OHIO COUNSELOR, SOCIAL WORKER, & MARRIAGE AND FAMILY THERAPIST BOARD

Laws and Rules

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This document includes the Chapters of the Ohio Revised Code and Ohio Administrative Code relevant to the practice of Counseling, Social Work, and Marriage and Family Therapy. This is not an official version of the Ohio Revised Code or Ohio Administrative Code. This version of the Laws and Rules is formatted for readability.

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Ohio Revised Code Chapter 4757: COUNSELORS, SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS

4757.01 Counselor, social worker, and marriage and family therapist definitions.

As used in this chapter:

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

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

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

(D) "Accredited educational institution" means an institution accredited by a national or regional accrediting agency accepted by the board of regents.

(E) "Scope of practice" means the services, methods, and techniques in which and the areas for which a person licensed or registered under this chapter is trained and qualified.

(F) "Mental and emotional disorders" means those disorders that are classified in accepted nosologies such as the international classification of diseases and the diagnostic and statistical manual of mental disorders and in future editions of those nosologies.

(G) "Marriage and family therapy" means the diagnosis, evaluation, assessment, counseling, management and treatment of mental and emotional disorders, whether cognitive, affective, or behavioral, within the context of marriage and family systems, through the professional application of marriage and family therapies and techniques.

(H) "Practice of marriage and family therapy" means the diagnosis, treatment, evaluation, assessment, counseling, and management, of mental and emotional disorders, whether cognitive, affective or behavioral, within the context of marriage and family systems, to individuals, couples, and families, singly or in groups, whether those services are offered directly to the general public or through public or private organizations, for a fee, salary or other consideration through the professional application of marriage and family theories, therapies, and techniques, including, but not limited to psychotherapeutic theories, therapies and techniques that marriage and family therapists are educated and trained to perform.

(I) "Social functioning" means living up to the expectations that are made of an individual by the individual's own self, the immediate social environment, and by society at large. "Social functioning" includes meeting basic needs of the individual and the individual's dependents, including physical aspects, personal fulfillment, emotional needs, and an adequate self-concept.

Amended by 130th General Assembly File No. TBD, HB 232, §1, eff. 7/10/2014.
Effective Date: 2002 HB374 04-07-2003; 2008 HB427 04-07-2009

4757.02 Unauthorized practice.

(A) Except as provided in division (C) of this section and section 4757.41 of the Revised Code:

(1) No person shall engage in or claim to the public to be engaging in the practice of professional counseling for a fee, salary, or other consideration unless the person is currently licensed under this chapter as a licensed professional clinical counselor or licensed professional counselor.

(2) No person shall practice or claim to the public to be practicing social work for a fee, salary, or other consideration unless the person is currently licensed under this chapter as an independent social worker or a social worker.

(3) No person shall claim to the public to be a social work assistant unless the person is currently registered under this chapter as a social work assistant.

(4) No person shall engage in the practice of marriage and family therapy or claim to the public to be engaging in the practice of marriage and family therapy unless the person is currently licensed under this chapter as a marriage and family therapist.

(B)

(1) No person shall use the title "licensed professional clinical counselor," "licensed professional counselor," or any other title or description incorporating the word "counselor" or any initials used to identify persons acting in those capacities unless currently authorized under this chapter by licensure to act in the capacity indicated by the title or initials.

(2) No person shall use the title "social worker," "independent social worker," "social work assistant," or any other title or description incorporating the words "social worker" or any initials used to identify persons acting in those capacities unless the person is currently authorized by licensure or registration under this chapter to act in the capacity indicated by the title or initials.

(3) No person shall use the title "marriage and family therapist" or any initials used to identify persons acting in that capacity unless the person is currently authorized by licensure under this chapter to act in the capacity indicated by the title or initials.

(C)

(1) Divisions (A)(1) to (3) of this section do not apply to the practice of marriage and family therapy by a person holding a valid license or temporary license as a marriage and family therapist or independent marriage and family therapist under this chapter.

(2) Division (A)(4) of this section does not apply to the following persons licensed or registered under this chapter: licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, and social work assistants.

Amended by 130th General Assembly File No. TBD, HB 232, §1, eff. 7/10/2014.
Effective Date: 03-18-1997; 2002 HB374 04-07-2003

4757.03 Counselor, social worker, and marriage and family therapist board.

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

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

(2) Four members shall be individuals licensed under this chapter as independent marriage and family therapists or marriage and family therapists. At all times, the marriage and family therapist membership shall include one educator who holds a teaching position in a master's degree marriage and family therapy program at an accredited educational institution recognized by the board.

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

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

(B) Both of the following apply to each member specified in divisions (A)(1), (2), and (3) of this section:

(1) During the five years preceding appointment to the board, the member shall have actively engaged in the practice of the member's profession. A member holding a teaching position shall have actively engaged in the practice of the member's profession by conducting research in the member's profession or by educating and training master's, doctoral, or postdoctoral students in the member's profession, as applicable.

(2) During the two years immediately preceding appointment, the member shall have devoted the majority of their professional time to the activity described in division (B)(1) of this section while residing in this state.

(C) At least three members, one from each of the board's professional standards committees, during the five years preceding appointment, shall have practiced at a public agency or at an organization that is certified or licensed by the department of developmental disabilities, the department of alcohol and drug addiction services, the department of job and family services, or the department of mental health.

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

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

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

(G) A member shall hold office from the date of appointment until the end of the term for which the member was appointed. A member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term. A member shall continue in office after the expiration date of the member's term until a successor takes office . Members may be reappointed, except that if a person has held office for two consecutive full terms, the person shall not be reappointed to the board sooner than one year after the expiration of the second full term as a member of the board.

Amended by 130th General Assembly File No. TBD, HB 232, §1, eff. 7/10/2014.
Effective Date: 2002 HB374 04-07-2003

4757.04 Professional standards committees.

Within the counselor, social worker, and marriage and family therapist board, there is hereby created the counselors professional standards committee, the social workers professional standards committee, and the marriage and family therapist professional standards committee.

The counselors professional standards committee consists of the board's licensed professional clinical counselor and licensed professional counselor members and one of the members representing the public who is not the member representing the public on the marriage and family therapist professional standards committee or the social workers professional standards committee. The committee has full authority to act on behalf of the board on all matters concerning professional clinical counselors and professional counselors.

The social workers professional standards committee consists of the board's independent social worker and social worker members and one of the members representing the public who is not the member representing the public on the counselors professional standards committee or the marriage and family therapist professional standards committee. The committee has full authority to act on behalf of the board on all matters concerning independent social workers, social workers, and social work assistants.

The marriage and family therapist professional standards committee consists of the board's marriage and family therapists and one of the members representing the public who is not the member representing the public on the counselors professional standards committee or the social workers professional standards committee. The committee has full authority to act on behalf of the board on all matters concerning independent marriage and family therapists and marriage and family therapists.

Amended by 130th General Assembly File No. TBD, HB 232, §1, eff. 7/10/2014.
Effective Date: 2002 HB374 04-07-2003; 2008 HB427 04-07-2009

4757.05 Organization of board.

(A) The counselor, social worker, and marriage and family therapist board shall meet as a whole to discuss and review issues regarding personnel, budgetary matters, administration, and any other matter pertaining to the operation of the entire board. The board shall hold at least one regular meeting every three months. Additional meetings may be held at such times as the board determines, upon call of the chairperson, or upon the written request of four or more members of the board to the executive director. If four or more members so request a meeting, the executive director shall call a meeting to commence in not more than seven days. Eight members of the board constitute a quorum to conduct business. Except as provided in section 4757.39 of the Revised Code, no action shall be taken without the concurrence of at least a quorum. The counselors professional standards committee, the social workers professional standards committee, and the marriage and family therapist professional standards committee shall meet as necessary to fulfill their duties established by this chapter and the rules adopted under it. Three members of a committee constitute a quorum for that committee to conduct business. No action shall be taken without the concurrence of at least a quorum.

(B) At its first meeting each year, the board shall elect a chairperson from among its members. At the first meeting held each year by the board's professional standards committees, each committee shall elect from among its members a chairperson. The chairpersons of the committees shall serve as co-vice-chairpersons of the board. Neither the board nor its committees shall elect a member to serve more than two consecutive terms in the same office.

(C) The board shall employ an executive director. The board may employ and prescribe the powers and duties of such employees and consultants as are necessary for it and its professional standards committees to carry out this chapter and rules adopted under it.

(D) The members of the board shall receive an amount fixed under division (J) of section 124.15 of the Revised Code for each day employed in the discharge of their official duties as board or committee members and shall be reimbursed for their necessary and actual expenses incurred in the performance of their official duties.

(E) The board and each of its professional standards committees shall keep any records and minutes necessary to fulfill the duties established by this chapter and the rules adopted under it.

Effective Date: 2002 HB374 04-07-2003

4757.06 Seal - evidence of registration.

The counselor, social worker, and marriage and family therapist board shall adopt a seal to authenticate its records and proceedings. Each of the board's professional standards committees shall use the seal to authenticate its records and proceedings. A statement, signed by the executive director of the board to which is affixed the official seal of the board, to the effect that a person specified in the statement is not

currently licensed or registered under this chapter or that a license or certificate of registration has been revoked or suspended, shall be received as prima-facie evidence of a record of the board in any court or before any officer of the state.

Effective Date: 2002 HB374 04-07-2003

4757.07 Prohibiting discrimination.

The counselor, social worker, and marriage and family therapist board and its professional standards committees shall not discriminate against any licensee, registrant, or applicant for a license or certificate of registration under this chapter because of the person's race, color, religion, sex, national origin, disability as defined in section 4112.01 of the Revised Code, or age. The board or committee, as appropriate, shall afford a hearing to any person who files with the board or committee a statement alleging discrimination based on any of those reasons.

Effective Date: 2002 HB374 04-07-2003
4757.08 [Repealed].
Effective Date: 03-18-1997
4757.09 Amended and Renumbered RC 4757.28.
Effective Date: 03-18-1997
4757.10 Administrative rules.

The counselor, social worker, and marriage and family therapist board may adopt any rules necessary to carry out this chapter.

The board shall adopt rules that do all of the following:

(A) Concern intervention for and treatment of any impaired person holding a license or certificate of registration issued under this chapter;

(B) Establish standards for training and experience of supervisors described in division (C) of section 4757.30 of the Revised Code;

(C) Define the requirement that an applicant be of good moral character in order to be licensed or registered under this chapter;

(D) Establish requirements for criminal records checks of applicants under section 4776.03 of the Revised Code;

(E) Establish a graduated system of fines based on the scope and severity of violations and the history of compliance, not to exceed five hundred dollars per incident, that any professional standards committee of the board may charge for a disciplinary violation described in section 4757.36 of the Revised Code;

(F) Establish the amount and content of corrective action courses required by the board under section 4755.36 of the Revised Code;

(G) Provide for voluntary registration of all of the following:

(1) Master's level counselor trainees enrolled in practice and internships;

(2) Master's level social worker trainees enrolled in fieldwork, practice, and internships;

(3) Master's level marriage and family therapist trainees enrolled in practice and internships.

Rules adopted under division (G) of this section shall not require a trainee to register with the board, and if a trainee has not registered, shall prohibit any adverse effect with respect to a trainee's application for licensure by the board.

All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. When it adopts rules under this section or any other section of this chapter, the board may consider standards established by any national association or other organization representing the interests of those involved in professional counseling, social work, or marriage and family therapy.

Amended by 130th General Assembly File No. TBD, HB 232, §1, eff. 7/10/2014.
Amended by 129th General AssemblyFile No.169, HB 247, §1, eff. 3/22/2013.
Amended by 128th General AssemblyFile No.9, HB 1, §101.01, eff. 10/16/2009.
Effective Date: 2002 HB374 04-07-2003; 2007 HB104 03-24-2008

4757.101 License applicant to comply with RC Chapter 4776.

(A) As used in this section, "license" and "applicant for an initial license" have the same meanings as in section 4776.01 of the Revised Code, except that "license" as used in both of those terms refers to the types of authorizations otherwise issued or conferred under this chapter.

(B) In addition to any other eligibility requirement set forth in this chapter, each applicant for an initial license shall comply with sections 4776.01 to 4776.04 of the Revised Code. The counselor, social worker, and marriage and family therapist board shall not grant a license to an applicant for an initial license unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code and the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4757.22 , 4757.23 , 4757.27 , 4757.28 , 4757.29 , 4757.30 , or 4757.301 of the Revised Code.

Effective Date: 2007 HB104 03-24-2008

4757.11 Establishing code of ethical practice.

The counselor, social worker, and marriage and family therapist board shall establish a code of ethical practice for persons licensed under this chapter as licensed professional clinical counselors or licensed professional counselors. The board shall establish a code of ethical practice for persons licensed under this chapter as independent social workers or social workers, persons registered under this chapter as social work assistants, and persons licensed as independent marriage and family therapists or marriage and family therapists. The codes of ethical practice shall be established by adopting rules in accordance with Chapter 119. of the Revised Code. The codes of ethical practice shall define unprofessional conduct, which shall include engaging in a dual relationship with a client or former client, committing an act of sexual abuse, misconduct, or exploitation of a client or former client, and, except as permitted by law, violating client confidentiality. The codes of ethical practice may be based on any codes of ethical practice developed by national organizations representing the interests of those involved in professional counseling, social work, or marriage and family therapy. The board may establish standards in its codes of ethical practice that are more stringent than those established by national organizations.

Amended by 130th General Assembly File No. TBD, HB 232, §1, eff. 7/10/2014.
Effective Date: 2002 HB374 04-07-2003
4757.12 [Repealed].
Repealed by 130th General Assembly File No. TBD, HB 232, §2, eff. 7/10/2014.
Effective Date: 2002 HB374 04-07-2003

4757.13 Prominent display of license.

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

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

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

Added by 130th General Assembly File No. TBD, HB 232, §1, eff. 7/10/2014.
4757.14 [Repealed].
Effective Date: 03-18-1997

4757.15 Examinations.

The counselor, social worker, and marriage and family therapist board shall prepare, cause to be prepared, or procure the use of, and grade, have graded, or procure the grading of, examinations to determine the competence of applicants for licensure under this chapter. The board may administer separate examinations to reflect differences in educational degrees earned by applicants. The board may develop the examinations or use examinations prepared by state or national organizations that represent the interests of those involved in professional counseling, social work, or marriage and family therapy. The board shall conduct examinations at least twice each year and shall determine the level of competence necessary for a passing score.

Effective Date: 2002 HB374 04-07-2003

4757.16 Applying for license or registration.

(A) A person seeking to be licensed under this chapter as a licensed professional clinical counselor or licensed professional counselor shall file with the counselors professional standards committee of the counselor, social worker, and marriage and family therapist board a written application on a form prescribed by the board. A person seeking to be licensed under this chapter as an independent social worker or social worker or registered under this chapter as a social work assistant shall file with the social workers professional standards committee of the board a written application on a form prescribed by the board. A person seeking to be licensed under this chapter as an independent marriage and family therapist or a marriage and family therapist shall file with the marriage and family therapist professional standards committee of the board a written application on a form prescribed by the board.

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

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

Amended by 130th General Assembly File No. TBD, HB 232, §1, eff. 7/10/2014.
Effective Date: 2002 HB374 04-07-2003

4757.17 Applicants receiving post-secondary degree from educational institution outside United States.

The professional standards committees of the counselor, social worker, and marriage and family therapist board shall review the applications of applicants for licensure or registration under this chapter who have received a post-secondary degree from an educational institution outside the United States. The committee reviewing the application shall determine whether the applicant's experience, command of the English language, and completed academic program meet the standards of an academic program of an accredited educational institution. If they do, the applicant shall be considered to have received the education from an accredited educational institution as required by this chapter and rules adopted under it.

Effective Date: 2002 HB374 04-07-2003

4757.18 Reciprocity.

The counselor, social worker, and marriage and family therapist board may enter into a reciprocal agreement with any state that regulates individuals practicing in the same capacities as those regulated under this chapter if the board finds that the state has requirements substantially equivalent to the requirements this state has for receipt of a license or certificate of registration under this chapter. In a reciprocal agreement, the board agrees to issue the appropriate license or certificate of registration to any resident of the other state whose practice is currently authorized by that state if that state's regulatory body agrees to authorize the appropriate practice of any resident of this state who holds a valid license or certificate of registration issued under this chapter. The professional standards committees of the board may, by endorsement, issue the appropriate license or certificate of registration to a resident of a state with which the board does not have a reciprocal agreement, if the person submits proof satisfactory to the committee of currently being licensed, certified, registered, or otherwise authorized to practice by that state.

Effective Date: 2002 HB374 04-07-2003

4757.19 Effect of child support default on license.

On receipt of a notice pursuant to section 3123.43 of the Revised Code, the counselor, social worker, and marriage and family therapist board shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license issued pursuant to this chapter.

Effective Date: 2002 HB374 04-07-2003

4757.21 Diagnosing and treatment of mental and emotional disorders.

A person licensed under this chapter to practice as a licensed professional clinical counselor or a licensed professional counselor may diagnose and treat mental and emotional disorders, except that a licensed professional counselor may do so only under the supervision of a psychologist, psychiatrist, licensed professional clinical counselor, independent marriage and family therapist, or independent social worker. A licensed professional clinical counselor or licensed professional counselor may engage in the private practice of professional counseling as an individual practitioner or as a member of a partnership or group practice.

Amended by 130th General Assembly File No. TBD, HB 232, §1, eff. 7/10/2014.

Effective Date: 03-18-1997; 2008 HB427 04-07-2009

4757.22 License to practice as professional clinical counselor.

(A) The counselors professional standards committee of the counselor, social worker, and marriage and family therapist board shall issue a license to practice as a licensed professional clinical counselor 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.

(B)

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

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

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

(c) The individual must complete a minimum of ninety quarter hours or sixty semester hours of graduate credit in counselor training acceptable to the committee, including instruction in the following areas:

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

(ii) Evaluation of mental and emotional disorders;

(iii) Diagnosis of mental and emotional disorders;

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

(d) The individual must complete, in either a private or clinical counseling setting, supervised experience in counseling that is of a type approved by the committee, is supervised by a licensed professional clinical counselor or other qualified professional approved by the committee, and is in the following amounts:

(i) In the case of an individual holding only a master's degree, not less than two years of experience, which must be completed after the award of the master's degree;

(ii) In the case of an individual holding a doctorate, not less than one year of experience, which must be completed after the award of the doctorate.

(e) The individual must pass a field evaluation that meets the following requirements:

(i) Has been completed by the applicant's instructors, employers, supervisors, or other persons determined by the committee to be competent to evaluate an individual's professional competence;

(ii) Includes documented evidence of the quality, scope, and nature of the applicant's experience and competence in diagnosing and treating mental and emotional disorders.

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

(2) To meet the requirement of division (B)(1)(b) of this section, a graduate degree in counseling obtained from a mental health counseling program in this state after January 1, 2018, must be from a clinical mental health counseling program, a clinical rehabilitation counseling program, or an addiction counseling program accredited by the council for accreditation of counseling and related educational programs.

(3) All of the following meet the educational requirements of division (B)(1)(c) of this section:

(a) A clinical mental health counseling program accredited by the council for accreditation of counseling and related educational programs;

(b) Until January 1, 2018, a mental health counseling program accredited by the council for accreditation of counseling and related educational programs;

(c) A graduate degree in counseling issued by another state from a clinical mental health counseling program, a clinical rehabilitation counseling program, or an addiction counseling program that is accredited by the council for accreditation of counseling and related educational programs;

(d) Any other accredited counseling programs accepted by the board in accordance with rules adopted under division (F)(3) of this section.

(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 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 to practice as a licensed 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 . The rules shall do all of the following:

(1) Establish criteria for the committee to use in determining whether an applicant's training should be accepted and supervised experience approved;

(2) Establish course content requirements for qualifying counseling degrees issued by institutions in other states from clinical mental health counseling programs, clinical rehabilitation counseling programs, and addiction counseling programs that are not accredited by the council for accreditation of counseling and related educational programs and for graduate degrees from other accredited counseling programs approved by the board in accordance with rules adopted under division (F)(3) of this section;

(3) For purposes of divisions (B)(2)(b) and (3) of this section, establish requirements for acceptance by the committee of accredited counseling programs.

Rules adopted under this division shall be adopted in accordance with Chapter 119. of the Revised Code.
Amended by 130th General Assembly File No. TBD, HB 232, §1, eff. 7/10/2014.
Effective Date: 2002 HB374 04-07-2003

4757.22 License to practice as professional clinical counselor.

(A) The counselors professional standards committee of the counselor, social worker, and marriage and family therapist board shall issue a license to practice as a licensed professional clinical counselor 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.

(B)

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

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

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

(c) The individual must complete a minimum of ninety quarter hours or sixty semester hours of graduate credit in counselor training acceptable to the committee, including instruction in the following areas:

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

(ii) Evaluation of mental and emotional disorders;

(iii) Diagnosis of mental and emotional disorders;

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

(d) The individual must complete, in either a private or clinical counseling setting, supervised experience in counseling that is of a type approved by the committee, is supervised by a licensed professional clinical counselor or other qualified professional approved by the committee, and is in the following amounts:

(i) In the case of an individual holding only a master's degree, not less than two years of experience, which must be completed after the award of the master's degree;

(ii) In the case of an individual holding a doctorate, not less than one year of experience, which must be completed after the award of the doctorate.

(e) The individual must pass a field evaluation that meets the following requirements:

(i) Has been completed by the applicant's instructors, employers, supervisors, or other persons determined by the committee to be competent to evaluate an individual's professional competence;

(ii) Includes documented evidence of the quality, scope, and nature of the applicant's experience and competence in diagnosing and treating mental and emotional disorders.

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

(2) To meet the requirement of division (B)(1)(b) of this section, a graduate degree in counseling obtained from a mental health counseling program in this state after January 1, 2018, must be from a clinical mental health counseling program, a clinical rehabilitation counseling program, or an addiction counseling program accredited by the council for accreditation of counseling and related educational programs.

(3) All of the following meet the educational requirements of division (B)(1)(c) of this section:

(a) A clinical mental health counseling program accredited by the council for accreditation of counseling and related educational programs;

(b) Until January 1, 2018, a mental health counseling program accredited by the council for accreditation of counseling and related educational programs;

(c) A graduate degree in counseling issued by another state from a clinical mental health counseling program, a clinical rehabilitation counseling program, or an addiction counseling program that is accredited by the council for accreditation of counseling and related educational programs;

(d) Any other accredited counseling programs accepted by the board in accordance with rules adopted under division (F)(3) of this section.

(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 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 to practice as a licensed 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 . The rules shall do all of the following:

(1) Establish criteria for the committee to use in determining whether an applicant's training should be accepted and supervised experience approved;

(2) Establish course content requirements for qualifying counseling degrees issued by institutions in other states from clinical mental health counseling programs, clinical rehabilitation counseling programs, and

addiction counseling programs that are not accredited by the council for accreditation of counseling and related educational programs and for graduate degrees from other accredited counseling programs approved by the board in accordance with rules adopted under division (F)(3) of this section;

(3) For purposes of divisions (B)(2)(b) and (3) of this section, establish requirements for acceptance by the committee of accredited counseling programs.

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

Amended by 130th General Assembly File No. TBD, HB 232, §1, eff. 7/10/2014.

Effective Date: 2002 HB374 04-07-2003

4757.23 License as a professional counselor.

(A) The counselors professional standards committee of the counselor, social worker, and marriage and family therapist board shall issue a license as a licensed professional counselor 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 established under division (B) of this section.

(B)

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

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

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

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

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

(ii) Evaluation of mental and emotional disorders;

(iii) Diagnosis of mental and emotional disorders;

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

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

(2) To meet the requirement of division (B)(1)(b) of this section, a graduate degree in counseling obtained from a mental health counseling program in this state after January 1, 2018, must be from a clinical mental health counseling program, clinical rehabilitation counseling program, or addiction counseling program accredited by the council for accreditation of counseling and related educational programs.

(3) All of the following meet the educational requirements of division (B)(1)(c) of this section:

(a) A clinical mental health counseling program accredited by the council for accreditation of counseling and related educational programs;

(b) Until January 1, 2018, a mental health counseling program accredited by the council for accreditation of counseling and related educational programs;

(c) A graduate degree in counseling issued by an institution in another state from a clinical mental health counseling program, a clinical rehabilitation counseling program, or an addiction counseling program that is accredited by the council for accreditation of counseling and related educational programs;

(d) Any other accredited counseling programs accepted by the board in accordance with rules adopted under division (F)(3) of this section.

(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 temporary license to practice as a licensed professional counselor to an applicant who meets all of the requirements to be licensed under this section as follows:

(1) Pending the receipt of transcripts or action by the committee to issue a license as a licensed professional counselor;

(2) For a period not to exceed ninety days, to an applicant who provides the board with a statement from the applicant's academic institution indicating that the applicant has met the academic requirements for the applicant's degree and the projected date the applicant will receive the applicant's transcript showing a conferred degree.

On application to the committee, a temporary license issued under division (D)(2) of this section may be renewed for good cause shown.

(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 . The rules shall do all of the following:

(1) Establish criteria for the committee to use in determining whether an applicant's training should be accepted and supervised experience approved;

(2) Establish course content requirements for qualifying counseling degrees issued by institutions in other states from clinical mental health counseling programs, clinical rehabilitation counseling programs, and addiction counseling programs that are not accredited by the council for accreditation of counseling and related educational programs and for graduate degrees from other accredited counseling programs accepted by the board in accordance with rules adopted under division (F)(3) of this section;

(3) For purposes of divisions (B)(2)(b) and (3) of this section, establish requirements for acceptance by the committee of accredited counseling programs.

Rules adopted under this division shall be adopted in accordance with Chapter 119. of the Revised Code.
Amended by 130th General Assembly File No. TBD, HB 232, §1, eff. 7/10/2014.
Effective Date: 2002 HB374 04-07-2003

4757.26 Activities of independent social worker, social worker or social work assistant.

(A) A person licensed under this chapter to practice as an independent social worker or a social worker may diagnose and treat mental and emotional disorders, except that a social worker may do so only under the supervision of a psychologist, psychiatrist, licensed professional clinical counselor, independent marriage and family therapist, independent social worker, or registered nurse who holds a master's degree in psychiatric nursing.

(B) A person licensed under this chapter to practice as an independent social worker may engage in the private practice of social work as an individual practitioner or as a member of a partnership or group practice.

(C) A person licensed under this chapter to practice as a social worker shall not engage in the private practice of social work as an individual practitioner or as a member of a partnership or group practice. A social worker shall not engage in the practice of social work as an employee of a private individual, partnership, or group practitioner of social work unless the social worker is supervised by a psychologist, psychiatrist, licensed professional clinical counselor, independent marriage and family therapist, independent social worker, or registered nurse who holds a master's degree in psychiatric nursing.

(D) A person who receives a certificate of registration to practice as a social work assistant is not authorized to engage in the practice of social work. A social work assistant, under the direct supervision of a psychologist, psychiatrist, licensed professional clinical counselor, licensed professional counselor, independent marriage and family therapist, independent social worker, social worker, or registered nurse who holds a master's degree in psychiatric nursing, may provide human, social, and community services

that include intake assessment and referral, screening, crisis intervention and resolution, community support, case management and outreach, record keeping, social assessment, visual observation of an individual in the individual's environment, assistance in facilitation with groups and families, advocacy, and orientation, education, and prevention services.

Amended by 130th General Assembly File No. TBD, HB 232, §1, eff. 7/10/2014.
Effective Date: 03-18-1997; 2008 HB427 04-07-2009

4757.27 License as independent social worker.

(A) The social workers professional standards committee of the counselor, social worker, and marriage and family therapist board shall issue a license as an independent 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. An independent social worker license shall clearly indicate each academic degree earned by the person to whom it has been issued.

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

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

(2) The individual must hold a master's degree in social work from an educational institution accredited by the council on social work education or an educational institution in candidacy for accreditation by the council.

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

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

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

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

Amended by 130th General Assembly File No. TBD, HB 232, §1, eff. 7/10/2014.
Effective Date: 2002 HB374 04-07-2003

4757.28 License as social worker.

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

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

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

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

(a) A baccalaureate degree in social work ;

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

(c) A doctorate in social work.

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

(C) The committee may issue a temporary license to practice as a social worker as follows:

(1) 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 ;

(2) For a period not to exceed ninety days, to an applicant who provides the board with a statement from the applicant's academic institution indicating that the applicant has met the academic requirements for the applicant's degree, and the projected date the applicant will receive the applicant's transcript showing a conferred degree.

On application to the committee, a temporary license issued under division (C)(2) of this section may be renewed for good cause shown.

(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.

Amended by 130th General Assembly File No. TBD, HB 232, §1, eff. 7/10/2014.
Effective Date: 2002 HB374 04-07-2003

4757.29 Certificate of registration as social work assistant.

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.

Amended by 130th General Assembly File No. TBD, HB 232, §1, eff. 7/10/2014.
Effective Date: 2002 HB374 04-07-2003

4757.30 License as marriage and family therapist.

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

(1) Properly completed an application for the license;

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

(3) Achieved one of the following:

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

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

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

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

(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:

(1) Research and evaluation;

(2) Professional, legal, and ethical responsibilities;

(3) Marriage and family studies;

(4) Marriage and family therapy, including therapeutic theory and techniques for individuals, groups, and families;

(5) Human development;

(6) Appraisal of individuals and families;

(7) Diagnosis of mental and emotional disorders;

(8) Systems theory.

(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:

(1) Meets all of the requirements of division (A) of this section;

(2) After meeting the requirements of division (A)(3) of this section, completes at least two calendar years of supervised training while engaged in the practice of marriage and family therapy.

The two years of supervised training must include two hundred hours of face-to-face supervision while completing a minimum of one thousand hours of documented client contact in marriage and family therapy. Of the required two hundred hours , a minimum of one hundred hours must be individual supervision. Supervision shall be performed by a supervisor whose training and experience meets standards established by the board in rules adopted under section 4757.10 of the Revised Code .

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

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

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

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

Amended by 130th General Assembly File No. TBD, HB 232, §1, eff. 7/10/2014.
Effective Date: 2002 HB374 04-07-2003; 2008 HB427 04-07-2009

4757.301 Temporary licensure as marriage and family therapist.

On receipt of an application for a license as a marriage and family therapist, the counselor, social worker, and marriage and family therapist board may issue a temporary license to an individual who qualifies under division (A) of section 4757.30 of the Revised Code for licensure as a marriage and family therapist or divisions (A) and (C) of section 4757.30 of the Revised Code for licensure as an independent marriage and family therapist, except that the individual is awaiting the next opportunity to take an examination required by the board under that division. The temporary license allows the holder to engage in the practice of independent marriage and family therapy or marriage and family therapy as appropriate and is valid from the date of issuance until the earlier of one year from that date, the date the applicant withdraws from taking the examination, the date the applicant is notified that the applicant failed the examination, or the date the applicant's license is issued under section 4757.30 of the Revised Code. A temporary license may not be renewed.

Effective Date: 2002 HB374 04-07-2003

4757.31 Fees - receipts and vouchers.

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

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

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

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

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

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

(6) Continuing education programs offered by the board to licensees or registrants;

(7) Approval of continuing education programs;

(8) Approval of continuing education providers to be authorized to offer continuing education programs without prior approval from the board for each program offered;

(9) Issuance of a replacement copy of any wall certificate issued by the board;

(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 under it.

(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.

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

Amended by 130th General Assembly File No. TBD, HB 232, §1, eff. 7/10/2014.
Amended by 129th General AssemblyFile No.28, HB 153, §101.01, eff. 9/29/2011.
Amended by 128th General AssemblyFile No.9, HB 1, §101.01, eff. 10/16/2009.
Effective Date: 2002 HB374 04-07-2003

4757.32 License renewals or restoration.

A license or certificate of registration issued under this chapter expires two years after it is issued and may be renewed in accordance with the standard renewal procedure established under Chapter 4745. of the Revised Code. Subject to section 4757.36 of the Revised Code, the staff of the appropriate professional standards committee of the counselor, social worker, and marriage and family therapist board shall, on behalf of each committee, issue a renewed license or certificate of registration to each applicant who has paid the renewal fee established by the board under section 4757.31 of the Revised Code and satisfied the continuing education requirements established by the board under section 4757.33 of the Revised Code. A license or certificate of registration that is not renewed lapses on its expiration date. A license or certificate of registration that has lapsed may be restored if the individual, not later than two years after the license or certificate expired, applies for restoration of the license or certificate. The staff of the appropriate professional standards committee shall issue a restored license or certificate of registration to the applicant if the applicant pays the renewal fee established under section 4757.31 of the Revised Code and satisfies the continuing education requirements established under section 4757.33 of the Revised Code for restoring the license or certificate of registration. The board and its professional standards committees shall not require a person to take an examination as a condition of having a lapsed license or certificate of registration restored.

Effective Date: 2002 HB374 04-07-2003

4757.321 Classification of license or registration as inactive.

(A) A person licensed or registered under this chapter may apply to the counselor, social worker, and marriage and family therapist board to have the person's license or registration classified as inactive. If a fee is charged under division (B) of this section, the person shall include the fee with the application. If the person's license or registration is in good standing and the person meets any other requirements established by the board in rules adopted under this section, the board shall classify the license or

registration as inactive. The inactive classification shall become effective on the date immediately following the date that the person's license or registration is scheduled to expire.

(B) The board may charge a fee for classifying a license or registration as inactive.

(C) During the period that a license or registration is classified as inactive, the person may not engage in the practice of professional counseling, social work, or marriage and family therapy, as applicable, in this state or make any representation to the public indicating that the person is actively licensed or registered under this chapter.

(D) A person whose license or registration has been classified as inactive may apply to the board to have the license or registration reactivated. The board shall reactivate the license or registration if the person meets the requirements established by the board in rules adopted under this section.

(E) The board's jurisdiction to take disciplinary action under this chapter is not removed or limited when a license or registration is classified as inactive under this section.

(F) The board shall adopt rules as necessary for classifying a license or registration as inactive and reactivating an inactive license or registration. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

(G) This section does not apply to registration of master's level counselor trainees, social worker trainees, marriage and family therapist trainees, or continuing education providers.

Added by 130th General Assembly File No. TBD, HB 232, §1, eff. 7/10/2014.

4757.33 Continuing education.

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

The professional standards committees of the counselor, social worker, and marriage and family therapist board shall adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures to be followed by the committees in conducting the continuing education approval process,

which shall include registering individuals and entities to provide continuing education programs approved by the board.

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

Amended by 130th General Assembly File No. TBD, HB 232, §1, eff. 7/10/2014.
Effective Date: 2002 HB374 04-07-2003

4757.34 Domestic violence training.

The counselor, social worker, and marriage and family therapist board shall approve one or more continuing education courses of study that assist social workers, independent social workers, social work assistants, independent marriage and family therapists, marriage and family therapists, licensed professional clinical counselors, and licensed professional counselors in recognizing the signs of domestic violence and its relationship to child abuse. Social workers, independent social workers, social work assistants, independent marriage and family therapists, marriage and family therapists, licensed professional clinical counselors, and licensed professional counselors are not required to take the courses.

Amended by 130th General Assembly File No. TBD, HB 232, §1, eff. 7/10/2014.
Effective Date: 2002 HB374 04-07-2003

4757.36 Disciplinary actions.

(A) The appropriate professional standards committee of the counselor, social worker, and marriage and family therapist board may, in accordance with Chapter 119. of the Revised Code, take any action specified in division (B) of this section for any reason described in division (C) of this section against an individual who has applied for or holds a license issued under this chapter; a master's level counselor trainee, social worker trainee, or marriage and family therapist trainee; or an individual or entity that is registered, or has applied for registration, in accordance with rules adopted under section 4757.33 of the Revised Code to provide continuing education programs approved by the board.

(B) In its imposition of sanctions against an individual or entity specified in division (A) of this section, the board may do any of the following:

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

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

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

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

(5) Require an individual holding a license or certificate of registration to take corrective action courses.

(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:

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

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

(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;

(4) A failure to comply with section 4757.13 of the Revised Code;

(5) A conviction in this or any other state of a crime that is a felony in this state;

(6) A failure to perform properly as a licensed professional clinical counselor, licensed 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;

(7) A conviction in this state or in any other state of a misdemeanor committed in the course of practice as a licensed professional clinical counselor, licensed professional counselor, independent marriage and family therapist, marriage and family therapist, social work assistant, social worker, or independent social worker;

(8) Practicing outside the scope of practice applicable to that person;

(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;

(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;

(11) Revocation or suspension of a license or certificate of registration, other disciplinary action against a license holder or registration, 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.

(D) A disciplinary action under division (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the appropriate professional standards committee may enter into a consent agreement with an individual or entity specified in division (A) of this section to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by the appropriate professional standards committee, constitutes the findings and order of the board with respect to the matter addressed in the agreement. If a committee refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement are of no force or effect.

(E) In any instance in which a professional standards committee of the board is required by Chapter 119. of the Revised Code to give notice of the opportunity for a hearing and the individual or entity subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the committee may adopt a final order that contains the board's findings. In that final order, the committee may order any of the sanctions identified in division (B) of this section.

(F) 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 approve or deny an application for reinstatement. If a license has been suspended or revoked, the committee may require an examination for reinstatement.

(G) 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.

(H) 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.

