

129th General Assembly
Regular Session
2011-2012

. B. No.

A BILL

To amend sections 1701.03, 1705.03, 1705.04, 1705.53, 1
1785.01, 1785.02, 1785.03, 2305.51, 2921.22, 2
3107.014, 3701.74, 3721.21, 4757.03, 4757.16, 3
4757.23, 4757.27, 4757.28, 4757.29, 4757.30, 4
4757.31, 4757.33, 4757.36, 4757.41, 5101.61, and 5
5123.61 and to enact sections 4757.37 and 5903.101 6
of the Revised Code to modify counselor, social 7
worker, and marriage and family therapist 8
licensing law, to provide certain professional 9
rights to such licensees, to require relevant 10
military experience to be considered by state 11
licensing boards and agencies and by private state 12
contractors, to permit state licensing entities to 13
consider relevant military training if certain 14
criteria are met, and to provide a waiver of a 15
licensure or certification fee if a veteran is 16
within six months of separation from active 17
military duty. 18

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

Section 1. That sections 1701.03, 1705.03, 1705.04, 1705.53, 19
1785.01, 1785.02, 1785.03, 2305.51, 2921.22, 3107.014, 3701.74, 20
3721.21, 4757.03, 4757.16, 4757.23, 4757.27, 4757.28, 4757.29, 21
4757.30, 4757.31, 4757.33, 4757.36, 4757.41, 5101.61, and 5123.61 22

be amended and sections 4757.37 and 5903.101 be enacted to read as 23
follows: 24

Sec. 1701.03. (A) A corporation may be formed under this 25
chapter for any purpose or combination of purposes for which 26
individuals lawfully may associate themselves, except that, if the 27
Revised Code contains special provisions pertaining to the 28
formation of any designated type of corporation other than a 29
professional association, as defined in section 1785.01 of the 30
Revised Code, a corporation of that type shall be formed in 31
accordance with the special provisions. 32

(B) On and after July 1, 1994, a corporation may be formed 33
under this chapter for the purpose of carrying on the practice of 34
any profession, including, but not limited to, a corporation for 35
the purpose of providing public accounting or certified public 36
accounting services, a corporation for the erection, owning, and 37
conducting of a sanitarium for receiving and caring for patients, 38
medical and hygienic treatment of patients, and instruction of 39
nurses in the treatment of disease and in hygiene, a corporation 40
for the purpose of providing architectural, landscape 41
architectural, professional engineering, or surveying services or 42
any combination of those types of services, and a corporation for 43
the purpose of providing a combination of the professional 44
services, as defined in section 1785.01 of the Revised Code, of 45
optometrists authorized under Chapter 4725. of the Revised Code, 46
chiropractors authorized under Chapter 4734. of the Revised Code 47
to practice chiropractic or acupuncture, psychologists authorized 48
under Chapter 4732. of the Revised Code, counselors, social 49
workers, or marriage and family therapists licensed under Chapter 50
4757. of the Revised Code, registered or licensed practical nurses 51
authorized under Chapter 4723. of the Revised Code, pharmacists 52
authorized under Chapter 4729. of the Revised Code, physical 53

therapists authorized under sections 4755.40 to 4755.56 of the 54
Revised Code, mechanotherapists authorized under section 4731.151 55
of the Revised Code, and doctors of medicine and surgery, 56
osteopathic medicine and surgery, or podiatric medicine and 57
surgery authorized under Chapter 4731. of the Revised Code. This 58
chapter does not restrict, limit, or otherwise affect the 59
authority or responsibilities of any agency, board, commission, 60
department, office, or other entity to license, register, and 61
otherwise regulate the professional conduct of individuals or 62
organizations of any kind rendering professional services, as 63
defined in section 1785.01 of the Revised Code, in this state or 64
to regulate the practice of any profession that is within the 65
jurisdiction of the agency, board, commission, department, office, 66
or other entity, notwithstanding that an individual is a director, 67
officer, employee, or other agent of a corporation formed under 68
this chapter and is rendering professional services or engaging in 69
the practice of a profession through a corporation formed under 70
this chapter or that the organization is a corporation formed 71
under this chapter. 72

(C) Nothing in division (A) or (B) of this section precludes 73
the organization of a professional association in accordance with 74
this chapter and Chapter 1785. of the Revised Code or the 75
formation of a limited liability company under Chapter 1705. of 76
the Revised Code with respect to a business, as defined in section 77
1705.01 of the Revised Code. 78

(D) No corporation formed for the purpose of providing a 79
combination of the professional services, as defined in section 80
1785.01 of the Revised Code, of optometrists authorized under 81
Chapter 4725. of the Revised Code, chiropractors authorized under 82
Chapter 4734. of the Revised Code to practice chiropractic or 83
acupuncture, psychologists authorized under Chapter 4732. of the 84
Revised Code, counselors, social workers, or marriage and family 85

therapists licensed under Chapter 4757. of the Revised Code, 86
registered or licensed practical nurses authorized under Chapter 87
4723. of the Revised Code, pharmacists authorized under Chapter 88
4729. of the Revised Code, physical therapists authorized under 89
sections 4755.40 to 4755.56 of the Revised Code, mechanotherapists 90
authorized under section 4731.151 of the Revised Code, and doctors 91
of medicine and surgery, osteopathic medicine and surgery, or 92
podiatric medicine and surgery authorized under Chapter 4731. of 93
the Revised Code shall control the professional clinical judgment 94
exercised within accepted and prevailing standards of practice of 95
a licensed, certificated, or otherwise legally authorized 96
optometrist, chiropractor, chiropractor practicing acupuncture 97
through the state chiropractic board, counselor, social worker, 98
marriage and family therapist, psychologist, nurse, pharmacist, 99
physical therapist, mechanotherapist, or doctor of medicine and 100
surgery, osteopathic medicine and surgery, or podiatric medicine 101
and surgery in rendering care, treatment, or professional advice 102
to an individual patient. 103

This division does not prevent a hospital, as defined in 104
section 3727.01 of the Revised Code, insurer, as defined in 105
section 3999.36 of the Revised Code, or intermediary organization, 106
as defined in section 1751.01 of the Revised Code, from entering 107
into a contract with a corporation described in this division that 108
includes a provision requiring utilization review, quality 109
assurance, peer review, or other performance or quality standards. 110
Those activities shall not be construed as controlling the 111
professional clinical judgment of an individual practitioner 112
listed in this division. 113

Sec. 1705.03. (A) A limited liability company may sue and be 114
sued. 115

(B) Unless otherwise provided in its articles of 116

organization, a limited liability company may take property of any 117
description or any interest in property of any description by 118
gift, devise, or bequest and may make donations for the public 119
welfare or for charitable, scientific, or educational purposes. 120

(C) In carrying out the purposes stated in its articles of 121
organization or operating agreement and subject to limitations 122
prescribed by law or in its articles of organization or its 123
operating agreement, a limited liability company may do all of the 124
following: 125

(1) Purchase or otherwise acquire, lease as lessee or lessor, 126
invest in, hold, use, encumber, sell, exchange, transfer, and 127
dispose of property of any description or any interest in property 128
of any description; 129

(2) Make contracts; 130

(3) Form or acquire the control of other domestic or foreign 131
limited liability companies; 132

(4) Be a shareholder, partner, member, associate, or 133
participant in other profit or nonprofit enterprises or ventures; 134

(5) Conduct its affairs in this state and elsewhere; 135

(6) Render in this state and elsewhere a professional 136
service, the kinds of professional services authorized under 137
Chapters 4703. and 4733. of the Revised Code, or a combination of 138
the professional services of optometrists authorized under Chapter 139
4725. of the Revised Code, chiropractors authorized under Chapter 140
4734. of the Revised Code to practice chiropractic or acupuncture, 141
counselors, social workers, or marriage and family therapists 142
licensed under Chapter 4757. of the Revised Code, psychologists 143
authorized under Chapter 4732. of the Revised Code, registered or 144
licensed practical nurses authorized under Chapter 4723. of the 145
Revised Code, pharmacists authorized under Chapter 4729. of the 146
Revised Code, physical therapists authorized under sections 147

4755.40 to 4755.56 of the Revised Code, occupational therapists	148
authorized under sections 4755.04 to 4755.13 of the Revised Code,	149
mechanotherapists authorized under section 4731.151 of the Revised	150
Code, and doctors of medicine and surgery, osteopathic medicine	151
and surgery, or podiatric medicine and surgery authorized under	152
Chapter 4731. of the Revised Code;	153
(7) Borrow money;	154
(8) Issue, sell, and pledge its notes, bonds, and other	155
evidences of indebtedness;	156
(9) Secure any of its obligations by mortgage, pledge, or	157
deed of trust of all or any of its property;	158
(10) Guarantee or secure obligations of any person;	159
(11) Do all things permitted by law and exercise all	160
authority within or incidental to the purposes stated in its	161
articles of organization.	162
(D) In addition to the authority conferred by division (C) of	163
this section and irrespective of the purposes stated in its	164
articles of organization or operating agreement but subject to any	165
limitations stated in those articles or its operating agreement, a	166
limited liability company may invest funds not currently needed in	167
its business in any securities if the investment does not cause	168
the company to acquire control of another enterprise whose	169
activities and operations are not incidental to the purposes	170
stated in the articles of organization of the company.	171
(E)(1) No lack of authority or limitation upon the authority	172
of a limited liability company shall be asserted in any action	173
except as follows:	174
(a) By the state in an action by it against the company;	175
(b) By or on behalf of the company in an action against a	176
manager, an officer, or any member as a member;	177

(c) By a member as a member in an action against the company, 178
a manager, an officer, or any member as a member; 179

(d) In an action involving an alleged improper issue of a 180
membership interest in the company. 181

(2) Division (E)(1) of this section applies to any action 182
commenced in this state upon any contract made in this state by a 183
foreign limited liability company. 184

Sec. 1705.04. (A) One or more persons, without regard to 185
residence, domicile, or state of organization, may form a limited 186
liability company. The articles of organization shall be signed 187
and filed with the secretary of state and shall set forth all of 188
the following: 189

(1) The name of the company; 190

(2) Except as provided in division (B) of this section, the 191
period of its duration, which may be perpetual; 192

(3) Any other provisions that are from the operating 193
agreement or that are not inconsistent with applicable law and 194
that the members elect to set out in the articles for the 195
regulation of the affairs of the company. 196

The legal existence of the company begins upon the filing of 197
the articles of organization or on a later date specified in the 198
articles of organization that is not more than ninety days after 199
the filing. 200

(B) If the articles of organization or operating agreement do 201
not set forth the period of the duration of the limited liability 202
company, its duration shall be perpetual. 203

(C) If a limited liability company is formed under this 204
chapter for the purpose of rendering a professional service, the 205
kinds of professional services authorized under Chapters 4703. and 206
4733. of the Revised Code, or a combination of the professional 207

services of optometrists authorized under Chapter 4725. of the 208
Revised Code, chiropractors authorized under Chapter 4734. of the 209
Revised Code to practice chiropractic or acupuncture, counselors, 210
social workers, or marriage and family therapists licensed under 211
Chapter 4757. of the Revised Code, psychologists authorized under 212
Chapter 4732. of the Revised Code, registered or licensed 213
practical nurses authorized under Chapter 4723. of the Revised 214
Code, pharmacists authorized under Chapter 4729. of the Revised 215
Code, physical therapists authorized under sections 4755.40 to 216
4755.56 of the Revised Code, occupational therapists authorized 217
under sections 4755.04 to 4755.13 of the Revised Code, 218
mechanotherapists authorized under section 4731.151 of the Revised 219
Code, and doctors of medicine and surgery, osteopathic medicine 220
and surgery, or podiatric medicine and surgery authorized under 221
Chapter 4731. of the Revised Code, the following apply: 222

(1) Each member, employee, or other agent of the company who 223
renders a professional service in this state and, if the 224
management of the company is not reserved to its members, each 225
manager of the company who renders a professional service in this 226
state shall be licensed, certificated, or otherwise legally 227
authorized to render in this state the same kind of professional 228
service; if applicable, the kinds of professional services 229
authorized under Chapters 4703. and 4733. of the Revised Code; or, 230
if applicable, any of the kinds of professional services of 231
optometrists authorized under Chapter 4725. of the Revised Code, 232
chiropractors authorized under Chapter 4734. of the Revised Code 233
to practice chiropractic or acupuncture, counselors, social 234
workers, or marriage and family therapists licensed under Chapter 235
4757. of the Revised Code, psychologists authorized under Chapter 236
4732. of the Revised Code, registered or licensed practical nurses 237
authorized under Chapter 4723. of the Revised Code, pharmacists 238
authorized under Chapter 4729. of the Revised Code, physical 239
therapists authorized under sections 4755.40 to 4755.56 of the 240

