

As Introduced

**130th General Assembly
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S. B. No. 188

Senator Tavares

Cosponsors: Senators Smith, Brown

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A B I L L

To amend sections 4723.43, 4732.01, 4732.17, and 1
4757.01 and to enact sections 4731.30, 4732.29, 2
and 4757.35 of the Revised Code to prohibit 3
persons licensed or certified, or in training to 4
be licensed or certified, in occupations that 5
provide professional counseling from engaging in 6
sexual orientation change efforts with a person 7
under eighteen years of age. 8

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

Section 1. That sections 4723.43, 4732.01, 4732.17, and 9
4757.01 be amended and sections 4731.30, 4732.29, and 4757.35 of 10
the Revised Code be enacted to read as follows: 11

Sec. 4723.43. A certified registered nurse anesthetist, 12
clinical nurse specialist, certified nurse-midwife, or certified 13
nurse practitioner may provide to individuals and groups nursing 14
care that requires knowledge and skill obtained from advanced 15
formal education and clinical experience. In this capacity as an 16
advanced practice registered nurse, a certified nurse-midwife is 17
subject to division (A) of this section, a certified registered 18
nurse anesthetist is subject to division (B) of this section, a 19

certified nurse practitioner is subject to division (C) of this 20
section, and a clinical nurse specialist is subject to division 21
(D) of this section. 22

(A) A nurse authorized to practice as a certified 23
nurse-midwife, in collaboration with one or more physicians, may 24
provide the management of preventive services and those primary 25
care services necessary to provide health care to women 26
antepartally, intrapartally, postpartally, and gynecologically, 27
consistent with the nurse's education and certification, and in 28
accordance with rules adopted by the board of nursing. 29

No certified nurse-midwife may perform version, deliver 30
breech or face presentation, use forceps, do any obstetric 31
operation, or treat any other abnormal condition, except in 32
emergencies. Division (A) of this section does not prohibit a 33
certified nurse-midwife from performing episiotomies or normal 34
vaginal deliveries, or repairing vaginal tears. A certified 35
nurse-midwife who holds a certificate to prescribe issued under 36
section 4723.48 of the Revised Code may, in collaboration with one 37
or more physicians, prescribe drugs and therapeutic devices in 38
accordance with section 4723.481 of the Revised Code. 39

(B) A nurse authorized to practice as a certified registered 40
nurse anesthetist, with the supervision and in the immediate 41
presence of a physician, podiatrist, or dentist, may administer 42
anesthesia and perform anesthesia induction, maintenance, and 43
emergence, and may perform with supervision preanesthetic 44
preparation and evaluation, postanesthesia care, and clinical 45
support functions, consistent with the nurse's education and 46
certification, and in accordance with rules adopted by the board. 47
A certified registered nurse anesthetist is not required to obtain 48
a certificate to prescribe in order to provide the anesthesia care 49
described in this division. 50

The physician, podiatrist, or dentist supervising a certified registered nurse anesthetist must be actively engaged in practice in this state. When a certified registered nurse anesthetist is supervised by a podiatrist, the nurse's scope of practice is limited to the anesthesia procedures that the podiatrist has the authority under section 4731.51 of the Revised Code to perform. A certified registered nurse anesthetist may not administer general anesthesia under the supervision of a podiatrist in a podiatrist's office. When a certified registered nurse anesthetist is supervised by a dentist, the nurse's scope of practice is limited to the anesthesia procedures that the dentist has the authority under Chapter 4715. of the Revised Code to perform.

(C) A nurse authorized to practice as a certified nurse practitioner, in collaboration with one or more physicians or podiatrists, may provide preventive and primary care services, provide services for acute illnesses, and evaluate and promote patient wellness within the nurse's nursing specialty, consistent with the nurse's education and certification, and in accordance with rules adopted by the board. A certified nurse practitioner who holds a certificate to prescribe issued under section 4723.48 of the Revised Code may, in collaboration with one or more physicians or podiatrists, prescribe drugs and therapeutic devices in accordance with section 4723.481 of the Revised Code.

