

Statute Changes in DRAFT Bill

The changes below are part of this draft of the CSWMFT Bill. Please share with others.

- 1701./1705./1785. General corporation law; Limited liability companies; Professional associations; and requires new division 4757.37 and changes to the other professionals Sections of the Revised Code. *Adds our licensees too these laws*
- 2305.51 Mental health professional or organization not liable for violent behavior by client or patient. – *adds MFTs*
- 2921.22 Failure to report a crime or knowledge of a death or burn injury. - *adds MFTs*
- 3107.014. Duties of an assessor – *rewords - unlicensed civil service employees*
- 3701.74 Patient or patient's representative to submit request to examine or obtain copy of medical record. *Adds MFTs – Allows our licensees & Psychologists to send a copy of a patient file to another licensee rather than client if adverse effect is likely for client*

Chapter 4757 is the enabling statute for our licensure and the board.

- 4757.03 Counselor, social worker, and marriage and family therapist board. *Change to allow board members to serve until replaced.*
 - 4757.16 Application for license or registration. *Change to write rules on approval of applications.*
 - 4757.22 Professional clinical counselor license. *Change to require a CACREP accredited degree for graduates from Ohio schools after 1/1/2018.*
 - 4757.23 Professional counselor license. *Change to require a CACREP accredited degree for graduates from Ohio schools after 1/1/2018. Adds language for Counselor Trainees.*
 - 4757.27 Independent social worker license. *Adds language for Social Worker Trainees. Removes doctorate as a qualifying degree and requires CSWE accreditation for the Master's degree.*
 - 4757.28 Social worker license. *Removes related degree as a qualifying degree.*
 - 4757.29 Certificate of registration as social work assistant. *Removes outdated and no longer applicable language.*
 - 4757.30 Marriage and family therapist license; independent therapist license. *Adds a MFT Trainee registration option.*
 - 4757.31 Fees; deposit of receipts; vouchers. *Adds a non-discipline fee for late completion of continuing education requirements for renewal.*
 - 4757.33 Continuing education; additional coursework for certain social workers. *Removes the related degree initial continuing education requirement.*
 - 4757.36 Grounds for disciplinary action; reinstatement. *Changes recommended by Attorney General's office.*
 - 4757.37 *Adds language for the professional corporations and LLCs.*
 - 4757.41 Exceptions from provisions. *Removes the exemption for civil service employees*
-
- 5101.60 & 5101.61 & 3721.21 & 3721.22 Adult protective services definitions & Reporting abuse, neglect or exploitation of adult & Long-term care facility definitions & Reporting abuse or neglect of resident or misappropriation of property – *adds MFTs*
 - 5123.61 Reporting abuse, neglect, and other major unusual incidents. – *adds MFTs & Counselors*

129th General Assembly
Regular Session
2011-2012

. B. No.

A B I L L

To amend sections 1701.03, 1705.03, 1705.04, 1705.53, 1
1785.01, 1785.02, 1785.03, 2305.234, 2305.51, 2
2921.22, 3107.014, 3701.74, 3721.21, 4723.16, 3
4725.33, 4729.161, 4731.226, 4731.65, 4732.28, 4
4734.17, 4755.471, 4757.03, 4757.16, 4757.22, 5
4757.23, 4757.27, 4757.28, 4757.29, 4757.30, 6
4757.31, 4757.33, 4757.36, 4757.41, 5101.61, and 7
5123.61; to enact sections 4757.13, 4757.37, and 8
5903.101; and to repeal section 4757.12 of the 9
Revised Code to modify counselor, social worker, 10
and marriage and family therapist licensing law, 11
to provide certain professional rights to such 12
licensees, to require relevant military experience 13
to be considered by state licensing boards and 14
agencies and by private state contractors, to 15
permit state licensing entities to consider 16
relevant military training if certain criteria are 17
met, to provide a waiver of a licensure or 18
certification fee if a veteran is within six 19
months of separation from active military duty, 20
and to amend the version of section 5123.61 of the 21
Revised Code that is scheduled to take effect on 22
October 1, 2012. 23

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

Section 1. That sections 1701.03, 1705.03, 1705.04, 1705.53, 24
1785.01, 1785.02, 1785.03, 2305.234, 2305.51, 2921.22, 3107.014, 25
3701.74, 3721.21, 4723.16, 4725.33, 4729.161, 4731.226, 4731.65, 26
4732.28, 4734.17, 4755.471, 4757.03, 4757.16, 4757.22, 4757.23, 27
4757.27, 4757.28, 4757.29, 4757.30, 4757.31, 4757.33, 4757.36, 28
4757.41, 5101.61, and 5123.61 be amended and sections 4757.13, 29
4757.37, and 5903.101 be enacted to read as follows: 30

Sec. 1701.03. (A) A corporation may be formed under this 31
chapter for any purpose or combination of purposes for which 32
individuals lawfully may associate themselves, except that, if the 33
Revised Code contains special provisions pertaining to the 34
formation of any designated type of corporation other than a 35
professional association, as defined in section 1785.01 of the 36
Revised Code, a corporation of that type shall be formed in 37
accordance with the special provisions. 38

(B) On and after July 1, 1994, a corporation may be formed 39
under this chapter for the purpose of carrying on the practice of 40
any profession, including, but not limited to, a corporation for 41
the purpose of providing public accounting or certified public 42
accounting services, a corporation for the erection, owning, and 43
conducting of a sanitarium for receiving and caring for patients, 44
medical and hygienic treatment of patients, and instruction of 45
nurses in the treatment of disease and in hygiene, a corporation 46
for the purpose of providing architectural, landscape 47
architectural, professional engineering, or surveying services or 48
any combination of those types of services, and a corporation for 49
the purpose of providing a combination of the professional 50
services, as defined in section 1785.01 of the Revised Code, of 51
optometrists authorized under Chapter 4725. of the Revised Code, 52
chiropractors authorized under Chapter 4734. of the Revised Code 53
to practice chiropractic or acupuncture, psychologists authorized 54

under Chapter 4732. of the Revised Code, counselors, social 55
workers, or marriage and family therapists licensed under Chapter 56
4757. of the Revised Code, registered or licensed practical nurses 57
authorized under Chapter 4723. of the Revised Code, pharmacists 58
authorized under Chapter 4729. of the Revised Code, physical 59
therapists authorized under sections 4755.40 to 4755.56 of the 60
Revised Code, mechanotherapists authorized under section 4731.151 61
of the Revised Code, and doctors of medicine and surgery, 62
osteopathic medicine and surgery, or podiatric medicine and 63
surgery authorized under Chapter 4731. of the Revised Code. This 64
chapter does not restrict, limit, or otherwise affect the 65
authority or responsibilities of any agency, board, commission, 66
department, office, or other entity to license, register, and 67
otherwise regulate the professional conduct of individuals or 68
organizations of any kind rendering professional services, as 69
defined in section 1785.01 of the Revised Code, in this state or 70
to regulate the practice of any profession that is within the 71
jurisdiction of the agency, board, commission, department, office, 72
or other entity, notwithstanding that an individual is a director, 73
officer, employee, or other agent of a corporation formed under 74
this chapter and is rendering professional services or engaging in 75
the practice of a profession through a corporation formed under 76
this chapter or that the organization is a corporation formed 77
under this chapter. 78

(C) Nothing in division (A) or (B) of this section precludes 79
the organization of a professional association in accordance with 80
this chapter and Chapter 1785. of the Revised Code or the 81
formation of a limited liability company under Chapter 1705. of 82
the Revised Code with respect to a business, as defined in section 83
1705.01 of the Revised Code. 84

(D) No corporation formed for the purpose of providing a 85
combination of the professional services, as defined in section 86

1785.01 of the Revised Code, of optometrists authorized under 87
Chapter 4725. of the Revised Code, chiropractors authorized under 88
Chapter 4734. of the Revised Code to practice chiropractic or 89
acupuncture, psychologists authorized under Chapter 4732. of the 90
Revised Code, counselors, social workers, or marriage and family 91
therapists licensed under Chapter 4757. of the Revised Code, 92
registered or licensed practical nurses authorized under Chapter 93
4723. of the Revised Code, pharmacists authorized under Chapter 94
4729. of the Revised Code, physical therapists authorized under 95
sections 4755.40 to 4755.56 of the Revised Code, mechanotherapists 96
authorized under section 4731.151 of the Revised Code, and doctors 97
of medicine and surgery, osteopathic medicine and surgery, or 98
podiatric medicine and surgery authorized under Chapter 4731. of 99
the Revised Code shall control the professional clinical judgment 100
exercised within accepted and prevailing standards of practice of 101
a licensed, certificated, or otherwise legally authorized 102
optometrist, chiropractor, chiropractor practicing acupuncture 103
through the state chiropractic board, counselor, social worker, 104
marriage and family therapist, psychologist, nurse, pharmacist, 105
physical therapist, mechanotherapist, or doctor of medicine and 106
surgery, osteopathic medicine and surgery, or podiatric medicine 107
and surgery in rendering care, treatment, or professional advice 108
to an individual patient. 109

This division does not prevent a hospital, as defined in 110
section 3727.01 of the Revised Code, insurer, as defined in 111
section 3999.36 of the Revised Code, or intermediary organization, 112
as defined in section 1751.01 of the Revised Code, from entering 113
into a contract with a corporation described in this division that 114
includes a provision requiring utilization review, quality 115
assurance, peer review, or other performance or quality standards. 116
Those activities shall not be construed as controlling the 117
professional clinical judgment of an individual practitioner 118
listed in this division. 119

Sec. 1705.03. (A) A limited liability company may sue and be	120
sued.	121
(B) Unless otherwise provided in its articles of	122
organization, a limited liability company may take property of any	123
description or any interest in property of any description by	124
gift, devise, or bequest and may make donations for the public	125
welfare or for charitable, scientific, or educational purposes.	126
(C) In carrying out the purposes stated in its articles of	127
organization or operating agreement and subject to limitations	128
prescribed by law or in its articles of organization or its	129
operating agreement, a limited liability company may do all of the	130
following:	131
(1) Purchase or otherwise acquire, lease as lessee or lessor,	132
invest in, hold, use, encumber, sell, exchange, transfer, and	133
dispose of property of any description or any interest in property	134
of any description;	135
(2) Make contracts;	136
(3) Form or acquire the control of other domestic or foreign	137
limited liability companies;	138
(4) Be a shareholder, partner, member, associate, or	139
participant in other profit or nonprofit enterprises or ventures;	140
(5) Conduct its affairs in this state and elsewhere;	141
(6) Render in this state and elsewhere a professional	142
service, the kinds of professional services authorized under	143
Chapters 4703. and 4733. of the Revised Code, or a combination of	144
the professional services of optometrists authorized under Chapter	145
4725. of the Revised Code, chiropractors authorized under Chapter	146
4734. of the Revised Code to practice chiropractic or acupuncture,	147
<u>counselors, social workers, or marriage and family therapists</u>	148
<u>licensed under Chapter 4757. of the Revised Code, psychologists</u>	149

authorized under Chapter 4732. of the Revised Code, registered or 150
licensed practical nurses authorized under Chapter 4723. of the 151
Revised Code, pharmacists authorized under Chapter 4729. of the 152
Revised Code, physical therapists authorized under sections 153
4755.40 to 4755.56 of the Revised Code, occupational therapists 154
authorized under sections 4755.04 to 4755.13 of the Revised Code, 155
mechanotherapists authorized under section 4731.151 of the Revised 156
Code, and doctors of medicine and surgery, osteopathic medicine 157
and surgery, or podiatric medicine and surgery authorized under 158
Chapter 4731. of the Revised Code; 159

(7) Borrow money; 160

(8) Issue, sell, and pledge its notes, bonds, and other 161
evidences of indebtedness; 162

(9) Secure any of its obligations by mortgage, pledge, or 163
deed of trust of all or any of its property; 164

(10) Guarantee or secure obligations of any person; 165

(11) Do all things permitted by law and exercise all 166
authority within or incidental to the purposes stated in its 167
articles of organization. 168

(D) In addition to the authority conferred by division (C) of 169
this section and irrespective of the purposes stated in its 170
articles of organization or operating agreement but subject to any 171
limitations stated in those articles or its operating agreement, a 172
limited liability company may invest funds not currently needed in 173
its business in any securities if the investment does not cause 174
the company to acquire control of another enterprise whose 175
activities and operations are not incidental to the purposes 176
stated in the articles of organization of the company. 177

(E)(1) No lack of authority or limitation upon the authority 178
of a limited liability company shall be asserted in any action 179
except as follows: 180

(a) By the state in an action by it against the company;	181
(b) By or on behalf of the company in an action against a manager, an officer, or any member as a member;	182 183
(c) By a member as a member in an action against the company, a manager, an officer, or any member as a member;	184 185
(d) In an action involving an alleged improper issue of a membership interest in the company.	186 187
(2) Division (E)(1) of this section applies to any action commenced in this state upon any contract made in this state by a foreign limited liability company.	188 189 190
Sec. 1705.04. (A) One or more persons, without regard to residence, domicile, or state of organization, may form a limited liability company. The articles of organization shall be signed and filed with the secretary of state and shall set forth all of the following:	191 192 193 194 195
(1) The name of the company;	196
(2) Except as provided in division (B) of this section, the period of its duration, which may be perpetual;	197 198
(3) Any other provisions that are from the operating agreement or that are not inconsistent with applicable law and that the members elect to set out in the articles for the regulation of the affairs of the company.	199 200 201 202
The legal existence of the company begins upon the filing of the articles of organization or on a later date specified in the articles of organization that is not more than ninety days after the filing.	203 204 205 206
(B) If the articles of organization or operating agreement do not set forth the period of the duration of the limited liability company, its duration shall be perpetual.	207 208 209

(C) If a limited liability company is formed under this 210
chapter for the purpose of rendering a professional service, the 211
kinds of professional services authorized under Chapters 4703. and 212
4733. of the Revised Code, or a combination of the professional 213
services of optometrists authorized under Chapter 4725. of the 214
Revised Code, chiropractors authorized under Chapter 4734. of the 215
Revised Code to practice chiropractic or acupuncture, counselors, 216
social workers, or marriage and family therapists licensed under 217
Chapter 4757. of the Revised Code, psychologists authorized under 218
Chapter 4732. of the Revised Code, registered or licensed 219
practical nurses authorized under Chapter 4723. of the Revised 220
Code, pharmacists authorized under Chapter 4729. of the Revised 221
Code, physical therapists authorized under sections 4755.40 to 222
4755.56 of the Revised Code, occupational therapists authorized 223
under sections 4755.04 to 4755.13 of the Revised Code, 224
mechanotherapists authorized under section 4731.151 of the Revised 225
Code, and doctors of medicine and surgery, osteopathic medicine 226
and surgery, or podiatric medicine and surgery authorized under 227
Chapter 4731. of the Revised Code, the following apply: 228

(1) Each member, employee, or other agent of the company who 229
renders a professional service in this state and, if the 230
management of the company is not reserved to its members, each 231
manager of the company who renders a professional service in this 232
state shall be licensed, certificated, or otherwise legally 233
authorized to render in this state the same kind of professional 234
service; if applicable, the kinds of professional services 235
authorized under Chapters 4703. and 4733. of the Revised Code; or, 236
if applicable, any of the kinds of professional services of 237
optometrists authorized under Chapter 4725. of the Revised Code, 238
chiropractors authorized under Chapter 4734. of the Revised Code 239
to practice chiropractic or acupuncture, counselors, social 240
workers, or marriage and family therapists licensed under Chapter 241
4757. of the Revised Code, psychologists authorized under Chapter 242

4732. of the Revised Code, registered or licensed practical nurses 243
authorized under Chapter 4723. of the Revised Code, pharmacists 244
authorized under Chapter 4729. of the Revised Code, physical 245
therapists authorized under sections 4755.40 to 4755.56 of the 246
Revised Code, occupational therapists authorized under sections 247
4755.04 to 4755.13 of the Revised Code, mechanotherapists 248
authorized under section 4731.151 of the Revised Code, or doctors 249
of medicine and surgery, osteopathic medicine and surgery, or 250
podiatric medicine and surgery authorized under Chapter 4731. of 251
the Revised Code. 252

(2) Each member, employee, or other agent of the company who 253
renders a professional service in another state and, if the 254
management of the company is not reserved to its members, each 255
manager of the company who renders a professional service in 256
another state shall be licensed, certificated, or otherwise 257
legally authorized to render that professional service in the 258
other state. 259

(D) Except for the provisions of this chapter pertaining to 260
the personal liability of members, employees, or other agents of a 261
limited liability company and, if the management of the company is 262
not reserved to its members, the personal liability of managers of 263
the company, this chapter does not restrict, limit, or otherwise 264
affect the authority or responsibilities of any agency, board, 265
commission, department, office, or other entity to license, 266
certificate, register, and otherwise regulate the professional 267
conduct of individuals or organizations of any kind rendering 268
professional services in this state or to regulate the practice of 269
any profession that is within the jurisdiction of the agency, 270
board, commission, department, office, or other entity, 271
notwithstanding that the individual is a member or manager of a 272
limited liability company and is rendering the professional 273
services or engaging in the practice of the profession through the 274

limited liability company or that the organization is a limited liability company. 275
276

(E) No limited liability company formed for the purpose of 277
providing a combination of the professional services, as defined 278
in section 1785.01 of the Revised Code, of optometrists authorized 279
under Chapter 4725. of the Revised Code, chiropractors authorized 280
under Chapter 4734. of the Revised Code to practice chiropractic 281
or acupuncture, counselors, social workers, or marriage and family 282
therapists licensed under Chapter 4757. of the Revised Code, 283
psychologists authorized under Chapter 4732. of the Revised Code, 284
registered or licensed practical nurses authorized under Chapter 285
4723. of the Revised Code, pharmacists authorized under Chapter 286
4729. of the Revised Code, physical therapists authorized under 287
sections 4755.40 to 4755.56 of the Revised Code, occupational 288
therapists authorized under sections 4755.04 to 4755.13 of the 289
Revised Code, mechanotherapists authorized under section 4731.151 290
of the Revised Code, and doctors of medicine and surgery, 291
osteopathic medicine and surgery, or podiatric medicine and 292
surgery authorized under Chapter 4731. of the Revised Code shall 293
control the professional clinical judgment exercised within 294
accepted and prevailing standards of practice of a licensed, 295
certificated, or otherwise legally authorized optometrist, 296
chiropractor, chiropractor practicing acupuncture through the 297
state chiropractic board, counselor, social worker, marriage and 298
family therapist, psychologist, nurse, pharmacist, physical 299
therapist, occupational therapist, mechanotherapist, or doctor of 300
medicine and surgery, osteopathic medicine and surgery, or 301
podiatric medicine and surgery in rendering care, treatment, or 302
professional advice to an individual patient. 303

This division does not prevent a hospital, as defined in 304
section 3727.01 of the Revised Code, insurer, as defined in 305
section 3999.36 of the Revised Code, or intermediary organization, 306

as defined in section 1751.01 of the Revised Code, from entering 307
into a contract with a limited liability company described in this 308
division that includes a provision requiring utilization review, 309
quality assurance, peer review, or other performance or quality 310
standards. Those activities shall not be construed as controlling 311
the professional clinical judgment of an individual practitioner 312
listed in this division. 313

Sec. 1705.53. Subject to any contrary provisions of the Ohio 314
Constitution, the laws of the state under which a foreign limited 315
liability company is organized govern its organization and 316
internal affairs and the liability of its members. A foreign 317
limited liability company may not be denied a certificate of 318
registration as a foreign limited liability company in this state 319
because of any difference between the laws of the state under 320
which it is organized and the laws of this state. However, a 321
foreign limited liability company that applies for registration 322
under this chapter to render a professional service in this state, 323
as a condition to obtaining and maintaining a certificate of 324
registration, shall comply with the requirements of division (C) 325
of section 1705.04 of the Revised Code and shall comply with the 326
requirements of Chapters 4703. and 4733. of the Revised Code if 327
the kinds of professional services authorized under those chapters 328
are to be rendered or with the requirements of Chapters 4723., 329
4725., 4729., 4731., 4732., 4734., ~~and 4755.~~ and 4757. of the 330
Revised Code if a combination of the professional services of 331
optometrists authorized under Chapter 4725. of the Revised Code, 332
chiropractors authorized under Chapter 4734. of the Revised Code 333
to practice chiropractic or acupuncture, counselors, social 334
workers, or marriage and family therapists licensed under Chapter 335
4757. of the Revised Code, psychologists authorized under Chapter 336
4732. of the Revised Code, registered or licensed practical nurses 337
authorized under Chapter 4723. of the Revised Code, pharmacists 338

authorized under Chapter 4729. of the Revised Code, physical 339
therapists authorized under sections 4755.40 to 4755.56 of the 340
Revised Code, occupational therapists authorized under sections 341
4755.04 to 4755.13 of the Revised Code, mechanotherapists 342
authorized under section 4731.151 of the Revised Code, and doctors 343
of medicine and surgery, osteopathic medicine and surgery, or 344
podiatric medicine and surgery authorized under Chapter 4731. of 345
the Revised Code are to be rendered. 346