Revised Code, occupational therapists authorized under sections 241
4755.04 to 4755.13 of the Revised Code, mechanotherapists 242
authorized under section 4731.151 of the Revised Code, or doctors 243
of medicine and surgery, osteopathic medicine and surgery, or 244
podiatric medicine and surgery authorized under Chapter 4731. of 245
the Revised Code. 246

(2) Each member, employee, or other agent of the company who 247
renders a professional service in another state and, if the 248
management of the company is not reserved to its members, each 249
manager of the company who renders a professional service in 250
another state shall be licensed, certificated, or otherwise 251
legally authorized to render that professional service in the 252
other state. 253

(D) Except for the provisions of this chapter pertaining to 254
the personal liability of members, employees, or other agents of a 255
limited liability company and, if the management of the company is 256
not reserved to its members, the personal liability of managers of 257
the company, this chapter does not restrict, limit, or otherwise 258
affect the authority or responsibilities of any agency, board, 259
commission, department, office, or other entity to license, 260
certificate, register, and otherwise regulate the professional 261
conduct of individuals or organizations of any kind rendering 262
professional services in this state or to regulate the practice of 263
any profession that is within the jurisdiction of the agency, 264
board, commission, department, office, or other entity, 265
notwithstanding that the individual is a member or manager of a 266
limited liability company and is rendering the professional 267
services or engaging in the practice of the profession through the 268
limited liability company or that the organization is a limited 269
liability company. 270

(E) No limited liability company formed for the purpose of 271
providing a combination of the professional services, as defined 272

in section 1785.01 of the Revised Code, of optometrists authorized 273
under Chapter 4725. of the Revised Code, chiropractors authorized 274
under Chapter 4734. of the Revised Code to practice chiropractic 275
or acupuncture, counselors, social workers, or marriage and family 276
therapists licensed under Chapter 4757. of the Revised Code, 277
psychologists authorized under Chapter 4732. of the Revised Code, 278
registered or licensed practical nurses authorized under Chapter 279
4723. of the Revised Code, pharmacists authorized under Chapter 280
4729. of the Revised Code, physical therapists authorized under 281
sections 4755.40 to 4755.56 of the Revised Code, occupational 282
therapists authorized under sections 4755.04 to 4755.13 of the 283
Revised Code, mechanotherapists authorized under section 4731.151 284
of the Revised Code, and doctors of medicine and surgery, 285
osteopathic medicine and surgery, or podiatric medicine and 286
surgery authorized under Chapter 4731. of the Revised Code shall 287
control the professional clinical judgment exercised within 288
accepted and prevailing standards of practice of a licensed, 289
certificated, or otherwise legally authorized optometrist, 290
chiropractor, chiropractor practicing acupuncture through the 291
state chiropractic board, counselor, social worker, marriage and 292
family therapist, psychologist, nurse, pharmacist, physical 293
therapist, occupational therapist, mechanotherapist, or doctor of 294
medicine and surgery, osteopathic medicine and surgery, or 295
podiatric medicine and surgery in rendering care, treatment, or 296
professional advice to an individual patient. 297

This division does not prevent a hospital, as defined in 298
section 3727.01 of the Revised Code, insurer, as defined in 299
section 3999.36 of the Revised Code, or intermediary organization, 300
as defined in section 1751.01 of the Revised Code, from entering 301
into a contract with a limited liability company described in this 302
division that includes a provision requiring utilization review, 303
quality assurance, peer review, or other performance or quality 304
standards. Those activities shall not be construed as controlling 305

the professional clinical judgment of an individual practitioner 306
listed in this division. 307

Sec. 1705.53. Subject to any contrary provisions of the Ohio 308
Constitution, the laws of the state under which a foreign limited 309
liability company is organized govern its organization and 310
internal affairs and the liability of its members. A foreign 311
limited liability company may not be denied a certificate of 312
registration as a foreign limited liability company in this state 313
because of any difference between the laws of the state under 314
which it is organized and the laws of this state. However, a 315
foreign limited liability company that applies for registration 316
under this chapter to render a professional service in this state, 317
as a condition to obtaining and maintaining a certificate of 318
registration, shall comply with the requirements of division (C) 319
of section 1705.04 of the Revised Code and shall comply with the 320
requirements of Chapters 4703. and 4733. of the Revised Code if 321
the kinds of professional services authorized under those chapters 322
are to be rendered or with the requirements of Chapters 4723., 323
4725., 4729., 4731., 4732., 4734., and 4755. of the Revised Code 324
if a combination of the professional services of optometrists 325
authorized under Chapter 4725. of the Revised Code, chiropractors 326
authorized under Chapter 4734. of the Revised Code to practice 327
chiropractic or acupuncture, counselors, social workers, or 328
marriage and family therapists licensed under Chapter 4757. of the 329
Revised Code, psychologists authorized under Chapter 4732. of the 330
Revised Code, registered or licensed practical nurses authorized 331
under Chapter 4723. of the Revised Code, pharmacists authorized 332
under Chapter 4729. of the Revised Code, physical therapists 333
authorized under sections 4755.40 to 4755.56 of the Revised Code, 334
occupational therapists authorized under sections 4755.04 to 335
4755.13 of the Revised Code, mechanotherapists authorized under 336
section 4731.151 of the Revised Code, and doctors of medicine and 337

surgery, osteopathic medicine and surgery, or podiatric medicine 338
and surgery authorized under Chapter 4731. of the Revised Code are 339
to be rendered. 340

Sec. 1785.01. As used in this chapter: 341

(A) "Professional service" means any type of professional 342
service that may be performed only pursuant to a license, 343
certificate, or other legal authorization issued pursuant to 344
Chapter 4701., 4703., 4705., 4715., 4723., 4725., 4729., 4730., 345
4731., 4732., 4733., 4734., or 4741., sections 4755.04 to 4755.13, 346
or 4755.40 to 4755.56, or Chapter 4757. of the Revised Code to 347
certified public accountants, licensed public accountants, 348
architects, attorneys, dentists, nurses, optometrists, 349
pharmacists, physician assistants, doctors of medicine and 350
surgery, doctors of osteopathic medicine and surgery, doctors of 351
podiatric medicine and surgery, practitioners of the limited 352
branches of medicine specified in section 4731.15 of the Revised 353
Code, mechanotherapists, counselors, social workers, marriage and 354
family therapists, psychologists, professional engineers, 355
chiropractors, chiropractors practicing acupuncture through the 356
state chiropractic board, veterinarians, occupational therapists, 357
physical therapists, and occupational therapists. 358

(B) "Professional association" means an association organized 359
under this chapter for the sole purpose of rendering one of the 360
professional services authorized under Chapter 4701., 4703., 361
4705., 4715., 4723., 4725., 4729., 4730., 4731., 4732., 4733., 362
4734., or 4741., sections 4755.04 to 4755.13, or 4755.40 to 363
4755.56, or Chapter 4757. of the Revised Code, a combination of 364
the professional services authorized under Chapters 4703. and 365
4733. of the Revised Code, or a combination of the professional 366
services of optometrists authorized under Chapter 4725. of the 367
Revised Code, chiropractors authorized under Chapter 4734. of the 368

Revised Code to practice chiropractic or acupuncture, counselors, 369
social workers, or marriage and family therapists licensed under 370
Chapter 4757. of the Revised Code, psychologists authorized under 371
Chapter 4732. of the Revised Code, registered or licensed 372
practical nurses authorized under Chapter 4723. of the Revised 373
Code, pharmacists authorized under Chapter 4729. of the Revised 374
Code, physical therapists authorized under sections 4755.40 to 375
4755.56 of the Revised Code, occupational therapists authorized 376
under sections 4755.04 to 4755.13 of the Revised Code, 377
mechanotherapists authorized under section 4731.151 of the Revised 378
Code, and doctors of medicine and surgery, osteopathic medicine 379
and surgery, or podiatric medicine and surgery authorized under 380
Chapter 4731. of the Revised Code. 381

Sec. 1785.02. An individual or group of individuals each of 382
whom is licensed, certificated, or otherwise legally authorized to 383
render within this state the same kind of professional service, a 384
group of individuals each of whom is licensed, certificated, or 385
otherwise legally authorized to render within this state the 386
professional service authorized under Chapter 4703. or 4733. of 387
the Revised Code, or a group of individuals each of whom is 388
licensed, certificated, or otherwise legally authorized to render 389
within this state the professional service of optometrists 390
authorized under Chapter 4725. of the Revised Code, chiropractors 391
authorized under Chapter 4734. of the Revised Code to practice 392
chiropractic or acupuncture, counselors, social workers, or 393
marriage and family therapists licensed under Chapter 4757. of the 394
Revised Code, psychologists authorized under Chapter 4732. of the 395
Revised Code, registered or licensed practical nurses authorized 396
under Chapter 4723. of the Revised Code, pharmacists authorized 397
under Chapter 4729. of the Revised Code, physical therapists 398
authorized under sections 4755.40 to 4755.56 of the Revised Code, 399
occupational therapists authorized under sections 4755.04 to 400

4755.13 of the Revised Code, mechanotherapists authorized under 401
section 4731.151 of the Revised Code, or doctors of medicine and 402
surgery, osteopathic medicine and surgery, or podiatric medicine 403
and surgery authorized under Chapter 4731. of the Revised Code may 404
organize and become a shareholder or shareholders of a 405
professional association. Any group of individuals described in 406
this section who may be rendering one of the professional services 407
as an organization created otherwise than pursuant to this chapter 408
may incorporate under and pursuant to this chapter by amending the 409
agreement establishing the organization in a manner that the 410
agreement as amended constitutes articles of incorporation 411
prepared and filed in the manner prescribed in section 1785.08 of 412
the Revised Code and by otherwise complying with the applicable 413
requirements of this chapter. 414

Sec. 1785.03. A professional association may render a 415
particular professional service only through officers, employees, 416
and agents who are themselves duly licensed, certificated, or 417
otherwise legally authorized to render the professional service 418
within this state. As used in this section, "employee" does not 419
include clerks, bookkeepers, technicians, or other individuals who 420
are not usually and ordinarily considered by custom and practice 421
to be rendering a particular professional service for which a 422
license, certificate, or other legal authorization is required and 423
does not include any other person who performs all of that 424
person's employment under the direct supervision and control of an 425
officer, agent, or employee who renders a particular professional 426
service to the public on behalf of the professional association. 427

No professional association formed for the purpose of 428
providing a combination of the professional services, as defined 429
in section 1785.01 of the Revised Code, of optometrists authorized 430
under Chapter 4725. of the Revised Code, chiropractors authorized 431
under Chapter 4734. of the Revised Code to practice chiropractic 432

or acupuncture, counselors, social workers, or marriage and family 433
therapists licensed under Chapter 4757. of the Revised Code, 434
psychologists authorized under Chapter 4732. of the Revised Code, 435
registered or licensed practical nurses authorized under Chapter 436
4723. of the Revised Code, pharmacists authorized under Chapter 437
4729. of the Revised Code, physical therapists authorized under 438
sections 4755.40 to 4755.56 of the Revised Code, occupational 439
therapists authorized under sections 4755.04 to 4755.13 of the 440
Revised Code, mechanotherapists authorized under section 4731.151 441
of the Revised Code, and doctors of medicine and surgery, 442
osteopathic medicine and surgery, or podiatric medicine and 443
surgery authorized under Chapter 4731. of the Revised Code shall 444
control the professional clinical judgment exercised within 445
accepted and prevailing standards of practice of a licensed, 446
certificated, or otherwise legally authorized optometrist, 447
chiropractor, chiropractor practicing acupuncture through the 448
state chiropractic board, counselor, social worker, marriage and 449
family therapist, psychologist, nurse, pharmacist, physical 450
therapist, occupational therapist, mechanotherapist, or doctor of 451
medicine and surgery, osteopathic medicine and surgery, or 452
podiatric medicine and surgery in rendering care, treatment, or 453
professional advice to an individual patient. 454

This division does not prevent a hospital, as defined in 455
section 3727.01 of the Revised Code, insurer, as defined in 456
section 3999.36 of the Revised Code, or intermediary organization, 457
as defined in section 1751.01 of the Revised Code, from entering 458
into a contract with a professional association described in this 459
division that includes a provision requiring utilization review, 460
quality assurance, peer review, or other performance or quality 461
standards. Those activities shall not be construed as controlling 462
the professional clinical judgment of an individual practitioner 463
listed in this division. 464