Amended by 130th General Assembly File No. TBD, HB 232, §1, eff. 7/10/2014.
Amended by 129th General Assembly File No.169, HB 247, §1, eff. 3/22/2013.
Amended by 128th General Assembly File No.9, HB 1, §101.01, eff. 10/16/2009.
Effective Date: 2002 HB374 04-07-2003; 2008 HB427 04-07-2009

4757.361 Suspension of license.

(A) As used in this section, with regard to offenses committed in Ohio, "aggravated murder," "murder," "voluntary manslaughter," "felonious assault," "kidnapping," "rape," "sexual battery," "gross sexual imposition," "aggravated arson," "aggravated robbery," and "aggravated burglary" mean such offenses as

defined in Title XXIX [29] of the Revised Code; with regard to offenses committed in other jurisdictions, the terms mean offenses comparable to offenses defined in Title XXIX [29] of the Revised Code.

(B) When there is clear and convincing evidence that continued practice by an individual licensed under this chapter presents a danger of immediate and serious harm to the public, as determined on consideration of the evidence by the professional standards committees of the counselor, social worker, and marriage and family therapist board, the appropriate committee shall impose on the individual a summary suspension without a hearing. Immediately following the decision to impose a summary suspension, the appropriate committee shall issue a written order of suspension and cause it to be delivered by certified mail or in person in accordance with section 119.07 of the Revised Code. The order shall not be subject to suspension by the court during the pendency of any appeal filed under section 119.12 of the Revised Code. If the individual subject to the suspension requests an adjudication, the date set for the adjudication shall be within fifteen days but not earlier than seven days after the individual makes the request, unless another date is agreed to by both the individual and the committee imposing the suspension. The summary suspension shall remain in effect, unless reversed by the committee, until a final adjudication order issued by the committee pursuant to this section and Chapter 119. of the Revised Code becomes effective. The committee shall issue its final adjudication order within ninety days after completion of the adjudication. If the committee does not issue a final order within the ninety-day period, the summary suspension shall be void, but any final adjudication order issued subsequent to the ninety-day period shall not be affected.

(C) The license issued to an individual under this chapter is automatically suspended on that individual's conviction of, plea of guilty to, or judicial finding with regard to any of the following: aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. The suspension shall remain in effect from the date of the conviction, plea, or finding until an adjudication is held under Chapter 119. of the Revised Code. If the appropriate committee has knowledge that an automatic suspension has occurred, it shall notify the individual subject to the suspension. If the individual is notified and either fails to request an adjudication within the time periods established by Chapter 119. of the Revised Code or fails to participate in the adjudication, the committee shall enter a final order permanently revoking the person's license or certificate.

Effective Date: 2002 HB374 04-07-2003

4757.37 Rendering of services as business entity.

(A) 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 professional counseling, social work, or marriage and family therapy may render the professional services of a licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist within this state through a corporation

formed under division (B) of section 1701.03 of the Revised Code, a limited liability company formed under Chapter 1705. of the Revised Code, a partnership, or a professional association formed under Chapter 1785. of the Revised Code. This division does not preclude such an individual from rendering professional services as a licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist through another form of business entity, including, but not limited to, a nonprofit corporation or foundation, or in another manner that is authorized by or in accordance with this chapter, another chapter of the Revised Code, or rules of the counselor, social worker, and marriage and family therapist board adopted pursuant to this chapter.

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

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

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

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

(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;

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

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

(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) Licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, or marriage and family therapists who are authorized for their respective practices under this chapter.

This division applies notwithstanding a provision of a code of ethics applicable to an individual who is a licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist that prohibits the individual from engaging in the individual's practice 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, 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 professional counseling, social work, or marriage and family therapy.

Added by 130th General Assembly File No. TBD, HB 232, §1, eff. 7/10/2014.

4757.38 Conduct of investigations.

(A) The counselor, social worker, and marriage and family therapist board shall investigate alleged violations of this chapter or the rules adopted under it and alleged irregularities in the delivery of services related to professional counseling, social work, or marriage and family therapy by persons licensed or registered under this chapter. As part of its conduct of an investigation, the board may issue subpoenas, examine witnesses, and administer oaths.

(B) All of the following apply under this chapter with respect to the confidentiality of information:

(1) Information received by the board pursuant to a complaint or an investigation is confidential and not subject to discovery in any civil action, except that the board may disclose information to law enforcement officers and government entities for purposes of an investigation of either an individual who holds a license or certificate of registration issued under this chapter or an individual or entity that may have engaged in the unauthorized practice of professional counseling, social work, or marriage and family therapy. No law enforcement officer or government entity with knowledge of any information disclosed by the board pursuant to this division shall divulge the information to any other person or government entity except for the purpose of a government investigation, a prosecution, or an adjudication by a court or government entity.

(2) If an investigation requires a review of patient records, the investigation and proceeding shall be conducted in such a manner as to protect patient confidentiality.

(3) All adjudications and investigations of the board are civil actions for the purposes of section 2305.252 of the Revised Code.

(4) Any board activity that involves continued monitoring of an individual as part of or following any disciplinary action taken under section 4755.36 of the Revised Code shall be conducted in a manner that

maintains the individual's confidentiality. Information received or maintained by the board with respect to the board's monitoring activities is not subject to discovery in any civil action and is confidential, except that the board may disclose information to law enforcement officers and government entities for purposes of an investigation of an individual holding a license or certificate of registration issued under this chapter.

(C) The board may receive any information necessary to conduct an investigation under this section. If the board is investigating the provision of services to a couple or group, it is not necessary for both members of the couple or all members of the group to consent to the release of information relevant to the investigation.

(D) The board shall ensure that all records it holds pertaining to an investigation remain confidential. The board shall adopt rules establishing procedures to be followed in maintaining the confidentiality of its investigative records. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

Amended by 130th General Assembly File No. TBD, HB 232, §1, eff. 7/10/2014.
Effective Date: 2002 HB374 04-07-2003

4757.39 Single board member to conduct hearing.

For any hearing it is authorized to conduct under this chapter, the board may appoint one of its members to act on behalf of the board. The board shall make such appointments in writing. It is not necessary for a member to be an attorney to be appointed. A finding or order of a member appointed to act on behalf of the board is a finding or order of the board when confirmed by the board.

Effective Date: 03-18-1997

4757.40 Injunctions.

In addition to any other remedies provided by law, the counselor and social worker board may apply to an appropriate court for an order enjoining the violation of any provision of this chapter, and on a showing that any person has violated or is about to violate any provision of this chapter, the court shall grant an order enjoining the violation.

Effective Date: 10-05-2000

4757.41 Exemptions.

(A) This chapter shall not apply to the following:

(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 who is not licensed under this chapter as a licensed professional clinical counselor, licensed professional counselor, independent social worker, or social worker and is employed in the civil service as defined in section 124.01 of the Revised Code while engaging in professional counseling or social work as a civil service employee, if on the effective date of this amendment the person has at least two years of service in that capacity;

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

(7) Individuals who hold a license or certificate under Chapter 4758. of the Revised Code who are acting within the scope of their license or certificate as members of the profession of chemical dependency counseling or alcohol and other drug prevention services;

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

(9) Members of labor organizations who hold union counselor certificates while performing services in their official capacity as union counselors;

(10) Any person employed in a hospital as defined in section 3727.01 of the Revised Code or in a nursing home as defined in section 3721.01 of the Revised Code while providing as a hospital employee or nursing home employee, respectively, social services other than counseling and the use of psychosocial interventions and social psychotherapy;

(11) A vocational rehabilitation professional who is providing rehabilitation services to individuals under section 3304.17 of the Revised Code, or holds certification by the commission on rehabilitation counselor certification and is providing rehabilitation counseling services consistent with the commission's standards;

(12) A caseworker not licensed under this chapter as an independent social worker or social worker who is employed by a public children services agency under section 5153.112 of the Revised Code.

(B) Divisions (A)(5) and (10) of this section do not prevent a person described in those divisions from obtaining a license or certificate of registration under this chapter.

(C) [See 130th General Assembly File No. TBD, HB 232, §3] Except as provided in divisions (A) and (D) of this section, no employee in the service of the state, including public employees as defined by Chapter 4117. of the Revised Code, shall engage in the practice of professional counseling, social work, or marriage and family therapy without the appropriate license issued by the board. Failure to comply with this division constitutes nonfeasance under section 124.34 of the Revised Code or just cause under a collective bargaining agreement. Nothing in this division restricts the director of administrative services from developing new classifications related to this division or from reassigning affected employees to appropriate classifications based on the employee's duties and qualifications.

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

(E) Nothing in this chapter prevents a public children services agency from employing as a caseworker a person not licensed under this chapter as an independent social worker or social worker who has the qualifications specified in section 5153.112 of the Revised Code.

Amended by 130th General Assembly File No. TBD, HB 232, §1, eff. 7/10/2014.
Amended by 129th General Assembly File No.161, HB 284, §1, eff. 3/22/2013.
Effective Date: 04-07-2003

4757.42 Prohibiting practice of psychology.

Except as otherwise expressly provided in this chapter, nothing in this chapter shall be construed as authorizing any person to engage in the practice of psychology as defined in division (B) of section 4732.01 of the Revised Code.

Amended by 130th General Assembly File No. 51, HB 83, §1, eff. 3/20/2014.
Effective Date: 03-18-1997

4757.43 No authorization for hospital admission.

Nothing in this chapter or the rules adopted under it shall be construed as authorizing a licensed professional clinical counselor, licensed professional counselor, independent marriage and family therapist, marriage and family therapist, independent social worker, social worker, or social work assistant to admit a patient to a hospital or as requiring a hospital to allow any of those individuals to admit a patient.

Amended by 130th General Assembly File No. TBD, HB 232, §1, eff. 7/10/2014.
Effective Date: 2002 HB374 04-07-2003

4757.44 Mental health professional - immunity.

For the purposes of section 2305.51 of the Revised Code, a person who holds a license issued under this chapter is a mental health professional. A license holder is not liable in damages in a civil action, and shall not be subject to disciplinary action by the counselor, social worker, and marriage and family therapist board, for disclosing any confidential information about a client that is disclosed for the purposes of section 2305.51 of the Revised Code.

Effective Date: 2002 HB374 04-07-2003

4757.45 Compliance with law regarding sanctions for human trafficking.

The counselor, social worker, and marriage and family therapist board shall comply with section 4776.20 of the Revised Code.

Added by 129th General AssemblyFile No.169, HB 247, §1, eff. 3/22/2013.

4757.99 Penalty.

Whoever violates section 4757.02 of the Revised Code is guilty of a misdemeanor of the fourth degree on a first offense; on each subsequent offense, such person is guilty of a misdemeanor of the third degree.

Effective Date: 03-18-1997

Ohio Administrative Code Chapter 4757-1 General Provisions

4757-1-01 Adoption of rules and methods of public notice.

(A) The procedure of the board for giving public notice for the adoption, amendment, or rescission of its rules shall be pursuant to section 119.03 of the Revised Code. The board shall provide a copy of a notice to any person who requests a copy in writing and who pays a reasonable fee, not to exceed the cost of copying and mailing.

(B) The board shall give public notice at least thirty days prior to the date set for the public hearing by filing its rules and public notices in the register of Ohio and on its web site. Such notice shall include:

(1) A statement of the board's intention to consider adoption, amendment, or rescission of a rule; and,

(2) A synopsis of the proposed rule, amendment, or rescission, or a statement of the general subject matter to which the proposed rule, amendment, or rescission relates;

(3) A statement of the reason or purpose for adoption, amendment or rescission of the rule;

(4) The date, time, and place of the hearing on the proposed action.

(C) Prior to the effective date of the rule, amendment, or rescission, the board will have available for distribution to those requesting it a copy of the full text of rule, as adopted, amended, or rescinded at a cost not to exceed copying and mailing and a free download on its web site.

(D) The board shall complete the common sense initiative process for proposed rules and rule changes as required by section 107.53 of the Revised Code and as promulgated by that office prior to filing rules with the legislative service commission.

Effective: 01/01/2013
R.C. 119.032 review dates: 10/12/2012 and 12/17/2017
Promulgated Under: 119.03
Statutory Authority: 4757.10
Rule Amplifies: 4757.10
Prior Effective Dates: 6-11-85 (Emer.); 9-19-85 (Emer.); 12-19-85; 7-3-97; 9-20-02; 9-20-07

4757-1-02 Notice of board meetings.

(A) Any person may ascertain the time and place of all regularly scheduled meetings of the counselor, social worker, and marriage and family therapist board, and its professional standards committees and the time, place, and purpose of all special meetings of the board or its professional standards committees by any one of the following methods:

(1) Calling the board office by telephone during normal business hours.

(2) Contacting the board office in person during normal business hours.

(3) Any person or organization that makes a written request for such notification and provides the board with a self-addressed business-size envelope.

(4) The meetings are listed on the board's web site http://cswmft.ohio.gov.

(B) Any person or organization who makes written request for routine notification of all regularly scheduled and special meetings of the counselor, social worker, and marriage and family therapist board and its professional standards committees and that provides the board with self-addressed business sized envelopes, shall receive notice of all such board meetings for a twelve-month period. After twelve months, such notification shall cease, unless the request is renewed in the manner set forth in this paragraph.

(1) Notices shall be mailed at least seven calendar days prior to any regularly scheduled meeting, and at least four calendar days prior to any special meeting, unless the meeting is an emergency meeting. Notices of special meetings shall include the type of business to be discussed.

(2) The person requesting notification is responsible to keep the board informed in writing of changes in his/her current mailing address.

(3) The obligation of the board under paragraph (B) of this rule to each person or organization fully complying with said requirements shall be deemed fully discharged with the mailing of notification to the most current mailing address and name on file with the board for this purpose, as of seven days prior to the particular regularly scheduled meeting.

(C) A representative of a news media organization, or of the business office of a professional organization of counselors, social workers, or marriage and family therapists may receive notification of board meetings by making a written request to the board office. The board shall compile a mailing list and shall

mail notification of all regularly scheduled and special meetings to these representatives at their business addresses, in accordance with the schedule in paragraph (B)(1) of this rule.

(1) Not more than one representative of a radio or television station, newspaper, or other publication, or of a professional organization of counselors, social workers, or marriage and family therapists may receive such notification.

(2) The news media organization, or professional organization of counselors, social workers, or marriage and family therapists is responsible to notify the board in writing of changes in the name or mailing address of the recipient of such notification.

(3) Notification under paragraph (C) of this rule shall remain in effect for one year from the date of the written request, after which time the name of the organization shall be removed from the mailing list unless the request is renewed in writing.

(4) The obligation of the board under paragraph (C) of this rule to each organization shall be deemed fully discharged with the mailing of notification to the most current address and name on file with the board for this purpose.

(D) A representative of a news media organization may obtain telephone notification of emergency board meetings by making a written request to the board, including the name of the individual to be contacted, his/her mailing address, and a maximum of two telephone numbers where he/she can be reached. The board shall maintain a list of all representatives of the news media who request telephone notice of emergency meetings.

(1) In the event of an emergency meeting, the board shall immediately notify by telephone all representatives on the list of such meeting.

(2) Such telephone notice shall be complete if a message has been left for the media representative or if, after a reasonable effort, the board has been unable to provide such telephone notice.

(3) The media representative's name shall remain on the telephone notification list for one year from the date of the written request, after which time the name shall be removed unless the request is renewed in writing.

(4) The media representative or the organization is responsible to inform the board of any changes in telephone numbers or in the name of the person to be notified.

(E) The failure of any individual, organization, or organization representative to comply with the above requirements shall relieve the board of any obligation to provide advance notice of any kind of any public meeting to that individual, organization representative.

Effective: 12/01/2014
Five Year Review (FYR) Dates: 09/05/2014 and 12/01/2019
Promulgated Under: 119.03
Statutory Authority: 4757.10
Rule Amplifies: 4757.05
Prior Effective Dates: Eff 6/11/85 (Emer.), 9/19/85 (Emer.), 12/19/85; 7/3/97, 9/20/02, 4/10/04, 10/18/2009.

4757-1-03 Minutes of board meetings.

(A) The unapproved minutes of all board meetings and professional standards committee meetings shall be recorded and open to public inspection in a binder located in the board office during normal business hours within ten business days of their recording.

(B) Within ten business days after their approval by the board and professional standards committee, the approved minutes of all board meetings shall be substituted for the unapproved minutes and shall be open to public inspection in the manner provided for in paragraph (A) of this rule and on its web site.

R.C. 119.032 review dates: 10/12/2012 and 09/20/2017
Promulgated Under: 119.03
Statutory Authority: 4757.10
Rule Amplifies: 4757.05
Prior Effective Dates: 6-11-85 (Emer.); 6-19-85 (Emer.); 12-1-85; 7-3-97; 9-20-02; 9-20-07

4757-1-04 Applications of first licensure.

(A) All applicants for first licensure as a professional counselor, social worker, professional clinical counselor, independent social worker, marriage and family therapist, independent marriage and family therapist, or for registration of title as a social work assistant, counselor trainee, marriage and family therapist trainee or social worker trainee, shall file with the executive director of the board an online application; or a written application, signed and duly notarized, on a form prescribed by the board. Any person who knowingly makes a false statement on a written application or electronic application may be found guilty of falsification under section 2921.13 of the Revised Code, a misdemeanor of the first degree. Applications shall be maintained for two years from the date of receipt by the board. Applications which remain incomplete after two years shall be considered abandoned. The license application and fee shall be forfeit and individuals seeking licensure shall be required to re-apply.

(B) The appropriate non-refundable fee, shall accompany the application for licensure or registration.

(C) All applicants for licensure or registration shall provide:

(1) Grade transcripts showing all coursework and/or academic degrees necessary to meet the education requirements for the license or registration for which the applicant is applying.

(a) Such transcripts shall bear the official seal of the college or university and the signature of the registrar. Transcripts shall be sent directly to the board office by the college or university. The applicant shall bear sole responsibility for transcripts sent directly from the college or university to the board office.

(b) If an applicant's transcript does not clearly indicate that he/she meets the education requirements for the license for which they are applying, the applicant shall provide additional information about their coursework in a manner prescribed by the board.

(2) Notarized statements, on a form prescribed by the board, to document all professional employment experience required by any rule under this chapter, or for licensure or registration by the board. Notarized statements, if required, shall be completed by the person(s) who supervised the required professional employment experience, or who are judged by the board to be in a position to make a professional judgment about the nature of the applicant's duties and the quality of their work, and who meet the criteria established for such respondents by the board in any rules under this chapter.

(D) Applicants for any license or certificate of registration issued by the board shall be of good moral character. The board may, in its discretion, deny any application for licensure or certification if the board finds that the applicant was convicted of, pled guilty to, or pled no contest to a felony or misdemeanor involving moral turpitude or for acts committed, which would constitute a felony or misdemeanor involving moral turpitude, if committed in Ohio. The board shall consider the number and timing of any convictions and the relationship those convictions may have to the practice for which the applicant has made application for licensure or certification. The board shall consider an applicant's fitness to practice a part of the good moral character requirements. The board at its discretion may request any of the following to help determine good moral character and fitness to practice: a criminal records check, a criminal background check or a psychological evaluation.

(E) All applicants for an initial license or registration shall submit a request to the bureau of criminal identification and investigation for a criminal records check of the applicant per sections 4776.02 and 4776.03 of the Revised Code and shall include a federal bureau of identification criminal records check request. This requirement applies to all initial applications for professional counselor, social worker, professional clinical counselor, independent social worker, marriage and family therapist, independent marriage and family therapist, or for registration of title as a social work assistant, counselor trainee , marriage and family therapist trainee or social worker trainee. The applications for criminal records check shall comply with section 109.572 of the Revised Code. The criminal records check shall be received within one year prior to licensure or a new criminal records check shall be required. Section 4776.02 of the Revised Code requires that all fingerprint reports be sent directly to the board office from the bureau of criminal identification and investigation. Any fingerprint results mailed to or from some other source shall not be accepted.

(1) Applicants in the state of Ohio shall go to a county sheriff's office or other agency approved by Ohio's attorney general to request an electronic criminal records check and submit fingerprints to the bureau of criminal identification and investigation. A link to electronic fingerprint sites is available on the board's web page under "forms".

(a) Each applicant shall pay the fee to the agency scanning their fingerprints and provide the bureau of criminal identification and investigation with the applicant's name and address and with the board's name and address as the results addressee. The agency code fingerprint card shall be "1AB002".

(b) An applicant who has poor fingerprint quality on the electronic scanning shall be notified by the board to request a waiver from electronic scanning and mailed the required forms for submission of ink rolled fingerprints. The bureau of criminal identification and investigation has suggested using cornhuskers lotion when having difficulties getting a good electronic scan.

(c) The applicant shall ask the superintendent of the bureau of criminal identification and investigation in the criminal records check request to obtain from the federal bureau of investigation any information it has pertaining to the applicant.

(2) Applicants outside the state of Ohio shall go to a police agency in their state and complete the blank criminal records check cards provided to them by the board and submit fingerprints by mailing the completed forms directly to the bureau of criminal identification and investigation. Note: Note, this process may be quicker and more convenient, if the applicant waits until she or he is in Ohio, to complete an electronic scan.

(a) Each applicant shall pay the fee to the agency completing the fingerprinting and to the bureau of criminal identification and investigation for both the Ohio and federal bureau of investigation records checks. Applicants shall follow the directions provided with the fingerprint cards. The applicant shall ask the superintendent of the bureau of criminal identification and investigation in the request to obtain from the federal bureau of investigation any information it has pertaining to the applicant. Part of that application requires a waiver from electronic submission form citing out-of-state as the reason.

(b) An applicant requesting a criminal records check shall provide the bureau of criminal identification and investigation with the applicant's name and address and with the board's name and address as the results addressee. The agency code on the fingerprint card shall be "1AB002".

(3) The board shall not issue a license or registration until receipt of the criminal records check and any follow-up actions are completed.

(4) The results of any criminal records check conducted pursuant to a request made under this chapter and any report containing those results, including any information the federal bureau of investigation provides, are not public records for purposes of section 149.43 of the Revised Code and shall not be made available to any person or for any purpose other than as follows:

(a) The superintendent of the bureau of criminal identification and investigation shall make the results available to the board for use in determining, under Chapter 4757. of the Revised Code, whether the applicant who is the subject of the criminal records check should be granted a license under that chapter.

(b) The board shall make the results available to the applicant who is the subject of the criminal records check or to the applicant's representative upon their written request.

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Five Year Review (FYR) Dates: 09/05/2014 and 12/01/2019
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4757-1-05 License fees.

License fees shall be established by the board in amounts not to exceed the maximum allowable under section 4757.31 of the Revised Code. Fees are subject to change by action of the board, the controlling board, and/or the general assembly.

(A) Fees shall be paid by credit card, certified check or money order made payable to "Treasurer, State of Ohio."

(B) Fees shall be submitted to the board office at the time of the initial application. Renewal fees shall be the same as initial licensure or registration fees.

(C) Fees are not refundable.

(D) Fees for a two-year license, registration of title or reinstatement from an inactive status are as follows. Late renewal shall incur an additional fee of forty dollars except social worker assistant late renewal shall be twenty dollars.

(1) For licensed professional clinical counselor the fee is seventy-five dollars;

(2) For licensed professional counselor the fee is sixty dollars;

(3) For independent social worker the fee is seventy-five dollars;

(4) For social worker the fee is sixty dollars;

(5) For social worker assistant the fee is forty dollars.

(6) For social work temporary license the fee is twenty dollars.

(7) For independent marriage and family therapist the fee is seventy-five dollars;

(8) For marriage and family therapist the fee is sixty dollars;

(9) For marriage and family therapist temporary license the fee is twenty dollars.

(E) Fees for a two-year license or registration of title in an inactive status as defined by rule 4757-7-03 of the Administrative Code are as follows. Late renewal shall incur an additional fee of twenty dollars except social worker assistant late renewal shall be ten dollars.

(1) For professional clinical counselor the fee is fifty dollars;

(2) For professional counselor the fee is forty dollars;

(3) For independent social worker the fee is fifty dollars;

(4) For social worker the fee is forty dollars;

(5) For social worker assistant the fee is twenty dollars;

(6) For independent marriage and family therapist the fee is fifty dollars; and

(7) For marriage and family therapist the fee is forty dollars.

(F) Board provided continuing education program fees shall be ten dollars per continuing education hour. The board laws and rules examination for initial licensure shall be ten dollars.

(G) Licensees requesting written board certification of their licensure to other states or entities shall pay a twenty-five dollar fee for that verification.

(H) Licensees requesting replacement wall certificates for name changes or any other reason shall pay a fifteen dollar fee for that wall certificate.

(I) Applicants per rule 4757-9-05 of the Administrative Code for continuing education program approval shall pay a thirty dollar fee for each application.

(J) Applicants per rule 4757-9-05 of the Administrative Code for continuing education provider approval shall pay a one hundred and twenty-five dollar fee for each application.

(K) The first incident in which a licensee fails to complete his/her continuing education for renewal as defined in division (A)(10) of section 4757.31 of the Revised Code and as defined in paragraph (HH) of rule 4757-3-01 of the administrative Code, the fee shall be as enumerated in the sub-paragraphs that follow. For a second incidence, refer to paragraph (C) of rule 4757-1-07 of the administrative Code.

(1) For renewal of a license or registration with one to fifteen hours of continuing education less than required shall be fifty dollars;

(2) For renewal of a license or registration with sixteen to thirty hours of continuing education less than required shall be one hundred dollars; and

(3) For renewal of a license or registration with enough hours, but without the required ethics or supervision continuing education hours shall be fifty dollars.

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4757-1-06 Personal information systems.

(A) The board shall appoint one employee to be directly responsible for each personal information system maintained by the board. Said employee shall:

(1) Inform all employees who have any responsibility for the operation or maintenance of said system or the use of personal information maintained in the system, of the applicable provisions of Chapter 1347. of the Revised Code and rules adopted thereunder; and;

(2) Inform all persons requested to supply personal information for a system whether or not they are legally required to provide such information; and

(3) Restrict the collection, maintenance, and use of personal information to only that which is necessary and relevant to functions of the board as required or authorized by statute or rule; and,

(4) Provide all persons asked to supply personal information that will be placed in an interconnected or combined system with information relevant to the system, including the identity of all other agencies or organizations that have access to the system; and,

(5) Allow a person who is the subject of a record in a personal information system to inspect the record pursuant to section 1347.08 of the Revised Code. Upon the request and verifications that the person requesting access to the record is the subject of information contained in the system, the employee shall:

(a) Inform individuals of any personal information in the system of which they are subject;

(b) Permit the individuals, or their legal guardian, or an attorney who presents a signed authorization made by the individuals, to inspect all personal information in the system of which they are subject, except where prohibited by law;

(c) Inform individuals of the uses made of the personal information and identify other users who have access to the system;

(d) Allow individuals who wish to exercise their rights as provided by this rule to be accompanied by one individual of their choice;

(e) Provide, for a reasonable charge, copies of any personal information the person is authorized to inspect.

(6) Investigate disputes concerning the accuracy, relevance, timeliness, or completeness of personal information pursuant to section 1347.09 of the Revised Code and paragraph (D) of this rule.

(B) The board shall reprimand in writing any employee who initiates or otherwise contributes to any disciplinary or other punitive action taken against another individual who brings attention to the appropriate authorities, the press, or a member of the public, any evidence of unauthorized use of any material contained in the licensure or document management systems. A copy of the reprimand shall be entered in the employee's personnel file.

(C) The board shall monitor its personal information system by:

(1) Maintaining the personal information system with the accuracy, relevance, timeliness and completeness necessary to assure fairness in any determination made by the board which is based on information contained in the system; and,

(2) Eliminating unnecessary information from the system;

(D) The board shall investigate, upon request, the accuracy, relevance, timeliness, or completeness of personal information which is disputed by the subject of a record contained in the system, within ninety days after of a receipt of a request from the disputant; and,

(1) Notify the disputant of the results of the investigation and any action the board intends to take with respect to the disputed information; and,

(2) Delete any information the board cannot verify or finds to be inaccurate; and

(3) Permit the disputant, if they are not satisfied with the determination made by the board, to include within the system:

(a) A brief statement of their position on the disputed information; or

(b) A brief statement that they find the information in the system to be inaccurate, irrelevant, outdated, or incomplete,

(4) The board shall maintain a copy of all statements made by the disputant.

(E) The board shall not place personal information into an interconnected and combined system, unless said system contributes to the efficiency of the agencies or organizations authorized to use the system in implementing programs which are required or authorized by law.

(F) The board shall not use personal information placed into an interconnected or combined system by another state or local agency or organization, unless the personal information is necessary and relevant to the performance of a lawful function of the board.

(G) The board shall make available, upon request, all information concerning charges made by the board for reproduction of materials contained in personal information system.

R.C. 119.032 review dates: 10/12/2012 and 09/20/2017
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Statutory Authority: 4757.10
Rule Amplifies: 1347.08, 4757.16
Prior Effective Dates: Eff 6-11-85 (Emer.); 9-19-85 (Emer.); 12-19-85; 7-3-97; 9-20-07

4757-1-07 Discipline actions that may include fines.

The professional standards committees established under section 4757.04 of the Revised Code may utilize fines at the discretion of each committee. Per division (E) of section 4757.10 of the Revised Code the following fines are enumerated.

(A) Practicing without a valid license, which includes practice prior to license and continuing to practice with an expired license.

(1) Worked as a licensee for sixty days or less without a valid license standard consent agreement terms:

(a) Written reprimand;

(b) Standard fine two hundred dollars for independent practitioner licensee and one hundred dollars for all others; and

(c) Fine to be paid within sixty days of the effective date of the agreement.

(2) Worked for sixty-one to one hundred twenty days without a valid license standard consent agreement terms:

(a) Suspension of fourteen days, plus an additional day for each day he/she engaged in unlicensed practice;

(b) Standard fine of two hundred dollars for independent practitioner licensee and one hundred dollars for other licensees plus one hundred dollars per week after the first three weeks. Fine amount up to five hundred dollars; and

(c) Fine to be paid within sixty days of the effective date of the agreement.

(3) Worked for more than one hundred twenty days without a valid license standard consent agreement terms:

(a) Suspension of four months, plus an additional month for each month or part thereof he/she engaged in unlicensed practice;

(b) Standard fine of five hundred dollars for all licensees; and

(c) Fine to be paid within sixty days of the effective date of the agreement.

(B) Fines may be levied in other discipline cases where the professional standards committee believes the fine will be more productive in correcting the issue than other discipline actions. Fine amounts up to five hundred dollars per violation may be made using the aggravating and mitigating factors in paragraph (G) of this rule in determining the proposed fine amount.

(C) Failure to complete the continuing education required for renewal, which is typically discovered during a continuing education audit, which includes failure to provide documentation of thirty hours of

continuing education that meet the requirements of rule 4757-7-01 of the Administrative Code. These terms will be implemented after a licensee has failed a previous audit and paid a fee under rule 4757-1-05 for failure to complete thirty continuing education hours prior to renewal. The standard consent agreement terms are:

(1) Written reprimand;

(2) A five hundred dollar fine to be paid within thirty days of the effective date of the agreement;

(3) Complete the number of continuing education hours he/she was deficient within thirty days of the consent agreement effective date and submit proof of completion on or before that date. These hours shall not be counted toward his/her next renewal.

(4) Agrees to audit for continuing education the next time he/she renews his/her license.

(D) Applying for or renewing a license by means of fraud/deceit. Includes failure to report discipline by another jurisdiction, conviction, etc. the standard consent agreement terms are:

(1) Written reprimand;

(2) Fine up to five hundred dollars with a standard fine of two hundred fifty dollars;

(3) Fine to be paid within sixty days of the effective date of the agreement; and

(4) Attend four hours of ethics training. Course(s) must be at least a two semester hour or three quarter hour college level or thirty hour continuing education course, no on-line courses. Verification of completion shall be submitted to the investigation division within thirty days of attendance. These hours will not count toward the continuing education requirement for license renewal.

(E) Failure to respond to the continuing education audit standard consent agreement terms are:

(1) Fine up to five hundred dollars with a standard fine of two hundred fifty dollars;

(2) Fine to be paid within sixty days of the effective date of the agreement;

(3) Submit proof of thirty hours of continuing education for the audit renewal period within thirty days of the ratification of the agreement; and

(4) Agrees to audit for continuing education the next time he/she renews his/her license.

(F) Aggravating and mitigating factors to consider in levying fines. After a violation has been established, the professional standards committee may consider aggravating and mitigating factors/circumstances in

determining the penalty to be imposed. If the professional standards committee deems such circumstances to be sufficient to justify a departure from the disciplinary guidelines, the reasons shall be specified by the professional standards committee.

(1) Aggravating factors/circumstances are any considerations or factors, which might justify an increase in the degree of discipline to be imposed. Aggravating factors may include, but are not limited to:

(a) Prior disciplinary actions;

(b) A pattern of misconduct;

(c) Multiple violations;

(d) Submission of false statements, false evidence or other deceptive practices during the disciplinary process;

(e) Refusal to acknowledge wrongful nature of conduct;

(f) Adverse impact of misconduct on others;

(g) Vulnerability of the victim; and (h) Willful or reckless misconduct.

(2) Mitigating factors/circumstances are any considerations, which might justify a reduction in the degree of discipline to be imposed. Mitigating factors may include, but are not limited to:

(a) Absence of a prior disciplinary record;

(b) Isolated incident, unlikely to recur;

(c) Full and free disclosure to the board;

(d) Interim rehabilitation or remedial measures;

(e) Absence of adverse impact of misconduct on others;

(f) Remorse; and/or

(g) Absence of willful or reckless misconduct.

Statutory Authority: 119.03
Rule Amplifies: 4757.10 , 4757.31
Prior Effective Dates: 04/01/2011

4757-1-08 Military provisions related to licensure for counselors, social workers and/or marriage and family therapists.

(A) Definitions.

(1) "Armed forces" means:

(a) The armed forces of the United States, including the army, navy, air force, marine corps, and coast guard;

(b) A reserve component of the armed forces listed in paragraph (A)(1)(a) of this rule;

(c) The national guard, including the Ohio national guard or the national guard of any other state;

(d) The commissioned corps of the United States public health service; (e) The merchant marine service during wartime; or

(e) The Ohio organized militia when engaged in full-time national guard duty for a period of more than thirty days.

(2) "Member" means any person who is serving in the armed forces.

(3) "Veteran" means any person who has completed service in the armed forces, who has been discharged under honorable conditions or who has been transferred to the reserve with evidence of satisfactory service.

(B) Eligibility for licensure.

In accordance with section 5903.03 of the Revised Code, the following military programs of training, military primary specialties, and lengths of service are substantially equivalent to or exceed the educational and experience requirements for licensure as an:

(1) Independent social workers.

(a) Military programs of training.

There are no military programs of training that are substantially equivalent to or exceed the educational and experience requirements for licensure as a independent social worker. An individual serving in a military primary specialty listed in paragraph (B)(1)(b) of this rule must be a graduate of a master's in social work program accredited by the council for social work education (CSWE) to serve in that specialty.

(b) Military primary specialties for independent social workers.

(i) Army: Social Worker (AOC 73A)

(ii) Navy: Social Worker (NOBC None)

(iii) Air Force: Clinical Social Worker (AFSC 42SX) (c) Lengths of service.

There are no minimal lengths of service that would be substantially equivalent to or exceed the educational and experience requirements for licensure as a licensed professional clinical counselor, independent social worker or independent marriage and family therapist.

(2) Social worker assistant.

(a) Military programs of training.

There are no military programs of training that are substantially equivalent to or exceed the educational and experience requirements for registration as a social worker assistant. There are no military primary specialties for social worker assistant registration.

Military primary specialties: None.

(b) Lengths of service.

There are no minimal lengths of service that would be substantially equivalent to or exceed the educational and experience requirements for registration as a social worker assistant.

(3) Licensed professional clinical counselor.

(a) Military programs of training.

There are no military programs of training that are substantially equivalent to or exceed the educational and experience requirements for licensure as a licensed professional clinical counselor.

Military primary specialties: None.

(4) Independent marriage and family therapist.

(a) Military programs of training.

There are no military programs of training that are substantially equivalent to or exceed the educational and experience requirements for licensure as an independent marriage and family therapist. There are no military primary specialties for licensure as an independent marriage and family therapist.

Military primary specialties: None.

(b) Lengths of service.

There are no minimal lengths of service that would be substantially equivalent to or exceed the educational and experience requirements for registration as a social worker assistant.

(C) License renewal and continuing education.

(1) Per section 5903.10 of the Revised Code, a licensee or registrant shall be granted a renewal of the license or certificate by the board at the usual fee without a late fee as required by rule 4757-1-05 of the Administrative Code, if not otherwise disqualified because of mental or physical disability, and if either (C)(1)(a) or (C)(1)(b) of this paragraph applies:

(a) The license or registration was not renewed because of the holder's service in the armed forces of the United States or a reserve component of the armed forces of the United States, including the Ohio national guard.

(b) The license or certificate was not renewed because the holder's spouse served in the armed forces of the United States or a reserve component of the armed forces of the United States, including the Ohio national guard, and the service resulted in the holder's absence from this state.

(c) A renewal shall not be granted under this paragraph unless the holder or the holder's spouse, whichever is applicable, has presented satisfactory evidence of the service member's discharge under honorable conditions or release under honorable conditions from active duty or national guard duty within six months after the discharge or release.