Sec. 1785.01. As used in this chapter: 347

(A) "Professional service" means any type of professional 348
service that may be performed only pursuant to a license, 349
certificate, or other legal authorization issued pursuant to 350
Chapter 4701., 4703., 4705., 4715., 4723., 4725., 4729., 4730., 351
4731., 4732., 4733., 4734., or 4741., sections 4755.04 to 4755.13, 352
or 4755.40 to 4755.56, or Chapter 4757. of the Revised Code to 353
certified public accountants, licensed public accountants, 354
architects, attorneys, dentists, nurses, optometrists, 355
pharmacists, physician assistants, doctors of medicine and 356
surgery, doctors of osteopathic medicine and surgery, doctors of 357
podiatric medicine and surgery, practitioners of the limited 358
branches of medicine specified in section 4731.15 of the Revised 359
Code, mechanotherapists, counselors, social workers, marriage and 360
family therapists, psychologists, professional engineers, 361
chiropractors, chiropractors practicing acupuncture through the 362
state chiropractic board, veterinarians, occupational therapists, 363
physical therapists, and occupational therapists. 364

(B) "Professional association" means an association organized 365
under this chapter for the sole purpose of rendering one of the 366
professional services authorized under Chapter 4701., 4703., 367
4705., 4715., 4723., 4725., 4729., 4730., 4731., 4732., 4733., 368
4734., or 4741., sections 4755.04 to 4755.13, or 4755.40 to 369

4755.56, or Chapter 4757. of the Revised Code, a combination of 370
the professional services authorized under Chapters 4703. and 371
4733. of the Revised Code, or a combination of the professional 372
services of optometrists authorized under Chapter 4725. of the 373
Revised Code, chiropractors authorized under Chapter 4734. of the 374
Revised Code to practice chiropractic or acupuncture, counselors, 375
social workers, or marriage and family therapists licensed under 376
Chapter 4757. of the Revised Code, psychologists authorized under 377
Chapter 4732. of the Revised Code, registered or licensed 378
practical nurses authorized under Chapter 4723. of the Revised 379
Code, pharmacists authorized under Chapter 4729. of the Revised 380
Code, physical therapists authorized under sections 4755.40 to 381
4755.56 of the Revised Code, occupational therapists authorized 382
under sections 4755.04 to 4755.13 of the Revised Code, 383
mechanotherapists authorized under section 4731.151 of the Revised 384
Code, and doctors of medicine and surgery, osteopathic medicine 385
and surgery, or podiatric medicine and surgery authorized under 386
Chapter 4731. of the Revised Code. 387

Sec. 1785.02. An individual or group of individuals each of 388
whom is licensed, certificated, or otherwise legally authorized to 389
render within this state the same kind of professional service, a 390
group of individuals each of whom is licensed, certificated, or 391
otherwise legally authorized to render within this state the 392
professional service authorized under Chapter 4703. or 4733. of 393
the Revised Code, or a group of individuals each of whom is 394
licensed, certificated, or otherwise legally authorized to render 395
within this state the professional service of optometrists 396
authorized under Chapter 4725. of the Revised Code, chiropractors 397
authorized under Chapter 4734. of the Revised Code to practice 398
chiropractic or acupuncture, counselors, social workers, or 399
marriage and family therapists licensed under Chapter 4757. of the 400
Revised Code, psychologists authorized under Chapter 4732. of the 401

Revised Code, registered or licensed practical nurses authorized 402
under Chapter 4723. of the Revised Code, pharmacists authorized 403
under Chapter 4729. of the Revised Code, physical therapists 404
authorized under sections 4755.40 to 4755.56 of the Revised Code, 405
occupational therapists authorized under sections 4755.04 to 406
4755.13 of the Revised Code, mechanotherapists authorized under 407
section 4731.151 of the Revised Code, or doctors of medicine and 408
surgery, osteopathic medicine and surgery, or podiatric medicine 409
and surgery authorized under Chapter 4731. of the Revised Code may 410
organize and become a shareholder or shareholders of a 411
professional association. Any group of individuals described in 412
this section who may be rendering one of the professional services 413
as an organization created otherwise than pursuant to this chapter 414
may incorporate under and pursuant to this chapter by amending the 415
agreement establishing the organization in a manner that the 416
agreement as amended constitutes articles of incorporation 417
prepared and filed in the manner prescribed in section 1785.08 of 418
the Revised Code and by otherwise complying with the applicable 419
requirements of this chapter. 420

Sec. 1785.03. A professional association may render a 421
particular professional service only through officers, employees, 422
and agents who are themselves duly licensed, certificated, or 423
otherwise legally authorized to render the professional service 424
within this state. As used in this section, "employee" does not 425
include clerks, bookkeepers, technicians, or other individuals who 426
are not usually and ordinarily considered by custom and practice 427
to be rendering a particular professional service for which a 428
license, certificate, or other legal authorization is required and 429
does not include any other person who performs all of that 430
person's employment under the direct supervision and control of an 431
officer, agent, or employee who renders a particular professional 432
service to the public on behalf of the professional association. 433

No professional association formed for the purpose of 434
providing a combination of the professional services, as defined 435
in section 1785.01 of the Revised Code, of optometrists authorized 436
under Chapter 4725. of the Revised Code, chiropractors authorized 437
under Chapter 4734. of the Revised Code to practice chiropractic 438
or acupuncture, counselors, social workers, or marriage and family 439
therapists licensed under Chapter 4757. of the Revised Code, 440
psychologists authorized under Chapter 4732. of the Revised Code, 441
registered or licensed practical nurses authorized under Chapter 442
4723. of the Revised Code, pharmacists authorized under Chapter 443
4729. of the Revised Code, physical therapists authorized under 444
sections 4755.40 to 4755.56 of the Revised Code, occupational 445
therapists authorized under sections 4755.04 to 4755.13 of the 446
Revised Code, mechanotherapists authorized under section 4731.151 447
of the Revised Code, and doctors of medicine and surgery, 448
osteopathic medicine and surgery, or podiatric medicine and 449
surgery authorized under Chapter 4731. of the Revised Code shall 450
control the professional clinical judgment exercised within 451
accepted and prevailing standards of practice of a licensed, 452
certificated, or otherwise legally authorized optometrist, 453
chiropractor, chiropractor practicing acupuncture through the 454
state chiropractic board, counselor, social worker, marriage and 455
family therapist, psychologist, nurse, pharmacist, physical 456
therapist, occupational therapist, mechanotherapist, or doctor of 457
medicine and surgery, osteopathic medicine and surgery, or 458
podiatric medicine and surgery in rendering care, treatment, or 459
professional advice to an individual patient. 460

This division does not prevent a hospital, as defined in 461
section 3727.01 of the Revised Code, insurer, as defined in 462
section 3999.36 of the Revised Code, or intermediary organization, 463
as defined in section 1751.01 of the Revised Code, from entering 464
into a contract with a professional association described in this 465
division that includes a provision requiring utilization review, 466

quality assurance, peer review, or other performance or quality 467
standards. Those activities shall not be construed as controlling 468
the professional clinical judgment of an individual practitioner 469
listed in this division. 470

Sec. 2305.234. (A) As used in this section: 471

(1) "Chiropractic claim," "medical claim," and "optometric 472
claim" have the same meanings as in section 2305.113 of the 473
Revised Code. 474

(2) "Dental claim" has the same meaning as in section 475
2305.113 of the Revised Code, except that it does not include any 476
claim arising out of a dental operation or any derivative claim 477
for relief that arises out of a dental operation. 478

(3) "Governmental health care program" has the same meaning 479
as in section 4731.65 of the Revised Code. 480

(4) "Health care facility or location" means a hospital, 481
clinic, ambulatory surgical facility, office of a health care 482
professional or associated group of health care professionals, 483
training institution for health care professionals, or any other 484
place where medical, dental, or other health-related diagnosis, 485
care, or treatment is provided to a person. 486

(5) "Health care professional" means any of the following who 487
provide medical, dental, or other health-related diagnosis, care, 488
or treatment: 489

(a) Physicians authorized under Chapter 4731. of the Revised 490
Code to practice medicine and surgery or osteopathic medicine and 491
surgery; 492

(b) Registered nurses and licensed practical nurses licensed 493
under Chapter 4723. of the Revised Code and individuals who hold a 494
certificate of authority issued under that chapter that authorizes 495
the practice of nursing as a certified registered nurse 496

anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner;	497 498
(c) Physician assistants authorized to practice under Chapter 4730. of the Revised Code;	499 500
(d) Dentists and dental hygienists licensed under Chapter 4715. of the Revised Code;	501 502
(e) Physical therapists, physical therapist assistants, occupational therapists, and occupational therapy assistants licensed under Chapter 4755. of the Revised Code;	503 504 505
(f) Chiropractors licensed under Chapter 4734. of the Revised Code;	506 507
(g) Optometrists licensed under Chapter 4725. of the Revised Code;	508 509
(h) Podiatrists authorized under Chapter 4731. of the Revised Code to practice podiatry;	510 511
(i) Dietitians licensed under Chapter 4759. of the Revised Code;	512 513
(j) Pharmacists licensed under Chapter 4729. of the Revised Code;	514 515
(k) Emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic, certified under Chapter 4765. of the Revised Code;	516 517 518 519
(l) Respiratory care professionals licensed under Chapter 4761. of the Revised Code;	520 521
(m) Speech-language pathologists and audiologists licensed under Chapter 4753. of the Revised Code;	522 523
<u>(n) Counselors, social workers, or marriage and family therapists authorized to practice counseling, social work, or</u>	524 525

<u>marriage and family therapy under Chapter 4757. of the Revised</u>	526
<u>Code;</u>	527
<u>(o) Psychologists authorized to practice psychology under</u>	528
<u>Chapter 4732. of the Revised Code;</u>	529
<u>(p) Individuals licensed or certified under Chapter 4758. of</u>	530
<u>the Revised Code who are acting within the scope of their license</u>	531
<u>or certificate as members of the profession of chemical dependency</u>	532
<u>counseling or alcohol and other drug prevention services.</u>	533
(6) "Health care worker" means a person other than a health	534
care professional who provides medical, dental, or other	535
health-related care or treatment under the direction of a health	536
care professional with the authority to direct that individual's	537
activities, including medical technicians, medical assistants,	538
dental assistants, orderlies, aides, and individuals acting in	539
similar capacities.	540
(7) "Indigent and uninsured person" means a person who meets	541
all of the following requirements:	542
(a) The person's income is not greater than two hundred per	543
cent of the current poverty line as defined by the United States	544
office of management and budget and revised in accordance with	545
section 673(2) of the "Omnibus Budget Reconciliation Act of 1981,"	546
95 Stat. 511, 42 U.S.C. 9902, as amended.	547
(b) The person is not eligible to receive medical assistance	548
under Chapter 5111. of the Revised Code or assistance under any	549
other governmental health care program.	550
(c) Either of the following applies:	551
(i) The person is not a policyholder, certificate holder,	552
insured, contract holder, subscriber, enrollee, member,	553
beneficiary, or other covered individual under a health insurance	554
or health care policy, contract, or plan.	555

(ii) The person is a policyholder, certificate holder, 556
insured, contract holder, subscriber, enrollee, member, 557
beneficiary, or other covered individual under a health insurance 558
or health care policy, contract, or plan, but the insurer, policy, 559
contract, or plan denies coverage or is the subject of insolvency 560
or bankruptcy proceedings in any jurisdiction. 561

(8) "Nonprofit health care referral organization" means an 562
entity that is not operated for profit and refers patients to, or 563
arranges for the provision of, health-related diagnosis, care, or 564
treatment by a health care professional or health care worker. 565

(9) "Operation" means any procedure that involves cutting or 566
otherwise infiltrating human tissue by mechanical means, including 567
surgery, laser surgery, ionizing radiation, therapeutic 568
ultrasound, or the removal of intraocular foreign bodies. 569
"Operation" does not include the administration of medication by 570
injection, unless the injection is administered in conjunction 571
with a procedure infiltrating human tissue by mechanical means 572
other than the administration of medicine by injection. 573
"Operation" does not include routine dental restorative 574
procedures, the scaling of teeth, or extractions of teeth that are 575
not impacted. 576

(10) "Tort action" means a civil action for damages for 577
injury, death, or loss to person or property other than a civil 578
action for damages for a breach of contract or another agreement 579
between persons or government entities. 580

(11) "Volunteer" means an individual who provides any 581
medical, dental, or other health-care related diagnosis, care, or 582
treatment without the expectation of receiving and without receipt 583
of any compensation or other form of remuneration from an indigent 584
and uninsured person, another person on behalf of an indigent and 585
uninsured person, any health care facility or location, any 586
nonprofit health care referral organization, or any other person 587

or government entity. 588

(12) "Community control sanction" has the same meaning as in 589
section 2929.01 of the Revised Code. 590

(13) "Deep sedation" means a drug-induced depression of 591
consciousness during which a patient cannot be easily aroused but 592
responds purposefully following repeated or painful stimulation, a 593
patient's ability to independently maintain ventilatory function 594
may be impaired, a patient may require assistance in maintaining a 595
patent airway and spontaneous ventilation may be inadequate, and 596
cardiovascular function is usually maintained. 597

(14) "General anesthesia" means a drug-induced loss of 598
consciousness during which a patient is not arousable, even by 599
painful stimulation, the ability to independently maintain 600
ventilatory function is often impaired, a patient often requires 601
assistance in maintaining a patent airway, positive pressure 602
ventilation may be required because of depressed spontaneous 603
ventilation or drug-induced depression of neuromuscular function, 604
and cardiovascular function may be impaired. 605

(B)(1) Subject to divisions (F) and (G)(3) of this section, a 606
health care professional who is a volunteer and complies with 607
division (B)(2) of this section is not liable in damages to any 608
person or government entity in a tort or other civil action, 609
including an action on a medical, dental, chiropractic, 610
optometric, or other health-related claim, for injury, death, or 611
loss to person or property that allegedly arises from an action or 612
omission of the volunteer in the provision to an indigent and 613
uninsured person of medical, dental, or other health-related 614
diagnosis, care, or treatment, including the provision of samples 615
of medicine and other medical products, unless the action or 616
omission constitutes willful or wanton misconduct. 617

(2) To qualify for the immunity described in division (B)(1) 618

of this section, a health care professional shall do all of the 619
following prior to providing diagnosis, care, or treatment: 620

(a) Determine, in good faith, that the indigent and uninsured 621
person is mentally capable of giving informed consent to the 622
provision of the diagnosis, care, or treatment and is not subject 623
to duress or under undue influence; 624

(b) Inform the person of the provisions of this section, 625
including notifying the person that, by giving informed consent to 626
the provision of the diagnosis, care, or treatment, the person 627
cannot hold the health care professional liable for damages in a 628
tort or other civil action, including an action on a medical, 629
dental, chiropractic, optometric, or other health-related claim, 630
unless the action or omission of the health care professional 631
constitutes willful or wanton misconduct; 632

(c) Obtain the informed consent of the person and a written 633
waiver, signed by the person or by another individual on behalf of 634
and in the presence of the person, that states that the person is 635
mentally competent to give informed consent and, without being 636
subject to duress or under undue influence, gives informed consent 637
to the provision of the diagnosis, care, or treatment subject to 638
the provisions of this section. A written waiver under division 639
(B)(2)(c) of this section shall state clearly and in conspicuous 640
type that the person or other individual who signs the waiver is 641
signing it with full knowledge that, by giving informed consent to 642
the provision of the diagnosis, care, or treatment, the person 643
cannot bring a tort or other civil action, including an action on 644
a medical, dental, chiropractic, optometric, or other 645
health-related claim, against the health care professional unless 646
the action or omission of the health care professional constitutes 647
willful or wanton misconduct. 648

(3) A physician or podiatrist who is not covered by medical 649
malpractice insurance, but complies with division (B)(2) of this 650

section, is not required to comply with division (A) of section 651
4731.143 of the Revised Code. 652

(C) Subject to divisions (F) and (G)(3) of this section, 653
health care workers who are volunteers are not liable in damages 654
to any person or government entity in a tort or other civil 655
action, including an action upon a medical, dental, chiropractic, 656
optometric, or other health-related claim, for injury, death, or 657
loss to person or property that allegedly arises from an action or 658
omission of the health care worker in the provision to an indigent 659
and uninsured person of medical, dental, or other health-related 660
diagnosis, care, or treatment, unless the action or omission 661
constitutes willful or wanton misconduct. 662

(D) Subject to divisions (F) and (G)(3) of this section, a 663
nonprofit health care referral organization is not liable in 664
damages to any person or government entity in a tort or other 665
civil action, including an action on a medical, dental, 666
chiropractic, optometric, or other health-related claim, for 667
injury, death, or loss to person or property that allegedly arises 668
from an action or omission of the nonprofit health care referral 669
organization in referring indigent and uninsured persons to, or 670
arranging for the provision of, medical, dental, or other 671
health-related diagnosis, care, or treatment by a health care 672
professional described in division (B)(1) of this section or a 673
health care worker described in division (C) of this section, 674
unless the action or omission constitutes willful or wanton 675
misconduct. 676

(E) Subject to divisions (F) and (G)(3) of this section and 677
to the extent that the registration requirements of section 678
3701.071 of the Revised Code apply, a health care facility or 679
location associated with a health care professional described in 680
division (B)(1) of this section, a health care worker described in 681
division (C) of this section, or a nonprofit health care referral 682

organization described in division (D) of this section is not 683
liable in damages to any person or government entity in a tort or 684
other civil action, including an action on a medical, dental, 685
chiropractic, optometric, or other health-related claim, for 686
injury, death, or loss to person or property that allegedly arises 687
from an action or omission of the health care professional or 688
worker or nonprofit health care referral organization relative to 689
the medical, dental, or other health-related diagnosis, care, or 690
treatment provided to an indigent and uninsured person on behalf 691
of or at the health care facility or location, unless the action 692
or omission constitutes willful or wanton misconduct. 693

(F)(1) Except as provided in division (F)(2) of this section, 694
the immunities provided by divisions (B), (C), (D), and (E) of 695
this section are not available to a health care professional, 696
health care worker, nonprofit health care referral organization, 697
or health care facility or location if, at the time of an alleged 698
injury, death, or loss to person or property, the health care 699
professionals or health care workers involved are providing one of 700
the following: 701

(a) Any medical, dental, or other health-related diagnosis, 702
care, or treatment pursuant to a community service work order 703
entered by a court under division (B) of section 2951.02 of the 704
Revised Code or imposed by a court as a community control 705
sanction; 706

(b) Performance of an operation to which any one of the 707
following applies: 708

(i) The operation requires the administration of deep 709
sedation or general anesthesia. 710

(ii) The operation is a procedure that is not typically 711
performed in an office. 712

(iii) The individual involved is a health care professional, 713

and the operation is beyond the scope of practice or the 714
education, training, and competence, as applicable, of the health 715
care professional. 716

(c) Delivery of a baby or any other purposeful termination of 717
a human pregnancy. 718

(2) Division (F)(1) of this section does not apply when a 719
health care professional or health care worker provides medical, 720
dental, or other health-related diagnosis, care, or treatment that 721
is necessary to preserve the life of a person in a medical 722
emergency. 723

(G)(1) This section does not create a new cause of action or 724
substantive legal right against a health care professional, health 725
care worker, nonprofit health care referral organization, or 726
health care facility or location. 727

(2) This section does not affect any immunities from civil 728
liability or defenses established by another section of the 729
Revised Code or available at common law to which a health care 730
professional, health care worker, nonprofit health care referral 731
organization, or health care facility or location may be entitled 732
in connection with the provision of emergency or other medical, 733
dental, or other health-related diagnosis, care, or treatment. 734

(3) This section does not grant an immunity from tort or 735
other civil liability to a health care professional, health care 736
worker, nonprofit health care referral organization, or health 737
care facility or location for actions that are outside the scope 738
of authority of health care professionals or health care workers. 739

(4) This section does not affect any legal responsibility of 740
a health care professional, health care worker, or nonprofit 741
health care referral organization to comply with any applicable 742
law of this state or rule of an agency of this state. 743