Sec. 2305.51. (A)(1) As used in this section:	465
(a) "Civil Rights" has the same meaning as in section 5122.301 of the Revised Code.	466 467
(b) "Mental health client or patient" means an individual who is receiving mental health services from a mental health professional or organization.	468 469 470
(c) "Mental health organization" means an organization that engages one or more mental health professionals to provide mental health services to one or more mental health clients or patients.	471 472 473
(d) "Mental health professional" means an individual who is licensed, certified, or registered under the Revised Code, or otherwise authorized in this state, to provide mental health services for compensation, remuneration, or other personal gain.	474 475 476 477
(e) "Mental health service" means a service provided to an individual or group of individuals involving the application of medical, psychiatric, psychological, counseling, social work, <u>marriage and family therapy</u> , or nursing principles or procedures to either of the following:	478 479 480 481 482
(i) The assessment, diagnosis, prevention, treatment, or amelioration of mental, emotional, psychiatric, psychological, or psychosocial disorders or diseases, as described in the most recent edition of the diagnostic and statistical manual of mental disorders published by the American psychiatric association;	483 484 485 486 487
(ii) The assessment or improvement of mental, emotional, psychiatric, psychological, or psychosocial adjustment or functioning, regardless of whether there is a diagnosable, pre-existing disorder or disease.	488 489 490 491
(f) "Knowledgeable person" means an individual who has reason to believe that a mental health client or patient has the intent and ability to carry out an explicit threat of inflicting imminent	492 493 494

and serious physical harm to or causing the death of a clearly 495
identifiable potential victim or victims and who is either an 496
immediate family member of the client or patient or an individual 497
who otherwise personally knows the client or patient. 498

(2) For the purpose of this section, in the case of a threat 499
to a readily identifiable structure, "clearly identifiable 500
potential victim" includes any potential occupant of the 501
structure. 502

(B) A mental health professional or mental health 503
organization may be held liable in damages in a civil action, or 504
may be made subject to disciplinary action by an entity with 505
licensing or other regulatory authority over the professional or 506
organization, for serious physical harm or death resulting from 507
failing to predict, warn of, or take precautions to provide 508
protection from the violent behavior of a mental health client or 509
patient, only if the client or patient or a knowledgeable person 510
has communicated to the professional or organization an explicit 511
threat of inflicting imminent and serious physical harm to or 512
causing the death of one or more clearly identifiable potential 513
victims, the professional or organization has reason to believe 514
that the client or patient has the intent and ability to carry out 515
the threat, and the professional or organization fails to take one 516
or more of the following actions in a timely manner: 517

(1) Exercise any authority the professional or organization 518
possesses to hospitalize the client or patient on an emergency 519
basis pursuant to section 5122.10 of the Revised Code; 520

(2) Exercise any authority the professional or organization 521
possesses to have the client or patient involuntarily or 522
voluntarily hospitalized under Chapter 5122. of the Revised Code; 523

(3) Establish and undertake a documented treatment plan that 524
is reasonably calculated, according to appropriate standards of 525

professional practice, to eliminate the possibility that the 526
client or patient will carry out the threat, and, concurrent with 527
establishing and undertaking the treatment plan, initiate 528
arrangements for a second opinion risk assessment through a 529
management consultation about the treatment plan with, in the case 530
of a mental health organization, the clinical director of the 531
organization, or, in the case of a mental health professional who 532
is not acting as part of a mental health organization, any mental 533
health professional who is licensed to engage in independent 534
practice; 535

(4) Communicate to a law enforcement agency with jurisdiction 536
in the area where each potential victim resides, where a structure 537
threatened by a mental health client or patient is located, or 538
where the mental health client or patient resides, and if 539
feasible, communicate to each potential victim or a potential 540
victim's parent or guardian if the potential victim is a minor or 541
has been adjudicated incompetent, all of the following 542
information: 543

(a) The nature of the threat; 544

(b) The identity of the mental health client or patient 545
making the threat; 546

(c) The identity of each potential victim of the threat. 547

(C) All of the following apply when a mental health 548
professional or organization takes one or more of the actions set 549
forth in divisions (B)(1) to (4) of this section: 550

(1) The mental health professional or organization shall 551
consider each of the alternatives set forth and shall document the 552
reasons for choosing or rejecting each alternative. 553

(2) The mental health professional or organization may give 554
special consideration to those alternatives which, consistent with 555
public safety, would least abridge the rights of the mental health 556

client or patient established under the Revised Code, including 557
the rights specified in sections 5122.27 to 5122.31 of the Revised 558
Code. 559

(3) The mental health professional or organization is not 560
required to take an action that, in the exercise of reasonable 561
professional judgment, would physically endanger the professional 562
or organization, increase the danger to a potential victim, or 563
increase the danger to the mental health client or patient. 564

(4) The mental health professional or organization is not 565
liable in damages in a civil action, and shall not be made subject 566
to disciplinary action by any entity with licensing or other 567
regulatory authority over the professional or organization, for 568
disclosing any confidential information about a mental health 569
client or patient that is disclosed for the purpose of taking any 570
of the actions. 571

(D) The immunities from civil liability and disciplinary 572
action conferred by this section are in addition to and not in 573
limitation of any immunity conferred on a mental health 574
professional or organization by any other section of the Revised 575
Code or by judicial precedent. 576

(E) This section does not affect the civil rights of a mental 577
health client or patient under Ohio or Federal Law. 578

Sec. 2921.22. (A)(1) Except as provided in division (A)(2) of 579
this section, no person, knowing that a felony has been or is 580
being committed, shall knowingly fail to report such information 581
to law enforcement authorities. 582

(2) No person, knowing that a violation of division (B) of 583
section 2913.04 of the Revised Code has been, or is being 584
committed or that the person has received information derived from 585
such a violation, shall knowingly fail to report the violation to 586

law enforcement authorities. 587

(B) Except for conditions that are within the scope of 588
division (E) of this section, no physician, limited practitioner, 589
nurse, or other person giving aid to a sick or injured person 590
shall negligently fail to report to law enforcement authorities 591
any gunshot or stab wound treated or observed by the physician, 592
limited practitioner, nurse, or person, or any serious physical 593
harm to persons that the physician, limited practitioner, nurse, 594
or person knows or has reasonable cause to believe resulted from 595
an offense of violence. 596

(C) No person who discovers the body or acquires the first 597
knowledge of the death of a person shall fail to report the death 598
immediately to a physician whom the person knows to be treating 599
the deceased for a condition from which death at such time would 600
not be unexpected, or to a law enforcement officer, an ambulance 601
service, an emergency squad, or the coroner in a political 602
subdivision in which the body is discovered, the death is believed 603
to have occurred, or knowledge concerning the death is obtained. 604

(D) No person shall fail to provide upon request of the 605
person to whom a report required by division (C) of this section 606
was made, or to any law enforcement officer who has reasonable 607
cause to assert the authority to investigate the circumstances 608
surrounding the death, any facts within the person's knowledge 609
that may have a bearing on the investigation of the death. 610

(E)(1) As used in this division, "burn injury" means any of 611
the following: 612

(a) Second or third degree burns; 613

(b) Any burns to the upper respiratory tract or laryngeal 614
edema due to the inhalation of superheated air; 615

(c) Any burn injury or wound that may result in death; 616

(d) Any physical harm to persons caused by or as the result 617
of the use of fireworks, novelties and trick noisemakers, and wire 618
sparklers, as each is defined by section 3743.01 of the Revised 619
Code. 620

(2) No physician, nurse, or limited practitioner who, outside 621
a hospital, sanitarium, or other medical facility, attends or 622
treats a person who has sustained a burn injury that is inflicted 623
by an explosion or other incendiary device or that shows evidence 624
of having been inflicted in a violent, malicious, or criminal 625
manner shall fail to report the burn injury immediately to the 626
local arson, or fire and explosion investigation, bureau, if there 627
is a bureau of this type in the jurisdiction in which the person 628
is attended or treated, or otherwise to local law enforcement 629
authorities. 630

(3) No manager, superintendent, or other person in charge of 631
a hospital, sanitarium, or other medical facility in which a 632
person is attended or treated for any burn injury that is 633
inflicted by an explosion or other incendiary device or that shows 634
evidence of having been inflicted in a violent, malicious, or 635
criminal manner shall fail to report the burn injury immediately 636
to the local arson, or fire and explosion investigation, bureau, 637
if there is a bureau of this type in the jurisdiction in which the 638
person is attended or treated, or otherwise to local law 639
enforcement authorities. 640

(4) No person who is required to report any burn injury under 641
division (E)(2) or (3) of this section shall fail to file, within 642
three working days after attending or treating the victim, a 643
written report of the burn injury with the office of the state 644
fire marshal. The report shall comply with the uniform standard 645
developed by the state fire marshal pursuant to division (A)(15) 646
of section 3737.22 of the Revised Code. 647

(5) Anyone participating in the making of reports under 648

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

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

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

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

(1) The information is privileged by reason of the relationship between attorney and client; doctor and patient; licensed psychologist or licensed school psychologist and client; licensed counselor, social worker, or marriage and family therapist and client; member of the clergy, rabbi, minister, or priest and any person communicating information confidentially to

the member of the clergy, rabbi, minister, or priest for a 681
religious counseling purpose of a professional character; husband 682
and wife; or a communications assistant and those who are a party 683
to a telecommunications relay service call. 684

(2) The information would tend to incriminate a member of the 685
actor's immediate family. 686

(3) Disclosure of the information would amount to revealing a 687
news source, privileged under section 2739.04 or 2739.12 of the 688
Revised Code. 689

(4) Disclosure of the information would amount to disclosure 690
by a member of the ordained clergy of an organized religious body 691
of a confidential communication made to that member of the clergy 692
in that member's capacity as a member of the clergy by a person 693
seeking the aid or counsel of that member of the clergy. 694

(5) Disclosure would amount to revealing information acquired 695
by the actor in the course of the actor's duties in connection 696
with a bona fide program of treatment or services for drug 697
dependent persons or persons in danger of drug dependence, which 698
program is maintained or conducted by a hospital, clinic, person, 699
agency, or organization certified pursuant to section 3793.06 of 700
the Revised Code. 701

(6) Disclosure would amount to revealing information acquired 702
by the actor in the course of the actor's duties in connection 703
with a bona fide program for providing counseling services to 704
victims of crimes that are violations of section 2907.02 or 705
2907.05 of the Revised Code or to victims of felonious sexual 706
penetration in violation of former section 2907.12 of the Revised 707
Code. As used in this division, "counseling services" include 708
services provided in an informal setting by a person who, by 709
education or experience, is competent to provide those services. 710

(H) No disclosure of information pursuant to this section 711

gives rise to any liability or recrimination for a breach of 712
privilege or confidence. 713

(I) Whoever violates division (A) or (B) of this section is 714
guilty of failure to report a crime. Violation of division (A)(1) 715
of this section is a misdemeanor of the fourth degree. Violation 716
of division (A)(2) or (B) of this section is a misdemeanor of the 717
second degree. 718

(J) Whoever violates division (C) or (D) of this section is 719
guilty of failure to report knowledge of a death, a misdemeanor of 720
the fourth degree. 721

(K)(1) Whoever negligently violates division (E) of this 722
section is guilty of a minor misdemeanor. 723

(2) Whoever knowingly violates division (E) of this section 724
is guilty of a misdemeanor of the second degree. 725

Sec. 3107.014. (A) Except as provided in division (B) of this 726
section, only an individual who meets all of the following 727
requirements may perform the duties of an assessor under sections 728
3107.031, 3107.032, 3107.082, 3107.09, 3107.101, 3107.12, 729
5103.0324, and 5103.152 of the Revised Code: 730

(1) The individual must be in the employ of, appointed by, or 731
under contract with a court, public children services agency, 732
private child placing agency, or private noncustodial agency; 733

(2) The individual must be one of the following: 734

(a) A professional counselor, social worker, or marriage and 735
family therapist licensed under Chapter 4757. of the Revised Code; 736

(b) A psychologist licensed under Chapter 4732. of the 737
Revised Code; 738

(c) A student working to earn a four-year, post-secondary 739
degree, or higher, in a social or behavior science, or both, who 740

conducts assessor's duties under the supervision of a professional 741
counselor, social worker, or marriage and family therapist 742
licensed under Chapter 4757. of the Revised Code or a psychologist 743
licensed under Chapter 4732. of the Revised Code. Beginning July 744
1, 2009, a student is eligible under this division only if the 745
supervising professional counselor, social worker, marriage and 746
family therapist, or psychologist has completed training in 747
accordance with rules adopted under section 3107.015 of the 748
Revised Code. 749