(2) Military members on active duty outside of Ohio may receive a complete or partial waiver of all continuing education hours upon providing proof of orders outside of Ohio. Military members in Ohio may provide proof that they are unable to complete continuing education in order to receive a full or partial waiver of continuing education hours required.

(3) Per Section 5903.12 of the Revised Code, a licensee or registrant upon application that is accompanied by proper documentation certifying that the licensee has been called to active duty as described in paragraph (D)(3)(a) and/or (D)(3)(b) of this section during the current or a prior reporting period and certifying the length of that active duty, shall have the continuing education response time extended for the current reporting period by an amount of time equal to the total number of months that the licensee spent on active duty during the current reporting period. For purposes of this division, any portion of a month served on active duty shall be considered one full month.

(a) The person is a member of the Ohio national guard, the Ohio military reserve, the Ohio naval militia, or a reserve component of the armed forces of the United States.

(b) The person has been called to active duty, whether inside or outside the United States, because of an executive order issued by the president of the United States or an act of congress, or upon the order of the governor, for a period in excess of thirty-one days.

(D) Waiver of license application fee.

(1) The application fee shall be waived for an applicant who is a current member of the armed forces.

(2) Paragraph (D) of this rule applies to the following application fee types:

(a) Initial licensure by examination, outlined in rules 4757-13-01 , 4757-13-03 , 4757-19-01 , 4757-19-02 , 4757-19-03 , 4757-25-01 and 4757-25-03 of the Administrative Code.

(b) Initial licensure by endorsement, outlined in rules 4757-13-06 , 4757-19-07 and 4757-25-06 of the Administrative Code.

(c) Reinstatement of an expired license, outlined in rule 4757-7-01 of the Administrative Code.

(d) Restoration of a license in an inactive status, outlined in rule 4757-7-03 of the Administrative Code.

(E) Application process.

(1) The board's applications shall include a question to identify if the applicant is a member of the armed forces, a veteran, or a spouse or surviving spouse of a member of the armed forces or veteran. This status shall be stored in the licensing system.

(2) When the board receives an application from an individual identified in paragraph (E)(1) of this rule, the processing of that application shall be prioritized, with a goal of ensuring that a license is issued the same day that the application is complete.

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Five Year Review (FYR) Dates: 12/01/2019
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Rule Amplifies: 5903.01 , 5903.03 , 5903.04 , 5903.05 , 5903.10 , 5903.11 , 5903.12 , 5903.121

Chapter 4757-3 Definitions; Titles

4757-3-01 Definitions.

The following meanings shall apply to all rules promulgated by the counselor, social worker, and marriage and family therapy board, unless in a specific paragraph under one of the counselor, social worker, and marriage and family therapist board rules, the word or term is explicitly defined or used in different manner.

(A) The terms "practice of professional counseling," "clinical counseling principles, methods, or procedures," "social work," "accredited educational institution," and "mental and emotional disorders" shall for the purposes of these rule have the same meanings as set forth in section 4757.01 of the Revised Code.

(B) The terms "renewal," "renewed," "license," and "licensee" shall for the purposes of these rules have the same meanings as set forth in section 4757.01 of the Revised Code.

(C) "Agency" means an organization, which has a clearly defined mission statement with goals and objectives that include the provision of counseling, social work, and/or marriage and family therapy services, and which is recognized by a unit of government or others authorized to legitimize its functions. In addition, it shall have clearly defined lines of authority, a formal decision-making process, and differentiated staff roles with written job descriptions. Agency settings include private non-profit organizations, public organizations, and others approved by the board, that are engaged in the practice of social work, counseling, and/or marriage and family therapy. Settings in which social work, counseling, and/or marriage and family therapy is practiced as a private practitioner, as a member of a partnership, or as a member of a group practice are not included.

(D) "Applicant" means an individual who has:

(1) Filed with the executive director of the board a completed application for licensure as a licensed professional clinical counselor, licensed professional counselor, independent marriage and family therapist, marriage and family therapist, independent social worker, social worker, or for registration of title as a social work assistant, on forms prescribed by the board; and

(2) Signed the application form and had it notarized or submitted via the online application process; and,

(3) Paid the appropriate fee, if applicable.

(E) "Application" means an online application or a written application, on forms prescribed by the board, filed with the executive director of the board, wherein the applicant has provided all the information required for the license the applicant desires.

(F) "Board" means the counselor, social worker, and marriage and family therapist board. When the board is cited that may be the full board or one of the appropriate professional standards committees.

(G) "Board office" means the business office of the counselor, social worker, and marriage and family therapist board.

(H) "Civil service employee" means an individual employed by the state, the counties, cities, city health districts, general health districts, and city school districts thereof, as defined in division (A) of section 124.01 the Revised Code.

(I) "Counseling" means the practice of professional counseling as defined in division (A) of section 4757.01 of the Revised Code for a fee salary, or other consideration.

(J) "Coursework" means a college or university course at an accredited educational institution in which the applicant was enrolled for credit.

(1) "Graduate coursework" for counselor applicants means any coursework taken for a grade that meets the requirements of a post-baccalaureate degree and in which the applicant was enrolled after receiving their baccalaureate degree and in which the applicant received a grade of "B-" or higher.

(2) "Graduate coursework" for social worker applicants means any coursework taken for a grade that meets the requirements of a post-baccalaureate degree and in which the applicant was enrolled and received credit after receiving their baccalaureate degree.

(3) "Undergraduate coursework" means any coursework taken for a grade which is recognized by the granting institution as undergraduate coursework in which the applicant received a grade of "C-" or higher.

(K) "Employee," "employed," "employment," and "experience" all refer to work for a fee or salary, not including practicum and/or internship experiences taken as part of an educational program, which falls within the scope of practice of the license for which the applicant is applying.

(L) "Ethics continuing education" means a continuing education program that covers ethical requirements (including cultural competency) as defined in Chapter 4757-5 and Chapter 4757-6 of the Administrative Code.

(M) "License fee" means the fee(s) established by the board for the processing of applications and/or the issuance of licenses as specified in rule 4757-1-05 of the Administrative Code.

(N) "Master's degree in social work" means a degree granted from an educational institution accredited by the council on social work education or an educational institution in candidacy for accreditation by the council.

(O) "Private practice" and "private practitioner" mean an individual who independently, in partnership, or in corporation practices counseling, social work, or marriage and family therapy as defined in section 4757.01 of the Revised Code and sets up his/her own condition of exchange with those clients, and identifies himself/herself in any manner as a counselor, social worker, or marriage and family therapist in offering such services. Licensed professional counselors and marriage and family therapists shall do so under supervision as required by sections 4757.21 and 4757.30 of the Revised Code. Social workers may not engage in private practice per division (C) of section 4757.26 of the Revised Code.

(P) "Scope of practice" means the services, methods, and techniques, in which and the areas for which, an individual is licensed or registered under Chapter 4757. of the Revised Code and under agency 4757 of the Administrative Code (agency number 4757 of the Administrative Code is reserved for the counselor, social worker and marriage and family therapist board).

(Q) "Social work" means the application of specialized knowledge of human development and behavior and social, economic, and cultural systems in directly assisting individuals, families, and groups to improve or restore their capacity for social functioning, including counseling, the use of psychosocial interventions, and social psychotherapy for a fee, salary, or other consideration.

(1) "Psychosocial interventions" means the application of social work that involves individual, dyadic, family, or group interventions that utilize treatment modalities such as a family systems therapy, client centered advocacy, environmental modifications, community organization and/or organizational change. These modalities are implemented in crisis, short-term, and long-term therapeutic interventions directed at reducing, increasing, enhancing, maintaining, or changing target behaviors, areas of functioning, or environmental structures or processes.

(2) "Counseling", within the practice of social work, means a method used by social workers to assist individuals, couples, families, and groups in learning how to solve problems and make decisions about personal, health, social, educational, vocational, financial, and other interpersonal concerns.

(3) "Social psychotherapy" means the application of social work toward the goal of enhancement and maintenance of psychosocial functioning of individuals, families, and small groups. It includes interventions directed to interpersonal interactions, intra-psychic dynamics, and life-support and management issues. It also includes the professional application of social work theory and methods to the treatment and prevention of psychosocial dysfunction, disability, or impairment, including mental and emotional disorders. Social psychotherapy consists of assessment; diagnosis; treatment, including psychotherapy and counseling; consultation; and evaluation.

(4) "Social services" means those activities which improve and maintain an individual's functioning in institutions, at home, or in the community and which do not require the specialized knowledge of social

work, counseling, psychosocial interventions, or social psychotherapy. For individuals performing only social services licensure is not required pursuant to Chapter 4757. of the Revised Code.

(5) "Social Functioning" means living up to the expectations that are made of an individual by that person's own self, by the immediate social environment, and by society at large. These expectations, or functions, include meeting one's own basic needs and the needs of one's dependents and making positive contributions to society. Human needs include physical aspects (food, shelter, safety, health care, and protection), personal fulfillment (education, recreation, values, aesthetics, religion, and accomplishment), emotional needs (a sense of belonging, mutual caring, and companionship), and an adequate self-concept (self-confidence, self-esteem, and identity).

(R) For the purpose of the counselor, social worker, and marriage and family therapist board rules and the licenses granted under them, the board adopts the following titles and meanings:

(1) "Licensed Professional Counselor" means a counselor licensed by the board to practice professional counseling as defined in division (A) of section 4757.01 of the Revised Code.

(2) "Licensed Professional Clinical Counselor" means a counselor licensed by the board to practice professional counseling and the unsupervised diagnosis and treatment of mental and emotional disorders and conditions as defined in division (A) of section 4757.01 of the Revised Code.

(3) "Independent Social Worker" means a social worker licensed by the board to practice social work as defined in division (C) of section 4757.01 of the Revised Code.

(4) "Social Worker" means a social worker licensed by the board to practice social work as defined in division (C) of section 4757.01 of the Revised Code.

(5) "Registered Social Work Assistant" means an individual issued a certificate of registration by the board in accordance with division (C) of section 4757.29 of the Revised Code.

(6) "Independent Marriage and Family Therapist" means a marriage and family therapist licensed by the board to practice marriage and family therapy as defined in division (G) of section 4757.01 of the Revised Code.

(7) "Marriage and Family Therapist" means a marriage and family therapist licensed by the board to practice marriage and family therapy as defined in division (G) of section 4757.01 of the Revised Code.

(8) "Licensed Professional Counselor with training supervision designation" means a counselor who has been licensed by the board to practice professional counseling as defined in division (A) of section 4757.01 of the Revised Code and been awarded a training supervision designation per paragraph (E) of rule 4757-17-01 of the Administrative Code.

(9) "Licensed Professional Clinical Counselor with training supervision designation" means a counselor licensed by the board to practice professional counseling and the unsupervised diagnosis and treatment of mental and emotional disorders and conditions as defined in division (A) of section 4757.01 of the

Revised Code and been awarded a training supervision designation per paragraph (E) of rule 4757-17-01 of the Administrative Code.

(10) "Independent Social Worker with training supervision designation" means a social worker licensed by the board to practice social work as defined in division (C) of section 4757.01 of the Revised Code and been awarded a training supervision designation per paragraph (D) of rule 4757-23-01 of the Administrative Code.

(11) "Independent Marriage and Family Therapist with training supervision designation" means an independent marriage and family therapist licensed by the board to practice marriage and family therapy as defined in division (H) of section 4757.01 of the Revised Code and been awarded training supervision designation per paragraph (F) of rule 4757-29-01 of the Administrative Code.

(S) "Counseling experience" means the applicant's primary employment responsibility was in counseling, supervision of a counseling program, or direct involvement in the administration or policy division of a counseling program.

(T) "Counselor trainee" means an individual who is a graduate student seeking voluntary registration per section 4757.10 of the Revised Code and has filed a training agreement with the board per rule 4757-13-09 of the Administrative Code and who is currently enrolled in either a practicum or internship in a counselor education program as defined in paragraph (A)(4) of rule 4757-13-01 of the Administrative Code.

(U) "Doctoral internship" means a doctoral internship which is taken in a counselor education program which is approved by the counselor professional standards committee or at a counselor education program which meets the criteria of a committee approved program.

(V) "Impaired or impairment" means the presence of the disorder of alcoholism, substance abuse, mental illness or other debilitating conditions.

(W) "Impaired treatment program" means a plan of care and rehabilitation services provided by organizations or persons authorized by the board to provide such services.

(X) "Impairment program" means a program for the prevention, detection, intervention, rehabilitation, and monitoring of impaired counselors, social workers or marriage and family therapists.

(Y) "Practice of marriage and family therapy" means the practice of marriage and family therapy as defined in division (H) of section 4757.01 of the Revised Code, for a fee, salary or other consideration.

(Z) "Client" as used in agency 4757 of the Administrative Code, means a patient or consumer of services or that person's legal guardian, or any other receiver of mental health services.

(AA) "Social worker trainee" means an individual who is a graduate student seeking voluntary registration per section 4757.10 of the Revised Code and rule 4757-19-05 of the Administrative Code and is currently enrolled in a master's level practicum, internship or field work course in a social work education program

accredited by the "Council on Social Work Education" (CSWE) or an educational institution in candidacy for accreditation by the council.

(BB) "Independent Contractor" means an individual who meets the internal revenue service (IRS) definition as an independent contractor in (IRS) publication 15-A, which can be found at http://www.irs.gov/pub/irs-pdf/p15a.pdf.

(CC) "Peer Supervision" means the joint or mutual discussion of issues in supervision by supervising counselors for the purpose of improving the quality of supervision.

(DD) "First-hand knowledge" means the direct knowledge of a supervisee's work through audio tape and/or video tape and/or live supervision.

(EE) "Electronic service delivery" (electronic therapy, cyber therapy, e-therapy, etc.) means counseling, social work or marriage and family therapy in any form offered or rendered primarily by electronic or technology-assisted approaches , except telephonic, when the counselor, social worker or marriage and family therapist and the client are not located in the same place during delivery of services.

(FF) "Marriage and Family Therapist trainee" means an individual who is a graduate student seeking voluntary registration per section 4757.10 of the Revised Code, and has filed a training agreement with the board per rule 4757-25-08 of the Administrative Code and is currently enrolled in either a practicum or internship in a marriage and family therapy education program as defined in paragraph (A) of rule 4757-25-01 of the Administrative Code.

(GG) "Late completion of continuing education" for counselor, social worker, or marriage and family therapy licensure renewal required under section 4757.33 of the Revised Code and by rules 4757-9-01, 4757-9-02 and 4757-9-03 of the Administrative Code means an active licensee renewed their license or registration without completing the requisite continuing education hours, which they swore or affirmed in their renewal application that they had obtained.

(HH) "Accredited" or "Appropriately Accredited" means an institution accredited or holding pre-accredited status at the college level by an accreditation agency recognized by the U. S. secretary of education; or an institution accredited at the college level by an accrediting agency recognized by the council for higher education accreditation "CHEA."

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4757-3-02 Abbreviations and titles.

(A) Counselors, social workers, and marriage and family therapists licensed or registered by the board shall use the following abbreviations to designate their titles as defined in paragraphs (Q)(1) to (Q)(10), (S), (T), (AA) and (FF) of rule 4757-3-01 of the Administrative Code:

(1) "LPCC" means a "Licensed Professional Clinical Counselor";

(2) "LPCC-S" means a "Licensed Professional Clinical Counselor with training supervision designation";

(3) "LISW or "ISW" means an "Independent Social Worker";

(4) "LISW-S" or "ISW-S" means an "Independent Social Worker with training supervision designation";

(5) "LPC" means a "Licensed Professional Counselor";

(6) "LPC-S" means a "Licensed Professional Counselor with training supervision designation";

(7) "LSW" or "SW" means a "Social Worker";

(8) "SWA" means a "Registered Social Work Assistant";

(9) "CT" means a "Registered Counselor Trainee";

(10) "IMFT" means an "Independent Marriage and Family Therapist";

(11) "MFT" means a "Marriage and Family Therapist";

(12) "SWT" means a registered "Social Worker Trainee".

(13) LPC-TEMP" means a "Licensed Professional Counselor" with a temporary license.

(14) "LSW-TEMP" or "SW-TEMP" means a "Social Worker" with a temporary license.

(15) "MFT-TEMP" means a "Marriage and Family Therapist" with a temporary license.

(16) "IMFT-S" means an "Independent Marriage and Family Therapist" with training supervision designation.

(17) "MFTT" means a registered "Marriage and Family Therapist Trainee."

(B) Licensees shall indicate after their name on official documents the appropriate abbreviations of the current active license, or licenses, issued to them by this board.

(C) No person licensed by this board shall use after their name the title of abbreviation for any license, certification, or registration that they do not hold at the time of the use of said title or abbreviation.

(D) A person whose license has been suspended or revoked by the board or its professional standards committee shall not use with their name the abbreviation or title of that license while it is under suspension or revocation, nor shall any person whose license has expired use its abbreviation or title.

(E) The use of any abbreviation or title contained in this rule by persons unlicensed by this board shall be considered a violation of divisions (A) to (C) of section 4757.02 of the Revised Code.

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Chapter 4757-5 Code of Ethics

4757-5-01 Standards of ethical practice and professional conduct.

(A) The code of ethical practice and professional conduct constitutes the standards by which the professional conduct of counselors, social workers, and marriage and family therapists shall be measured. Each subject area is in a separate rule within Chapter 4757-5 of the Administrative Code.

(B) The rules of standards of ethical practice and conduct shall apply to the conduct of all counselor, social worker, and marriage and family therapist licensees and registrants.

(C) A violation of these rules of standards of ethical practice and professional conduct constitutes unprofessional conduct and is sufficient reason for a reprimand, suspension, revocation, other disciplinary action, or for restrictions placed upon a license or for the denial of the initial license or renewal, or reinstatement of a license.

(D) The board subscribes to codes of ethics and practice standards for counselors, social workers, and marriage and family therapists promulgated by the "American Counseling Association" and the "National Association of Social Workers" and the "American Association for Marriage and Family Therapy". These association standards shall be used as aids in resolving ambiguities which may arise in the interpretation of the rules of professional ethics and conduct, except that the board's rules of standards of ethical practice and professional conduct shall prevail whenever any conflict exists between these rules and the professional association standards.

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4757-5-02 Standards of ethical practice and professional conduct: clients/consumers of services.

(A) Responsibility to clients/consumers of services as to competency:

(1) Licensees and registrants shall be able to present reliable and substantial evidence of competency in the areas in which they practice. Licensees and registrants shall not misrepresent directly, indirectly or by implication their professional qualifications such as education, specialized training, experience, or area(s)

of competence. Licensees or registrants shall not use a doctorate designation in their professional capacity unless it is related to the field of mental health and is from a recognized accredited educational institution.

(2) Licensees and registrants shall practice only within the competency areas for which they are qualified by education and training. Licensees and registrants shall maintain appropriate standards of care based on their individual professional license. Standards of care shall be defined as what an ordinary, reasonable professional with similar training would have done in a similar circumstance.

(3) While developing new skills in specialty areas, a counselor, social worker, or marriage and family therapist shall take steps to ensure the competence of their work and to protect the clients from possible harm. A counselor, social worker, or marriage and family therapist shall claim skills in specialty areas only after appropriate education, training, and while receiving appropriate peer consultation.

(4) Licensees and registrants do not diagnose, treat, or advise on problems outside the recognized boundaries of their competencies. Licensees and registrants shall make appropriate referrals when the client's needs exceed the counselor's, social worker's, or marriage and family therapist's competence level or scope of practice. The referrals shall be made in a timely manner.

(5) All counselors, social workers and marriage and family therapists shall use techniques/ procedures/ modalities in diagnosing and treating mental and emotional disorders that are grounded in theory and/or have an empirical or scientific foundation, otherwise, they shall define the techniques/ procedures as "unproven" or "developing" and explain to their clients the potential risks and ethical considerations of using such techniques/ procedures and take steps to protect clients from possible harm. Individuals licensed at the level of professional counselor, social worker and marriage and family therapist shall diagnose and treat mental and emotional disorders only under proper supervision.

(B) Responsibility to clients/consumers of services as to informed consent:

(1) Counselors, social workers, or marriage and family therapists shall inform clients/consumers of services the extent and nature of services available to them, as well as the limits, rights, opportunities and obligations associated with the services to be provided which might effect the clients/consumers of services decisions to enter into or continue the relationship.

(2) Licensees and registrants shall provide services to clients only in the context of a professional relationship based on valid informed consent. Licensees and registrants shall use clear and understandable language to inform clients of the purposes of services, limit to the services due to legal requirements, relevant costs, reasonable alternatives, the clients' rights to refuse or withdraw consent, and the timeframe covered by the consent.

(3) In instances when clients are unable to read or understand the consent document or have trouble understanding the primary language contained in the informed consent document, licensees shall take steps to ensure the client's comprehension including providing a detailed verbal explanation or arranging

for a qualified interpreter or translator as needed. If a client because of age or mental condition is not competent to provide informed consent, the licensee shall obtain consent from the parent, guardian, or court appointed representative. Best professional practice dictates that a counselor, social worker, or marriage and family therapist shall adhere to the court documents. If a counselor, social worker, or marriage and family therapist does not understand the court document, they shall contact the court for clarification before proceeding with treatment.

(4) In situations when clients are receiving services involuntarily, counselors, social workers, and marriage and family therapists shall provide information about the nature and extent of the services and about the client's right to refuse services and the consequences of that refusal.

(5) Counselors, social workers, and marriage and family therapists who provide services via electronic means shall inform the clients and recipients of the limitations and risks associated with such services.

(6) When a counselor, social worker, or marriage and family therapist provides services to two or more clients who have a relationship with each other and who are aware of each other's participation in treatment (for example couples, family members), a counselor, social worker, or marriage and family therapist shall clarify with all parties the nature of the licensee's professional obligations to the various clients receiving services, including limits of confidentiality. A counselor, social worker, or marriage and family therapist who anticipates a conflict of interest among the clients receiving services or anticipates having to perform in potentially conflicting roles (for example a licensee who is asked or ordered to testify in a child custody dispute or divorce proceeding involving clients) shall clarify their role with the parties involved and take appropriate action to minimize any conflict of interest.

(7) When a counselor, social worker, or marriage and family therapist sees clients for individual or group treatment, there may be reason for a third party to join the session for a limited purpose. The licensee shall ask the client or legal guardian to provide written authorization that describes the purpose and need for the third party to join the session and describes the circumstances and extent to which confidential information may be disclosed to the third party. The counselor, social worker, or marriage and family therapist shall make it clear that the third party is not a client and there is no confidentiality between the licensee and the third party. The counselor, social worker, and marriage and family therapist shall make it clear to the third party that he/she shall not have rights to access any part of the client's file including any session in which they participated unless the client signs a release. A counselor, social worker, or marriage or family therapist shall not make recommendations to courts, attorneys or other professional concerning non-clients.

(8) When a court or other judicial body orders an evaluation, assessment or other official report, the licensee shall inform the client of the parameters of the court order. The counselor, social worker, or marriage and family therapist shall not go beyond the parameters of the court order without obtaining written permission from the court or other judicial body.

(9) A counselor, social worker, or marriage and family therapist shall only make recommendations to a court, attorney or other professional concerning a client.

(10) Counselors, social workers, or marriage and family therapists shall communicate information in ways that are both developmentally and culturally appropriate. Counselors, social workers, or marriage and family therapists shall use clear and understandable language when discussing issues related to informed consent. When clients have difficulty understanding the language used by counselors, social workers, or marriage and family therapists, they shall provide necessary services (e.g., arranging for a qualified interpreter or translator) to ensure comprehension by clients. In collaboration with clients, counselors, social workers, or marriage and family therapists shall consider cultural implications of informed consent procedures and, where possible, counselors, social workers, or marriage and family therapists shall adjust their practices accordingly.

(C) Responsibility to clients/consumers of services as to delegation: Counselors, social workers, or marriage and family therapists shall delegate professional responsibilities to another person only when the licensee delegating the responsibilities knows that the task is within the person's scope of practice and the person qualifies by training, experience and/or licensure to perform them.

(D) Responsibility to clients/consumers of services as to confidentiality:

(1) Counselors, social workers, and marriage and family therapists shall have a primary obligation to protect the client's right to confidentiality as established by law and the professional standards of practice. Confidential information shall only be revealed to others when the clients or other persons legally authorized to give consent on behalf of the clients, have given their informed consent, except in those circumstances in which failure to do so would violate other laws or result in clear and present danger to the client or others. Unless specifically contraindicated by such situations, clients shall be informed and written consent shall be obtained before the confidential information is revealed.

(2) Counselors, social workers, and marriage and family therapists shall discuss with clients and the clients' legally authorized representatives, the nature of confidentiality and the limitation of clients' right to confidentiality. Licensees shall review with clients circumstances where confidential information may be requested and where disclosure of confidential information is legally required. This discussion shall occur as soon as possible in the professional relationship and as needed throughout the course of the relationship.

(3) When counselors, social workers, and marriage and family therapists provide counseling services to families, couples, or groups, licensee's shall seek agreement among the parties involved concerning each individual's right to confidentiality and obligations to preserve the confidentiality of information shared by others. Licensees shall inform participants in family, group, or couples counseling that the licensee cannot guarantee that all participants shall honor such agreements.

(4) Counselors, social workers, and marriage and family therapists shall take reasonable and appropriate steps to protect the confidentiality of information transmitted to other parties when using computers, electronic mail, facsimile machines, telephones and telephone answering machines, and other electronic or computer technology.

(5) Counselors, social workers, and marriage and family therapists, shall explain the required limitations of confidentiality imposed by a mandating authority when working with clients who have been mandated for counseling services. Licensees shall also explain what type of information and with whom that information is shared prior to the beginning of counseling. The mandated client has the right to refuse services and the licensee shall, to the best of their ability, explain the consequences possibly imposed by the mandating authority of refusing the counseling services.

(E) Responsibility to clients/consumers of services as to termination:

(1) Counselors, social workers, and marriage and family therapists shall terminate services only after giving careful consideration to factors affecting the relationship and making effort to minimize possible adverse effects. If an interruption or termination of services is anticipated, reasonable notification and appropriate referral for continued services shall be provided to the client/consumer of services.

(2) Counselors, social workers, and marriage and family therapists employed by an agency or practice, may not solicit or refer a current client of the agency or practice, to the licensee's private practice. Licensees and registrants when leaving the employment of an agency or practice may offer referrals to the client. The referral shall include multiple options for the client to choose from, and the agency where the client is currently being seen shall be included as an option, the licensee's private practice may be one of the multiple options.

(3) In the event that a licensee or registrant is terminated for cause from a position as a volunteer or paid licensee, it is not the responsibility of the licensee or registrant to provide continuation of services or appropriate referrals. Licensees who are terminated for cause shall not contact their ex-clients.

(F) Responsibility to clients/consumers of services as to sexual harassment: Counselors, social workers, and marriage and family therapists shall not sexually harass clients/consumers of services family members of clients, ex-clients or other persons encountered in professional settings. Licensees shall not sexually harass supervisees, students, or colleagues. Sexual harassment includes sexual advances, sexual solicitation, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature. A client of the agency is considered a client of each counselor, social worker, or marriage and family therapist employed or contracted by the agency for purposes of ethics under the sexual harassment section of this chapter. The duty of the licensee is based on that particular licensee's knowledge of a client's identity prior to starting a relationship.

(G) Responsibility to clients/consumers of services as to discrimination:

(1) Counselors, social workers, and marriage and family therapists shall not practice, condone, facilitate or collaborate with any form of discrimination on the basis of race, ethnicity, national origin, color, sex, sexual orientation, gender identity or expression, age, marital status, political belief, religion, veteran status, immigration status, or mental or physical challenge.

(2) Counselors , social workers , and marriage and family therapists should obtain education about and seek to understand the nature of social diversity with respect to race, ethnicity, national origin, color, sex, sexual orientation, gender identity or expression, age, marital status, political belief, religion, veteran status, immigration status, and mental or physical disability.

(H) Responsibility to clients/consumers of services as to conduct with clients and other individuals:

(1) Counselors, social workers, and marriage and family therapists shall not physically or verbally abuse or threaten clients family members of clients, ex-clients or other persons encountered in professional settings. Licensees shall be aware that any physical touching between the professional and the client is subject to review for appropriate professional boundaries. The professional shall have the burden of proof to explain why physical touching was professionally necessary.

(2) Counselors, social workers, and marriage and family therapists shall not use derogatory language in their written or verbal communications to or about clients, ex-clients or family members of clients or ex-clients. Licensees shall use accurate and respectful language in all communications to and about clients and other persons in professional settings.

(I) Licensed independent social workers, professional clinical counselors, and independent marriage and family therapists shall provide appropriate supervision to licensees who do not hold an independent license. This shall include ensuring all supervision documentation is provided to the board in a timely fashion and meeting with the supervisee on a regular basis to discuss the specific issues in the dependent licensee's practice. Supervisors shall be accurate with all supervision reporting issues. Supervisors shall not sign as the training supervisor, if they did not provide direct supervision.

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4757-5-03 Standards of ethical practice and professional conduct: multiple relationships.

(A) Counselors, social workers, or marriage and family therapists shall avoid multiple relationships and conflicts of interest with any client/consumer-of-services, ex-clients, family members of clients or ex-clients, or other persons encountered in professional or non-professional setting, which are not in the best interest of the client and might impair professional judgment or which increases the risk of client/consumer-of-services exploitation.

(1) When a multiple relationship is first recognized or cannot be avoided, counselors, social workers, and marriage and family therapists shall take the following appropriate professional precautions:

(a) All potential multiple relationship and/or conflicts of interest shall be discussed with the client as soon as possible after being first recognized and shall continue only with both parties agreement;

(b) All multiple relationships and/or conflicts of interest shall be noted in the client record with reasoning as to why it is in the best interest of the client and/or not harmful;

(c) Such notation shall be continually reassessed and justified in the record;

(d) Issues such as informed consent, consultation, and supervision shall be considered to ensure that judgment is not impaired and that no exploitation occurs.

(2) A client of the agency is considered a client of each counselor, social worker, or marriage and family therapist employed or contracted by the agency for purposes of ethics under the multiple relationships rule of this chapter.

(3) The licensed professional shall not undertake or continue a professional relationship with a client/consumer-of-services when the objectivity or competency of the counselor, social worker, or marriage and family therapist is, or could reasonably be expected to be, impaired or where the relationship with the client/consumer-of-services is exploitative.

(4) Examples of multiple relationships that shall be avoided include but are not limited to those listed below.

(a) Familial relationships;

(b) Social relationships;

(c) Emotional relationships;

(d) Financial relationships;

(e) Supervisory relationships;

(f) Political relationships;

(g) Administrative relationships; and/or

(h) Legal relationships.

(i) Social media/personal virtual relationships

(5) The list of relationships in paragraph (A)(4) of this rule as well as others require careful consideration to insure that impaired judgment or exploitation is not involved and that the best interest of the client is served at all times.

(B) Counselors, social workers, and marriage and family therapists shall avoid potentially harmful effects of non-client contacts on their practice that would reasonably impair the professional's objectivity or otherwise interfere with the professional's effectiveness as a counselor, social worker, or marriage and family therapist or would reasonably harm or exploit the other party. The standard to be used shall be what an ordinary, reasonable professional with similar education and training would have considered in similar circumstances.

(C) When counselors, social workers, and marriage and family therapists provide services to two or more people who have a relationship with each other (for example couples, family members), licensees shall clarify with all parties which individuals shall be considered clients and the nature of the licensee's professional obligations to the various individuals who are receiving services. Licensees, who anticipate a conflict of interest among the individuals receiving services or who anticipate having to perform in potentially conflicting roles (for example, a licensee who is asked or ordered to testify in a child custody dispute or divorce proceeding involving clients), shall clarify their role with the parties involved and take appropriate action to minimize any conflict of interest. If a licensee is asked to testify in a child custody case, they should review rule 4757-6-01 of the Administrative Code prior to any court appearance for guidance as to their role in these circumstances.

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4757-5-04 Standards of ethical practice and professional conduct: sexual relationships.

(A) Counselors, social workers, and marriage and family therapists shall not engage in sexual activities or sexual contact with current clients, whether such contact is consensual or forced. A client of the agency is considered a client of each counselor, social worker, or marriage and family therapist employed or contracted at the agency for purposes of ethics under the sexual relationships section of this chapter. The duty of the licensee is based on that particular licensee's knowledge of a client's identity prior to starting a relationship.

(B) Counselors, social workers, and marriage and family therapists shall not have sexual intimacies with clients and shall not counsel persons with whom they have had a sexual relationship.

(C) Counselors, social workers, and marriage and family therapists shall not engage in sexual intimacies with former clients within five years after terminating the therapeutic relationship. Counselors, social workers, and marriage and family therapists who choose to engage in such a relationship after five years following termination have the responsibility to thoroughly examine and document in the clients record that such a relationship does not have an exploitative nature, based upon factors such as, duration of therapy, amount of time since therapy, termination circumstances, client's personal history and mental status, adverse impact on the client, power differentials, and actions by the professional suggesting a plan with the client after termination.

(D) A client of the agency is considered a client of each counselor, social worker, or marriage and family therapist employed or contracted by the agency for purposes of ethics under the sexual harassment, multiple relationships and sexual relationships sections of this rule. Counselors, social workers and marriage and family therapists shall not engage in sexual activities or sexual contact with clients' relatives or other individuals with whom clients maintain a close personal relationship when there is a risk of exploitation or potential harm to the client. Sexual activity or sexual contact with clients' relatives or other individuals with whom the client maintains a personal relationship has the potential to be harmful to the client and may make it difficult for the counselor, social worker or marriage and family therapist to maintain appropriate professional boundaries. Counselors, social workers and marriage and family therapists, not their clients, their clients' relatives, or other individuals with whom the client maintains a personal relationship assume the full burden for setting clear, appropriate, and culturally sensitive boundaries. The duty of the licensee is based on that particular licensee's knowledge of a client's identity prior to starting a relationship.

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4757-5-05 Standards of ethical practice and professional conduct: impaired practice.

In impaired practice situations: counselors, social workers and marriage and family therapists shall not undertake or continue professional relationships with a client, supervisee, or student when the objectivity or competency of the counselor, social worker, or marriage and family therapist is or could reasonably be expected to be, impaired due to mental, emotional, physiological, pharmacological, or substance abuse conditions. If such a condition develops after a professional relationship has been initiated, the counselor, social worker, or marriage and family therapist shall terminate the professional relationship in an appropriate manner, shall notify the client of termination in writing, and shall assist the client in obtaining services from another professional.

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4757-5-06 Standards of ethical practice and professional conduct: assessment and testing instruments.

(A) General use of assessment and testing instruments:

(1) Appraisal techniques: the primary purpose of educational and psychological assessment is to provide measures that are objective and interpretable in either comparative or absolute terms. Counselors, social workers, and marriage and family therapists shall interpret the statements in this rule as applying to the whole range of appraisal techniques, including test and non-test data.

(2) Client welfare: counselors, social workers, and marriage and family therapists shall promote the welfare and best interests of the client in the development, publication, and utilization of educational and psychological assessment results and interpretations and take reasonable steps to prevent others from misusing the information these techniques provide. They shall respect the client's rights to know the results, of the interpretations made, and the bases for their conclusions and recommendations.

(B) Competence to use and interpret assessment and testing instruments:

(1) Limits of competence: Counselors, social workers, and marriage and family therapists shall recognize the limits of their competence and perform only those testing and assessment services for which they have training. They shall be familiar with reliability, validity, related standardization, error of measurement, and proper application of any technique utilized. Counselors, social workers, and marriage and family therapists using computer-based test interpretations shall be trained in the construct being measured and the specific instrument being used prior to using this type of computer application. Counselors, social workers, and marriage and family therapists shall take reasonable measures to ensure the proper use of psychological assessment techniques by persons under their supervision.

(2) Appropriate use: Counselors, social workers, and marriage and family therapists are responsible for the appropriate selection, application, scoring, interpretation, and use of assessment instruments, whether they score and interpret such tests themselves or use computerized or other services.

(3) Decisions based on results: Counselors, social workers, and marriage and family therapists responsible for decisions involving individuals or policies that are based on assessment results shall have a thorough understanding of educational and psychological measurement, including validation criteria, test research, and guidelines for test development and use.

(4) Accurate information: Counselors, social workers, and marriage and family therapists shall provide accurate information and shall not make false claims when making statements about assessment instruments or techniques. Counselors, social workers, and marriage and family therapists shall seek to identify and correct client misconceptions about assessment instruments or techniques and about the meaning of scores, charts, or graphs given to them as assessment product. Special efforts shall be made to avoid unwarranted connotations of such terms as "IQ" and grade equivalent scores.

(C) Informed consent in the use of assessment and testing instruments:

(1) Explanation to clients: Prior to assessment, counselors, social workers, and marriage and family therapists shall explain the nature and purposes of assessment and the specific use of results in language the client (or other legally authorized person on behalf of the client) can understand, unless an explicit exception to this right has been agreed upon in advance. Regardless of whether scoring and interpretation are completed by counselors, social workers, marriage and family therapists, by assistants, or by computer or other outside services, counselors, social workers, and marriage and family therapists shall take reasonable steps to ensure that appropriate explanations are given to the client.