(5) This section does not affect any legal responsibility of 744

a health care facility or location to comply with any applicable 745
law of this state, rule of an agency of this state, or local code, 746
ordinance, or regulation that pertains to or regulates building, 747
housing, air pollution, water pollution, sanitation, health, fire, 748
zoning, or safety. 749

Sec. 2305.51. (A)(1) As used in this section: 750

(a) "Civil Rights" has the same meaning as in section 751
5122.301 of the Revised Code. 752

(b) "Mental health client or patient" means an individual who 753
is receiving mental health services from a mental health 754
professional or organization. 755

(c) "Mental health organization" means an organization that 756
engages one or more mental health professionals to provide mental 757
health services to one or more mental health clients or patients. 758

(d) "Mental health professional" means an individual who is 759
licensed, certified, or registered under the Revised Code, or 760
otherwise authorized in this state, to provide mental health 761
services for compensation, remuneration, or other personal gain. 762

(e) "Mental health service" means a service provided to an 763
individual or group of individuals involving the application of 764
medical, psychiatric, psychological, counseling, social work, 765
marriage and family therapy, or nursing principles or procedures 766
to either of the following: 767

(i) The assessment, diagnosis, prevention, treatment, or 768
amelioration of mental, emotional, psychiatric, psychological, or 769
psychosocial disorders or diseases, as described in the most 770
recent edition of the diagnostic and statistical manual of mental 771
disorders published by the American psychiatric association; 772

(ii) The assessment or improvement of mental, emotional, 773
psychiatric, psychological, or psychosocial adjustment or 774

functioning, regardless of whether there is a diagnosable, 775
pre-existing disorder or disease. 776

(f) "Knowledgeable person" means an individual who has reason 777
to believe that a mental health client or patient has the intent 778
and ability to carry out an explicit threat of inflicting imminent 779
and serious physical harm to or causing the death of a clearly 780
identifiable potential victim or victims and who is either an 781
immediate family member of the client or patient or an individual 782
who otherwise personally knows the client or patient. 783

(2) For the purpose of this section, in the case of a threat 784
to a readily identifiable structure, "clearly identifiable 785
potential victim" includes any potential occupant of the 786
structure. 787

(B) A mental health professional or mental health 788
organization may be held liable in damages in a civil action, or 789
may be made subject to disciplinary action by an entity with 790
licensing or other regulatory authority over the professional or 791
organization, for serious physical harm or death resulting from 792
failing to predict, warn of, or take precautions to provide 793
protection from the violent behavior of a mental health client or 794
patient, only if the client or patient or a knowledgeable person 795
has communicated to the professional or organization an explicit 796
threat of inflicting imminent and serious physical harm to or 797
causing the death of one or more clearly identifiable potential 798
victims, the professional or organization has reason to believe 799
that the client or patient has the intent and ability to carry out 800
the threat, and the professional or organization fails to take one 801
or more of the following actions in a timely manner: 802

(1) Exercise any authority the professional or organization 803
possesses to hospitalize the client or patient on an emergency 804
basis pursuant to section 5122.10 of the Revised Code; 805

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

(3) Establish and undertake a documented treatment plan that is reasonably calculated, according to appropriate standards of professional practice, to eliminate the possibility that the client or patient will carry out the threat, and, concurrent with establishing and undertaking the treatment plan, initiate arrangements for a second opinion risk assessment through a management consultation about the treatment plan with, in the case of a mental health organization, the clinical director of the organization, or, in the case of a mental health professional who is not acting as part of a mental health organization, any mental health professional who is licensed to engage in independent practice;

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

(a) The nature of the threat;

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

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

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

(1) The mental health professional or organization shall

consider each of the alternatives set forth and shall document the 837
reasons for choosing or rejecting each alternative. 838

(2) The mental health professional or organization may give 839
special consideration to those alternatives which, consistent with 840
public safety, would least abridge the rights of the mental health 841
client or patient established under the Revised Code, including 842
the rights specified in sections 5122.27 to 5122.31 of the Revised 843
Code. 844

(3) The mental health professional or organization is not 845
required to take an action that, in the exercise of reasonable 846
professional judgment, would physically endanger the professional 847
or organization, increase the danger to a potential victim, or 848
increase the danger to the mental health client or patient. 849

(4) The mental health professional or organization is not 850
liable in damages in a civil action, and shall not be made subject 851
to disciplinary action by any entity with licensing or other 852
regulatory authority over the professional or organization, for 853
disclosing any confidential information about a mental health 854
client or patient that is disclosed for the purpose of taking any 855
of the actions. 856

(D) The immunities from civil liability and disciplinary 857
action conferred by this section are in addition to and not in 858
limitation of any immunity conferred on a mental health 859
professional or organization by any other section of the Revised 860
Code or by judicial precedent. 861

(E) This section does not affect the civil rights of a mental 862
health client or patient under Ohio or Federal Law. 863

Sec. 2921.22. (A)(1) Except as provided in division (A)(2) of 864
this section, no person, knowing that a felony has been or is 865
being committed, shall knowingly fail to report such information 866

to law enforcement authorities. 867

(2) No person, knowing that a violation of division (B) of 868
section 2913.04 of the Revised Code has been, or is being 869
committed or that the person has received information derived from 870
such a violation, shall knowingly fail to report the violation to 871
law enforcement authorities. 872

(B) Except for conditions that are within the scope of 873
division (E) of this section, no physician, limited practitioner, 874
nurse, or other person giving aid to a sick or injured person 875
shall negligently fail to report to law enforcement authorities 876
any gunshot or stab wound treated or observed by the physician, 877
limited practitioner, nurse, or person, or any serious physical 878
harm to persons that the physician, limited practitioner, nurse, 879
or person knows or has reasonable cause to believe resulted from 880
an offense of violence. 881

(C) No person who discovers the body or acquires the first 882
knowledge of the death of a person shall fail to report the death 883
immediately to a physician whom the person knows to be treating 884
the deceased for a condition from which death at such time would 885
not be unexpected, or to a law enforcement officer, an ambulance 886
service, an emergency squad, or the coroner in a political 887
subdivision in which the body is discovered, the death is believed 888
to have occurred, or knowledge concerning the death is obtained. 889

(D) No person shall fail to provide upon request of the 890
person to whom a report required by division (C) of this section 891
was made, or to any law enforcement officer who has reasonable 892
cause to assert the authority to investigate the circumstances 893
surrounding the death, any facts within the person's knowledge 894
that may have a bearing on the investigation of the death. 895

(E)(1) As used in this division, "burn injury" means any of 896
the following: 897

(a) Second or third degree burns;	898
(b) Any burns to the upper respiratory tract or laryngeal edema due to the inhalation of superheated air;	899 900
(c) Any burn injury or wound that may result in death;	901
(d) Any physical harm to persons caused by or as the result of the use of fireworks, novelties and trick noisemakers, and wire sparklers, as each is defined by section 3743.01 of the Revised Code.	902 903 904 905
(2) No physician, nurse, or limited practitioner who, outside a hospital, sanitarium, or other medical facility, attends or treats a person who has sustained a burn injury that is inflicted by an explosion or other incendiary device or that shows evidence of having been inflicted in a violent, malicious, or criminal manner shall fail to report the burn injury immediately to the local arson, or fire and explosion investigation, bureau, if there is a bureau of this type in the jurisdiction in which the person is attended or treated, or otherwise to local law enforcement authorities.	906 907 908 909 910 911 912 913 914 915
(3) No manager, superintendent, or other person in charge of a hospital, sanitarium, or other medical facility in which a person is attended or treated for any burn injury that is inflicted by an explosion or other incendiary device or that shows evidence of having been inflicted in a violent, malicious, or criminal manner shall fail to report the burn injury immediately to the local arson, or fire and explosion investigation, bureau, if there is a bureau of this type in the jurisdiction in which the person is attended or treated, or otherwise to local law enforcement authorities.	916 917 918 919 920 921 922 923 924 925
(4) No person who is required to report any burn injury under division (E)(2) or (3) of this section shall fail to file, within three working days after attending or treating the victim, a	926 927 928

written report of the burn injury with the office of the state fire marshal. The report shall comply with the uniform standard developed by the state fire marshal pursuant to division (A)(15) of section 3737.22 of the Revised Code.

(5) Anyone participating in the making of reports under 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 960
relationship between attorney and client; doctor and patient; 961
licensed psychologist or licensed school psychologist and client; 962
licensed counselor, social worker, or marriage and family 963
therapist and client; member of the clergy, rabbi, minister, or 964
priest and any person communicating information confidentially to 965
the member of the clergy, rabbi, minister, or priest for a 966
religious counseling purpose of a professional character; husband 967
and wife; or a communications assistant and those who are a party 968
to a telecommunications relay service call. 969

(2) The information would tend to incriminate a member of the 970
actor's immediate family. 971

(3) Disclosure of the information would amount to revealing a 972
news source, privileged under section 2739.04 or 2739.12 of the 973
Revised Code. 974

(4) Disclosure of the information would amount to disclosure 975
by a member of the ordained clergy of an organized religious body 976
of a confidential communication made to that member of the clergy 977
in that member's capacity as a member of the clergy by a person 978
seeking the aid or counsel of that member of the clergy. 979

(5) Disclosure would amount to revealing information acquired 980
by the actor in the course of the actor's duties in connection 981
with a bona fide program of treatment or services for drug 982
dependent persons or persons in danger of drug dependence, which 983
program is maintained or conducted by a hospital, clinic, person, 984
agency, or organization certified pursuant to section 3793.06 of 985
the Revised Code. 986

(6) Disclosure would amount to revealing information acquired 987
by the actor in the course of the actor's duties in connection 988
with a bona fide program for providing counseling services to 989
victims of crimes that are violations of section 2907.02 or 990

2907.05 of the Revised Code or to victims of felonious sexual 991
penetration in violation of former section 2907.12 of the Revised 992
Code. As used in this division, "counseling services" include 993
services provided in an informal setting by a person who, by 994
education or experience, is competent to provide those services. 995

(H) No disclosure of information pursuant to this section 996
gives rise to any liability or recrimination for a breach of 997
privilege or confidence. 998

(I) Whoever violates division (A) or (B) of this section is 999
guilty of failure to report a crime. Violation of division (A)(1) 1000
of this section is a misdemeanor of the fourth degree. Violation 1001
of division (A)(2) or (B) of this section is a misdemeanor of the 1002
second degree. 1003

(J) Whoever violates division (C) or (D) of this section is 1004
guilty of failure to report knowledge of a death, a misdemeanor of 1005
the fourth degree. 1006

(K)(1) Whoever negligently violates division (E) of this 1007
section is guilty of a minor misdemeanor. 1008

(2) Whoever knowingly violates division (E) of this section 1009
is guilty of a misdemeanor of the second degree. 1010

Sec. 3107.014. (A) Except as provided in division (B) of this 1011
section, only an individual who meets all of the following 1012
requirements may perform the duties of an assessor under sections 1013
3107.031, 3107.032, 3107.082, 3107.09, 3107.101, 3107.12, 1014
5103.0324, and 5103.152 of the Revised Code: 1015

(1) The individual must be in the employ of, appointed by, or 1016
under contract with a court, public children services agency, 1017
private child placing agency, or private noncustodial agency; 1018

(2) The individual must be one of the following: 1019

(a) A professional counselor, social worker, or marriage and 1020

family therapist licensed under Chapter 4757. of the Revised Code;	1021
(b) A psychologist licensed under Chapter 4732. of the Revised Code;	1022 1023
(c) A student working to earn a four-year, post-secondary degree, or higher, in a social or behavior science, or both, who conducts assessor's duties under the supervision of a professional counselor, social worker, or marriage and family therapist licensed under Chapter 4757. of the Revised Code or a psychologist licensed under Chapter 4732. of the Revised Code. Beginning July 1, 2009, a student is eligible under this division only if the supervising professional counselor, social worker, marriage and family therapist, or psychologist has completed training in accordance with rules adopted under section 3107.015 of the Revised Code.	1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034
(d) A civil service employee engaging in social work without a license under Chapter 4757. of the Revised Code, as permitted by division (A)(5) of section 4757.41 of the Revised Code <u>An employee of a court or public children services agency employed to conduct the duties of an assessor;</u>	1035 1036 1037 1038 1039
(e) A former employee of a public children services agency who, while so employed, conducted the duties of an assessor.	1040 1041
(3) The individual must complete training in accordance with rules adopted under section 3107.015 of the Revised Code.	1042 1043
(B) An individual in the employ of, appointed by, or under contract with a court prior to September 18, 1996, to conduct adoption investigations of prospective adoptive parents may perform the duties of an assessor under sections 3107.031, 3107.032, 3107.082, 3107.09, 3107.101, 3107.12, 5103.0324, and 5103.152 of the Revised Code if the individual complies with division (A)(3) of this section regardless of whether the individual meets the requirement of division (A)(2) of this	1044 1045 1046 1047 1048 1049 1050 1051

section. 1052

(C) A court, public children services agency, private child 1053
placing agency, or private noncustodial agency may employ, 1054
appoint, or contract with an assessor in the county in which a 1055
petition for adoption is filed and in any other county or location 1056
outside this state where information needed to complete or 1057
supplement the assessor's duties may be obtained. More than one 1058
assessor may be utilized for an adoption. 1059

(D) Not later than January 1, 2008, the department of job and 1060
family services shall develop and maintain an assessor registry. 1061
The registry shall list all individuals who are employed, 1062
appointed by, or under contract with a court, public children 1063
services agency, private child placing agency, or private 1064
noncustodial agency and meet the requirements of an assessor as 1065
described in this section. A public children services agency, 1066
private child placing agency, private noncustodial agency, court, 1067
or any other person may contact the department to determine if an 1068
individual is listed in the assessor registry. An individual 1069
listed in the assessor registry shall immediately inform the 1070
department when that individual is no longer employed, appointed 1071
by, or under contract with a court, public children services 1072
agency, private child placing agency, or private noncustodial 1073
agency to perform the duties of an assessor as described in this 1074
section. The director of job and family services shall adopt rules 1075
in accordance with Chapter 119. of the Revised Code necessary for 1076
the implementation, contents, and maintenance of the registry, and 1077
any sanctions related to the provision of information, or the 1078
failure to provide information, that is needed for the proper 1079
operation of the assessor registry. 1080

Sec. 3701.74. (A) As used in this section and section 1081
3701.741 of the Revised Code: 1082

(1) "Ambulatory care facility" means a facility that provides	1083
medical, diagnostic, or surgical treatment to patients who do not	1084
require hospitalization, including a dialysis center, ambulatory	1085
surgical facility, cardiac catheterization facility, diagnostic	1086
imaging center, extracorporeal shock wave lithotripsy center, home	1087
health agency, inpatient hospice, birthing center, radiation	1088
therapy center, emergency facility, and an urgent care center.	1089
"Ambulatory care facility" does not include the private office of	1090
a physician or dentist, whether the office is for an individual or	1091
group practice.	1092
(2) "Chiropractor" means an individual licensed under Chapter	1093
4734. of the Revised Code to practice chiropractic.	1094
(3) "Emergency facility" means a hospital emergency	1095
department or any other facility that provides emergency medical	1096
services.	1097
(4) "Health care practitioner" means all of the following:	1098
(a) A dentist or dental hygienist licensed under Chapter	1099
4715. of the Revised Code;	1100
(b) A registered or licensed practical nurse licensed under	1101
Chapter 4723. of the Revised Code;	1102
(c) An optometrist licensed under Chapter 4725. of the	1103
Revised Code;	1104
(d) A dispensing optician, spectacle dispensing optician,	1105
contact lens dispensing optician, or spectacle-contact lens	1106
dispensing optician licensed under Chapter 4725. of the Revised	1107
Code;	1108
(e) A pharmacist licensed under Chapter 4729. of the Revised	1109
Code;	1110
(f) A physician;	1111
(g) A physician assistant authorized under Chapter 4730. of	1112

the Revised Code to practice as a physician assistant;	1113
(h) A practitioner of a limited branch of medicine issued a certificate under Chapter 4731. of the Revised Code;	1114
(i) A psychologist licensed under Chapter 4732. of the Revised Code;	1116
(j) A chiropractor;	1118
(k) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;	1119
(l) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	1121
(m) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	1123
(n) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	1125
(o) A professional clinical counselor, professional counselor, social worker, or independent social worker, marriage and family therapist, or independent marriage and family therapist licensed, or a social work assistant registered, under Chapter 4757. of the Revised Code;	1127
(p) A dietitian licensed under Chapter 4759. of the Revised Code;	1128
(q) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	1129
(r) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code.	1130
(5) "Health care provider" means a hospital, ambulatory care facility, long-term care facility, pharmacy, emergency facility, or health care practitioner.	1131
	1132
	1133
	1134
	1135
	1136
	1137
	1138
	1139
	1140
	1141

(6) "Hospital" has the same meaning as in section 3727.01 of the Revised Code. 1142
1143

(7) "Long-term care facility" means a nursing home, residential care facility, or home for the aging, as those terms are defined in section 3721.01 of the Revised Code; an adult care facility, as defined in section 5119.70 of the Revised Code; a nursing facility or intermediate care facility for the mentally retarded, as those terms are defined in section 5111.20 of the Revised Code; a facility or portion of a facility certified as a skilled nursing facility under Title XVIII of the "Social Security Act," 49 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended. 1144
1145
1146
1147
1148
1149
1150
1151
1152

(8) "Medical record" means data in any form that pertains to a patient's medical history, diagnosis, prognosis, or medical condition and that is generated and maintained by a health care provider in the process of the patient's health care treatment. 1153
1154
1155
1156

(9) "Medical records company" means a person who stores, locates, or copies medical records for a health care provider, or is compensated for doing so by a health care provider, and charges a fee for providing medical records to a patient or patient's representative. 1157
1158
1159
1160
1161

(10) "Patient" means either of the following: 1162

(a) An individual who received health care treatment from a health care provider; 1163
1164

(b) A guardian, as defined in section 1337.11 of the Revised Code, of an individual described in division (A)(10)(a) of this section. 1165
1166
1167

(11) "Patient's personal representative" means a minor patient's parent or other person acting in loco parentis, a court-appointed guardian, or a person with durable power of attorney for health care for a patient, the executor or administrator of the patient's estate, or the person responsible 1168
1169
1170
1171
1172

for the patient's estate if it is not to be probated. "Patient's personal representative" does not include an insurer authorized under Title XXXIX of the Revised Code to do the business of sickness and accident insurance in this state, a health insuring corporation holding a certificate of authority under Chapter 1751. of the Revised Code, or any other person not named in this division.

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

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

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

(B) A patient, a patient's personal representative or an authorized person who wishes to examine or obtain a copy of part or all of a medical record shall submit to the health care provider a written request signed by the patient, personal representative, or authorized person dated not more than one year before the date on which it is submitted. The request shall indicate whether the copy is to be sent to the requestor, physician or chiropractor, or held for the requestor at the office of the health care provider. Within a reasonable time after receiving a request that meets the requirements of this division and includes sufficient information to identify the record requested, a health care provider that has the patient's medical records shall permit the patient to examine the record during regular business hours without charge or, on request, shall provide a copy of the record in accordance with section 3701.741 of the Revised Code, except that if a physician, psychologist,

counselor, social worker, marriage and family therapist, or 1205
chiropractor who has treated the patient determines for clearly 1206
stated treatment reasons that disclosure of the requested record 1207
is likely to have an adverse effect on the patient, the health 1208
care provider shall provide the record to a physician, 1209
psychologist, counselor, social worker, marriage and family 1210
therapist, or chiropractor designated by the patient. The health 1211
care provider shall take reasonable steps to establish the 1212
identity of the person making the request to examine or obtain a 1213
copy of the patient's record. 1214

(C) If a health care provider fails to furnish a medical 1215
record as required by division (B) of this section, the patient, 1216
personal representative, or authorized person who requested the 1217
record may bring a civil action to enforce the patient's right of 1218
access to the record. 1219

(D)(1) This section does not apply to medical records whose 1220
release is covered by section 173.20 or 3721.13 of the Revised 1221
Code, by Chapter 1347. or 5122. of the Revised Code, by 42 C.F.R. 1222
part 2, "Confidentiality of Alcohol and Drug Abuse Patient 1223
Records," or by 42 C.F.R. 483.10. 1224

(2) Nothing in this section is intended to supersede the 1225
confidentiality provisions of sections 2305.24, 2305.25, 2305.251, 1226
and 2305.252 of the Revised Code. 1227

Sec. 3721.21. As used in sections 3721.21 to 3721.34 of the 1228
Revised Code: 1229

(A) "Long-term care facility" means either of the following: 1230

(1) A nursing home as defined in section 3721.01 of the 1231
Revised Code, other than a nursing home or part of a nursing home 1232
certified as an intermediate care facility for the mentally 1233
retarded under Title XIX of the "Social Security Act," 49 Stat. 1234

620 (1935), 42 U.S.C.A. 301, as amended;	1235
(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."	1236 1237 1238
(B) "Residential care facility" has the same meaning as in section 3721.01 of the Revised Code.	1239 1240
(C) "Abuse" means knowingly causing physical harm or recklessly causing serious physical harm to a resident by physical contact with the resident or by use of physical or chemical restraint, medication, or isolation as punishment, for staff convenience, excessively, as a substitute for treatment, or in amounts that preclude habilitation and treatment.	1241 1242 1243 1244 1245 1246
(D) "Neglect" means recklessly failing to provide a resident with any treatment, care, goods, or service necessary to maintain the health or safety of the resident when the failure results in serious physical harm to the resident. "Neglect" does not include allowing a resident, at the resident's option, to receive only treatment by spiritual means through prayer in accordance with the tenets of a recognized religious denomination.	1247 1248 1249 1250 1251 1252 1253
(E) "Misappropriation" means depriving, defrauding, or otherwise obtaining the real or personal property of a resident by any means prohibited by the Revised Code, including violations of Chapter 2911. or 2913. of the Revised Code.	1254 1255 1256 1257
(F) "Resident" includes a resident, patient, former resident or patient, or deceased resident or patient of a long-term care facility or a residential care facility.	1258 1259 1260
(G) "Physical restraint" has the same meaning as in section 3721.10 of the Revised Code.	1261 1262
(H) "Chemical restraint" has the same meaning as in section 3721.10 of the Revised Code.	1263 1264

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

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

(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.