~~(d) A civil service employee engaging in social work without 750
a license under Chapter 4757. of the Revised Code, as permitted by 751
division (A)(5) of section 4757.41 of the Revised Code An employee 752
of a court or public children services agency employed to conduct 753
the duties of an assessor; 754~~

(e) A former employee of a public children services agency 755
who, while so employed, conducted the duties of an assessor. 756

(3) The individual must complete training in accordance with 757
rules adopted under section 3107.015 of the Revised Code. 758

(B) An individual in the employ of, appointed by, or under 759
contract with a court prior to September 18, 1996, to conduct 760
adoption investigations of prospective adoptive parents may 761
perform the duties of an assessor under sections 3107.031, 762
3107.032, 3107.082, 3107.09, 3107.101, 3107.12, 5103.0324, and 763
5103.152 of the Revised Code if the individual complies with 764
division (A)(3) of this section regardless of whether the 765
individual meets the requirement of division (A)(2) of this 766
section. 767

(C) A court, public children services agency, private child 768
placing agency, or private noncustodial agency may employ, 769
appoint, or contract with an assessor in the county in which a 770
petition for adoption is filed and in any other county or location 771

outside this state where information needed to complete or 772
supplement the assessor's duties may be obtained. More than one 773
assessor may be utilized for an adoption. 774

(D) Not later than January 1, 2008, the department of job and 775
family services shall develop and maintain an assessor registry. 776
The registry shall list all individuals who are employed, 777
appointed by, or under contract with a court, public children 778
services agency, private child placing agency, or private 779
noncustodial agency and meet the requirements of an assessor as 780
described in this section. A public children services agency, 781
private child placing agency, private noncustodial agency, court, 782
or any other person may contact the department to determine if an 783
individual is listed in the assessor registry. An individual 784
listed in the assessor registry shall immediately inform the 785
department when that individual is no longer employed, appointed 786
by, or under contract with a court, public children services 787
agency, private child placing agency, or private noncustodial 788
agency to perform the duties of an assessor as described in this 789
section. The director of job and family services shall adopt rules 790
in accordance with Chapter 119. of the Revised Code necessary for 791
the implementation, contents, and maintenance of the registry, and 792
any sanctions related to the provision of information, or the 793
failure to provide information, that is needed for the proper 794
operation of the assessor registry. 795

Sec. 3701.74. (A) As used in this section and section 796
3701.741 of the Revised Code: 797

(1) "Ambulatory care facility" means a facility that provides 798
medical, diagnostic, or surgical treatment to patients who do not 799
require hospitalization, including a dialysis center, ambulatory 800
surgical facility, cardiac catheterization facility, diagnostic 801
imaging center, extracorporeal shock wave lithotripsy center, home 802

health agency, inpatient hospice, birthing center, radiation	803
therapy center, emergency facility, and an urgent care center.	804
"Ambulatory care facility" does not include the private office of	805
a physician or dentist, whether the office is for an individual or	806
group practice.	807
(2) "Chiropractor" means an individual licensed under Chapter	808
4734. of the Revised Code to practice chiropractic.	809
(3) "Emergency facility" means a hospital emergency	810
department or any other facility that provides emergency medical	811
services.	812
(4) "Health care practitioner" means all of the following:	813
(a) A dentist or dental hygienist licensed under Chapter	814
4715. of the Revised Code;	815
(b) A registered or licensed practical nurse licensed under	816
Chapter 4723. of the Revised Code;	817
(c) An optometrist licensed under Chapter 4725. of the	818
Revised Code;	819
(d) A dispensing optician, spectacle dispensing optician,	820
contact lens dispensing optician, or spectacle-contact lens	821
dispensing optician licensed under Chapter 4725. of the Revised	822
Code;	823
(e) A pharmacist licensed under Chapter 4729. of the Revised	824
Code;	825
(f) A physician;	826
(g) A physician assistant authorized under Chapter 4730. of	827
the Revised Code to practice as a physician assistant;	828
(h) A practitioner of a limited branch of medicine issued a	829
certificate under Chapter 4731. of the Revised Code;	830
(i) A psychologist licensed under Chapter 4732. of the	831

Revised Code;	832
(j) A chiropractor;	833
(k) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;	834 835
(l) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	836 837
(m) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	838 839
(n) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	840 841
(o) A professional clinical counselor, professional counselor, social worker, or independent social worker, <u>marriage and family therapist, or independent marriage and family therapist</u> licensed, or a social work assistant registered, under Chapter 4757. of the Revised Code;	842 843 844 845 846
(p) A dietitian licensed under Chapter 4759. of the Revised Code;	847 848
(q) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	849 850
(r) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code.	851 852 853
(5) "Health care provider" means a hospital, ambulatory care facility, long-term care facility, pharmacy, emergency facility, or health care practitioner.	854 855 856
(6) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.	857 858
(7) "Long-term care facility" means a nursing home, residential care facility, or home for the aging, as those terms	859 860

are defined in section 3721.01 of the Revised Code; an adult care 861
facility, as defined in section 3722.01 of the Revised Code; a 862
nursing facility or intermediate care facility for the mentally 863
retarded, as those terms are defined in section 5111.20 of the 864
Revised Code; a facility or portion of a facility certified as a 865
skilled nursing facility under Title XVIII of the "Social Security 866
Act," 49 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended. 867

(8) "Medical record" means data in any form that pertains to 868
a patient's medical history, diagnosis, prognosis, or medical 869
condition and that is generated and maintained by a health care 870
provider in the process of the patient's health care treatment. 871

(9) "Medical records company" means a person who stores, 872
locates, or copies medical records for a health care provider, or 873
is compensated for doing so by a health care provider, and charges 874
a fee for providing medical records to a patient or patient's 875
representative. 876

(10) "Patient" means either of the following: 877

(a) An individual who received health care treatment from a 878
health care provider; 879

(b) A guardian, as defined in section 1337.11 of the Revised 880
Code, of an individual described in division (A)(10)(a) of this 881
section. 882

(11) "Patient's personal representative" means a minor 883
patient's parent or other person acting in loco parentis, a 884
court-appointed guardian, or a person with durable power of 885
attorney for health care for a patient, the executor or 886
administrator of the patient's estate, or the person responsible 887
for the patient's estate if it is not to be probated. "Patient's 888
personal representative" does not include an insurer authorized 889
under Title XXXIX of the Revised Code to do the business of 890
sickness and accident insurance in this state, a health insuring 891

corporation holding a certificate of authority under Chapter 1751. 892
of the Revised Code, or any other person not named in this 893
division. 894

(12) "Pharmacy" has the same meaning as in section 4729.01 of 895
the Revised Code. 896

(13) "Physician" means a person authorized under Chapter 897
4731. of the Revised Code to practice medicine and surgery, 898
osteopathic medicine and surgery, or podiatric medicine and 899
surgery. 900

(14) "Authorized person" means a person to whom a patient has 901
given written authorization to act on the patient's behalf 902
regarding the patient's medical record. 903

(B) A patient, a patient's personal representative or an 904
authorized person who wishes to examine or obtain a copy of part 905
or all of a medical record shall submit to the health care 906
provider a written request signed by the patient, personal 907
representative, or authorized person dated not more than one year 908
before the date on which it is submitted. The request shall 909
indicate whether the copy is to be sent to the requestor, 910
physician or chiropractor, or held for the requestor at the office 911
of the health care provider. Within a reasonable time after 912
receiving a request that meets the requirements of this division 913
and includes sufficient information to identify the record 914
requested, a health care provider that has the patient's medical 915
records shall permit the patient to examine the record during 916
regular business hours without charge or, on request, shall 917
provide a copy of the record in accordance with section 3701.741 918
of the Revised Code, except that if a physician, psychologist, 919
counselor, social worker, marriage and family therapist, or 920
chiropractor who has treated the patient determines for clearly 921
stated treatment reasons that disclosure of the requested record 922
is likely to have an adverse effect on the patient, the health 923

care provider shall provide the record to a physician,
psychologist, counselor, social worker, marriage and family
therapist, or chiropractor designated by the patient. The health
care provider shall take reasonable steps to establish the
identity of the person making the request to examine or obtain a
copy of the patient's record.

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

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

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

Sec. 3721.21. As used in sections 3721.21 to 3721.34 of the
Revised Code:

(A) "Long-term care facility" means either of the following:

(1) A nursing home as defined in section 3721.01 of the
Revised Code, other than a nursing home or part of a nursing home
certified as an intermediate care facility for the mentally
retarded under Title XIX of the "Social Security Act," 49 Stat.
620 (1935), 42 U.S.C.A. 301, as amended;

(2) A facility or part of a facility that is certified as a
skilled nursing facility or a nursing facility under Title XVIII
or XIX of the "Social Security Act."

(B) "Residential care facility" has the same meaning as in 954
section 3721.01 of the Revised Code. 955

(C) "Abuse" means knowingly causing physical harm or 956
recklessly causing serious physical harm to a resident by physical 957
contact with the resident or by use of physical or chemical 958
restraint, medication, or isolation as punishment, for staff 959
convenience, excessively, as a substitute for treatment, or in 960
amounts that preclude habilitation and treatment. 961

(D) "Neglect" means recklessly failing to provide a resident 962
with any treatment, care, goods, or service necessary to maintain 963
the health or safety of the resident when the failure results in 964
serious physical harm to the resident. "Neglect" does not include 965
allowing a resident, at the resident's option, to receive only 966
treatment by spiritual means through prayer in accordance with the 967
tenets of a recognized religious denomination. 968

(E) "Misappropriation" means depriving, defrauding, or 969
otherwise obtaining the real or personal property of a resident by 970
any means prohibited by the Revised Code, including violations of 971
Chapter 2911. or 2913. of the Revised Code. 972

(F) "Resident" includes a resident, patient, former resident 973
or patient, or deceased resident or patient of a long-term care 974
facility or a residential care facility. 975

(G) "Physical restraint" has the same meaning as in section 976
3721.10 of the Revised Code. 977

(H) "Chemical restraint" has the same meaning as in section 978
3721.10 of the Revised Code. 979

(I) "Nursing and nursing-related services" means the personal 980
care services and other services not constituting skilled nursing 981
care that are specified in rules the public health council shall 982
adopt in accordance with Chapter 119. of the Revised Code. 983

(J) "Personal care services" has the same meaning as in section 3721.01 of the Revised Code.	984 985
(K)(1) Except as provided in division (K)(2) of this section, "nurse aide" means an individual who provides nursing and nursing-related services to residents in a long-term care facility, either as a member of the staff of the facility for monetary compensation or as a volunteer without monetary compensation.	986 987 988 989 990 991
(2) "Nurse aide" does not include either of the following:	992
(a) A licensed health professional practicing within the scope of the professional's license;	993 994
(b) An individual providing nursing and nursing-related services in a religious nonmedical health care institution, if the individual has been trained in the principles of nonmedical care and is recognized by the institution as being competent in the administration of care within the religious tenets practiced by the residents of the institution.	995 996 997 998 999 1000
(L) "Licensed health professional" means all of the following:	1001 1002
(1) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	1003 1004
(2) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	1005 1006
(3) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatry;	1007 1008 1009
(4) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;	1010 1011
(5) A registered nurse or licensed practical nurse licensed under Chapter 4723. of the Revised Code;	1012 1013

(6) A social worker or independent social worker licensed under Chapter 4757. of the Revised Code or a social work assistant registered under that chapter;	1014 1015 1016
(7) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	1017 1018
(8) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;	1019 1020
(9) An optometrist licensed under Chapter 4725. of the Revised Code;	1021 1022
(10) A pharmacist licensed under Chapter 4729. of the Revised Code;	1023 1024
(11) A psychologist licensed under Chapter 4732. of the Revised Code;	1025 1026
(12) A chiropractor licensed under Chapter 4734. of the Revised Code;	1027 1028
(13) A nursing home administrator licensed or temporarily licensed under Chapter 4751. of the Revised Code;	1029 1030
(14) A professional counselor or professional clinical counselor licensed under Chapter 4757. of the Revised Code;	1031 1032
<u>(15) A marriage and family therapist or independent marriage and family therapist licensed under Chapter 4757. of the Revised Code.</u>	1033 1034 1035
(M) "Religious nonmedical health care institution" means an institution that meets or exceeds the conditions to receive payment under the medicare program established under Title XVIII of the "Social Security Act" for inpatient hospital services or post-hospital extended care services furnished to an individual in a religious nonmedical health care institution, as defined in section 1861(ss)(1) of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395x(ss)(1), as amended.	1036 1037 1038 1039 1040 1041 1042 1043

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

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

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

Four of the members shall be individuals licensed under this chapter as professional clinical counselors or professional counselors. At all times, the counselor membership shall include at least two licensed professional clinical counselors, at least one individual who has received a doctoral degree in counseling from an accredited educational institution recognized by the board and holds a graduate level teaching position in a counselor education program, and at least two individuals who have received at least a master's degree in counseling from an accredited educational institution recognized by the board.

