

129th General Assembly  
Regular Session  
2011-2012

. B. No.

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**A BILL**

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 and 4757.37; 8  
and to repeal section 4757.12 of the Revised Code 9  
to modify counselor, social worker, and marriage 10  
and family therapist licensing law, to provide 11  
certain professional rights to such licensees, and 12  
to amend the version of section 5123.61 of the 13  
Revised Code that is scheduled to take effect on 14  
October 1, 2012. 15

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

**Section 1.** That sections 1701.03, 1705.03, 1705.04, 1705.53, 16  
1785.01, 1785.02, 1785.03, 2305.234, 2305.51, 2921.22, 3107.014, 17  
3701.74, 3721.21, 4723.16, 4725.33, 4729.161, 4731.226, 4731.65, 18  
4732.28, 4734.17, 4755.471, 4757.03, 4757.16, 4757.22, 4757.23, 19  
4757.27, 4757.28, 4757.29, 4757.30, 4757.31, 4757.33, 4757.36, 20  
4757.41, 5101.61, and 5123.61 be amended and sections 4757.13 and 21  
4757.37 be enacted to read as follows: 22

**Sec. 1701.03.** (A) A corporation may be formed under this 23  
chapter for any purpose or combination of purposes for which 24  
individuals lawfully may associate themselves, except that, if the 25  
Revised Code contains special provisions pertaining to the 26  
formation of any designated type of corporation other than a 27  
professional association, as defined in section 1785.01 of the 28  
Revised Code, a corporation of that type shall be formed in 29  
accordance with the special provisions. 30

(B) On and after July 1, 1994, a corporation may be formed 31  
under this chapter for the purpose of carrying on the practice of 32  
any profession, including, but not limited to, a corporation for 33  
the purpose of providing public accounting or certified public 34  
accounting services, a corporation for the erection, owning, and 35  
conducting of a sanitarium for receiving and caring for patients, 36  
medical and hygienic treatment of patients, and instruction of 37  
nurses in the treatment of disease and in hygiene, a corporation 38  
for the purpose of providing architectural, landscape 39  
architectural, professional engineering, or surveying services or 40  
any combination of those types of services, and a corporation for 41  
the purpose of providing a combination of the professional 42  
services, as defined in section 1785.01 of the Revised Code, of 43  
optometrists authorized under Chapter 4725. of the Revised Code, 44  
chiropractors authorized under Chapter 4734. of the Revised Code 45  
to practice chiropractic or acupuncture, psychologists authorized 46  
under Chapter 4732. of the Revised Code, counselors, social 47  
workers, or marriage and family therapists licensed under Chapter 48  
4757. of the Revised Code, registered or licensed practical nurses 49  
authorized under Chapter 4723. of the Revised Code, pharmacists 50  
authorized under Chapter 4729. of the Revised Code, physical 51  
therapists authorized under sections 4755.40 to 4755.56 of the 52  
Revised Code, mechanotherapists authorized under section 4731.151 53  
of the Revised Code, and doctors of medicine and surgery, 54

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

(C) Nothing in division (A) or (B) of this section precludes 71  
the organization of a professional association in accordance with 72  
this chapter and Chapter 1785. of the Revised Code or the 73  
formation of a limited liability company under Chapter 1705. of 74  
the Revised Code with respect to a business, as defined in section 75  
1705.01 of the Revised Code. 76

(D) No corporation formed for the purpose of providing a 77  
combination of the professional services, as defined in section 78  
1785.01 of the Revised Code, of optometrists authorized under 79  
Chapter 4725. of the Revised Code, chiropractors authorized under 80  
Chapter 4734. of the Revised Code to practice chiropractic or 81  
acupuncture, psychologists authorized under Chapter 4732. of the 82  
Revised Code, counselors, social workers, or marriage and family 83  
therapists licensed under Chapter 4757. of the Revised Code, 84  
registered or licensed practical nurses authorized under Chapter 85  
4723. of the Revised Code, pharmacists authorized under Chapter 86

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

This division does not prevent a hospital, as defined in 102  
section 3727.01 of the Revised Code, insurer, as defined in 103  
section 3999.36 of the Revised Code, or intermediary organization, 104  
as defined in section 1751.01 of the Revised Code, from entering 105  
into a contract with a corporation described in this division that 106  
includes a provision requiring utilization review, quality 107  
assurance, peer review, or other performance or quality standards. 108  
Those activities shall not be construed as controlling the 109  
professional clinical judgment of an individual practitioner 110  
listed in this division. 111

**Sec. 1705.03.** (A) A limited liability company may sue and be 112  
sued. 113

(B) Unless otherwise provided in its articles of 114  
organization, a limited liability company may take property of any 115  
description or any interest in property of any description by 116  
gift, devise, or bequest and may make donations for the public 117

welfare or for charitable, scientific, or educational purposes.	118
(C) In carrying out the purposes stated in its articles of organization or operating agreement and subject to limitations prescribed by law or in its articles of organization or its operating agreement, a limited liability company may do all of the following:	119 120 121 122 123
(1) Purchase or otherwise acquire, lease as lessee or lessor, invest in, hold, use, encumber, sell, exchange, transfer, and dispose of property of any description or any interest in property of any description;	124 125 126 127
(2) Make contracts;	128
(3) Form or acquire the control of other domestic or foreign limited liability companies;	129 130
(4) Be a shareholder, partner, member, associate, or participant in other profit or nonprofit enterprises or ventures;	131 132
(5) Conduct its affairs in this state and elsewhere;	133
(6) Render in this state and elsewhere a professional service, the kinds of professional services authorized under Chapters 4703. and 4733. of the Revised Code, or a combination of the professional services of optometrists authorized under Chapter 4725. of the Revised Code, chiropractors authorized under Chapter 4734. of the Revised Code to practice chiropractic or acupuncture, <u>counselors, social workers, or marriage and family therapists licensed under Chapter 4757. of the Revised Code</u> , psychologists authorized under Chapter 4732. of the Revised Code, registered or licensed practical nurses authorized under Chapter 4723. of the Revised Code, pharmacists authorized under Chapter 4729. of the Revised Code, physical therapists authorized under sections 4755.40 to 4755.56 of the Revised Code, occupational therapists authorized under sections 4755.04 to 4755.13 of the Revised Code, mechanotherapists authorized under section 4731.151 of the Revised	134 135 136 137 138 139 140 141 142 143 144 145 146 147 148

Code, and doctors of medicine and surgery, osteopathic medicine	149
and surgery, or podiatric medicine and surgery authorized under	150
Chapter 4731. of the Revised Code;	151
(7) Borrow money;	152
(8) Issue, sell, and pledge its notes, bonds, and other	153
evidences of indebtedness;	154
(9) Secure any of its obligations by mortgage, pledge, or	155
deed of trust of all or any of its property;	156
(10) Guarantee or secure obligations of any person;	157
(11) Do all things permitted by law and exercise all	158
authority within or incidental to the purposes stated in its	159
articles of organization.	160
(D) In addition to the authority conferred by division (C) of	161
this section and irrespective of the purposes stated in its	162
articles of organization or operating agreement but subject to any	163
limitations stated in those articles or its operating agreement, a	164
limited liability company may invest funds not currently needed in	165
its business in any securities if the investment does not cause	166
the company to acquire control of another enterprise whose	167
activities and operations are not incidental to the purposes	168
stated in the articles of organization of the company.	169
(E)(1) No lack of authority or limitation upon the authority	170
of a limited liability company shall be asserted in any action	171
except as follows:	172
(a) By the state in an action by it against the company;	173
(b) By or on behalf of the company in an action against a	174
manager, an officer, or any member as a member;	175
(c) By a member as a member in an action against the company,	176
a manager, an officer, or any member as a member;	177
(d) In an action involving an alleged improper issue of a	178

membership interest in the company. 179

(2) Division (E)(1) of this section applies to any action 180  
commenced in this state upon any contract made in this state by a 181  
foreign limited liability company. 182

**Sec. 1705.04.** (A) One or more persons, without regard to 183  
residence, domicile, or state of organization, may form a limited 184  
liability company. The articles of organization shall be signed 185  
and filed with the secretary of state and shall set forth all of 186  
the following: 187

(1) The name of the company; 188

(2) Except as provided in division (B) of this section, the 189  
period of its duration, which may be perpetual; 190

(3) Any other provisions that are from the operating 191  
agreement or that are not inconsistent with applicable law and 192  
that the members elect to set out in the articles for the 193  
regulation of the affairs of the company. 194

The legal existence of the company begins upon the filing of 195  
the articles of organization or on a later date specified in the 196  
articles of organization that is not more than ninety days after 197  
the filing. 198

(B) If the articles of organization or operating agreement do 199  
not set forth the period of the duration of the limited liability 200  
company, its duration shall be perpetual. 201

(C) If a limited liability company is formed under this 202  
chapter for the purpose of rendering a professional service, the 203  
kinds of professional services authorized under Chapters 4703. and 204  
4733. of the Revised Code, or a combination of the professional 205  
services of optometrists authorized under Chapter 4725. of the 206  
Revised Code, chiropractors authorized under Chapter 4734. of the 207  
Revised Code to practice chiropractic or acupuncture, counselors, 208

<u>social workers, or marriage and family therapists licensed under</u>	209
<u>Chapter 4757. of the Revised Code, psychologists authorized under</u>	210
Chapter 4732. of the Revised Code, registered or licensed	211
practical nurses authorized under Chapter 4723. of the Revised	212
Code, pharmacists authorized under Chapter 4729. of the Revised	213
Code, physical therapists authorized under sections 4755.40 to	214
4755.56 of the Revised Code, occupational therapists authorized	215
under sections 4755.04 to 4755.13 of the Revised Code,	216
mechanotherapists authorized under section 4731.151 of the Revised	217
Code, and doctors of medicine and surgery, osteopathic medicine	218
and surgery, or podiatric medicine and surgery authorized under	219
Chapter 4731. of the Revised Code, the following apply:	220
(1) Each member, employee, or other agent of the company who	221
renders a professional service in this state and, if the	222
management of the company is not reserved to its members, each	223
manager of the company who renders a professional service in this	224
state shall be licensed, certificated, or otherwise legally	225
authorized to render in this state the same kind of professional	226
service; if applicable, the kinds of professional services	227
authorized under Chapters 4703. and 4733. of the Revised Code; or,	228
if applicable, any of the kinds of professional services of	229
optometrists authorized under Chapter 4725. of the Revised Code,	230
chiropractors authorized under Chapter 4734. of the Revised Code	231
to practice chiropractic or acupuncture, <u>counselors, social</u>	232
<u>workers, or marriage and family therapists licensed under Chapter</u>	233
<u>4757. of the Revised Code, psychologists authorized under Chapter</u>	234
4732. of the Revised Code, registered or licensed practical nurses	235
authorized under Chapter 4723. of the Revised Code, pharmacists	236
authorized under Chapter 4729. of the Revised Code, physical	237
therapists authorized under sections 4755.40 to 4755.56 of the	238
Revised Code, occupational therapists authorized under sections	239
4755.04 to 4755.13 of the Revised Code, mechanotherapists	240
authorized under section 4731.151 of the Revised Code, or doctors	241

of medicine and surgery, osteopathic medicine and surgery, or 242  
podiatric medicine and surgery authorized under Chapter 4731. of 243  
the Revised Code. 244

(2) Each member, employee, or other agent of the company who 245  
renders a professional service in another state and, if the 246  
management of the company is not reserved to its members, each 247  
manager of the company who renders a professional service in 248  
another state shall be licensed, certificated, or otherwise 249  
legally authorized to render that professional service in the 250  
other state. 251

(D) Except for the provisions of this chapter pertaining to 252  
the personal liability of members, employees, or other agents of a 253  
limited liability company and, if the management of the company is 254  
not reserved to its members, the personal liability of managers of 255  
the company, this chapter does not restrict, limit, or otherwise 256  
affect the authority or responsibilities of any agency, board, 257  
commission, department, office, or other entity to license, 258  
certificate, register, and otherwise regulate the professional 259  
conduct of individuals or organizations of any kind rendering 260  
professional services in this state or to regulate the practice of 261  
any profession that is within the jurisdiction of the agency, 262  
board, commission, department, office, or other entity, 263  
notwithstanding that the individual is a member or manager of a 264  
limited liability company and is rendering the professional 265  
services or engaging in the practice of the profession through the 266  
limited liability company or that the organization is a limited 267  
liability company. 268

(E) No limited liability company formed for the purpose of 269  
providing a combination of the professional services, as defined 270  
in section 1785.01 of the Revised Code, of optometrists authorized 271  
under Chapter 4725. of the Revised Code, chiropractors authorized 272  
under Chapter 4734. of the Revised Code to practice chiropractic 273

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

This division does not prevent a hospital, as defined in 296  
section 3727.01 of the Revised Code, insurer, as defined in 297  
section 3999.36 of the Revised Code, or intermediary organization, 298  
as defined in section 1751.01 of the Revised Code, from entering 299  
into a contract with a limited liability company described in this 300  
division that includes a provision requiring utilization review, 301  
quality assurance, peer review, or other performance or quality 302  
standards. Those activities shall not be construed as controlling 303  
the professional clinical judgment of an individual practitioner 304  
listed in this division. 305

**Sec. 1705.53.** Subject to any contrary provisions of the Ohio 306  
Constitution, the laws of the state under which a foreign limited 307  
liability company is organized govern its organization and 308  
internal affairs and the liability of its members. A foreign 309  
limited liability company may not be denied a certificate of 310  
registration as a foreign limited liability company in this state 311  
because of any difference between the laws of the state under 312  
which it is organized and the laws of this state. However, a 313  
foreign limited liability company that applies for registration 314  
under this chapter to render a professional service in this state, 315  
as a condition to obtaining and maintaining a certificate of 316  
registration, shall comply with the requirements of division (C) 317  
of section 1705.04 of the Revised Code and shall comply with the 318  
requirements of Chapters 4703. and 4733. of the Revised Code if 319  
the kinds of professional services authorized under those chapters 320  
are to be rendered or with the requirements of Chapters 4723., 321  
4725., 4729., 4731., 4732., 4734., ~~and 4755.~~ and 4757. of the 322  
Revised Code if a combination of the professional services of 323  
optometrists authorized under Chapter 4725. of the Revised Code, 324  
chiropractors authorized under Chapter 4734. of the Revised Code 325  
to practice chiropractic or acupuncture, counselors, social 326  
workers, or marriage and family therapists licensed under Chapter 327  
4757. of the Revised Code, psychologists authorized under Chapter 328  
4732. of the Revised Code, registered or licensed practical nurses 329  
authorized under Chapter 4723. of the Revised Code, pharmacists 330  
authorized under Chapter 4729. of the Revised Code, physical 331  
therapists authorized under sections 4755.40 to 4755.56 of the 332  
Revised Code, occupational therapists authorized under sections 333  
4755.04 to 4755.13 of the Revised Code, mechanotherapists 334  
authorized under section 4731.151 of the Revised Code, and doctors 335  
of medicine and surgery, osteopathic medicine and surgery, or 336  
podiatric medicine and surgery authorized under Chapter 4731. of 337

the Revised Code are to be rendered. 338

**Sec. 1785.01.** As used in this chapter: 339

(A) "Professional service" means any type of professional 340  
service that may be performed only pursuant to a license, 341  
certificate, or other legal authorization issued pursuant to 342  
Chapter 4701., 4703., 4705., 4715., 4723., 4725., 4729., 4730., 343  
4731., 4732., 4733., 4734., or 4741., sections 4755.04 to 4755.13, 344  
or 4755.40 to 4755.56, or Chapter 4757. of the Revised Code to 345  
certified public accountants, licensed public accountants, 346  
architects, attorneys, dentists, nurses, optometrists, 347  
pharmacists, physician assistants, doctors of medicine and 348  
surgery, doctors of osteopathic medicine and surgery, doctors of 349  
podiatric medicine and surgery, practitioners of the limited 350  
branches of medicine specified in section 4731.15 of the Revised 351  
Code, mechanotherapists, counselors, social workers, marriage and 352  
family therapists, psychologists, professional engineers, 353  
chiropractors, chiropractors practicing acupuncture through the 354  
state chiropractic board, veterinarians, occupational therapists, 355  
physical therapists, and occupational therapists. 356

(B) "Professional association" means an association organized 357  
under this chapter for the sole purpose of rendering one of the 358  
professional services authorized under Chapter 4701., 4703., 359  
4705., 4715., 4723., 4725., 4729., 4730., 4731., 4732., 4733., 360  
4734., or 4741., sections 4755.04 to 4755.13, or 4755.40 to 361  
4755.56, or Chapter 4757. of the Revised Code, a combination of 362  
the professional services authorized under Chapters 4703. and 363  
4733. of the Revised Code, or a combination of the professional 364  
services of optometrists authorized under Chapter 4725. of the 365  
Revised Code, chiropractors authorized under Chapter 4734. of the 366  
Revised Code to practice chiropractic or acupuncture, counselors, 367  
social workers, or marriage and family therapists licensed under 368

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

**Sec. 1785.02.** An individual or group of individuals each of 380  
whom is licensed, certificated, or otherwise legally authorized to 381  
render within this state the same kind of professional service, a 382  
group of individuals each of whom is licensed, certificated, or 383  
otherwise legally authorized to render within this state the 384  
professional service authorized under Chapter 4703. or 4733. of 385  
the Revised Code, or a group of individuals each of whom is 386  
licensed, certificated, or otherwise legally authorized to render 387  
within this state the professional service of optometrists 388  
authorized under Chapter 4725. of the Revised Code, chiropractors 389  
authorized under Chapter 4734. of the Revised Code to practice 390  
chiropractic or acupuncture, counselors, social workers, or 391  
marriage and family therapists licensed under Chapter 4757. of the 392  
Revised Code, psychologists authorized under Chapter 4732. of the 393  
Revised Code, registered or licensed practical nurses authorized 394  
under Chapter 4723. of the Revised Code, pharmacists authorized 395  
under Chapter 4729. of the Revised Code, physical therapists 396  
authorized under sections 4755.40 to 4755.56 of the Revised Code, 397  
occupational therapists authorized under sections 4755.04 to 398  
4755.13 of the Revised Code, mechanotherapists authorized under 399  
section 4731.151 of the Revised Code, or doctors of medicine and 400