(2) Recipients of results: The examinee's welfare, explicit understanding, and prior agreement shall determine the recipients of test results. Counselors, social workers, and marriage and family therapists shall include accurate and appropriate interpretations with any release of individual or group test results.

(D) Release of information to competent professionals of assessment and testing instrument results:

(1) Misuse of results: Counselors, social workers, and marriage and family therapists shall not misuse assessment results, including test results, and interpretations, and take reasonable steps to prevent the misuse of such by others.

(2) Release of raw data: Counselors, social workers, and marriage and family therapists shall ordinarily release data (e.g. protocols, counseling or interview notes, or questionnaires) in which the client is identified only with the consent of the client or the client's legal representative. Such data shall usually be released only to persons recognized by counselors, social workers, and marriage and family therapists as competent to interpret the data.

(E) Proper diagnosis of mental disorders with the use of assessment and testing instruments:

(1) Proper diagnosis: Counselors and social workers shall take special care to provide accurate diagnosis of mental disorders. Assessment techniques (including personal interview) used to determine client care (e.g., locus of treatment, type of treatment or recommended follow-up) shall be carefully selected and appropriately used.

(2) Cultural sensitivity: Counselors and social workers shall recognize that culture affects the manner in which client's problems are defined. Clients' socioeconomic and cultural experience shall be considered when diagnosing mental disorders.

(F) Test selection in the use and interpretation of assessment and testing instruments:

(1) Appropriateness of instruments: Counselors, social workers, and marriage and family therapists shall carefully consider the validity, reliability, psychometric limitations and appropriateness of instruments when selecting tests for use in a given situation or with a particular client.

(2) Culturally diverse populations: Counselors, social workers, and marriage and family therapists recognize that the psychometric characteristics of a test (e.g., reliability, validity) are a function of the cultural composition of the population in which they were evaluated, validated, or normed. Licensees shall exercise due diligence in selecting tests to be used within a culturally diverse population in order to minimize the risk of inappropriate interpretation of test scores.

(G) Conditions of test administration when using assessment and testing instruments:

(1) Administration conditions: Counselors, social workers, and marriage and family therapists shall administer tests under the same conditions that were established in their standardization. When tests are not administered under standard conditions or when unusual behavior or irregularities occur during the testing session, those conditions shall be noted in interpretation, and the results may be designated as invalid or of questionable validity.

(2) Computer administration: Counselors, social workers, and marriage and family therapists shall be responsible for ensuring that assessment administration programs function properly to provide clients with accurate results when a computer or other electronic methods are used for test administration.

(3) Unsupervised test-taking: Counselors, social workers, and marriage and family therapists shall not permit unsupervised or inadequately supervised use of tests or assessments unless the tests or assessments are designed, intended, and validated for self administration and/or scoring.

(4) Disclosure of favorable conditions: prior to test administration, conditions that produce most favorable test results shall be made known to the examinee.

(H) Diversity when using assessment and testing instruments: Counselors, social workers, and marriage and family therapists shall be cautious in using assessment techniques, making evaluations, and interpreting the performance of populations not represented in the norm group on which an instrument was standardized. They shall recognize the effects of age, color, culture, disability, ethnic group, gender, race, religion, sexual orientation and socioeconomic status on test administration and interpretation and place test interpretation results in proper perspective with other relevant factors.

(I) Test scoring and interpretation when using assessment and testing instruments:

(1) Reporting reservations: In reporting assessment results, counselors, social workers, and marriage and family therapists, shall indicate any reservations that exist regarding validity or reliability because of the circumstances of the assessment or the inappropriateness of the norms for the person tested.

(2) Research instruments: counselors, social workers, and marriage and family therapists shall exercise caution when interpreting the results of research instruments possessing insufficient technical data to support respondent results. The specific purposes for the use of such instruments shall be stated explicitly to the examinee.

(3) Testing services: counselors, social workers, and marriage and family therapists who provide test scoring and test interpretation services to support the assessment process shall confirm the validity of such interpretations. They shall accurately describe the purpose, norms, validity, reliability, and applications of the procedures and any special qualifications applicable to their use. The public offering of an automated test interpretations service is considered a professional-to-professional consultation. The formal responsibility of the consultant is to the consultee, but the ultimate and overriding responsibility is to the client.

(J) Test security when using assessment and testing instruments: Counselors, social workers, and marriage and family therapists shall maintain the integrity and security of tests and other assessment techniques consistent with legal and contractual obligations. Counselors, social workers, and marriage and family therapists shall not appropriate, reproduce, or modify published tests or parts thereof without acknowledgment and permission from the publisher.

(K) Obsolete tests and outdated test results when using assessment and testing instruments: Counselors, social workers, and marriage and family therapists shall not use data or test results that are obsolete or outdated for the current purpose. Counselors, social workers, and marriage and family therapists shall make every effort to prevent the misuse of obsolete measures and test data by others.

(L) Test construction for assessment and testing instruments: Counselors, social workers, and marriage and family therapists shall use established scientific procedures, relevant standards, and current professional knowledge for test design in the development, publication, and utilization of educational and psychological assessment techniques.

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4757-5-07 Standards of ethical practice and professional conduct: research and publication.

(A) Responsibilities in conducting research:

(1) Use of human subjects: Counselors, social workers, and marriage and family therapists shall plan, design, conduct, and report research in a manner consistent with pertinent ethical principles, federal and state laws, host institutional regulations, and scientific standards governing research with human subjects. Counselors, social workers, and marriage and family therapists shall design and conduct research that reflects cultural sensitivity appropriateness.

(2) Deviation from standard practices: Counselors, social workers, and marriage and family therapists shall seek consultation and observe stringent safeguards to protect the rights of research participants when a research problem suggests a deviation from standard acceptable practices.

(3) Precautions to avoid injury: Counselors, social workers, and marriage and family therapists who conduct research with human subjects are responsible for the subjects' welfare throughout the experiment and shall take reasonable precautions to avoid causing injurious psychological, physical, or social effects to their subjects. Counselors, social workers, and marriage and family therapists shall warn clients of any possible harm that might come from being involved in a research project.

(4) Principal researcher responsibility: The ultimate responsibility for ethical research practice lies with the principal researcher. All others involved in the research activities share ethical obligations and full responsibility for their own actions.

(5) Minimal interference: Counselors, social workers, and marriage and family therapists shall take reasonable precautions to avoid causing disruptions in subjects' lives due to participation in research.

(6) Diversity: Counselors, social workers, and marriage and family therapists shall be sensitive to diversity and research issues with special populations. They seek consultation when appropriate.

(B) Informed consent in conducting research and publishing:

(1) Topics disclosed: In obtaining informed consent for research, counselors, social workers, and marriage and family therapists shall use language that is understandable to research participants and that:

(a) Accurately explain the purpose and procedures to be followed;

(b) Identify any procedures that are experimental or relatively untried;

(c) Describe the attendant discomforts and risks;

(d) Describe the benefits or changes in individuals or organizations that might be reasonably expected;

(e) Disclose appropriate alternative procedures that would be advantageous for subject:

(f) Offer to answer any inquiries concerning the procedures;

(g) Ascribe any limitations on confidentiality, and;

(h) Instruct that subjects are free to withdraw their consent and discontinue participation in the project at any time.

(2) Deception: Counselors, social workers, and marriage and family therapists shall not conduct research involving deception unless alternative procedures are not feasible and the prospective value of the research justifies the deception. When the methodological requirements of a study necessitate concealment or deception, the investigator shall explain clearly the reasons for this action as soon as possible.

(3) Voluntary participation: Participation in research shall typically be voluntary and without any penalty for refusal to participate. Involuntary participation shall be appropriate only when investigators can demonstrate that participation shall have no harmful effects on subjects and is essential to the investigation.

(4) Confidentiality of information: Information obtained about research participants during the course of an investigation shall be confidential. When the possibility exists that others may obtain access to such information, ethical research practice requires that the possibility, together with the plans for protecting confidentiality, shall be explained to participants as a part of the procedure for obtaining informed consent.

(5) Persons incapable of giving informed consent: When a person is not capable of giving informed consent, counselors, social workers and marriage and family therapists shall provide an appropriate explanation, obtain agreement for participation and obtain appropriate consent from a legally authorized person.

(6) Commitments to participants: Counselors, social workers, and marriage and family therapists shall take reasonable measures to honor all commitments to research participants.

(7) Explanations after data collections: After data is collected, counselors, social workers, and marriage and family therapists shall provide participants with full clarifications of the nature of the study to remove any misconceptions. Where scientific or human values justify delaying or withholding information, counselors, social workers and marriage and family therapists shall take reasonable measures to avoid causing harm.

(8) Agreements to cooperate: Counselors, social workers, and marriage and family therapists who agree to cooperate with another individual in research or publication incur an obligation to cooperate as promised in terms of punctuality of performance and with regard to the completeness and accuracy of the information required.

(9) Informed consent for sponsors: In the pursuit of research, counselors, social workers, and marriage and family therapists shall give sponsors, institutions, and publication channels the same respect and opportunity for giving informed consent that they accord to individual research participants. Counselors, social workers, and marriage and family therapists shall be aware of their obligation to future research workers and ensure that host institutions are given feedback information and proper acknowledgment.

(C) Reporting results of research and publishing:

(1) Information affecting outcome: When reporting research results, counselors, social workers, and marriage and family therapists shall explicitly mention all variables and conditions known to the investigator that may have affected the outcome of a study or the interpretation of this data.

(2) Accurate results: Counselors, social workers, and marriage and family therapists shall plan, conduct and report research accurately and in a manner that minimizes the possibility that results will be misleading. They shall provide thorough discussions of the limitations of their data and alternative

hypotheses. Counselors, social workers, and marriage and family therapists shall not engage in fraudulent research, distort data, misrepresent data, or deliberately bias their results.

(3) Obligation to report unfavorable results: Counselors, social workers, and marriage and family therapists shall communicate to other counselors, social workers, and marriage and family therapists the results of any research judged to be of professional value. Results that reflect unfavorably on institutions, programs, services, prevailing opinions, or vested interests shall not be withheld.

(4) Identity of subjects: Counselors, social workers, and marriage and family therapists who supply data, aid in the research of another person, report research results, or make original data available shall take due care to disguise the identity of respective subjects in the absence of specific authorization from the subjects to do otherwise.

(5) Replication studies: Counselors, social workers, and marriage and family therapists shall make available sufficient original research data to qualified professionals who may wish to replicate the study.

(D) Publication of research results:

(1) Recognition of others: When conducting and reporting research, counselors, social workers, and marriage and family therapists shall be familiar with, and give recognition to, previous work on the topic, observe copyright laws, and give full credit to those to whom credit is due.

(2) Contributors: Counselors, social workers, and marriage and family therapists shall give credit through joint authorship, acknowledgment, footnote statements, or other appropriate means to those who have contributed significantly to research or concept development in accordance with such contributions. The principal contributor shall be listed first and minor technical or professional contributions shall be acknowledged in notes or introductory statements.

(3) Student research: For an article that is substantially based on a student's dissertation or thesis, the student shall be listed as the principal author.

(4) Duplicate submission: Counselors, social workers, and marriage and family therapists shall submit manuscripts for consideration to only one journal at a time. Manuscripts that are published in whole or in substantial part in another journal or published work shall not be submitted for publication without acknowledgment and permission from the previous publication.

(5) Professional review: Counselors, social workers, and marriage and family therapists who review material submitted for publication, research, or other scholarly purposes shall respect the confidentiality and proprietary rights of those who submitted it.

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4757-5-08 Standards of ethical practice and professional conduct: payment for services.

(A) Payment for services: When setting fees, counselors, social workers, and marriage and family therapists shall ensure that the fees are fair, reasonable, and commensurate with the services performed.

(B) Counselors, social workers, and marriage and family therapists shall not accept goods or services as payment for professional services. Bartering is prohibited.

(C) Counselors, social workers, and marriage and family therapists shall not solicit a private fee or other remuneration for providing services to clients who are entitled to such available services through the counselor's, social worker's, or marriage and family therapist's employer or agency.

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4757-5-09 Standards of ethical practice and professional conduct: record keeping.

(A) Record keeping requirements: For each client/consumer of services, a licensee or registrant shall keep records of the dates of counseling, social work, or marriage and family therapy services, types of counseling, social work, or marriage and family therapy services, termination, and billing information. Records held by the licensee shall be kept for seven years. Records held or owned by government agencies or educational institutions are not subject to this requirement. Licensees shall keep all records in a secure location and shall allow only authorized persons access to records.

(B) Counselors, social workers, and marriage and family therapists shall take reasonable steps to ensure that documentation in records is accurate and reflects the services provided. Dates reflected in case notes shall be accurate with respect to dates of service and dates the case notes were written. Clinical records shall include but not be limited to appropriate diagnosis, if any; individual service plans; in-take assessments; informed consent documents; and releases of information documents.

(C) Counselors, social workers, and marriage and family therapists shall include sufficient and timely documentation in records to facilitate the delivery of services and to ensure continuity of services provided to clients in the future.

(D) Counselors', social workers', and marriage and family therapists' documentation shall protect clients' privacy to the extent that it is possible and appropriate and shall include only information that is directly relevant to the delivery of services.

(E) Counselors, social workers, and marriage and family therapists shall store records following termination of services to ensure reasonable future access. Records should be maintained as required by this rule unless a longer retention period is required by statute or relevant contracts

(F) Counselors, social workers, and marriage and family therapists shall provide clients with reasonable access to records concerning the client. Counselors, social workers, and marriage and family therapists who are concerned that clients' access to their records could cause serious misunderstanding or harm to the client shall provide assistance in interpreting the records and consultation with the client regarding the records. Licensees should limit clients' access to their records, or portions of their records, only in exceptional circumstances when there is compelling evidence that such access would cause serious harm to the client. Both the clients' requests and the rationale for withholding some or all of the records shall be documented in the clients' files. When providing clients with access to their records, licensees shall take steps to protect the confidentiality of other individuals identified or discussed in such records.

(G) A counselor, social worker, or marriage and family therapist shall not condone, partake, or assist in billing irregularities or fraud with respect to insurance companies or direct billing.

(H) Counselors, social workers and marriage and family therapists shall be aware of and adhere to divisions (H)(1) and (H)(2) of section 3109.051 of the Revised Code. That section in part states: "a parent of a child who is not the residential parent of the child is entitled to access, under the same terms and conditions under which access is provided to the residential parent, to any record that is related to the child and to which the residential parent of the child legally is provided access...unless the court determines that it would not be in the best interest of the child for the parent who is not the residential parent to have access to the records under those same terms and conditions...any keeper of a record who knowingly fails to comply with the order or division (H) of this section is in contempt of court." A complete reading and understanding of this section is mandatory for any counselor, social worker or marriage and family therapist providing services for children.

(I) When counselors, social workers, or marriage and family therapists leave a practice, they shall follow a prepared plan for transfer of clients and files. Counselors, social workers, or marriage and family therapists shall prepare and disseminate to an identified colleague or "records custodian" a plan for the transfer of clients and files in the case of their incapacitation, death, or termination of practice. Each licensee responsible for client files outside of an agency shall report to the board on the biennial

registration (renewal) form the name, address, and telephone number of a licensee or other appropriate person knowledgeable about transfer and custody of records and responsibility for records in the event of the licensee's absence, incapacitation or death. Licensees at agencies that close can reference division (A) (14) of section 5122.31 of the Revised Code for proper transfer of records.

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4757-5-10 Standards of ethical practice and professional conduct: reporting unethical actions.

(A) Mandatory reporting: All licensees, registrants, supervisors and trainees have a responsibility to report any alleged violations of this act or rules adopted under it to the counselor, social worker, and marriage and family therapist board. Also, if they have knowledge or reason to suspect that a licensed colleague or other licensee is acting in an unethical way or is incompetent or impaired they shall report that practitioner to the board. All mandatory reporting shall be in writing and bear the name and license number or registration of the reporter. When client confidentiality limits the licensee's ability to provide details the licensee is still mandated to report the allegations against another licensee without breaching client confidentiality.

(B) Counselors, social workers, and marriage and family therapists are required to comply with all mandatory reporting requirements set forth in the Revised Code to include, but not limited to:

(1) Section 2305.51 of the Revised Code - Immunity of mental health professional for reporting violent behavior by a client or patient;

(2) Section 2151.421 of the Revised Code - Duty to report child abuse or neglect;

(3) Section 5101.61 of the Revised Code - Duty to report abuse, neglect or exploitation of an adult;

(4) Section 2317.02 of the Revised Code - Privileged communications; and

(5) Section 5123.61 of the Revised Code - Mandatory "duty to report abuse, neglect and other major incidents for a person with mental retardation or a developmental disability."

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4757-5-11 Standards of ethical practice and professional conduct: change of name and/or address.

All licensees or registrants are required to notify the board of any changes of name or information to ensure that the board has their current name and mailing address within ninety days of those events. Failure to do so may result in disciplinary action by the board.

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4757-5-12 [Rescinded] Standards of ethical practice and professional conduct: professional disclosure for counselors, social workers and marriage and family therapists.

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4757-5-13 Standards of practice and professional conduct: electronic service delivery (internet, email, teleconference, etc.).

Electronic service delivery is defined in paragraph (EE) of rule 4757-3-01 of the Administrative Code. Licensees are reminded that standards of ethical practice and professional conduct rules 4757-5-01 to 4757-5-12 of the Administrative Code apply to electronic service delivery.

(A) These standards govern the practice of electronic service delivery and address practices that are unique to electronic service delivery and electronic service delivery practitioners.

(1) All practitioners providing counseling, social work or marriage and family therapy via electronic service delivery to persons physically present in Ohio shall be licensed in Ohio.

(2) All licensees of this board providing services to clients outside the state of Ohio shall comply with the laws and rules of that jurisdiction.

(3) Electronic service delivery shall require an initial face-to-face meeting, which may be via video/audio electronically, to verify the identity of the electronic service delivery client. At that meeting steps shall be taken to address impostor concerns, such as by using passwords to identify the client in future electronic contacts.

(4) Informed consent shall include information defining electronic service delivery as practiced by the licensee and the potential risks and ethical considerations per paragraph (B) of rule 4757-5-02 of the Administrative Code.

(a) Licensees shall obtain written informed consent.

(b) Licensees shall not provide services without client signed informed consent.

(5) Licensees shall provide links to websites for all of their certification bodies and licensure boards to facilitate consumer protection.

(6) Licensees shall identify an appropriately trained professional who can provide local assistance, including crisis intervention, if needed. Licensees shall provide electronic service delivery clients the local crisis hotline telephone number and the local emergency mental health telephone number.

(7) Licensees shall provide a link to the board's online license verification site on their web page.

(B) Confidentiality in electronic service delivery shall be maintained by the licensee:

(1) Licensees shall use encryption methods for electronic service delivery , except for treatment reminders, scheduling contacts or other information provided outside of a therapeutic context; and

(2) Shall inform electronic service delivery clients details of data record storage.

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Chapter 4757-6 Ethical Practice

4757-6-01 Reports prepared for court review including custody, visitation and guardianship concerns.

(A) The role of the counselor, social worker, or marriage and family therapist is that of a professional expert who strives to maintain an objective, impartial stance. A counselor, social worker or marriage and family therapist does not act as a judge who makes the ultimate decision applying the law to all relevant evidence. Neither does a counselor, social worker or marriage and family therapist act as an advocating attorney who strives to present his or her client's best possible case. A counselor, social worker, or marriage and family therapist in a balanced, impartial manner informs and advises the court and the respective parties of the relevant mental health factors pertaining to the issue. A counselor, social worker, or marriage and family therapist should be impartial regardless of whether he or she is retained by the court or by a party to the proceedings. If either the counselor, social worker, marriage and family therapist, or the client cannot accept this neutral role, the counselor, social worker, or marriage and family therapist shall withdraw from the case. If not permitted to withdraw, the counselor, social worker, or marriage and family therapist acknowledges past roles and other factors that could affect impartiality.

(B) A counselor, social worker, or marriage and family therapist contemplating performing court reports, including child custody reports, is aware that special competencies and knowledge are required for the undertaking of such evaluations. Competence in performing psychological assessments of children, adults and families is necessary but not sufficient. Education, training, experience and/or supervision in the areas to be evaluated are essential in preparing a report.

(C) A counselor, social worker, or marriage and family therapist uses current knowledge of scientific and professional developments consistent with accepted clinical and scientific standards in selecting data collection methods and procedures.

(D) In the course of preparing a report, allegations of other issues may occur that are not necessarily within the scope of a particular evaluator's expertise. If this is so, the counselor, social worker, or marriage and family therapist seeks additional consultation, supervision, and/or specialized knowledge or training to address these issues.

(E) A counselor, social worker, or marriage and family therapist engaging in preparing reports that will likely be used in court is aware of how biases regarding age, gender, race, ethnicity, national origin, religion, sexual orientation, disability, language, culture, and socioeconomic status may interfere with an objective evaluation and recommendations. A counselor, social worker, or marriage and family therapist recognizes and strives to overcome any such biases or withdraws from the evaluation.

(F) A counselor, social worker, or marriage and family therapist shall not conduct a court evaluation in a case in which that counselor, social worker, or marriage and family therapist served in a therapeutic role for the client or his or her immediate family or has had other involvement that may compromise the counselor, social worker, or marriage and family therapist's objectivity. This should not preclude a counselor, social worker, or marriage and family therapist from testifying in the case as a fact witness concerning treatment. In addition, during the course of a court evaluation, a counselor, social worker, or marriage and family therapist shall not accept any of the involved participants in the evaluation as a therapy client. Therapeutic contact with the participants following the court evaluation is undertaken with caution. A counselor, social worker, or marriage and family therapist asked to testify in court is aware of the limitations and possible biases inherent in such a role and the possible impact on the ongoing therapeutic relationship. Although the court may require the counselor, social worker, or marriage and family therapist to testify as a fact witness regarding factual information he or she became aware of in a professional relationship with a client, that counselor, social worker, or marriage and family therapist shall decline the role of expert witness who gives a professional opinion regarding the custody, visitation and/or guardianship issues.

(1) Licensees with a client involved in a custody, visitation and/or guardianship case, if asked by a client and/or their lawyer or the guardian ad litem to make a recommendation as to custody, visitation and/or guardianship, shall cite their role as the primary therapist for their client. This section does not apply to a licensee hired to make a custody, visitation and/or guardianship recommendation for the court. Licensees shall inform the requestor that they have not performed a custody, visitation and/or guardianship evaluation and it would be unethical for them to make any recommendation outside of their role as a treating therapist.

(2) Licensees asked by a judge to make a recommendation in a custody, visitation and/or guardianship hearing, not hired by the court to do so, shall cite their role as a client's therapist and note that any testimony would be an ethics violation of their license and they can only testify to facts that they know. Any recommendation would be based on limited facts and not within their role as this client's therapist. However, if ordered by the court to make a recommendation after stating these limitations, the licensee shall follow the court's order in order to avoid being found in contempt of court.

(G) The scope of the court evaluation is determined by the nature of the question or issue raised by the referring person or court, or is inherent in the situation. A counselor, social worker, or marriage and family therapist may be asked to critique the assumptions and methodology of the assessment of another mental health professional. A counselor, social worker, or marriage and family therapist also might serve as an expert witness providing expertise to the court without relating it specifically to the parties involved in a case.

(H) A counselor, social worker, or marriage and family therapist will adhere to the requirements regarding informed consent as outlined in paragraph (B)(2) of rule 4757-5-01 of the Administrative Code.

(I) A counselor, social worker, or marriage and family therapist will adhere to the requirements regarding confidentiality as outlined in paragraph (B)(4) of rule 4757-5-01 of the Administrative Code.

(J) A counselor, social worker, or marriage and family therapist strives to use the most appropriate methods available for addressing the questions raised in a specific evaluation and generally uses multiple methods of data gathering, including but not limited to clinical interviews, observation, and/or testing and assessment instruments. Important facts and opinions are documented from at least two sources whenever those methods' reliability is questionable. A counselor, social worker, or marriage and family therapist may also interview extended family, friends, and other individuals on occasions when the information is likely to be useful. If information is gathered from third parties that is significant and may be used as a basis for conclusions, licensees corroborate it by at least one other source wherever possible and appropriate and document this in the report.

(K) A counselor, social worker, or marriage and family therapist refrains from drawing conclusions not adequately supported by data. The counselor, social worker, or marriage and family therapist interprets any data from interviews or tests, as well as any questions of data reliability and validity cautiously and conservatively seeking convergent validity. A counselor, social worker, or marriage and family therapist strives to acknowledge to the court any limitations in methods or data used.

(L) A counselor, social worker, or marriage and family therapist does not give a professional opinion regarding the mental health functioning of any individual who has not been personally evaluated other than in addressing theoretical issues of hypothetical questions, so long as the limited basis of the information is noted.

(M) If a counselor, social worker, or marriage and family therapist chooses to make recommendations, these recommendations should be derived from sound data and shall be based on the best interests of the client involved. Recommendations are based on articulated assumptions, data, interpretations, and inferences based upon established professional and scientific standards. A counselor, social worker, or marriage and family therapist guards against relying on their own biases or unsupported beliefs in rendering opinions in particular cases.

(N) A counselor, social worker, or marriage and family therapist shall adhere to the requirements regarding record keeping as outlined in paragraph (I) of rule 4757-5-01 of the Administrative Code.

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Statutory Authority: 4757.10
Rule Amplifies: 4757.10
Prior Effective Dates: 4/10/04, 9/20/07, 10/18/09

4757-6-02 Summary suspension.

(A) If the counselor, social worker, and marriage and family therapist board determines that there is clear and convincing evidence that a person who has been granted a license or registration under this chapter has committed an act that subjects the person's license or registration with the board to action under section 4757.36 of the Revised Code and that the person's continued practice presents a danger of immediate and serious harm to the public, the board, or one of its professional standards committees, may suspend the license without a prior hearing.

(B) The board shall issue a written order of suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. The order is not subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the person subject to the suspension requests an adjudication by the board, the date set for the adjudication shall be within fifteen business days, but not earlier than seven business days, after the request, unless otherwise agreed to by both the board and the person subject to the suspension.

(C) Any summary suspension imposed under this section shall remain in effect, unless reversed on appeal, until a final adjudication order issued by the board pursuant to section 4734.36 and Chapter 119 of the Revised Code becomes effective. The board shall issue its final adjunctive order within sixty days after completion of its adjudication. A failure to issue the order within sixty days shall result in dissolution of the summary suspension order but shall not invalidate any subsequent, final adjudicative order.

R.C. 119.032 review dates: 09/05/2014 and 09/20/2018
Promulgated Under: 119.03
Statutory Authority: 4757.10
Rule Amplifies: 4757.361
Prior Effective Dates: 4-10-04, 3-13-06, 10-18-09.

Chapter 4757-7 License Renewal; Prohibitions

4757-7-01 Renewal of license or certificate of registration.

Any license or certificate of registration issued by the board expires two years from the date it is issued or renewed. The provisions of section 4757.32 of the Revised Code shall apply to all applications for renewal of licenses and certificates of registration.

(A) The renewal applicant shall file the required renewal forms in a manner prescribed by the board and shall pay the appropriate renewal fee. For the purposes of renewing online, the applicant shall establish user identification and password. The use of the user identification and password is solely the responsibility of the licensee to be used for all applications within the elicensing system including, but not limited to, an initial licensure application, a renewal application, updating the address, requesting a wall certificate or license verification to another state or entity. The user identification and password shall constitute the legally recognized signature for the purposes of this rule and may not be transferred, distributed or shared with any other person. Any person who knowingly makes a false statement on a renewal application or electronic application may be found guilty of falsification under section 2921.13 of the Revised Code, a misdemeanor of the first degree.

(B) The renewal applicant shall demonstrate in a manner prescribed by the board that the applicant has met the continuing professional education requirements, unless they are renewing in an inactive status per section 4757.321 of the Revised Code, for any license or certificate of registration completed under rules 4757-9-01, 4757-9-02 and /or 4757-9-03 of the Administrative Code.

(1) The continuing professional education required for renewal shall have been acquired subsequent to the issue of, or the last renewal of, the license or certificate of registration.

(2) Renewal applicants who hold two or more licenses issued by this board shall satisfy the continuing professional education requirements for each license they wish to renew. Continuing professional education used to renew one license or certificate of registration issued by this board may be used to renew another license or certificate of registration if it is approved for that license or certificate of registration.

(3) The board may waive the continuing professional education requirements for persons unable to meet them because of disability, residence abroad, military service, or other reasonable cause. Such requests for waiver shall be accompanied by documentation acceptable to the board per paragraph (D) of this rule.

(C) Except as stated in paragraph (B)(3) of this rule, the licenses or certificates of registration of persons renewing under 4757-9-01, 4757-9-02 and 4757-9-03 of the Administrative Code who do not meet their continuing professional requirements shall expire two years from the date of issuance. The board shall restore any license or certificate of registration that has been lapsed for two years or less upon application by the former licensee or registrant, documentation that the continuing professional education requirement for renewal has been met, and payment of the renewal fee. That restoration shall be for the remainder of the two years from the expiration date of that license. Any licensee eligible to restore their license may not apply for a new license. Many licensees may be confused by the term 'restoration' or 'restore', which is often thought of as a late renewal, but is actually a restoration of their license from that day forward for the remainder of the two year original month and day of licensure expiration.

(1) Per section 5903.10 of the Revised Code, a licensee or registrant shall be granted a renewal of the license or certificate by the board at the usual fee without a late fee as required by rule 4757-1-05 of the Administrative Code, if not otherwise disqualified because of mental or physical disability, and if either (C) (4) (a) or (C) (4) (b) of this paragraph applies:

(a) The license or registration was not renewed because of the holder's service in the armed forces of the United States or a reserve component of the armed forces of the United States, including the Ohio national guard.

(b) The license or certificate was not renewed because the holder's spouse served in the armed forces of the United States or a reserve component of the armed forces of the United States, including the Ohio national guard, and the service resulted in the holder's absence from this state.

(c) A renewal shall not be granted under this paragraph unless the holder or the holder's spouse, whichever is applicable, has presented satisfactory evidence of the service member's discharge under honorable conditions or release under honorable conditions from active duty or national guard duty within six months after the discharge or release.

(D) Waiver of continuing education requirements shall be processed as delineated in this rule. Waivers shall be requested using forms delineated by the board. Waiver of continuing education may be for the full thirty hours or any part thereof or a partial waiver of any or all of the hours that shall be completed by a future date per a consent agreement. Waivers should be requested with at least thirty days lead-time to allow processing prior to the expiration of a license for those licensees practicing in Ohio. A licensee whose license renewal date has passed shall not practice until they have renewed or they shall be in violation of section 4757.02 of the Revised Code and subject to administrative action up to and including revocation of their license.

(1) Per section 5903.12 of the Revised Code, a licensee or registrant upon application that is accompanied by proper documentation certifying that the licensee has been called to active duty as described in paragraph (D)(4)(a) and/or (D)(4)(b) of this rule during the current or a prior reporting period and

certifying the length of that active duty, shall have the continuing education response time extended for the current reporting period by an amount of time equal to the total number of months that the licensee spent on active duty during the current reporting period. For purposes of this division, any portion of a month served on active duty shall be considered one full month.

(a) The person is a member of the Ohio national guard, the Ohio military reserve, the Ohio naval militia, or a reserve component of the armed forces of the United States.

(b) The person has been called to active duty, whether inside or outside the United States, because of an executive order issued by the president of the United States or an act of congress, or upon the order of the governor, for a period in excess of thirty-one days.

(2) If a waiver is granted, the licensee shall renew immediately, and their file annotated as to the status of their waiver and any due date for completion of additional continuing education hours. Any licensee required to complete future continuing education hours shall complete a consent agreement prior to renewing their license.

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Rule Amplifies: 4757.32, 4757.33, 5903.10, and 5903.12
Prior Effective Dates: 5/22/86, 7/3/97, 2/9/98, 9/20/02, 4/10/04, 1/10/08, 11/2/08, 10/18/09, 6/1/2014

4757-7-02 Practice with expired license or certificate of registration is prohibited.

Persons whose licenses or certificates or registration have lapsed or expired and who continue to hold themselves out as counselors, social workers, or marriage and family therapists, or who engage in counseling, social work, or marriage and family therapy without a license or certificate of registration, shall be in violation of Chapter 4757. of the Revised Code. Persons who practice counseling, social work, or marriage and family therapy while their licenses or certificates of registration are under suspension or revocation shall be in violation of Chapter 4757. of the Revised Code.

R.C. 119.032 review dates: 09/05/2014 and 09/20/2018
Promulgated Under: 119.03
Statutory Authority: 4757.10
Rule Amplifies: 4757.02; 4757.32
Prior Effective Dates: 5/22/86, 7/3/97, 2/9/98, 4/10/04

4757-7-03 Inactive status of license; restoration.

(A) A counselor, social worker, or marriage and family therapist licensed or registered with the board may, at the time of biennial renewal, apply for inactive status of his/her license. The application for inactive status shall be accompanied by the fee prescribed by rule 4757-1-05 of the Administrative Code and by a signed statement that the licensee will not engage in the active practice of counseling, social work, or marriage and family therapy, as defined respectively by divisions (A), (C) and (H) of section 4757.01 of the Revised Code, while the license is inactive.

(B) A licensee in an inactive status may request a return to active status at any time by submitting a restoration application to the board. Applications shall:

(1) Be typewritten or printed in ink or submitted electronically via the Ohio e-license system; and

(2) Be signed by the applicant or electronically signed if applying electronically via the Ohio e-license system; and

(3) Be accompanied by the fee prescribed by rule 4757-1-05 of the Administrative Code; and

(4) Contain proof that the applicant completed at least thirty clock hours of continuing education per rules 4757-9-01 , 4757-9-02 or 4757-9-03 of the Administrative Code as applicable within the two year period immediately preceding the application for restoration and additionally include six hours of ethics within the thirty hours instead of three required by the rules. Clock hours used to meet the requirements of this paragraph shall not be used to renew the restored license; and

(5) Other minor information required by the board approved form.

(6) Inactive licenses restored shall be for two years as of the date the applicant has completed all requirements of the restoral process. In most cases that date will not be the same as the original license first issuance date.

(C) In addition to the requirements contained in paragraphs (A) and (B) of this rule, applicants for restoration of an inactive license who have not engaged in the practice of counseling, social work, or marriage and family therapy for more than five years prior to the date the individual applies to the board for restoration may be subject to additional requirements. Applicants shall propose a professional development plan for the board's consideration and approval, which may include but is not limited to, the following components:

(1) Competency based performance appraisals;

(2) Mentorship;

(3) Additional continuing education;

(4) Extended coursework; and/or

(5) Other learning or training options.

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Statutory Authority: 4757.321
Rule Amplifies: 4757.321

Chapter 4757-9 Continuing Education

4757-9-01 Continuing education requirements for renewal of a marriage and family therapist or independent marriage and family therapist license.

(A) Marriage and family therapists and independent marriage and family therapists require thirty hours of approved continuing professional education for licensure renewal in any combination of the following program areas listed in section 4757.30 of the Revised Code: research, professional ethics, marriage and family studies, marriage and family therapy, human development, appraisal of individuals and families, systems theory, and supervision.

(B) Three of the thirty hours shall be taken in the area of ethics continuing education.

(C) For those independent marriage and family therapists with supervising marriage and family therapist status, five hours shall be in supervision, taken every five years.

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Five Year Review (FYR) Dates: 12/01/2019
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Statutory Authority: 4757.10
Rule Amplifies: 4757.32, 4757.33
Prior Effective Dates: 4/10/04, 10/18/2009, 12/1/14

4757-9-02 Continuing education requirements for renewal of a licensed professional counselor or a licensed professional clinical counselor.

For licensed professional counselors and for licensed professional clinical counselors, the requirements for license renewal are thirty clock hours of approved continuing professional education in the following program areas of counselor training listed in section 4757.22 of the Revised Code: 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; lifestyles and career development; clinical psychopathology, personality and abnormal behavior; evaluation of mental and emotional status; diagnosis of mental and emotional disorders; methods of intervention and prevention of mental and emotional disorders; treatment of mental and emotional disorders; supervision, and administration. Administration subjects for continuing education are defined in paragraph (E)(1)(a)(iii) of rule 4757-17-01 of the Administrative Code and may also include courses that directly relate to service delivery, practice management, and client care, which are acceptable for renewal and may be counted toward the twenty-four or twenty-seven continuing

education hours that are not ethics and/or supervision related. Some current content areas that would meet this are: healthcare reform, insurance reform, federal parity, service delivery models, bridging the cultural gap, impact of financing, health homes, primary and behavioral health integration and use and integration of health information technology.

(A) For those licensed professional counselors and licensed professional clinical counselors with supervising counselor status, three of the thirty clock hours shall be in supervision.

(B) For all renewals three of the thirty hours shall be taken in the area of ethics continuing education.

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Rule Amplifies: 4757.33
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4757-9-03 Continuing education requirement for renewal of a certificate of registration

4757-9-03 Continuing education requirement for renewal of a certificate of registration as a social work assistant or a license as a social worker or an independent social worker.