Two of the members shall be individuals licensed under this chapter as independent marriage and family therapists and two shall be individuals licensed under this chapter as marriage and family therapists or, if the board has not yet licensed independent marriage and family therapists or marriage and family therapists, eligible for licensure as independent marriage and family therapists or marriage and family therapists. They shall have, during the five years preceding appointment, actively engaged in the practice of marriage and family therapy, in educating and training master's, doctoral, or postdoctoral students of marriage and family therapy, or in marriage and family

therapy research and, during the two years immediately preceding 1075
appointment, shall have devoted the majority of their professional 1076
time to the activity while residing in this state. 1077

Two members shall be individuals licensed under this chapter 1078
as independent social workers. Two members shall be individuals 1079
licensed under this chapter as social workers, at least one of 1080
whom must hold a bachelor's or master's degree in social work from 1081
an accredited educational institution recognized by the board. At 1082
all times, the social worker membership shall include one educator 1083
who holds a teaching position in a baccalaureate or master's 1084
degree social work program at an accredited educational 1085
institution recognized by the board. 1086

Three members shall be representatives of the general public 1087
who have not practiced professional counseling, marriage and 1088
family therapy, or social work and have not been involved in the 1089
delivery of professional counseling, marriage and family therapy, 1090
or social work services. At least one of the members representing 1091
the general public shall be at least sixty years of age. During 1092
their terms the public members shall not practice professional 1093
counseling, marriage and family therapy, or social work or be 1094
involved in the delivery of professional counseling, marriage and 1095
family therapy, or social work services. 1096

Not more than eight members of the board may be members of 1097
the same political party or sex. At least one member of the board 1098
shall be of African, Native American, Hispanic, or Asian descent. 1099

Of the initial appointees, three shall be appointed for terms 1100
ending October 10, 1985, four shall be appointed for terms ending 1101
October 10, 1986, and four shall be appointed for terms ending 1102
October 10, 1987. Of the two initial independent marriage and 1103
family therapists appointed to the board, one shall be appointed 1104
for a term ending two years after ~~the effective date of this~~ 1105
~~amendment~~ April 7, 2003, and one for a term ending three years 1106

after that date. Of the two initial marriage and family therapists 1107
appointed to the board, one shall be appointed for a term ending 1108
two years after ~~the effective date of this amendment~~ April 7, 1109
2003, and one for a term ending three years after that date. After 1110
the initial appointments, terms of office shall be three years, 1111
each term ending on the same day of the same month of the year as 1112
did the term that it succeeds. 1113

A member shall hold office from the date of appointment until 1114
the end of the term for which the member was appointed. A member 1115
appointed to fill a vacancy occurring prior to the expiration of 1116
the term for which the member's predecessor was appointed shall 1117
hold office for the remainder of that term. A member shall 1118
continue in office after the expiration date of the member's term 1119
until a successor takes office ~~or until a period of sixty days has~~ 1120
~~elapsed, whichever occurs first.~~ Members may be reappointed, 1121
except that if a person has held office for two consecutive full 1122
terms, the person shall not be reappointed to the board sooner 1123
than one year after the expiration of the second full term as a 1124
member of the board. 1125

Sec. 4757.16. (A) A person seeking to be licensed under this 1126
chapter as a professional clinical counselor or professional 1127
counselor shall file with the counselors professional standards 1128
committee of the counselor, social worker, and marriage and family 1129
therapist board a written application on a form prescribed by the 1130
board. A person seeking to be licensed under this chapter as an 1131
independent social worker or social worker or registered under 1132
this chapter as a social work assistant shall file with the social 1133
workers professional standards committee of the board a written 1134
application on a form prescribed by the board. A person seeking to 1135
be licensed under this chapter as an independent marriage and 1136
family therapist or a marriage and family therapist shall file 1137
with the marriage and family therapist professional standards 1138

committee of the board a written application on a form prescribed 1139
by the board. 1140

Each form prescribed by the board shall contain a statement 1141
informing the applicant that a person who knowingly makes a false 1142
statement on the form is guilty of falsification under section 1143
2921.13 of the Revised Code, a misdemeanor of the first degree. 1144

(B) The professional standards committees shall adopt rules 1145
under Chapter 119. of the Revised Code concerning the process for 1146
review of each application received ~~and shall to~~ determine whether 1147
the applicant meets the requirements to receive the license or 1148
certificate of registration for which application has been made. 1149

Sec. 4757.23. (A) The counselors professional standards 1150
committee of the counselor, social worker, and marriage and family 1151
therapist board shall issue a license as a professional counselor 1152
to each applicant who submits a properly completed application, 1153
pays the fee established under section 4757.31 of the Revised 1154
Code, and meets the requirements established under division (B) of 1155
this section. 1156

(B) To be eligible for a license as a professional counselor, 1157
an individual must meet the following requirements: 1158

(1) The individual must be of good moral character. 1159

(2) The individual must hold from an accredited educational 1160
institution a graduate degree in counseling. 1161

(3) The individual must complete a minimum of ninety quarter 1162
hours of graduate credit in counselor training acceptable to the 1163
committee, which the individual may complete while working toward 1164
receiving a graduate degree in counseling or subsequent to 1165
receiving the degree. 1166

(4) The individual must pass an examination administered by 1167

the board for the purpose of determining ability to practice as a professional counselor.

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

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

(2) Participation in a supervised practicum and internship in counseling;

(3) A minimum of sixty semester or ninety quarter hours of graduate credit in counselor training acceptable to the committee, including a minimum of twenty semester or thirty quarter hours of instruction in the following areas:

(a) Clinical psychopathology, personality, and abnormal behavior;

(b) Evaluation of mental and emotional disorders;

(c) Diagnosis of mental and emotional disorders;

(d) Methods of prevention, intervention, and treatment of mental and emotional disorders.

(D) The committee may issue a provisional license to an applicant who meets all of the requirements to be licensed under this section, pending the receipt of transcripts or action by the committee to issue a license as a professional counselor.

(E) An individual may not sit for the licensing examination unless the individual meets the educational requirements to be licensed under this section. An individual who is denied admission to the licensing examination may appeal the denial in accordance

with Chapter 119. of the Revised Code. 1198

(F) The board shall adopt any rules necessary for the 1199
committee to implement this section, including criteria for the 1200
committee to use in determining whether an applicant's training 1201
should be accepted. Rules adopted under this division shall be 1202
adopted in accordance with Chapter 119. of the Revised Code. 1203

(G) The board shall adopt rules for voluntary registration of 1204
master level counseling students enrolled in practice and 1205
internships. 1206

Sec. 4757.27. (A) The social workers professional standards 1207
committee of the counselor, social worker, and marriage and family 1208
therapist board shall issue a license as an independent social 1209
worker to each applicant who submits a properly completed 1210
application, pays the fee established under section 4757.31 of the 1211
Revised Code, and meets the requirements specified in division (B) 1212
of this section. An independent social worker license shall 1213
clearly indicate each academic degree earned by the person to whom 1214
it has been issued. 1215

(B) To be eligible for a license as an independent social 1216
worker, an individual must meet the following requirements: 1217

(1) The individual must be of good moral character. 1218

(2) The individual must hold from ~~an~~ a council on social work 1219
education (CSWE) accredited educational institution a master's 1220
degree ~~or a doctorate~~ in social work. 1221

(3) The individual must complete at least two years of 1222
post-master's degree social work experience supervised by an 1223
independent social worker. 1224

(4) The individual must pass an examination administered by 1225
the board for the purpose of determining ability to practice as an 1226
independent social worker. 1227

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

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

(E) The board shall adopt rules for voluntary registration of master level social worker students enrolled in fieldwork, practice, and internships.

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

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

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

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

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

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

(c) A doctorate in social work.	1258
(3) The individual must pass an examination administered by the board for the purpose of determining ability to practice as a social worker.	1259 1260 1261
(C) The committee may issue a temporary license to an applicant who meets all of the requirements to be licensed under this section, pending the receipt of transcripts or action by the committee to issue a license as a social worker. However, the committee may issue a temporary license to an applicant who provides the board with a statement from the applicant's academic institution indicating that the applicant is in good standing with the institution, that the applicant has met the academic requirements for the applicant's degree, and the date the applicant will receive the applicant's degree.	1262 1263 1264 1265 1266 1267 1268 1269 1270 1271
(D) The board shall adopt any rules necessary for the committee to implement this section, including criteria for the committee to use in determining whether an applicant's training should be accepted and supervised experience approved. Rules adopted under this division shall be adopted in accordance with Chapter 119. of the Revised Code.	1272 1273 1274 1275 1276 1277
Sec. 4757.29. (A) The social workers professional standards committee of the counselor, social worker, and marriage and family therapist board shall issue a certificate of registration as a social work assistant to each applicant who submits a properly completed application, pays the fee established under section 4757.31 of the Revised Code, is of good moral character, and holds from an accredited educational institution an associate degree in social service technology or a bachelor's degree that is equivalent to an associate degree in social service technology or a related bachelor's or higher degree that is approved by the committee.	1278 1279 1280 1281 1282 1283 1284 1285 1286 1287 1288

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

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

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

- (1) Properly completed an application for the license;
- (2) Paid the required fee established by the board under section 4757.31 of the Revised Code;
- (3) Achieved one of the following:
 - (a) Received from an educational institution accredited at the time the degree was granted by a regional accrediting

organization recognized by the board a master's degree or a	1319
doctorate in marriage and family therapy;	1320
(b) Completed a graduate degree that includes a minimum of	1321
ninety quarter hours of graduate level course work in marriage and	1322
family therapy training that is acceptable to the committee;	1323
(4) Passed an examination administered by the board for the	1324
purpose of determining the person's ability to be a marriage and	1325
family therapist;	1326
(5) Completed a practicum that includes at least three	1327
hundred hours of client contact.	1328
(B) To be accepted by the committee for purposes of division	1329
(A)(3)(b) of this section, marriage and family therapist training	1330
must include instruction in at least the following:	1331
(1) Research and evaluation;	1332
(2) Professional, legal, and ethical responsibilities;	1333
(3) Marriage and family studies;	1334
(4) Marriage and family therapy, including therapeutic theory	1335
and techniques for individuals, groups, and families;	1336
(5) Human development;	1337
(6) Appraisal of individuals and families;	1338
(7) Diagnosis of mental and emotional disorders;	1339
(8) Systems theory.	1340
(C) The marriage and family therapist professional standards	1341
committee shall issue a license to practice as an independent	1342
marriage and family therapist to a person who does both of the	1343
following:	1344
(1) Meets all of the requirements of division (A) of this	1345
section;	1346

(2) After meeting the requirements of division (A)(3) of this section, completes at least two calendar years of work experience in marriage and family therapy.

The two calendar years of work experience must include one thousand hours of documented client contact in marriage and family therapy. Two hundred hours of the one thousand hours must include face-to-face supervision by a supervisor whose training and experience meets standards established by the board in rules adopted under section 4757.10 of the Revised Code and one hundred hours of the two hundred hours of supervision must be individual supervision.

(D) An independent marriage and family therapist or a marriage and family therapist may engage in the private practice of marriage and family therapy as an individual practitioner or as a member of a partnership or group practice.