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

**Sec. 1785.03.** A professional association may render a 413  
particular professional service only through officers, employees, 414  
and agents who are themselves duly licensed, certificated, or 415  
otherwise legally authorized to render the professional service 416  
within this state. As used in this section, "employee" does not 417  
include clerks, bookkeepers, technicians, or other individuals who 418  
are not usually and ordinarily considered by custom and practice 419  
to be rendering a particular professional service for which a 420  
license, certificate, or other legal authorization is required and 421  
does not include any other person who performs all of that 422  
person's employment under the direct supervision and control of an 423  
officer, agent, or employee who renders a particular professional 424  
service to the public on behalf of the professional association. 425

No professional association formed for the purpose of 426  
providing a combination of the professional services, as defined 427  
in section 1785.01 of the Revised Code, of optometrists authorized 428  
under Chapter 4725. of the Revised Code, chiropractors authorized 429  
under Chapter 4734. of the Revised Code to practice chiropractic 430  
or acupuncture, counselors, social workers, or marriage and family 431  
therapists licensed under Chapter 4757. of the Revised Code, 432

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

This division does not prevent a hospital, as defined in 453  
section 3727.01 of the Revised Code, insurer, as defined in 454  
section 3999.36 of the Revised Code, or intermediary organization, 455  
as defined in section 1751.01 of the Revised Code, from entering 456  
into a contract with a professional association described in this 457  
division that includes a provision requiring utilization review, 458  
quality assurance, peer review, or other performance or quality 459  
standards. Those activities shall not be construed as controlling 460  
the professional clinical judgment of an individual practitioner 461  
listed in this division. 462

**Sec. 2305.234.** (A) As used in this section: 463

(1) "Chiropractic claim," "medical claim," and "optometric claim" have the same meanings as in section 2305.113 of the Revised Code. 464  
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(2) "Dental claim" has the same meaning as in section 2305.113 of the Revised Code, except that it does not include any claim arising out of a dental operation or any derivative claim for relief that arises out of a dental operation. 467  
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(3) "Governmental health care program" has the same meaning as in section 4731.65 of the Revised Code. 471  
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(4) "Health care facility or location" means a hospital, clinic, ambulatory surgical facility, office of a health care professional or associated group of health care professionals, training institution for health care professionals, or any other place where medical, dental, or other health-related diagnosis, care, or treatment is provided to a person. 473  
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(5) "Health care professional" means any of the following who provide medical, dental, or other health-related diagnosis, care, or treatment: 479  
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(a) Physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; 482  
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(b) Registered nurses and licensed practical nurses licensed under Chapter 4723. of the Revised Code and individuals who hold a certificate of authority issued under that chapter that authorizes the practice of nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner; 485  
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(c) Physician assistants authorized to practice under Chapter 4730. of the Revised Code; 491  
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(d) Dentists and dental hygienists licensed under Chapter 493

4715. of the Revised Code;	494
(e) Physical therapists, physical therapist assistants, occupational therapists, and occupational therapy assistants licensed under Chapter 4755. of the Revised Code;	495 496 497
(f) Chiropractors licensed under Chapter 4734. of the Revised Code;	498 499
(g) Optometrists licensed under Chapter 4725. of the Revised Code;	500 501
(h) Podiatrists authorized under Chapter 4731. of the Revised Code to practice podiatry;	502 503
(i) Dietitians licensed under Chapter 4759. of the Revised Code;	504 505
(j) Pharmacists licensed under Chapter 4729. of the Revised Code;	506 507
(k) Emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic, certified under Chapter 4765. of the Revised Code;	508 509 510 511
(l) Respiratory care professionals licensed under Chapter 4761. of the Revised Code;	512 513
(m) Speech-language pathologists and audiologists licensed under Chapter 4753. of the Revised Code;	514 515
<u>(n) Counselors, social workers, or marriage and family therapists authorized to practice counseling, social work, or marriage and family therapy under Chapter 4757. of the Revised Code;</u>	516 517 518 519
<u>(o) Psychologists authorized to practice psychology under Chapter 4732. of the Revised Code;</u>	520 521
<u>(p) Individuals licensed or certified under Chapter 4758. of</u>	522

the Revised Code who are acting within the scope of their license 523  
or certificate as members of the profession of chemical dependency 524  
counseling or alcohol and other drug prevention services. 525

(6) "Health care worker" means a person other than a health 526  
care professional who provides medical, dental, or other 527  
health-related care or treatment under the direction of a health 528  
care professional with the authority to direct that individual's 529  
activities, including medical technicians, medical assistants, 530  
dental assistants, orderlies, aides, and individuals acting in 531  
similar capacities. 532

(7) "Indigent and uninsured person" means a person who meets 533  
all of the following requirements: 534

(a) The person's income is not greater than two hundred per 535  
cent of the current poverty line as defined by the United States 536  
office of management and budget and revised in accordance with 537  
section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 538  
95 Stat. 511, 42 U.S.C. 9902, as amended. 539

(b) The person is not eligible to receive medical assistance 540  
under Chapter 5111. of the Revised Code or assistance under any 541  
other governmental health care program. 542

(c) Either of the following applies: 543

(i) The person is not a policyholder, certificate holder, 544  
insured, contract holder, subscriber, enrollee, member, 545  
beneficiary, or other covered individual under a health insurance 546  
or health care policy, contract, or plan. 547

(ii) The person is a policyholder, certificate holder, 548  
insured, contract holder, subscriber, enrollee, member, 549  
beneficiary, or other covered individual under a health insurance 550  
or health care policy, contract, or plan, but the insurer, policy, 551  
contract, or plan denies coverage or is the subject of insolvency 552  
or bankruptcy proceedings in any jurisdiction. 553

(8) "Nonprofit health care referral organization" means an 554  
entity that is not operated for profit and refers patients to, or 555  
arranges for the provision of, health-related diagnosis, care, or 556  
treatment by a health care professional or health care worker. 557

(9) "Operation" means any procedure that involves cutting or 558  
otherwise infiltrating human tissue by mechanical means, including 559  
surgery, laser surgery, ionizing radiation, therapeutic 560  
ultrasound, or the removal of intraocular foreign bodies. 561  
"Operation" does not include the administration of medication by 562  
injection, unless the injection is administered in conjunction 563  
with a procedure infiltrating human tissue by mechanical means 564  
other than the administration of medicine by injection. 565  
"Operation" does not include routine dental restorative 566  
procedures, the scaling of teeth, or extractions of teeth that are 567  
not impacted. 568

(10) "Tort action" means a civil action for damages for 569  
injury, death, or loss to person or property other than a civil 570  
action for damages for a breach of contract or another agreement 571  
between persons or government entities. 572

(11) "Volunteer" means an individual who provides any 573  
medical, dental, or other health-care related diagnosis, care, or 574  
treatment without the expectation of receiving and without receipt 575  
of any compensation or other form of remuneration from an indigent 576  
and uninsured person, another person on behalf of an indigent and 577  
uninsured person, any health care facility or location, any 578  
nonprofit health care referral organization, or any other person 579  
or government entity. 580

(12) "Community control sanction" has the same meaning as in 581  
section 2929.01 of the Revised Code. 582

(13) "Deep sedation" means a drug-induced depression of 583  
consciousness during which a patient cannot be easily aroused but 584

responds purposefully following repeated or painful stimulation, a 585  
patient's ability to independently maintain ventilatory function 586  
may be impaired, a patient may require assistance in maintaining a 587  
patent airway and spontaneous ventilation may be inadequate, and 588  
cardiovascular function is usually maintained. 589

(14) "General anesthesia" means a drug-induced loss of 590  
consciousness during which a patient is not arousable, even by 591  
painful stimulation, the ability to independently maintain 592  
ventilatory function is often impaired, a patient often requires 593  
assistance in maintaining a patent airway, positive pressure 594  
ventilation may be required because of depressed spontaneous 595  
ventilation or drug-induced depression of neuromuscular function, 596  
and cardiovascular function may be impaired. 597

(B)(1) Subject to divisions (F) and (G)(3) of this section, a 598  
health care professional who is a volunteer and complies with 599  
division (B)(2) of this section is not liable in damages to any 600  
person or government entity in a tort or other civil action, 601  
including an action on a medical, dental, chiropractic, 602  
optometric, or other health-related claim, for injury, death, or 603  
loss to person or property that allegedly arises from an action or 604  
omission of the volunteer in the provision to an indigent and 605  
uninsured person of medical, dental, or other health-related 606  
diagnosis, care, or treatment, including the provision of samples 607  
of medicine and other medical products, unless the action or 608  
omission constitutes willful or wanton misconduct. 609

(2) To qualify for the immunity described in division (B)(1) 610  
of this section, a health care professional shall do all of the 611  
following prior to providing diagnosis, care, or treatment: 612

(a) Determine, in good faith, that the indigent and uninsured 613  
person is mentally capable of giving informed consent to the 614  
provision of the diagnosis, care, or treatment and is not subject 615  
to duress or under undue influence; 616

(b) Inform the person of the provisions of this section, 617  
including notifying the person that, by giving informed consent to 618  
the provision of the diagnosis, care, or treatment, the person 619  
cannot hold the health care professional liable for damages in a 620  
tort or other civil action, including an action on a medical, 621  
dental, chiropractic, optometric, or other health-related claim, 622  
unless the action or omission of the health care professional 623  
constitutes willful or wanton misconduct; 624

(c) Obtain the informed consent of the person and a written 625  
waiver, signed by the person or by another individual on behalf of 626  
and in the presence of the person, that states that the person is 627  
mentally competent to give informed consent and, without being 628  
subject to duress or under undue influence, gives informed consent 629  
to the provision of the diagnosis, care, or treatment subject to 630  
the provisions of this section. A written waiver under division 631  
(B)(2)(c) of this section shall state clearly and in conspicuous 632  
type that the person or other individual who signs the waiver is 633  
signing it with full knowledge that, by giving informed consent to 634  
the provision of the diagnosis, care, or treatment, the person 635  
cannot bring a tort or other civil action, including an action on 636  
a medical, dental, chiropractic, optometric, or other 637  
health-related claim, against the health care professional unless 638  
the action or omission of the health care professional constitutes 639  
willful or wanton misconduct. 640

(3) A physician or podiatrist who is not covered by medical 641  
malpractice insurance, but complies with division (B)(2) of this 642  
section, is not required to comply with division (A) of section 643  
4731.143 of the Revised Code. 644

(C) Subject to divisions (F) and (G)(3) of this section, 645  
health care workers who are volunteers are not liable in damages 646  
to any person or government entity in a tort or other civil 647  
action, including an action upon a medical, dental, chiropractic, 648

optometric, or other health-related claim, for injury, death, or 649  
loss to person or property that allegedly arises from an action or 650  
omission of the health care worker in the provision to an indigent 651  
and uninsured person of medical, dental, or other health-related 652  
diagnosis, care, or treatment, unless the action or omission 653  
constitutes willful or wanton misconduct. 654

(D) Subject to divisions (F) and (G)(3) of this section, a 655  
nonprofit health care referral organization is not liable in 656  
damages to any person or government entity in a tort or other 657  
civil action, including an action on a medical, dental, 658  
chiropractic, optometric, or other health-related claim, for 659  
injury, death, or loss to person or property that allegedly arises 660  
from an action or omission of the nonprofit health care referral 661  
organization in referring indigent and uninsured persons to, or 662  
arranging for the provision of, medical, dental, or other 663  
health-related diagnosis, care, or treatment by a health care 664  
professional described in division (B)(1) of this section or a 665  
health care worker described in division (C) of this section, 666  
unless the action or omission constitutes willful or wanton 667  
misconduct. 668

(E) Subject to divisions (F) and (G)(3) of this section and 669  
to the extent that the registration requirements of section 670  
3701.071 of the Revised Code apply, a health care facility or 671  
location associated with a health care professional described in 672  
division (B)(1) of this section, a health care worker described in 673  
division (C) of this section, or a nonprofit health care referral 674  
organization described in division (D) of this section is not 675  
liable in damages to any person or government entity in a tort or 676  
other civil action, including an action on a medical, dental, 677  
chiropractic, optometric, or other health-related claim, for 678  
injury, death, or loss to person or property that allegedly arises 679  
from an action or omission of the health care professional or 680

worker or nonprofit health care referral organization relative to 681  
the medical, dental, or other health-related diagnosis, care, or 682  
treatment provided to an indigent and uninsured person on behalf 683  
of or at the health care facility or location, unless the action 684  
or omission constitutes willful or wanton misconduct. 685

(F)(1) Except as provided in division (F)(2) of this section, 686  
the immunities provided by divisions (B), (C), (D), and (E) of 687  
this section are not available to a health care professional, 688  
health care worker, nonprofit health care referral organization, 689  
or health care facility or location if, at the time of an alleged 690  
injury, death, or loss to person or property, the health care 691  
professionals or health care workers involved are providing one of 692  
the following: 693

(a) Any medical, dental, or other health-related diagnosis, 694  
care, or treatment pursuant to a community service work order 695  
entered by a court under division (B) of section 2951.02 of the 696  
Revised Code or imposed by a court as a community control 697  
sanction; 698

(b) Performance of an operation to which any one of the 699  
following applies: 700

(i) The operation requires the administration of deep 701  
sedation or general anesthesia. 702

(ii) The operation is a procedure that is not typically 703  
performed in an office. 704

(iii) The individual involved is a health care professional, 705  
and the operation is beyond the scope of practice or the 706  
education, training, and competence, as applicable, of the health 707  
care professional. 708

(c) Delivery of a baby or any other purposeful termination of 709  
a human pregnancy. 710

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

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

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

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

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

(5) This section does not affect any legal responsibility of a health care facility or location to comply with any applicable law of this state, rule of an agency of this state, or local code, ordinance, or regulation that pertains to or regulates building, housing, air pollution, water pollution, sanitation, health, fire, zoning, or safety.

<b>Sec. 2305.51.</b> (A)(1) As used in this section:	742
(a) "Civil Rights" has the same meaning as in section 5122.301 of the Revised Code.	743 744
(b) "Mental health client or patient" means an individual who is receiving mental health services from a mental health professional or organization.	745 746 747
(c) "Mental health organization" means an organization that engages one or more mental health professionals to provide mental health services to one or more mental health clients or patients.	748 749 750
(d) "Mental health professional" means an individual who is licensed, certified, or registered under the Revised Code, or otherwise authorized in this state, to provide mental health services for compensation, remuneration, or other personal gain.	751 752 753 754
(e) "Mental health service" means a service provided to an individual or group of individuals involving the application of medical, psychiatric, psychological, counseling, social work, <u>marriage and family therapy</u> , or nursing principles or procedures to either of the following:	755 756 757 758 759
(i) The assessment, diagnosis, prevention, treatment, or amelioration of mental, emotional, psychiatric, psychological, or psychosocial disorders or diseases, as described in the most recent edition of the diagnostic and statistical manual of mental disorders published by the American psychiatric association;	760 761 762 763 764
(ii) The assessment or improvement of mental, emotional, psychiatric, psychological, or psychosocial adjustment or functioning, regardless of whether there is a diagnosable, pre-existing disorder or disease.	765 766 767 768
(f) "Knowledgeable person" means an individual who has reason to believe that a mental health client or patient has the intent and ability to carry out an explicit threat of inflicting imminent	769 770 771

and serious physical harm to or causing the death of a clearly 772  
identifiable potential victim or victims and who is either an 773  
immediate family member of the client or patient or an individual 774  
who otherwise personally knows the client or patient. 775

(2) For the purpose of this section, in the case of a threat 776  
to a readily identifiable structure, "clearly identifiable 777  
potential victim" includes any potential occupant of the 778  
structure. 779

(B) A mental health professional or mental health 780  
organization may be held liable in damages in a civil action, or 781  
may be made subject to disciplinary action by an entity with 782  
licensing or other regulatory authority over the professional or 783  
organization, for serious physical harm or death resulting from 784  
failing to predict, warn of, or take precautions to provide 785  
protection from the violent behavior of a mental health client or 786  
patient, only if the client or patient or a knowledgeable person 787  
has communicated to the professional or organization an explicit 788  
threat of inflicting imminent and serious physical harm to or 789  
causing the death of one or more clearly identifiable potential 790  
victims, the professional or organization has reason to believe 791  
that the client or patient has the intent and ability to carry out 792  
the threat, and the professional or organization fails to take one 793  
or more of the following actions in a timely manner: 794

(1) Exercise any authority the professional or organization 795  
possesses to hospitalize the client or patient on an emergency 796  
basis pursuant to section 5122.10 of the Revised Code; 797

(2) Exercise any authority the professional or organization 798  
possesses to have the client or patient involuntarily or 799  
voluntarily hospitalized under Chapter 5122. of the Revised Code; 800

(3) Establish and undertake a documented treatment plan that 801  
is reasonably calculated, according to appropriate standards of 802

professional practice, to eliminate the possibility that the 803  
client or patient will carry out the threat, and, concurrent with 804  
establishing and undertaking the treatment plan, initiate 805  
arrangements for a second opinion risk assessment through a 806  
management consultation about the treatment plan with, in the case 807  
of a mental health organization, the clinical director of the 808  
organization, or, in the case of a mental health professional who 809  
is not acting as part of a mental health organization, any mental 810  
health professional who is licensed to engage in independent 811  
practice; 812

(4) Communicate to a law enforcement agency with jurisdiction 813  
in the area where each potential victim resides, where a structure 814  
threatened by a mental health client or patient is located, or 815  
where the mental health client or patient resides, and if 816  
feasible, communicate to each potential victim or a potential 817  
victim's parent or guardian if the potential victim is a minor or 818  
has been adjudicated incompetent, all of the following 819  
information: 820

(a) The nature of the threat; 821

(b) The identity of the mental health client or patient 822  
making the threat; 823

(c) The identity of each potential victim of the threat. 824

(C) All of the following apply when a mental health 825  
professional or organization takes one or more of the actions set 826  
forth in divisions (B)(1) to (4) of this section: 827

(1) The mental health professional or organization shall 828  
consider each of the alternatives set forth and shall document the 829  
reasons for choosing or rejecting each alternative. 830