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

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

(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.

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

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

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

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

(4) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;	1295 1296
(5) A registered nurse or licensed practical nurse licensed under Chapter 4723. of the Revised Code;	1297 1298
(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;	1299 1300 1301
(7) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	1302 1303
(8) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;	1304 1305
(9) An optometrist licensed under Chapter 4725. of the Revised Code;	1306 1307
(10) A pharmacist licensed under Chapter 4729. of the Revised Code;	1308 1309
(11) A psychologist licensed under Chapter 4732. of the Revised Code;	1310 1311
(12) A chiropractor licensed under Chapter 4734. of the Revised Code;	1312 1313
(13) A nursing home administrator licensed or temporarily licensed under Chapter 4751. of the Revised Code;	1314 1315
(14) A professional counselor or professional clinical counselor licensed under Chapter 4757. of the Revised Code;	1316 1317
<u>(15) A marriage and family therapist or independent marriage and family therapist licensed under Chapter 4757. of the Revised Code.</u>	1318 1319 1320
(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	1321 1322 1323

of the "Social Security Act" for inpatient hospital services or 1324
post-hospital extended care services furnished to an individual in 1325
a religious nonmedical health care institution, as defined in 1326
section 1861(ss)(1) of the "Social Security Act," 79 Stat. 286 1327
(1965), 42 U.S.C. 1395x(ss)(1), as amended. 1328

(N) "Competency evaluation program" means a program through 1329
which the competency of a nurse aide to provide nursing and 1330
nursing-related services is evaluated. 1331

(O) "Training and competency evaluation program" means a 1332
program of nurse aide training and evaluation of competency to 1333
provide nursing and nursing-related services. 1334

Sec. 4723.16. (A) An individual whom the board of nursing 1335
licenses, certificates, or otherwise legally authorizes to engage 1336
in the practice of nursing as a registered nurse or as a licensed 1337
practical nurse may render the professional services of a 1338
registered or licensed practical nurse within this state through a 1339
corporation formed under division (B) of section 1701.03 of the 1340
Revised Code, a limited liability company formed under Chapter 1341
1705. of the Revised Code, a partnership, or a professional 1342
association formed under Chapter 1785. of the Revised Code. This 1343
division does not preclude an individual of that nature from 1344
rendering professional services as a registered or licensed 1345
practical nurse through another form of business entity, 1346
including, but not limited to, a nonprofit corporation or 1347
foundation, or in another manner that is authorized by or in 1348
accordance with this chapter, another chapter of the Revised Code, 1349
or rules of the board of nursing adopted pursuant to this chapter. 1350

(B) A corporation, limited liability company, partnership, or 1351
professional association described in division (A) of this section 1352
may be formed for the purpose of providing a combination of the 1353
professional services of the following individuals who are 1354

licensed, certificated, or otherwise legally authorized to	1355
practice their respective professions:	1356
(1) Optometrists who are authorized to practice optometry	1357
under Chapter 4725. of the Revised Code;	1358
(2) Chiropractors who are authorized to practice chiropractic	1359
or acupuncture under Chapter 4734. of the Revised Code;	1360
(3) Psychologists who are authorized to practice psychology	1361
under Chapter 4732. of the Revised Code;	1362
(4) Registered or licensed practical nurses who are	1363
authorized to practice nursing as registered nurses or as licensed	1364
practical nurses under this chapter;	1365
(5) Pharmacists who are authorized to practice pharmacy under	1366
Chapter 4729. of the Revised Code;	1367
(6) Physical therapists who are authorized to practice	1368
physical therapy under sections 4755.40 to 4755.56 of the Revised	1369
Code;	1370
(7) Occupational therapists who are licensed to practice	1371
occupational therapy under sections 4755.04 to 4755.13 of the	1372
Revised Code;	1373
(8) Mechanotherapists who are authorized to practice	1374
mechanotherapy under section 4731.151 of the Revised Code;	1375
(9) Doctors of medicine and surgery, osteopathic medicine and	1376
surgery, or podiatric medicine and surgery who are licensed,	1377
certificated, or otherwise legally authorized for their respective	1378
practices under Chapter 4731. of the Revised Code;	1379
<u>(10) Counselors, social workers, or marriage and family</u>	1380
<u>therapists, or independent marriage and family therapists who are</u>	1381
<u>authorized to practice counseling, social work, or marriage and</u>	1382
<u>family therapy under Chapter 4757. of the Revised Code.</u>	1383
This division shall apply notwithstanding a provision of a	1384

code of ethics applicable to a nurse that prohibits a registered 1385
or licensed practical nurse from engaging in the practice of 1386
nursing as a registered nurse or as a licensed practical nurse in 1387
combination with a person who is licensed, certificated, or 1388
otherwise legally authorized to practice optometry, chiropractic, 1389
acupuncture through the state chiropractic board, psychology, 1390
pharmacy, physical therapy, occupational therapy, mechanotherapy, 1391
medicine and surgery, osteopathic medicine and surgery, or 1392
podiatric medicine and surgery, but who is not also licensed, 1393
certificated, or otherwise legally authorized to engage in the 1394
practice of nursing as a registered nurse or as a licensed 1395
practical nurse. 1396

Sec. 4725.33. (A) An individual whom the state board of 1397
optometry licenses to engage in the practice of optometry may 1398
render the professional services of an optometrist within this 1399
state through a corporation formed under division (B) of section 1400
1701.03 of the Revised Code, a limited liability company formed 1401
under Chapter 1705. of the Revised Code, a partnership, or a 1402
professional association formed under Chapter 1785. of the Revised 1403
Code. This division does not preclude an optometrist from 1404
rendering professional services as an optometrist through another 1405
form of business entity, including, but not limited to, a 1406
nonprofit corporation or foundation, or in another manner that is 1407
authorized by or in accordance with this chapter, another chapter 1408
of the Revised Code, or rules of the state board of optometry 1409
adopted pursuant to this chapter. 1410

(B) A corporation, limited liability company, partnership, or 1411
professional association described in division (A) of this section 1412
may be formed for the purpose of providing a combination of the 1413
professional services of the following individuals who are 1414
licensed, certificated, or otherwise legally authorized to 1415
practice their respective professions: 1416

(1) Optometrists who are authorized to practice optometry	1417
under Chapter 4725. of the Revised Code;	1418
(2) Chiropractors who are authorized to practice chiropractic	1419
or acupuncture under Chapter 4734. of the Revised Code;	1420
(3) Psychologists who are authorized to practice psychology	1421
under Chapter 4732. of the Revised Code;	1422
(4) Registered or licensed practical nurses who are	1423
authorized to practice nursing as registered nurses or as licensed	1424
practical nurses under Chapter 4723. of the Revised Code;	1425
(5) Pharmacists who are authorized to practice pharmacy under	1426
Chapter 4729. of the Revised Code;	1427
(6) Physical therapists who are authorized to practice	1428
physical therapy under sections 4755.40 to 4755.56 of the Revised	1429
Code;	1430
(7) Mechanotherapists who are authorized to practice	1431
mechanotherapy under section 4731.151 of the Revised Code;	1432
(8) Doctors of medicine and surgery, osteopathic medicine and	1433
surgery, or podiatric medicine and surgery who are authorized for	1434
their respective practices under Chapter 4731. of the Revised	1435
Code;	1436
<u>(9) Counselors, social workers, or marriage and family</u>	1437
<u>therapists, or independent marriage and family therapists who are</u>	1438
<u>authorized to practice counseling, social work, or marriage and</u>	1439
<u>family therapy under Chapter 4757. of the Revised Code.</u>	1440
This division shall apply notwithstanding a provision of a	1441
code of ethics applicable to an optometrist that prohibits an	1442
optometrist from engaging in the practice of optometry in	1443
combination with a person who is licensed, certificated, or	1444
otherwise legally authorized to practice chiropractic, acupuncture	1445
through the state chiropractic board, psychology, nursing,	1446

pharmacy, physical therapy, mechanotherapy, medicine and surgery, 1447
osteopathic medicine and surgery, or podiatric medicine and 1448
surgery, but who is not also licensed, certificated, or otherwise 1449
legally authorized to engage in the practice of optometry. 1450

Sec. 4729.161. (A) An individual registered with the state 1451
board of pharmacy to engage in the practice of pharmacy may render 1452
the professional services of a pharmacist within this state 1453
through a corporation formed under division (B) of section 1701.03 1454
of the Revised Code, a limited liability company formed under 1455
Chapter 1705. of the Revised Code, a partnership, or a 1456
professional association formed under Chapter 1785. of the Revised 1457
Code. This division does not preclude an individual of that nature 1458
from rendering professional services as a pharmacist through 1459
another form of business entity, including, but not limited to, a 1460
nonprofit corporation or foundation, or in another manner that is 1461
authorized by or in accordance with this chapter, another chapter 1462
of the Revised Code, or rules of the state board of pharmacy 1463
adopted pursuant to this chapter. 1464

(B) A corporation, limited liability company, partnership, or 1465
professional association described in division (A) of this section 1466
may be formed for the purpose of providing a combination of the 1467
professional services of the following individuals who are 1468
licensed, certificated, or otherwise legally authorized to 1469
practice their respective professions: 1470

(1) Optometrists who are authorized to practice optometry 1471
under Chapter 4725. of the Revised Code; 1472

(2) Chiropractors who are authorized to practice chiropractic 1473
or acupuncture under Chapter 4734. of the Revised Code; 1474

(3) Psychologists who are authorized to practice psychology 1475
under Chapter 4732. of the Revised Code; 1476

(4) Registered or licensed practical nurses who are	1477
authorized to practice nursing as registered nurses or as licensed	1478
practical nurses under Chapter 4723. of the Revised Code;	1479
(5) Pharmacists who are authorized to practice pharmacy under	1480
Chapter 4729. of the Revised Code;	1481
(6) Physical therapists who are authorized to practice	1482
physical therapy under sections 4755.40 to 4755.56 of the Revised	1483
Code;	1484
(7) Occupational therapists who are authorized to practice	1485
occupational therapy under sections 4755.04 to 4755.13 of the	1486
Revised Code;	1487
(8) Mechanotherapists who are authorized to practice	1488
mechanotherapy under section 4731.151 of the Revised Code;	1489
(9) Doctors of medicine and surgery, osteopathic medicine and	1490
surgery, or podiatric medicine and surgery who are authorized for	1491
their respective practices under Chapter 4731. of the Revised	1492
Code;	1493
<u>(10) Counselors, social workers, or marriage and family</u>	1494
<u>therapists, or independent marriage and family therapists who are</u>	1495
<u>authorized to practice counseling, social work, or marriage and</u>	1496
<u>family therapy under Chapter 4757. of the Revised Code.</u>	1497
This division shall apply notwithstanding a provision of a	1498
code of ethics applicable to a pharmacist that prohibits a	1499
pharmacist from engaging in the practice of pharmacy in	1500
combination with a person who is licensed, certificated, or	1501
otherwise legally authorized to practice optometry, chiropractic,	1502
acupuncture through the state chiropractic board, psychology,	1503
nursing, physical therapy, occupational therapy, mechanotherapy,	1504
medicine and surgery, osteopathic medicine and surgery, or	1505
podiatric medicine and surgery, but who is not also licensed,	1506
certificated, or otherwise legally authorized to engage in the	1507

practice of pharmacy. 1508

Sec. 4731.226. (A)(1) An individual whom the state medical 1509
board licenses, certificates, or otherwise legally authorizes to 1510
engage in the practice of medicine and surgery, osteopathic 1511
medicine and surgery, or podiatric medicine and surgery may render 1512
the professional services of a doctor of medicine and surgery, 1513
osteopathic medicine and surgery, or podiatric medicine and 1514
surgery within this state through a corporation formed under 1515
division (B) of section 1701.03 of the Revised Code, a limited 1516
liability company formed under Chapter 1705. of the Revised Code, 1517
a partnership, or a professional association formed under Chapter 1518
1785. of the Revised Code. Division (A)(1) of this section does 1519
not preclude an individual of that nature from rendering 1520
professional services as a doctor of medicine and surgery, 1521
osteopathic medicine and surgery, or podiatric medicine and 1522
surgery through another form of business entity, including, but 1523
not limited to, a nonprofit corporation or foundation, or in 1524
another manner that is authorized by or in accordance with this 1525
chapter, another chapter of the Revised Code, or rules of the 1526
state medical board adopted pursuant to this chapter. 1527

(2) An individual whom the state medical board authorizes to 1528
engage in the practice of mechanotherapy may render the 1529
professional services of a mechanotherapist within this state 1530
through a corporation formed under division (B) of section 1701.03 1531
of the Revised Code, a limited liability company formed under 1532
Chapter 1705. of the Revised Code, a partnership, or a 1533
professional association formed under Chapter 1785. of the Revised 1534
Code. Division (A)(2) of this section does not preclude an 1535
individual of that nature from rendering professional services as 1536
a mechanotherapist through another form of business entity, 1537
including, but not limited to, a nonprofit corporation or 1538
foundation, or in another manner that is authorized by or in 1539

accordance with this chapter, another chapter of the Revised Code, 1540
or rules of the state medical board adopted pursuant to this 1541
chapter. 1542

(B) A corporation, limited liability company, partnership, or 1543
professional association described in division (A) of this section 1544
may be formed for the purpose of providing a combination of the 1545
professional services of the following individuals who are 1546
licensed, certificated, or otherwise legally authorized to 1547
practice their respective professions: 1548

(1) Optometrists who are authorized to practice optometry 1549
under Chapter 4725. of the Revised Code; 1550

(2) Chiropractors who are authorized to practice chiropractic 1551
or acupuncture under Chapter 4734. of the Revised Code; 1552

(3) Counselors, social workers, or marriage and family 1553
therapists licensed under Chapter 4757. of the Revised Code; 1554

(4) Psychologists who are authorized to practice psychology 1555
under Chapter 4732. of the Revised Code; 1556

~~(4)~~(5) Registered or licensed practical nurses who are 1557
authorized to practice nursing as registered nurses or as licensed 1558
practical nurses under Chapter 4723. of the Revised Code; 1559

~~(5)~~(6) Pharmacists who are authorized to practice pharmacy 1560
under Chapter 4729. of the Revised Code; 1561

~~(6)~~(7) Physical therapists who are authorized to practice 1562
physical therapy under sections 4755.40 to 4755.56 of the Revised 1563
Code; 1564

~~(7)~~(8) Occupational therapists who are authorized to practice 1565
occupational therapy under sections 4755.04 to 4755.13 of the 1566
Revised Code; 1567

~~(8)~~(9) Mechanotherapists who are authorized to practice 1568
mechanotherapy under section 4731.151 of the Revised Code; 1569

~~(9)~~(10) Doctors of medicine and surgery, osteopathic medicine 1570
and surgery, or podiatric medicine and surgery who are authorized 1571
for their respective practices under this chapter. 1572

(C) Division (B) of this section shall apply notwithstanding 1573
a provision of a code of ethics described in division (B)(18) of 1574
section 4731.22 of the Revised Code that prohibits either of the 1575
following: 1576

(1) A doctor of medicine and surgery, osteopathic medicine 1577
and surgery, or podiatric medicine and surgery from engaging in 1578
the doctor's authorized practice in combination with a person who 1579
is licensed, certificated, or otherwise legally authorized to 1580
engage in the practice of optometry, chiropractic, acupuncture 1581
through the state chiropractic board, counseling, social work, 1582
marriage and family therapy, psychology, nursing, pharmacy, 1583
physical therapy, occupational therapy, or mechanotherapy, but who 1584
is not also licensed, certificated, or otherwise legally 1585
authorized to practice medicine and surgery, osteopathic medicine 1586
and surgery, or podiatric medicine and surgery. 1587

(2) A mechanotherapist from engaging in the practice of 1588
mechanotherapy in combination with a person who is licensed, 1589
certificated, or otherwise legally authorized to engage in the 1590
practice of optometry, chiropractic, acupuncture through the state 1591
chiropractic board, counseling, social work, marriage and family 1592
therapy, psychology, nursing, pharmacy, physical therapy, 1593
occupational therapy, medicine and surgery, osteopathic medicine 1594
and surgery, or podiatric medicine and surgery, but who is not 1595
also licensed, certificated, or otherwise legally authorized to 1596
engage in the practice of mechanotherapy. 1597

Sec. 4731.65. As used in sections 4731.65 to 4731.71 of the 1598
Revised Code: 1599

(A)(1) "Clinical laboratory services" means either of the 1600

following: 1601

(a) Any examination of materials derived from the human body 1602
for the purpose of providing information for the diagnosis, 1603
prevention, or treatment of any disease or impairment or for the 1604
assessment of health; 1605

(b) Procedures to determine, measure, or otherwise describe 1606
the presence or absence of various substances or organisms in the 1607
body. 1608

(2) "Clinical laboratory services" does not include the mere 1609
collection or preparation of specimens. 1610

(B) "Designated health services" means any of the following: 1611

(1) Clinical laboratory services; 1612

(2) Home health care services; 1613

(3) Outpatient prescription drugs. 1614

(C) "Fair market value" means the value in arms-length 1615
transactions, consistent with general market value and: 1616

(1) With respect to rentals or leases, the value of rental 1617
property for general commercial purposes, not taking into account 1618
its intended use; 1619

(2) With respect to a lease of space, not adjusted to reflect 1620
the additional value the prospective lessee or lessor would 1621
attribute to the proximity or convenience to the lessor if the 1622
lessor is a potential source of referrals to the lessee. 1623

(D) "Governmental health care program" means any program 1624
providing health care benefits that is administered by the federal 1625
government, this state, or a political subdivision of this state, 1626
including the medicare program established under Title XVIII of 1627
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 1628
as amended, health care coverage for public employees, health care 1629
benefits administered by the bureau of workers' compensation, and 1630

the medicaid program established under Chapter 5111. of the 1631
Revised Code. 1632

(E)(1) "Group practice" means a group of two or more holders 1633
of certificates under this chapter legally organized as a 1634
partnership, professional corporation or association, limited 1635
liability company, foundation, nonprofit corporation, faculty 1636
practice plan, or similar group practice entity, including an 1637
organization comprised of a nonprofit medical clinic that 1638
contracts with a professional corporation or association of 1639
physicians to provide medical services exclusively to patients of 1640
the clinic in order to comply with section 1701.03 of the Revised 1641
Code and including a corporation, limited liability company, 1642
partnership, or professional association described in division (B) 1643
of section 4731.226 of the Revised Code formed for the purpose of 1644
providing a combination of the professional services of 1645
optometrists who are licensed, certificated, or otherwise legally 1646
authorized to practice optometry under Chapter 4725. of the 1647
Revised Code, chiropractors who are licensed, certificated, or 1648
otherwise legally authorized to practice chiropractic or 1649
acupuncture under Chapter 4734. of the Revised Code, counselors, 1650
social workers, or marriage and family therapists licensed under 1651
Chapter 4757. of the Revised Code, psychologists who are licensed, 1652
certificated, or otherwise legally authorized to practice 1653
psychology under Chapter 4732. of the Revised Code, registered or 1654
licensed practical nurses who are licensed, certificated, or 1655
otherwise legally authorized to practice nursing under Chapter 1656
4723. of the Revised Code, pharmacists who are licensed, 1657
certificated, or otherwise legally authorized to practice pharmacy 1658
under Chapter 4729. of the Revised Code, physical therapists who 1659
are licensed, certificated, or otherwise legally authorized to 1660
practice physical therapy under sections 4755.40 to 4755.56 of the 1661
Revised Code, occupational therapists who are licensed, 1662
certificated, or otherwise legally authorized to practice 1663

occupational therapy under sections 4755.04 to 4755.13 of the Revised Code, mechanotherapists who are licensed, certificated, or otherwise legally authorized to practice mechanotherapy under section 4731.151 of the Revised Code, and doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are licensed, certificated, or otherwise legally authorized for their respective practices under this chapter, to which all of the following apply:

(a) Each physician who is a member of the group practice provides substantially the full range of services that the physician routinely provides, including medical care, consultation, diagnosis, or treatment, through the joint use of shared office space, facilities, equipment, and personnel.