(A) Except as required by paragraph (B) of this rule, all persons who hold a license in social work as a condition of renewal of their license, shall complete thirty clock hours of continuing professional education in social work as defined in division (C) of section 4757.01 of the Revised Code. All persons who hold a certificate of registration as a social work assistant, as a condition of renewal of their certificate of registration, shall complete fifteen clock hours of continuing professional education in social work as defined in division (C) of section 4757.01 of the Revised Code. Content areas for continuing education may include: social work theory; social work methods; human development and behavior; social welfare and policy; social work values and ethics; social work research; social work supervision; social work administration; and/or social work with special populations.

(B) Social workers with a degree from a program related to social work, as defined in rule 4757-19-01 of the Administrative Code, shall complete for credit a social work theory course and social work methods course at an accredited educational institution. These courses shall be upper division or graduate level courses taken in social work departments in which the licensee received a grade of C- or higher. Fulfillment of this requirement is mandatory for the first renewal of their license. For subsequent renewals of their licenses, these individuals shall meet the requirements of paragraph (A) of this rule. Newly licensed social workers with related degrees who were previously licensed and completed the renewal courses shall comply with paragraph (A) for their first renewal.

(C) For all renewals three of the thirty hours shall be taken in the area of ethics continuing education.

(D) For those independent social workers with supervising status, three of the thirty clock hours shall be in supervision.

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Rule Amplifies: 4757.33
Prior Effective Dates: 5/22/86; 7/3/97; 9/20/02; 9/20/07; 10/18/09; 9/1/11, 1/1/13

4757-9-04 Clock hours for continuing professional education.

A "clock hour" is sixty minutes spent in a program meeting the requirements for renewal of a license or certificate of registration issued by the board. Clock hours exclude refreshment breaks, receptions and other social gatherings, and meals that do not include an acceptable program.

(A) Continuing education credit shall only be issued for coursework that qualifies per rule 4757-9-06 of the Administrative Code. Fifteen clock hours shall be granted for one academic semester hour. Ten clock hours shall be granted for one academic quarter hour.

(B) Continuing education credit shall only be issued for coursework that qualifies per rule 4757-9-06 of the Administrative. Up to ten clock hours may be granted for a journal article. Up to thirty clock hours may be granted for a book.

(C) Continuing education credit shall only be issued for coursework that qualifies per rule 4757-9-06 of the Administrative Code. Credit may be awarded to licensees for first time presentations of a continuing education program, an in-service training workshop, a seminar or a conference presentation at the rate of one and one-half hours for every hour of the actual, board approved, presentation, up to ten hours per renewal period.

(D) The number of clock hours granted for a program offered by an approved provider will be determined by the definition of clock hour in this rule.

(E) Effective January 1, 2015, distance learning courses, that are text based reading courses, shall meet the following requirements:

(1) Content of courses shall meet at least one of the following criteria:

(a) Based on published research in peer-reviewed journals or from academic publishing houses (e.g., Sage, Guilford, Springer) with citations to support the theories and treatments discussed; or

(b) Based on appropriate government published documents or which includes, but is not limited to: the board's laws and rules: center for disease control, national institute for health: and substance abuse and mental health services administration; or

(c) Training that is practice-informed rather than research-informed, based on individual practice experience as long as the presenter clearly states that content is based on his or her experience and includes references to published research in peer-reviewed journals and/or from academic publishing houses (e.g., Sage, Guilford, Springer) and/or government documents with citations to support the theories and treatments discussed.

(d) Training that is designed to facilitate compliance with national accreditation standards (e.g., joint commission on the accreditation of healthcare organizations "JCAHO," commission on accreditation of rehabilitation facilities, "CARF," council on accreditation "COA," other appropriate accrediting bodies) and/or established agency policies and procedures relating to clinical care.

(2) Courses shall be updated at least every five years to reflect current research and treatment practices and/or newer government document sources. Sources from seminal works or works of historical importance to the profession are clearly still valid, but newer research may broaden and/or deepen the material.

(3) The board shall have a random selection of courses audited by experienced licensed professionals, who are not board members, to review the content as to the referenced material and hours awarded for those programs.

(a) Results of those audits shall result in discussions with the individual or company as to changes in future offerings and how to treat existing offerings that do not meet the standards as noted in the reviews.

(b) If the audit reveals changes that should be made in course content or hours awarded, the provider shall be given a copy of the resulting audit;

(c) If the provider does not agree with the audit, a notice for hearing per Chapter 119. of the Revised Code shall be issued by the board;

(d) If the provider agrees with the audit results or the board prevails following a hearing, the provider shall be allowed to continue offering the course or courses until the end of the two-year cycle anticipated by the publisher, which shall be stated on the publisher's information page of their course documents; and

(e) Should the final results of an audit be presented to a provider that operates on a two-year publishing cycle that publisher shall make corrections on the next published continuing education documents. If the

publisher is within a six months period prior to the beginning of a new two-year publishing cycle, for which the provider is approved to offer continuing education, the changes in course content or credit hours awarded will not be effective until the end of the next full two-year publishing cycle.

(F) Counselors and marriage and family therapists may earn up to fifteen hours of continuing professional education per renewal period in distance learning credit as defined in paragraph (A)(11) of rule 4757-9-06 of the Administrative Code. Social workers may earn all hours of continuing professional education per renewal period in distance learning credit as defined in paragraph (A)(11) of rule 4757-9-06 of the Administrative Code.

(G) Counselors, social workers and marriage and family therapists may use up to twelve hours from the prior renewal period for their current renewal, only if they had an excess of hours over thirty hours from the immediate prior renewal. This practice is known as "banking" continuing education hours (CEUs). For example, a licensee earned forty-two hours of CEUs from May 20, 2010 to May 20, 2012. That licensee may use up to twelve hours of CEUs from the May 20, 2012 renewal toward the renewal due in May 20, 2014. If audited, the licensee shall provide proof of at least sixty total hours: forty-two hours of CEUs (or thirty plus whatever number are being banked) from May 20, 2010 to May 20, 2012; and at least eighteen CEUs (or the remainder needed to equal a total of thirty hours) from May 20, 2012 through May 20, 2014.

(1) Hours earned as a professional counselor may not be banked to renew a professional clinical counselor license.

(2) Hours earned as a social worker assistant may not be banked to renew a social worker license.

(3) Hours earned as a social worker may not be banked to renew an independent social worker license.

(4) Hours earned as a marriage and family therapist may not be banked to renew an independent marriage and family therapist license.

(H) All licensees and registrants shall complete continuing education renewal requirements prior to renewing as specified in: rule 4757-9-01 of the Administrative Code for marriage and family therapists; rule 4757-9-02 of the Administrative Code for professional counselors; and rule 4757-9-03 of the Administrative Code for social workers; unless granted a waiver under rule 4757-7-01 of the Administrative Code.

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4757-9-05 Approval of continuing professional education programs required for renewal of licenses and certificates of registration issued by the board.

The goals of the board's continuing professional education requirements are to assist licensees: in maintaining and expanding professional competence and expertise, in becoming aware of new professional issues and developments; and in providing responsible, quality and competent service to clients and community. Continuing education to promote personal growth of the licensee shall not be accepted.

Continuing education credits may be obtained in several ways: attendance at programs offered by approved providers, approved programs, post-approved programs, publications as cited in paragraph (B) of rule 4757-9-06 of the Administrative Code and presentations as cited in paragraph (C) of rule 4757-9-06 of the Administrative Code. The board or its designee shall approve providers, programs, and offer post-program approval under the following guidelines.

Any individual or business providing continuing education courses for this board's licensees shall comply with federal law title III of the Americans with disabilities act "ADA." Continuing education programs shall be offered in locations and in a manner, which are accessible to persons with disabilities, or offer alternative accessible arrangements for such persons. Individuals or businesses who hold provider status or are approved to provide individual programs are required to provide auxiliary aides and services that are necessary to ensure equal access to the goods, services, facilities, privileges or accommodations that it offers unless an undue burden or a fundamental alteration would result. Issues on undue burden or disability accommodations should be addressed to the federal department of justice "ADA" technical assistance section. The technical assistance section can be reached through searching online for the contact number. In January 2014, the number was 800-514-0301 and online at www.ada.gov.

(A) The following meanings shall apply to all continuing education rules promulgated by the counselor, social worker, and marriage and family therapy board.

(1) "Provider Status" means an individual or entity granted approval to develop continuing education program offerings without prior approval from the board for each program offered. All continuing education offerings shall utilize the same provider authorization number assigned by the board. A licensed individual shall review each continuing education program as noted on the provider application or most recent renewal application on file with the board.

(2) "Co-sponsorship" means an approved provider works jointly with another entity to develop and offer a joint program by both entities. The continuing education program developed may use the approved provider's number and the approved provider shall keep all records as listed in paragraph (C) (6) (h) of this rule. Only the board may authorize a continuing education program when an entity with provider status has not been directly involved as a co-sponsor.

(B) Guidelines for continuing education program approval:

(1) Academic courses offered in accredited education institutions by counseling, social work, and marriage and family therapy degree programs as defined in paragraphs (A) of rule 4757-13-01 , (C)(1)(g) of rule 4757-19-01 and (A)(1) of rule 4757-25-01 of the Administrative Code, are automatically granted program approval. Transcripts and/or grade reports shall be used to document this training. If the licensee audits an approved course, a letter from the professor shall be required to verify actual number of hours of attendance, which shall be used to determine hours of continuing education credit granted.

(2) Approved programs may be sponsored by departments of accredited educational institutions; national, regional, state, or local professional organizations or associations; public or private human service agencies or organizations; private consultants; or individuals. In order to obtain approved status from the board, a program shall meet the following requirements:

(a) The program shall be presented by competent individuals as documented by appropriate academic training and professionally recognized experience. Presenters should have an identifiable involvement with human services. In approving a particular presenter the board shall be guided by the following range of presenter qualifications.

(i) Counselors, social workers or marriage and family therapists with appropriate expertise in the content area shall clearly be accepted.

(ii) Related professionals with the ability to connect content to counseling, social work or marriage and family therapy practice shall usually be accepted.

(iii) Expert presenters with no apparent link to counseling, social work and marriage and family therapy, or related practice may or may not be acceptable based upon content to be presented and intended audience.

(iv) Presenters with no apparent professional qualifications nor link to social work, counseling, marriage and family therapy, or human services shall not be accepted.

(v) Presenters providing training in practice areas that would require licensure shall show evidence of current licensure in Ohio or another state.

(b) The program shall meet the professional needs of the intended clientele, which shall include counselors, social workers, and/or marriage and family therapists.

(c) The program shall have a minimum duration of one clock hour.

(d) The program shall have written goals and objectives which are responsive to the needs of prospective counselor, social worker and marriage and family therapist attendees. Applications shall include agendas with content and time frames for each session of the program.

(e) The program shall be related to counseling, social work and/or marriage and family therapy content areas as listed in rules 4757-9-01, 4757-9-02 and 4757-9-03 of the Administrative Code. Individuals or organizations seeking approval for programs with content, which is not clearly related to these content areas for generalist theory or practice or specifically referenced in counseling, social work and marriage and family therapy accredited academic training programs may be required to provide the following additional information to substantiate the direct applicability of the content to social work, marriage and family therapy, and/or counseling professionals.

(i) Explain and justify the content applicability to counseling, social work and marriage and family therapy theory or practice and the implications for generalist practice.

(ii) Programs with content in areas or subjects not specifically taught or referenced in counseling, social work and marriage and family therapy curriculum, in order to be approved, require inclusion with the application of peer reviewed journal articles, which validate the direct application to counselors, social workers and marriage and family therapists of the theory or intervention, which is the focus of the continuing education program.

(iii) Peer reviewed journals shall meet the following criteria: (a) have an independent editorial board, (b) be sponsored by a national professional society for counseling, social work, marriage and family therapy, psychology or psychiatry, and (c) have paid subscribers. Articles appearing in publications dealing with the specific program topic area shall not constitute validation.

(f) The program shall be disseminated via appropriate instructional methods, such as lecture, group discussion, video, film, computer or other electronic means, written materials, or interactive teleconferencing.

(g) The program shall include an evaluation component directly related to its stated goals and objectives.

(h) The program shall be offered in a place and manner which is accessible to persons who are physically challenged.

(i) The program approval request shall be submitted for review, on a form designated by the board, at least sixty days prior to the scheduled program date. Program approval requests received on or after the date of the program shall be denied.

(j) The program's promotional information shall state that program approval has either been applied for or has been granted, and to which license(s) renewal requirements the program shall apply.

(k) The sponsor of the program shall provide program participants certificates of completion on paper or electronically, which contain the information in paragraphs (B)(2)(k)(i) to (B)(2)(k)(vi) of the Administrative Code.

(i) The title and date(s) of the program and the board's program approval number;

(ii) The name of the sponsoring agency or organization;

(iii) The name of the participant, which may be legibly handwritten, and the number of clock hours of continuing professional education earned by the participant;

(iv) The signature of the instructor or the official representative of the sponsoring organization;

(v) The hours of ethics, distance learning and/or supervision included in the program, if any; and

(vi) A blank space on the certificate of completion in which the participant may place their registration or license number.

(l) The sponsor shall ensure that the program conforms to the planned hours of attendance, attendance certificates are given to attendees after the end of the program and that any late arrivals or early departees are given certificates accurately reflecting their actual times of attendance.

(m) The sponsor shall maintain records of program content, presenter qualifications and individual participation, and individual evaluation forms for five years and make such records available, if the board requests them;

(n) Applicants shall use the form prescribed by the board for approval of the continuing education program. Applicants shall pay a fee set in rule 4757-1-05 of the Administrative Code for each program submitted and each renewal.

(C) Guidelines for provider approval:

(1) Approved provider status for newly approved providers shall be granted for a one-year period and is subject to renewal for two year periods if the provider meets the requirements of this rule.

(2) Providers for counselor and marriage and family therapist programs are not independent authorizing entities for continuing education programs offered by other entities. Providers for social work programs are not independent authorizing entities for continuing education programs offered by other entities except that national social work associations may be approved as independent providers per paragraph (D) of this rule. Continuing education offerings that include outside presenters, that are not co-sponsorships, shall be submitted separately and independently to the board for approval. If approved, that program shall use the individual program number of the applying entity.

(3) Providers may use their own approval numbers for presentations by this board's staff members, for example ethics or licensing presentations

(4) The board may refuse to renew the approved status of any provider who fails to comply with the requirements of this rule. Approved provider status may be withdrawn for cause.

(5) Programs offered by a provider while that provider does not have approved status shall not be accepted by the board toward fulfillment of license renewal requirements unless program approval for such programs was obtained as set forth in this rule.

(6) The board may grant provider status, which may include but are not limited to: counseling, social work and marriage and family therapist degree programs, national regional, state, or local professional organizations, public or private human service agencies, private consultants or individuals. The applicant for approved provider status shall meet the following requirements:

(a) Make application for approval status on a form provided by the board at least two months prior to the date of the first scheduled program offering. A list of proposed programs and program goals shall be included with the application.

(b) Submit to the board, no later than two months before the end of the probationary period, a synopsis of all programs during the previous ten months;

(c) Apply for renewal of approved provider status two months prior to the desired two-year period;

(d) Provide or arrange for appropriate educational facilities and instructional aids and offer programs and facilities that are accessible to persons who are handicapped.

(e) Have program presenters who have the professionally recognized skills to conduct the programs being offered in accordance with paragraph (A) of this rule;

(f) Conduct programs that satisfy one or more of the program areas in counseling, social work or marriage and family therapy as defined in rules 4757-9-01 , 4757-9-02 and 4757-9-03 of the Administrative Code and/or in counseling, social work or marriage and family therapy as defined in division (A), (C) or (H) of section 4757.01 of the Revised Code;

(g) Include an evaluation component in all programs offered;

(h) Maintains records of program content, presenter qualifications and individual participation, and individual evaluation forms for five years and make such records available, if the board requests them;

(i) The sponsor of the program shall provide program participants with certificates of completion on paper or electronically, which contain the information in paragraphs (C)(6)(i)(i) through (C)(6)(i)(vi) of the Administrative Code.

(i) Name of the provider and the approved provider number;

(ii) The name of the participant, which may be legibly handwritten, and provide a blank space on the certificate of completion in which the participant may place his or her registration or license number;

(iii) The title and date(s) of the program;

(iv) The hours of ethics, distance learning and/or supervision included in the program if any;

(v) The signature of the instructor or the official representative of the sponsoring organization; and

(vi) The number of clock hours of continuing professional education earned by the participant.

(j) Indicate, on any promotional literature disseminated, the provider number issued by the board and the license(s) renewal requirements to which the program(s) shall apply.

(k) Each program shall have review and or input by a counselor, social worker and/or marriage and family therapist as appropriate.

(l) Provider status shall not be approved for applicants that plan to provide less than five programs during the initial approval year nor renewed for applicants that plan to offer less than eight programs during a two-year renewal period. These applicants should request individual program approvals.

(m) The provider shall ensure that the program conforms to the planned hours of attendance, attendance certificates are given to attendees after the end of the program and that any late arrivals or early departees are given certificates accurately reflecting their actual times of attendance.

(n) Applicants shall use the form prescribed by the board for approval of the continuing education provider status. Applicants shall pay a fee set in rule 4757-1-05 of the Administrative Code for each provider application submitted or renewed. Initial provider status is valid for one year from date of approval and renewals are valid for two years.

(D) Guidelines for continuing education program advertising: All advertising for board approved programs by approved continuing education providers and program sponsors shall clearly indicate the target audience of any program being advertised. A provider or sponsor offering continuing education programs shall include:

(1) Approved for counselors and/or social workers and/or marriage and family therapists each listed as appropriate;

(2) If ethics or supervision, then include: Approved for number of hours of ethics and/or number of hours of supervision each listed as appropriate; and approved for counselors and/or social workers and/or marriage and family therapists each listed as appropriate.

(E) The board has the right to have a board employee attend unannounced any approved continuing education program offered under this rule. The staff member or board member attending the program may not claim continuing education credit for the course without paying the requisite fee, if any.

(F) Social work association provider approval and provider status:

(1) The board approves and adopts by reference in these rules the association of social work board's approval process for continuing education providers set forth in the publication entitled "ACE Provider Guidelines," , which is available from the association of social work boards (ASWB), 400 south ridge parkway, suite b, Culpeper, VA 22701 at no cost on the association's website at http://www.aswb.org/pdfs/ACE/ASWB_ACE_Guidelines A link to the guidelines is available on the board's web site under social work forms.

(2) Any course accredited by the ASWB shall be accepted by this board for continuing social work education. If the course materials say "ACE Approved" or "approved as a provider for continuing education by the Association of Social Work Boards," it is acceptable.

(3) The board approves and adopts by reference in these rules the national association of social workers (NASW) continuing education approval program set forth in the publication entitled "Continuing Education Approval Program," of August 2010, which is available from the national association of social workers, 750 first street NE, suite 700, Washington, DC 20002-4241 at no cost on the association's website at http://socialworkers.org/ce/approval/apply.asp. The board approves and adopts by reference in these rules the national association of social workers Ohio chapter (NASW Ohio chapter) continuing education approval program set forth on their website and available from the national association of social workers Ohio chapter, 33 N. third st., suite 530, Columbus, OH 43215 at no cost on the association's website at http://www.naswoh.org/?page=428. A link to the guidelines are available on the board's web site under social worker forms.

(4) Courses accredited by NASW and/or NASW Ohio chapter shall be accepted by this board for continuing social work education, provided that they are in compliance with this rule. If the course materials say "NASW Approved" with a NASW approval number or "NASW Ohio Chapter Approved" with a NASW Ohio chapter approval number, it is acceptable.

(5) Other national social worker associations may apply for similar approval. In order to be approved they shall provide proof that their programs are substantially similar to the ASWB and/or NASW continuing education approval processes.

(6) The social worker professional standards committee shall review the provider status of the associations under this paragraph as part of Chapter 119. of the Revised Code five year rule review process.

(G) Post program approval:

(1) Social work licensees or registrants shall apply on a form prescribed by the board for post-approval for relevant journal articles; books; presentations of in-service training workshops, seminars and/or conference presentations; distance learning ; out of state continuing professional education programs; and/or coursework in related disciplines.

(2) Counselor licensees shall apply on a form prescribed by the board for post-approval for relevant journal articles; books; presentations of in-service training workshops, seminars and/or a conference presentations; distance learning; out of state continuing professional education programs; and/or coursework in related disciplines.

(3) Licensees shall apply for post-program approval, on a form designated by the board, within ninety days of completing a program.

(4) Marriage and family therapists may apply on a form prescribed by the board for post-approval for relevant journal articles; books; presentations of in-service training workshops, seminars and/or conference presentations; distance learning; out of state continuing professional education programs; and/or coursework in related disciplines.

(5) To obtain a post-program approval, the licensee shall provide the following:

(a) Appropriate information needed for board review of journal articles; books; and/or presentations of in-service training workshops, seminars and/or conference presentations; or

(b) Appropriate information needed for board review of distance learning, out of state continuing professional education programs and/or coursework in related disciplines including:

(i) Documentation that the program presenter(s) met the requirements of paragraph (B)(2) (a) of this rule; and

(ii) A copy of the program brochure and other documentation to demonstrate that the program met the requirements of paragraphs (B) (2) (b) to (B) (2) (f) of this rule; and

(iii) A certificate of completion, transcripts, grade card, or signed statement from the presenter to demonstrate the licensee's attendance at the program or course.

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4757-9-06 Sources of continuing professional education.

(A) Sources of continuing professional education shall be formally organized learning experiences with education as their explicit principal intent and which are oriented toward the enhancement of counselor, social worker, and marriage and family therapy practice. The following are examples of appropriate formats for such learning experiences:

(1) "Institute" means a formal offering, usually in a series of meetings, for instruction and information in a particular area of counselor, social worker and/or marriage and family practice;

(2) "Seminar" means a small group of counselors, social workers, or marriage and family therapists who meet under expert leadership or resource persons. Participants prepare reports on some aspect of a problem, which is discussed and analyzed;

(3) "Conference" means sessions of one or more days duration designed to serve a varying number of persons to hear different points of view on a central theme;

(4) "Staff development" means an educational program planned by an agency to assist its employees in becoming increasingly knowledgeable and competent in fulfilling role expectations within that agency. Although often used interchangeably with in service education, staff development frequently includes out-of-agency educational activities;

(5) "Symposium" means two or more specialists presenting information on a particular subject. A moderator introduces the subject and each speaker then summarizes and presides during a question and answer period;

(6) "Workshop" means a program designed to bring together individuals with a common interest and background to solve similar problems and to gain new knowledge, skills, and attitudes;

(7) "Plenary session" means an assembly designed for all participants;

(8) "Course" means a series of learning experiences with a specific content and offered for credit, non-credit, or audit by a regionally accredited educational institution;

(9) "Short-term course" means an intensive sequence of learning activities offered regularly over a short period of time.

(10) "Teleconference" means the transmission of video information where there is an on-site moderator to lead a post-conference discussion and question and answer session.

(11) "Distance learning" means a formal education process, in which instruction occurs when the students and instructor(s) are not located in the same place. Distance learning adds technology to the learning environment by a variety of means. As this form of education has evolved with technology, it may be referred to as cyber learning, electronic learning, distance learning. For the purposes of agency 4757 of the Administrative Code, the term distance learning refers to all non-traditional methods of presentation except video-conferencing.

(12) "Video conferencing" means conducting a conference between two or more participants at different sites using computer networks to transmit audio and video data. For example, a video conferencing system works much like a video telephone. Each location has a video camera, microphone, and speakers with which to interact. As the two or more participants speak to each other, their voices are carried over the network and delivered to the other's speakers, and whatever images appear in front of the video camera appear on the other participants' monitor. Video conferencing allows two or more locations to sit in a virtual conference room and communicate as if they were sitting right next to each other.

(B) The board shall grant continuing professional education credit to licensees who author journal articles or books on subjects related to counseling, social work, or marriage and family therapy, and which meet the following requirements:

(1) Journal articles shall be published in refereed journals.

(2) Chapters authored by licensees in books acceptable under this rule shall be treated as journal articles.

(3) Reprints or republications of previously published materials either in name or substantive content are not acceptable as continuing professional education.

(4) Continuing professional education for publications having joint authorship shall be divided equally among the authors.

(5) Licensees wishing to use a journal article or book shall submit a post program approval per paragraph (F) of rule 4757-9-05 of the Administrative Code.

(C) The board shall grant continuing education credit to individuals who conduct presentations on subjects related to counseling, social work, or marriage and family therapy. Credit shall be granted for first time preparation and presentation of an in-service training workshop, a seminar or a conference presentation which is related to the enhancement of counseling, social work, or marriage and family therapy practice, values, skills, or knowledge. Licensees wishing to use a presentation shall submit a post program approval per paragraph (F) of rule 4757-9-05 of the Administrative Code.

(D) The board may grant continuing education credit for approved home study programs when the distance learning program's sponsor can demonstrate to the board that:

(1) The program meets all of the requirements established in rule 4757-9-05 of the Administrative Code for approved programs and providers.

(2) The program sponsors shall have adequate security in place to assure that the individual who receives credit for the course is the individual who completed the program.

(3) The program sponsor shall include post tests of at least five questions per hour of continuing education for home-study courses.

(4) Licensees wishing to use a home study or distance learning program not having board approval for continuing education hours shall submit a post program approval per paragraph (F) of rule 4757-9-05 of the Administrative Code.

(E) The board may grant continuing education credit for appropriate college courses that are documented by passing grades of "C-" or above on undergraduate courses and "B-" or above for graduate courses from regionally accredited educational institutions; audited courses require documentation by official or unofficial transcript.

(1) Appropriate college courses are those that are at the level of the license for which CEUs are sought. Graduate level licensees shall generally be approved for graduate level courses directly related to their license type. Bachelor level licensees shall generally be approved for bachelor or graduate level courses directly related to their license type. Associate level registrants shall generally be approved for associate, bachelor or graduate level courses directly related to their license type. College courses taken at a lower level than qualifying degree may be submitted for post program approval per paragraph (C) of rule 4757-9-05 of the Administrative Code; applicants shall delineate how that course work is relevant to their practice.

(2) Appropriate courses are ones not previously taken unless updated due to passage of five years or more.

(3) Licensees wishing to use a college course for continuing education hours shall submit a post program approval per paragraph (F) of rule 4757-9-05 of the Administrative Code.

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4757-9-07 Documentation of continuing professional education required for renewal of a license or certificate of registration.

Each licensee shall provide, in a manner prescribed by the board, evidence that the licensee has satisfied the continuing professional education requirements for renewal of a license or certificate of registration.

(A) Courses taken for credit at accredited educational institutions shall be verified by transcripts or grade cards. Completion of non-credit and audited courses shall be verified by certificates of completion or by signed statements from instructors.

(B) All other continuing professional education shall be documented by a copy of certificates of completion furnished by the provider. Such certificates shall contain the information required by paragraph (B) (5) (i) of rule 4757-9-05 of the Administrative Code. In addition, the licensee shall record his/her license or certificate number in the appropriate place on the certificate of completion.

(C) Copies of publications presented for continuing professional education shall be furnished to the board. In the case of journal articles, a copy of the journal's page showing the names of its editorial review board shall be included to document that the journal is referred.

(D) Licensees may not attend the same program twice within a two-year renewal period. If a program has multiple parts, the title of the program shall specify part numbers or letters for a multi-part series of programs, e.g. "Title" part 1, "Title" part 2, etc. Licensees may attend and count/include eligible continuing education hours earned through programs that are required annually by national accreditation, state certification(s) and/or adherence to evidence based practice models, programs, and curriculums during the two year renewal cycle.

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Chapter 4757-11 Denial, Suspension, Revocation of License; Disciplinary Action

4757-11-01 Denial, and disciplinary action for licenses or certificates of registration issued by the counselor, social worker, and marriage and family therapist board.

The board may refuse to admit for examination, issue, renew, or may suspend, revoke, reprimand or place restrictions on any license or certificate of registration applied for or issued under Chapter 4757. of the Revised Code, or may take other disciplinary action against any licensee or registrant, if that person has:

(A) Failed to meet the education, experience, examination, good moral character or other requirements set forth in Chapter 4757. of the Revised Code; and/or,

(B) Violated any provision of the code of ethical practice or professional conduct or committed any other violation of professional behavior contained in the rules; and/or,

(C) Committed a violation of any provision of Chapter 4757. of the Revised Code, or of rules adopted under it, including the provisions of section 4757.36 of the Revised Code; to include any of the following:

(1) Knowingly made a false statement in an application for licensure or registration, or in renewal of a license or certificate of registration;

(2) Accepted 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, professionals in counseling, social work, or marriage and family therapy or in fields related to counseling, social work, or marriage and family therapy;

(3) Failed to comply with section 4757.13 of the Revised Code;

(4) Been denied, revoked, suspended or had restrictions placed on any license including, but not limited, to licensure to practice counseling, social work, or marriage and family therapy for any reason other than failure to renew in another state or jurisdiction;

(5) Used a controlled substance or alcoholic beverage to the extent that it impaired their ability to perform properly as a licensed professional counselor, licensed professional clinical counselor, counselor trainee,

social work assistant, social worker, social worker trainee, independent social worker, marriage and family therapist, independent marriage and family therapist or marriage and family therapist trainee;

(6) Been convicted of, pled guilty to, pled no contest to, or had a judicial finding of guilt imposed in this state or in any other state of a misdemeanor committed in the course of practice as a professional counselor, professional clinical counselor, counselor trainee, social work assistant, social worker, social worker trainee, independent social worker, marriage and family therapist, independent marriage and family therapist or marriage and family therapist trainee;

(7) Been convicted of, pled guilty to, pled no contest to, or had a judicial finding of guilt imposed in this state or any other state or jurisdiction of a felony or any crime involving moral turpitude;

(8) Committed any act that could be considered a crime in the state of Ohio. The board will refer this information to local law enforcement;

(9) In the case of a licensed professional counselor licensed professional clinical counselor, or counselor trainee practiced professional counseling outside of their scope of practice;

(10) In the case of a social worker trainee, social worker or independent social worker, practiced social work outside their scope of practice, or a social work assistant who practices social work or practices outside their scope of practice;

(11) In the case of a marriage and family therapist trainee, marriage and family therapist, or independent marriage and family therapist, practiced marriage and family therapy outside their scope of practice;

(12) Sold, given away, diverted, or administered drugs for other than legal purposes; or been convicted of, pled guilty to, pled no contest to, or had a judicial finding of guilt imposed for violating any municipal, state, county or federal drug law;

(13) Been professionally diagnosed as having an impairment of the ability to practice according to acceptable and prevailing standards of professional counseling, social work, and marriage and family therapy because of a physical or mental disability or drug or alcohol addiction;

(14) Been adjudged by a probate court that the applicant for licensure, licensee, or registrant is mentally ill or mentally incompetent. The board may restore the license or registration or review the application for licensure or registration upon the adjudication by a probate court of the person's restoration to competency or upon submission to the board of other proof of competency;

(15) Engaging or aiding and abetting an individual to engage in the practice of professional counseling, social work, or marriage and family therapy without a license, while holding a license in an inactive status, or falsely using the title of counselor, social worker, or marriage and family therapist;

(16) Failure to submit any records or documents, written statements or explanations that have been requested or subpoenaed by the board;

(17) Failure to report any relevant information to the board concerning a counselor, marriage and family therapist, social worker, social work assistant, applicant, or trainee who is incapable of engaging in the practice of counseling, marriage and family therapy, or social work with reasonable skill, competence, and safety to the public, or failure to report any alleged violations of this act or rules adopted under it;

(18) Failure to cooperate in any investigation concerning allegations to his/her or another licensee's or registrant's license or registration;

(19) Failure to maintain appropriate standards of care. Standards of care shall be defined as what an ordinary, reasonable professional with similar training would have done in a similar circumstance;

(20) The counselor, social worker, and marriage and family therapist board, under the provisions of the license or registration renewal requirements set forth in rule 4757-7-01 of the Administrative Code, has the authority to discipline a licensee or registrant who:

(a) Falsifies the renewal form by stating they have completed the required thirty hours of continuing education at the time they signed the renewal, if it is proven they have not completed the continuing education at that time.

(b) When audited, cannot present proof of thirty hours of approved continuing education.

(21) Failure to adhere to any conditions set forth in a board approved adjudication order or consent agreement.

(D) One year or more after the suspension or revocation of a license or certificate of registration under this rule, the former licensee or registrant may apply and application for reinstatement may be made to the board. The board may accept or deny an application for reinstatement. If a license has been suspended or revoked, the board may require an examination for reinstatement.

(E) The board shall investigate evidence that appears to show that any person has violated any provision of this chapter or any rule of the board. In the absence of bad faith, any person who reports such information or who testifies before the board in any adjudication conducted under Chapter 119. of the Revised Code shall not be liable for civil damages as a result of the report or testimony.

(F) Information received by the board pursuant to an investigation is confidential in accordance with section 4757.38 of the Revised Code and shall not be subject to discovery in any civil action. If the investigation requires a review of client records, the investigation and proceedings shall be conducted in such a manner as to protect client confidentiality.

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4757-11-02 impaired practitioner rules.

(A) For purposes of the rule, an individual licensee who accepts the privilege of practicing counseling, social work, or marriage and family therapy in this state is subject to the supervision by the board. The act of filing an application for licensure or being licensed or registered by the board, the individual has given consent to submit to a mental or physical examination, at the individual's expense when ordered to do so by the board in writing, and to have waived all objections to the admissibility of testimony or examination of reports that constitute privileged communications.

(B) If the professional standards committee receives information by the filing of a verified complaint with the board office or upon its own information that a licensee or registrant, be it either a counselor's, a social worker's, or a marriage and family therapist's ability to practice has fallen below the acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances or other physical or mental impairments that impair their ability to practice, the professional standards committee may order the licensee to submit to a mental or physical examination at the licensee's expense conducted by a designee of the board for the purpose of determining if there is an impairment that is posing a threat to the licensee's well-being or the treatment of a client whom the licensee or registrant serves.

(C) Failure of the individual licensee or registrant to submit to a mental or physical examination order by the professional standards committee constitutes an admission of the allegations against the individual licensee or registrant unless the failure is due to circumstances beyond the individual's control.

(D) If the professional standards committee determines that the individual's ability to practice is impaired the following actions may be taken:

(1) The professional standards committee shall suspend or place restrictions on the individual's license or registration to practice; or

(2) Deny the individual's application for licensure or registration and require the individual to submit to treatment; or

(3) Other requirements as a condition for initial, continued, reinstated or renewed licensure or registration to practice.

(E) The professional standards committee at its discretion may:

(1) Contract with providers of impaired treatment programs.

(2) Receive and evaluate reports of suspected impairment from any source.

(3) Intervene in cases of verified impairment.

(4) Monitor treatment and rehabilitation of the impairment.

(5) Provide post-treatment monitoring and support.

(6) Provide other functions as necessary to carry out the provisions of this rule.

(7) Make amendments, if necessary, to the treatment program's findings.

(F) The professional standards committee approved treatment program shall:

(1) Receive relevant information from the board office and other sources regarding the potential impairment.

(2) Report in a timely fashion any impaired counselor, social worker, or marriage and family therapist:

(a) Who refuses to cooperate with an evaluation or investigation.

(b) Who refuses to submit to treatment/rehabilitation.

(c) Whose impairment is not substantially alleviated through treatment.

(d) Who in the opinion of the evaluators is unable to practice counseling, social work, or marriage and family therapy with reasonable skill and safety.

(3) Provide confidentiality of non-public information of the review process.

(4) Provide an initial report of the nature, severity, and progress of the impairment.

(5) Provide periodic reports, at a rate determined by the board concerning the counselor's, social worker's, or marriage and family therapist's progress.

(6) Provide a final report including the treatment outcome and a finding as to the counselor's, social worker's, or marriage and family therapist's fitness to practice.

(7) Follow any requirements outlined in a formal agreement the licensee, registrant or applicant for licensure has entered into with the board.

(G) Pursuant to ORC 4757.10(A) , as part of the board's impairment or diversion program, the board may enter into a non-disciplinary agreement with a licensee. Any documentation pertaining to this agreement, including the agreement itself, is confidential and not considered a public record.

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4757-11-03 Internal records management to maintain confidentiality.

(A) All investigatory records are considered confidential and access to these records is strictly on a need-to-know basis. Access to these records is open to the investigation unit staff, the compliance coordinator, board members, the board's designated representative from the Ohio attorney general, and the board's executive director. Other staff of the board do not have access to the investigation records without the prior approval of the executive director, a board member, or the deputy director. There are occasions when investigation records will need to be viewed by expert witnesses, board-approved compliance monitors or hearing officers. These individuals shall be pre-approved by the board's executive director or deputy director before access is permitted.

(B) All investigation files shall be maintained in the offices of the investigation staff.

(C) Investigation records shall be secured in locked file cabinets within the office of the investigation unit. It is the responsibility of the deputy director, or their designee, to ensure that all cabinets are secured at the end of each day. The investigation unit's staff will ensure all files removed from the file cabinets that are to be worked on are monitored while in their possession and returned to the locked cabinet at the end of the day. Completed investigative files shall be scanned into the board's document management system for permanent storage in a folder with limited access per paragraph (A) of this rule.

(D) While investigation records are strictly confidential, records received by the board that present evidence of criminal activity may be turned over to the appropriate law enforcement agency.

(E) If investigatory records are to be released to another Ohio state agency or to an agency of another state, that entity shall sign an agreement that those records will remain confidential and not releasable. This agreement shall be signed before any records are released to the entity.