(2) The mental health professional or organization may give 831  
special consideration to those alternatives which, consistent with 832  
public safety, would least abridge the rights of the mental health 833

client or patient established under the Revised Code, including 834  
the rights specified in sections 5122.27 to 5122.31 of the Revised 835  
Code. 836

(3) The mental health professional or organization is not 837  
required to take an action that, in the exercise of reasonable 838  
professional judgment, would physically endanger the professional 839  
or organization, increase the danger to a potential victim, or 840  
increase the danger to the mental health client or patient. 841

(4) The mental health professional or organization is not 842  
liable in damages in a civil action, and shall not be made subject 843  
to disciplinary action by any entity with licensing or other 844  
regulatory authority over the professional or organization, for 845  
disclosing any confidential information about a mental health 846  
client or patient that is disclosed for the purpose of taking any 847  
of the actions. 848

(D) The immunities from civil liability and disciplinary 849  
action conferred by this section are in addition to and not in 850  
limitation of any immunity conferred on a mental health 851  
professional or organization by any other section of the Revised 852  
Code or by judicial precedent. 853

(E) This section does not affect the civil rights of a mental 854  
health client or patient under Ohio or Federal Law. 855

**Sec. 2921.22.** (A)(1) Except as provided in division (A)(2) of 856  
this section, no person, knowing that a felony has been or is 857  
being committed, shall knowingly fail to report such information 858  
to law enforcement authorities. 859

(2) No person, knowing that a violation of division (B) of 860  
section 2913.04 of the Revised Code has been, or is being 861  
committed or that the person has received information derived from 862  
such a violation, shall knowingly fail to report the violation to 863

law enforcement authorities. 864

(B) Except for conditions that are within the scope of 865  
division (E) of this section, no physician, limited practitioner, 866  
nurse, or other person giving aid to a sick or injured person 867  
shall negligently fail to report to law enforcement authorities 868  
any gunshot or stab wound treated or observed by the physician, 869  
limited practitioner, nurse, or person, or any serious physical 870  
harm to persons that the physician, limited practitioner, nurse, 871  
or person knows or has reasonable cause to believe resulted from 872  
an offense of violence. 873

(C) No person who discovers the body or acquires the first 874  
knowledge of the death of a person shall fail to report the death 875  
immediately to a physician whom the person knows to be treating 876  
the deceased for a condition from which death at such time would 877  
not be unexpected, or to a law enforcement officer, an ambulance 878  
service, an emergency squad, or the coroner in a political 879  
subdivision in which the body is discovered, the death is believed 880  
to have occurred, or knowledge concerning the death is obtained. 881

(D) No person shall fail to provide upon request of the 882  
person to whom a report required by division (C) of this section 883  
was made, or to any law enforcement officer who has reasonable 884  
cause to assert the authority to investigate the circumstances 885  
surrounding the death, any facts within the person's knowledge 886  
that may have a bearing on the investigation of the death. 887

(E)(1) As used in this division, "burn injury" means any of 888  
the following: 889

(a) Second or third degree burns; 890

(b) Any burns to the upper respiratory tract or laryngeal 891  
edema due to the inhalation of superheated air; 892

(c) Any burn injury or wound that may result in death; 893

(d) Any physical harm to persons caused by or as the result 894  
of the use of fireworks, novelties and trick noisemakers, and wire 895  
sparklers, as each is defined by section 3743.01 of the Revised 896  
Code. 897

(2) No physician, nurse, or limited practitioner who, outside 898  
a hospital, sanitarium, or other medical facility, attends or 899  
treats a person who has sustained a burn injury that is inflicted 900  
by an explosion or other incendiary device or that shows evidence 901  
of having been inflicted in a violent, malicious, or criminal 902  
manner shall fail to report the burn injury immediately to the 903  
local arson, or fire and explosion investigation, bureau, if there 904  
is a bureau of this type in the jurisdiction in which the person 905  
is attended or treated, or otherwise to local law enforcement 906  
authorities. 907

(3) No manager, superintendent, or other person in charge of 908  
a hospital, sanitarium, or other medical facility in which a 909  
person is attended or treated for any burn injury that is 910  
inflicted by an explosion or other incendiary device or that shows 911  
evidence of having been inflicted in a violent, malicious, or 912  
criminal manner shall fail to report the burn injury immediately 913  
to the local arson, or fire and explosion investigation, bureau, 914  
if there is a bureau of this type in the jurisdiction in which the 915  
person is attended or treated, or otherwise to local law 916  
enforcement authorities. 917

(4) No person who is required to report any burn injury under 918  
division (E)(2) or (3) of this section shall fail to file, within 919  
three working days after attending or treating the victim, a 920  
written report of the burn injury with the office of the state 921  
fire marshal. The report shall comply with the uniform standard 922  
developed by the state fire marshal pursuant to division (A)(15) 923  
of section 3737.22 of the Revised Code. 924

(5) Anyone participating in the making of reports under 925

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

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

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

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

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

the member of the clergy, rabbi, minister, or priest for a 958  
religious counseling purpose of a professional character; husband 959  
and wife; or a communications assistant and those who are a party 960  
to a telecommunications relay service call. 961

(2) The information would tend to incriminate a member of the 962  
actor's immediate family. 963

(3) Disclosure of the information would amount to revealing a 964  
news source, privileged under section 2739.04 or 2739.12 of the 965  
Revised Code. 966

(4) Disclosure of the information would amount to disclosure 967  
by a member of the ordained clergy of an organized religious body 968  
of a confidential communication made to that member of the clergy 969  
in that member's capacity as a member of the clergy by a person 970  
seeking the aid or counsel of that member of the clergy. 971

(5) Disclosure would amount to revealing information acquired 972  
by the actor in the course of the actor's duties in connection 973  
with a bona fide program of treatment or services for drug 974  
dependent persons or persons in danger of drug dependence, which 975  
program is maintained or conducted by a hospital, clinic, person, 976  
agency, or organization certified pursuant to section 3793.06 of 977  
the Revised Code. 978

(6) Disclosure would amount to revealing information acquired 979  
by the actor in the course of the actor's duties in connection 980  
with a bona fide program for providing counseling services to 981  
victims of crimes that are violations of section 2907.02 or 982  
2907.05 of the Revised Code or to victims of felonious sexual 983  
penetration in violation of former section 2907.12 of the Revised 984  
Code. As used in this division, "counseling services" include 985  
services provided in an informal setting by a person who, by 986  
education or experience, is competent to provide those services. 987

(H) No disclosure of information pursuant to this section 988

gives rise to any liability or recrimination for a breach of 989  
privilege or confidence. 990

(I) Whoever violates division (A) or (B) of this section is 991  
guilty of failure to report a crime. Violation of division (A)(1) 992  
of this section is a misdemeanor of the fourth degree. Violation 993  
of division (A)(2) or (B) of this section is a misdemeanor of the 994  
second degree. 995

(J) Whoever violates division (C) or (D) of this section is 996  
guilty of failure to report knowledge of a death, a misdemeanor of 997  
the fourth degree. 998

(K)(1) Whoever negligently violates division (E) of this 999  
section is guilty of a minor misdemeanor. 1000

(2) Whoever knowingly violates division (E) of this section 1001  
is guilty of a misdemeanor of the second degree. 1002

**Sec. 3107.014.** (A) Except as provided in division (B) of this 1003  
section, only an individual who meets all of the following 1004  
requirements may perform the duties of an assessor under sections 1005  
3107.031, 3107.032, 3107.082, 3107.09, 3107.101, 3107.12, 1006  
5103.0324, and 5103.152 of the Revised Code: 1007

(1) The individual must be in the employ of, appointed by, or 1008  
under contract with a court, public children services agency, 1009  
private child placing agency, or private noncustodial agency; 1010

(2) The individual must be one of the following: 1011

(a) A professional counselor, social worker, or marriage and 1012  
family therapist licensed under Chapter 4757. of the Revised Code; 1013

(b) A psychologist licensed under Chapter 4732. of the 1014  
Revised Code; 1015

(c) A student working to earn a four-year, post-secondary 1016  
degree, or higher, in a social or behavior science, or both, who 1017

conducts assessor's duties under the supervision of a professional 1018  
counselor, social worker, or marriage and family therapist 1019  
licensed under Chapter 4757. of the Revised Code or a psychologist 1020  
licensed under Chapter 4732. of the Revised Code. Beginning July 1021  
1, 2009, a student is eligible under this division only if the 1022  
supervising professional counselor, social worker, marriage and 1023  
family therapist, or psychologist has completed training in 1024  
accordance with rules adopted under section 3107.015 of the 1025  
Revised Code. 1026

(d) A civil service employee engaging in social work without 1027  
a license under Chapter 4757. of the Revised Code, as permitted by 1028  
division (A)(5) of section 4757.41 of the Revised Code; 1029

(e) A former employee of a public children services agency 1030  
who, while so employed, conducted the duties of an assessor. 1031

(3) The individual must complete training in accordance with 1032  
rules adopted under section 3107.015 of the Revised Code. 1033

(B) An individual in the employ of, appointed by, or under 1034  
contract with a court prior to September 18, 1996, to conduct 1035  
adoption investigations of prospective adoptive parents may 1036  
perform the duties of an assessor under sections 3107.031, 1037  
3107.032, 3107.082, 3107.09, 3107.101, 3107.12, 5103.0324, and 1038  
5103.152 of the Revised Code if the individual complies with 1039  
division (A)(3) of this section regardless of whether the 1040  
individual meets the requirement of division (A)(2) of this 1041  
section. 1042

(C) A court, public children services agency, private child 1043  
placing agency, or private noncustodial agency may employ, 1044  
appoint, or contract with an assessor in the county in which a 1045  
petition for adoption is filed and in any other county or location 1046  
outside this state where information needed to complete or 1047  
supplement the assessor's duties may be obtained. More than one 1048

assessor may be utilized for an adoption. 1049

(D) Not later than January 1, 2008, the department of job and 1050  
family services shall develop and maintain an assessor registry. 1051  
The registry shall list all individuals who are employed, 1052  
appointed by, or under contract with a court, public children 1053  
services agency, private child placing agency, or private 1054  
noncustodial agency and meet the requirements of an assessor as 1055  
described in this section. A public children services agency, 1056  
private child placing agency, private noncustodial agency, court, 1057  
or any other person may contact the department to determine if an 1058  
individual is listed in the assessor registry. An individual 1059  
listed in the assessor registry shall immediately inform the 1060  
department when that individual is no longer employed, appointed 1061  
by, or under contract with a court, public children services 1062  
agency, private child placing agency, or private noncustodial 1063  
agency to perform the duties of an assessor as described in this 1064  
section. The director of job and family services shall adopt rules 1065  
in accordance with Chapter 119. of the Revised Code necessary for 1066  
the implementation, contents, and maintenance of the registry, and 1067  
any sanctions related to the provision of information, or the 1068  
failure to provide information, that is needed for the proper 1069  
operation of the assessor registry. 1070

**Sec. 3701.74.** (A) As used in this section and section 1071  
3701.741 of the Revised Code: 1072

(1) "Ambulatory care facility" means a facility that provides 1073  
medical, diagnostic, or surgical treatment to patients who do not 1074  
require hospitalization, including a dialysis center, ambulatory 1075  
surgical facility, cardiac catheterization facility, diagnostic 1076  
imaging center, extracorporeal shock wave lithotripsy center, home 1077  
health agency, inpatient hospice, birthing center, radiation 1078  
therapy center, emergency facility, and an urgent care center. 1079

"Ambulatory care facility" does not include the private office of a physician or dentist, whether the office is for an individual or group practice.	1080 1081 1082
(2) "Chiropractor" means an individual licensed under Chapter 4734. of the Revised Code to practice chiropractic.	1083 1084
(3) "Emergency facility" means a hospital emergency department or any other facility that provides emergency medical services.	1085 1086 1087
(4) "Health care practitioner" means all of the following:	1088
(a) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;	1089 1090
(b) A registered or licensed practical nurse licensed under Chapter 4723. of the Revised Code;	1091 1092
(c) An optometrist licensed under Chapter 4725. of the Revised Code;	1093 1094
(d) A dispensing optician, spectacle dispensing optician, contact lens dispensing optician, or spectacle-contact lens dispensing optician licensed under Chapter 4725. of the Revised Code;	1095 1096 1097 1098
(e) A pharmacist licensed under Chapter 4729. of the Revised Code;	1099 1100
(f) A physician;	1101
(g) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;	1102 1103
(h) A practitioner of a limited branch of medicine issued a certificate under Chapter 4731. of the Revised Code;	1104 1105
(i) A psychologist licensed under Chapter 4732. of the Revised Code;	1106 1107
(j) A chiropractor;	1108

(k) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;	1109 1110
(l) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	1111 1112
(m) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	1113 1114
(n) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	1115 1116
(o) A professional clinical counselor, professional counselor, social worker, <del>or independent social worker</del> , <u>marriage and family therapist, or independent marriage and family therapist</u> licensed, or a social work assistant registered, under Chapter 4757. of the Revised Code;	1117 1118 1119 1120 1121
(p) A dietitian licensed under Chapter 4759. of the Revised Code;	1122 1123
(q) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	1124 1125
(r) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code.	1126 1127 1128
(5) "Health care provider" means a hospital, ambulatory care facility, long-term care facility, pharmacy, emergency facility, or health care practitioner.	1129 1130 1131
(6) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.	1132 1133
(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	1134 1135 1136 1137 1138

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.

(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.

(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.

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

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

(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.

(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 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 chiropractor who has treated the patient determines for clearly stated treatment reasons that disclosure of the requested record is likely to have an adverse effect on the patient, the health care provider shall provide the record to a physician, psychologist, counselor, social worker, marriage and family therapist, or chiropractor designated by the patient. The health

care provider shall take reasonable steps to establish the 1202  
identity of the person making the request to examine or obtain a 1203  
copy of the patient's record. 1204

(C) If a health care provider fails to furnish a medical 1205  
record as required by division (B) of this section, the patient, 1206  
personal representative, or authorized person who requested the 1207  
record may bring a civil action to enforce the patient's right of 1208  
access to the record. 1209

(D)(1) This section does not apply to medical records whose 1210  
release is covered by section 173.20 or 3721.13 of the Revised 1211  
Code, by Chapter 1347. or 5122. of the Revised Code, by 42 C.F.R. 1212  
part 2, "Confidentiality of Alcohol and Drug Abuse Patient 1213  
Records," or by 42 C.F.R. 483.10. 1214

(2) Nothing in this section is intended to supersede the 1215  
confidentiality provisions of sections 2305.24, 2305.25, 2305.251, 1216  
and 2305.252 of the Revised Code. 1217

**Sec. 3721.21.** As used in sections 3721.21 to 3721.34 of the 1218  
Revised Code: 1219

(A) "Long-term care facility" means either of the following: 1220

(1) A nursing home as defined in section 3721.01 of the 1221  
Revised Code, other than a nursing home or part of a nursing home 1222  
certified as an intermediate care facility for the mentally 1223  
retarded under Title XIX of the "Social Security Act," 49 Stat. 1224  
620 (1935), 42 U.S.C.A. 301, as amended; 1225

(2) A facility or part of a facility that is certified as a 1226  
skilled nursing facility or a nursing facility under Title XVIII 1227  
or XIX of the "Social Security Act." 1228

(B) "Residential care facility" has the same meaning as in 1229  
section 3721.01 of the Revised Code. 1230

(C) "Abuse" means knowingly causing physical harm or 1231

recklessly causing serious physical harm to a resident by physical 1232  
contact with the resident or by use of physical or chemical 1233  
restraint, medication, or isolation as punishment, for staff 1234  
convenience, excessively, as a substitute for treatment, or in 1235  
amounts that preclude habilitation and treatment. 1236

(D) "Neglect" means recklessly failing to provide a resident 1237  
with any treatment, care, goods, or service necessary to maintain 1238  
the health or safety of the resident when the failure results in 1239  
serious physical harm to the resident. "Neglect" does not include 1240  
allowing a resident, at the resident's option, to receive only 1241  
treatment by spiritual means through prayer in accordance with the 1242  
tenets of a recognized religious denomination. 1243

(E) "Misappropriation" means depriving, defrauding, or 1244  
otherwise obtaining the real or personal property of a resident by 1245  
any means prohibited by the Revised Code, including violations of 1246  
Chapter 2911. or 2913. of the Revised Code. 1247

(F) "Resident" includes a resident, patient, former resident 1248  
or patient, or deceased resident or patient of a long-term care 1249  
facility or a residential care facility. 1250

(G) "Physical restraint" has the same meaning as in section 1251  
3721.10 of the Revised Code. 1252

(H) "Chemical restraint" has the same meaning as in section 1253  
3721.10 of the Revised Code. 1254

(I) "Nursing and nursing-related services" means the personal 1255  
care services and other services not constituting skilled nursing 1256  
care that are specified in rules the public health council shall 1257  
adopt in accordance with Chapter 119. of the Revised Code. 1258

(J) "Personal care services" has the same meaning as in 1259  
section 3721.01 of the Revised Code. 1260

(K)(1) Except as provided in division (K)(2) of this section, 1261

"nurse aide" means an individual who provides nursing and	1262
nursing-related services to residents in a long-term care	1263
facility, either as a member of the staff of the facility for	1264
monetary compensation or as a volunteer without monetary	1265
compensation.	1266
(2) "Nurse aide" does not include either of the following:	1267
(a) A licensed health professional practicing within the	1268
scope of the professional's license;	1269
(b) An individual providing nursing and nursing-related	1270
services in a religious nonmedical health care institution, if the	1271
individual has been trained in the principles of nonmedical care	1272
and is recognized by the institution as being competent in the	1273
administration of care within the religious tenets practiced by	1274
the residents of the institution.	1275
(L) "Licensed health professional" means all of the	1276
following:	1277
(1) An occupational therapist or occupational therapy	1278
assistant licensed under Chapter 4755. of the Revised Code;	1279
(2) A physical therapist or physical therapy assistant	1280
licensed under Chapter 4755. of the Revised Code;	1281
(3) A physician authorized under Chapter 4731. of the Revised	1282
Code to practice medicine and surgery, osteopathic medicine and	1283
surgery, or podiatry;	1284
(4) A physician assistant authorized under Chapter 4730. of	1285
the Revised Code to practice as a physician assistant;	1286
(5) A registered nurse or licensed practical nurse licensed	1287
under Chapter 4723. of the Revised Code;	1288
(6) A social worker or independent social worker licensed	1289
under Chapter 4757. of the Revised Code or a social work assistant	1290
registered under that chapter;	1291