(b) Substantially all of the services of the members of the group are provided through the group and are billed in the name of the group and amounts so received are treated as receipts of the group.

(c) The overhead expenses of and the income from the practice are distributed in accordance with methods previously determined by members of the group.

(d) The group practice meets any other requirements that the state medical board applies in rules adopted under section 4731.70 of the Revised Code.

(2) In the case of a faculty practice plan associated with a hospital with a medical residency training program in which physician members may provide a variety of specialty services and provide professional services both within and outside the group, as well as perform other tasks such as research, the criteria in division (E)(1) of this section apply only with respect to services rendered within the faculty practice plan.

(F) "Home health care services" and "immediate family" have

the same meanings as in the rules adopted under section 4731.70 of 1695
the Revised Code. 1696

(G) "Hospital" has the same meaning as in section 3727.01 of 1697
the Revised Code. 1698

(H) A "referral" includes both of the following: 1699

(1) A request by a holder of a certificate under this chapter 1700
for an item or service, including a request for a consultation 1701
with another physician and any test or procedure ordered by or to 1702
be performed by or under the supervision of the other physician; 1703

(2) A request for or establishment of a plan of care by a 1704
certificate holder that includes the provision of designated 1705
health services. 1706

(I) "Third-party payer" has the same meaning as in section 1707
3901.38 of the Revised Code. 1708

Sec. 4732.28. (A) An individual whom the state board of 1709
psychology licenses, certificates, or otherwise legally authorizes 1710
to engage in the practice of psychology may render the 1711
professional services of a psychologist within this state through 1712
a corporation formed under division (B) of section 1701.03 of the 1713
Revised Code, a limited liability company formed under Chapter 1714
1705. of the Revised Code, a partnership, or a professional 1715
association formed under Chapter 1785. of the Revised Code. This 1716
division does not preclude an individual of that nature from 1717
rendering professional services as a psychologist through another 1718
form of business entity, including, but not limited to, a 1719
nonprofit corporation or foundation, or in another manner that is 1720
authorized by or in accordance with this chapter, another chapter 1721
of the Revised Code, or rules of the state board of psychology 1722
adopted pursuant to this chapter. 1723

(B) A corporation, limited liability company, partnership, or 1724

professional association described in division (A) of this section	1725
may be formed for the purpose of providing a combination of the	1726
professional services of the following individuals who are	1727
licensed, certificated, or otherwise legally authorized to	1728
practice their respective professions:	1729
(1) Optometrists who are authorized to practice optometry	1730
under Chapter 4725. of the Revised Code;	1731
(2) Chiropractors who are authorized to practice chiropractic	1732
or acupuncture under Chapter 4734. of the Revised Code;	1733
(3) Psychologists who are authorized to practice psychology	1734
under this chapter;	1735
(4) Registered or licensed practical nurses who are	1736
authorized to practice nursing as registered nurses or as licensed	1737
practical nurses under Chapter 4723. of the Revised Code;	1738
(5) Pharmacists who are authorized to practice pharmacy under	1739
Chapter 4729. of the Revised Code;	1740
(6) Physical therapists who are authorized to practice	1741
physical therapy under sections 4755.40 to 4755.56 of the Revised	1742
Code;	1743
(7) Occupational therapists who are authorized to practice	1744
occupational therapy under sections 4755.04 to 4755.13 of the	1745
Revised Code;	1746
(8) Mechanotherapists who are authorized to practice	1747
mechanotherapy under section 4731.151 of the Revised Code;	1748
(9) Doctors of medicine and surgery, osteopathic medicine and	1749
surgery, or podiatric medicine and surgery who are authorized for	1750
their respective practices under Chapter 4731. of the Revised	1751
Code;	1752
<u>(10) Counselors, social workers, or marriage and family</u>	1753
<u>therapists, or independent marriage and family therapists who are</u>	1754

authorized to practice counseling, social work, or marriage and 1755
family therapy under Chapter 4757. of the Revised Code. 1756

This division shall apply notwithstanding a provision of a 1757
code of ethics applicable to a psychologist that prohibits a 1758
psychologist from engaging in the practice of psychology in 1759
combination with a person who is licensed, certificated, or 1760
otherwise legally authorized to practice optometry, chiropractic, 1761
acupuncture through the state chiropractic board, nursing, 1762
pharmacy, physical therapy, occupational therapy, mechanotherapy, 1763
medicine and surgery, osteopathic medicine and surgery, or 1764
podiatric medicine and surgery, but who is not also licensed, 1765
certificated, or otherwise legally authorized to engage in the 1766
practice of psychology. 1767

Sec. 4734.17. (A) An individual whom the state chiropractic 1768
board licenses to engage in the practice of chiropractic or 1769
certifies to practice acupuncture may render the professional 1770
services of a chiropractor or chiropractor certified to practice 1771
acupuncture within this state through a corporation formed under 1772
division (B) of section 1701.03 of the Revised Code, a limited 1773
liability company formed under Chapter 1705. of the Revised Code, 1774
a partnership, or a professional association formed under Chapter 1775
1785. of the Revised Code. This division does not preclude a 1776
chiropractor from rendering professional services as a 1777
chiropractor or chiropractor certified to practice acupuncture 1778
through another form of business entity, including, but not 1779
limited to, a nonprofit corporation or foundation, or in another 1780
manner that is authorized by or in accordance with this chapter, 1781
another chapter of the Revised Code, or rules of the state 1782
chiropractic board adopted pursuant to this chapter. 1783

(B) A corporation, limited liability company, partnership, or 1784
professional association described in division (A) of this section 1785

may be formed for the purpose of providing a combination of the	1786
professional services of the following individuals who are	1787
licensed, certificated, or otherwise legally authorized to	1788
practice their respective professions:	1789
(1) Optometrists who are authorized to practice optometry,	1790
under Chapter 4725. of the Revised Code;	1791
(2) Chiropractors who are authorized to practice chiropractic	1792
or acupuncture under this chapter;	1793
(3) Psychologists who are authorized to practice psychology	1794
under Chapter 4732. of the Revised Code;	1795
(4) Registered or licensed practical nurses who are	1796
authorized to practice nursing as registered nurses or as licensed	1797
practical nurses under Chapter 4723. of the Revised Code;	1798
(5) Pharmacists who are authorized to practice pharmacy under	1799
Chapter 4729. of the Revised Code;	1800
(6) Physical therapists who are authorized to practice	1801
physical therapy under sections 4755.40 to 4755.56 of the Revised	1802
Code;	1803
(7) Occupational therapists who are authorized to practice	1804
occupational therapy under sections 4755.04 to 4755.13 of the	1805
Revised Code;	1806
(8) Mechanotherapists who are authorized to practice	1807
mechanotherapy under section 4731.151 of the Revised Code;	1808
(9) Doctors of medicine and surgery, osteopathic medicine and	1809
surgery, or podiatric medicine and surgery who are authorized for	1810
their respective practices under Chapter 4731. of the Revised	1811
Code;	1812
<u>(10) Counselors, social workers, or marriage and family</u>	1813
<u>therapists, or independent marriage and family therapists who are</u>	1814
<u>authorized to practice counseling, social work, or marriage and</u>	1815

family therapy under Chapter 4757. of the Revised Code. 1816

This division shall apply notwithstanding a provision of any 1817
code of ethics established or adopted under section 4734.16 of the 1818
Revised Code that prohibits an individual from engaging in the 1819
practice of chiropractic or acupuncture in combination with an 1820
individual who is licensed, certificated, or otherwise authorized 1821
for the practice of optometry, psychology, nursing, pharmacy, 1822
physical therapy, occupational therapy, mechanotherapy, medicine 1823
and surgery, osteopathic medicine and surgery, or podiatric 1824
medicine and surgery, but who is not also licensed under this 1825
chapter to engage in the practice of chiropractic. 1826

Sec. 4755.471. (A) An individual whom the physical therapy 1827
section of the Ohio occupational therapy, physical therapy, and 1828
athletic trainers board licenses, certificates, or otherwise 1829
legally authorizes to engage in the practice of physical therapy 1830
may render the professional services of a physical therapist 1831
within this state through a corporation formed under division (B) 1832
of section 1701.03 of the Revised Code, a limited liability 1833
company formed under Chapter 1705. of the Revised Code, a 1834
partnership, or a professional association formed under Chapter 1835
1785. of the Revised Code. This division does not preclude an 1836
individual of that nature from rendering professional services as 1837
a physical therapist through another form of business entity, 1838
including, but not limited to, a nonprofit corporation or 1839
foundation, or in another manner that is authorized by or in 1840
accordance with sections 4755.40 to 4755.53 of the Revised Code, 1841
another chapter of the Revised Code, or rules of the Ohio 1842
occupational therapy, physical therapy, and athletic trainers 1843
board adopted pursuant to sections 4755.40 to 4755.53 of the 1844
Revised Code. 1845

(B) A corporation, limited liability company, partnership, or 1846

professional association described in division (A) of this section 1847
may be formed for the purpose of providing a combination of the 1848
professional services of the following individuals who are 1849
licensed, certificated, or otherwise legally authorized to 1850
practice their respective professions: 1851

(1) Optometrists who are authorized to practice optometry 1852
under Chapter 4725. of the Revised Code; 1853

(2) Chiropractors who are authorized to practice chiropractic 1854
or acupuncture under Chapter 4734. of the Revised Code; 1855

(3) Psychologists who are authorized to practice psychology 1856
under Chapter 4732. of the Revised Code; 1857

(4) Registered or licensed practical nurses who are 1858
authorized to practice nursing as registered nurses or as licensed 1859
practical nurses under Chapter 4723. of the Revised Code; 1860

(5) Pharmacists who are authorized to practice pharmacy under 1861
Chapter 4729. of the Revised Code; 1862

(6) Physical therapists who are authorized to practice 1863
physical therapy under sections 4755.40 to 4755.56 of the Revised 1864
Code; 1865

(7) Mechanotherapists who are authorized to practice 1866
mechanotherapy under section 4731.151 of the Revised Code; 1867

(8) Doctors of medicine and surgery, osteopathic medicine and 1868
surgery, or podiatric medicine and surgery who are authorized for 1869
their respective practices under Chapter 4731. of the Revised 1870
Code; 1871

(9) Counselors, social workers, or marriage and family 1872
therapists, or independent marriage and family therapists who are 1873
authorized to practice counseling, social work, or marriage and 1874
family therapy under Chapter 4757. of the Revised Code. 1875

This division shall apply notwithstanding a provision of a 1876

code of ethics applicable to a physical therapist that prohibits a 1877
physical therapist from engaging in the practice of physical 1878
therapy in combination with a person who is licensed, 1879
certificated, or otherwise legally authorized to practice 1880
optometry, chiropractic, acupuncture through the state 1881
chiropractic board, psychology, nursing, pharmacy, mechanotherapy, 1882
medicine and surgery, osteopathic medicine and surgery, or 1883
podiatric medicine and surgery, but who is not also licensed, 1884
certificated, or otherwise legally authorized to engage in the 1885
practice of physical therapy. 1886

Sec. 4757.03. (A) There is hereby created the counselor, 1887
social worker, and marriage and family therapist board, consisting 1888
of fifteen members. The governor shall appoint the members with 1889
the advice and consent of the senate. 1890

(1) ~~Four of the~~ members shall be individuals licensed under 1891
this chapter as professional clinical counselors or professional 1892
counselors. At all times, the counselor membership shall include 1893
at least ~~two licensed professional clinical counselors, at least~~ 1894
one individual who has received a doctoral degree in counseling 1895
from an accredited educational institution recognized by the board 1896
and holds a graduate level teaching position in a counselor 1897
education program, ~~and at least two individuals who have received~~ 1898
~~at least a master's degree in counseling from an accredited~~ 1899
~~educational institution recognized by the board.~~ 1900

~~Two of the~~ (2) Four members shall be individuals licensed 1901
under this chapter as independent marriage and family therapists 1902
~~and two shall be individuals licensed under this chapter as or~~ 1903
~~marriage and family therapists or, if the board has not yet~~ 1904
~~licensed independent marriage and family therapists or marriage~~ 1905
~~and family therapists, eligible for licensure as independent~~ 1906
~~marriage and family therapists or marriage and family therapists.~~ 1907

~~They shall have, during the five years preceding appointment, 1908
actively engaged in the practice of marriage and family therapy, 1909
in educating and training master's, doctoral, or postdoctoral 1910
students of marriage and family therapy, or in marriage and family 1911
therapy research and, during the two years immediately preceding 1912
appointment, shall have devoted the majority of their professional 1913
time to the activity while residing in this state. At all times, 1914
the marriage and family therapist membership shall include one 1915
educator who holds a teaching position in a master's degree 1916
marriage and family therapy program at an accredited educational 1917
institution recognized by the board. 1918~~

(3) Two members shall be individuals licensed under this 1919
chapter as independent social workers. Two members shall be 1920
individuals licensed under this chapter as social workers, at 1921
least one of whom must hold a bachelor's or master's degree in 1922
social work from an accredited educational institution recognized 1923
by the board. At all times, the social worker membership shall 1924
include one educator who holds a teaching position in a 1925
baccalaureate or master's degree social work program at an 1926
accredited educational institution recognized by the board. 1927

(4) Three members shall be representatives of the general 1928
public who have not practiced professional counseling, marriage 1929
and family therapy, or social work and have not been involved in 1930
the delivery of professional counseling, marriage and family 1931
therapy, or social work services. At least one of the members 1932
representing the general public shall be at least sixty years of 1933
age. During their terms the public members shall not practice 1934
professional counseling, marriage and family therapy, or social 1935
work or be involved in the delivery of professional counseling, 1936
marriage and family therapy, or social work services. 1937

(B) Each member appointed to the board, during the five years 1938
preceding appointment, shall have actively engaged in the practice 1939

of their respective professions, in educating and training 1940
master's, doctoral, or postdoctoral students of their respective 1941
professions, or in research in their respective professions, and, 1942
during the two years immediately preceding appointment, shall have 1943
devoted the majority of their professional time to the activity 1944
while residing in this state. 1945

(C) At least three appointed members who are licensed by the 1946
board, during the five years preceding appointment, shall have 1947
practiced at a public agency or at an organization that was 1948
certified or licensed by the department of developmental 1949
disabilities, the department of alcohol and drug addiction 1950
services, the department of job and family services, or the 1951
department of mental health. 1952

(D) Not more than eight members of the board may be members 1953
of the same political party or sex. At 1954

(E) At least one member of the board shall be of African, 1955
Native American, Hispanic, or Asian descent. 1956

~~Of the initial appointees, three shall be appointed for terms~~ 1957
~~ending October 10, 1985, four shall be appointed for terms ending~~ 1958
~~October 10, 1986, and four shall be appointed for terms ending~~ 1959
~~October 10, 1987. Of the two initial independent marriage and~~ 1960
~~family therapists appointed to the board, one shall be appointed~~ 1961
~~for a term ending two years after the effective date of this~~ 1962
~~amendment and one for a term ending three years after that date.~~ 1963
~~Of the two initial marriage and family therapists appointed to the~~ 1964
~~board, one shall be appointed for a term ending two years after~~ 1965
~~the effective date of this amendment and one for a term ending~~ 1966
~~three years after that date. After the initial appointments, terms~~ 1967

(F) Terms of office shall be three years, each term ending on 1968
the same day of the same month of the year as did the term that it 1969
succeeds. As a result of the dates of initial appointment, the 1970

number of terms expiring each year are four, five, or six. 1971

(G) A member shall hold office from the date of appointment 1972
until the end of the term for which the member was appointed. A 1973
member appointed to fill a vacancy occurring prior to the 1974
expiration of the term for which the member's predecessor was 1975
appointed shall hold office for the remainder of that term. A 1976
member shall continue in office after the expiration date of the 1977
member's term until a successor takes office ~~or until a period of~~ 1978
~~sixty days has elapsed, whichever occurs first.~~ Members may be 1979
reappointed, except that if a person has held office for two 1980
consecutive full terms, the person shall not be reappointed to the 1981
board sooner than one year after the expiration of the second full 1982
term as a member of the board. 1983

Sec. 4757.13. (A) Each individual who engages in the practice 1984
of counseling, social work, or marriage and family therapy shall 1985
prominently display, in a conspicuous place in the office or place 1986
where a major portion of the individual's practice is conducted, 1987
and in such a manner as to be easily seen and read, the license 1988
granted to the individual by the state counselor, social worker, 1989
and marriage and family therapist board. 1990

(B) A licensee engaged in a private individual practice, 1991
partnership, or group practice shall prominently display in the 1992
office or place where a major portion of the licensee's practice 1993
is conducted the licensee's fee schedule, listing the fees by type 1994
of service provided or hourly rate. The bottom of the first page 1995
of the fee schedule shall include the following statement, which 1996
shall be followed by the name, address, and telephone number of 1997
the board: 1998

"This information is required by the Counselor, Social 1999
Worker, and Marriage and Family Therapist Board, which regulates 2000
the practices of professional counseling, social work, and 2001

marriage and family therapy in this state." 2002

Sec. 4757.16. (A) A person seeking to be licensed under this 2003
chapter as a professional clinical counselor or professional 2004
counselor shall file with the counselors professional standards 2005
committee of the counselor, social worker, and marriage and family 2006
therapist board a written application on a form prescribed by the 2007
board. A person seeking to be licensed under this chapter as an 2008
independent social worker or social worker or registered under 2009
this chapter as a social work assistant shall file with the social 2010
workers professional standards committee of the board a written 2011
application on a form prescribed by the board. A person seeking to 2012
be licensed under this chapter as an independent marriage and 2013
family therapist or a marriage and family therapist shall file 2014
with the marriage and family therapist professional standards 2015
committee of the board a written application on a form prescribed 2016
by the board. 2017

Each form prescribed by the board shall contain a statement 2018
informing the applicant that a person who knowingly makes a false 2019
statement on the form is guilty of falsification under section 2020
2921.13 of the Revised Code, a misdemeanor of the first degree. 2021

(B) The professional standards committees shall adopt rules 2022
under Chapter 119. of the Revised Code concerning the process for 2023
review of each application received ~~and shall to~~ determine whether 2024
the applicant meets the requirements to receive the license or 2025
certificate of registration for which application has been made. 2026