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

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

(G) An independent marriage and family therapist or a marriage and family therapist may not diagnose, treat, or advise on conditions outside the recognized boundaries of the marriage and family therapist's competency. An independent marriage and

family therapist or a marriage and family therapist shall make 1378
appropriate and timely referrals when a client's needs exceed the 1379
marriage and family therapist's competence level. 1380

(H) The board shall adopt rules for voluntary registration of 1381
master level marriage and family therapy students enrolled in 1382
practice and internships. 1383

Sec. 4757.31. (A) Subject to division (B) of this section, 1384
the counselor, social worker, and marriage and family therapist 1385
board shall establish, and may from time to time adjust, fees to 1386
be charged for the following: 1387

(1) Examination for licensure as a professional clinical 1388
counselor, professional counselor, marriage and family therapist, 1389
independent marriage and family therapist, social worker, or 1390
independent social worker; 1391

(2) Initial licenses of professional clinical counselors, 1392
professional counselors, marriage and family therapists, 1393
independent marriage and family therapists, social workers, and 1394
independent social workers, except that the board shall charge 1395
only one fee to a person who fulfills all requirements for more 1396
than one of the following initial licenses: an initial license as 1397
a social worker or independent social worker, an initial license 1398
as a professional counselor or professional clinical counselor, 1399
and an initial license as a marriage and family therapist or 1400
independent marriage and family therapist; 1401

(3) Initial certificates of registration of social work 1402
assistants; 1403

(4) Renewal and late renewal of licenses of professional 1404
clinical counselors, professional counselors, marriage and family 1405
therapists, independent marriage and family therapists, social 1406
workers, and independent social workers and renewal and late 1407

renewal of certificates of registration of social work assistants;	1408
(5) Verification, to another jurisdiction, of a license or registration issued by the board;	1409
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(6) Continuing education programs offered by the board to licensees or registrants;	1411
	1412
<u>(7) Late completion of continuing counselor, social worker, or marriage and family therapy education required under section 4757.33 and the rules adopted thereunder.</u>	1413
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	1415
(B) The fees charged under division (A)(1) of this section shall be established in amounts sufficient to cover the direct expenses incurred in examining applicants for licensure. The fees charged under divisions (A)(2) to (6) of this section shall be nonrefundable and shall be established in amounts sufficient to cover the necessary expenses in administering this chapter and rules adopted under it that are not covered by fees charged under division (A)(1) or (C) of this section. The renewal fee for a license or certificate of registration shall not be less than the initial fee for that license or certificate. The fees charged for licensure and registration and the renewal of licensure and registration may differ for the various types of licensure and registration, but shall not exceed one hundred twenty-five dollars each, unless the board determines that amounts in excess of one hundred twenty-five dollars are needed to cover its necessary expenses in administering this chapter and rules adopted under it and the amounts in excess of one hundred twenty-five dollars are approved by the controlling board.	1416
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(C) All receipts of the board shall be deposited in the state treasury to the credit of the occupational licensing and regulatory fund. All vouchers of the board shall be approved by the chairperson or executive director of the board, or both, as authorized by the board.	1434
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Sec. 4757.33. (A) Except as provided in division (B) of this 1439
section, each person who holds a license or certificate of 1440
registration issued under this chapter shall complete during the 1441
period that the license or certificate is in effect not less than 1442
thirty clock hours of continuing professional education as a 1443
condition of receiving a renewed license or certificate. To have a 1444
lapsed license or certificate of registration restored, a person 1445
shall complete the number of hours of continuing education 1446
specified by the counselor, social worker, and marriage and family 1447
therapist board in rules it shall adopt in accordance with Chapter 1448
119. of the Revised Code. 1449

The professional standards committees of the counselor, 1450
social worker, and marriage and family therapist board shall adopt 1451
rules in accordance with Chapter 119. of the Revised Code 1452
establishing standards and procedures to be followed by the 1453
committees in conducting the continuing education approval 1454
process, which shall include registering individuals and entities 1455
to provide approved continuing education programs. 1456

(B) The board may waive the continuing education requirements 1457
established under this section for persons who are unable to 1458
fulfill them because of military service, illness, residence 1459
abroad, or any other reason the committee considers acceptable. 1460

~~In the case of a social worker licensed by virtue of 1461
receiving, prior to October 10, 1992, a baccalaureate degree in a 1462
program closely related to social work, as a condition of the 1463
first renewal of the license, the social worker must complete at 1464
an accredited educational institution a minimum of five semester 1465
hours of social work graduate or undergraduate credit, or their 1466
equivalent, that is acceptable to the committee and includes a 1467
course in social work theory and a course in social work methods.~~ 1468

Sec. 4757.36. (A) The appropriate professional standards 1469
committee of the counselor, social worker, and marriage and family 1470
therapist board may, in accordance with Chapter 119. of the 1471
Revised Code, take any action specified in division (B) of this 1472
section against an individual who has applied for or holds a 1473
license to practice as a professional clinical counselor, 1474
professional counselor, independent marriage and family therapist, 1475
marriage and family therapist, social worker, or independent 1476
social worker, or a certificate of registration to practice as a 1477
social work assistant counselor trainee, social worker trainee, or 1478
marriage and family therapist trainee, for any reason described in 1479
division (C) of this section. The board may, under Chapter 119. of 1480
the Revised Code, take any action specified in division (B) of 1481
this section against an individual or entity who has applied for 1482
or holds a registration under the rules enacted under section 1483
4757.33 of the Revised Code to offer continuing education courses 1484
or programs under the board's approval. 1485

(B) In its imposition of sanctions against an individual or a 1486
registered entity providing continuing education programs, the 1487
board may do any of the following: 1488

(1) Refuse to issue or refuse to renew a license or 1489
certificate of registration; 1490

(2) Suspend, revoke, permanently revoke, or otherwise 1491
restrict a license or certificate of registration; 1492

(3) Reprimand an individual holding a license or certificate 1493
of registration; 1494

(4) Impose a fine in accordance with the graduated system of 1495
fines established by the board in rules adopted under section 1496
4757.10 of the Revised Code. 1497

(C) The appropriate professional standards committee of the 1498

board may take an action specified in division (B) of this section	1499
for any of the following reasons:	1500
(1) Commission of an act that violates any provision of this	1501
chapter or rules adopted under it;	1502
(2) Knowingly making a false statement on an application for	1503
licensure or registration, or for renewal of a license or	1504
certificate of registration;	1505
(3) Accepting a commission or rebate for referring persons to	1506
any professionals licensed, certified, or registered by any court	1507
or board, commission, department, division, or other agency of the	1508
state, including, but not limited to, individuals practicing	1509
counseling, social work, or marriage and family therapy or	1510
practicing in fields related to counseling, social work, or	1511
marriage and family therapy;	1512
(4) A failure to comply with section 4757.12 of the Revised	1513
Code;	1514
(5) A conviction in this or any other state of a crime that	1515
is a felony in this state;	1516
(6) A failure to perform properly as a professional clinical	1517
counselor, professional counselor, independent marriage and family	1518
therapist, marriage and family therapist, social work assistant,	1519
social worker, or independent social worker due to the use of	1520
alcohol or other drugs or any other physical or mental condition;	1521
(7) A conviction in this state or in any other state of a	1522
misdemeanor committed in the course of practice as a professional	1523
clinical counselor, professional counselor, independent marriage	1524
and family therapist, marriage and family therapist, social work	1525
assistant, social worker, or independent social worker;	1526
(8) Practicing outside the scope of practice applicable to	1527
that person;	1528

(9) Practicing in violation of the supervision requirements 1529
specified under sections 4757.21 and 4757.26, and division (E) of 1530
section 4757.30, of the Revised Code; 1531

(10) A violation of the person's code of ethical practice 1532
adopted by rule of the board pursuant to section 4757.11 of the 1533
Revised Code; 1534

(11) Revocation or suspension of a license or certificate of 1535
registration, other disciplinary action against a licensee or 1536
registrant, or the voluntary surrender of a license or certificate 1537
of registration in another state or jurisdiction for an offense 1538
that would be a violation of this chapter. 1539

(D) One year or more after the date of suspension or 1540
revocation of a license or certificate of registration under this 1541
section, application may be made to the appropriate professional 1542
standards committee for reinstatement. The committee may ~~accept~~ 1543
approve or ~~refuse~~ deny an application for reinstatement, but the 1544
committee may not approve an application for reinstatement of a 1545
license or certificate of registration that has been permanently 1546
revoked by the board. If a license has been suspended or revoked, 1547
the committee may require an examination for reinstatement. 1548

(E) On request of the board, the attorney general shall bring 1549
and prosecute to judgment a civil action to collect any fine 1550
imposed under division (B)(4) of this section that remains unpaid. 1551

(F) All fines collected under division (B)(4) of this section 1552
shall be deposited into the state treasury to the credit of the 1553
occupational licensing and regulatory fund. 1554

Sec. 4757.41. (A) This chapter shall not apply to the 1555
following: 1556

(1) A person certified by the state board of education under 1557
Chapter 3319. of the Revised Code while performing any services 1558

within the person's scope of employment by a board of education or 1559
by a private school meeting the standards prescribed by the state 1560
board of education under division (D) of section 3301.07 of the 1561
Revised Code or in a program operated under Chapter 5126. of the 1562
Revised Code for training individuals with mental retardation or 1563
other developmental disabilities; 1564

(2) Psychologists or school psychologists licensed under 1565
Chapter 4732. of the Revised Code; 1566

(3) Members of other professions licensed, certified, or 1567
registered by this state while performing services within the 1568
recognized scope, standards, and ethics of their respective 1569
professions; 1570

(4) Rabbis, priests, Christian science practitioners, clergy, 1571
or members of religious orders and other individuals participating 1572
with them in pastoral counseling when the counseling activities 1573
are within the scope of the performance of their regular or 1574
specialized ministerial duties and are performed under the 1575
auspices or sponsorship of an established and legally cognizable 1576
church, denomination, or sect or an integrated auxiliary of a 1577
church as defined in federal tax regulations, paragraph (g)(5) of 1578
26 C.F.R. 1.6033-2 (1995), and when the individual rendering the 1579
service remains accountable to the established authority of that 1580
church, denomination, sect, or integrated auxiliary; 1581

~~(5) Any person employed in the civil service as defined in 1582
section 124.01 of the Revised Code while engaging in social work 1583
or professional counseling as a civil service employee; 1584~~

~~(6) A student in an accredited educational institution while 1585
carrying out activities that are part of the student's prescribed 1586
course of study if the activities are supervised as required by 1587
the educational institution and if the student does not hold 1588
herself or himself out as a person licensed or registered under 1589~~

this chapter; 1590

~~(7) Until two years after the date the department of alcohol and drug addiction services ceases to administer its process for the certification or credentialing of chemical dependency counselors and alcohol and other drug prevention specialists under section 3793.07 of the Revised Code, as specified in division (B) of that section, or in the case of an individual who has the expiration date of the individual's certificate or credentials delayed under section 4758.04 of the Revised Code, until the date of the delayed expiration, individuals with certification or credentials accepted by the department under that section who are acting within the scope of their certification or credentials as members of the profession of chemical dependency counseling or as alcohol and other drug prevention specialists;~~ 1591
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~~(8)~~(6) Individuals who hold a license or certificate under Chapter 4758. of the Revised Code who are acting within the scope of their license or certificate as members of the profession of chemical dependency counseling or alcohol and other drug prevention services; 1604
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~~(9)~~(7) Any person employed by the American red cross while engaging in activities relating to services for military families and veterans and disaster relief, as described in the "American National Red Cross Act," 33 Stat. 599 (1905), 36 U.S.C.A. 1, as amended; 1609
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~~(10)~~(8) Members of labor organizations who hold union counselor certificates while performing services in their official capacity as union counselors; 1614
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~~(11)~~(9) Any person employed in a hospital as defined in section 3727.01 of the Revised Code or in a nursing home as defined in section 3721.01 of the Revised Code while providing as a hospital employee or nursing home employee, respectively, social 1617
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services other than counseling and the use of psychosocial 1621
interventions and social psychotherapy. 1622

(B) Divisions (A)~~(5)~~, ~~(9)~~, (7) and ~~(11)~~(9) of this section do 1623
not prevent a person described in those divisions from obtaining a 1624
license or certificate of registration under this chapter. 1625

(C) Except as provided in divisions (D) and (E) of this 1626
section, no employee in the service of the state, including public 1627
employees as defined by Chapter 4117. of the Revised Code, shall 1628
engage in marriage and family therapy, social work, or 1629
professional counseling without a license. Failure to comply with 1630
this division constitutes nonfeasance under section 124.34 of the 1631
Revised Code or just cause under a collective bargaining 1632
agreement. Nothing in this division restricts the director of 1633
administrative services from developing new classifications 1634
related to this division or from reassigning affected employees to 1635
appropriate classifications based on the employee's duties and 1636
qualifications. 1637

(D) An employee who was engaged in marriage and family 1638
therapy, social work, or professional counseling in the service of 1639
the state prior to the effective date of this amendment, including 1640
public employees as defined by Chapter 4117. of the Revised Code, 1641
shall be in compliance with division (C) of this section within 1642
two years after the effective date of this amendment. Any such 1643
employee who fails to comply shall be removed from employment. 1644

(E) Nothing in this chapter shall be construed to require 1645
licensure or certification for a caseworker employed by a public 1646
children services agency under section 5153.112 of the Revised 1647
Code. 1648

Sec. 5101.61. (A) As used in this section: 1649

(1) "Senior service provider" means any person who provides 1650

care or services to a person who is an adult as defined in 1651
division (B) of section 5101.60 of the Revised Code. 1652

(2) "Ambulatory health facility" means a nonprofit, public or 1653
proprietary freestanding organization or a unit of such an agency 1654
or organization that: 1655