(7) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	1292 1293
(8) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;	1294 1295
(9) An optometrist licensed under Chapter 4725. of the Revised Code;	1296 1297
(10) A pharmacist licensed under Chapter 4729. of the Revised Code;	1298 1299
(11) A psychologist licensed under Chapter 4732. of the Revised Code;	1300 1301
(12) A chiropractor licensed under Chapter 4734. of the Revised Code;	1302 1303
(13) A nursing home administrator licensed or temporarily licensed under Chapter 4751. of the Revised Code;	1304 1305
(14) A professional counselor or professional clinical counselor licensed under Chapter 4757. of the Revised Code;	1306 1307
<u>(15) A marriage and family therapist or independent marriage and family therapist licensed under Chapter 4757. of the Revised Code.</u>	1308 1309 1310
(M) "Religious nonmedical health care institution" means an institution that meets or exceeds the conditions to receive payment under the medicare program established under Title XVIII of the "Social Security Act" for inpatient hospital services or post-hospital extended care services furnished to an individual in a religious nonmedical health care institution, as defined in section 1861(ss)(1) of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395x(ss)(1), as amended.	1311 1312 1313 1314 1315 1316 1317 1318
(N) "Competency evaluation program" means a program through which the competency of a nurse aide to provide nursing and nursing-related services is evaluated.	1319 1320 1321

(O) "Training and competency evaluation program" means a 1322  
program of nurse aide training and evaluation of competency to 1323  
provide nursing and nursing-related services. 1324

**Sec. 4723.16.** (A) An individual whom the board of nursing 1325  
licenses, certificates, or otherwise legally authorizes to engage 1326  
in the practice of nursing as a registered nurse or as a licensed 1327  
practical nurse may render the professional services of a 1328  
registered or licensed practical nurse within this state through a 1329  
corporation formed under division (B) of section 1701.03 of the 1330  
Revised Code, a limited liability company formed under Chapter 1331  
1705. of the Revised Code, a partnership, or a professional 1332  
association formed under Chapter 1785. of the Revised Code. This 1333  
division does not preclude an individual of that nature from 1334  
rendering professional services as a registered or licensed 1335  
practical nurse through another form of business entity, 1336  
including, but not limited to, a nonprofit corporation or 1337  
foundation, or in another manner that is authorized by or in 1338  
accordance with this chapter, another chapter of the Revised Code, 1339  
or rules of the board of nursing adopted pursuant to this chapter. 1340

(B) A corporation, limited liability company, partnership, or 1341  
professional association described in division (A) of this section 1342  
may be formed for the purpose of providing a combination of the 1343  
professional services of the following individuals who are 1344  
licensed, certificated, or otherwise legally authorized to 1345  
practice their respective professions: 1346

(1) Optometrists who are authorized to practice optometry 1347  
under Chapter 4725. of the Revised Code; 1348

(2) Chiropractors who are authorized to practice chiropractic 1349  
or acupuncture under Chapter 4734. of the Revised Code; 1350

(3) Psychologists who are authorized to practice psychology 1351  
under Chapter 4732. of the Revised Code; 1352

(4) Registered or licensed practical nurses who are authorized to practice nursing as registered nurses or as licensed practical nurses under this chapter;	1353 1354 1355
(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;	1356 1357
(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;	1358 1359 1360
(7) Occupational therapists who are licensed to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;	1361 1362 1363
(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;	1364 1365
(9) 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 Chapter 4731. of the Revised Code;	1366 1367 1368 1369
<u>(10) Counselors, social workers, or marriage and family therapists, or independent marriage and family therapists who are authorized to practice counseling, social work, or marriage and family therapy under Chapter 4757. of the Revised Code.</u>	1370 1371 1372 1373
This division shall apply notwithstanding a provision of a code of ethics applicable to a nurse that prohibits a registered or licensed practical nurse from engaging in the practice of nursing as a registered nurse or as a licensed practical nurse in combination with a person who is licensed, certificated, or otherwise legally authorized to practice optometry, chiropractic, acupuncture through the state chiropractic board, psychology, pharmacy, physical therapy, occupational therapy, mechanotherapy, medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, but who is not also licensed,	1374 1375 1376 1377 1378 1379 1380 1381 1382 1383

certificated, or otherwise legally authorized to engage in the 1384  
practice of nursing as a registered nurse or as a licensed 1385  
practical nurse. 1386

**Sec. 4725.33.** (A) An individual whom the state board of 1387  
optometry licenses to engage in the practice of optometry may 1388  
render the professional services of an optometrist within this 1389  
state through a corporation formed under division (B) of section 1390  
1701.03 of the Revised Code, a limited liability company formed 1391  
under Chapter 1705. of the Revised Code, a partnership, or a 1392  
professional association formed under Chapter 1785. of the Revised 1393  
Code. This division does not preclude an optometrist from 1394  
rendering professional services as an optometrist through another 1395  
form of business entity, including, but not limited to, a 1396  
nonprofit corporation or foundation, or in another manner that is 1397  
authorized by or in accordance with this chapter, another chapter 1398  
of the Revised Code, or rules of the state board of optometry 1399  
adopted pursuant to this chapter. 1400

(B) A corporation, limited liability company, partnership, or 1401  
professional association described in division (A) of this section 1402  
may be formed for the purpose of providing a combination of the 1403  
professional services of the following individuals who are 1404  
licensed, certificated, or otherwise legally authorized to 1405  
practice their respective professions: 1406

(1) Optometrists who are authorized to practice optometry 1407  
under Chapter 4725. of the Revised Code; 1408

(2) Chiropractors who are authorized to practice chiropractic 1409  
or acupuncture under Chapter 4734. of the Revised Code; 1410

(3) Psychologists who are authorized to practice psychology 1411  
under Chapter 4732. of the Revised Code; 1412

(4) Registered or licensed practical nurses who are 1413

authorized to practice nursing as registered nurses or as licensed	1414
practical nurses under Chapter 4723. of the Revised Code;	1415
(5) Pharmacists who are authorized to practice pharmacy under	1416
Chapter 4729. of the Revised Code;	1417
(6) Physical therapists who are authorized to practice	1418
physical therapy under sections 4755.40 to 4755.56 of the Revised	1419
Code;	1420
(7) Mechanotherapists who are authorized to practice	1421
mechanotherapy under section 4731.151 of the Revised Code;	1422
(8) Doctors of medicine and surgery, osteopathic medicine and	1423
surgery, or podiatric medicine and surgery who are authorized for	1424
their respective practices under Chapter 4731. of the Revised	1425
Code;	1426
<u>(9) Counselors, social workers, or marriage and family</u>	1427
<u>therapists, or independent marriage and family therapists who are</u>	1428
<u>authorized to practice counseling, social work, or marriage and</u>	1429
<u>family therapy under Chapter 4757. of the Revised Code.</u>	1430
This division shall apply notwithstanding a provision of a	1431
code of ethics applicable to an optometrist that prohibits an	1432
optometrist from engaging in the practice of optometry in	1433
combination with a person who is licensed, certificated, or	1434
otherwise legally authorized to practice chiropractic, acupuncture	1435
through the state chiropractic board, psychology, nursing,	1436
pharmacy, physical therapy, mechanotherapy, medicine and surgery,	1437
osteopathic medicine and surgery, or podiatric medicine and	1438
surgery, but who is not also licensed, certificated, or otherwise	1439
legally authorized to engage in the practice of optometry.	1440
<b>Sec. 4729.161.</b> (A) An individual registered with the state	1441
board of pharmacy to engage in the practice of pharmacy may render	1442
the professional services of a pharmacist within this state	1443

through a corporation formed under division (B) of section 1701.03 1444  
of the Revised Code, a limited liability company formed under 1445  
Chapter 1705. of the Revised Code, a partnership, or a 1446  
professional association formed under Chapter 1785. of the Revised 1447  
Code. This division does not preclude an individual of that nature 1448  
from rendering professional services as a pharmacist through 1449  
another form of business entity, including, but not limited to, a 1450  
nonprofit corporation or foundation, or in another manner that is 1451  
authorized by or in accordance with this chapter, another chapter 1452  
of the Revised Code, or rules of the state board of pharmacy 1453  
adopted pursuant to this chapter. 1454

(B) A corporation, limited liability company, partnership, or 1455  
professional association described in division (A) of this section 1456  
may be formed for the purpose of providing a combination of the 1457  
professional services of the following individuals who are 1458  
licensed, certificated, or otherwise legally authorized to 1459  
practice their respective professions: 1460

(1) Optometrists who are authorized to practice optometry 1461  
under Chapter 4725. of the Revised Code; 1462

(2) Chiropractors who are authorized to practice chiropractic 1463  
or acupuncture under Chapter 4734. of the Revised Code; 1464

(3) Psychologists who are authorized to practice psychology 1465  
under Chapter 4732. of the Revised Code; 1466

(4) Registered or licensed practical nurses who are 1467  
authorized to practice nursing as registered nurses or as licensed 1468  
practical nurses under Chapter 4723. of the Revised Code; 1469

(5) Pharmacists who are authorized to practice pharmacy under 1470  
Chapter 4729. of the Revised Code; 1471

(6) Physical therapists who are authorized to practice 1472  
physical therapy under sections 4755.40 to 4755.56 of the Revised 1473  
Code; 1474

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

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

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

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

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

**Sec. 4731.226.** (A)(1) An individual whom the state medical board licenses, certificates, or otherwise legally authorizes to engage in the practice of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery may render the professional services of a doctor of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery within this state through a corporation formed under

division (B) of section 1701.03 of the Revised Code, a limited 1506  
liability company formed under Chapter 1705. of the Revised Code, 1507  
a partnership, or a professional association formed under Chapter 1508  
1785. of the Revised Code. Division (A)(1) of this section does 1509  
not preclude an individual of that nature from rendering 1510  
professional services as a doctor of medicine and surgery, 1511  
osteopathic medicine and surgery, or podiatric medicine and 1512  
surgery through another form of business entity, including, but 1513  
not limited to, a nonprofit corporation or foundation, or in 1514  
another manner that is authorized by or in accordance with this 1515  
chapter, another chapter of the Revised Code, or rules of the 1516  
state medical board adopted pursuant to this chapter. 1517

(2) An individual whom the state medical board authorizes to 1518  
engage in the practice of mechanotherapy may render the 1519  
professional services of a mechanotherapist within this state 1520  
through a corporation formed under division (B) of section 1701.03 1521  
of the Revised Code, a limited liability company formed under 1522  
Chapter 1705. of the Revised Code, a partnership, or a 1523  
professional association formed under Chapter 1785. of the Revised 1524  
Code. Division (A)(2) of this section does not preclude an 1525  
individual of that nature from rendering professional services as 1526  
a mechanotherapist through another form of business entity, 1527  
including, but not limited to, a nonprofit corporation or 1528  
foundation, or in another manner that is authorized by or in 1529  
accordance with this chapter, another chapter of the Revised Code, 1530  
or rules of the state medical board adopted pursuant to this 1531  
chapter. 1532

(B) A corporation, limited liability company, partnership, or 1533  
professional association described in division (A) of this section 1534  
may be formed for the purpose of providing a combination of the 1535  
professional services of the following individuals who are 1536  
licensed, certificated, or otherwise legally authorized to 1537

practice their respective professions:	1538
(1) Optometrists who are authorized to practice optometry under Chapter 4725. of the Revised Code;	1539 1540
(2) Chiropractors who are authorized to practice chiropractic or acupuncture under Chapter 4734. of the Revised Code;	1541 1542
(3) <u>Counselors, social workers, or marriage and family therapists licensed under Chapter 4757. of the Revised Code;</u>	1543 1544
<u>(4)</u> Psychologists who are authorized to practice psychology under Chapter 4732. of the Revised Code;	1545 1546
<del>(4)</del> <u>(5)</u> 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;	1547 1548 1549
<del>(5)</del> <u>(6)</u> Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;	1550 1551
<del>(6)</del> <u>(7)</u> Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;	1552 1553 1554
<del>(7)</del> <u>(8)</u> Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;	1555 1556 1557
<del>(8)</del> <u>(9)</u> Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;	1558 1559
<del>(9)</del> <u>(10)</u> Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under this chapter.	1560 1561 1562
(C) Division (B) of this section shall apply notwithstanding a provision of a code of ethics described in division (B)(18) of section 4731.22 of the Revised Code that prohibits either of the following:	1563 1564 1565 1566

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

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

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

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

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

(b) Procedures to determine, measure, or otherwise describe the presence or absence of various substances or organisms in the

body.	1598
(2) "Clinical laboratory services" does not include the mere collection or preparation of specimens.	1599 1600
(B) "Designated health services" means any of the following:	1601
(1) Clinical laboratory services;	1602
(2) Home health care services;	1603
(3) Outpatient prescription drugs.	1604
(C) "Fair market value" means the value in arms-length transactions, consistent with general market value and:	1605 1606
(1) With respect to rentals or leases, the value of rental property for general commercial purposes, not taking into account its intended use;	1607 1608 1609
(2) With respect to a lease of space, not adjusted to reflect the additional value the prospective lessee or lessor would attribute to the proximity or convenience to the lessor if the lessor is a potential source of referrals to the lessee.	1610 1611 1612 1613
(D) "Governmental health care program" means any program providing health care benefits that is administered by the federal government, this state, or a political subdivision of this state, including the medicare program established under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, health care coverage for public employees, health care benefits administered by the bureau of workers' compensation, and the medicaid program established under Chapter 5111. of the Revised Code.	1614 1615 1616 1617 1618 1619 1620 1621 1622
(E)(1) "Group practice" means a group of two or more holders of certificates under this chapter legally organized as a partnership, professional corporation or association, limited liability company, foundation, nonprofit corporation, faculty practice plan, or similar group practice entity, including an	1623 1624 1625 1626 1627

organization comprised of a nonprofit medical clinic that 1628  
contracts with a professional corporation or association of 1629  
physicians to provide medical services exclusively to patients of 1630  
the clinic in order to comply with section 1701.03 of the Revised 1631  
Code and including a corporation, limited liability company, 1632  
partnership, or professional association described in division (B) 1633  
of section 4731.226 of the Revised Code formed for the purpose of 1634  
providing a combination of the professional services of 1635  
optometrists who are licensed, certificated, or otherwise legally 1636  
authorized to practice optometry under Chapter 4725. of the 1637  
Revised Code, chiropractors who are licensed, certificated, or 1638  
otherwise legally authorized to practice chiropractic or 1639  
acupuncture under Chapter 4734. of the Revised Code, counselors, 1640  
social workers, or marriage and family therapists licensed under 1641  
Chapter 4757. of the Revised Code, psychologists who are licensed, 1642  
certificated, or otherwise legally authorized to practice 1643  
psychology under Chapter 4732. of the Revised Code, registered or 1644  
licensed practical nurses who are licensed, certificated, or 1645  
otherwise legally authorized to practice nursing under Chapter 1646  
4723. of the Revised Code, pharmacists who are licensed, 1647  
certificated, or otherwise legally authorized to practice pharmacy 1648  
under Chapter 4729. of the Revised Code, physical therapists who 1649  
are licensed, certificated, or otherwise legally authorized to 1650  
practice physical therapy under sections 4755.40 to 4755.56 of the 1651  
Revised Code, occupational therapists who are licensed, 1652  
certificated, or otherwise legally authorized to practice 1653  
occupational therapy under sections 4755.04 to 4755.13 of the 1654  
Revised Code, mechanotherapists who are licensed, certificated, or 1655  
otherwise legally authorized to practice mechanotherapy under 1656  
section 4731.151 of the Revised Code, and doctors of medicine and 1657  
surgery, osteopathic medicine and surgery, or podiatric medicine 1658  
and surgery who are licensed, certificated, or otherwise legally 1659  
authorized for their respective practices under this chapter, to 1660

which all of the following apply: 1661

(a) Each physician who is a member of the group practice 1662  
provides substantially the full range of services that the 1663  
physician routinely provides, including medical care, 1664  
consultation, diagnosis, or treatment, through the joint use of 1665  
shared office space, facilities, equipment, and personnel. 1666

(b) Substantially all of the services of the members of the 1667  
group are provided through the group and are billed in the name of 1668  
the group and amounts so received are treated as receipts of the 1669  
group. 1670

(c) The overhead expenses of and the income from the practice 1671  
are distributed in accordance with methods previously determined 1672  
by members of the group. 1673

(d) The group practice meets any other requirements that the 1674  
state medical board applies in rules adopted under section 4731.70 1675  
of the Revised Code. 1676

(2) In the case of a faculty practice plan associated with a 1677  
hospital with a medical residency training program in which 1678  
physician members may provide a variety of specialty services and 1679  
provide professional services both within and outside the group, 1680  
as well as perform other tasks such as research, the criteria in 1681  
division (E)(1) of this section apply only with respect to 1682  
services rendered within the faculty practice plan. 1683

(F) "Home health care services" and "immediate family" have 1684  
the same meanings as in the rules adopted under section 4731.70 of 1685  
the Revised Code. 1686

(G) "Hospital" has the same meaning as in section 3727.01 of 1687  
the Revised Code. 1688

(H) A "referral" includes both of the following: 1689

(1) A request by a holder of a certificate under this chapter 1690

for an item or service, including a request for a consultation 1691  
with another physician and any test or procedure ordered by or to 1692  
be performed by or under the supervision of the other physician; 1693

(2) A request for or establishment of a plan of care by a 1694  
certificate holder that includes the provision of designated 1695  
health services. 1696

(I) "Third-party payer" has the same meaning as in section 1697  
3901.38 of the Revised Code. 1698