When a certified nurse practitioner is collaborating with a podiatrist, the nurse's scope of practice is limited to the procedures that the podiatrist has the authority under section 4731.51 of the Revised Code to perform.

(D)(1) A nurse authorized to practice as a clinical nurse specialist, in collaboration with one or more physicians or podiatrists, may provide and manage the care of individuals and groups with complex health problems and provide health care services that promote, improve, and manage health care within the

nurse's nursing specialty, consistent with the nurse's education 83
and in accordance with rules adopted by the board. A clinical 84
nurse specialist who holds a certificate to prescribe issued under 85
section 4723.48 of the Revised Code may, in collaboration with one 86
or more physicians or podiatrists, prescribe drugs and therapeutic 87
devices in accordance with section 4723.481 of the Revised Code. 88

When a clinical nurse specialist is collaborating with a 89
podiatrist, the nurse's scope of practice is limited to the 90
procedures that the podiatrist has the authority under section 91
4731.51 of the Revised Code to perform. 92

(2)(a) A clinical nurse specialist licensed under this 93
chapter who practices the nursing specialty of mental health or 94
psychiatric mental health who performs counseling, or a clinical 95
nurse specialist who performs counseling as part of the 96
specialist's training, shall not engage in sexual orientation 97
change efforts with any person under eighteen years of age. 98

(b) "Sexual orientation change efforts" has the same meaning 99
as in section 4757.01 of the Revised Code. 100

Sec. 4731.30. (A) A physician licensed under this chapter who 101
satisfactorily completed a residency training program in 102
psychiatry and who performs counseling in the course of the 103
professional practice of psychiatry, or a physician who performs 104
counseling as part of the physician's training, shall not engage 105
in sexual orientation change efforts with any person under 106
eighteen years of age. 107

(B) "Sexual orientation change efforts" has the same meaning 108
as in section 4757.01 of the Revised Code. 109

Sec. 4732.01. As used in ~~sections 4732.01 to 4732.25~~ of the 110
Revised Code this chapter: 111

(A) "Psychologist" means any person who holds self out to the 112

public by any title or description of services incorporating the 113
words "psychologic," "psychological," "psychologist," 114
"psychology," or any other terms that imply the person is trained, 115
experienced, or an expert in the field of psychology. 116

(B) "The practice of psychology" means rendering or offering 117
to render to individuals, groups, organizations, or the public any 118
service involving the application of psychological procedures to 119
assessment, diagnosis, prevention, treatment, or amelioration of 120
psychological problems or emotional or mental disorders of 121
individuals or groups; or to the assessment or improvement of 122
psychological adjustment or functioning of individuals or groups, 123
whether or not there is a diagnosable pre-existing psychological 124
problem. Practice of psychology includes the practice of school 125
psychology. For purposes of this chapter, teaching or research 126
shall not be regarded as the practice of psychology, even when 127
dealing with psychological subject matter, provided it does not 128
otherwise involve the professional practice of psychology in which 129
patient or client welfare is directly affected. 130

(C) "Psychological procedures" include but are not restricted 131
to application of principles, methods, or procedures of 132
understanding, predicting, or influencing behavior, such as the 133
principles pertaining to learning, conditioning, perception, 134
motivation, thinking, emotions, or interpersonal relationships; 135
the methods or procedures of verbal interaction, interviewing, 136
counseling, behavior modification, environmental manipulation, 137
group process, psychological psychotherapy, or hypnosis; and the 138
methods or procedures of administering or interpreting tests of 139
mental abilities, aptitudes, interests, attitudes, personality 140
characteristics, emotions, or motivation. 141

(D) "School psychologist" means any person who holds self out 142
to the public by any title or description of services 143
incorporating the words "school psychologist" or "school 144

psychology," or who holds self out to be trained, experienced, or 145
an expert in the practice of school psychology. 146

(E) "Practice of school psychology" means rendering or 147
offering to render to individuals, groups, organizations, or the 148
public any of the following services: 149

(1) Evaluation, diagnosis, or test interpretation limited to 150
assessment of intellectual ability, learning patterns, 151
achievement, motivation, or personality factors directly related 152
to learning problems in an educational setting; 153