Sec. 4757.22. (A) The counselors professional standards 2027
committee of the counselor, social worker, and marriage and family 2028
therapist board shall issue a license to practice as a 2029
professional clinical counselor to each applicant who submits a 2030
properly completed application, pays the fee established under 2031

section 4757.31 of the Revised Code, and meets the requirements specified in division (B) of this section.	2032 2033
(B) To be eligible for a professional clinical counselor license, an individual must meet the following requirements:	2034 2035
(1) The individual must be of good moral character.	2036
(2) The individual must hold from an accredited educational institution a graduate degree in counseling.	2037 2038
(3) The individual must complete a minimum of ninety quarter hours <u>or sixty semester hours</u> of graduate credit in counselor training acceptable to the committee, including a minimum of thirty quarter hours of instruction in the following areas:	2039 2040 2041 2042
(a) Clinical psychopathology, personality, and abnormal behavior;	2043 2044
(b) Evaluation of mental and emotional disorders;	2045
(c) Diagnosis of mental and emotional disorders;	2046
(d) Methods of prevention, intervention, and treatment of mental and emotional disorders.	2047 2048
(4) The individual must complete, in either a private or clinical counseling setting, supervised experience in counseling that is of a type approved by the committee, is supervised by a professional clinical counselor or other qualified professional approved by the committee, and is in the following amounts:	2049 2050 2051 2052 2053
(a) In the case of an individual holding only a master's degree, not less than two years of experience, which must be completed after the award of the master's degree;	2054 2055 2056
(b) In the case of an individual holding a doctorate, not less than one year of experience, which must be completed after the award of the doctorate.	2057 2058 2059
(5) The individual must pass a field evaluation that meets	2060

the following requirements:	2061
(a) Has been completed by the applicant's instructors,	2062
employers, supervisors, or other persons determined by the	2063
committee to be competent to evaluate an individual's professional	2064
competence;	2065
(b) Includes documented evidence of the quality, scope, and	2066
nature of the applicant's experience and competence in diagnosing	2067
and treating mental and emotional disorders.	2068
(6) The individual must pass an examination administered by	2069
the board for the purpose of determining ability to practice as a	2070
professional clinical counselor.	2071
(C) To be accepted by the committee for purposes of division	2072
(B) of this section, counselor training must include at least the	2073
following:	2074
(1) Instruction in human growth and development; counseling	2075
theory; counseling techniques; group dynamics, processing, and	2076
counseling; appraisal of individuals; research and evaluation;	2077
professional, legal, and ethical responsibilities; social and	2078
cultural foundations; and lifestyle and career development;	2079
(2) Participation in a supervised practicum and internship in	2080
counseling.	2081
(D) The committee may issue a provisional license to an	2082
applicant who meets all of the requirements to be licensed under	2083
this section, pending the receipt of transcripts or action by the	2084
committee to issue a license to practice as a professional	2085
clinical counselor.	2086
(E) An individual may not sit for the licensing examination	2087
unless the individual meets the educational requirements to be	2088
licensed under this section. An individual who is denied admission	2089
to the licensing examination may appeal the denial in accordance	2090

with Chapter 119. of the Revised Code. 2091

(F) The board shall adopt any rules necessary for the 2092
committee to implement this section, including criteria for the 2093
committee to use in determining whether an applicant's training 2094
should be accepted and supervised experience approved, and 2095
including a rule that: 2096

(1) Requires that a graduate degree in counseling that is 2097
obtained after January 1, 2018, in order to meet the requirements 2098
of division (B)(2) of this section is from an institution 2099
accredited by the council for accreditation of counseling and 2100
related programs (CACREP); and 2101

(2) Stipulates that CACREP accredited programs in clinical 2102
mental health counseling and, until January 1, 2018, mental health 2103
counseling, addiction counseling, and any other program area 2104
approved by the board by rule are deemed to have met the licensure 2105
educational requirements of division (B)(3) of this section. Rules 2106
adopted under this division shall be adopted in accordance with 2107
Chapter 119. of the Revised Code. 2108

Sec. 4757.23. (A) The counselors professional standards 2109
committee of the counselor, social worker, and marriage and family 2110
therapist board shall issue a license as a professional counselor 2111
to each applicant who submits a properly completed application, 2112
pays the fee established under section 4757.31 of the Revised 2113
Code, and meets the requirements established under division (B) of 2114
this section. 2115

(B) To be eligible for a license as a professional counselor, 2116
an individual must meet the following requirements: 2117

(1) The individual must be of good moral character. 2118

(2) The individual must hold from an accredited educational 2119
institution a graduate degree in counseling. 2120

(3) The individual must complete a minimum of ninety quarter hours or sixty semester hours of graduate credit in counselor training acceptable to the committee, which the individual may complete while working toward receiving a graduate degree in counseling, or subsequent to receiving the degree, and which shall include training 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.

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

(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 2151
licensed under this section. An individual who is denied admission 2152
to the licensing examination may appeal the denial in accordance 2153
with Chapter 119. of the Revised Code. 2154

(F) The board shall adopt any rules necessary for the 2155
committee to implement this section, including criteria for the 2156
committee to use in determining whether an applicant's training 2157
should be accepted, and including a rule that: 2158

(1) Requires that a graduate degree in counseling that is 2159
obtained after January 1, 2018, in order to meet the requirements 2160
of division (B)(2) of this section is from an institution 2161
accredited by the council for accreditation of counseling and 2162
related programs (CACREP); and 2163

(2) Stipulates that CACREP accredited programs in clinical 2164
mental health counseling and, until January 1, 2018, mental health 2165
counseling, addiction counseling, and any other program area 2166
approved by the board by rule are deemed to have met the licensure 2167
educational requirements of division (B)(3) of this section. Rules 2168
adopted under this division shall be adopted in accordance with 2169
Chapter 119. of the Revised Code. 2170

(G) The board shall adopt rules for voluntary registration of 2171
master's level counseling students enrolled in practice and 2172
internships. 2173

Sec. 4757.27. (A) The social workers professional standards 2174
committee of the counselor, social worker, and marriage and family 2175
therapist board shall issue a license as an independent social 2176
worker to each applicant who submits a properly completed 2177
application, pays the fee established under section 4757.31 of the 2178
Revised Code, and meets the requirements specified in division (B) 2179
of this section. An independent social worker license shall 2180
clearly indicate each academic degree earned by the person to whom 2181

it has been issued.	2182
(B) To be eligible for a license as an independent social worker, an individual must meet the following requirements:	2183
(1) The individual must be of good moral character.	2184
(2) The individual must hold from an <u>a council on social work education (CSWE)</u> accredited educational institution a master's degree or a doctorate in social work.	2185
(3) The individual must complete at least two years of post-master's degree social work experience supervised by an independent social worker.	2186
(4) The individual must pass an examination administered by the board for the purpose of determining ability to practice as an independent social worker.	2187
(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.	2188
(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.	2189
<u>(E) The board shall adopt rules for voluntary registration of master level social worker students enrolled in fieldwork, practice, and internships.</u>	2190
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	2191
	2192
	2193
	2194
	2195
	2196
	2197
	2198
	2199
	2200
	2201
	2202
	2203
	2204
	2205
	2206
	2207
	2208
	2209
	2210

applicant who submits a properly completed application, pays the 2211
fee established under section 4757.31 of the Revised Code, and 2212
meets the requirements specified in division (B) of this section. 2213
A social worker license shall clearly indicate each academic 2214
degree earned by the person to whom it is issued. 2215

(B) To be eligible for a license as a social worker, an 2216
individual must meet the following requirements: 2217

(1) The individual must be of good moral character. 2218

(2) The individual must hold from an accredited educational 2219
institution one of the following: 2220

(a) A baccalaureate degree in social work ~~or, prior to~~ 2221
~~October 10, 1992, a baccalaureate degree in a program closely~~ 2222
~~related to social work and approved by the committee;~~ 2223

(b) A master's degree in social work; 2224

(c) A doctorate in social work. 2225

(3) The individual must pass an examination administered by 2226
the board for the purpose of determining ability to practice as a 2227
social worker. 2228

(C) The committee may issue a temporary license to an 2229
applicant who meets all of the requirements to be licensed under 2230
this section, pending the receipt of transcripts or action by the 2231
committee to issue a license as a social worker. However, the 2232
committee may issue a temporary license to an applicant who 2233
provides the board with a statement from the applicant's academic 2234
institution indicating that the applicant is in good standing with 2235
the institution, that the applicant has met the academic 2236
requirements for the applicant's degree, and the date the 2237
applicant will receive the applicant's degree. 2238

(D) The board shall adopt any rules necessary for the 2239
committee to implement this section, including criteria for the 2240

committee to use in determining whether an applicant's training 2241
should be accepted and supervised experience approved. Rules 2242
adopted under this division shall be adopted in accordance with 2243
Chapter 119. of the Revised Code. 2244

Sec. 4757.29. ~~(A)~~ The social workers professional standards 2245
committee of the counselor, social worker, and marriage and family 2246
therapist board shall issue a certificate of registration as a 2247
social work assistant to each applicant who submits a properly 2248
completed application, pays the fee established under section 2249
4757.31 of the Revised Code, is of good moral character, and holds 2250
from an accredited educational institution an associate degree in 2251
social service technology or a bachelor's degree that is 2252
equivalent to an associate degree in social service technology or 2253
a related bachelor's or higher degree that is approved by the 2254
committee. 2255

~~(B) On and after March 18, 1997, a counselor assistant 2256
certificate of registration issued under former section 4757.08 of 2257
the Revised Code shall be considered a certificate of registration 2258
as a social work assistant. The holder of the certificate is 2259
subject to the supervision requirements specified in section 2260
4757.26 of the Revised Code, the continuing education requirements 2261
specified in section 4757.33 of the Revised Code, and regulation 2262
by the social workers professional standards committee. On the 2263
first renewal occurring after March 18, 1997, the committee shall 2264
issue a certificate of registration as a social work assistant to 2265
each former counselor assistant who qualifies for renewal. 2266~~

~~(C) The social workers professional standards committee shall 2267
issue a certificate of registration as a social work assistant to 2268
any person who, on or before March 18, 1998, meets the 2269
requirements for a certificate of registration as a counselor 2270
assistant pursuant to division (A)(3) of former section 4757.08 of 2271~~

~~the Revised Code, submits a properly completed application, pays 2272
the fee established under section 4757.31 of the Revised Code, and 2273
is of good moral character. 2274~~

Sec. 4757.30. (A) The marriage and family therapist 2275
professional standards committee of the counselor, social worker, 2276
and marriage and family therapist board shall issue a license to 2277
practice as a marriage and family therapist to a person who has 2278
done all of the following: 2279

(1) Properly completed an application for the license; 2280

(2) Paid the required fee established by the board under 2281
section 4757.31 of the Revised Code; 2282

(3) Achieved one of the following: 2283

(a) Received from an educational institution accredited at 2284
the time the degree was granted by a regional accrediting 2285
organization recognized by the board a master's degree or a 2286
doctorate in marriage and family therapy; 2287

(b) Completed a graduate degree that includes a minimum of 2288
ninety quarter hours of graduate level course work in marriage and 2289
family therapy training that is acceptable to the committee; 2290

(4) Passed an examination administered by the board for the 2291
purpose of determining the person's ability to be a marriage and 2292
family therapist; 2293

(5) Completed a practicum that includes at least three 2294
hundred hours of client contact. 2295

(B) To be accepted by the committee for purposes of division 2296
(A)(3)(b) of this section, marriage and family therapist training 2297
must include instruction in at least the following: 2298

(1) Research and evaluation; 2299

(2) Professional, legal, and ethical responsibilities; 2300

(3) Marriage and family studies;	2301
(4) Marriage and family therapy, including therapeutic theory and techniques for individuals, groups, and families;	2302 2303
(5) Human development;	2304
(6) Appraisal of individuals and families;	2305
(7) Diagnosis of mental and emotional disorders;	2306
(8) Systems theory.	2307
(C) The marriage and family therapist professional standards committee shall issue a license to practice as an independent marriage and family therapist to a person who does both of the following:	2308 2309 2310 2311
(1) Meets all of the requirements of division (A) of this section;	2312 2313
(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.	2314 2315 2316
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.	2317 2318 2319 2320 2321 2322 2323 2324
(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.	2325 2326 2327 2328
(E) A marriage and family therapist may diagnose and treat mental and emotional disorders only under the supervision of a	2329 2330

psychologist, psychiatrist, professional clinical counselor, 2331
independent social worker, or independent marriage and family 2332
therapist. An independent marriage and family therapist may 2333
diagnose and treat mental and emotional disorders without 2334
supervision. 2335

(F) Nothing in this chapter or rules adopted under it 2336
authorizes an independent marriage and family therapist or a 2337
marriage and family therapist to admit a patient to a hospital or 2338
requires a hospital to allow a marriage and family therapist to 2339
admit a patient. 2340

(G) An independent marriage and family therapist or a 2341
marriage and family therapist may not diagnose, treat, or advise 2342
on conditions outside the recognized boundaries of the marriage 2343
and family therapist's competency. An independent marriage and 2344
family therapist or a marriage and family therapist shall make 2345
appropriate and timely referrals when a client's needs exceed the 2346
marriage and family therapist's competence level. 2347

(H) The board shall adopt rules for voluntary registration of 2348
master level marriage and family therapy students enrolled in 2349
practice and internships. 2350

Sec. 4757.31. (A) Subject to division (B) of this section, 2351
the counselor, social worker, and marriage and family therapist 2352
board shall establish, and may from time to time adjust, fees to 2353
be charged for the following: 2354

(1) Examination for licensure as a professional clinical 2355
counselor, professional counselor, marriage and family therapist, 2356
independent marriage and family therapist, social worker, or 2357
independent social worker; 2358

(2) Initial licenses of professional clinical counselors, 2359
professional counselors, marriage and family therapists, 2360

independent marriage and family therapists, social workers, and	2361
independent social workers, except that the board shall charge	2362
only one fee to a person who fulfills all requirements for more	2363
than one of the following initial licenses: an initial license as	2364
a social worker or independent social worker, an initial license	2365
as a professional counselor or professional clinical counselor,	2366
and an initial license as a marriage and family therapist or	2367
independent marriage and family therapist;	2368
(3) Initial certificates of registration of social work	2369
assistants;	2370
(4) Renewal and late renewal of licenses of professional	2371
clinical counselors, professional counselors, marriage and family	2372
therapists, independent marriage and family therapists, social	2373
workers, and independent social workers and renewal and late	2374
renewal of certificates of registration of social work assistants;	2375
(5) Verification, to another jurisdiction, of a license or	2376
registration issued by the board;	2377
(6) Continuing education programs offered by the board to	2378
licensees or registrants;	2379
(7) Approval of continuing education programs;	2380
(8) Approval of continuing education providers to be	2381
authorized to offer continuing education programs without prior	2382
approval from the board for each program offered;	2383
(9) Issuance of a replacement copy of any wall certificate	2384
issued by the board;	2385
<u>(10) Late completion of continuing counselor, social worker,</u>	2386
<u>or marriage and family therapy education required under section</u>	2387
<u>4757.33 of the Revised Code and the rules adopted thereunder.</u>	2388
(B) The fees charged under division (A)(1) of this section	2389
shall be established in amounts sufficient to cover the direct	2390

expenses incurred in examining applicants for licensure. The fees 2391
charged under divisions (A)(2) to (9) of this section shall be 2392
nonrefundable and shall be established in amounts sufficient to 2393
cover the necessary expenses in administering this chapter and 2394
rules adopted under it that are not covered by fees charged under 2395
division (A)(1) or (C) of this section. The renewal fee for a 2396
license or certificate of registration shall not be less than the 2397
initial fee for that license or certificate. The fees charged for 2398
licensure and registration and the renewal of licensure and 2399
registration may differ for the various types of licensure and 2400
registration, but shall not exceed one hundred twenty-five dollars 2401
each, unless the board determines that amounts in excess of one 2402
hundred twenty-five dollars are needed to cover its necessary 2403
expenses in administering this chapter and rules adopted under it 2404
and the amounts in excess of one hundred twenty-five dollars are 2405
approved by the controlling board. 2406

(C) All receipts of the board shall be deposited in the state 2407
treasury to the credit of the occupational licensing and 2408
regulatory fund. All vouchers of the board shall be approved by 2409
the chairperson or executive director of the board, or both, as 2410
authorized by the board. 2411

Sec. 4757.33. (A) Except as provided in division (B) of this 2412
section, each person who holds a license or certificate of 2413
registration issued under this chapter shall complete during the 2414
period that the license or certificate is in effect not less than 2415
thirty clock hours of continuing professional education as a 2416
condition of receiving a renewed license or certificate. To have a 2417
lapsed license or certificate of registration restored, a person 2418
shall complete the number of hours of continuing education 2419
specified by the counselor, social worker, and marriage and family 2420
therapist board in rules it shall adopt in accordance with Chapter 2421
119. of the Revised Code. 2422

The professional standards committees of the counselor, 2423
social worker, and marriage and family therapist board shall adopt 2424
rules in accordance with Chapter 119. of the Revised Code 2425
establishing standards and procedures to be followed by the 2426
committees in conducting the continuing education approval 2427
process, which shall include registering individuals and entities 2428
to provide approved continuing education programs. 2429

(B) The board may waive the continuing education requirements 2430
established under this section for persons who are unable to 2431
fulfill them because of military service, illness, residence 2432
abroad, or any other reason the committee considers acceptable. 2433

~~In the case of a social worker licensed by virtue of 2434
receiving, prior to October 10, 1992, a baccalaureate degree in a 2435
program closely related to social work, as a condition of the 2436
first renewal of the license, the social worker must complete at 2437
an accredited educational institution a minimum of five semester 2438
hours of social work graduate or undergraduate credit, or their 2439
equivalent, that is acceptable to the committee and includes a 2440
course in social work theory and a course in social work methods.~~ 2441

Sec. 4757.36. (A) The appropriate professional standards 2442
committee of the counselor, social worker, and marriage and family 2443
therapist board may, in accordance with Chapter 119. of the 2444
Revised Code, take any action specified in division (B) of this 2445
section against an individual who has applied for or holds a 2446
license to practice as a professional clinical counselor, 2447
professional counselor, independent marriage and family therapist, 2448
marriage and family therapist, social worker, or independent 2449
social worker, or a certificate of registration to practice as a 2450
social work assistant counselor trainee, social worker trainee, or 2451
marriage and family therapist trainee, for any reason described in 2452
division (C) of this section. The board may, under Chapter 119. of 2453

the Revised Code, take any action specified in division (B) of 2454
this section against an individual or entity who has applied for 2455
or holds a registration under the rules enacted under section 2456
4757.33 of the Revised Code to offer continuing education courses 2457
or programs under the board's approval. 2458

(B) In its imposition of sanctions against an individual or a 2459
registered entity providing continuing education programs, the 2460
board may do any of the following: 2461

(1) Refuse to issue or refuse to renew a license or 2462
certificate of registration; 2463

(2) Suspend, revoke, permanently revoke, or otherwise 2464
restrict a license or certificate of registration; 2465

(3) Reprimand an individual holding a license or certificate 2466
of registration; 2467

(4) Impose a fine in accordance with the graduated system of 2468
fines established by the board in rules adopted under section 2469
4757.10 of the Revised Code. 2470

(C) The appropriate professional standards committee of the 2471
board may take an action specified in division (B) of this section 2472
for any of the following reasons: 2473

(1) Commission of an act that violates any provision of this 2474
chapter or rules adopted under it; 2475

(2) Knowingly making a false statement on an application for 2476
licensure or registration, or for renewal of a license or 2477
certificate of registration; 2478

(3) Accepting a commission or rebate for referring persons to 2479
any professionals licensed, certified, or registered by any court 2480
or board, commission, department, division, or other agency of the 2481
state, including, but not limited to, individuals practicing 2482
counseling, social work, or marriage and family therapy or 2483

practicing in fields related to counseling, social work, or	2484
marriage and family therapy;	2485
(4) A failure to comply with section 4757.12 of the Revised	2486
Code;	2487
(5) A conviction in this or any other state of a crime that	2488
is a felony in this state;	2489
(6) A failure to perform properly as a professional clinical	2490
counselor, professional counselor, independent marriage and family	2491
therapist, marriage and family therapist, social work assistant,	2492
social worker, or independent social worker due to the use of	2493
alcohol or other drugs or any other physical or mental condition;	2494
(7) A conviction in this state or in any other state of a	2495
misdemeanor committed in the course of practice as a professional	2496
clinical counselor, professional counselor, independent marriage	2497
and family therapist, marriage and family therapist, social work	2498
assistant, social worker, or independent social worker;	2499
(8) Practicing outside the scope of practice applicable to	2500
that person;	2501
(9) Practicing in violation of the supervision requirements	2502
specified under sections 4757.21 and 4757.26, and division (E) of	2503
section 4757.30, of the Revised Code;	2504
(10) A violation of the person's code of ethical practice	2505
adopted by rule of the board pursuant to section 4757.11 of the	2506
Revised Code;	2507
(11) Revocation or suspension of a license or certificate of	2508
registration, <u>other disciplinary action against a licensee or</u>	2509
<u>registrant</u> , or the voluntary surrender of a license or certificate	2510
of registration in another state or jurisdiction for an offense	2511
that would be a violation of this chapter.	2512
(D) One year or more after the date of suspension or	2513

revocation of a license or certificate of registration under this 2514
section, application may be made to the appropriate professional 2515
standards committee for reinstatement. The committee may ~~accept~~ 2516
approve or refuse deny an application for reinstatement, but the 2517
committee may not approve an application for reinstatement of a 2518
license or certificate of registration that has been permanently 2519
revoked by the board. If a license has been suspended or revoked, 2520
the committee may require an examination for reinstatement. 2521