**Sec. 4732.28.** (A) An individual whom the state board of 1699  
psychology licenses, certificates, or otherwise legally authorizes 1700  
to engage in the practice of psychology may render the 1701  
professional services of a psychologist within this state through 1702  
a corporation formed under division (B) of section 1701.03 of the 1703  
Revised Code, a limited liability company formed under Chapter 1704  
1705. of the Revised Code, a partnership, or a professional 1705  
association formed under Chapter 1785. of the Revised Code. This 1706  
division does not preclude an individual of that nature from 1707  
rendering professional services as a psychologist through another 1708  
form of business entity, including, but not limited to, a 1709  
nonprofit corporation or foundation, or in another manner that is 1710  
authorized by or in accordance with this chapter, another chapter 1711  
of the Revised Code, or rules of the state board of psychology 1712  
adopted pursuant to this chapter. 1713

(B) A corporation, limited liability company, partnership, or 1714  
professional association described in division (A) of this section 1715  
may be formed for the purpose of providing a combination of the 1716  
professional services of the following individuals who are 1717  
licensed, certificated, or otherwise legally authorized to 1718  
practice their respective professions: 1719

(1) Optometrists who are authorized to practice optometry 1720  
under Chapter 4725. of the Revised Code; 1721

(2) Chiropractors who are authorized to practice chiropractic or acupuncture under Chapter 4734. of the Revised Code;	1722 1723
(3) Psychologists who are authorized to practice psychology under this chapter;	1724 1725
(4) 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;	1726 1727 1728
(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;	1729 1730
(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;	1731 1732 1733
(7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;	1734 1735 1736
(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;	1737 1738
(9) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under Chapter 4731. of the Revised Code;	1739 1740 1741 1742
<u>(10) Counselors, social workers, or marriage and family therapists, or independent marriage and family therapists who are authorized to practice counseling, social work, or marriage and family therapy under Chapter 4757. of the Revised Code.</u>	1743 1744 1745 1746
This division shall apply notwithstanding a provision of a code of ethics applicable to a psychologist that prohibits a psychologist from engaging in the practice of psychology in combination with a person who is licensed, certificated, or otherwise legally authorized to practice optometry, chiropractic,	1747 1748 1749 1750 1751

acupuncture through the state chiropractic board, nursing, 1752  
pharmacy, physical therapy, occupational therapy, mechanotherapy, 1753  
medicine and surgery, osteopathic medicine and surgery, or 1754  
podiatric medicine and surgery, but who is not also licensed, 1755  
certificated, or otherwise legally authorized to engage in the 1756  
practice of psychology. 1757

**Sec. 4734.17.** (A) An individual whom the state chiropractic 1758  
board licenses to engage in the practice of chiropractic or 1759  
certifies to practice acupuncture may render the professional 1760  
services of a chiropractor or chiropractor certified to practice 1761  
acupuncture within this state through a corporation formed under 1762  
division (B) of section 1701.03 of the Revised Code, a limited 1763  
liability company formed under Chapter 1705. of the Revised Code, 1764  
a partnership, or a professional association formed under Chapter 1765  
1785. of the Revised Code. This division does not preclude a 1766  
chiropractor from rendering professional services as a 1767  
chiropractor or chiropractor certified to practice acupuncture 1768  
through another form of business entity, including, but not 1769  
limited to, a nonprofit corporation or foundation, or in another 1770  
manner that is authorized by or in accordance with this chapter, 1771  
another chapter of the Revised Code, or rules of the state 1772  
chiropractic board adopted pursuant to this chapter. 1773

(B) A corporation, limited liability company, partnership, or 1774  
professional association described in division (A) of this section 1775  
may be formed for the purpose of providing a combination of the 1776  
professional services of the following individuals who are 1777  
licensed, certificated, or otherwise legally authorized to 1778  
practice their respective professions: 1779

(1) Optometrists who are authorized to practice optometry, 1780  
under Chapter 4725. of the Revised Code; 1781

(2) Chiropractors who are authorized to practice chiropractic 1782

or acupuncture under this chapter;	1783
(3) Psychologists who are authorized to practice psychology under Chapter 4732. of the Revised Code;	1784 1785
(4) 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;	1786 1787 1788
(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;	1789 1790
(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;	1791 1792 1793
(7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;	1794 1795 1796
(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;	1797 1798
(9) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under Chapter 4731. of the Revised Code;	1799 1800 1801 1802
<u>(10) Counselors, social workers, or marriage and family therapists, or independent marriage and family therapists who are authorized to practice counseling, social work, or marriage and family therapy under Chapter 4757. of the Revised Code.</u>	1803 1804 1805 1806
This division shall apply notwithstanding a provision of any code of ethics established or adopted under section 4734.16 of the Revised Code that prohibits an individual from engaging in the practice of chiropractic or acupuncture in combination with an individual who is licensed, certificated, or otherwise authorized for the practice of optometry, psychology, nursing, pharmacy,	1807 1808 1809 1810 1811 1812

physical therapy, occupational therapy, mechanotherapy, medicine 1813  
and surgery, osteopathic medicine and surgery, or podiatric 1814  
medicine and surgery, but who is not also licensed under this 1815  
chapter to engage in the practice of chiropractic. 1816

**Sec. 4755.471.** (A) An individual whom the physical therapy 1817  
section of the Ohio occupational therapy, physical therapy, and 1818  
athletic trainers board licenses, certificates, or otherwise 1819  
legally authorizes to engage in the practice of physical therapy 1820  
may render the professional services of a physical therapist 1821  
within this state through a corporation formed under division (B) 1822  
of section 1701.03 of the Revised Code, a limited liability 1823  
company formed under Chapter 1705. of the Revised Code, a 1824  
partnership, or a professional association formed under Chapter 1825  
1785. of the Revised Code. This division does not preclude an 1826  
individual of that nature from rendering professional services as 1827  
a physical therapist through another form of business entity, 1828  
including, but not limited to, a nonprofit corporation or 1829  
foundation, or in another manner that is authorized by or in 1830  
accordance with sections 4755.40 to 4755.53 of the Revised Code, 1831  
another chapter of the Revised Code, or rules of the Ohio 1832  
occupational therapy, physical therapy, and athletic trainers 1833  
board adopted pursuant to sections 4755.40 to 4755.53 of the 1834  
Revised Code. 1835

(B) A corporation, limited liability company, partnership, or 1836  
professional association described in division (A) of this section 1837  
may be formed for the purpose of providing a combination of the 1838  
professional services of the following individuals who are 1839  
licensed, certificated, or otherwise legally authorized to 1840  
practice their respective professions: 1841

(1) Optometrists who are authorized to practice optometry 1842  
under Chapter 4725. of the Revised Code; 1843

(2) Chiropractors who are authorized to practice chiropractic or acupuncture under Chapter 4734. of the Revised Code;	1844 1845
(3) Psychologists who are authorized to practice psychology under Chapter 4732. of the Revised Code;	1846 1847
(4) 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;	1848 1849 1850
(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;	1851 1852
(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;	1853 1854 1855
(7) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;	1856 1857
(8) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under Chapter 4731. of the Revised Code;	1858 1859 1860 1861
<u>(9) Counselors, social workers, or marriage and family therapists, or independent marriage and family therapists who are authorized to practice counseling, social work, or marriage and family therapy under Chapter 4757. of the Revised Code.</u>	1862 1863 1864 1865
This division shall apply notwithstanding a provision of a code of ethics applicable to a physical therapist that prohibits a physical therapist from engaging in the practice of physical therapy in combination with a person who is licensed, certificated, or otherwise legally authorized to practice optometry, chiropractic, acupuncture through the state chiropractic board, psychology, nursing, pharmacy, mechanotherapy, medicine and surgery, osteopathic medicine and surgery, or	1866 1867 1868 1869 1870 1871 1872 1873

podiatric medicine and surgery, but who is not also licensed, 1874  
certificated, or otherwise legally authorized to engage in the 1875  
practice of physical therapy. 1876

**Sec. 4757.03. (A)** There is hereby created the counselor, 1877  
social worker, and marriage and family therapist board, consisting 1878  
of fifteen members. The governor shall appoint the members with 1879  
the advice and consent of the senate. 1880

(1) ~~Four of the~~ members shall be individuals licensed under 1881  
this chapter as professional clinical counselors or professional 1882  
counselors. At all times, the counselor membership shall include 1883  
at least ~~two licensed professional clinical counselors, at least~~ 1884  
one individual who has received a doctoral degree in counseling 1885  
from an accredited educational institution recognized by the board 1886  
and holds a graduate level teaching position in a counselor 1887  
education program, ~~and at least two individuals who have received~~ 1888  
~~at least a master's degree in counseling from an accredited~~ 1889  
~~educational institution recognized by the board.~~ 1890

~~Two of the~~ (2) Four members shall be individuals licensed 1891  
under this chapter as independent marriage and family therapists 1892  
~~and two shall be individuals licensed under this chapter as or~~ 1893  
~~marriage and family therapists or, if the board has not yet~~ 1894  
~~licensed independent marriage and family therapists or marriage~~ 1895  
~~and family therapists, eligible for licensure as independent~~ 1896  
~~marriage and family therapists or marriage and family therapists.~~ 1897  
~~They shall have, during the five years preceding appointment,~~ 1898  
~~actively engaged in the practice of marriage and family therapy,~~ 1899  
~~in educating and training master's, doctoral, or postdoctoral~~ 1900  
~~students of marriage and family therapy, or in marriage and family~~ 1901  
~~therapy research and, during the two years immediately preceding~~ 1902  
~~appointment, shall have devoted the majority of their professional~~ 1903  
~~time to the activity while residing in this state. At all times,~~ 1904

the marriage and family therapist membership shall include one 1905  
educator who holds a teaching position in a master's degree 1906  
marriage and family therapy program at an accredited educational 1907  
institution recognized by the board. 1908

(3) Two members shall be individuals licensed under this 1909  
chapter as independent social workers. Two members shall be 1910  
individuals licensed under this chapter as social workers, at 1911  
least one of whom must hold a bachelor's or master's degree in 1912  
social work from an accredited educational institution recognized 1913  
by the board. At all times, the social worker membership shall 1914  
include one educator who holds a teaching position in a 1915  
baccalaureate or master's degree social work program at an 1916  
accredited educational institution recognized by the board. 1917

(4) Three members shall be representatives of the general 1918  
public who have not practiced professional counseling, marriage 1919  
and family therapy, or social work and have not been involved in 1920  
the delivery of professional counseling, marriage and family 1921  
therapy, or social work services. At least one of the members 1922  
representing the general public shall be at least sixty years of 1923  
age. During their terms the public members shall not practice 1924  
professional counseling, marriage and family therapy, or social 1925  
work or be involved in the delivery of professional counseling, 1926  
marriage and family therapy, or social work services. 1927

(B) Each member appointed to the board, during the five years 1928  
preceding appointment, shall have actively engaged in the practice 1929  
of their respective professions, in educating and training 1930  
master's, doctoral, or postdoctoral students of their respective 1931  
professions, or in research in their respective professions, and, 1932  
during the two years immediately preceding appointment, shall have 1933  
devoted the majority of their professional time to the activity 1934  
while residing in this state. 1935

(C) At least three appointed members, one from each 1936

professional standards committee, who are licensed by the board, 1937  
during the five years preceding appointment, shall have practiced 1938  
at a public agency or at an organization that was certified or 1939  
licensed by the department of developmental disabilities, the 1940  
department of alcohol and drug addiction services, the department 1941  
of job and family services, or the department of mental health. 1942

(D) Not more than eight members of the board may be members 1943  
of the same political party or sex. At 1944

(E) At least one member of the board shall be of African, 1945  
Native American, Hispanic, or Asian descent. 1946

~~Of the initial appointees, three shall be appointed for terms~~ 1947  
~~ending October 10, 1985, four shall be appointed for terms ending~~ 1948  
~~October 10, 1986, and four shall be appointed for terms ending~~ 1949  
~~October 10, 1987. Of the two initial independent marriage and~~ 1950  
~~family therapists appointed to the board, one shall be appointed~~ 1951  
~~for a term ending two years after the effective date of this~~ 1952  
~~amendment and one for a term ending three years after that date.~~ 1953  
~~Of the two initial marriage and family therapists appointed to the~~ 1954  
~~board, one shall be appointed for a term ending two years after~~ 1955  
~~the effective date of this amendment and one for a term ending~~ 1956  
~~three years after that date. After the initial appointments, terms~~ 1957

(F) Terms of office shall be three years, each term ending on 1958  
the same day of the same month of the year as did the term that it 1959  
succeeds. As a result of the dates of initial appointment, the 1960  
number of terms expiring each year are four, five, or six. 1961

(G) A member shall hold office from the date of appointment 1962  
until the end of the term for which the member was appointed. A 1963  
member appointed to fill a vacancy occurring prior to the 1964  
expiration of the term for which the member's predecessor was 1965  
appointed shall hold office for the remainder of that term. A 1966  
member shall continue in office after the expiration date of the 1967

member's term until a successor takes office ~~or until a period of~~ 1968  
~~sixty days has elapsed, whichever occurs first.~~ Members may be 1969  
reappointed, except that if a person has held office for two 1970  
consecutive full terms, the person shall not be reappointed to the 1971  
board sooner than one year after the expiration of the second full 1972  
term as a member of the board. 1973

Sec. 4757.13. (A) Each individual who engages in the practice 1974  
of counseling, social work, or marriage and family therapy shall 1975  
prominently display, in a conspicuous place in the office or place 1976  
where a major portion of the individual's practice is conducted, 1977  
and in such a manner as to be easily seen and read, the license 1978  
granted to the individual by the state counselor, social worker, 1979  
and marriage and family therapist board. 1980

(B) A licensee engaged in a private individual practice, 1981  
partnership, or group practice shall prominently display the 1982  
licensee's fee schedule in the office or place where a major 1983  
portion of the licensee's practice is conducted. The bottom of the 1984  
first page of the fee schedule shall include the following 1985  
statement, which shall be followed by the name, address, and 1986  
telephone number of the board: 1987

"This information is required by the Counselor, Social 1988  
Worker, and Marriage and Family Therapist Board, which regulates 1989  
the practices of professional counseling, social work, and 1990  
marriage and family therapy in this state." 1991

**Sec. 4757.16. (A)** A person seeking to be licensed under this 1992  
chapter as a professional clinical counselor or professional 1993  
counselor shall file with the counselors professional standards 1994  
committee of the counselor, social worker, and marriage and family 1995  
therapist board a written application on a form prescribed by the 1996  
board. A person seeking to be licensed under this chapter as an 1997

independent social worker or social worker or registered under 1998  
this chapter as a social work assistant shall file with the social 1999  
workers professional standards committee of the board a written 2000  
application on a form prescribed by the board. A person seeking to 2001  
be licensed under this chapter as an independent marriage and 2002  
family therapist or a marriage and family therapist shall file 2003  
with the marriage and family therapist professional standards 2004  
committee of the board a written application on a form prescribed 2005  
by the board. 2006

Each form prescribed by the board shall contain a statement 2007  
informing the applicant that a person who knowingly makes a false 2008  
statement on the form is guilty of falsification under section 2009  
2921.13 of the Revised Code, a misdemeanor of the first degree. 2010

(B) The professional standards committees shall adopt rules 2011  
under Chapter 119. of the Revised Code concerning the process for 2012  
review of each application received ~~and shall to~~ determine whether 2013  
the applicant meets the requirements to receive the license or 2014  
certificate of registration for which application has been made. 2015

**Sec. 4757.22.** (A) The counselors professional standards 2016  
committee of the counselor, social worker, and marriage and family 2017  
therapist board shall issue a license to practice as a 2018  
professional clinical counselor to each applicant who submits a 2019  
properly completed application, pays the fee established under 2020  
section 4757.31 of the Revised Code, and meets the requirements 2021  
specified in division (B) of this section. 2022

(B) To be eligible for a professional clinical counselor 2023  
license, an individual must meet the following requirements: 2024

(1) The individual must be of good moral character. 2025

(2) The individual must hold from an accredited educational 2026  
institution a graduate degree in counseling. 2027

(3) The individual must complete a minimum of ninety quarter	2028
hours <u>or sixty semester hours</u> of graduate credit in counselor	2029
training acceptable to the committee, including <del>a minimum of</del>	2030
<del>thirty quarter hours</del> of instruction in the following areas:	2031
(a) Clinical psychopathology, personality, and abnormal	2032
behavior;	2033
(b) Evaluation of mental and emotional disorders;	2034
(c) Diagnosis of mental and emotional disorders;	2035
(d) Methods of prevention, intervention, and treatment of	2036
mental and emotional disorders.	2037
(4) The individual must complete, in either a private or	2038
clinical counseling setting, supervised experience in counseling	2039
that is of a type approved by the committee, is supervised by a	2040
professional clinical counselor or other qualified professional	2041
approved by the committee, and is in the following amounts:	2042
(a) In the case of an individual holding only a master's	2043
degree, not less than two years of experience, which must be	2044
completed after the award of the master's degree;	2045
(b) In the case of an individual holding a doctorate, not	2046
less than one year of experience, which must be completed after	2047
the award of the doctorate.	2048
(5) The individual must pass a field evaluation that meets	2049
the following requirements:	2050
(a) Has been completed by the applicant's instructors,	2051
employers, supervisors, or other persons determined by the	2052
committee to be competent to evaluate an individual's professional	2053
competence;	2054
(b) Includes documented evidence of the quality, scope, and	2055
nature of the applicant's experience and competence in diagnosing	2056
and treating mental and emotional disorders.	2057

(6) The individual must pass an examination administered by the board for the purpose of determining ability to practice as a professional clinical 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 to practice as a professional clinical counselor.

(E) An individual may not sit for the licensing examination unless the individual meets the educational requirements to be licensed under this section. An individual who is denied admission to the licensing examination may appeal the denial in accordance with Chapter 119. of the Revised Code.