(2) Counseling services for children or adults for 154
amelioration or prevention of educationally related learning 155
problems; 156

(3) Educational or vocational consultation or direct 157
educational services. This does not include industrial 158
consultation or counseling services to clients undergoing 159
vocational rehabilitation. 160

(F) "Licensed psychologist" means an individual holding a 161
current, valid license to practice psychology issued under section 162
4732.12 or 4732.15 of the Revised Code. 163

(G) "Licensed school psychologist" means an individual 164
holding a current, valid license to practice school psychology 165
issued under section 4732.12 or 4732.15 of the Revised Code. 166

(H) "Certificated school psychologist" means an individual 167
holding a current, valid school psychologist certificate issued 168
under division (M) of section 3319.22 of the Revised Code. 169

(I) "Mental health professional" and "mental health service" 170
have the same meanings as in section 2305.51 of the Revised Code. 171

(J) "Sexual orientation change efforts" has the same meaning 172
as in section 4757.01 of the Revised Code. 173

Sec. 4732.17. (A) The state board of psychology may refuse to	174
issue a license to any applicant, may issue a reprimand, or	175
suspend or revoke the license of any licensed psychologist or	176
licensed school psychologist, on any of the following grounds:	177
(1) Conviction of a felony, or of any offense involving moral	178
turpitude, in a court of this or any other state or in a federal	179
court;	180
(2) Using fraud or deceit in the procurement of the license	181
to practice psychology or school psychology or knowingly assisting	182
another in the procurement of such a license through fraud or	183
deceit;	184
(3) Accepting commissions or rebates or other forms of	185
remuneration for referring persons to other professionals;	186
(4) Willful, unauthorized communication of information	187
received in professional confidence;	188
(5) Being negligent in the practice of psychology or school	189
psychology;	190
(6) Using any controlled substance or alcoholic beverage to	191
an extent that such use impairs the person's ability to perform	192
the work of a psychologist or school psychologist with safety to	193
the public;	194
(7) Subject to section 4732.28 of the Revised Code, violating	195
any rule of professional conduct promulgated by the board;	196
(8) Practicing in an area of psychology for which the person	197
is clearly untrained or incompetent;	198
(9) An adjudication by a court, as provided in section	199
5122.301 of the Revised Code, that the person is incompetent for	200
the purpose of holding the license. Such person may have the	201
person's license issued or restored only upon determination by a	202
court that the person is competent for the purpose of holding the	203

license and upon the decision by the board that such license be 204
issued or restored. The board may require an examination prior to 205
such issuance or restoration. 206

(10) Waiving the payment of all or any part of a deductible 207
or copayment that a patient, pursuant to a health insurance or 208
health care policy, contract, or plan that covers psychological 209
services, would otherwise be required to pay if the waiver is used 210
as an enticement to a patient or group of patients to receive 211
health care services from that provider; 212

(11) Advertising that the person will waive the payment of 213
all or any part of a deductible or copayment that a patient, 214
pursuant to a health insurance or health care policy, contract, or 215
plan that covers psychological services, would otherwise be 216
required to pay; 217

(12) Violating section 4732.29 of the Revised Code; 218

(13) Notwithstanding division (A)(10) and (11) of this 219
section, sanctions shall not be imposed against any licensee who 220
waives deductibles and copayments: 221

(a) In compliance with the health benefit plan that expressly 222
allows such a practice. Waiver of the deductibles or copays shall 223
be made only with the full knowledge and consent of the plan 224
purchaser, payer, and third-party administrator. Such consent 225
shall be made available to the board upon request. 226

(b) For professional services rendered to any other person 227
licensed pursuant to this chapter to the extent allowed by this 228
chapter and the rules of the board. 229

(B) Except as provided in section 4732.171 of the Revised 230
Code, before the board may deny, suspend, or revoke a license 231
under this section, or otherwise discipline the holder of a 232
license, written charges shall be filed with the board by the 233
secretary and a hearing shall be had thereon in accordance with 234

