otherwise insuring that any examination of court files 2398  
and records in question shall show no record whatever with respect 2399  
to the person; 2400

(4) That all rights and privileges are restored, and that the 2401

person, the court, and any other person may properly reply that no such record exists, as to any matter expunged.

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

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

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

When the residence of a person is disputed, the matter of residence shall be referred to the department of mental health and addiction services for investigation and determination. Residence shall not be a basis for a board's denying services to any person present in the board's service district, and the board shall provide services for a person whose residence is in dispute while residence is being determined and for a person in an emergency situation.

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

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

(V) "Treatment plan" means a written statement of reasonable

objectives and goals for an individual established by the 2433  
treatment team, with specific criteria to evaluate progress 2434  
towards achieving those objectives. The active participation of 2435  
the patient in establishing the objectives and goals shall be 2436  
documented. The treatment plan shall be based on patient needs and 2437  
include services to be provided to the patient while the patient 2438  
is hospitalized and after the patient is discharged. The treatment 2439  
plan shall address services to be provided upon discharge, 2440  
including but not limited to housing, financial, and vocational 2441  
services. 2442

(W) "Community control sanction" has the same meaning as in 2443  
section 2929.01 of the Revised Code. 2444

(X) "Post-release control sanction" has the same meaning as 2445  
in section 2967.01 of the Revised Code. 2446

**Section 2.** That existing sections 102.02, 102.022, 102.03, 2447  
2152.54, 2919.271, 2945.37, 4732.01, 4732.02, 4732.03, 4732.06, 2448  
4732.07, 4732.09, 4732.10, 4732.11, 4732.12, 4732.13, 4732.14, 2449  
4732.141, 4732.16, 4732.17, 4732.172, 4732.173, 4732.18, 4732.21, 2450  
4732.22, 4732.31, 4755.13, 4757.42, 5120.55, and 5122.01 and 2451  
sections 4732.15, 4732.171, and 4732.23 of the Revised Code are 2452  
hereby repealed. 2453