(F) 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, and including a rule that:

(1) Requires that a graduate degree in counseling that is obtained after January 1, 2018, from an Ohio mental health counseling program, in order to meet the requirements of division

(B)(2) of this section, is from an institution accredited by the 2089  
council for accreditation of counseling and related educational 2090  
programs (CACREP) in clinical mental health counseling or 2091  
addiction counseling and other programs approved by the board; 2092

(2) Stipulates that CACREP accredited programs in clinical 2093  
mental health counseling and, until January 1, 2018, mental health 2094  
counseling, and any other program area approved by the board by 2095  
rule are deemed to have met the licensure educational requirements 2096  
of division (B)(3) of this section; 2097

(3) Establishes course content requirements for qualifying 2098  
counseling degrees from counseling programs that are not CACREP 2099  
accredited clinical mental health or addiction counseling programs 2100  
and for graduate degrees accredited by other counseling 2101  
accreditation programs recognized by the board. 2102

Rules adopted under this division shall be adopted in 2103  
accordance with Chapter 119. of the Revised Code. 2104

**Sec. 4757.23.** (A) The counselors professional standards 2105  
committee of the counselor, social worker, and marriage and family 2106  
therapist board shall issue a license as a professional counselor 2107  
to each applicant who submits a properly completed application, 2108  
pays the fee established under section 4757.31 of the Revised 2109  
Code, and meets the requirements established under division (B) of 2110  
this section. 2111

(B) To be eligible for a license as a professional counselor, 2112  
an individual must meet the following requirements: 2113

(1) The individual must be of good moral character. 2114

(2) The individual must hold from an accredited educational 2115  
institution a graduate degree in counseling. 2116

(3) The individual must complete a minimum of ninety quarter 2117  
hours or sixty semester hours of graduate credit in counselor 2118

training acceptable to the committee, which the individual may	2119
complete while working toward receiving a graduate degree in	2120
counseling, or subsequent to receiving the degree, <u>and which shall</u>	2121
<u>include training in the following areas:</u>	2122
<u>(a) Clinical psychopathology, personality, and abnormal</u>	2123
<u>behavior;</u>	2124
<u>(b) Evaluation of mental and emotional disorders;</u>	2125
<u>(c) Diagnosis of mental and emotional disorders;</u>	2126
<u>(d) Methods of prevention, intervention, and treatment of</u>	2127
<u>mental and emotional disorders.</u>	2128
(4) The individual must pass an examination administered by	2129
the board for the purpose of determining ability to practice as a	2130
professional counselor.	2131
(C) To be accepted by the committee for purposes of division	2132
(B) of this section, counselor training must include at least the	2133
following:	2134
(1) Instruction in human growth and development; counseling	2135
theory; counseling techniques; group dynamics, processing, and	2136
counseling; appraisal of individuals; research and evaluation;	2137
professional, legal, and ethical responsibilities; social and	2138
cultural foundations; and lifestyle and career development;	2139
(2) Participation in a supervised practicum and internship in	2140
counseling.	2141
(D) The committee may issue a provisional license to an	2142
applicant who meets all of the requirements to be licensed under	2143
this section, pending the receipt of transcripts or action by the	2144
committee to issue a license as a professional counselor.	2145
(E) An individual may not sit for the licensing examination	2146
unless the individual meets the educational requirements to be	2147
licensed under this section. An individual who is denied admission	2148

to the licensing examination may appeal the denial in accordance 2149  
with Chapter 119. of the Revised Code. 2150

(F) The board shall adopt any rules necessary for the 2151  
committee to implement this section, including criteria for the 2152  
committee to use in determining whether an applicant's training 2153  
should be accepted and supervised experience approved, and 2154  
including a rule that: 2155

(1) Requires that a graduate degree in counseling that is 2156  
obtained after January 1, 2018, from an Ohio mental health 2157  
counseling program, in order to meet the requirements of division 2158  
(B)(2) of this section, is from an institution accredited by the 2159  
council for accreditation of counseling and related educational 2160  
programs (CACREP) and other CACREP accredited programs approved by 2161  
the board by rule; 2162

(2) Establishes that individuals that have a graduate degree 2163  
in clinical mental health counseling from a CACREP accredited 2164  
program are deemed to have met the licensure educational 2165  
requirements of division (B)(3) of this section; 2166

(3) Establishes requirements for qualifying counseling 2167  
degrees from counseling programs that are not CACREP accredited 2168  
programs, and for graduate degrees accredited by other counseling 2169  
accreditation programs recognized by the board. 2170

Rules adopted under this division shall be adopted in 2171  
accordance with Chapter 119. of the Revised Code. 2172

(G) The board shall adopt rules for registration of master's 2173  
level counseling students enrolled in practice and internships. 2174  
The rules adopted under this division shall not require that a 2175  
master level student register with the board, and shall prohibit 2176  
any adverse affect, with respect to a student's application for 2177  
licensure from the board, if the student has not registered. 2178

**Sec. 4757.27.** (A) The social workers professional standards 2179  
committee of the counselor, social worker, and marriage and family 2180  
therapist board shall issue a license as an independent social 2181  
worker to each applicant who submits a properly completed 2182  
application, pays the fee established under section 4757.31 of the 2183  
Revised Code, and meets the requirements specified in division (B) 2184  
of this section. An independent social worker license shall 2185  
clearly indicate each academic degree earned by the person to whom 2186  
it has been issued. 2187

(B) To be eligible for a license as an independent social 2188  
worker, an individual must meet the following requirements: 2189

(1) The individual must be of good moral character. 2190

(2) The individual must hold from ~~an~~ a council on social work 2191  
education (CSWE) accredited educational institution a master's 2192  
degree ~~or a doctorate~~ in social work. 2193

(3) The individual must complete at least two years of 2194  
post-master's degree social work experience supervised by an 2195  
independent social worker. 2196

(4) The individual must pass an examination administered by 2197  
the board for the purpose of determining ability to practice as an 2198  
independent social worker. 2199

(C) The committee may issue a temporary license to an 2200  
applicant who meets all of the requirements to be licensed under 2201  
this section, pending the receipt of transcripts or action by the 2202  
committee to issue a license as an independent social worker. 2203

(D) The board shall adopt any rules necessary for the 2204  
committee to implement this section, including criteria for the 2205  
committee to use in determining whether an applicant's training 2206  
should be accepted and supervised experience approved. Rules 2207  
adopted under this division shall be adopted in accordance with 2208

Chapter 119. of the Revised Code. 2209

(E) The board shall adopt rules for registration of master level social worker students enrolled in fieldwork, practice, and internships. The rules adopted under this division shall not require that a master level student register with the board, and shall prohibit any adverse affect, with respect to a student's application for licensure from the board, if the student has not registered. 2210  
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**Sec. 4757.28.** (A) The social workers professional standards committee of the counselor, social worker, and marriage and family therapist board shall issue a license as a social worker to each applicant who submits a properly completed application, pays the fee established under section 4757.31 of the Revised Code, and meets the requirements specified in division (B) of this section. A social worker license shall clearly indicate each academic degree earned by the person to whom it is issued. 2217  
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(B) To be eligible for a license as a social worker, an individual must meet the following requirements: 2225  
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(1) The individual must be of good moral character. 2227

(2) The individual must hold from an accredited educational institution one of the following: 2228  
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(a) A baccalaureate degree in social work ~~or, prior to October 10, 1992, a baccalaureate degree in a program closely related to social work and approved by the committee;~~ 2230  
2231  
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(b) A master's degree in social work; 2233

(c) A doctorate in social work. 2234

(3) The individual must pass an examination administered by the board for the purpose of determining ability to practice as a social worker. 2235  
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(C) The committee may issue a temporary license to an applicant who meets all of the requirements to be licensed under this section, pending the receipt of transcripts or action by the committee to issue a license as a social worker. However, the committee may issue a temporary license to an applicant who provides the board with a statement from the applicant's academic institution indicating that the applicant is in good standing with the institution, that the applicant has met the academic requirements for the applicant's degree, and the date the applicant will receive the applicant's degree.

(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.

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

~~(B) On and after March 18, 1997, a counselor assistant certificate of registration issued under former section 4757.08 of the Revised Code shall be considered a certificate of registration as a social work assistant. The holder of the certificate is~~

~~subject to the supervision requirements specified in section 2269  
4757.26 of the Revised Code, the continuing education requirements 2270  
specified in section 4757.33 of the Revised Code, and regulation 2271  
by the social workers professional standards committee. On the 2272  
first renewal occurring after March 18, 1997, the committee shall 2273  
issue a certificate of registration as a social work assistant to 2274  
each former counselor assistant who qualifies for renewal. 2275~~

~~(C) The social workers professional standards committee shall 2276  
issue a certificate of registration as a social work assistant to 2277  
any person who, on or before March 18, 1998, meets the 2278  
requirements for a certificate of registration as a counselor 2279  
assistant pursuant to division (A)(3) of former section 4757.08 of 2280  
the Revised Code, submits a properly completed application, pays 2281  
the fee established under section 4757.31 of the Revised Code, and 2282  
is of good moral character. 2283~~

**Sec. 4757.30.** (A) The marriage and family therapist 2284  
professional standards committee of the counselor, social worker, 2285  
and marriage and family therapist board shall issue a license to 2286  
practice as a marriage and family therapist to a person who has 2287  
done all of the following: 2288

(1) Properly completed an application for the license; 2289

(2) Paid the required fee established by the board under 2290  
section 4757.31 of the Revised Code; 2291

(3) Achieved one of the following: 2292

(a) Received from an educational institution accredited at 2293  
the time the degree was granted by a regional accrediting 2294  
organization recognized by the board a master's degree or a 2295  
doctorate in marriage and family therapy; 2296

(b) Completed a graduate degree that includes a minimum of 2297  
ninety quarter hours of graduate level course work in marriage and 2298

family therapy training that is acceptable to the committee;	2299
(4) Passed an examination administered by the board for the purpose of determining the person's ability to be a marriage and family therapist;	2300 2301 2302
(5) Completed a practicum that includes at least three hundred hours of client contact.	2303 2304
(B) To be accepted by the committee for purposes of division (A)(3)(b) of this section, marriage and family therapist training must include instruction in at least the following:	2305 2306 2307
(1) Research and evaluation;	2308
(2) Professional, legal, and ethical responsibilities;	2309
(3) Marriage and family studies;	2310
(4) Marriage and family therapy, including therapeutic theory and techniques for individuals, groups, and families;	2311 2312
(5) Human development;	2313
(6) Appraisal of individuals and families;	2314
(7) Diagnosis of mental and emotional disorders;	2315
(8) Systems theory.	2316
(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:	2317 2318 2319 2320
(1) Meets all of the requirements of division (A) of this section;	2321 2322
(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.	2323 2324 2325
The two calendar years of work experience must include one	2326

thousand hours of documented client contact in marriage and family 2327  
therapy. Two hundred hours of the one thousand hours must include 2328  
face-to-face supervision by a supervisor whose training and 2329  
experience meets standards established by the board in rules 2330  
adopted under section 4757.10 of the Revised Code and one hundred 2331  
hours of the two hundred hours of supervision must be individual 2332  
supervision. 2333

(D) An independent marriage and family therapist or a 2334  
marriage and family therapist may engage in the private practice 2335  
of marriage and family therapy as an individual practitioner or as 2336  
a member of a partnership or group practice. 2337

(E) A marriage and family therapist may diagnose and treat 2338  
mental and emotional disorders only under the supervision of a 2339  
psychologist, psychiatrist, professional clinical counselor, 2340  
independent social worker, or independent marriage and family 2341  
therapist. An independent marriage and family therapist may 2342  
diagnose and treat mental and emotional disorders without 2343  
supervision. 2344

(F) Nothing in this chapter or rules adopted under it 2345  
authorizes an independent marriage and family therapist or a 2346  
marriage and family therapist to admit a patient to a hospital or 2347  
requires a hospital to allow a marriage and family therapist to 2348  
admit a patient. 2349

(G) An independent marriage and family therapist or a 2350  
marriage and family therapist may not diagnose, treat, or advise 2351  
on conditions outside the recognized boundaries of the marriage 2352  
and family therapist's competency. An independent marriage and 2353  
family therapist or a marriage and family therapist shall make 2354  
appropriate and timely referrals when a client's needs exceed the 2355  
marriage and family therapist's competence level. 2356

(H) The board shall adopt rules for voluntary registration of 2357

master level marriage and family therapy students enrolled in 2358  
practice and internships. 2359

**Sec. 4757.31.** (A) Subject to division (B) of this section, 2360  
the counselor, social worker, and marriage and family therapist 2361  
board shall establish, and may from time to time adjust, fees to 2362  
be charged for the following: 2363

(1) Examination for licensure as a professional clinical 2364  
counselor, professional counselor, marriage and family therapist, 2365  
independent marriage and family therapist, social worker, or 2366  
independent social worker; 2367

(2) Initial licenses of professional clinical counselors, 2368  
professional counselors, marriage and family therapists, 2369  
independent marriage and family therapists, social workers, and 2370  
independent social workers, except that the board shall charge 2371  
only one fee to a person who fulfills all requirements for more 2372  
than one of the following initial licenses: an initial license as 2373  
a social worker or independent social worker, an initial license 2374  
as a professional counselor or professional clinical counselor, 2375  
and an initial license as a marriage and family therapist or 2376  
independent marriage and family therapist; 2377

(3) Initial certificates of registration of social work 2378  
assistants; 2379

(4) Renewal and late renewal of licenses of professional 2380  
clinical counselors, professional counselors, marriage and family 2381  
therapists, independent marriage and family therapists, social 2382  
workers, and independent social workers and renewal and late 2383  
renewal of certificates of registration of social work assistants; 2384

(5) Verification, to another jurisdiction, of a license or 2385  
registration issued by the board; 2386

(6) Continuing education programs offered by the board to 2387

licensees or registrants;	2388
(7) Approval of continuing education programs;	2389
(8) Approval of continuing education providers to be authorized to offer continuing education programs without prior approval from the board for each program offered;	2390 2391 2392
(9) Issuance of a replacement copy of any wall certificate issued by the board;	2393 2394
<u>(10) Late completion of continuing counselor, social worker, or marriage and family therapy education required under section 4757.33 of the Revised Code and the rules adopted thereunder.</u>	2395 2396 2397
(B) The fees charged under division (A)(1) of this section shall be established in amounts sufficient to cover the direct expenses incurred in examining applicants for licensure. The fees charged under divisions (A)(2) to (9) of this section shall be nonrefundable and shall be established in amounts sufficient to cover the necessary expenses in administering this chapter and rules adopted under it that are not covered by fees charged under division (A)(1) or (C) of this section. The renewal fee for a license or certificate of registration shall not be less than the initial fee for that license or certificate. The fees charged for licensure and registration and the renewal of licensure and registration may differ for the various types of licensure and registration, but shall not exceed one hundred twenty-five dollars each, unless the board determines that amounts in excess of one hundred twenty-five dollars are needed to cover its necessary expenses in administering this chapter and rules adopted under it and the amounts in excess of one hundred twenty-five dollars are approved by the controlling board.	2398 2399 2400 2401 2402 2403 2404 2405 2406 2407 2408 2409 2410 2411 2412 2413 2414 2415
(C) All receipts of the board shall be deposited in the state treasury to the credit of the occupational licensing and regulatory fund. All vouchers of the board shall be approved by	2416 2417 2418

the chairperson or executive director of the board, or both, as 2419  
authorized by the board. 2420

**Sec. 4757.33.** (A) Except as provided in division (B) of this 2421  
section, each person who holds a license or certificate of 2422  
registration issued under this chapter shall complete during the 2423  
period that the license or certificate is in effect not less than 2424  
thirty clock hours of continuing professional education as a 2425  
condition of receiving a renewed license or certificate. To have a 2426  
lapsed license or certificate of registration restored, a person 2427  
shall complete the number of hours of continuing education 2428  
specified by the counselor, social worker, and marriage and family 2429  
therapist board in rules it shall adopt in accordance with Chapter 2430  
119. of the Revised Code. 2431

The professional standards committees of the counselor, 2432  
social worker, and marriage and family therapist board shall adopt 2433  
rules in accordance with Chapter 119. of the Revised Code 2434  
establishing standards and procedures to be followed by the 2435  
committees in conducting the continuing education approval 2436  
process, which shall include registering individuals and entities 2437  
to provide approved continuing education programs. 2438

(B) The board may waive the continuing education requirements 2439  
established under this section for persons who are unable to 2440  
fulfill them because of military service, illness, residence 2441  
abroad, or any other reason the committee considers acceptable. 2442

~~In the case of a social worker licensed by virtue of 2443  
receiving, prior to October 10, 1992, a baccalaureate degree in a 2444  
program closely related to social work, as a condition of the 2445  
first renewal of the license, the social worker must complete at 2446  
an accredited educational institution a minimum of five semester 2447  
hours of social work graduate or undergraduate credit, or their 2448  
equivalent, that is acceptable to the committee and includes a 2449~~

~~course in social work theory and a course in social work methods.~~ 2450

**Sec. 4757.36.** (A) The appropriate professional standards 2451  
committee of the counselor, social worker, and marriage and family 2452  
therapist board may, in accordance with Chapter 119. of the 2453  
Revised Code, take any action specified in division (B) of this 2454  
section against an individual who has applied for or holds a 2455  
license to practice as a professional clinical counselor, 2456  
professional counselor, independent marriage and family therapist, 2457  
marriage and family therapist, social worker, or independent 2458  
social worker, or a certificate of registration to practice as a 2459  
social work assistant, counselor trainee, social worker trainee, 2460  
or marriage and family therapist trainee, for any reason described 2461  
in division (C) of this section. The board may, under Chapter 119. 2462  
of the Revised Code, take any action specified in division (B) of 2463  
this section against an individual or entity who has applied for 2464  
or holds a registration under the rules enacted under section 2465  
4757.33 of the Revised Code to offer continuing education courses 2466  
or programs under the board's approval. 2467

(B) In its imposition of sanctions against an individual or a 2468  
registered entity providing continuing education programs, the 2469  
board may do any of the following: 2470

(1) Refuse to issue or refuse to renew a license or 2471  
certificate of registration; 2472

(2) Suspend, revoke, or otherwise restrict a license or 2473  
certificate of registration; 2474

(3) Reprimand an individual holding a license or certificate 2475  
of registration; 2476

(4) Impose a fine in accordance with the graduated system of 2477  
fines established by the board in rules adopted under section 2478  
4757.10 of the Revised Code. 2479