Chapter 119. of the Revised Code. 235

Sec. 4732.29. A person licensed under this chapter, or a 236
person seeking licensure who performs counseling or other 237
psychological procedures as part of the person's training, shall 238
not engage in sexual orientation change efforts with any person 239
under eighteen years of age. 240

Sec. 4757.01. As used in this chapter: 241

(A) "Practice of professional counseling" means rendering or 242
offering to render to individuals, groups, organizations, or the 243
general public a counseling service involving the application of 244
clinical counseling principles, methods, or procedures to assist 245
individuals in achieving more effective personal, social, 246
educational, or career development and adjustment, including the 247
diagnosis and treatment of mental and emotional disorders. 248

(B) "Clinical counseling principles, methods, or procedures" 249
means an approach to counseling that emphasizes the counselor's 250
role in systematically assisting clients through all of the 251
following: assessing and analyzing background and current 252
information, diagnosing mental and emotional disorders, exploring 253
possible solutions, and developing and providing a treatment plan 254
for mental and emotional adjustment or development. "Clinical 255
counseling principles, methods, or procedures" includes at least 256
counseling, appraisal, consulting, and referral. 257

(C) "Practice of social work" means the application of 258
specialized knowledge of human development and behavior and 259
social, economic, and cultural systems in directly assisting 260
individuals, families, and groups in a clinical setting to improve 261
or restore their capacity for social functioning, including 262
counseling, the use of psychosocial interventions, and the use of 263
social psychotherapy, which includes the diagnosis and treatment 264

of mental and emotional disorders.	265
(D) "Accredited educational institution" means an institution	266
accredited by a national or regional accrediting agency accepted	267
by the board of regents.	268
(E) "Scope of practice" means the services, methods, and	269
techniques in which and the areas for which a person licensed or	270
registered under this chapter is trained and qualified.	271
(F) "Mental and emotional disorders" means those disorders	272
that are classified in accepted nosologies such as the	273
international classification of diseases and the diagnostic and	274
statistical manual of mental disorders and in future editions of	275
those nosologies.	276
(G) "Marriage and family therapy" means the diagnosis,	277
evaluation, assessment, counseling, management and treatment of	278
mental and emotional disorders, whether cognitive, affective, or	279
behavioral, within the context of marriage and family systems,	280
through the professional application of marriage and family	281
therapies and techniques.	282
(H) "Practice of marriage and family therapy" means the	283
diagnosis, treatment, evaluation, assessment, counseling, and	284
management, of mental and emotional disorders, whether cognitive,	285
affective or behavioral, within the context of marriage and family	286
systems, to individuals, couples, and families, singly or in	287
groups, whether those services are offered directly to the general	288
public or through public or private organizations, for a fee,	289
salary or other consideration through the professional application	290
of marriage and family theories, therapies, and techniques,	291
including, but not limited to psychotherapeutic theories,	292
therapies and techniques that marriage and family therapists are	293
educated and trained to perform.	294
(I) " <u>Sexual orientation change efforts</u> " means the practice of	295

seeking to change a person's sexual orientation, including efforts 296
to change behaviors, gender identity, or gender expressions, or to 297
reduce or eliminate sexual or romantic attractions or feelings 298
toward a person of the same gender. "Sexual orientation change 299
efforts" does not mean counseling for a person seeking to 300
transition from one gender to another, counseling that provides 301
acceptance, support, and understanding of a person or facilitates 302
a person's coping, social support, and identity exploration and 303
development, including sexual orientation-neutral interventions to 304
prevent or address unlawful conduct or unsafe sexual practices, or 305
counseling that does not seek to change sexual orientation. 306

Sec. 4757.35. A person licensed or certified under this 307
chapter, or a person seeking licensure or certification under this 308
chapter who performs counseling, marriage and family therapy, or 309
social work as part of the person's training, shall not engage in 310
sexual orientation change efforts with any person under eighteen 311
years of age. 312

Section 2. That existing sections 4723.43, 4732.01, 4732.17, 313
and 4757.01 of the Revised Code are hereby repealed. 314