(a) Provides preventive, diagnostic, therapeutic, 1656
rehabilitative, or palliative items or services furnished to an 1657
outpatient or ambulatory patient, by or under the direction of a 1658
physician or dentist in a facility which is not a part of a 1659
hospital, but which is organized and operated to provide medical 1660
care to outpatients; 1661

(b) Has health and medical care policies which are developed 1662
with the advice of, and with the provision of review of such 1663
policies, an advisory committee of professional personnel, 1664
including one or more physicians, one or more dentists, if dental 1665
care is provided, and one or more registered nurses; 1666

(c) Has a medical director, a dental director, if dental care 1667
is provided, and a nursing director responsible for the execution 1668
of such policies, and has physicians, dentists, nursing, and 1669
ancillary staff appropriate to the scope of services provided; 1670

(d) Requires that the health care and medical care of every 1671
patient be under the supervision of a physician, provides for 1672
medical care in a case of emergency, has in effect a written 1673
agreement with one or more hospitals and other centers or clinics, 1674
and has an established patient referral system to other resources, 1675
and a utilization review plan and program; 1676

(e) Maintains clinical records on all patients; 1677

(f) Provides nursing services and other therapeutic services 1678
in accordance with programs and policies, with such services 1679
supervised by a registered professional nurse, and has a 1680
registered professional nurse on duty at all times of clinical 1681

operations;	1682
(g) Provides approved methods and procedures for the dispensing and administration of drugs and biologicals;	1683 1684
(h) Has established an accounting and record keeping system to determine reasonable and allowable costs;	1685 1686
(i) "Ambulatory health facilities" also includes an alcoholism treatment facility approved by the joint commission on accreditation of healthcare organizations as an alcoholism treatment facility or certified by the department of alcohol and drug addiction services, and such facility shall comply with other provisions of this division not inconsistent with such accreditation or certification.	1687 1688 1689 1690 1691 1692 1693
(3) "Community mental health facility" means a facility which provides community mental health services and is included in the comprehensive mental health plan for the alcohol, drug addiction, and mental health service district in which it is located.	1694 1695 1696 1697
(4) "Community mental health service" means services, other than inpatient services, provided by a community mental health facility.	1698 1699 1700
(5) "Home health agency" means an institution or a distinct part of an institution operated in this state which:	1701 1702
(a) Is primarily engaged in providing home health services;	1703
(b) Has home health policies which are established by a group of professional personnel, including one or more duly licensed doctors of medicine or osteopathy and one or more registered professional nurses, to govern the home health services it provides and which includes a requirement that every patient must be under the care of a duly licensed doctor of medicine or osteopathy;	1704 1705 1706 1707 1708 1709 1710
(c) Is under the supervision of a duly licensed doctor of	1711

medicine or doctor of osteopathy or a registered professional 1712
nurse who is responsible for the execution of such home health 1713
policies; 1714

(d) Maintains comprehensive records on all patients; 1715

(e) Is operated by the state, a political subdivision, or an 1716
agency of either, or is operated not for profit in this state and 1717
is licensed or registered, if required, pursuant to law by the 1718
appropriate department of the state, county, or municipality in 1719
which it furnishes services; or is operated for profit in this 1720
state, meets all the requirements specified in divisions (A)(5)(a) 1721
to (d) of this section, and is certified under Title XVIII of the 1722
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as 1723
amended. 1724

(6) "Home health service" means the following items and 1725
services, provided, except as provided in division (A)(6)(g) of 1726
this section, on a visiting basis in a place of residence used as 1727
the patient's home: 1728

(a) Nursing care provided by or under the supervision of a 1729
registered professional nurse; 1730

(b) Physical, occupational, or speech therapy ordered by the 1731
patient's attending physician; 1732

(c) Medical social services performed by or under the 1733
supervision of a qualified medical or psychiatric social worker 1734
and under the direction of the patient's attending physician; 1735

(d) Personal health care of the patient performed by aides in 1736
accordance with the orders of a doctor of medicine or osteopathy 1737
and under the supervision of a registered professional nurse; 1738

(e) Medical supplies and the use of medical appliances; 1739

(f) Medical services of interns and residents-in-training 1740
under an approved teaching program of a nonprofit hospital and 1741

under the direction and supervision of the patient's attending 1742
physician; 1743

(g) Any of the foregoing items and services which: 1744

(i) Are provided on an outpatient basis under arrangements 1745
made by the home health agency at a hospital or skilled nursing 1746
facility; 1747

(ii) Involve the use of equipment of such a nature that the 1748
items and services cannot readily be made available to the patient 1749
in the patient's place of residence, or which are furnished at the 1750
hospital or skilled nursing facility while the patient is there to 1751
receive any item or service involving the use of such equipment. 1752

Any attorney, physician, osteopath, podiatrist, chiropractor, 1753
dentist, psychologist, any employee of a hospital as defined in 1754
section 3701.01 of the Revised Code, any nurse licensed under 1755
Chapter 4723. of the Revised Code, any employee of an ambulatory 1756
health facility, any employee of a home health agency, any 1757
employee of an adult care facility as defined in section 3722.01 1758
of the Revised Code, any employee of a nursing home, residential 1759
care facility, or home for the aging, as defined in section 1760
3721.01 of the Revised Code, any senior service provider, any 1761
peace officer, coroner, clergyman, any employee of a community 1762
mental health facility, and any person engaged in social work ~~or~~, 1763
counseling, or marriage and family therapy having reasonable cause 1764
to believe that an adult is being abused, neglected, or exploited, 1765
or is in a condition which is the result of abuse, neglect, or 1766
exploitation shall immediately report such belief to the county 1767
department of job and family services. This section does not apply 1768
to employees of any hospital or public hospital as defined in 1769
section 5122.01 of the Revised Code. 1770

(B) Any person having reasonable cause to believe that an 1771
adult has suffered abuse, neglect, or exploitation may report, or 1772

cause reports to be made of such belief to the department. 1773

(C) The reports made under this section shall be made orally 1774
or in writing except that oral reports shall be followed by a 1775
written report if a written report is requested by the department. 1776
Written reports shall include: 1777

(1) The name, address, and approximate age of the adult who 1778
is the subject of the report; 1779

(2) The name and address of the individual responsible for 1780
the adult's care, if any individual is, and if the individual is 1781
known; 1782

(3) The nature and extent of the alleged abuse, neglect, or 1783
exploitation of the adult; 1784

(4) The basis of the reporter's belief that the adult has 1785
been abused, neglected, or exploited. 1786

(D) Any person with reasonable cause to believe that an adult 1787
is suffering abuse, neglect, or exploitation who makes a report 1788
pursuant to this section or who testifies in any administrative or 1789
judicial proceeding arising from such a report, or any employee of 1790
the state or any of its subdivisions who is discharging 1791
responsibilities under section 5101.62 of the Revised Code shall 1792
be immune from civil or criminal liability on account of such 1793
investigation, report, or testimony, except liability for perjury, 1794
unless the person has acted in bad faith or with malicious 1795
purpose. 1796

(E) No employer or any other person with the authority to do 1797
so shall discharge, demote, transfer, prepare a negative work 1798
performance evaluation, or reduce benefits, pay, or work 1799
privileges, or take any other action detrimental to an employee or 1800
in any way retaliate against an employee as a result of the 1801
employee's having filed a report under this section. 1802

(F) Neither the written or oral report provided for in this section nor the investigatory report provided for in section 5101.62 of the Revised Code shall be considered a public record as defined in section 149.43 of the Revised Code. Information contained in the report shall upon request be made available to the adult who is the subject of the report, to agencies authorized by the department to receive information contained in the report, and to legal counsel for the adult.

Sec. 5123.61. (A) As used in this section:

(1) "Law enforcement agency" means the state highway patrol, the police department of a municipal corporation, or a county sheriff.

(2) "Abuse" has the same meaning as in section 5123.50 of the Revised Code, except that it includes a misappropriation, as defined in that section.

(3) "Neglect" has the same meaning as in section 5123.50 of the Revised Code.

(B) The department of developmental disabilities shall establish a registry office for the purpose of maintaining reports of abuse, neglect, and other major unusual incidents made to the department under this section and reports received from county boards of developmental disabilities under section 5126.31 of the Revised Code. The department shall establish committees to review reports of abuse, neglect, and other major unusual incidents.

(C)(1) Any person listed in division (C)(2) of this section, having reason to believe that a person with mental retardation or a developmental disability has suffered or faces a substantial risk of suffering any wound, injury, disability, or condition of such a nature as to reasonably indicate abuse or neglect of that person, shall immediately report or cause reports to be made of

such information to the entity specified in this division. Except 1833
as provided in section 5120.173 of the Revised Code or as 1834
otherwise provided in this division, the person making the report 1835
shall make it to a law enforcement agency or to the county board 1836
of developmental disabilities. If the report concerns a resident 1837
of a facility operated by the department of developmental 1838
disabilities the report shall be made either to a law enforcement 1839
agency or to the department. If the report concerns any act or 1840
omission of an employee of a county board of developmental 1841
disabilities, the report immediately shall be made to the 1842
department and to the county board. 1843

(2) All of the following persons are required to make a 1844
report under division (C)(1) of this section: 1845

(a) Any physician, including a hospital intern or resident, 1846
any dentist, podiatrist, chiropractor, practitioner of a limited 1847
branch of medicine as specified in section 4731.15 of the Revised 1848
Code, hospital administrator or employee of a hospital, nurse 1849
licensed under Chapter 4723. of the Revised Code, employee of an 1850
ambulatory health facility as defined in section 5101.61 of the 1851
Revised Code, employee of a home health agency, employee of an 1852
adult care facility licensed under Chapter 3722. of the Revised 1853
Code, or employee of a community mental health facility; 1854

(b) Any school teacher or school authority, professional 1855
counselor, social worker, marriage and family therapist, 1856
psychologist, attorney, peace officer, coroner, or residents' 1857
rights advocate as defined in section 3721.10 of the Revised Code; 1858

(c) A superintendent, board member, or employee of a county 1859
board of developmental disabilities; an administrator, board 1860
member, or employee of a residential facility licensed under 1861
section 5123.19 of the Revised Code; an administrator, board 1862
member, or employee of any other public or private provider of 1863
services to a person with mental retardation or a developmental 1864

disability, or any MR/DD employee, as defined in section 5123.50 1865
of the Revised Code; 1866

(d) A member of a citizen's advisory council established at 1867
an institution or branch institution of the department of 1868
developmental disabilities under section 5123.092 of the Revised 1869
Code; 1870

(e) A clergyman who is employed in a position that includes 1871
providing specialized services to an individual with mental 1872
retardation or another developmental disability, while acting in 1873
an official or professional capacity in that position, or a person 1874
who is employed in a position that includes providing specialized 1875
services to an individual with mental retardation or another 1876
developmental disability and who, while acting in an official or 1877
professional capacity, renders spiritual treatment through prayer 1878
in accordance with the tenets of an organized religion. 1879

(3)(a) The reporting requirements of this division do not 1880
apply to members of the legal rights service commission or to 1881
employees of the legal rights service. 1882

(b) An attorney or physician is not required to make a report 1883
pursuant to division (C)(1) of this section concerning any 1884
communication the attorney or physician receives from a client or 1885
patient in an attorney-client or physician-patient relationship, 1886
if, in accordance with division (A) or (B) of section 2317.02 of 1887
the Revised Code, the attorney or physician could not testify with 1888
respect to that communication in a civil or criminal proceeding, 1889
except that the client or patient is deemed to have waived any 1890
testimonial privilege under division (A) or (B) of section 2317.02 1891
of the Revised Code with respect to that communication and the 1892
attorney or physician shall make a report pursuant to division 1893
(C)(1) of this section, if both of the following apply: 1894

(i) The client or patient, at the time of the communication, 1895

is a person with mental retardation or a developmental disability. 1896

(ii) The attorney or physician knows or suspects, as a result 1897
of the communication or any observations made during that 1898
communication, that the client or patient has suffered or faces a 1899
substantial risk of suffering any wound, injury, disability, or 1900
condition of a nature that reasonably indicates abuse or neglect 1901
of the client or patient. 1902

(4) Any person who fails to make a report required under 1903
division (C) of this section and who is an MR/DD employee, as 1904
defined in section 5123.50 of the Revised Code, shall be eligible 1905
to be included in the registry regarding misappropriation, abuse, 1906
neglect, or other specified misconduct by MR/DD employees 1907
established under section 5123.52 of the Revised Code. 1908

(D) The reports required under division (C) of this section 1909
shall be made forthwith by telephone or in person and shall be 1910
followed by a written report. The reports shall contain the 1911
following: 1912

(1) The names and addresses of the person with mental 1913
retardation or a developmental disability and the person's 1914
custodian, if known; 1915

(2) The age of the person with mental retardation or a 1916
developmental disability; 1917

(3) Any other information that would assist in the 1918
investigation of the report. 1919

(E) When a physician performing services as a member of the 1920
staff of a hospital or similar institution has reason to believe 1921
that a person with mental retardation or a developmental 1922
disability has suffered injury, abuse, or physical neglect, the 1923
physician shall notify the person in charge of the institution or 1924
that person's designated delegate, who shall make the necessary 1925
reports. 1926

(F) Any person having reasonable cause to believe that a person with mental retardation or a developmental disability has suffered or faces a substantial risk of suffering abuse or neglect may report or cause a report to be made of that belief to the entity specified in this division. Except as provided in section 5120.173 of the Revised Code or as otherwise provided in this division, the person making the report shall make it to a law enforcement agency or the county board of developmental disabilities. If the person is a resident of a facility operated by the department of developmental disabilities, the report shall be made to a law enforcement agency or to the department. If the report concerns any act or omission of an employee of a county board of developmental disabilities, the report immediately shall be made to the department and to the county board.