(C) The appropriate professional standards committee of the board may take an action specified in division (B) of this section for any of the following reasons:	2480 2481 2482
(1) Commission of an act that violates any provision of this chapter or rules adopted under it;	2483 2484
(2) Knowingly making a false statement on an application for licensure or registration, or for renewal of a license or certificate of registration;	2485 2486 2487
(3) Accepting a commission or rebate for referring persons to any professionals licensed, certified, or registered by any court or board, commission, department, division, or other agency of the state, including, but not limited to, individuals practicing counseling, social work, or marriage and family therapy or practicing in fields related to counseling, social work, or marriage and family therapy;	2488 2489 2490 2491 2492 2493 2494
(4) A failure to comply with section <del>4757.12</del> <u>4757.13</u> of the Revised Code;	2495 2496
(5) A conviction in this or any other state of a crime that is a felony in this state;	2497 2498
(6) A failure to perform properly as a professional clinical counselor, professional counselor, independent marriage and family therapist, marriage and family therapist, social work assistant, social worker, or independent social worker due to the use of alcohol or other drugs or any other physical or mental condition;	2499 2500 2501 2502 2503
(7) A conviction in this state or in any other state of a misdemeanor committed in the course of practice as a professional clinical counselor, professional counselor, independent marriage and family therapist, marriage and family therapist, social work assistant, social worker, or independent social worker;	2504 2505 2506 2507 2508
(8) Practicing outside the scope of practice applicable to	2509

that person;	2510
(9) Practicing in violation of the supervision requirements specified under sections 4757.21 and 4757.26, and division (E) of section 4757.30, of the Revised Code;	2511 2512 2513
(10) A violation of the person's code of ethical practice adopted by rule of the board pursuant to section 4757.11 of the Revised Code;	2514 2515 2516
(11) Revocation or suspension of a license or certificate of registration, <u>other disciplinary action against a licensee or registrant</u> , or the voluntary surrender of a license or certificate of registration in another state or jurisdiction for an offense that would be a violation of this chapter.	2517 2518 2519 2520 2521
(D) One year or more after the date of suspension or revocation of a license or certificate of registration under this section, application may be made to the appropriate professional standards committee for reinstatement. The committee may <del>accept</del> <u>approve</u> or <del>refuse</del> <u>deny</u> an application for reinstatement. If a license has been suspended or revoked, the committee may require an examination for reinstatement.	2522 2523 2524 2525 2526 2527 2528
(E) On request of the board, the attorney general shall bring and prosecute to judgment a civil action to collect any fine imposed under division (B)(4) of this section that remains unpaid.	2529 2530 2531
(F) All fines collected under division (B)(4) of this section shall be deposited into the state treasury to the credit of the occupational licensing and regulatory fund.	2532 2533 2534
<b>Sec. 4757.37.</b> (A) <u>An individual whom the counselor, social worker, and marriage and family therapist board licenses, certificates, or otherwise legally authorizes to engage in the practice of counseling, social work, or marriage and family therapy may render the professional services of a counselor,</u>	2535 2536 2537 2538 2539

social worker, or marriage and family therapist within this state 2540  
through a corporation formed under division (B) of section 1701.03 2541  
of the Revised Code, a limited liability company formed under 2542  
Chapter 1705. of the Revised Code, a partnership, or a 2543  
professional association formed under Chapter 1785. of the Revised 2544  
Code. This division does not preclude such an individual from 2545  
rendering professional services as a counselor, social worker, or 2546  
marriage and family therapist through another form of business 2547  
entity, including, but not limited to, a nonprofit corporation or 2548  
foundation, or in another manner that is authorized by or in 2549  
accordance with this chapter, another chapter of the Revised Code, 2550  
or rules of the counselor, social worker, and marriage and family 2551  
therapist board adopted pursuant to this chapter. 2552

(B) A corporation, limited liability company, partnership, or 2553  
professional association described in division (A) of this section 2554  
may be formed for the purpose of providing a combination of the 2555  
professional services of the following individuals who are 2556  
licensed, certificated, or otherwise legally authorized to 2557  
practice their respective professions: 2558

(1) Optometrists who are authorized to practice optometry 2559  
under Chapter 4725. of the Revised Code; 2560

(2) Chiropractors who are authorized to practice chiropractic 2561  
or acupuncture under Chapter 4734. of the Revised Code; 2562

(3) Counselors, social workers, or marriage and family 2563  
therapists who are authorized to practice counseling, social work, 2564  
or marriage and family therapy under this chapter; 2565

(4) Psychologists who are authorized to practice psychology 2566  
under Chapter 4732. of the Revised Code; 2567

(5) Registered or licensed practical nurses who are 2568  
authorized to practice nursing as registered nurses or as licensed 2569  
practical nurses under Chapter 4723. of the Revised Code; 2570

<u>(6) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;</u>	2571 2572
<u>(7) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;</u>	2573 2574 2575
<u>(8) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;</u>	2576 2577 2578
<u>(9) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;</u>	2579 2580
<u>(10) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under Chapter 4731. of the Revised Code.</u>	2581 2582 2583 2584
<u>This division applies notwithstanding a provision of a code of ethics applicable to a counselor, social worker, or marriage and family therapist that prohibits a counselor, social worker, or marriage and family therapist from engaging in the practice of counseling, social work, or marriage and family therapy in combination with a person who is licensed, certificated, or otherwise legally authorized to practice optometry, chiropractic, acupuncture (through the state chiropractic board), nursing, pharmacy, physical therapy, psychology, occupational therapy, mechanotherapy, medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, but who is not also licensed, certificated, or otherwise legally authorized to engage in the practice of counseling, social work, or marriage and family therapy.</u>	2585 2586 2587 2588 2589 2590 2591 2592 2593 2594 2595 2596 2597 2598
<b>Sec. 4757.41.</b> (A) This chapter shall not apply to the following:	2599 2600

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

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

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

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

(5) Any person employed in the civil service as defined in section 124.01 of the Revised Code while engaging in social work or professional counseling as a civil service employee, so long as the person has at least two years of service on the effective date of this amendment;

~~(6)~~ A student in an accredited educational institution while

carrying out activities that are part of the student's prescribed 2632  
course of study if the activities are supervised as required by 2633  
the educational institution and if the student does not hold 2634  
herself or himself out as a person licensed or registered under 2635  
this chapter; 2636

~~(7) Until two years after the date the department of alcohol 2637  
and drug addiction services ceases to administer its process for 2638  
the certification or credentialing of chemical dependency 2639  
counselors and alcohol and other drug prevention specialists under 2640  
section 3793.07 of the Revised Code, as specified in division (B) 2641  
of that section, or in the case of an individual who has the 2642  
expiration date of the individual's certificate or credentials 2643  
delayed under section 4758.04 of the Revised Code, until the date 2644  
of the delayed expiration, individuals with certification or 2645  
credentials accepted by the department under that section who are 2646  
acting within the scope of their certification or credentials as 2647  
members of the profession of chemical dependency counseling or as 2648  
alcohol and other drug prevention specialists;~~ 2649

~~(8)~~(6) Individuals who hold a license or certificate under 2650  
Chapter 4758. of the Revised Code who are acting within the scope 2651  
of their license or certificate as members of the profession of 2652  
chemical dependency counseling or alcohol and other drug 2653  
prevention services; 2654

~~(9)~~(7) Any person employed by the American red cross while 2655  
engaging in activities relating to services for military families 2656  
and veterans and disaster relief, as described in the "American 2657  
National Red Cross Act," 33 Stat. 599 (1905), 36 U.S.C.A. 1, as 2658  
amended; 2659

~~(10)~~(8) Members of labor organizations who hold union 2660  
counselor certificates while performing services in their official 2661  
capacity as union counselors; 2662

~~(11)(9)~~ Any person employed in a hospital as defined in 2663  
section 3727.01 of the Revised Code or in a nursing home as 2664  
defined in section 3721.01 of the Revised Code while providing as 2665  
a hospital employee or nursing home employee, respectively, social 2666  
services other than counseling and the use of psychosocial 2667  
interventions and social psychotherapy; 2668

(10) A vocational rehabilitation professional who is 2669  
providing vocational rehabilitation counseling or services to 2670  
individuals under section 3304.17 of the Revised Code. 2671

(B) Divisions (A)~~(5)~~, ~~(9)~~, ~~(7)~~ and ~~(11)(9)~~ of this section do 2672  
not prevent a person described in those divisions from obtaining a 2673  
license or certificate of registration under this chapter. 2674

(C) Except as provided in divisions (D) and (E) of this 2675  
section, no employee in the service of the state, including public 2676  
employees as defined by Chapter 4117. of the Revised Code, shall 2677  
engage in marriage and family therapy, social work, or 2678  
professional counseling without a license. Failure to comply with 2679  
this division constitutes nonfeasance under section 124.34 of the 2680  
Revised Code or just cause under a collective bargaining 2681  
agreement. Nothing in this division restricts the director of 2682  
administrative services from developing new classifications 2683  
related to this division or from reassigning affected employees to 2684  
appropriate classifications based on the employee's duties and 2685  
qualifications. 2686

(D) An employee who was engaged in marriage and family 2687  
therapy, social work, or professional counseling in the service of 2688  
the state prior to the effective date of this amendment, including 2689  
public employees as defined by Chapter 4117. of the Revised Code, 2690  
shall be in compliance with division (C) of this section within 2691  
two years after the effective date of this amendment. Any such 2692  
employee who fails to comply shall be removed from employment. 2693

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

**Sec. 5101.61.** (A) As used in this section: 2698

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

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

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

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

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

(d) Requires that the health care and medical care of every patient be under the supervision of a physician, provides for medical care in a case of emergency, has in effect a written agreement with one or more hospitals and other centers or clinics,

and has an established patient referral system to other resources,	2724
and a utilization review plan and program;	2725
(e) Maintains clinical records on all patients;	2726
(f) Provides nursing services and other therapeutic services	2727
in accordance with programs and policies, with such services	2728
supervised by a registered professional nurse, and has a	2729
registered professional nurse on duty at all times of clinical	2730
operations;	2731
(g) Provides approved methods and procedures for the	2732
dispensing and administration of drugs and biologicals;	2733
(h) Has established an accounting and record keeping system	2734
to determine reasonable and allowable costs;	2735
(i) "Ambulatory health facilities" also includes an	2736
alcoholism treatment facility approved by the joint commission on	2737
accreditation of healthcare organizations as an alcoholism	2738
treatment facility or certified by the department of alcohol and	2739
drug addiction services, and such facility shall comply with other	2740
provisions of this division not inconsistent with such	2741
accreditation or certification.	2742
(3) "Community mental health facility" means a facility which	2743
provides community mental health services and is included in the	2744
comprehensive mental health plan for the alcohol, drug addiction,	2745
and mental health service district in which it is located.	2746
(4) "Community mental health service" means services, other	2747
than inpatient services, provided by a community mental health	2748
facility.	2749
(5) "Home health agency" means an institution or a distinct	2750
part of an institution operated in this state which:	2751
(a) Is primarily engaged in providing home health services;	2752
(b) Has home health policies which are established by a group	2753

of professional personnel, including one or more duly licensed 2754  
doctors of medicine or osteopathy and one or more registered 2755  
professional nurses, to govern the home health services it 2756  
provides and which includes a requirement that every patient must 2757  
be under the care of a duly licensed doctor of medicine or 2758  
osteopathy; 2759

(c) Is under the supervision of a duly licensed doctor of 2760  
medicine or doctor of osteopathy or a registered professional 2761  
nurse who is responsible for the execution of such home health 2762  
policies; 2763

(d) Maintains comprehensive records on all patients; 2764

(e) Is operated by the state, a political subdivision, or an 2765  
agency of either, or is operated not for profit in this state and 2766  
is licensed or registered, if required, pursuant to law by the 2767  
appropriate department of the state, county, or municipality in 2768  
which it furnishes services; or is operated for profit in this 2769  
state, meets all the requirements specified in divisions (A)(5)(a) 2770  
to (d) of this section, and is certified under Title XVIII of the 2771  
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as 2772  
amended. 2773

(6) "Home health service" means the following items and 2774  
services, provided, except as provided in division (A)(6)(g) of 2775  
this section, on a visiting basis in a place of residence used as 2776  
the patient's home: 2777

(a) Nursing care provided by or under the supervision of a 2778  
registered professional nurse; 2779

(b) Physical, occupational, or speech therapy ordered by the 2780  
patient's attending physician; 2781

(c) Medical social services performed by or under the 2782  
supervision of a qualified medical or psychiatric social worker 2783  
and under the direction of the patient's attending physician; 2784

(d) Personal health care of the patient performed by aides in accordance with the orders of a doctor of medicine or osteopathy and under the supervision of a registered professional nurse;	2785 2786 2787
(e) Medical supplies and the use of medical appliances;	2788
(f) Medical services of interns and residents-in-training under an approved teaching program of a nonprofit hospital and under the direction and supervision of the patient's attending physician;	2789 2790 2791 2792
(g) Any of the foregoing items and services which:	2793
(i) Are provided on an outpatient basis under arrangements made by the home health agency at a hospital or skilled nursing facility;	2794 2795 2796
(ii) Involve the use of equipment of such a nature that the items and services cannot readily be made available to the patient in the patient's place of residence, or which are furnished at the hospital or skilled nursing facility while the patient is there to receive any item or service involving the use of such equipment.	2797 2798 2799 2800 2801
Any attorney, physician, osteopath, podiatrist, chiropractor, dentist, psychologist, any employee of a hospital as defined in section 3701.01 of the Revised Code, any nurse licensed under Chapter 4723. of the Revised Code, any employee of an ambulatory health facility, any employee of a home health agency, any employee of an adult care facility as defined in section 5119.70 of the Revised Code, any employee of a nursing home, residential care facility, or home for the aging, as defined in section 3721.01 of the Revised Code, any senior service provider, any peace officer, coroner, <del>clergyman</del> <u>member of the clergy</u> , any employee of a community mental health facility, and any person engaged in social work <del>or</del> <u>counseling, or marriage and family therapy</u> having reasonable cause to believe that an adult is being abused, neglected, or exploited, or is in a condition which is the	2802 2803 2804 2805 2806 2807 2808 2809 2810 2811 2812 2813 2814 2815

result of abuse, neglect, or exploitation shall immediately report 2816  
such belief to the county department of job and family services. 2817  
This section does not apply to employees of any hospital or public 2818  
hospital as defined in section 5122.01 of the Revised Code. 2819

(B) Any person having reasonable cause to believe that an 2820  
adult has suffered abuse, neglect, or exploitation may report, or 2821  
cause reports to be made of such belief to the department. 2822

(C) The reports made under this section shall be made orally 2823  
or in writing except that oral reports shall be followed by a 2824  
written report if a written report is requested by the department. 2825  
Written reports shall include: 2826

(1) The name, address, and approximate age of the adult who 2827  
is the subject of the report; 2828

(2) The name and address of the individual responsible for 2829  
the adult's care, if any individual is, and if the individual is 2830  
known; 2831

(3) The nature and extent of the alleged abuse, neglect, or 2832  
exploitation of the adult; 2833

(4) The basis of the reporter's belief that the adult has 2834  
been abused, neglected, or exploited. 2835

(D) Any person with reasonable cause to believe that an adult 2836  
is suffering abuse, neglect, or exploitation who makes a report 2837  
pursuant to this section or who testifies in any administrative or 2838  
judicial proceeding arising from such a report, or any employee of 2839  
the state or any of its subdivisions who is discharging 2840  
responsibilities under section 5101.62 of the Revised Code shall 2841  
be immune from civil or criminal liability on account of such 2842  
investigation, report, or testimony, except liability for perjury, 2843  
unless the person has acted in bad faith or with malicious 2844  
purpose. 2845

(E) No employer or any other person with the authority to do 2846  
so shall discharge, demote, transfer, prepare a negative work 2847  
performance evaluation, or reduce benefits, pay, or work 2848  
privileges, or take any other action detrimental to an employee or 2849  
in any way retaliate against an employee as a result of the 2850  
employee's having filed a report under this section. 2851

(F) Neither the written or oral report provided for in this 2852  
section nor the investigatory report provided for in section 2853  
5101.62 of the Revised Code shall be considered a public record as 2854  
defined in section 149.43 of the Revised Code. Information 2855  
contained in the report shall upon request be made available to 2856  
the adult who is the subject of the report, to agencies authorized 2857  
by the department to receive information contained in the report, 2858  
and to legal counsel for the adult. 2859

**Sec. 5123.61.** (A) As used in this section: 2860

(1) "Law enforcement agency" means the state highway patrol, 2861  
the police department of a municipal corporation, or a county 2862  
sheriff. 2863

(2) "Abuse" has the same meaning as in section 5123.50 of the 2864  
Revised Code, except that it includes a misappropriation, as 2865  
defined in that section. 2866

(3) "Neglect" has the same meaning as in section 5123.50 of 2867  
the Revised Code. 2868

(B) The department of developmental disabilities shall 2869  
establish a registry office for the purpose of maintaining reports 2870  
of abuse, neglect, and other major unusual incidents made to the 2871  
department under this section and reports received from county 2872  
boards of developmental disabilities under section 5126.31 of the 2873  
Revised Code. The department shall establish committees to review 2874  
reports of abuse, neglect, and other major unusual incidents. 2875

(C)(1) Any person listed in division (C)(2) of this section, 2876  
having reason to believe that a person with mental retardation or 2877  
a developmental disability has suffered or faces a substantial 2878  
risk of suffering any wound, injury, disability, or condition of 2879  
such a nature as to reasonably indicate abuse or neglect of that 2880  
person, shall immediately report or cause reports to be made of 2881  
such information to the entity specified in this division. Except 2882  
as provided in section 5120.173 of the Revised Code or as 2883  
otherwise provided in this division, the person making the report 2884  
shall make it to a law enforcement agency or to the county board 2885  
of developmental disabilities. If the report concerns a resident 2886  
of a facility operated by the department of developmental 2887  
disabilities the report shall be made either to a law enforcement 2888  
agency or to the department. If the report concerns any act or 2889  
omission of an employee of a county board of developmental 2890  
disabilities, the report immediately shall be made to the 2891  
department and to the county board. 2892

(2) All of the following persons are required to make a 2893  
report under division (C)(1) of this section: 2894

(a) Any physician, including a hospital intern or resident, 2895  
any dentist, podiatrist, chiropractor, practitioner of a limited 2896  
branch of medicine as specified in section 4731.15 of the Revised 2897  
Code, hospital administrator or employee of a hospital, nurse 2898  
licensed under Chapter 4723. of the Revised Code, employee of an 2899  
ambulatory health facility as defined in section 5101.61 of the 2900  
Revised Code, employee of a home health agency, employee of an 2901  
adult care facility licensed under Chapter 3722. of the Revised 2902  
Code, or employee of a community mental health facility; 2903

(b) Any school teacher or school authority, professional 2904  
counselor, social worker, marriage and family therapist, 2905  
psychologist, attorney, peace officer, coroner, or residents' 2906  
rights advocate as defined in section 3721.10 of the Revised Code; 2907

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

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

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

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

(b) An attorney or physician is not required to make a report pursuant to division (C)(1) of this section concerning any communication the attorney or physician receives from a client or patient in an attorney-client or physician-patient relationship, if, in accordance with division (A) or (B) of section 2317.02 of the Revised Code, the attorney or physician could not testify with respect to that communication in a civil or criminal proceeding,

except that the client or patient is deemed to have waived any 2940  
testimonial privilege under division (A) or (B) of section 2317.02 2941  
of the Revised Code with respect to that communication and the 2942  
attorney or physician shall make a report pursuant to division 2943  
(C)(1) of this section, if both of the following apply: 2944

(i) The client or patient, at the time of the communication, 2945  
is a person with mental retardation or a developmental disability. 2946

(ii) The attorney or physician knows or suspects, as a result 2947  
of the communication or any observations made during that 2948  
communication, that the client or patient has suffered or faces a 2949  
substantial risk of suffering any wound, injury, disability, or 2950  
condition of a nature that reasonably indicates abuse or neglect 2951  
of the client or patient. 2952

(4) Any person who fails to make a report required under 2953  
division (C) of this section and who is an MR/DD employee, as 2954  
defined in section 5123.50 of the Revised Code, shall be eligible 2955  
to be included in the registry regarding misappropriation, abuse, 2956  
neglect, or other specified misconduct by MR/DD employees 2957  
established under section 5123.52 of the Revised Code. 2958

(D) The reports required under division (C) of this section 2959  
shall be made forthwith by telephone or in person and shall be 2960  
followed by a written report. The reports shall contain the 2961  
following: 2962

(1) The names and addresses of the person with mental 2963  
retardation or a developmental disability and the person's 2964  
custodian, if known; 2965

(2) The age of the person with mental retardation or a 2966  
developmental disability; 2967

(3) Any other information that would assist in the 2968  
investigation of the report. 2969

(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.