(E) On request of the board, the attorney general shall bring 2522
and prosecute to judgment a civil action to collect any fine 2523
imposed under division (B)(4) of this section that remains unpaid. 2524

(F) All fines collected under division (B)(4) of this section 2525
shall be deposited into the state treasury to the credit of the 2526
occupational licensing and regulatory fund. 2527

Sec. 4757.37. (A) An individual whom the counselor, social 2528
worker, and marriage and family therapist board licenses, 2529
certificates, or otherwise legally authorizes to engage in the 2530
practice of counseling, social work, or marriage and family 2531
therapy may render the professional services of a counselor, 2532
social worker, or marriage and family therapist within this state 2533
through a corporation formed under division (B) of section 1701.03 2534
of the Revised Code, a limited liability company formed under 2535
Chapter 1705. of the Revised Code, a partnership, or a 2536
professional association formed under Chapter 1785. of the Revised 2537
Code. This division does not preclude such an individual from 2538
rendering professional services as a counselor, social worker, or 2539
marriage and family therapist through another form of business 2540
entity, including, but not limited to, a nonprofit corporation or 2541
foundation, or in another manner that is authorized by or in 2542
accordance with this chapter, another chapter of the Revised Code, 2543
or rules of the counselor, social worker, and marriage and family 2544

<u>therapist board adopted pursuant to this chapter.</u>	2545
<u>(B) A corporation, limited liability company, partnership, or professional association described in division (A) of this section may be formed for the purpose of providing a combination of the professional services of the following individuals who are licensed, certificated, or otherwise legally authorized to practice their respective professions:</u>	2546
<u>(1) Optometrists who are authorized to practice optometry under Chapter 4725. of the Revised Code;</u>	2547
<u>(2) Chiropractors who are authorized to practice chiropractic or acupuncture under Chapter 4734. of the Revised Code;</u>	2548
<u>(3) Counselors, social workers, or marriage and family therapists who are authorized to practice counseling, social work, or marriage and family therapy under this chapter;</u>	2549
<u>(4) Psychologists who are authorized to practice psychology under Chapter 4732. of the Revised Code;</u>	2550
<u>(5) Registered or licensed practical nurses who are authorized to practice nursing as registered nurses or as licensed practical nurses under Chapter 4723. of the Revised Code;</u>	2551
<u>(6) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;</u>	2552
<u>(7) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;</u>	2553
<u>(8) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;</u>	2554
<u>(9) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;</u>	2555
<u>(10) Doctors of medicine and surgery, osteopathic medicine</u>	2556

and surgery, or podiatric medicine and surgery who are authorized 2575
for their respective practices under Chapter 4731. of the Revised 2576
Code. 2577

This division applies notwithstanding a provision of a code 2578
of ethics applicable to a counselor, social worker, or marriage 2579
and family therapist that prohibits a counselor, social worker, or 2580
marriage and family therapist from engaging in the practice of 2581
counseling, social work, or marriage and family therapy in 2582
combination with a person who is licensed, certificated, or 2583
otherwise legally authorized to practice optometry, chiropractic, 2584
acupuncture (through the state chiropractic board), nursing, 2585
pharmacy, physical therapy, psychology, occupational therapy, 2586
mechanotherapy, medicine and surgery, osteopathic medicine and 2587
surgery, or podiatric medicine and surgery, but who is not also 2588
licensed, certificated, or otherwise legally authorized to engage 2589
in the practice of counseling, social work, or marriage and family 2590
therapy. 2591

Sec. 4757.41. (A) This chapter shall not apply to the 2592
following: 2593

(1) A person certified by the state board of education under 2594
Chapter 3319. of the Revised Code while performing any services 2595
within the person's scope of employment by a board of education or 2596
by a private school meeting the standards prescribed by the state 2597
board of education under division (D) of section 3301.07 of the 2598
Revised Code or in a program operated under Chapter 5126. of the 2599
Revised Code for training individuals with mental retardation or 2600
other developmental disabilities; 2601

(2) Psychologists or school psychologists licensed under 2602
Chapter 4732. of the Revised Code; 2603

(3) Members of other professions licensed, certified, or 2604
registered by this state while performing services within the 2605

recognized scope, standards, and ethics of their respective 2606
professions; 2607

(4) Rabbis, priests, Christian science practitioners, clergy, 2608
or members of religious orders and other individuals participating 2609
with them in pastoral counseling when the counseling activities 2610
are within the scope of the performance of their regular or 2611
specialized ministerial duties and are performed under the 2612
auspices or sponsorship of an established and legally cognizable 2613
church, denomination, or sect or an integrated auxiliary of a 2614
church as defined in federal tax regulations, paragraph (g)(5) of 2615
26 C.F.R. 1.6033-2 (1995), and when the individual rendering the 2616
service remains accountable to the established authority of that 2617
church, denomination, sect, or integrated auxiliary; 2618

~~(5) Any person employed in the civil service as defined in 2619
section 124.01 of the Revised Code while engaging in social work 2620
or professional counseling as a civil service employee; 2621~~

~~(6) A student in an accredited educational institution while 2622
carrying out activities that are part of the student's prescribed 2623
course of study if the activities are supervised as required by 2624
the educational institution and if the student does not hold 2625
herself or himself out as a person licensed or registered under 2626
this chapter; 2627~~

~~(7) Until two years after the date the department of alcohol 2628
and drug addiction services ceases to administer its process for 2629
the certification or credentialing of chemical dependency 2630
counselors and alcohol and other drug prevention specialists under 2631
section 3793.07 of the Revised Code, as specified in division (B) 2632
of that section, or in the case of an individual who has the 2633
expiration date of the individual's certificate or credentials 2634
delayed under section 4758.04 of the Revised Code, until the date 2635
of the delayed expiration, individuals with certification or 2636
credentials accepted by the department under that section who are 2637~~

~~acting within the scope of their certification or credentials as~~ 2638
~~members of the profession of chemical dependency counseling or as~~ 2639
~~alcohol and other drug prevention specialists;~~ 2640

~~(8)~~(6) Individuals who hold a license or certificate under 2641
Chapter 4758. of the Revised Code who are acting within the scope 2642
of their license or certificate as members of the profession of 2643
chemical dependency counseling or alcohol and other drug 2644
prevention services; 2645

~~(9)~~(7) Any person employed by the American red cross while 2646
engaging in activities relating to services for military families 2647
and veterans and disaster relief, as described in the "American 2648
National Red Cross Act," 33 Stat. 599 (1905), 36 U.S.C.A. 1, as 2649
amended; 2650

~~(10)~~(8) Members of labor organizations who hold union 2651
counselor certificates while performing services in their official 2652
capacity as union counselors; 2653

~~(11)~~(9) Any person employed in a hospital as defined in 2654
section 3727.01 of the Revised Code or in a nursing home as 2655
defined in section 3721.01 of the Revised Code while providing as 2656
a hospital employee or nursing home employee, respectively, social 2657
services other than counseling and the use of psychosocial 2658
interventions and social psychotherapy; 2659

(10) A vocational rehabilitation professional who is 2660
providing vocational rehabilitation counseling or services to 2661
individuals under section 3304.17 of the Revised Code. 2662

(B) Divisions (A)~~(5)~~, ~~(9)~~, (7) and ~~(11)~~(9) of this section do 2663
not prevent a person described in those divisions from obtaining a 2664
license or certificate of registration under this chapter. 2665

(C) Except as provided in divisions (D) and (E) of this 2666
section, no employee in the service of the state, including public 2667
employees as defined by Chapter 4117. of the Revised Code, shall 2668

engage in marriage and family therapy, social work, or 2669
professional counseling without a license. Failure to comply with 2670
this division constitutes nonfeasance under section 124.34 of the 2671
Revised Code or just cause under a collective bargaining 2672
agreement. Nothing in this division restricts the director of 2673
administrative services from developing new classifications 2674
related to this division or from reassigning affected employees to 2675
appropriate classifications based on the employee's duties and 2676
qualifications. 2677

(D) An employee who was engaged in marriage and family 2678
therapy, social work, or professional counseling in the service of 2679
the state prior to the effective date of this amendment, including 2680
public employees as defined by Chapter 4117. of the Revised Code, 2681
shall be in compliance with division (C) of this section within 2682
two years after the effective date of this amendment. Any such 2683
employee who fails to comply shall be removed from employment. 2684

(E) Nothing in this chapter shall be construed to require 2685
licensure or certification for a caseworker employed by a public 2686
children services agency under section 5153.112 of the Revised 2687
Code. 2688

Sec. 5101.61. (A) As used in this section: 2689

(1) "Senior service provider" means any person who provides 2690
care or services to a person who is an adult as defined in 2691
division (B) of section 5101.60 of the Revised Code. 2692

(2) "Ambulatory health facility" means a nonprofit, public or 2693
proprietary freestanding organization or a unit of such an agency 2694
or organization that: 2695

(a) Provides preventive, diagnostic, therapeutic, 2696
rehabilitative, or palliative items or services furnished to an 2697
outpatient or ambulatory patient, by or under the direction of a 2698

physician or dentist in a facility which is not a part of a	2699
hospital, but which is organized and operated to provide medical	2700
care to outpatients;	2701
(b) Has health and medical care policies which are developed	2702
with the advice of, and with the provision of review of such	2703
policies, an advisory committee of professional personnel,	2704
including one or more physicians, one or more dentists, if dental	2705
care is provided, and one or more registered nurses;	2706
(c) Has a medical director, a dental director, if dental care	2707
is provided, and a nursing director responsible for the execution	2708
of such policies, and has physicians, dentists, nursing, and	2709
ancillary staff appropriate to the scope of services provided;	2710
(d) Requires that the health care and medical care of every	2711
patient be under the supervision of a physician, provides for	2712
medical care in a case of emergency, has in effect a written	2713
agreement with one or more hospitals and other centers or clinics,	2714
and has an established patient referral system to other resources,	2715
and a utilization review plan and program;	2716
(e) Maintains clinical records on all patients;	2717
(f) Provides nursing services and other therapeutic services	2718
in accordance with programs and policies, with such services	2719
supervised by a registered professional nurse, and has a	2720
registered professional nurse on duty at all times of clinical	2721
operations;	2722
(g) Provides approved methods and procedures for the	2723
dispensing and administration of drugs and biologicals;	2724
(h) Has established an accounting and record keeping system	2725
to determine reasonable and allowable costs;	2726
(i) "Ambulatory health facilities" also includes an	2727
alcoholism treatment facility approved by the joint commission on	2728

accreditation of healthcare organizations as an alcoholism 2729
treatment facility or certified by the department of alcohol and 2730
drug addiction services, and such facility shall comply with other 2731
provisions of this division not inconsistent with such 2732
accreditation or certification. 2733

(3) "Community mental health facility" means a facility which 2734
provides community mental health services and is included in the 2735
comprehensive mental health plan for the alcohol, drug addiction, 2736
and mental health service district in which it is located. 2737

(4) "Community mental health service" means services, other 2738
than inpatient services, provided by a community mental health 2739
facility. 2740

(5) "Home health agency" means an institution or a distinct 2741
part of an institution operated in this state which: 2742

(a) Is primarily engaged in providing home health services; 2743

(b) Has home health policies which are established by a group 2744
of professional personnel, including one or more duly licensed 2745
doctors of medicine or osteopathy and one or more registered 2746
professional nurses, to govern the home health services it 2747
provides and which includes a requirement that every patient must 2748
be under the care of a duly licensed doctor of medicine or 2749
osteopathy; 2750

(c) Is under the supervision of a duly licensed doctor of 2751
medicine or doctor of osteopathy or a registered professional 2752
nurse who is responsible for the execution of such home health 2753
policies; 2754

(d) Maintains comprehensive records on all patients; 2755

(e) Is operated by the state, a political subdivision, or an 2756
agency of either, or is operated not for profit in this state and 2757
is licensed or registered, if required, pursuant to law by the 2758

appropriate department of the state, county, or municipality in 2759
which it furnishes services; or is operated for profit in this 2760
state, meets all the requirements specified in divisions (A)(5)(a) 2761
to (d) of this section, and is certified under Title XVIII of the 2762
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as 2763
amended. 2764

(6) "Home health service" means the following items and 2765
services, provided, except as provided in division (A)(6)(g) of 2766
this section, on a visiting basis in a place of residence used as 2767
the patient's home: 2768

(a) Nursing care provided by or under the supervision of a 2769
registered professional nurse; 2770

(b) Physical, occupational, or speech therapy ordered by the 2771
patient's attending physician; 2772

(c) Medical social services performed by or under the 2773
supervision of a qualified medical or psychiatric social worker 2774
and under the direction of the patient's attending physician; 2775

(d) Personal health care of the patient performed by aides in 2776
accordance with the orders of a doctor of medicine or osteopathy 2777
and under the supervision of a registered professional nurse; 2778

(e) Medical supplies and the use of medical appliances; 2779

(f) Medical services of interns and residents-in-training 2780
under an approved teaching program of a nonprofit hospital and 2781
under the direction and supervision of the patient's attending 2782
physician; 2783

(g) Any of the foregoing items and services which: 2784

(i) Are provided on an outpatient basis under arrangements 2785
made by the home health agency at a hospital or skilled nursing 2786
facility; 2787

(ii) Involve the use of equipment of such a nature that the 2788

items and services cannot readily be made available to the patient 2789
in the patient's place of residence, or which are furnished at the 2790
hospital or skilled nursing facility while the patient is there to 2791
receive any item or service involving the use of such equipment. 2792

Any attorney, physician, osteopath, podiatrist, chiropractor, 2793
dentist, psychologist, any employee of a hospital as defined in 2794
section 3701.01 of the Revised Code, any nurse licensed under 2795
Chapter 4723. of the Revised Code, any employee of an ambulatory 2796
health facility, any employee of a home health agency, any 2797
employee of an adult care facility as defined in section 5119.70 2798
of the Revised Code, any employee of a nursing home, residential 2799
care facility, or home for the aging, as defined in section 2800
3721.01 of the Revised Code, any senior service provider, any 2801
peace officer, coroner, ~~clergyman~~ member of the clergy, any 2802
employee of a community mental health facility, and any person 2803
engaged in social work ~~or~~, counseling, or marriage and family 2804
therapy having reasonable cause to believe that an adult is being 2805
abused, neglected, or exploited, or is in a condition which is the 2806
result of abuse, neglect, or exploitation shall immediately report 2807
such belief to the county department of job and family services. 2808
This section does not apply to employees of any hospital or public 2809
hospital as defined in section 5122.01 of the Revised Code. 2810

(B) Any person having reasonable cause to believe that an 2811
adult has suffered abuse, neglect, or exploitation may report, or 2812
cause reports to be made of such belief to the department. 2813

(C) The reports made under this section shall be made orally 2814
or in writing except that oral reports shall be followed by a 2815
written report if a written report is requested by the department. 2816
Written reports shall include: 2817

(1) The name, address, and approximate age of the adult who 2818
is the subject of the report; 2819

(2) The name and address of the individual responsible for 2820
the adult's care, if any individual is, and if the individual is 2821
known; 2822

(3) The nature and extent of the alleged abuse, neglect, or 2823
exploitation of the adult; 2824

(4) The basis of the reporter's belief that the adult has 2825
been abused, neglected, or exploited. 2826

(D) Any person with reasonable cause to believe that an adult 2827
is suffering abuse, neglect, or exploitation who makes a report 2828
pursuant to this section or who testifies in any administrative or 2829
judicial proceeding arising from such a report, or any employee of 2830
the state or any of its subdivisions who is discharging 2831
responsibilities under section 5101.62 of the Revised Code shall 2832
be immune from civil or criminal liability on account of such 2833
investigation, report, or testimony, except liability for perjury, 2834
unless the person has acted in bad faith or with malicious 2835
purpose. 2836

(E) No employer or any other person with the authority to do 2837
so shall discharge, demote, transfer, prepare a negative work 2838
performance evaluation, or reduce benefits, pay, or work 2839
privileges, or take any other action detrimental to an employee or 2840
in any way retaliate against an employee as a result of the 2841
employee's having filed a report under this section. 2842

(F) Neither the written or oral report provided for in this 2843
section nor the investigatory report provided for in section 2844
5101.62 of the Revised Code shall be considered a public record as 2845
defined in section 149.43 of the Revised Code. Information 2846
contained in the report shall upon request be made available to 2847
the adult who is the subject of the report, to agencies authorized 2848
by the department to receive information contained in the report, 2849
and to legal counsel for the adult. 2850

Sec. 5123.61. (A) As used in this section: 2851

(1) "Law enforcement agency" means the state highway patrol, 2852
the police department of a municipal corporation, or a county 2853
sheriff. 2854

(2) "Abuse" has the same meaning as in section 5123.50 of the 2855
Revised Code, except that it includes a misappropriation, as 2856
defined in that section. 2857

(3) "Neglect" has the same meaning as in section 5123.50 of 2858
the Revised Code. 2859

(B) The department of developmental disabilities shall 2860
establish a registry office for the purpose of maintaining reports 2861
of abuse, neglect, and other major unusual incidents made to the 2862
department under this section and reports received from county 2863
boards of developmental disabilities under section 5126.31 of the 2864
Revised Code. The department shall establish committees to review 2865
reports of abuse, neglect, and other major unusual incidents. 2866

(C)(1) Any person listed in division (C)(2) of this section, 2867
having reason to believe that a person with mental retardation or 2868
a developmental disability has suffered or faces a substantial 2869
risk of suffering any wound, injury, disability, or condition of 2870
such a nature as to reasonably indicate abuse or neglect of that 2871
person, shall immediately report or cause reports to be made of 2872
such information to the entity specified in this division. Except 2873
as provided in section 5120.173 of the Revised Code or as 2874
otherwise provided in this division, the person making the report 2875
shall make it to a law enforcement agency or to the county board 2876
of developmental disabilities. If the report concerns a resident 2877
of a facility operated by the department of developmental 2878
disabilities the report shall be made either to a law enforcement 2879
agency or to the department. If the report concerns any act or 2880
omission of an employee of a county board of developmental 2881

disabilities, the report immediately shall be made to the 2882
department and to the county board. 2883

(2) All of the following persons are required to make a 2884
report under division (C)(1) of this section: 2885

(a) Any physician, including a hospital intern or resident, 2886
any dentist, podiatrist, chiropractor, practitioner of a limited 2887
branch of medicine as specified in section 4731.15 of the Revised 2888
Code, hospital administrator or employee of a hospital, nurse 2889
licensed under Chapter 4723. of the Revised Code, employee of an 2890
ambulatory health facility as defined in section 5101.61 of the 2891
Revised Code, employee of a home health agency, employee of an 2892
adult care facility licensed under Chapter 3722. of the Revised 2893
Code, or employee of a community mental health facility; 2894

(b) Any school teacher or school authority, professional 2895
counselor, social worker, marriage and family therapist, 2896
psychologist, attorney, peace officer, coroner, or residents' 2897
rights advocate as defined in section 3721.10 of the Revised Code; 2898

(c) A superintendent, board member, or employee of a county 2899
board of developmental disabilities; an administrator, board 2900
member, or employee of a residential facility licensed under 2901
section 5123.19 of the Revised Code; an administrator, board 2902
member, or employee of any other public or private provider of 2903
services to a person with mental retardation or a developmental 2904
disability, or any MR/DD employee, as defined in section 5123.50 2905
of the Revised Code; 2906

(d) A member of a citizen's advisory council established at 2907
an institution or branch institution of the department of 2908
developmental disabilities under section 5123.092 of the Revised 2909
Code; 2910

(e) A ~~clergyman~~ member of the clergy who is employed in a 2911
position that includes providing specialized services to an 2912

individual with mental retardation or another developmental 2913
disability, while acting in an official or professional capacity 2914
in that position, or a person who is employed in a position that 2915
includes providing specialized services to an individual with 2916
mental retardation or another developmental disability and who, 2917
while acting in an official or professional capacity, renders 2918
spiritual treatment through prayer in accordance with the tenets 2919
of an organized religion. 2920

(3)(a) The reporting requirements of this division do not 2921
apply to members of the legal rights service commission or to 2922
employees of the legal rights service. 2923

(b) An attorney or physician is not required to make a report 2924
pursuant to division (C)(1) of this section concerning any 2925
communication the attorney or physician receives from a client or 2926
patient in an attorney-client or physician-patient relationship, 2927
if, in accordance with division (A) or (B) of section 2317.02 of 2928
the Revised Code, the attorney or physician could not testify with 2929
respect to that communication in a civil or criminal proceeding, 2930
except that the client or patient is deemed to have waived any 2931
testimonial privilege under division (A) or (B) of section 2317.02 2932
of the Revised Code with respect to that communication and the 2933
attorney or physician shall make a report pursuant to division 2934
(C)(1) of this section, if both of the following apply: 2935