(F) Any and all records obtained in the course of an official investigation shall not be subject to subpoena provided, however, the board shall be authorized to release such records to another enforcement agency or lawful licensing authority.

(G) If a licensee is the subject of a board inquiry, all records relating to any person who receives services rendered by that licensee in his/her capacity as a licensee shall be admissible at any hearing held to determine whether a violation of this chapter has occurred. Documentary evidence relating to a person who received those services shall be reviewed in camera and shall not be disclosed to the public.

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Prior Effective Dates: 7-3-97; 9-20-02, 9/20/07

4757-11-04 Hearing procedures.

(A) Representatives; appearances; communications; applicability

(1) As used in this chapter of the Administrative Code, "respondent" shall be defined as the person who is requesting or has requested a hearing pursuant to Chapter 119. of the Revised Code.

(2) The respondent may represent himself/herself or may be represented by an attorney admitted to the practice of law in Ohio. If the respondent does represent himself/herself, he/she shall be deemed the representative of record for purposes of this chapter of the Administrative Code.

(3) The respondent is not required to personally appear at any hearing provided he/she has not been subpoenaed and has authorized his/her representative to represent him/her in all facets of a hearing before the board.

(4) The respondent or his/her representative may present his/her position, arguments, or contentions in writing rather than personally appearing at any hearing provided the respondent has not been subpoenaed.

(5) One who has entered an appearance as representative remains the representative of record unless and until a written withdrawal is filed with the board.

(6) Except as otherwise provided under Chapter 119. of the Revised Code, communications from the board or its attorney hearing examiner shall be sent to the representative of record.

(7) The members of the board shall base their decisions on any matter subject to hearing only on the evidence of record. No information acquired by a member of the board in any way other than by review of the evidence of record shall be considered in that member's decision on a matter subject to hearing. The receipt of information about a matter subject to hearing outside the evidence of record shall not disqualify the member from participating in the decision on that matter unless that member excuses himself/herself from participation in the decision on the ground that he/she cannot restrict his/her decision on the matter only to the evidence of record.

(8) Except as otherwise provided under this chapter or by statute, no attorney hearing examiner or member of the board shall initiate or consider ex parte communications concerning a pending or impending adjudicatory proceeding. Nothing contained herein, however, shall preclude the attorney hearing examiner from nonsubstantive ex parte communications on procedural matters and matters affecting the efficient conduct of adjudicatory hearings.

(9) Except as otherwise provided under this chapter or by statute, a rule promulgated under this chapter shall apply only to those administrative proceedings for which the notice of opportunity for hearing was mailed to the respondent or his/her representative, on or after the effective date of this particular rule.

(10) If any provision of the rules in this chapter is held or if the application of any provision of the rules in this chapter to any person or circumstance is held invalid, the invalidity does not affect any other provision of the rules in this chapter, or the application of any other provision of the rules in this chapter, that can be given effect without the invalid provision or application, and, to this end, the provisions of the rules in this chapter are hereby declared severable.

(B) Filing request for hearing

(1) In order to request a hearing under Chapter 119. of the Revised Code, a respondent or his/her representative shall file in writing a statement requesting such adjudication hearing within thirty days of the date of mailing of the board's notice of opportunity for hearing. The date of mailing shall be the date appearing on the certified mail receipt.

(2) A respondent or his/her representative properly filing a request for an adjudication hearing shall be entitled to such adjudication hearing within fifteen days but not sooner than seven days after such request has been filed unless both parties agree or a continuance is granted pursuant to section 119.09 of the Revised Code.

(C) Authority and duties of attorney hearing examiners

(1) Adjudication hearings may be conducted before an attorney hearing examiner pursuant to Chapters 4757 and 119 of the Revised Code.

(2) All hearings shall be open to the public, but the hearing examiner conducting a hearing may close the hearing to the extent necessary to protect compelling interests and rights or to comply with statutory requirements. In the event the hearing examiner determines to close the hearing, the hearing examiner shall state the reasons therefore in the public record.

(3) The hearing examiner shall conduct hearings in such a manner as to prevent unnecessary delays, maintain order, and ensure the development of a clear and adequate record.

(4) The authority of the attorney hearing examiner shall include, but not be limited to, authority:

(a) Administer oaths and affirmations;

(b) Examine witnesses and direct witnesses to testify;

(c) Make rulings on the admissibility of evidence;

(d) Make rulings on procedural motions, whether such motions are oral or written;

(e) Hold prehearings and status conferences;

(f) Request briefs before, during or following the hearing, as well as suggested findings, orders, and conclusions of law within such time limits as the attorney hearing examiner may determine;

(g) Prepare entries, findings, orders, or reports and recommendations;

(h) Request preparation of entries, findings, or orders;

(i) Make rulings on requests to broadcast, record, televise or photograph the hearing;

(j) Determine the order in which any hearing shall proceed;

(k) Take such actions as may be necessary to accomplish the purpose of paragraph (C) of this rule.

(5) The authority of the attorney hearing examiner shall not include authority to:

(a) Grant motions for dismissal of charges;

(b) Modify, compromise, or settle charges or allegations.

(6) The attorney hearing examiner shall have such powers, duties, and authorities as are granted by statutes or rules.

(7) All rulings on evidence and motions and on any other procedural matters shall be subject to review by the board upon presentation of the proposed findings of fact and conclusions of law of the attorney hearing examiner. When such rulings warrant, the matter may be remanded to the attorney hearing examiner.

(D) Continuance of hearing

(1) The board shall initially continue a hearing upon its own motion for a period of not less than thirty days in order to more efficiently conduct its business unless the circumstances establish that a continuance would not serve the interest of justice.

(2) The executive director of the board may continue a hearing upon the written motion of a representative of record.

(3) Hearings shall not be continued upon motion by a representative of record unless a showing of reasonable cause and proper diligence is presented. Before granting any continuance, consideration shall be given to harm to the public that may result from delay in proceedings. In no event will a motion for a continuance by a representative of record, requested less than five days prior to the scheduled date of the hearing, be granted unless it is demonstrated that an extraordinary situation exists which could not have been anticipated and which would justify the granting of a continuance.

(4) If a continuance is granted, the board's executive director shall immediately establish a new hearing date, unless circumstances prohibit.

(5) Hearings may be continued due to the unavailability of a subpoenaed witness at the discretion of the attorney hearing examiner. The attorney hearing examiner may hold the record open to accept a deposition in lieu of live testimony of a subpoenaed witness.

(E) Notice of hearings: notice specifying the date, time, and place set for hearing shall be mailed by certified mail to the representatives of record.

(F) Transcripts: duplicate transcripts of the stenographic record taken at hearing may be obtained directly from the court reporter at the requestor's expense.

(G) Subpoenas for purposes of hearings

(1) Upon written request of either party, the board shall issue subpoenas of hearing to compel the attendance and testimony of witnesses and production of books, records and papers at the administrative hearing. Each subpoena shall indicate on whose behalf the witness is required to testify.

(2) For purposes of a hearing conducted under Chapter 119. of the Revised Code, subpoena requests shall specify the name and address of the individual to be served and the date, time and location at which they are to appear at the administrative hearing. If the subpoena includes a duces tecum request, the specific documents or tangible things to be produced at the administrative hearing shall be listed in the request.

(3) Except upon leave of the executive director, subpoena requests are to be filed with the board at least fourteen days in advance of the requested date of compliance in order to allow sufficient time for preparation and service of the subpoenas.

(4) In the event that the number of subpoenas requested appears to be unreasonable, the board or its attorney hearing examiner may require a showing of necessity therefore, and, in the absence of such showing, may limit the number of subpoenas. Absent such a limitation, subpoenas shall be issued within five days of request. Failure to issue subpoenas within this time may constitute sufficient grounds for the granting of a continuance.

(5) After the hearing has commenced, the board or its attorney hearing examiner may order the issuance of subpoenas for purposes off hearing to compel the attendance and testimony of witnesses and production of books, records, and papers.

(6) Upon motion and for good cause, the board's executive director or its attorney hearing examiner may order any subpoena be quashed. The board shall make a reasonable attempt to contact any witness whose subpoena has been quashed.

(H) Reports and recommendations

(1) Within forty-five days following the close of an adjudication hearing conducted pursuant to Chapter 119. of the Revised Code, the attorney hearing examiner shall submit a written report setting forth proposed findings of fact and conclusions of law and a recommendation of the action to be taken by the Board.

(2) A copy of such written report shall be issued to the respondent and the representatives of record. The respondent and/or the respondent's representative of record may, within ten days of receipt of the attorney hearing examiner's report and recommendations, file written objections to the report and recommendations. Only those objections filed in a timely manner shall be considered by the board before approving, modifying, or disapproving the attorney hearing examiner's recommendations.

(3) The board shall consider the attorney hearing examiner's report and recommendations and any objections at its next regularly scheduled meeting after the time for filing objections has passed. At that time, the board may order additional testimony to be taken or permit the introduction of further documentary evidence, or act upon the report and recommendations. For purposes of taking such additional testimony or documentary evidence, the board may remand to the attorney hearing examiner

(4) Without leave of the board, the respondent or any representative of the respondent of record shall not be permitted to address the board at the time of consideration of the attorney hearing examiner's report and recommendations. Any request for such leave shall be filed by motion no less than five days prior to the date the report and recommendations is to be considered by the board and shall be served upon the representative of record.

(5) If a request to address the board is granted, the opposing representative may also address the board.

(I) Exchange of documents and witness lists

(1) Any representative of record may serve upon the opposing representative of record a written request for a list of both the witnesses and the documents intended to be introduced at hearing. Within twelve business days of service of that request, the opposing representative shall provide a response to the requesting representative. All final lists requested under this rule shall be exchanged no later than seven business days prior to the commencement of the administrative hearing

(2) Failure without good cause to comply with paragraph (I) (1) (A) of this rule may result in exclusion from the hearing of such testimony or documents, upon motion of the representative to whom disclosure is refused.

(J) Prior action by state of Ohio counselor, social worker and marriage and family therapist board: the attorney hearing examiner shall admit evidence of any prior action entered by the state of Ohio counselor and social worker board against the respondent, including formal disciplinary action or warning letters.

(K) Stipulation of facts: Representatives of record may, by stipulation, agree on any or all facts involved in proceedings before the attorney hearing examiner. The attorney hearing examiner may thereafter require development of any fact deemed necessary for just adjudication.

(L) Witnesses

(1) All witnesses at any administrative hearing or during any deposition in lieu of live testimony at hearing shall testify under oath or affirmation.

(2) A witness may be accompanied and advised by legal counsel. Participation by counsel for a witness other than the respondent is limited to protection of that witness's rights, and that legal counsel may neither examine nor cross-examine any witness.

(3) Should a witness refuse to answer a question ruled proper at a hearing or disobey a subpoena, the state of Ohio counselor and social worker board may institute contempt proceedings pursuant to section 119.09 of the Revised Code.

(4) Any representative of record may move for a separation of witnesses. Expert witnesses shall not be separated.

(5) No witness shall be permitted to testify as to the nature, extent, or propriety of disciplinary action to be taken by the board. A witness may, in the discretion of the attorney hearing examiner, testify as to an ultimate issue of fact.

(M) Conviction of crime: a certified copy of a plea of guilty to, or a judicial finding of guilt of any crime in a court of competent jurisdiction is conclusive proof of the commission of all of the elements of that crime.

(N) Evidence: the "Ohio rules of evidence" may be taken into consideration by the board or its attorney hearing examiner in determining the admissibility of evidence, but shall not be controlling.

(O) Reinstatement of license registration: any disciplinary action taken by the board which results in suspension from practice shall either lapse by its own terms or contain a written statement of the conditions under which the license or registration may be reinstated. Such conditions may include, but are not limited to:

(1) Submission of a written application for reinstatement;

(2) Payment of all appropriate fees as provided in Chapter 4757. of the Revised Code;

(3) Mental or physical examination, at the expense of the respondent;

(4) Additional education or training;

(5) Re-examination;

(6) Practice limitation;

(7) Participation in, and successful completion of, appropriate mental health treatment programs;

(8) Demonstration that the licensee can resume practice in compliance with acceptable and prevailing standards;

(9) Supervision, at the respondent's expense, by an appropriate supervisor as determined by the board;

(10) Satisfactory completion of all terms, conditions or limitations placed upon the licensee through a board approved consent agreement or adjudication order.

R.C. 119.032 review dates: 10/12/2012 and 09/20/2017
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Chapter 4757-13 Licensing of Counselors

4757-13-01 Education requirements for admission to the examination for licensed professional counselor.

The requirements for licensure as a licensed professional Counselor are set forth in section 4757.23 of the Revised Code. All "Council for Accreditation of Counseling and Related Educational Programs" "CACREP" accredited clinical mental health programs, clinical rehabilitation counseling programs, or addiction counseling programs are deemed to be approved programs per division (B)(3)(c) of section 4757.23 of the Revised Code. "CACREP" accredited mental health program degrees conferred prior to January 1, 2018 are accepted as meeting the educational standards of this rule per division (B)(3)(b) of section 4757.23 of the Revised Code. Applicants from other accredited counseling programs shall meet the following standards per division (B) (3) (d) of section 4757.23 of the Revised Code.

(A) Pertaining to the educational requirements, a "graduate degree in counseling" means a degree that meets all of the following criteria:

(1) The degree and/or the official transcript of course work shall clearly indicate that the degree awarded is a degree in counseling. Graduate degrees in other human service areas such as psychology, social work and marriage and family therapy are not considered degrees in counseling.

(2) The program shall be clearly identified as a counseling program. Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional counselors.

(3) The counseling program shall stand as a recognizable organizational entity within the institution and have a counseling faculty who identify with the counseling profession.

(4) The counseling program shall be an organized sequence of study that includes at least one graduate course in each of the following eleven areas of counselor training.

(a) Counseling theory: Includes a study of basic theories, principles of counseling and philosophical bases of the helping relationship;

(b) Counseling techniques: Includes individual counseling practices, methods, facilitative skills, and the application of these skills;

(c) Practicum: includes a supervised training experience, acceptable to the board, consisting of the provision of counseling to bona fide clients, and/or groups seeking services from counselors.

(i) A practicum consists no less than one hundred hours of which forty hours are direct service that conforms to "CACREP" 2009 standards for the required number of practicum hours, if those standards exceed one hundred hours.

(ii) Students, who have not completed their master's degree requirements prior to September 30, 1997, and have been enrolled in a practicum of less than one hundred hours prior to September 30, 1997, may use that course to fulfill the practicum requirement.

(d) Internship: Includes an on-the-job experience in professional counseling acceptable to the board.

(i) The supervised internship shall be no less than six hundred hours of which two hundred forty hours shall be in direct services, which include the diagnosis and treatment of mental and emotional disorders and conditions.

(ii) Students who have not completed their master's degree requirements by September, 30, 1997, who have begun an internship of less than six hundred hours prior to September 30, 1997, may use that internship experience to fulfill the internship requirement. Any internship begun after September 30, 1997, shall comply with the requirements in paragraph (A) (4) (d) (i) of this rule.

(iii) First time applicants who are intending to use the internship experience to meet the educational requirements of the board shall document their internship experience on a form prescribed by the board. The form shall be completed by the supervisor or supervisors and shall document the student's competency in all areas designated on the form. The form shall be completed and submitted by the student within thirty days of the successful completion of the internship.

(e) Human growth and development: Includes studies that provide a broad understanding of the nature and needs of individuals at all developmental levels. Emphasis is placed on psychological, sociological, and physiological approaches, human behavior, (normal and abnormal), personality theory, and learning theory.

(f) Social and cultural foundations: Includes studies of change, ethnic groups, subcultures, changing roles of women, sexism, racism, ethnocentrism, urban and rural societies, population patterns, cultural mores, use of leisure time, and differing life patterns.

(g) Group dynamics, processing and counseling: includes the study of group dynamics, group processes, practices and methods of group counseling, supervised practice, supervised facilitative skills, and theory and types of groups.

(h) Life-style and career development: includes vocational-choice theory, relationship of career choice to life-style, sources of occupational and educational information, approaches to career decision-making processes, and career development exploration techniques.

(i) Appraisal of the individual through: testing includes the development of a framework for understanding the individual, methods of data-gathering and interpretation, case study approaches, individual and group psychological and educational testing and the study of individual differences with consideration of ethnic, cultural and gender factors.

(j) Research and evaluation: Includes statistics, research design, the development of research and demonstration proposals, as well as the development and evaluation of program objectives.

(k) Professional, legal, and ethical: includes the study of professional counseling organizations, codes of ethics, legal considerations, standards of preparation, certification and licensure including the Ohio licensure law, and the professional role identity of counselors.

(5) In addition, either as a part of the applicant's master degree or after the award of the degree, coursework shall include training in the following areas of instruction acceptable to the board and represented by at least one graduate course in each of the following areas:

(a) Clinical psychopathology, personality, and abnormal behavior: includes the study of abnormal behavior, personality disorders, and psychopathological conditions specific to developmental phases throughout the life span, and their application to counseling practice.

(b) Evaluation of mental and emotional status: includes the use of assessment procedures in diagnosis and treatment planning. Focuses on the administering and interpreting individual and group standardized tests of mental ability, and personality and measurement.

(c) Diagnosis of mental and emotional disorders: includes the appropriate use of the current edition of the "Diagnostic and Statistical Manual for Mental Disorders", and an understanding of the "International Classification of Diseases". Focuses on conducting mental status examinations, and on the development and recognition of a framework for identifying symptomology, etiology and psychodynamics of mental and emotional disorders.

(d) Methods of intervention and prevention of mental and emotional disorders: includes studies of the:

(i) Psychological and educational methods of intervention, such as client-centered, psychoanalytic, hypnotherapy, rational-emotive therapy, and reality therapy.

(ii) Culturally sensitive intervention techniques used with diverse populations such as minorities, children, substance abusers, gay and lesbian individuals and individuals who are physically or mentally challenged.

(iii) Intervention strategies used in different situations such as marriage and family problems, crisis situations, bereavement, sex therapy, rehabilitation, child abuse and multicultural counseling.

(e) Treatment of mental and emotional disorders: includes developing and implementing a treatment plan, reporting and assessing progress of treatment, appropriate referral procedures, formulation of timelines for treatment and knowing the effect on client behavior and the interaction of psychotropic medications and mood altering chemicals in the treatment of mental and emotional disorders.

(B) Applicants who are denied admission to the examination shall be afforded an opportunity for a hearing pursuant to Chapter 119. of the Revised Code.

(C) Program requirements for counseling programs are defined in rule 4757-13-07 of the Administrative Code. Applicants from approved programs shall be considered to have met the educational requirements of this rule.

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Five Year Review (FYR) Dates: 12/17/2017
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Prior Effective Dates: 3/7/97, 2/9/98, 7/10/00, 9/20/02, 1/10/08, 1/1/13

4757-13-02 Requirements for licensure as a professional counselor.

All applicants for licensure as a professional counselor shall:

(A) Meet the educational requirements as established in rule 4757-13-01 or 4757-13-06 of the Administrative Code.

(B) Successfully complete the licensure examination prescribed by the counselor professional standards committee.

(C) Be of good moral character.

(D) Have met all of the initial application requirements established in rule 4757-1-04 of the Administrative Code.

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Rule Amplifies: 4757.22, 4757.23
Prior Effective Dates: 7-3-97; 2-9-98; 11-2-08

4757-13-03 Requirements for licensure as a licensed professional clinical counselor.

(A) In addition to meeting educational and other requirements as established in rules 4757-13-01 and 4757-13-02 of the Administrative Code, applicants for licensed professional clinical counselor shall meet the following experience and examination requirements as a licensed professional counselor:

(1) An applicant with a qualifying master's or other graduate degree which is not a doctorate in counseling shall have completed two years of post-licensed professional counselor supervised experience in clinical counseling, which includes the diagnosis and treatment of mental and emotional disorders.

(2) An applicant with a doctorate in counseling shall have completed two years of supervised experience in clinical counseling, which includes the diagnosis and treatment of mental and emotional disorders. At least one year and a minimum of fifteen hundred hours of supervised experience shall be completed after the award of the doctoral degree and as a licensed professional counselor and one year and a maximum of fifteen hundred hours of supervised experience may be completed as a part of a doctoral internship at a board approved counselor education program.

(3) An applicant licensed as a licensed professional counselor by this board prior to the requirement of sixty semester hours and the clinical coursework in paragraph (A)(5) of rule 4757-13-01 of the Administrative Code, shall use supervised experience as a professional counselor to meet this requirement

(4) A minimum of two years of supervised practice by the applicants shall be in a clinical setting, which shall have a primary focus on the diagnosis and treatment of mental and emotional disorders. Each year of supervised experience in clinical counseling required under section 4757.22 of the Revised Code and under this rule shall meet paragraphs (A)(4)(a), (A)(4)(b) and (B) of this rule unless the committee approves experience under paragraph (A)(4)(c) or (A)(4)(d) of this rule.

(a) At least fifteen hundred hours of work, by the applicant, of which a minimum of fifty per cent of the work consists of face-to-face client contact involving the delivery of clinical counseling services, which include the diagnosis and treatment of mental and emotional disorders. Not more than fifteen hundred hours of experience may be accrued in any twelve month period. If the supervised experience totaled less than the fifteen hundred hours, in a twelve month period credit will be granted for the fraction of a year's experience represented by the number of hours worked; and

(b) The experience was under the direct supervision of a licensed professional clinical counselor, psychologist, psychiatrist, independent social worker with a clinical area of competence, or other independently licensed mental health professional acceptable to the counselor professional standards

committee. All supervision obtained in Ohio shall be provided by a licensed professional clinical counselor with supervision designation. Exceptions to this rule, due to hardship, shall be made in writing to the committee.

(c) Supervised counseling experience obtained out of state may count toward the supervised experience requirement. Applicants shall request this consideration in writing from the counselor professional standards committee. If licensed in another state with more than five years clinical experience, applicants shall apply under rule 4757-13-06 of the Administrative Code.

(d) Elementary or secondary schools and college or university academic advising, admissions, and placement centers are not clinical settings where diagnosis and treatment of mental and emotional disorders are routinely within the scope of practice. Applicants who believe that they are conducting diagnosis and treatment of mental and emotional disorders have the burden of proving to the counselor professional standards committee that their experience meets the requirements as defined in paragraphs (A)(4)(a) to (A)(4)(c) of this rule.

(B) An applicant for licensed professional clinical counselor shall pass a field evaluation prescribed by the board to evaluate the applicant's competence in diagnosing and treating mental and emotional disorders. The applicant shall further provide supervision evaluations within thirty days following the completion of the first fifteen hundred hours of supervised experience required under paragraph (A) of this rule, and again, at the completion of the full three thousand hours of supervised experience on forms provided by the board.

(1) The field evaluation shall contain documented evidence of the quality, scope and nature of the applicant's field experience and competence in diagnosis and treating mental and emotional disorders and be submitted on a form prescribed by the counselor professional standards committee.

(2) The field evaluation shall be completed by the applicant's supervising counselors.

(3) The supervision evaluations shall be completed by the supervising counselor for the applicant within thirty days of the accumulation of fifteen hundred and three thousand total hours of supervised experience. The applicant is responsible for providing the form to the supervisor.

(C) An applicant for licensed professional clinical counselor shall successfully complete the licensure examination prescribed by the counselor professional standards committee within two years of application. All Ohio professional counselors who were licensed as professional counselors by taking the single tier Texas-Ohio examination from January 1, 1999 to December 31, 2004 or Ohio professional counselor licensure examination from January 1, 2004 through February 28, 2006 are exempt from taking the prescribed examination for licensed professional clinical counselor.

(D) Applicants, who are denied licensure, shall be afforded an opportunity for a hearing pursuant to Chapter 119. of the Revised Code.

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4757-13-04 Licensure and education requirements for admission of applicants holding a doctoral degree in counselor education to the examination for professional counselor, who do not meet the education requirements in rule 4757-13-01 of the Administrative Code.

(A) The requirements for licensure as a professional counselor are generally set forth in sections 4757.22 and 4757.23 of the Revised Code. Applicants holding a doctoral degree in counselor education have completed considerable numbers of hours of coursework beyond the minimum requirements. Applicants shall be granted a professional counselor license once they meet the requirements in paragraphs (B) and (C) of this rule. Applicants holding a license in another state for more than five years shall apply under endorsement per rule 4757-13-06 of the Administrative Code.

(B) If an applicant holds a doctoral degree in counselor education, but is missing specific courses required in paragraph (A) (5) of rule 4757-13-01 of the Administrative Code, the board may offer them a consent agreement for professional counselor licensure with the following stipulations:

(1) The applicant shall have completed all core courses in paragraph (A) (4) of rule 4757-13-01 of the Administrative Code with emphasis on the internship including the diagnosis and treatment of mental and emotional disorders.

(2) The applicant shall document completion of all clinical courses in paragraph (A) (5) of rule 4757-13-01 of the Administrative Code before he or she is able to renew the professional counselor license. Should the coursework not be completed the professional counselor license may not be renewed until the course work is completed and documented by a transcript received at the board directly from the institution. The transcript courses shall be acceptable course(s) if they meet the requirements of paragraph (J) (1) of rule 4757-3-01 of the Administrative Code.

(3) The consent agreement shall clearly delineate the necessary coursework to meet the requirements of paragraph (A) (5) of rule 4757-13-01 of the Administrative Code.

(C) All applicants for licensure as a professional counselor under this rule shall:

(1) Meet the educational requirements as established in paragraph (B) or (C) of this rule; and

(2) Successfully complete the licensure examination prescribed by the counselor professional standards committee. Applicants for the professional counselor examination shall have passed the required examination within ten years of application date; and

(3) Be of good moral character, and

(4) Have met all of the initial application requirements established in rule 4757-1-04 of the Administrative Code.

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Rule Amplifies: 4757.23

4757-13-05 Professional counselor and professional clinical counselor examination policy.

(A) Applicants shall be approved prior to sitting for the examinations. When an applicant is approved they shall receive an admission letter from the board. This letter shall be presented to the testing site for admission to the examination. The letter shall be in effect for six months. If the examination is not taken within the time frame applicants shall need to request another admission letter.

(B) Applicants who fail the examination shall be required to wait ninety days to re-take the examination and a new admission letter shall be sent from the board.

(C) The counselor professional standards committee shall approve applicants for licensure as professional counselors and professional clinical counselors to take the examination three times.

(D) After the third attempt, if the applicant has not achieved a passing score, they shall not be allowed to re-take the examination until they have completed a total of nine semester hours or twelve quarter hours of graduate coursework or other approved remediation as approved by the board. A plan of correction shall be approved by the counselor professional standards committee prior to beginning the approved remediation.

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Rule Amplifies: 4757.15, 4757.22, and 4757.23
Prior Effective Dates: 7-3-97; 9-20-02, 9/20/07

4757-13-06 Endorsement of a professional counselor or professional clinical counselor license.

(A) An applicant requesting licensure as a professional counselor or professional clinical counselor via endorsement shall submit to the board all of the following:

(1) A completed licensure application for the level of licensure for which the applicant is seeking licensure;

(2) The required fee established by the board under paragraph (B) of rule 4757-1-05 of the Administrative Code;

(3) An official statement, which indicates applicant is currently licensed, certified, registered, or otherwise authorized to practice as a professional counselor or professional clinical counselor in another jurisdiction;

(4) An official statement from any and all jurisdictions where the applicant is currently or has been previously licensed, certified, registered, or otherwise authorized to practice as a professional counselor or professional clinical counselor indicating whether the applicant is in good standing and whether disciplinary action has been taken or is pending against the applicant;

(5) All transcripts of undergraduate and graduate education, if any;

(6) If the applicant has taken another jurisdiction's professional counselor or professional clinical counselor licensure exam, documentation of whether the applicant passed that exam;

(7) Any additional documentation requested by the board that would assist the board in making a determination based on paragraphs (B)(1) to (B)(7) of this rule.

(B) The counselor professional standards committee may consider the following factors to determine whether to grant the applicant a license via endorsement:

(1) Whether the applicant possesses a degree in counseling awarded by an appropriately accredited institution whose program is clearly identified as a counseling program that confers a counseling degree;

(2) Whether the applicant's coursework is substantially similar to the requirements in paragraphs (A) (4) and (A) (5) of rule 4757-13-01 of the Administrative Code;

(3) Whether the hourly amount of the applicant's degree coursework is substantially similar to the hours required in division (B) (3) of section 4757.23 of the Revised Code;

(4) Whether the applicant has passed a state professional counselor or professional clinical counselor licensure exam that is substantially similar to Ohio's examination;

(5) Whether the applicant for professional clinical counselor has substantially equivalent supervised experience required by division (B)(4) of section 4757.22 of the Revised Code and paragraph (A)(2) and/or (A)(3) of rule 4757-13-03 of the Administrative Code;

(6) Whether the applicant's license is currently in good standing in another jurisdiction and whether applicant has been disciplined in another jurisdiction;

(7) The number of years the applicant has practiced as a professional counselor or professional clinical counselor in another jurisdiction; and

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Statutory Authority: 4757.10
Rule Amplifies: 4757.18
Prior Effective Dates: 7-3-97; 7-10-00; 9-20-02; 1-10-08; 11-2-08

4757-13-07 Counselor program approval.

(A) This rule establishes the requirements for an Ohio college or university counselor program accredited by the Ohio board of regents seeking pre-approval that its program meets the requirements of rule 4757-13-01 of the Administrative Code. All Ohio programs are required to be "Council for Accreditation of Counseling and Related Educational Programs" "CACREP" clinical mental health program, clinical rehabilitation counseling program, or addiction counseling program accredited by January 1, 2018; and if so accredited are deemed to be approved programs per division (B)(2) of section 4757.23 of the Revised Code. Prior to January 1, 2018, these programs and "CACREP" accredited mental health programs are accepted as meeting the educational standards of rule 4757-13-01 per division (B)(3)(b) of section 4757.23 of the Revised Code. University or college counseling programs prior to January 1, 2018 applying for pre-approval shall meet the following criteria. After January 1, 2018, this rule shall no longer be in effect as pre-approval by this rule is no longer valid.

(1) Programs that are "CACREP" accredited in community counseling shall submit documentation that they are in the process of obtaining a clinical mental health accreditation from "CACREP" and submit course numbers and descriptions showing which courses meet the requirements of paragraphs (A)(4) and (A)(5) of rule 4757-13-01 of the Administrative Code; or

(2) Programs that are not "CACREP" accredited in community or mental health counseling shall provide documentation that they are in the process of obtaining "CACREP" accreditation and submit course numbers and descriptions showing which courses meet the requirements of paragraphs (A)(4) and (A)(5) of rule 4757-13-01 of the Administrative Code.

(B) Programs that are "CACREP" accredited in mental health, clinical mental health, clinical rehabilitation counseling program, or addiction counseling program are deemed to have met the requirements and shall be verified by the "CACREP" website or copy of the approval letter from "CACREP" sent to the board by the program .Programs needing pre-approval shall apply on forms provided by the board to document meeting the conditions specified in paragraph (A) of this rule and paragraph (A) of rule 4757-13-01 of the Administrative Code.

(1) Initial applications for "CACREP" accredited community counseling programs and non "CACREP" accredited programs shall be approved through January 1, 2018.

(2) Application forms shall require the following additional detail.

(a) Title of degrees offered;

(b) Sample transcripts that show degree titles and major;

(c) Copy of catalogs and brochures for the programs offered;

(d) Number of semester or quarter hours in their program for each degree listed;

(e) Listing of each course that meets the required coursework in paragraphs (A) (4) and (A) (5) of rule 4757-13-01 of the Administrative Code;

(f) Non "CACREP" accredited programs shall complete all application questions on the board's form; and

(g) Other minor information required by the board approved form.

(3) Programs resident outside of Ohio are not eligible for pre-approval under this rule.

(C) Supervision of students shall meet the requirements established in "CACREP" accreditation standards for clinical mental health counseling programs, clinical rehabilitation counseling programs, or addiction counseling programs. Students registered as counselor trainees with the board shall further meet supervision requirements per rule 4757-17-01 of the Administrative Code. The accreditation standards require face-to-face individual or triadic supervision of students. "Triadic" means one supervisor and two supervisees.

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Five Year Review (FYR) Dates: 12/17/2017
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Rule Amplifies: 4757.22
Prior Effective Dates: 3/7/97, 2/9/98, 7/10/00, 9/20/02, 1/10/08, 4/1/11, 1/1/13

4757-13-08 Approval of applications for professional counselor licenses.

Applications for professional counselor licenses shall be approved per sections 4757.04, 4757.16, 4757.22 and 4757.23 of the Revised Code and this rule.

(A) Applications that meet the basic requirements as detailed below shall be approved upon receipt of all applicable parts.

(B) Applications for professional counselor license that meet the basic requirements for licensure in section 4757.23 of the Revised Code and rules 4757-1-04 and 4757-13-01 of the Administrative Code shall be approved if the following conditions are met:

(1) A complete application for professional counselor per rule 4757-1-04 of the Administrative Code is received with no questions requiring additional review by the counselor professional standards committee "CPSC" such as felony convictions, loss of license in another state, etc.

(2) Transcript(s) provided directly from an accredited educational institution of a master's or doctoral degree in professional counseling that meets paragraph (A) of rule 4757-13-01 of the Administrative Code.

(3) Proof of passing an examination acceptable to the CPSC for the purpose of determining ability to practice as a professional counselor.

(4) Documentation of internship experience on a form prescribed by the CPSC per paragraph (A) (4) (d) of rule 4757-13-01 of the Administrative Code.

(C) Voluntary applications by students for counselor trainee that meet the basic requirements for registration per section 4757.10 of the Revised Code and rules 4757-1-04 and 4757-13-09 of the Administrative Code shall be approved if the following conditions are met:

(1) A complete application for counselor trainee per rule 4757-1-04 of the Administrative Code is received with no questions requiring additional review by the CPSC such as felony convictions, loss of license in another state, etc.;

(2) Transcript(s) or class enrollment document is provided showing registration in a practicum or internship from an accredited educational institution of a master's or doctoral degree in counseling that meets the first paragraph of rule 4757-13-01ofthe Administrative Code or paragraph (A) of rule 4757-13-01 of the Administrative Code; and

(3) Documentation of agreement to provide supervision from a professional clinical counselor with training supervision designation.

(D) Applications for professional clinical counselor license that meet the basic requirements for licensure in section 4757.22 of the Revised Code and rules 4757-1-04 and 4757-13-03 of the Administrative Code shall be approved if the following conditions are met:

(1) A complete application for professional clinical counselor per rule 4757-1-04 of the Administrative Code is received with no questions requiring additional review by the CPSC such as felony convictions, loss of license in another state, etc.

(2) Transcript(s) is provided directly from an accredited educational institution of a master's or doctoral degree in counseling that meets paragraph (A) of rule 4757-13-01 of the Administrative Code.

(3) Proof of completion of at least two years of post-licensure professional counselor experience as required in paragraph (A) of rule 4757-13-03 of the Administrative Code.

(4) Proof of passing examination acceptable to the CPSC for the purpose of determining ability to practice as a professional clinical counselor.

(5) Proof of passing a field evaluation per paragraph (B) of rule 4757-13-03 of the Administrative Code.

(E) Applications that meet the following conditions shall be prepared for the next CPSC meeting, if received at least ten days prior to the meeting. Additional documentation is required from applicants concerning the issues delineated below to provide the information needed for the CPSC to complete its review and approval.

(1) All applications that have answered questions such that a more detailed review by the CPSC is required such as felony convictions, loss of license in another state, etc.

(2) All applications with questionable qualifying degrees.

(3) All applications for which staff believe additional information is required for the CPSC's review.

Statutory Authority: 4757.04, 4757.10, 4757.16, 4757.22, 4757.23
Rule Amplifies: 4757.10, 4757.16, 4757.22, and 4757.23
Prior Effective Dates: 9/1/10

4757-13-09 Counselor trainee registration.

(A) Counseling students enrolled in a practicum or internship in Ohio prior to receiving their counseling degree are eligible to register as a "counselor trainee" as authorized in section 4757.10 of the Revised Code and defined in paragraph (T) of rule 4757-3-01 of the Administrative Code. Students are not required by the board to have counselor trainee status to complete their practicum or internship requirements, including the provision of supervised counseling services, but may be required to obtain registration as a counselor trainee by the supervising agency as a condition of acceptance for practicum or internship. A student may also voluntarily choose to apply for registration as a counselor trainee. Applicants for counselor trainee status shall:

(1) Be of good moral character;

(2) Provide criminal records checks per paragraph (E) of rule 4757-1-04 of the Administrative Code;

(3) Apply on a form specified by the board and comply with rule 4757-1-04 of the Administrative Code;

(4) Provide proof of enrollment in a master's or doctoral-level level practicum or internship course. A copy of the university's online enrollment document shall be acceptable; or a letter, email or facsimile from the professor, counseling office or registrar stating the applicant is enrolled;

(5) Document proof of counselor trainee status using the board's online license verification system at https://license.ohio.gov. Trainee status shall be active only within the dates displayed on that system. The dates of that registration shall be up to two months past the end of the term enrolled;

(6) Provide proof of enrollment as specified in paragraph (A) (4) of this rule for their existing registration to be extended through the dates of that course. A separate application may be required for practicum and internship;

(7) Have the same scope of practice as a licensed professional counselor in rule 4757-15-01 of the Administrative Code, but require much closer supervision during the training process; and

(8) Shall be supervised by a licensed professional clinical counselor and in internships have duties that include the diagnosis and treatment of mental and emotional disorders. Supervision shall be per rule 4757-17-01.