(G)(1) Upon the receipt of a report concerning the possible abuse or neglect of a person with mental retardation or a developmental disability, the law enforcement agency shall inform the county board of developmental disabilities or, if the person is a resident of a facility operated by the department of developmental disabilities, the director of the department or the director's designee.

(2) On receipt of a report under this section that includes an allegation of action or inaction that may constitute a crime under federal law or the law of this state, the department of developmental disabilities shall notify the law enforcement agency.

(3) When a county board of developmental disabilities receives a report under this section that includes an allegation of action or inaction that may constitute a crime under federal law or the law of this state, the superintendent of the board or an individual the superintendent designates under division (H) of this section shall notify the law enforcement agency. The

superintendent or individual shall notify the department of 1959
developmental disabilities when it receives any report under this 1960
section. 1961

(4) When a county board of developmental disabilities 1962
receives a report under this section and believes that the degree 1963
of risk to the person is such that the report is an emergency, the 1964
superintendent of the board or an employee of the board the 1965
superintendent designates shall attempt a face-to-face contact 1966
with the person with mental retardation or a developmental 1967
disability who allegedly is the victim within one hour of the 1968
board's receipt of the report. 1969

(H) The superintendent of the board may designate an 1970
individual to be responsible for notifying the law enforcement 1971
agency and the department when the county board receives a report 1972
under this section. 1973

(I) An adult with mental retardation or a developmental 1974
disability about whom a report is made may be removed from the 1975
adult's place of residence only by law enforcement officers who 1976
consider that the adult's immediate removal is essential to 1977
protect the adult from further injury or abuse or in accordance 1978
with the order of a court made pursuant to section 5126.33 of the 1979
Revised Code. 1980

(J) A law enforcement agency shall investigate each report of 1981
abuse or neglect it receives under this section. In addition, the 1982
department, in cooperation with law enforcement officials, shall 1983
investigate each report regarding a resident of a facility 1984
operated by the department to determine the circumstances 1985
surrounding the injury, the cause of the injury, and the person 1986
responsible. The investigation shall be in accordance with the 1987
memorandum of understanding prepared under section 5126.058 of the 1988
Revised Code. The department shall determine, with the registry 1989
office which shall be maintained by the department, whether prior 1990

reports have been made concerning an adult with mental retardation 1991
or a developmental disability or other principals in the case. If 1992
the department finds that the report involves action or inaction 1993
that may constitute a crime under federal law or the law of this 1994
state, it shall submit a report of its investigation, in writing, 1995
to the law enforcement agency. If the person with mental 1996
retardation or a developmental disability is an adult, with the 1997
consent of the adult, the department shall provide such protective 1998
services as are necessary to protect the adult. The law 1999
enforcement agency shall make a written report of its findings to 2000
the department. 2001

If the person is an adult and is not a resident of a facility 2002
operated by the department, the county board of developmental 2003
disabilities shall review the report of abuse or neglect in 2004
accordance with sections 5126.30 to 5126.33 of the Revised Code 2005
and the law enforcement agency shall make the written report of 2006
its findings to the county board. 2007

(K) Any person or any hospital, institution, school, health 2008
department, or agency participating in the making of reports 2009
pursuant to this section, any person participating as a witness in 2010
an administrative or judicial proceeding resulting from the 2011
reports, or any person or governmental entity that discharges 2012
responsibilities under sections 5126.31 to 5126.33 of the Revised 2013
Code shall be immune from any civil or criminal liability that 2014
might otherwise be incurred or imposed as a result of such actions 2015
except liability for perjury, unless the person or governmental 2016
entity has acted in bad faith or with malicious purpose. 2017

(L) No employer or any person with the authority to do so 2018
shall discharge, demote, transfer, prepare a negative work 2019
performance evaluation, reduce pay or benefits, terminate work 2020
privileges, or take any other action detrimental to an employee or 2021
retaliate against an employee as a result of the employee's having 2022

made a report under this section. This division does not preclude 2023
an employer or person with authority from taking action with 2024
regard to an employee who has made a report under this section if 2025
there is another reasonable basis for the action. 2026

(M) Reports made under this section are not public records as 2027
defined in section 149.43 of the Revised Code. Information 2028
contained in the reports on request shall be made available to the 2029
person who is the subject of the report, to the person's legal 2030
counsel, and to agencies authorized to receive information in the 2031
report by the department or by a county board of developmental 2032
disabilities. 2033

(N) Notwithstanding section 4731.22 of the Revised Code, the 2034
physician-patient privilege shall not be a ground for excluding 2035
evidence regarding the injuries or physical neglect of a person 2036
with mental retardation or a developmental disability or the cause 2037
thereof in any judicial proceeding resulting from a report 2038
submitted pursuant to this section. 2039

Sec. 4757.37. (A) An individual whom the counselor, social 2040
worker, and marriage and family therapist board licenses, 2041
certificates, or otherwise legally authorizes to engage in the 2042
practice of counseling, social work, or marriage and family 2043
therapy may render the professional services of a counselor, 2044
social worker, or marriage and family therapist within this state 2045
through a corporation formed under division (B) of section 1701.03 2046
of the Revised Code, a limited liability company formed under 2047
Chapter 1705. of the Revised Code, a partnership, or a 2048
professional association formed under Chapter 1785. of the Revised 2049
Code. This division does not preclude such an individual from 2050
rendering professional services as a counselor, social worker, or 2051
marriage and family therapist through another form of business 2052
entity, including, but not limited to, a nonprofit corporation or 2053

foundation, or in another manner that is authorized by or in 2054
accordance with this chapter, another chapter of the Revised Code, 2055
or rules of the counselor, social worker, and marriage and family 2056
therapist board adopted pursuant to this chapter. 2057

(B) A corporation, limited liability company, partnership, or 2058
professional association described in division (A) of this section 2059
may be formed for the purpose of providing a combination of the 2060
professional services of the following individuals who are 2061
licensed, certificated, or otherwise legally authorized to 2062
practice their respective professions: 2063

(1) Optometrists who are authorized to practice optometry 2064
under Chapter 4725. of the Revised Code; 2065

(2) Chiropractors who are authorized to practice chiropractic 2066
or acupuncture under Chapter 4734. of the Revised Code; 2067

(3) Counselors, social workers, or marriage and family 2068
therapists who are authorized to practice counseling, social work, 2069
or marriage and family therapy under this chapter; 2070

(4) Psychologists who are authorized to practice psychology 2071
under Chapter 4732. of the Revised Code; 2072

(5) Registered or licensed practical nurses who are 2073
authorized to practice nursing as registered nurses or as licensed 2074
practical nurses under Chapter 4723. of the Revised Code; 2075

(6) Pharmacists who are authorized to practice pharmacy under 2076
Chapter 4729. of the Revised Code; 2077

(7) Physical therapists who are authorized to practice 2078
physical therapy under sections 4755.40 to 4755.56 of the Revised 2079
Code; 2080

(8) Occupational therapists who are authorized to practice 2081
occupational therapy under sections 4755.04 to 4755.13 of the 2082
Revised Code; 2083

(9) Mechanotherapists who are authorized to practice 2084
mechanotherapy under section 4731.151 of the Revised Code; 2085

(10) Doctors of medicine and surgery, osteopathic medicine 2086
and surgery, or podiatric medicine and surgery who are authorized 2087
for their respective practices under Chapter 4731. of the Revised 2088
Code. 2089

This division applies notwithstanding a provision of a code 2090
of ethics applicable to a counselor, social worker, or marriage 2091
and family therapist that prohibits a counselor, social worker, or 2092
marriage and family therapist from engaging in the practice of 2093
counseling, social work, or marriage and family therapy in 2094
combination with a person who is licensed, certificated, or 2095
otherwise legally authorized to practice optometry, chiropractic, 2096
acupuncture (through the state chiropractic board), nursing, 2097
pharmacy, physical therapy, psychology, occupational therapy, 2098
mechanotherapy, medicine and surgery, osteopathic medicine and 2099
surgery, or podiatric medicine and surgery, but who is not also 2100
licensed, certificated, or otherwise legally authorized to engage 2101
in the practice of counseling, social work, or marriage and family 2102
therapy. 2103

Sec. 5903.101. (A) Except as provided in division (B) of this 2104
section, a state department, division, board, commission, agency, 2105
or other state governmental unit, or a private state contractor, 2106
authorized by the Revised Code to grant a licensure or 2107
certification shall, upon presentation of satisfactory evidence, 2108
consider relevant education, training, or service completed by an 2109
individual as a member of the armed forces of the United States or 2110
reserve components thereof, the national guard of any state, the 2111
military reserve of any state, or the naval militia of any state 2112
toward the qualifications required to receive the licensure or 2113
certification. 2114

(B)(1) If an individual is required to successfully complete specific training or education authorized by a state or nationally accredited entity as a prerequisite for obtaining a state license or certification and the state or nationally accredited entity accepts relevant military education, service, or training to fulfill part or all of those requirements, the state department, division, board, commission, agency or other state governmental unit, or a private state contractor has met the duty specified in division (A) of this section upon receiving proof by the individual of completion of the specific training or education authorized by a state or nationally accredited entity. 2115
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(2) An education program approved by a state department, division, board, commission, agency or other state governmental unit, or a private state contractor, may grant advanced standing to an individual who served as a member of the armed forces of the United States or reserve components thereof, the national guard of any state, the military reserve of any state, or the naval militia of any state for the individual's prior relevant military experience and coursework, in accordance with specific written policies and procedures of the education program and in accordance with rules promulgated by the appropriate governmental unit or contractor that permit granting advanced standing in those education programs. If applicable, such advanced standing shall be applied to the individual's status toward completion of an education program if the individual satisfies all of the program requirements adopted under the appropriate governmental unit's or contractor's rules. 2126
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(C) If, within six months before or after discharge or separation, an individual otherwise qualified to receive a licensure or certification presents satisfactory evidence of honorable discharge or separation under honorable conditions, the state department, division, board, commission, agency, or other 2142
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state governmental unit, or a private state contractor, issuing 2147
the licensure or certification shall waive any licensure or 2148
certification fee. 2149

Section 2. That existing sections 1701.03, 1705.03, 1705.04, 2150
1705.53, 1785.01, 1785.02, 1785.03, 2305.51, 2921.22, 3107.014, 2151
3701.74, 3721.21, 4757.03, 4757.16, 4757.23, 4757.27, 4757.28, 2152
4757.29, 4757.30, 4757.31, 4757.33, 4757.36, 4757.41, 5101.61, and 2153
5123.61 of the Revised Code are hereby repealed. 2154

Section 3. Within one year after the effective date of this 2155
act, the Office of Collective Bargaining within the Department of 2156
Administrative Services shall implement the change by this act to 2157
division (A)(5) of section 4757.41 of the Revised Code. 2158

Within ninety days after the effective date of this act, the 2159
Office of Collective Bargaining shall negotiate with each state 2160
agency and the affected union to reach a mutually agreeable 2161
resolution for employees impacted by this change. 2162

Notwithstanding divisions (A) and (D) of section 124.14 of 2163
the Revised Code or any other contrary provision of law, for 2164
employees in the service of the state exempt from Chapter 4117. of 2165
the Revised Code who are impacted by this change, the Director of 2166
Administrative Services may implement any or all of the provisions 2167
of the resolutions described in the preceding paragraph. Nothing 2168
in this Section shall be construed as restricting the Director 2169
from developing new classifications related to this change or from 2170
reassigning impacted employees to appropriate classifications 2171
based on the employee's duties and qualifications. 2172