(i) The client or patient, at the time of the communication, 2936
is a person with mental retardation or a developmental disability. 2937

(ii) The attorney or physician knows or suspects, as a result 2938
of the communication or any observations made during that 2939
communication, that the client or patient has suffered or faces a 2940
substantial risk of suffering any wound, injury, disability, or 2941
condition of a nature that reasonably indicates abuse or neglect 2942
of the client or patient. 2943

(4) Any person who fails to make a report required under 2944
division (C) of this section and who is an MR/DD employee, as 2945
defined in section 5123.50 of the Revised Code, shall be eligible 2946
to be included in the registry regarding misappropriation, abuse, 2947
neglect, or other specified misconduct by MR/DD employees 2948
established under section 5123.52 of the Revised Code. 2949

(D) The reports required under division (C) of this section 2950
shall be made forthwith by telephone or in person and shall be 2951
followed by a written report. The reports shall contain the 2952
following: 2953

(1) The names and addresses of the person with mental 2954
retardation or a developmental disability and the person's 2955
custodian, if known; 2956

(2) The age of the person with mental retardation or a 2957
developmental disability; 2958

(3) Any other information that would assist in the 2959
investigation of the report. 2960

(E) When a physician performing services as a member of the 2961
staff of a hospital or similar institution has reason to believe 2962
that a person with mental retardation or a developmental 2963
disability has suffered injury, abuse, or physical neglect, the 2964
physician shall notify the person in charge of the institution or 2965
that person's designated delegate, who shall make the necessary 2966
reports. 2967

(F) Any person having reasonable cause to believe that a 2968
person with mental retardation or a developmental disability has 2969
suffered or faces a substantial risk of suffering abuse or neglect 2970
may report or cause a report to be made of that belief to the 2971
entity specified in this division. Except as provided in section 2972
5120.173 of the Revised Code or as otherwise provided in this 2973
division, the person making the report shall make it to a law 2974

enforcement agency or the county board of developmental 2975
disabilities. If the person is a resident of a facility operated 2976
by the department of developmental disabilities, the report shall 2977
be made to a law enforcement agency or to the department. If the 2978
report concerns any act or omission of an employee of a county 2979
board of developmental disabilities, the report immediately shall 2980
be made to the department and to the county board. 2981

(G)(1) Upon the receipt of a report concerning the possible 2982
abuse or neglect of a person with mental retardation or a 2983
developmental disability, the law enforcement agency shall inform 2984
the county board of developmental disabilities or, if the person 2985
is a resident of a facility operated by the department of 2986
developmental disabilities, the director of the department or the 2987
director's designee. 2988

(2) On receipt of a report under this section that includes 2989
an allegation of action or inaction that may constitute a crime 2990
under federal law or the law of this state, the department of 2991
developmental disabilities shall notify the law enforcement 2992
agency. 2993

(3) When a county board of developmental disabilities 2994
receives a report under this section that includes an allegation 2995
of action or inaction that may constitute a crime under federal 2996
law or the law of this state, the superintendent of the board or 2997
an individual the superintendent designates under division (H) of 2998
this section shall notify the law enforcement agency. The 2999
superintendent or individual shall notify the department of 3000
developmental disabilities when it receives any report under this 3001
section. 3002

(4) When a county board of developmental disabilities 3003
receives a report under this section and believes that the degree 3004
of risk to the person is such that the report is an emergency, the 3005
superintendent of the board or an employee of the board the 3006

superintendent designates shall attempt a face-to-face contact 3007
with the person with mental retardation or a developmental 3008
disability who allegedly is the victim within one hour of the 3009
board's receipt of the report. 3010

(H) The superintendent of the board may designate an 3011
individual to be responsible for notifying the law enforcement 3012
agency and the department when the county board receives a report 3013
under this section. 3014

(I) An adult with mental retardation or a developmental 3015
disability about whom a report is made may be removed from the 3016
adult's place of residence only by law enforcement officers who 3017
consider that the adult's immediate removal is essential to 3018
protect the adult from further injury or abuse or in accordance 3019
with the order of a court made pursuant to section 5126.33 of the 3020
Revised Code. 3021

(J) A law enforcement agency shall investigate each report of 3022
abuse or neglect it receives under this section. In addition, the 3023
department, in cooperation with law enforcement officials, shall 3024
investigate each report regarding a resident of a facility 3025
operated by the department to determine the circumstances 3026
surrounding the injury, the cause of the injury, and the person 3027
responsible. The investigation shall be in accordance with the 3028
memorandum of understanding prepared under section 5126.058 of the 3029
Revised Code. The department shall determine, with the registry 3030
office which shall be maintained by the department, whether prior 3031
reports have been made concerning an adult with mental retardation 3032
or a developmental disability or other principals in the case. If 3033
the department finds that the report involves action or inaction 3034
that may constitute a crime under federal law or the law of this 3035
state, it shall submit a report of its investigation, in writing, 3036
to the law enforcement agency. If the person with mental 3037
retardation or a developmental disability is an adult, with the 3038

consent of the adult, the department shall provide such protective services as are necessary to protect the adult. The law enforcement agency shall make a written report of its findings to the department.

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

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

(L) No employer or any person with the authority to do so shall discharge, demote, transfer, prepare a negative work performance evaluation, reduce pay or benefits, terminate work privileges, or take any other action detrimental to an employee or retaliate against an employee as a result of the employee's having made a report under this section. This division does not preclude an employer or person with authority from taking action with regard to an employee who has made a report under this section if there is another reasonable basis for the action.

(M) Reports made under this section are not public records as defined in section 149.43 of the Revised Code. Information contained in the reports on request shall be made available to the

person who is the subject of the report, to the person's legal 3071
counsel, and to agencies authorized to receive information in the 3072
report by the department or by a county board of developmental 3073
disabilities. 3074

(N) Notwithstanding section 4731.22 of the Revised Code, the 3075
physician-patient privilege shall not be a ground for excluding 3076
evidence regarding the injuries or physical neglect of a person 3077
with mental retardation or a developmental disability or the cause 3078
thereof in any judicial proceeding resulting from a report 3079
submitted pursuant to this section. 3080

Sec. 5903.101. (A) Except as provided in division (B) of this 3081
section, a state department, division, board, commission, agency, 3082
or other state governmental unit, or a private state contractor, 3083
authorized by the Revised Code to grant a licensure or 3084
certification shall, upon presentation of satisfactory evidence, 3085
consider relevant education, training, or service completed by an 3086
individual as a member of the armed forces of the United States or 3087
reserve components thereof, the national guard of any state, the 3088
military reserve of any state, or the naval militia of any state 3089
toward the qualifications required to receive the licensure or 3090
certification. 3091

(B)(1) If an individual is required to successfully complete 3092
specific training or education authorized by a state or nationally 3093
accredited entity as a prerequisite for obtaining a state license 3094
or certification and the state or nationally accredited entity 3095
accepts relevant military education, service, or training to 3096
fulfill part or all of those requirements, the state department, 3097
division, board, commission, agency or other state governmental 3098
unit, or a private state contractor has met the duty specified in 3099
division (A) of this section upon receiving proof by the 3100
individual of completion of the specific training or education 3101

authorized by a state or nationally accredited entity. 3102

(2) An education program approved by a state department, 3103
division, board, commission, agency or other state governmental 3104
unit, or a private state contractor, may grant advanced standing 3105
to an individual who served as a member of the armed forces of the 3106
United States or reserve components thereof, the national guard of 3107
any state, the military reserve of any state, or the naval militia 3108
of any state for the individual's prior relevant military 3109
experience and coursework, in accordance with specific written 3110
policies and procedures of the education program and in accordance 3111
with rules promulgated by the appropriate governmental unit or 3112
contractor that permit granting advanced standing in those 3113
education programs. If applicable, such advanced standing shall be 3114
applied to the individual's status toward completion of an 3115
education program if the individual satisfies all of the program 3116
requirements adopted under the appropriate governmental unit's or 3117
contractor's rules. 3118

(C) If, within six months before or after discharge or 3119
separation, an individual otherwise qualified to receive a 3120
licensure or certification presents satisfactory evidence of 3121
honorable discharge or separation under honorable conditions, the 3122
state department, division, board, commission, agency, or other 3123
state governmental unit, or a private state contractor, issuing 3124
the licensure or certification shall waive any licensure or 3125
certification fee. 3126

Section 2. That existing sections 1701.03, 1705.03, 1705.04, 3127
1705.53, 1785.01, 1785.02, 1785.03, 2305.234, 2305.51, 2921.22, 3128
3107.014, 3701.74, 3721.21, 4723.16, 4725.33, 4729.161, 4731.226, 3129
4731.65, 4732.28, 4734.17, 4755.471, 4757.03, 4757.16, 4757.22, 3130
4757.23, 4757.27, 4757.28, 4757.29, 4757.30, 4757.31, 4757.33, 3131
4757.36, 4757.41, 5101.61, and 5123.61 and section 4757.12 of the 3132

Revised Code are hereby repealed. 3133

Section 3. Within one year after the effective date of this 3134
act, the Office of Collective Bargaining within the Department of 3135
Administrative Services shall implement the change by this act to 3136
division (A)(5) of section 4757.41 of the Revised Code. 3137

Within ninety days after the effective date of this act, the 3138
Office of Collective Bargaining shall negotiate with each state 3139
agency and the affected union to reach a mutually agreeable 3140
resolution for employees impacted by this change. 3141

Notwithstanding divisions (A) and (D) of section 124.14 of 3142
the Revised Code or any other contrary provision of law, for 3143
employees in the service of the state exempt from Chapter 4117. of 3144
the Revised Code who are impacted by this change, the Director of 3145
Administrative Services may implement any or all of the provisions 3146
of the resolutions described in the preceding paragraph. Nothing 3147
in this Section shall be construed as restricting the Director 3148
from developing new classifications related to this change or from 3149
reassigning impacted employees to appropriate classifications 3150
based on the employee's duties and qualifications. 3151

Section 4. That the version of section 5123.61 of the Revised 3152
Code that is scheduled to take effect October 1, 2012, be amended 3153
to read as follows: 3154

Sec. 5123.61. (A) As used in this section: 3155

(1) "Law enforcement agency" means the state highway patrol, 3156
the police department of a municipal corporation, or a county 3157
sheriff. 3158

(2) "Abuse" has the same meaning as in section 5123.50 of the 3159
Revised Code, except that it includes a misappropriation, as 3160
defined in that section. 3161

(3) "Neglect" has the same meaning as in section 5123.50 of the Revised Code. 3162
3163

(B) The department of developmental disabilities shall 3164
establish a registry office for the purpose of maintaining reports 3165
of abuse, neglect, and other major unusual incidents made to the 3166
department under this section and reports received from county 3167
boards of developmental disabilities under section 5126.31 of the 3168
Revised Code. The department shall establish committees to review 3169
reports of abuse, neglect, and other major unusual incidents. 3170

(C)(1) Any person listed in division (C)(2) of this section, 3171
having reason to believe that a person with mental retardation or 3172
a developmental disability has suffered or faces a substantial 3173
risk of suffering any wound, injury, disability, or condition of 3174
such a nature as to reasonably indicate abuse or neglect of that 3175
person, shall immediately report or cause reports to be made of 3176
such information to the entity specified in this division. Except 3177
as provided in section 5120.173 of the Revised Code or as 3178
otherwise provided in this division, the person making the report 3179
shall make it to a law enforcement agency or to the county board 3180
of developmental disabilities. If the report concerns a resident 3181
of a facility operated by the department of developmental 3182
disabilities the report shall be made either to a law enforcement 3183
agency or to the department. If the report concerns any act or 3184
omission of an employee of a county board of developmental 3185
disabilities, the report immediately shall be made to the 3186
department and to the county board. 3187

(2) All of the following persons are required to make a 3188
report under division (C)(1) of this section: 3189

(a) Any physician, including a hospital intern or resident, 3190
any dentist, podiatrist, chiropractor, practitioner of a limited 3191
branch of medicine as specified in section 4731.15 of the Revised 3192
Code, hospital administrator or employee of a hospital, nurse 3193

licensed under Chapter 4723. of the Revised Code, employee of an 3194
ambulatory health facility as defined in section 5101.61 of the 3195
Revised Code, employee of a home health agency, employee of an 3196
adult care facility licensed under Chapter 3722. of the Revised 3197
Code, or employee of a community mental health facility; 3198

(b) Any school teacher or school authority, professional 3199
counselor, social worker, marriage and family therapist, 3200
psychologist, attorney, peace officer, coroner, or residents' 3201
rights advocate as defined in section 3721.10 of the Revised Code; 3202

(c) A superintendent, board member, or employee of a county 3203
board of developmental disabilities; an administrator, board 3204
member, or employee of a residential facility licensed under 3205
section 5123.19 of the Revised Code; an administrator, board 3206
member, or employee of any other public or private provider of 3207
services to a person with mental retardation or a developmental 3208
disability, or any MR/DD employee, as defined in section 5123.50 3209
of the Revised Code; 3210

(d) A member of a citizen's advisory council established at 3211
an institution or branch institution of the department of 3212
developmental disabilities under section 5123.092 of the Revised 3213
Code; 3214

(e) A ~~clergyman~~ member of the clergy who is employed in a 3215
position that includes providing specialized services to an 3216
individual with mental retardation or another developmental 3217
disability, while acting in an official or professional capacity 3218
in that position, or a person who is employed in a position that 3219
includes providing specialized services to an individual with 3220
mental retardation or another developmental disability and who, 3221
while acting in an official or professional capacity, renders 3222
spiritual treatment through prayer in accordance with the tenets 3223
of an organized religion. 3224

(3)(a) The reporting requirements of this division do not 3225
apply to employees of the Ohio protection and advocacy system. 3226

(b) An attorney or physician is not required to make a report 3227
pursuant to division (C)(1) of this section concerning any 3228
communication the attorney or physician receives from a client or 3229
patient in an attorney-client or physician-patient relationship, 3230
if, in accordance with division (A) or (B) of section 2317.02 of 3231
the Revised Code, the attorney or physician could not testify with 3232
respect to that communication in a civil or criminal proceeding, 3233
except that the client or patient is deemed to have waived any 3234
testimonial privilege under division (A) or (B) of section 2317.02 3235
of the Revised Code with respect to that communication and the 3236
attorney or physician shall make a report pursuant to division 3237
(C)(1) of this section, if both of the following apply: 3238

(i) The client or patient, at the time of the communication, 3239
is a person with mental retardation or a developmental disability. 3240

(ii) The attorney or physician knows or suspects, as a result 3241
of the communication or any observations made during that 3242
communication, that the client or patient has suffered or faces a 3243
substantial risk of suffering any wound, injury, disability, or 3244
condition of a nature that reasonably indicates abuse or neglect 3245
of the client or patient. 3246

(4) Any person who fails to make a report required under 3247
division (C) of this section and who is an MR/DD employee, as 3248
defined in section 5123.50 of the Revised Code, shall be eligible 3249
to be included in the registry regarding misappropriation, abuse, 3250
neglect, or other specified misconduct by MR/DD employees 3251
established under section 5123.52 of the Revised Code. 3252

(D) The reports required under division (C) of this section 3253
shall be made forthwith by telephone or in person and shall be 3254
followed by a written report. The reports shall contain the 3255

following:	3256
(1) The names and addresses of the person with mental retardation or a developmental disability and the person's custodian, if known;	3257 3258 3259
(2) The age of the person with mental retardation or a developmental disability;	3260 3261
(3) Any other information that would assist in the investigation of the report.	3262 3263
(E) When a physician performing services as a member of the staff of a hospital or similar institution has reason to believe that a person with mental retardation or a developmental disability has suffered injury, abuse, or physical neglect, the physician shall notify the person in charge of the institution or that person's designated delegate, who shall make the necessary reports.	3264 3265 3266 3267 3268 3269 3270
(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.	3271 3272 3273 3274 3275 3276 3277 3278 3279 3280 3281 3282 3283 3284
(G)(1) Upon the receipt of a report concerning the possible abuse or neglect of a person with mental retardation or a	3285 3286

developmental disability, the law enforcement agency shall inform 3287
the county board of developmental disabilities or, if the person 3288
is a resident of a facility operated by the department of 3289
developmental disabilities, the director of the department or the 3290
director's designee. 3291

(2) On receipt of a report under this section that includes 3292
an allegation of action or inaction that may constitute a crime 3293
under federal law or the law of this state, the department of 3294
developmental disabilities shall notify the law enforcement 3295
agency. 3296

(3) When a county board of developmental disabilities 3297
receives a report under this section that includes an allegation 3298
of action or inaction that may constitute a crime under federal 3299
law or the law of this state, the superintendent of the board or 3300
an individual the superintendent designates under division (H) of 3301
this section shall notify the law enforcement agency. The 3302
superintendent or individual shall notify the department of 3303
developmental disabilities when it receives any report under this 3304
section. 3305

(4) When a county board of developmental disabilities 3306
receives a report under this section and believes that the degree 3307
of risk to the person is such that the report is an emergency, the 3308
superintendent of the board or an employee of the board the 3309
superintendent designates shall attempt a face-to-face contact 3310
with the person with mental retardation or a developmental 3311
disability who allegedly is the victim within one hour of the 3312
board's receipt of the report. 3313

(H) The superintendent of the board may designate an 3314
individual to be responsible for notifying the law enforcement 3315
agency and the department when the county board receives a report 3316
under this section. 3317

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

(J) A law enforcement agency shall investigate each report of abuse or neglect it receives under this section. In addition, the department, in cooperation with law enforcement officials, shall investigate each report regarding a resident of a facility operated by the department to determine the circumstances surrounding the injury, the cause of the injury, and the person responsible. The investigation shall be in accordance with the memorandum of understanding prepared under section 5126.058 of the Revised Code. The department shall determine, with the registry office which shall be maintained by the department, whether prior reports have been made concerning an adult with mental retardation or a developmental disability or other principals in the case. If the department finds that the report involves action or inaction that may constitute a crime under federal law or the law of this state, it shall submit a report of its investigation, in writing, to the law enforcement agency. If the person with mental retardation or a developmental disability is an adult, with the consent of the adult, the department shall provide such protective services as are necessary to protect the adult. The law enforcement agency shall make a written report of its findings to the department.

If the person is an adult and is not a resident of a facility operated by the department, the county board of developmental disabilities shall review the report of abuse or neglect in accordance with sections 5126.30 to 5126.33 of the Revised Code

and the law enforcement agency shall make the written report of 3350
its findings to the county board. 3351

(K) Any person or any hospital, institution, school, health 3352
department, or agency participating in the making of reports 3353
pursuant to this section, any person participating as a witness in 3354
an administrative or judicial proceeding resulting from the 3355
reports, or any person or governmental entity that discharges 3356
responsibilities under sections 5126.31 to 5126.33 of the Revised 3357
Code shall be immune from any civil or criminal liability that 3358
might otherwise be incurred or imposed as a result of such actions 3359
except liability for perjury, unless the person or governmental 3360
entity has acted in bad faith or with malicious purpose. 3361

(L) No employer or any person with the authority to do so 3362
shall discharge, demote, transfer, prepare a negative work 3363
performance evaluation, reduce pay or benefits, terminate work 3364
privileges, or take any other action detrimental to an employee or 3365
retaliate against an employee as a result of the employee's having 3366
made a report under this section. This division does not preclude 3367
an employer or person with authority from taking action with 3368
regard to an employee who has made a report under this section if 3369
there is another reasonable basis for the action. 3370

(M) Reports made under this section are not public records as 3371
defined in section 149.43 of the Revised Code. Information 3372
contained in the reports on request shall be made available to the 3373
person who is the subject of the report, to the person's legal 3374
counsel, and to agencies authorized to receive information in the 3375
report by the department or by a county board of developmental 3376
disabilities. 3377

(N) Notwithstanding section 4731.22 of the Revised Code, the 3378
physician-patient privilege shall not be a ground for excluding 3379
evidence regarding the injuries or physical neglect of a person 3380
with mental retardation or a developmental disability or the cause 3381

thereof in any judicial proceeding resulting from a report 3382
submitted pursuant to this section. 3383

Section 5. That the existing version of section 5123.61 of 3384
the Revised Code that is scheduled to take effect October 1, 2012, 3385
is hereby repealed. 3386

Section 6. Section 4 and 5 of this act take effect October 1, 3387
2012. 3388