(B) Counselor trainee status is not a substitute for licensure and is only valid at the school approved field placement site(s) where the student is completing his or her field placement, and through the dates listed on the board's online license verification system.

(C) Ensuring the counselor trainee is properly registered and listed on the licensure web site https://license.ohio.gov is primarily the responsibility of the counselor trainee, but shall be monitored by the work place supervisor or agency at time of placement and subsequent extensions of counselor trainee status.

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Rule Amplifies: 4757.10, 4757.22, and 4757.23

Chapter 4757-15 Scope of Practice for Counselors

4757-15-01 Scope of practice for licensed professional counselor.

Each licensed professional counselor has a personal competency within the license's scope of practice, which is determined by their education, training and practice as defined in paragraph (A) of rule 4757-5-02 of the Administrative Code (ethics). A licensed professional counselor as a private practitioner or an employee of an agency may for a fee, or salary, or other considerations:

(A) A licensed professional counselor may render to individuals, groups, organizations, or the general public counseling services involving the application of clinical counseling principles, methods, or procedures to assist individuals in achieving more effective personal, social, educational, or career development and adjustment.

(B) "Apply clinical counseling principles, methods, and procedures," means an approach to counseling that emphasizes the counselor's role in systematically assisting clients through all of the following: Assessing and analyzing emotional conditions, exploring possible solutions, and developing and providing a treatment plan for mental and emotional adjustment or development. It may include counseling, appraisal, consulting, supervision, administration and referral.

(C) Engage in the diagnosis and treatment of mental and emotional disorders when under the supervision of a professional clinical counselor, psychologist, psychiatrist, independent marriage and family therapist, or independent social worker.

(D) Provide training supervision for students and registered counselor trainees when services are within their scope of practice, which does not include supervision of the diagnosis and treatment of mental and emotional disorders.

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4757-15-02 Scope of practice for a licensed professional clinical counselor.

Each licensed professional clinical counselor has a personal competency within the license's scope of practice, which is determined by their education, training and practice as defined in paragraph (A) of rule 4757-5-02 of the Administrative Code (ethics). A licensed professional clinical counselor may for a fee, salary, or other considerations:

(A) Engage in all practices, principles, methods, and procedures permitted under rule 4757-15-01 of the Administrative Code.

(B) Engage, as a private practitioner, in the unsupervised diagnosis and treatment of mental and emotional disorders as defined in division (F) of section 4757.01 of the Revised Code.

(C) Independently, as an employee of an agency, without supervision, perform or approve a diagnosis and/or develop or approve a treatment plan as required for record keeping, insurance purposes, accreditation, or governmental requirements.

(D) Provide work supervision for licensed professional counselors, social workers, social worker temporaries, assistant social workers, and marriage and family therapists; and supervision of chemical dependency counselors and prevention specialists as specified in Chapter 4758. of the Revised Code; and training supervision for students, registered counselor trainees and licensed professional counselors per rule 4757-17-01 of the Administrative Code.

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4757-15-03 Professional disclosure for counselors. [Rescinded].

Rescinded eff 11-08-07

Chapter 4757-17 Supervision of Counselors

4757-17-01 Counseling supervision.

This rule applies to all licensed professional counselors who are working toward licensure as licensed professional clinical counselors and counselor trainees seeking licensure under rules 4757-13-01 and 4757-13-03 of the Administrative Code. This rule also applies to licensed professional counselors who are diagnosing and treating mental and emotional disorders under the work supervision of an independently licensed mental health professional.

(A) Definition of supervision:

(1) "Training supervision" is supervision of all individuals who are gaining the experience required for a license as a licensed professional clinical counselor, or a license as a licensed professional counselor under rule 4757-13-01 of the Administrative Code, or a counselor trainee registered with the board and enrolled in a practicum or internship class under paragraph (E) of this rule. This type of supervision requires extensive time and involvement on the part of the supervisor in order to help supervisees improve their skills and/or learn new skills. Training supervision shall include an average of one hour of face-to-face contact between the supervisor and supervisee for every twenty hours of work by the supervisee. Training supervision shall be face-to-face individual and/or triadic for counselor trainees. Training supervision shall be face-to-face individual or group supervision for licensed professional counselors.

(2) "Work supervision" is supervision required of licensed professional counselors who are engaging in the diagnosis and treatment of mental and emotional disorders. Licensed professional counselors shall disclose to their clients in writing that they are engaging in the diagnosis and treatment of mental and emotional disorders under the supervision of an appropriately licensed mental health professional. The supervisee shall also disclose to their clients in writing the name(s) of the said professional(s).

(3) "Group supervision" is supervision that consists of more than three or more supervisees for one supervisor.

(4) "Triadic supervision" is composed of a supervisor and two counselor trainees.

(B) Purposes of training supervision:

(1) To provide for the protection of consumer and client welfare;

(2) To provide that supervisees function within the limits of their competence; and

(3) To provide training in activities relevant to the supervisee's position and academic background.

(C) Requirements pertaining to training supervision:

(1) A licensed professional clinical counselor or licensed professional counselor providing supervision shall:

(a) Have demonstrated competence in the area in which they are supervising;

(b) Have training in supervision theory and practice;

(c) Have training in legal and ethical issues relevant to counseling;

(d) Have training in multicultural counseling competencies as defined by the board;

(e) Have a board issued supervision designation; and

(f) Complete and forward to the board all supervision evaluation forms required by the board within thirty days of receipt of the form from a supervisee.

(2) Training supervisees may not choose a supervisor who is a family member or who is related to them in any way.

(3) The when the training supervisor and licensed professional counselor are employed by the same agency, the licensed professional clinical counselor with supervision designation is responsible for all diagnoses, change in diagnoses, individualized services plans, and correspondence to any third party outside of the agency.

(4) Licensed professional counselors who engage in the diagnosis and treatment of mental and emotional disorders shall do so under the work supervision of a licensed professional clinical counselor, a psychologist, a psychiatrist, or an independent social worker with a clinical area of competence. All licensed professional counselors engaging in training supervision for licensure as licensed professional clinical counselors shall be under the supervision of a licensed professional clinical counselor with supervision designation. All counselor trainees engaging in training supervision for licensure as licensed professional counselors shall be under the supervision of a licensed professional counselor with supervision designation or a licensed professional clinical counselor with supervision designation except that a licensed professional clinical counselor with supervision designation shall supervise the counselor trainee when diagnosing and treating mental and emotional disorders. Requests for exceptions to this rule for training supervision, due to hardship, shall be made in writing to the board.

(5) Individuals in the process of completing the supervised experience required for licensure may be employed on a paid basis as long as they are practicing within the scope of practice of the license for which they are applying, and are properly licensed or registered with the board.

(6) Supervisees presenting supervision experience from another state shall provide the vita of their supervisors to demonstrate that their supervisors are licensed to supervise the diagnosis and treatment of mental and emotional disorders and thus are acceptable to the board.

(7) In the event that a supervisee is practicing under work supervision while registered for training supervision, the rules for training supervision shall supersede the rules for work supervision.

(8) Nothing in this rule shall prevent licensed professional counselors from practicing independently within their scope of practice.

(D)

(1) Records of training supervision shall be maintained by the supervisee and made available to the board upon request. The supervision records shall contain information concerning the dates/times of supervision (e.g. "8-19-08 from 2:00-3:00 p.m."), content and goals of supervision and shall be signed by the supervisor at least quarterly.

(2) Licensed professional counselors and each of the supervisors who provided training supervision shall complete a "Clinical Field Evaluation & Verification of Supervised Experience" form or similiar form provided by the board to document hours accrued. The training supervisor shall complete the form and submit it to the board within thirty days of receipt from the supervisee.

(E) Requirements for applying for a training supervision designation.

(1) Licensed professional clinical counselors applying for training supervision designation shall meet the following minimum requirements. Licensed professional counselors who hold the supervision designation prior to January 1, 2013 may continue to hold that designation as long as they maintain it in good standing.

(a) Document a minimum of twenty-four hours of academic preparation or board approved continuing education coursework in counselor supervision training including training six hours in each area as follows:

(i) Assessment, evaluation and remediation which includes initial, formative and summative assessment of supervisee knowledge, skills and self-awareness; components of evaluation e.g. evaluation criteria and expectations, supervisory procedures, methods for monitoring (both direct and indirect observation) supervisee performance, formal and informal feedback mechanisms, and evaluation processes (both summative and formative), and processes and procedures for remediation of supervisee skills, knowledge, and personal effectiveness and self-awareness;

(ii) Counselor development which includes models of supervision, learning models, stages of development and transitions in supervisee/supervisor development, knowledge and skills related to supervision intervention options, awareness of individual differences and learning styles of supervisor and supervisee, awareness and acknowledgement of cultural differences and multicultural competencies needed by

supervisors, recognition of relational dynamics in the supervisory relationship, and awareness of the developmental process of the supervisory relationship itself;

(iii) Management and administration which includes organizational processes and procedures for recordkeeping, reporting, monitoring of supervisee's cases, collaboration, research and evaluation; agency or institutional policies and procedures for handling emergencies, case assignment and case management, roles and responsibilities of supervisors and supervisees, and expectations of supervisory process within the institution or agency; institutional processes for managing multiple roles of supervisors, and summative and formative evaluation processes; and

(iv) Professional responsibilities which includes ethical and legal issues in supervision includes dual relationships, competence, due process in evaluation, informed consent, types of supervisor liability, privileged communication, consultation, etc.; regulatory issues include Ohio laws governing the practice of counseling and counseling supervision, professional standards and credentialing processes in counseling, reimbursement eligibility and procedures, and related institutional or agency procedures.

(b) Each licensed professional clinical counselor shall obtain a minimum of one year and fifteen hundred hours of clinical experience, post licensed professional clinical counselor licensure, which shall include the diagnosis and treatment of mental and emotional disorders.

(c) The fifteen hundred hours shall include at least one supervision of supervision experience. The licensed professional clinical counselor in training shall work with the same supervisor for at least five hours learning the skills to become a supervisor. The licensed professional clinical counselor in training shall work (as a supervisor-in-training) with the same supervisee (licensee who needs supervision) for a minimum of ten hours while learning from and working with a licensed professional clinical counselor who has a training supervision designation. All supervision, and supervision of supervision addressed in this rule shall be face-to-face.

(d) Comply with the 2014 American counseling association "ACA" ethical standards pertaining to the supervisory relationship.

(e) Document applicant's familiarity with significant legal, ethical, and clinical issues relevant to the supervisory relationship on a form prescribed by the board.

(2) All licensed professional counselors and licensed professional clinical counselors shall maintain the training supervision designation by obtaining three hours of counselor professional standards committee approved continuing professional education in supervision.

(3) Licensed professional clinical counselors engaged in training supervision shall be called "licensed professional clinical counselor with training supervision designation" per paragraph (Q)(9) of rule 4757-3-01 of the Administrative Code. They shall have adequate training, knowledge, and skill to render competent clinical supervision and shall meet the criteria for work and training supervision as defined in

paragraphs (A)(1) and (A)(2) of this rule. Licensed professional counselors engaged in training supervision shall be called "licensed professional counselor with training supervision designation" per paragraph (Q)(8) of rule 4757-3-01 of the Administrative Code. They shall have adequate training, knowledge, and skill to render competent non-clinical supervision and shall not supervise the diagnosis and treatment of mental and emotional disorders.

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Chapter 4757-19 Licensing and Registration of Social Workers

4757-19-01 Requirements for licensure as a social worker.

The requirements for licensure as a social worker are generally set forth in division (A) of section 4757.28 of the Revised Code. With regard to such applicants, the board hereby prescribes:

(A) That the applicant shall apply for a license in accordance with the provisions of rule 4757-1-04 of the Administrative Code; and,

(B) The applicant shall submit the following;

(1) An applicant for licensure shall submit a completed official application form made under oath and all requested information; and

(2) The applicant's education shall be documented by official college transcripts received by the board directly from the college or university. Educational requirements must be met by completion of educational programs at accredited colleges or universities; and

(3) Submit with the application the required fee per paragraph (D) of rule 4757-1-05 of the Administrative Code; and

(4) Documentation necessary for examination approval as required by rule 4757-19-04 of the Administrative Code; and

(5) Applicants shall have passed the required examination within seven years of application date, unless they are currently licensed in an equivalent capacity in another state and passed the prescribed examination as part of the licensure requirements in that state; and

(6) Applications will be reviewed by the board after all the required information is received. Applicants will be notified by mail or email of the action taken on the application.

(7) Applicants who are denied admission to the examination will be afforded an opportunity for a hearing pursuant to Chapter 119. of the Revised Code.

(C) The applicant shall have a bachelor's degree in social work or a master's degree in social work, or a doctoral degree in social work from an appropriately accredited educational institution; which shows evidence of meeting the following coursework requirements;

(1) Six semester hours or their equivalent of coursework in the area of human development and behavior which includes: the social, psychological, and physiological growth of an individual, and the effects of growth of a personality in the social environment.

(2) Six semester hours or their equivalent of social work practice courses taught by an individual with an advanced degree in social work. Coursework shall include methods of social intervention: casework, groupwork, community organization and practice, social research and administration: in addition, three semester hours of coursework or its equivalent in the area of social work research shall be required.

(3) Six semester hours or their equivalent in the social welfare and policy area. Social welfare and policy includes the history of social welfare; policy development and analysis

(4) Three semester hours or their equivalent shall be required in social work theory which includes the study of the principles, which demonstrate various types of bio-psycho-social interventions.

(5) Not less than four hundred clock hours of supervised practicum and/or field experience, with a primary focus on social intervention coordinated by a an individual with an advanced degree in social work

(6) The program shall reflect continuous effort to enrich the educational experience by incorporating content on social work professional and legal ethics, and racial ethnic and cultural diversity as well as women's issues into the curriculum.

(7) Social work programs which are accredited by "The Council on Social Work Education" (CSWE) are recognized as qualifying degrees in social work.

(D) Per division (A) of section 4757.28 of the Revised Code, a social worker license shall clearly indicate each academic degree earned by the person to whom it is issued. Social worker wall certificates shall be prepared using the following acronyms for the degrees noted and only those earned as of the date of issuance. Licensees or registrants may not use a doctorate designation in their professional capacity unless it is related to the field of mental health and is from an appropriately accredited educational institution. Related degree licensees shall be so noted on their wall certificates as "Licensed Social Worker - Related Degree."

(1) Bachelor of arts - major social work or a related degree shall be "BA."

(2) Bachelor of social work - major social work shall be "BSW."

(3) Bachelor of science in social work - major social work shall be "BSSW."

(4) Bachelor of science - major social work or a related degree shall be "BS."

(5) Master of social work - major social work shall be "MSW."

(6) Master of arts - major social service administration shall be "MASSA."

(7) Master of science - in social administration major in social work shall be "MSSA."

(8) Master of arts - major social work related degree shall be "MA."

(9) Master of science - major social work related degree shall be "MS."

(10) Doctorate of social work - major in social work shall be "DSW."

(11) Doctor of Philosophy - major in social work shall be "PhD."

(12) Doctorate of related area of mental health - related area of mental health majors shall be "PhD-Other."

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4757-19-02 Requirements for licensure as an independent social worker.

The requirements for licensure as a licensed independent social worker are generally set forth in division (A) of section 4757.27 of the Revised Code. With regard to such applicants, the social work professional standards committee hereby prescribes:

(A) That the applicant shall apply for a license in accordance with the provisions of rule 4757-01-04 of the Administrative Code; and,

(B) The applicant shall include with the application the required fee per paragraph (D) of rule 4757-1-05 of the Administrative Code.

(C) That the applicant have:

(1) A master's degree in social work and,

(2) Two years of supervised social work experience: defined as follows:

(a) "Two years employment experience" means at least two complete years supervised experience which includes three thousand hours of work for a fee, salary or other consideration, during which time the applicant was engaged in the practice of social work and held licensure as a social worker; except that no applicant may be credited with more than fifteen hundred hours of experience during any twelve-month period;

(b) Any supervised experience obtained after October 10, 1986, in the state of Ohio shall be supervised by an independent social worker.

(c) The dates that the supervised experience was obtained, not the date of application, will determine the type of acceptable experience required for an applicant to be licensed as a licensed independent social worker.

(3) That the applicant pass the examination meeting the requirements established by the social work professional standards committee to determine the applicant's ability to be an independent social worker. Applicants shall be pre-approved to take the examination per rule 4757-19-04 of the Administrative Code.

(4) Applicants shall have passed the required examination within seven years of application date, unless they are currently licensed in an equivalent capacity in another state and passed the prescribed examination as part of the licensure requirements in that state.

(D) Per division (A) of section 4757.27 of the Revised Code, an independent social worker license shall clearly indicate each academic degree earned by the person to whom it is issued. Independent social worker wall certificates shall be prepared using the following acronyms for the degrees noted and only those earned as of the date of issuance. All bachelor's, master's and doctorate's shall be listed. Licensees or registrants may not use a doctorate designation in their professional capacity unless it is related to the field of mental health and is from a recognized accredited educational institution.

(1) Bachelor of arts - major social work or a related degree shall be "BA".

(2) Bachelor of social work - major social work shall be "BSW".

(3) Bachelor of science in social work - major social work shall be "BSSW".

(4) Bachelor of science - major social work or a related degree shall be "BS".

(5) Master of social work - major social work shall be "MSW".

(6) Master of arts - major social service administration shall be "MASSA".

(7) Master of science - in social administration major in social work shall be "MSSA".

(8) Master of arts - major social work related degree shall be "MA".

(9) Master of science - major social work related degree shall be "MS".

(10) Doctorate of social work - major in social work shall be "DSW".

(11) Doctor of Philosophy - major in social work shall be "PhD".

(12) Doctorate of related area of mental health - related area of mental health majors shall be "PhD-Other".

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4757-19-03 Requirements for a certificate of registration as a social work assistant.

The requirements for a certificate of registration as a social work assistant are generally set forth in section 4757.29 of the Revised Code.

(A) The applicant shall complete an application as prescribed in rule 4757-1-04 of the Administrative Code and at the time of application shall have received at least an associate degree in social service technology from an accredited academic institution where these standards are met:

(B) A "social service technology degree" is an associate degree from a two-year program where the following minimum curriculum standards are met:

(1) Forty-five quarter hours, or thirty semester hours, of core social service/social work skills, theory, and systems courses including a social service practicum; and,

(2) Twenty-one quarter hours or fourteen semester hours, of related courses such as psychology, sociology, and economics; and,

(3) The applicant shall have received a grade of at least a "C-" in all coursework for the committee to accept it towards meeting the requirements.

(C) Applicants with degrees higher than associates degrees from accredited academic institutions shall provide the committee with evidence that their coursework meets the requirements of this rule.

(D) The application shall be accompanied by the required fee per paragraph (D) of rule 4757-1-05 of the Administrative Code.

R.C. 119.032 review dates: 10/12/2012 and 09/20/2017
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Statutory Authority: 4757.29
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Prior Effective Dates: 2-24-86 (Emer.); 5-22-86; 7-3-97; 9-20-02

4757-19-04 Social worker examination policy.

(A) Applicants shall have applied for the applicable license per rules 4757-1-04 and 4757-19-01 or 4757-19-02 of the Administrative Code and shall be approved prior to sitting for the examinations. When an applicant is approved they shall receive an approval letter from the board. This letter shall be presented to the testing site for admission to the examination. The letter shall be in effect for six months. If the examination is not taken within the time frame applicants shall request in writing another admission letter.

(1) Applicants who have a bachelor, master or doctoral degree from an accredited educational institution may provide a student copy of their transcript(s) via mail, email or facsimile in order for the board to make an examination approval or disapproval decision.

(2) Applicants in the last term prior to receiving their bachelor, master or doctoral degree in social work from an accredited educational institution may provide a letter, facsimile or email from a professor, the social work department or registrar that states the student is on track to graduate at the end of that term in order for the board to make an examination approval or disapproval decision.

(3) Applicants upon completion of the examination should know that the board receives the official exam reports directly and promptly from the association of social work boards, "ASWB."

(B) Applicants who fail the examination shall be required to wait ninety days to re-take the examination and shall request in writing a new admission letter be sent from the board.

(C) The social worker professional standards committee shall approve in writing applicants for licensure as social workers and independent social workers to sit for the examination up to four times.

(D) After the fourth attempt, if the applicant has not achieved a passing score, they shall not be approved to re-take the examination until they have completed a total of six semester hours or eight quarter hours of undergraduate or graduate coursework as appropriate or other approved remediation as approved by the board. A plan of correction should be approved in writing by the social worker professional standards committee prior to beginning the coursework.

(E) Applicants who are denied admission to the examination shall be afforded an opportunity for a hearing pursuant to Chapter 119. of the Revised Code.

Effective: 11/03/2014
Five Year Review (FYR) Dates: 12/17/2017
Promulgated Under: 119.03
Statutory Authority: 4757.10, 4757.27, 4757.28
Rule Amplifies: 4757.27, 4757.28
Prior Effective Dates: 11/4/06, 1/1/13

4757-19-05 Social worker trainee applications.

Registration of training supervision shall be only for master's level students from council on social work education "CSWE" accredited programs who are not licensed as social workers. The purpose of social worker trainee status is to aid non-licensed master's level social work students to acquire field placement at an agency. Per section 4757.10 of the Revised Code, students are not required to have social worker trainee status to complete their field placement requirements, including the provision of supervised psychosocial interventions, but may be required to obtain registration as a social worker trainee by the supervising agency as a condition of acceptance for field placement. A student may also voluntarily choose to obtain registration. Applicants shall:

(A) Be of good moral character; and

(B) Complete the Board's online application; and

(C) Complete a criminal records check per paragraph (E) of rule 4757-1-04 of the Administrative Code; and

(D) Provide proof of enrollment in a master's level field education course (practicum/internship/field work). A copy of the university's online enrollment document shall be acceptable; or a letter, email or facsimile from the professor, social work office or registrar stating the applicant is enrolled; and

(E) Document proof of registration as a social worker trainee using the board's online license verification system at https://license.ohio.gov. Trainee status shall be active only within the dates displayed on that system. The dates of that registration shall be up to one month past the end of the term enrolled.

(F) Provide proof of enrollment as specified in paragraph (D) of this rule for their existing registration to be extended through the next quarter or semester of their field education course.

(G) Have the same scope of practice as a licensed social worker in rule 4757-21-02 of the Administrative Code.

(H) Be supervised at a field placement by a licensed social worker with a master's degree in social work, a licensed independent social worker or a licensed independent social worker with a supervision designation. Only a licensed independent social worker with a supervision designation may provide the supervision to a social worker trainee who is engaged in the practice of social psychotherapy, which includes the diagnosis and treatment of mental and emotional disorders.

(I) Social worker trainee status is not a substitute for licensure and is only valid at the school approved field placement site(s) where the student is completing his or her field placement through the dates listed on the board's online license verification system.

Effective: 11/03/2014
Five Year Review (FYR) Dates: 12/17/2017
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Statutory Authority: 4757.10, 4757.27, 4757.28
Rule Amplifies: 4757.27, 4757.28
Prior Effective Dates: 11-4-06

4757-19-06 Requirements for social work applicants wishing to obtain a temporary social work license.

(A) Applicants who wish to obtain a temporary license shall submit a properly completed licensure application, as provided by the board. The temporary applications shall accompany the actual licensure application unless actual application is already on file with the board.

(B) The temporary application shall be accompanied by the required fee per paragraph (D) of rule 4757-1-05 of the Administrative Code.

(C) The two applications shall be reviewed by a staff member of the board, to determine whether the applicant appears to have the appropriate degrees and/or experience to meet the requirements for the actual license they seek.

(D) If staff determines that the applicant appears to meet the requirements for the license, for which they are applying, a temporary license will be issued to applicant. This temporary license will allow the applicant to work legally in Ohio during the period which it is in effect.

(E) The applicant shall have passed the examination for the license which they seek prior to the issuance of the temporary license.

(F) A temporary license may be issued by the board for a period not to exceed ninety days to an otherwise qualified applicant for licensure as a social worker who has completed the educational requirements for licensure but is awaiting the actual awarding of the degree. A temporary license may be renewed one time for a period not to exceed ninety days. To qualify for the temporary license the applicant shall submit with the application a letter from the academic institution which will be awarding the qualifying degree indicating:

(1) That they have met all the academic requirements for the degree, and

(2) When the degree will be/was conferred.

Effective: 7/1/2016
Five Year Review (FYR) Dates: 09/20/2017
Promulgated Under: 119.03
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Rule Amplifies: 4757.27, 4757.28
Prior Effective Dates: 10/17/88 (Emer), 12/18/88, 7/3/97, 9/20/07

4757-19-07 Endorsement of a social work license.

(A) An applicant requesting licensure as a social worker or independent social worker via endorsement shall submit to the Board all of the following:

(1) A completed licensure application for the level of licensure for which the applicant is seeking licensure;

(2) The required fee established by the board under paragraph (B) of rule 4757-1-05 of the Administrative Code;

(3) An official statement, which indicates applicant is currently licensed, certified, registered, or otherwise authorized to practice as a social worker or independent social worker in another jurisdiction;

(4) An official statement from any and all jurisdictions where the applicant is currently or has been previously licensed, certified, registered, or otherwise authorized to practice as a social worker indicating whether the applicant is in good standing and whether disciplinary action has been taken or is pending against the applicant;

(5) All transcripts of undergraduate education and, if applicable, graduate education;

(6) If the applicant has taken another jurisdiction's bachelor's, master's, advanced generalist or clinical licensure exam, documentation of whether the applicant passed that exam; and

(7) Any additional documentation requested by the board that would assist the board in making a determination based on paragraphs (B)(1) to (B)(6) of this rule.

(B) The social worker professional standards committee may consider the following factors to determine whether to grant the applicant a license via endorsement:

(1) Whether the applicant possesses a bachelor's, master's and or doctor's degree in social work awarded by an appropriately accredited institution;

(2) Whether the applicant's degree and coursework in social work is substantially similar to the requirements in paragraphs (C) (1) or (C) (2) of rule 4757-19-01 of the Administrative Code;

(3) Whether the applicant for independent social worker has substantially equivalent supervised experience required by division (B)(3) of 4757.27 of the Revised Code and paragraph (B)(2) of rule 4757-19-02 of the Administrative Code;

(4) Whether the applicant has passed a state social worker or independent social worker licensure exam that is substantially similar to Ohio's examination;

(5) Whether the applicant's license is currently in good standing in another jurisdiction and whether applicant has been disciplined in another jurisdiction;

(6) The number of years the applicant has practiced as a social worker or independent social worker in another jurisdiction;

Replaces: 4757-19-07

R.C. 119.032 review dates: 10/12/2012 and 09/20/2017
Promulgated Under: 119.03
Statutory Authority: 4757.18
Rule Amplifies: 4757.18
Prior Effective Dates: 7-3-97; 1-10-08

4757-19-08 Approval of applications for social worker licenses and registration.

Applications for social worker licenses and registration shall be approved per sections 4757.04 , 4757.10 , 4757.16 , 4757.27 , 4757.28 and/or 4757.29 of the Revised Code and this rule. The staff of the Board shall review all applications and process as follows:

(A) Applications that meet the basic requirements as detailed below shall be approved upon receipt of all applicable parts. Ten per cent of applications approved by staff shall be reviewed by the social worker professional standards committee at the following meeting for quality control purposes.

(1) Applications for independent social worker license that meet the basic requirements for licensure in section 4757.27 of the Revised Code and rule 4757-19-02 of the Administrative Code shall be approved if the following conditions are met:

(a) Process application for independent social worker received with no questions requiring review by the board such as felony convictions, loss of license in another state, etc.; and

(b) Transcript provided directly from an accredited educational institution of a master's in social work; and

(c) Proof of completion of at least two years of post-master's degree social work experience that prepares the applicant for independent practice supervised by an independent social worker with training supervision designation ; and

(d) Proof of passing an examination administered by the board for the purpose of determining ability to practice as an independent social worker.

(2) Applications for social worker license that meet the basic requirements for licensure in section 4757.28 of the Revised Code and rules 4757-1-04 and 4757-19-01 of the Administrative Code shall be approved if the following conditions are met:

(a) Applications for social worker received with no questions requiring review by the board such as felony convictions, loss of license in another state, etc.; and

(b) Transcript provided directly from an accredited educational institution of a bachelor's, master's or doctoral degree in social work; and

(c) Proof of passing an examination administered by the board for the purpose of determining ability to practice as a social worker.

(3) Applications for social worker assistant registration that meet the requirements for registration in section 4757.29 of the Revise Code and rules 4757-1-04 and 4757-19-03 of the Administrative Code shall be approved if the following conditions are met:

(a) Applications for social worker assistant received with no questions requiring review by the board such as felony convictions, loss of license in another state, etc ; and

(b) Transcript provided directly from an accredited educational institution of 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 clearly meets the requirements of rule 4757-19-03 of the Administrative Code.

(4) Applications for social worker trainee registration that meet the basic requirements for registration in rules 4757-1-04 and 4757-19-05 of the Administrative Code shall be approved if the following conditions are met:

(a) Applications for social worker trainee received with no questions requiring review by the board such as felony convictions, loss of license in another state, etc. and

(b) Transcript or enrollment document showing field education coursework provided from a CSWE-accredited Master's-level program in social work.

(B) Complete applications that meet the following conditions shall be held for the social worker professional standards committee review at the next regularly scheduled meeting, if received at least ten days prior to the meeting.

(1) All applications that have answered questions requiring review by the board such as felony convictions, loss of license in another state, etc.

(2) All applications with degrees from non-accredited universities.

(3) All applications which staff is not comfortable approving without the social worker professional standards committee's review.

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Statutory Authority: 4757.10
Rule Amplifies: 4757.04 , 4757.10 , 4757.16 , 4757.27 , 4757.28 , 4757.29
Prior Effective Dates: 9/20/2007

Chapter 4757-21 Scope of Practice for Social Workers

4757-21-01 Scope of practice for a registered social work assistant.

(A) As prescribed in division (C) of section 4757.26 of the Revised Code the board adopts the following scope of practice for a registered social work assistant. Each licensee of the board has a personal professional scope of practice, which is determined by their education, training and supervised practice as defined in paragraph (A) of rule 4757-5-02 of the Administrative Code (ethics).

(B) A registered social work assistant may under the direct supervision of an independent social worker, social worker, professional clinical counselor, professional counselor, a psychologist, a psychiatrist, or a registered nurse who holds a master's degree in psychiatric nursing perform for a fee, salary, or other consideration, human services, social services and community services that may include but not limited to:

(1) Intake assessment and referral, screening, crisis intervention and resolution; and

(2) Community support, case management and outreach, record keeping, social assessment, visual observation of person in environment, assist in facilitation with groups and families, advocacy; orientation, education and prevention services.

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R.C. 119.032 review dates: 10/12/2012 and 12/17/2017
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Rule Amplifies: 4757.26
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4757-21-02 Scope of practice for a social worker.

Using the definition of social work as defined in division (C) of section 4757.01 of the Revised Code, the board adopts the following scope of practice for a social worker. Each social worker has a personal competency within the license's scope of practice, which is determined by their education, training and practice as defined within the board's ethics rules in paragraph (A) of rule 4757-5-02 of the Administrative Code.

(A) A social worker may perform for a fee, salary, or other consideration, counseling and psychosocial interventions without supervision; and social psychotherapy under the supervision of an independent social worker, a professional clinical counselor, a psychologist, a psychiatrist, or a registered nurse with a master's degree in psychiatric nursing.

(B) When practicing as an employee of a private individual, partnership, or group practice, a social worker may perform for a fee, salary, or other consideration, counseling, psychological interventions, and social psychotherapy only if supervised by an independent social worker, a clinical counselor, a psychologist, a psychiatrist or a registered nurse with a master's degree in psychiatric nursing.

(C) A social worker may practice as an independent contractor.

(D) The scope of practice for a social worker may include the following range of psychosocial duties:

(1) Intervention planning;

(2) Psychosocial intervention;

(3) Counseling;

(4) Social psychotherapy under supervision; and

(5) Evaluation.

R.C. 119.032 review dates: 10/12/2012 and 09/20/2017
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Rule Amplifies: 4757.26
Prior Effective Dates: 6-11-85 (Emer.); 9-19-85 (Emer.); 12-19-85; 7-3-97; 10-18-09

4757-21-03 Scope of practice for an independent social worker.

Using the definition of social work as defined in division (C) of section 4757.01 of the Revised Code, the board adopts the following scope of practice for an independent social worker. Each independent social worker has a personal competency within the license's scope of practice, which is determined by their education, training and practice as defined in paragraph (A) of rule 4757-5-02 of the Administrative Code (ethics).

(A) An independent social worker may perform for a fee, salary or other consideration, counseling, pyschosocial interventions, and social psychotherapy without supervision in an agency setting, as a private practitioner, or as an independent contractor.

(B) The scope of practice for an independent social worker may include those duties as described in the subparagraphs that follow:

(1) Psychosocial assessment: intervention planning, psychosocial intervention, and social psychotherapy, which includes the diagnosis and treatment of mental and emotional disorders and counseling.

(2) Program assessment, planning, and development, program implementation and evaluation.

(3) Organizational assessment, planning and development, intervention, accountability, and supervision.

(4) Specialized problem-oriented assessment, specialized project or case-oriented planning, specialized intervention, evaluation of consultation activities.

(5) Provide clinical supervision of social worker assistants, social workers except for their training supervision, professional counselors, and marriage and family therapists; and supervision of chemical dependency counselors and prevention specialists as specified in Chapter 4758. of the Revised Code. Provide clinical supervision per paragraph (A)(1) of rule 4757-23-01 of the Administrative Code for social worker trainees practice except the diagnosis and treatment of mental and emotional disorders.

(C) The scope of practice for an independent social worker with supervision designation may include those duties as described as follows:

(1) Psychosocial assessment: intervention planning, psychosocial intervention, and social psychotherapy, which includes the diagnosis and treatment of mental and emotional disorders and counseling.

(2) Program assessment, planning, and development, program implementation and evaluation.

(3) Organizational assessment, planning and development, intervention, accountability, and supervision.

(4) Specialized problem-oriented assessment, specialized project or case-oriented planning, specialized intervention, evaluation of consultation activities, provide training supervision for social workers seeking licensure as independent social workers.

(5) Provide clinical supervision of social worker assistants, social workers, professional counselors, and marriage and family therapists; and supervision of chemical dependency counselors and prevention specialists as specified in Chapter 4758. of the Revised Code. Provide training supervision for social workers gaining supervised hours to meet the requirements of paragraph (C)(2) of rule 4757-19-02 of the Administrative Code to become licensed as independent social workers per rule 4757-23-01 of the Administrative Code. Provide training and clinical supervision per paragraphs (A)(1) and (A)(2) of rule 4757-23-01 of the Administrative Code for social worker trainees, which includes the diagnosis and treatment of mental and emotional disorders.

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4757-21-04 Professional disclosure for social workers. [Rescinded].

Rescinded eff 11-08-07

Chapter 4757-23 Supervision of Social Workers

4757-23-01 Social work supervision.

This rule applies to all social work assistants; to all social workers employed in a private practice, partnership, or group practice; to all social workers engaged in social psychotherapy; and to all social workers seeking licensure as independent social workers.

(A) Definitions of social work supervision:

(1) "Clinical supervision" of social workers performing social psychotherapy and social workers employed in a private practice, partnership, or group practice means the quantitative and qualitative evaluation of the supervisee's performance; professional guidance to the supervisee; approval of the supervisee's intervention plans and their implementation; the assumption of responsibility for the welfare of the supervisee's clients; and assurance that the supervisee functions within the limits of their license. The assessment, diagnosis, treatment plan, revisions to the treatment plan and transfer or termination shall be cosigned by the supervisor and shall be available to the board upon request.

(2) "Training supervision" means supervision for the purposes of obtaining a license and/or development of new areas of proficiency while providing services to clients. The training supervisor is responsible for providing direction to the supervisee, who applies social work theory, standardized knowledge, skills, competency, and applicable ethical content in the practice setting. The supervisor and the supervisee both share responsibility for carrying out their role in this collaborative processes of professional growth and development. Training supervision may be individual supervision or group supervision.

(a) "Individual supervision" means face-to-face contact between a supervisor and an individual supervisee in a private session wherein the supervisor and supervisee deal with problems unique to the practice of that supervisee.

(b) "Group supervision" means face-to-face contact between a supervisor and a small group (not to exceed six supervisees) in a private session wherein practice problems are dealt with that are similar in nature and complexity to all supervisees in the group.

(B) Clinical supervision requirements.

(1) A social worker engaged in social psychotherapy in an agency setting shall be supervised by an independent social worker, a professional clinical counselor, a psychologist, a psychiatrist or a registered nurse with a master's degree with a specialty in psychiatric nursing.

(2) A social worker working as an employee of a partnership, group or private practice shall be supervised in all practice of social work by a supervisor listed in paragraph (B)(1) of this rule.