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

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

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

agency. 3002

(3) When a county board of developmental disabilities 3003  
receives a report under this section that includes an allegation 3004  
of action or inaction that may constitute a crime under federal 3005  
law or the law of this state, the superintendent of the board or 3006  
an individual the superintendent designates under division (H) of 3007  
this section shall notify the law enforcement agency. The 3008  
superintendent or individual shall notify the department of 3009  
developmental disabilities when it receives any report under this 3010  
section. 3011

(4) When a county board of developmental disabilities 3012  
receives a report under this section and believes that the degree 3013  
of risk to the person is such that the report is an emergency, the 3014  
superintendent of the board or an employee of the board the 3015  
superintendent designates shall attempt a face-to-face contact 3016  
with the person with mental retardation or a developmental 3017  
disability who allegedly is the victim within one hour of the 3018  
board's receipt of the report. 3019

(H) The superintendent of the board may designate an 3020  
individual to be responsible for notifying the law enforcement 3021  
agency and the department when the county board receives a report 3022  
under this section. 3023

(I) An adult with mental retardation or a developmental 3024  
disability about whom a report is made may be removed from the 3025  
adult's place of residence only by law enforcement officers who 3026  
consider that the adult's immediate removal is essential to 3027  
protect the adult from further injury or abuse or in accordance 3028  
with the order of a court made pursuant to section 5126.33 of the 3029  
Revised Code. 3030

(J) A law enforcement agency shall investigate each report of 3031  
abuse or neglect it receives under this section. In addition, the 3032

department, in cooperation with law enforcement officials, shall 3033  
investigate each report regarding a resident of a facility 3034  
operated by the department to determine the circumstances 3035  
surrounding the injury, the cause of the injury, and the person 3036  
responsible. The investigation shall be in accordance with the 3037  
memorandum of understanding prepared under section 5126.058 of the 3038  
Revised Code. The department shall determine, with the registry 3039  
office which shall be maintained by the department, whether prior 3040  
reports have been made concerning an adult with mental retardation 3041  
or a developmental disability or other principals in the case. If 3042  
the department finds that the report involves action or inaction 3043  
that may constitute a crime under federal law or the law of this 3044  
state, it shall submit a report of its investigation, in writing, 3045  
to the law enforcement agency. If the person with mental 3046  
retardation or a developmental disability is an adult, with the 3047  
consent of the adult, the department shall provide such protective 3048  
services as are necessary to protect the adult. The law 3049  
enforcement agency shall make a written report of its findings to 3050  
the department. 3051

If the person is an adult and is not a resident of a facility 3052  
operated by the department, the county board of developmental 3053  
disabilities shall review the report of abuse or neglect in 3054  
accordance with sections 5126.30 to 5126.33 of the Revised Code 3055  
and the law enforcement agency shall make the written report of 3056  
its findings to the county board. 3057

(K) Any person or any hospital, institution, school, health 3058  
department, or agency participating in the making of reports 3059  
pursuant to this section, any person participating as a witness in 3060  
an administrative or judicial proceeding resulting from the 3061  
reports, or any person or governmental entity that discharges 3062  
responsibilities under sections 5126.31 to 5126.33 of the Revised 3063  
Code shall be immune from any civil or criminal liability that 3064

might otherwise be incurred or imposed as a result of such actions 3065  
except liability for perjury, unless the person or governmental 3066  
entity has acted in bad faith or with malicious purpose. 3067

(L) No employer or any person with the authority to do so 3068  
shall discharge, demote, transfer, prepare a negative work 3069  
performance evaluation, reduce pay or benefits, terminate work 3070  
privileges, or take any other action detrimental to an employee or 3071  
retaliate against an employee as a result of the employee's having 3072  
made a report under this section. This division does not preclude 3073  
an employer or person with authority from taking action with 3074  
regard to an employee who has made a report under this section if 3075  
there is another reasonable basis for the action. 3076

(M) Reports made under this section are not public records as 3077  
defined in section 149.43 of the Revised Code. Information 3078  
contained in the reports on request shall be made available to the 3079  
person who is the subject of the report, to the person's legal 3080  
counsel, and to agencies authorized to receive information in the 3081  
report by the department or by a county board of developmental 3082  
disabilities. 3083

(N) Notwithstanding section 4731.22 of the Revised Code, the 3084  
physician-patient privilege shall not be a ground for excluding 3085  
evidence regarding the injuries or physical neglect of a person 3086  
with mental retardation or a developmental disability or the cause 3087  
thereof in any judicial proceeding resulting from a report 3088  
submitted pursuant to this section. 3089

**Section 2.** That existing sections 1701.03, 1705.03, 1705.04, 3090  
1705.53, 1785.01, 1785.02, 1785.03, 2305.234, 2305.51, 2921.22, 3091  
3107.014, 3701.74, 3721.21, 4723.16, 4725.33, 4729.161, 4731.226, 3092  
4731.65, 4732.28, 4734.17, 4755.471, 4757.03, 4757.16, 4757.22, 3093  
4757.23, 4757.27, 4757.28, 4757.29, 4757.30, 4757.31, 4757.33, 3094  
4757.36, 4757.41, 5101.61, and 5123.61 and section 4757.12 of the 3095

Revised Code are hereby repealed. 3096

**Section 3.** Within one year after the effective date of this 3097  
act, the Office of Collective Bargaining within the Department of 3098  
Administrative Services shall implement the change by this act to 3099  
division (A)(5) of section 4757.41 of the Revised Code. 3100

Within ninety days after the effective date of this act, the 3101  
Office of Collective Bargaining shall negotiate with each state 3102  
agency and the affected union to reach a mutually agreeable 3103  
resolution for employees impacted by this change. 3104

Notwithstanding divisions (A) and (D) of section 124.14 of 3105  
the Revised Code or any other contrary provision of law, for 3106  
employees in the service of the state exempt from Chapter 4117. of 3107  
the Revised Code who are impacted by this change, the Director of 3108  
Administrative Services may implement any or all of the provisions 3109  
of the resolutions described in the preceding paragraph. 3110

The Director, within ninety days after the effective date of 3111  
this act, shall develop and assign new classifications related to 3112  
this change as needed and reassign impacted employees to 3113  
appropriate classifications based on the employee's duties and 3114  
qualifications. 3115

**Section 4.** That the version of section 5123.61 of the Revised 3116  
Code that is scheduled to take effect October 1, 2012, be amended 3117  
to read as follows: 3118

**Sec. 5123.61.** (A) As used in this section: 3119

(1) "Law enforcement agency" means the state highway patrol, 3120  
the police department of a municipal corporation, or a county 3121  
sheriff. 3122

(2) "Abuse" has the same meaning as in section 5123.50 of the 3123  
Revised Code, except that it includes a misappropriation, as 3124

defined in that section. 3125

(3) "Neglect" has the same meaning as in section 5123.50 of 3126  
the Revised Code. 3127

(B) The department of developmental disabilities shall 3128  
establish a registry office for the purpose of maintaining reports 3129  
of abuse, neglect, and other major unusual incidents made to the 3130  
department under this section and reports received from county 3131  
boards of developmental disabilities under section 5126.31 of the 3132  
Revised Code. The department shall establish committees to review 3133  
reports of abuse, neglect, and other major unusual incidents. 3134

(C)(1) Any person listed in division (C)(2) of this section, 3135  
having reason to believe that a person with mental retardation or 3136  
a developmental disability has suffered or faces a substantial 3137  
risk of suffering any wound, injury, disability, or condition of 3138  
such a nature as to reasonably indicate abuse or neglect of that 3139  
person, shall immediately report or cause reports to be made of 3140  
such information to the entity specified in this division. Except 3141  
as provided in section 5120.173 of the Revised Code or as 3142  
otherwise provided in this division, the person making the report 3143  
shall make it to a law enforcement agency or to the county board 3144  
of developmental disabilities. If the report concerns a resident 3145  
of a facility operated by the department of developmental 3146  
disabilities the report shall be made either to a law enforcement 3147  
agency or to the department. If the report concerns any act or 3148  
omission of an employee of a county board of developmental 3149  
disabilities, the report immediately shall be made to the 3150  
department and to the county board. 3151

(2) All of the following persons are required to make a 3152  
report under division (C)(1) of this section: 3153

(a) Any physician, including a hospital intern or resident, 3154  
any dentist, podiatrist, chiropractor, practitioner of a limited 3155

branch of medicine as specified in section 4731.15 of the Revised Code, hospital administrator or employee of a hospital, nurse licensed under Chapter 4723. of the Revised Code, employee of an ambulatory health facility as defined in section 5101.61 of the Revised Code, employee of a home health agency, employee of an adult care facility licensed under Chapter 3722. of the Revised Code, or employee of a community mental health facility;

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

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

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

(e) A ~~clergyman~~ member of the clergy who is employed in a position that includes providing specialized services to an individual with mental retardation or another developmental disability, while acting in an official or professional capacity in that position, or a person who is employed in a position that includes providing specialized services to an individual with mental retardation or another developmental disability and who, while acting in an official or professional capacity, renders spiritual treatment through prayer in accordance with the tenets

of an organized religion. 3188

(3)(a) The reporting requirements of this division do not 3189  
apply to employees of the Ohio protection and advocacy system. 3190

(b) An attorney or physician is not required to make a report 3191  
pursuant to division (C)(1) of this section concerning any 3192  
communication the attorney or physician receives from a client or 3193  
patient in an attorney-client or physician-patient relationship, 3194  
if, in accordance with division (A) or (B) of section 2317.02 of 3195  
the Revised Code, the attorney or physician could not testify with 3196  
respect to that communication in a civil or criminal proceeding, 3197  
except that the client or patient is deemed to have waived any 3198  
testimonial privilege under division (A) or (B) of section 2317.02 3199  
of the Revised Code with respect to that communication and the 3200  
attorney or physician shall make a report pursuant to division 3201  
(C)(1) of this section, if both of the following apply: 3202

(i) The client or patient, at the time of the communication, 3203  
is a person with mental retardation or a developmental disability. 3204

(ii) The attorney or physician knows or suspects, as a result 3205  
of the communication or any observations made during that 3206  
communication, that the client or patient has suffered or faces a 3207  
substantial risk of suffering any wound, injury, disability, or 3208  
condition of a nature that reasonably indicates abuse or neglect 3209  
of the client or patient. 3210

(4) Any person who fails to make a report required under 3211  
division (C) of this section and who is an MR/DD employee, as 3212  
defined in section 5123.50 of the Revised Code, shall be eligible 3213  
to be included in the registry regarding misappropriation, abuse, 3214  
neglect, or other specified misconduct by MR/DD employees 3215  
established under section 5123.52 of the Revised Code. 3216

(D) The reports required under division (C) of this section 3217  
shall be made forthwith by telephone or in person and shall be 3218

followed by a written report. The reports shall contain the 3219  
following: 3220

(1) The names and addresses of the person with mental 3221  
retardation or a developmental disability and the person's 3222  
custodian, if known; 3223

(2) The age of the person with mental retardation or a 3224  
developmental disability; 3225

(3) Any other information that would assist in the 3226  
investigation of the report. 3227

(E) When a physician performing services as a member of the 3228  
staff of a hospital or similar institution has reason to believe 3229  
that a person with mental retardation or a developmental 3230  
disability has suffered injury, abuse, or physical neglect, the 3231  
physician shall notify the person in charge of the institution or 3232  
that person's designated delegate, who shall make the necessary 3233  
reports. 3234

(F) Any person having reasonable cause to believe that a 3235  
person with mental retardation or a developmental disability has 3236  
suffered or faces a substantial risk of suffering abuse or neglect 3237  
may report or cause a report to be made of that belief to the 3238  
entity specified in this division. Except as provided in section 3239  
5120.173 of the Revised Code or as otherwise provided in this 3240  
division, the person making the report shall make it to a law 3241  
enforcement agency or the county board of developmental 3242  
disabilities. If the person is a resident of a facility operated 3243  
by the department of developmental disabilities, the report shall 3244  
be made to a law enforcement agency or to the department. If the 3245  
report concerns any act or omission of an employee of a county 3246  
board of developmental disabilities, the report immediately shall 3247  
be made to the department and to the county board. 3248

(G)(1) Upon the receipt of a report concerning the possible 3249

abuse or neglect of a person with mental retardation or a 3250  
developmental disability, the law enforcement agency shall inform 3251  
the county board of developmental disabilities or, if the person 3252  
is a resident of a facility operated by the department of 3253  
developmental disabilities, the director of the department or the 3254  
director's designee. 3255

(2) On receipt of a report under this section that includes 3256  
an allegation of action or inaction that may constitute a crime 3257  
under federal law or the law of this state, the department of 3258  
developmental disabilities shall notify the law enforcement 3259  
agency. 3260

(3) When a county board of developmental disabilities 3261  
receives a report under this section that includes an allegation 3262  
of action or inaction that may constitute a crime under federal 3263  
law or the law of this state, the superintendent of the board or 3264  
an individual the superintendent designates under division (H) of 3265  
this section shall notify the law enforcement agency. The 3266  
superintendent or individual shall notify the department of 3267  
developmental disabilities when it receives any report under this 3268  
section. 3269

(4) When a county board of developmental disabilities 3270  
receives a report under this section and believes that the degree 3271  
of risk to the person is such that the report is an emergency, the 3272  
superintendent of the board or an employee of the board the 3273  
superintendent designates shall attempt a face-to-face contact 3274  
with the person with mental retardation or a developmental 3275  
disability who allegedly is the victim within one hour of the 3276  
board's receipt of the report. 3277

(H) The superintendent of the board may designate an 3278  
individual to be responsible for notifying the law enforcement 3279  
agency and the department when the county board receives a report 3280  
under this section. 3281

(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 3314  
its findings to the county board. 3315

(K) Any person or any hospital, institution, school, health 3316  
department, or agency participating in the making of reports 3317  
pursuant to this section, any person participating as a witness in 3318  
an administrative or judicial proceeding resulting from the 3319  
reports, or any person or governmental entity that discharges 3320  
responsibilities under sections 5126.31 to 5126.33 of the Revised 3321  
Code shall be immune from any civil or criminal liability that 3322  
might otherwise be incurred or imposed as a result of such actions 3323  
except liability for perjury, unless the person or governmental 3324  
entity has acted in bad faith or with malicious purpose. 3325

(L) No employer or any person with the authority to do so 3326  
shall discharge, demote, transfer, prepare a negative work 3327  
performance evaluation, reduce pay or benefits, terminate work 3328  
privileges, or take any other action detrimental to an employee or 3329  
retaliate against an employee as a result of the employee's having 3330  
made a report under this section. This division does not preclude 3331  
an employer or person with authority from taking action with 3332  
regard to an employee who has made a report under this section if 3333  
there is another reasonable basis for the action. 3334

(M) Reports made under this section are not public records as 3335  
defined in section 149.43 of the Revised Code. Information 3336  
contained in the reports on request shall be made available to the 3337  
person who is the subject of the report, to the person's legal 3338  
counsel, and to agencies authorized to receive information in the 3339  
report by the department or by a county board of developmental 3340  
disabilities. 3341

(N) Notwithstanding section 4731.22 of the Revised Code, the 3342  
physician-patient privilege shall not be a ground for excluding 3343  
evidence regarding the injuries or physical neglect of a person 3344  
with mental retardation or a developmental disability or the cause 3345

thereof in any judicial proceeding resulting from a report 3346  
submitted pursuant to this section. 3347

**Section 5.** That the existing version of section 5123.61 of 3348  
the Revised Code that is scheduled to take effect October 1, 2012, 3349  
is hereby repealed. 3350

**Section 6.** Section 4 and 5 of this act take effect October 1, 3351  
2012. 3352