(C) Training supervision of licensed social workers by licensed independent social workers with a supervision designation requires the supervisor to:

(1) Have demonstrated competence in the area in which they are supervising;

(2) Have training in supervision theory and practice;

(3) Have training in legal and ethical issues relevant to counseling, psychosocial interventions and social psychotherapy;

(4) Complete and forward to the board all supervision evaluation forms required by the board within thirty days of receipt of the form from a supervisee.

(D) Requirements for social work professional training supervision to qualify for licensure as an independent social worker:

(1) One hour of individual and/or group supervision for each twenty hours of work by the supervisee with no less than one hundred fifty hours total.

(2) Employment experience obtained, that is required for licensure as an independent social worker, shall be supervised by an independent social worker. Employment experience obtained after September 1, 2008, that is required for licensure as an independent social worker, shall be supervised by an independent social worker with supervision designation.

(3) Records of training supervision shall be maintained by the supervisee and made available to the board upon request. The supervision records shall contain information concerning the dates of supervision, content and goals of supervision. The supervisor shall sign the supervision records at least quarterly to document their review.

(4) There shall be no direct family relationship between the supervisor and the supervisee if the experience is to be counted toward the fulfillment of the licensure requirement.

(5) Certification that the requirements of this rule have been met shall be submitted by the applicant on a form designated by the board at time of licensure application.

(6) If the training supervision is occurring in Ohio, the supervisee and the supervisor shall be licensed in Ohio.

(7) Requests for exceptions to this rule, due to hardship, shall be made in writing to the committee.

(E) Requirements for social work professional training in supervision to qualify for a training supervision designation:

(1) Only independent social workers who have obtained a training supervision designation shall provide training supervision. Applicants for training supervision designation shall apply on forms required by the board and shall document at least the following requirements.

(a) One year post licensure experience as an independent social worker; and

(b) Training in supervision of at least nine hours of continuing education in committee approved supervision programs or one master's level supervision course, which shall be completed as follows: between the date the applicant received the independent social worker and the date the applicant is applying for the supervision designation using continuing education training; or complete a master's level supervision course from an accredited university within the last three years.

(2) All independent social workers with training supervision designation shall maintain supervisory status by obtaining three hours of social workers professional standards committee approved continuing professional education in supervision or a master's level course in supervision each renewal period.

(3) If the minimum of nine hours of academic preparation is continuing education coursework, it shall be board approved. The continuing education coursework in social work training supervision shall include each area as follows:

(a) The coursework shall total nine clock hours of didactic and interactional instruction; and

(b) The coursework shall contain content that satisfies the following learning objectives.

(i) The participant will become familiar with the major models of supervision for social work;

(ii) Gain skills to develop a personal model of supervision, drawn from existing models of supervision;

(iii) Understand the co-evolving dynamics of licensee-client and supervisor-licensee-client relationships;

(iv) Explore distinctive issues that arise in supervision;

(v) Address the contextual variables in practice such as culture, gender, ethnicity, power and economics;

(vi) Become familiar with the ethical, legal and regulatory issues of supervision; and

(vii) Understand the role of evaluation in supervision.

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Chapter 4757-25 Licensing of Marriage and Family Therapists

4757-25-01 Education requirements for admission to the examination for marriage and family therapist.

The requirements for licensure are generally set forth in section 4757.30 of the Revised Code.

(A) Pertaining to the educational requirements, the board further prescribes that: a "graduate degree in marriage and family therapy" is defined as a degree that meets all of the following criteria:

(1) The program or concentration shall clearly be identified as marriage and family therapy. Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train marriage and family therapists. Examples of this include statements explaining the distinction between MFT and other human service areas, statements that the program prepares students to pass the national MFT examination, or statements that the program prepares students for MFT state licensure.

(2) The marriage and family therapy curriculum shall stand as a recognized entity within the institution and have a marriage and family therapy faculty. Marriage and family therapy faculty identify with the MFT profession by having a doctoral degree in "Marriage and Family Therapy," holding a state license in MFT, being clinical members of the AAMFT, and/or being AAMFT approved supervisors.

(3) The marriage and family therapy coursework shall have a major focus on marital and family systems and systemic therapeutic interventions. Marriage and family therapy coursework shall include at least two graduate courses in paragraph (A)(3)(a) of this rule and at least one graduate course in paragraphs (A)(3)(f)(v) to (A)(3)(b) of this rule of the following areas of marriage and family therapy.:

(a) Marriage and family theory studies: Courses in this area should present a fundamental introduction to marriage and family studies, including the historical development of the relational/systemic perspective and empirical foundations of the field of marriage and family therapy. This area facilitates students developing knowledge of the early and contemporary theories of MFT. It should provide a substantive understanding of the major theories of systems change and the applied practices evolving from each theoretical orientation. Major MFT theories include but are not limited to: strategic, structural, contextual, Bowenian, narrative, solution-focused, object relations, experiential, emotion focused, and internal family.

(b) Research: This course facilitates students developing competencies in marriage and family therapy research and evaluation methods and in evidence-based practice, including becoming an informed consumer of couple, marriage, and family therapy research.

(c) Professional ethics: Courses in this area shall include the "American Association for Marriage and Family Therapy" (AAMFT) code of ethics, confidentiality and liabilities of clinical practice and research, professional ethics as a marriage and family therapist, professional socialization, and the role of the professional organization, licensure, state and federal legislation, independent practice and inter professional cooperation. Religious ethics courses and moral theology courses do not meet this requirement.

(d) Individual and family development: This course shall address individual and family development and biopsychosocial health across the lifespan from a systemic perspective.

(e) Appraisal of individuals and families: This course shall include the framework for understanding individuals, couples and families. Course content shall address from a relational/systemic perspective, psychopharmacology, physical health and illness, traditional psycho diagnostic categories, and the assessment and treatment of major mental and emotional disorders, including the appropriate use of the current edition of the Diagnostic and Statistical Manual for Mental Disorders.

(f) Practicum: Includes a supervised training experience consisting of the provision of marriage and family therapy to clients and is acceptable to the board as defined in paragraphs (A)(3)(f)(i) to (A)(3)(f) (v) of this rule.

(i) Applicants, who begin their program after January 2015, shall have a minimum of two semesters or three quarters of qualified supervised clinical practicum and/or qualified internship with five hundred hours of direct face-to-face client contact with individuals, couples, and families and one hundred hours of supervision. Applicants, who begin their program before January 2015, shall have a minimum of two semesters or three quarters of qualified supervised clinical practicum and/or qualified internship with three hundred hours of direct face-to-face client contact with individuals, couples, and families and sixty hours of supervision.

(ii) Applicants, who begin their program after January 2015, shall have two hundred fifty hours of the five hundred hours of direct client contact with couples and/or families present. Applicants, who begin their program before January 2015, shall have one hundred fifty hours of the three hundred hours of direct client contact with couples and/or families present.

(iii) The clinical practicum and internship experience must be under the supervision of an independently licensed marriage and family therapist with supervision designation, an AAMFT approved supervisor, an AAMFT supervisor candidate, or an independently licensed mental health practitioner who shall have demonstrated competence in the area in which he/she is supervising and have training in legal and ethical issues relevant to marriage and family therapy.

(iv) Applicants shall document their practicum and internship experience on a form prescribed by the board. The form shall be completed by the supervisor or supervisors and shall document the student's competency, client contact hours, and supervision hours in all areas designated on the form. The form shall be completed and submitted by the student at the time of examination request.

(v) Prior to the beginning of the practicum, the student shall have completed three courses in marriage and family therapy.

(4) In addition to the coursework listed under paragraph (A)(3) of this rule, the marriage and family therapy coursework completed must include five courses in the following marriage and family therapy content areas.

(a) Family therapy with diverse, multicultural and/or underserved communities: This course facilitates students developing competencies in understanding and applying knowledge of diversity, power, privilege and oppression as these relate to race, age, gender, ethnicity, sexual orientation, gender identity, socioeconomic status, disability, health status, religious, spiritual and/or beliefs, nation of origin or other relevant social categories, in the practice of marriage and family therapy. This includes developing competencies in working with sexual and gender minorities and their families as well as anti-racist practices.

(b) Clinical treatment of individuals, couples and families: This course facilitates students developing competencies in systemic hypotheses, treatment planning and interventions specifically designed for use with a wide range of diverse individuals, couples, and families, including sex therapy, same-sex couples, working with young children, adolescents and elderly, interfaith couples, and includes a focus on evidence-based practice. Courses must include content on crisis intervention.

(c) Couples therapy: This course provides theories and skills in providing therapy with couples, including family of origin issues, new marriages, marriage preparation, non-traditional marriages, multi-cultural issues, partnerships, and divorce.

(d) Family therapy with children, adolescents, or young adults: This course should provide training in unique diagnostic and treatment considerations in working with children, adolescents, or young adults. This includes collaboration with medical providers and educational systems. The course must include exposure to empirically supported treatment modalities for children and adolescents.

(e) Sexuality and family therapy: The physiological, psychological, and socio-cultural variables associated with sexual identity and sexual behavior including sexual dysfunctions. This course should include systemic theory based treatment.

(f) Substance abuse and addictive disorders in marriage and family therapy: This course covers the physical and psychological aspects of psychotropic medication, alcohol, and other substances on relationships and behavior as well as systemic treatment approaches to substance use disorders.

(5) Programs accredited by the "Commission On Accreditation Of Marriage And Family Therapy Education" (COAMFTE) at the time of applicant's degree conferral are recognized as meeting the requirements for a graduate degree in marriage and family therapy.

(6) Applicants who possess a degree from a program not accredited by the "Commission On Accreditation Of Marriage And Family Therapy Education" (COAMFTE) shall submit a request to this board for approval in meeting the educational requirements for admission to the examination for the marriage and family therapy license. Program approval may be obtained by the applicant submitting to the board written evidence that the degree meets the requirements set forth in paragraphs (A)(1) to (A)(3) of this rule.

(B) Supplemental coursework, including supplemental clinical practicum/internship experience, taken after the completion of the degree program may be acceptable if the applicant meets either of the following:

(1) Holds a conferred degree in marriage and family therapy as defined in paragraphs (A)(1) and (A)(2) of this rule, acceptable to the board, and achieved both of the following:

(a) Completes the necessary coursework and/or clinical practicum/internship experience from a marriage and family therapy program as defined in this rule,

(b) Obtains written permission for each supplemented course and/or practicum/internship experience from the board prior to the beginning of the course and/or practicum/internship experience and completes said course(s) and/or practicum/internship experience within five years of approval.

(2) Applicants, who possess a master's degree and are enrolled in a COAMFTE accredited doctoral program having completed all coursework except for dissertation.

(C) Post-graduate supervised direct client contact hours obtained out of state may satisfy a deficit in the number of practicum/internship hours as specified in paragraph (A)(3)(f)(v) of this rule. These substituted hours shall not be counted toward the two years of required supervised practice for IMFT licensure.

(D) Applicants who are denied admission to the examination shall be afforded an opportunity for a hearing pursuant to Chapter 119. of the Revised Code.

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Five Year Review (FYR) Dates: 11/03/2019
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Rule Amplifies: 4757.30
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4757-25-02 Marriage and family therapist examination policy.

(A) The examination required for licensure as a marriage and family therapist or an independent marriage and family therapist is the "Examination In Marital and Family Therapy" offered by the "Association of Marital and Family Therapy Regulatory Boards" (AMFTRB).

(B) The examination shall be offered at least twice each year.

(C) Only applicants who are approved by the board may sit for the examination. Approval to sit for the examination shall be granted if a review of the applicant's educational records establishes that the educational requirements for licensure are met.

(1) Applicants who have a master or doctoral degree from a regionally accredited educational institution may provide a student copy of their transcript(s) via mail, email or facsimile in order for the board to make an examination approval or disapproval decision.

(2) Applicants in the last term prior to receiving their master or doctoral degree from a program that is accredited by COAMFTE may provide a letter, facsimile or email from a professor or registrar that states the student is on track to graduate at the end of that term in order for the board to make an examination approval or disapproval decision.

(D) An applicant who is approved for the examination shall be sent an approval letter from the board.

(1) The letter is effective only for the next examination given after the date of issuance.

(2) An applicant who fails to take the examination during the effectiveness of the letter shall request another approval letter.

(3) An applicant who neglects to take the examination within twelve months after being deemed eligible by the board shall re-apply for approval to sit for the examination. The applicant shall meet the requirements in effect at the time of the new request for approval.

(E) The minimum score for passage of the examination for marriage and family therapists is determined by the "Association of Marriage and Family Therapists Regulatory Boards" (AMFTRB) and the marriage and family therapist professional standards committee.

(F) A marriage and family therapist or independent marriage and family therapist who has an expired license and requests to apply for a new license will be required to do one of the following:

(1) Re-take and achieve a passing score on the national "Examination In Marital and Family Therapy" offered by the "Association of Marital and Family Therapy Regulatory Boards" (AMFTRB);

(2) Complete thirty clock hours of approved continuing professional education; three of the thirty hours must be taken in the area of professional ethics for marriage and family therapists.

(G) Applicants that hold a current marriage and family therapist license in another state may be approved by the board to sit for the national examination.

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Five Year Review (FYR) Dates: 12/01/2019
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Prior Effective Dates: 4/10/04, 10/18/09, 4/1/11, 12/1/14

4757-25-03 General requirements for licensure as a marriage and family therapist.

All applicants for licensure as a marriage and family therapist shall:

(A) Meet the educational requirements as established in paragraph (A) of rule 4757-25-01 of the Administrative Code.

(B) Successfully complete the licensure examination prescribed by the marriage and family therapist professional standards committee, if applicable.

(C) Be of good moral character.

(D) Have met all of the initial application requirements established in rule 4757-1-04 of the Administrative Code. These requirements include the criminal records check, application with fee, transcript requirements, and defines good moral character.

Replaces: 4757-25-03

R.C. 119.032 review dates: 09/05/2014 and 09/20/2018
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Rule Amplifies: 4757.30
Prior Effective Dates: 4/10/04, 9/20/07, 10/18/09.

4757-25-04 Requirements for licensure as an independent marriage and family therapist.

All applicants for licensure as an independent marriage and family therapist shall:

(A) After completion of the required education set forth in paragraph (A) of rule 4757-25-01 of the Administrative Code, the applicant shall meet the following requirements:

(1) Complete at least two calendar years of supervised training while engaged in the practice of marriage and family therapy.

(2) The two years of supervised training must include two hundred hours of face-to-face supervision while completing a minimum of one thousand hours of documented face-to-face client contact in marriage and family therapy.

(3) Of the required two hundred hours of face-to-face supervision, a minimum of one hundred hours shall be individual supervision.

(4) Of the required one thousand hours of client contact, a minimum of five hundred hours shall be with couples and/or families present.

(5) The training supervision shall be performed by a supervisor whose training and experience meet the standards established in paragraph (C) of rule 4757-29-01 of the Administrative Code.

(B) Meet all the requirements established in rule 4757-25-03 of the Administrative Code.

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4757-25-05 Temporary marriage and family therapist license.

(A) The temporary license allows the holder to practice as a marriage and family therapist or an independent marriage and family therapist, while awaiting the next board meeting.

(B) A temporary license may be issued only if it is determined that, the applicant qualifies under division (A) of section 4757.30 of the Revised Code for licensure as a marriage and family therapist.

(C) Applicants who wish to obtain a temporary license shall submit a properly completed application, as prescribed by the board.

(D) A temporary license is valid from the date of issuance until the earliest of one of the following:

(1) The date the applicant's license is issued under section 4757.30 of the Revised Code;

(2) One year after the temporary license has been issued;

(3) The date the applicant withdraws from taking the examination;

(4) The date the applicant is notified that the applicant failed the examination.

(E) A temporary license may not be renewed. A new temporary license shall be issued only in the event of documented substantial hardship as determined by the board.

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Rule Amplifies: 4757.30, 4757.301
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4757-25-06 Endorsement of a marriage and family therapist license.

(A) An applicant requesting licensure as a marriage and family therapist or independent marriage and family therapist via endorsement shall submit to the board all of the following:

(1) A completed licensure application for the level of licensure for which the applicant is seeking licensure;

(2) The required fee established by the board under paragraph (B) of rule 4757-1-05 of the Administrative Code;

(3) An official statement, which indicates applicant is currently licensed, certified, registered, or otherwise authorized to practice as a marriage and family therapist or independent marriage and family therapist in another jurisdiction;

(4) An official statement from any and all jurisdictions where the applicant is currently or has been previously licensed, certified, registered, or otherwise authorized to practice as a marriage and family

therapist or independent marriage and family therapist indicating whether the applicant is in good standing and whether disciplinary action has been taken or is pending against the applicant;

(5) All transcripts of graduate education;

(6) If the applicant has taken another jurisdiction's marriage and family therapist exam, documentation of whether the applicant passed that exam; and

(7) Any additional documentation requested by the board that would assist the board in making a determination based on paragraphs (B)(1) to (B)(7) of this rule.

(B) The marriage and family therapist professional standards committee may consider the following factors to determine whether to grant the applicant a license via endorsement:

(1) Whether the applicant possesses a master's and/or doctor's degree in marriage and family therapy awarded by a regionally accredited institution;

(2) Whether the applicant possesses a master's and/or doctor's degree in a related mental health field awarded by a regionally accredited institution.

(3) The applicant has earned substantially equivalent marriage and family therapy coursework from a regionally accredited institution subsequent to that degree that meets the requirements of division (A)(3)(b) of section 4757.30 of the Revised Code and paragraph (A)(3) of rule 4757-25-01 of the Administrative Code;

(4) Whether the applicant's coursework is substantially similar to the requirements in paragraph (A)(3) of rule 4757-25-01 of the Administrative Code;

(5) Whether the applicant for independent marriage and family therapist has substantially equivalent supervised experience required by division (C) of section 4757.30 of the Revised Code and paragraph (C)(3) of rule 4757-25-04 of the Administrative Code;

(6) Whether the applicant has passed a state marriage and family therapist exam that is substantially similar to Ohio's examination;

(7) Whether the applicant's license is currently in good standing in another jurisdiction and whether applicant has been disciplined in another jurisdiction; and

(8) The number of years the applicant has practiced as a marriage and family therapist or independent marriage and family therapist worker in another jurisdiction.

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4757-25-07 Approval of applications for marriage and family therapist licenses.

Applications for marriage and family therapist licenses shall be approved per section 4757.30 of the Revised Code and this rule. The staff of the board shall review all applications and process as follows:

(A) Applications that meet the basic requirements as detailed below shall be approved upon receipt of all applicable parts. All applications approved by staff shall be reviewed by the marriage and family therapist professional standards committee at the following meeting for quality control purposes.

(1) Applications for independent marriage and family therapist license that meet the basic requirements for licensure in section 4757.30 of the Revised Code and rule 4757-25-04 of the Administrative Code shall be approved if the following conditions are met:

(a) Process application for independent marriage and family therapist received with no questions requiring review by the board such as felony convictions, loss of license in another state, etc.

(b) Transcript provided directly from a regionally accredited educational institution of a master's or doctoral degree in marriage and family therapy or related degree that meets paragraph (B) of rule 4757-25-01 of the Administrative Code.

(c) Proof of completion of at least two years of post-master's degree marriage and family therapist experience that meets paragraph (A) of rule 4757-25-04 supervised by a supervisor that meets paragraph (C)(1) of rule 4757-29-01 of the Administrative Code.

(d) Proof of passing an examination acceptable to the board for the purpose of determining ability to practice as an independent marriage and family therapist.

(2) Applications for marriage and family therapist license that meet the basic requirements for licensure in section 4757.30 of the Revised Code and rule 4757-25-03 of the Administrative Code shall be approved if the following conditions are met:

(a) Process application for marriage and family therapist received with no questions requiring review by the board such as felony convictions, loss of license in another state, etc.

(b) Transcript provided directly from an accredited educational institution of a master's or doctoral degree in marriage and family therapy or related degree that meets paragraph (B) of rule 4757-25-01 of the Administrative Code.

(c) Proof of passing an examination acceptable to the board for the purpose of determining ability to practice as an marriage and family therapist.

(B) Complete applications that meet the following conditions shall be held for the marriage and family therapist professional standards committee review at the next regularly scheduled meeting, if received at least ten days prior to the meeting.

(1) All applications that have answered questions requiring review by the board such as felony convictions, loss of license in another state, etc.

(2) All applications with related degrees.

(3) All applications which staff , at its discretion, determines require further scrutiny by the marriage and family therapist professional standards committee.

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Promulgated Under: 119.03

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Prior Effective Dates: 10/18/09.

4757-25-08 Marriage and family therapist trainee registration.

(A) Students enrolled in a practicum or internship prior to receiving their marriage and family therapy degree are eligible to register as a "marriage and family therapist trainee" as authorized in section 4757.10 of the Revised Code and defined in paragraph (U) of rule 4757-3-01 of the Administrative Code, if they are doing so in Ohio. Students are not required by the board to have marriage and family therapist trainee status to complete their practicum or internship requirements, including the provision of supervised marriage and family therapy services, but may be required to obtain registration as a marriage and family therapist trainee by the supervising agency as a condition of acceptance for practicum or internship. A student may also voluntarily choose to apply for registration as a marriage and family therapist trainee. Applicants for marriage and family therapist trainee status shall:

(1) Be of good moral character; and

(2) Provide criminal records checks per paragraph (E) of rule 4757-1-04 of the Administrative Code; and

3) Apply on a form specified by the board and comply with rule 4757-1-04 of the Administrative Code; and

(4) Provide proof of enrollment in a master's or doctoral level marriage and family therapy practicum or internship course. A copy of the university's online enrollment document shall be acceptable; or a letter, email or facsimile from the professor or registrar stating the applicant is enrolled.

(B) Applicants who hold marriage and family therapist trainee status shall:

(1) Document proof of marriage and family therapist trainee status by using the board's online license verification system at https://license.ohio.gov. Trainee status shall be active only within the dates displayed on that system. The dates of that registration shall be up to two months past the end of the term enrolled; and

(2) Provide proof of enrollment as specified in paragraph (A) (4) of this rule for their existing registration to be extended through the dates of that course; and

(3) Have the same scope of practice as a marriage and family therapist in rule 4757-27-01 of the Administrative Code, but require much closer supervision during the training process.

(C) Marriage and family therapist trainee status is not a substitute for licensure and is only valid at the school approved field placement site(s) where the student is completing his or her field placement, and through the dates listed on the board's online license verification system.

(D) Ensuring the marriage and family therapist trainee is properly registered and listed on the licensure web site https://license.ohio.gov is primarily the responsibility of the marriage and family therapist trainee, but shall be monitored by the work place supervisor or agency at time of placement and subsequent extensions of marriage and family therapist trainee status.

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Rule Amplifies: 4757.10, 4757.30

Chapter 4757-27 Marriage and Family Therapy - Scope of Practice

4757-27-01 Scope of practice of a marriage and family therapist.

(A) A marriage and family therapist may for a fee, salary, or other consideration engage in the practice of marriage and family therapy through any of the following:

(1) As an individual private practitioner or as a member of a partnership or group practice;

(2) As an employee of a public or private organization.

(B) The "practice of marriage and family therapy" means the diagnosis, treatment, evaluation, assessment, counseling, and management, of mental and emotional disorders, whether cognitive, affective or

behavioral, within the context of marriage and family systems, to individuals, couples, and families, singly or in groups, whether those services are offered directly to the general public or through public or private organizations, for a fee, salary or other consideration through the professional application of marriage and family theories, therapies, and techniques, including, but not limited to psychotherapeutic theories, therapies and techniques that marriage and family therapists are educated and trained to perform.

(C) A marriage and family therapist may diagnose and treat mental and emotional disorders under the supervision of one of the following:

(1) An independent marriage and family therapist;

(2) A professional clinical counselor;

(3) An independent social worker;

(4) A psychologist;

(5) A psychiatrist.

(D) A marriage and family therapist may not diagnose, treat, or advise on conditions outside the recognized boundaries of the marriage and family therapist's competency. A marriage and family therapist shall make appropriate and timely referrals when a client's needs exceed the marriage and family therapist's competence level.

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Rule Amplifies: 4757.30; 4757.01.
Prior Effective Dates: 4-18-09

4757-27-02 Scope of practice of an independent marriage and family therapist.

(A) An independent marriage and family therapist may for a fee, salary, or other consideration engage in the practice of marriage and family therapy through any of the following:

(1) As an individual private practitioner or as a member of a partnership or group practice.

(2) As an employee of a public or private organization.

(B) The "practice of marriage and family therapy" means the diagnosis, treatment, evaluation, assessment, counseling, and management, of mental and emotional disorders, whether cognitive, affective or behavioral, within the context of marriage and family systems, to individuals, couples, and families, singly or in groups, whether those services are offered directly to the general public or through public or private organizations, for a fee, salary or other consideration through the professional application of marriage and family theories, therapies, and techniques, including, but not limited to psychotherapeutic theories, therapies and techniques that marriage and family therapists are educated and trained to perform.

(C) An independent marriage and family therapist may diagnose and treat mental and emotional disorders and may provide supervision to other mental health professionals including marriage and family therapists, professional counselors, licensed social workers and social worker assistants.

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

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Prior Effective Dates: 04/18/2014

Chapter 4757-29 Marriage and Family Therapy

4757-29-01 Marriage and family therapy supervision.

This rule applies to all supervisees who are working toward licensure as independent marriage and family therapists and marriage and family therapists who are applying under rule 4757-25-04 of the Administrative Code. It also applies to marriage and family therapists who are diagnosing and treating mental and emotional disorders under the supervision of an independently licensed mental health professional.

(A) Definition of supervision:

(1) "Training supervision" is individual or group supervision applied to all individuals who are gaining the experience required for a license as an independent marriage and family therapist or under rule 4757-25-04 of the Administrative Code for a license as a marriage and family therapist. This type of supervision requires extensive time and involvement on the part of the supervisor in order to help supervisees improve their skills and/or learn new skills, and promote the professional development as a marriage and family therapist.

(2) "Work supervision" is supervision required of marriage and family therapists whose practice includes the diagnosis and treatment of mental and emotional disorders. This supervision requires the evaluation of the supervisee's performance; professional guidance to the supervisee; approval of the supervisee's intervention plans and their implementation; the assumption of responsibility for the welfare of the supervisee's clients; and assurance that the supervisee functions within the limits of his/her license. The assessment, diagnosis, treatment plan, revisions to the treatment plan, correspondence and transfer or termination of the client(s) shall be approved by the supervisor and shall be made available to the board upon request. Marriage and family therapists shall disclose to their clients in writing that they are under the supervision of an appropriately licensed mental health professional when diagnosing and treating mental and emotional disorders. The supervisee shall also disclose to their clients in writing the name(s) of said professional(s).

(3) "Group supervision" is board approved supervision that consists of a case -related interactive face-to-face meeting with one supervisor and no more than six supervisees.

(4) "Individual supervision" is board approved supervision that consists of a case -related interactive face-to-face meeting between one supervisor meeting with no more than two supervisees.

(B) Training supervision purposes:

(1) To provide for the protection of consumer and client welfare; and

(2) To provide that supervisees function within the limits of their competence; and

(3) To enhance professional development of a marriage and family therapist; and

(4) To provide training in activities relevant to the supervisee's position and academic background.

(C) Requirements for training:

(1) All supervisees engaging in training supervision for licensure as independent marriage and family therapists shall be under supervision of one of the following:

(a) An "American Association for Marriage and Family Therapy (AAMFT) Approved Supervisor or Supervisor Candidate" who is also licensed in Ohio as one of the following: an independent marriage and family therapist, a professional clinical counselor with training supervision designation, an independent social worker with training supervision designation, psychologist or psychiatrist;

(b) An Ohio licensed independent marriage and family therapist with training supervision designation.

(2) Request for exceptions due to hardship shall be made in writing to the board. The supervisor shall have demonstrated competence in the area in which he/she is supervising and have training in legal and ethical issues relevant to marriage and family therapy.

(3) Training supervisees may not choose a supervisor who is a family member.

(4) Supervised marriage and family therapist experience obtained out of state may count toward the supervised experience requirement. Applicants shall request such consideration in writing from the marriage and family therapist professional standards committee. Supervisees presenting supervision experience from another state shall provide documentation that the supervisor is equivalent to the requirements of paragraph (C)(1)(a) or (C)(1)(b) of this rule and shall provide the vita/resume of their supervisors to demonstrate that their supervisors are licensed to supervise the diagnosis and treatment of mental and emotional disorders and thus are acceptable to the board.

(D) Documentation of training supervision:

(1) It is the responsibility of the supervisee to ensure that the supervisor and the experience meet the requirements of this rule.

(2) Records of training supervision shall be maintained by the supervisee and supervisor and made available to the board upon request. The supervision records shall contain information concerning the dates of supervision, content and goals of supervision, and shall be signed off on by a supervisor at least quarterly.

(3) The applicant shall further provide supervision evaluations within thirty days following the completion of the first 50 hours of supervision required under paragraph (A)(2) of rule 4757-25-04 and again, at the completion of the full 200 hours of supervised experience on forms provided by the board. The applicant is responsible for providing the form to the supervisor(s).

(E) Work supervision of marriage and family therapists practicing in a clinical setting shall be under the supervision of an independent marriage and family therapist, a professional clinical counselor, an independent social worker with a clinical area of competence, a psychologist, or psychiatrist.

(F) Requirements for marriage and family therapy professional training in supervision to qualify for a training supervision designation:

(1) After January 1, 2015, only independent marriage and family therapists who have obtained a training supervision designation may provide training supervision.

(2) Applicants for a training supervision designation after January 1, 2015 shall apply on forms required by the board and shall meet at least one of the following:

(a) An applicant who is an AAMFT approved supervisor who holds an Ohio Independent Marriage and Family Therapist license in good standing; or

(b) An applicant who holds an Ohio Independent Marriage and Family Therapist license in good standing and can document at least the following requirements:

(i) Two years post-licensure clinical experience as an independent marriage and family therapist; and

(ii) Completion of the AAMFT 30 hour supervision course.

(3) The board shall waive the requirements in paragraph (2) (a) and (b) of this rule for existing licensed independent marriage and family therapists in good standing who can demonstrate proof to the Board that they are currently providing training supervision to an MFT or student(s) enrolled in an MFT internship or practicum, or have provided training supervision to an MFT in 2013-2014 and who apply prior to January 1, 2015 for the training supervision designation.

(4) All independent marriage and family therapists with training supervision designation shall maintain that designation status by obtaining five hours in an AAMFT approved supervision refresher course or equivalent supervision course every five years.

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Chapter 4757-31 Accessing Confidential Personal Information

4757-31-01 Definitions.

For the purposes of this chapter promulgated per section 1347.15 of the Revised Code, the following definitions apply:

(A) "Access" as a noun means an instance of copying, viewing, or otherwise perceiving whereas "access" as a verb means to copy, view, or otherwise perceive.

(B) "Acquisition of a new computer system" means the purchase of a "computer system," as defined in this rule, that is not a computer system currently in place nor one for which the acquisition process has been initiated as of the effective date of this chapter addressing requirements in section 1347.15 of the Revised Code.

(C) "Computer system" means a "system," as defined by section 1347.01 of the Revised Code, that stores, maintains, or retrieves personal information using electronic data processing equipment.

(D) "Confidential personal information" (CPI) has the meaning as defined by division (A) (1) of section 1347.15 of the Revised Code and identified by rules promulgated by the board in accordance with division (B) (3) of section 1347.15 of the Revised Code that reference the federal or state statutes or administrative rules that make personal information maintained by the board confidential.

(E) "Employee of the board" means each employee of a the board regardless of whether he/she holds an elected or appointed office or position within the board. "Employee of the board" is limited to this board.

(F) "Incidental contact" means contact with the information that is secondary or tangential to the primary purpose of the activity that resulted in the contact.

(G) "Individual" means natural person or the natural person's authorized representative, legal counsel, legal custodian, or legal guardian.

(H) "Information owner" means the individual appointed in accordance with division (A) of section 1347.05 of the Revised Code to be directly responsible for a system.

(I) "Person" means natural person.

(J) "Personal information" has the same meaning as defined in division (E) of section 1347.01 of the Revised Code.

(K) "Personal information system" means a "system" that "maintains" "personal information" as those terms are defined in section 1347.01 of the Revised Code. "System" includes manual and computer systems.

(L) "Research" means a methodical investigation into a subject.

(M) "Routine" means common place, regular, habitual, or ordinary.

(N) "Routine information that is maintained for the purpose of internal office administration, the use of which would not adversely affect a person" as that phrase is used in division (F) of section 1347.01 of the Revised Code means personal information relating to the board's employees that is maintained by the board for administrative and human resource purposes.

(O) "System" has the same meaning as defined by division (F) of section 1347.01 of the Revised Code.

(P) "Upgrade" means a substantial redesign of an existing system for the purpose of providing a substantial amount of new application functionality, or application modifications that would involve substantial administrative or fiscal resources to implement, but would not include maintenance, minor updates and patches, or modifications that entail a limited addition of functionality due to changes in business or legal requirements.

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Rule Amplifies: 1347.15

4757-31-02 Procedures for accessing confidential personal information.

For personal information systems, whether manual or computer systems, that contain confidential personal information, the board shall do the following:

(A) Criteria for accessing confidential personal information. Personal information systems of the board are managed on a "need-to-know" basis whereby the information owner determines the level of access required for an employee of the board to fulfill his/her job duties. The determination of access to confidential personal information shall be approved by the employee's supervisor and the information owner prior to providing the employee with access to confidential personal information within a personal information system. The board shall establish procedures for determining a revision to an employee's

access to confidential personal information upon a change to that employee's job duties including, but not limited to, transfer or termination. Whenever an employee's job duties no longer require access to confidential personal information in a personal information system, the employee's access to confidential personal information shall be removed.

(B) Individual's request for a list of confidential personal information. Upon the signed written request of any individual for a list of confidential personal information about the individual maintained by the board, the board shall do all of the following:

(1) Verify the identity of the individual by a method that provides safeguards commensurate with the risk associated with the confidential personal information;

(2) Provide to the individual the list of confidential personal information that does not relate to an investigation about the individual or is otherwise not excluded from the scope of Chapter 1347. of the Revised Code; and

(3) If all information relates to an investigation about that individual, inform the individual that the board has no confidential personal information about the individual that is responsive to the individual's request.

(C) Notice of invalid access.

(1) Upon discovery or notification that confidential personal information of a person has been accessed by an employee for an invalid reason, the board shall notify the person whose information was invalidly accessed as soon as practical and to the extent known at the time. However, the board shall delay notification for a period of time necessary to ensure that the notification would not delay or impede an investigation or jeopardize homeland or national security. Additionally, the board may delay the notification consistent with any measures necessary to determine the scope of the invalid access, including which individuals' confidential personal information invalidly was accessed, and to restore the reasonable integrity of the system.

"Investigation" as used in this paragraph means the investigation of the circumstances and involvement of an employee surrounding the invalid access of the confidential personal information. Once the board determines that notification would not delay or impede an investigation, the board shall disclose the access to confidential personal information made for an invalid reason to the person.

(2) Notification provided by the board shall inform the person of the type of confidential personal information accessed and the date(s) of the invalid access.

(3) Notification may be made by any method reasonably designed to accurately inform the person of the invalid access, including written, electronic, or telephone notice.

(D) Appointment of a data privacy point of contact. The board's executive director shall designate an employee of the board to serve as the data privacy point of contact. The data privacy point of contact shall work with the chief privacy officer within the office of information technology to assist the board with both the implementation of privacy protections for the confidential personal information that the board maintains and compliance with section 1347.15 of the Revised Code and the rules adopted pursuant to the authority provided by that chapter.

(E) Completion of a privacy impact assessment. The board's executive director shall designate an employee of the board to serve as the data privacy point of contact who shall timely complete the privacy impact assessment form developed by the office of information technology.

Effective: 09/01/2010
R.C. 119.032 review dates: 09/01/2015
Promulgated Under: 119.03
Statutory Authority: 1347.15, 4757.10
Rule Amplifies: 1347.15

4757-31-03 Valid reasons for accessing confidential personal information.

Pursuant to the requirements of division (B) (2) of section 1347.15 of the Revised Code, this rule contains a list of valid reasons, directly related to the board's exercise of its powers or duties, for which only employees of the board may access confidential personal information (CPI) regardless of whether the personal information system is a manual system or computer system:

(A) Performing the following functions constitute valid reasons for authorized employees of the board to access confidential personal information:

(1) Responding to a public records request;

(2) Responding to a request from an individual for the list of CPI the board maintains on that individual;

(3) Administering a constitutional provision or duty;

(4) Administering a statutory provision or duty;

(5) Administering an administrative rule provision or duty;

(6) Complying with any state or federal program requirements;

(7) Processing or payment of vendors billing;

(8) Auditing purposes;

(9) Licensure or registration processes;

(10) Investigation or law enforcement purposes;

(11) Administrative hearings;

(12) Litigation, complying with an order of the court, or subpoena;

(13) Human resource matters (e.g., hiring, promotion, demotion, discharge, salary/compensation issues, leave requests/issues, time card approvals/issues);

(14) Complying with an executive order or policy;

(15) Complying with a board policy or a state administrative policy issued by the department of administrative services, the office of budget and management or other similar state agency; or

(16) Complying with a collective bargaining agreement provision.

(B) To the extent that the general processes described in paragraph (A) of this rule do not cover the following circumstances, for the purpose of carrying out specific duties of the board, authorized employees would also have valid reasons for accessing CPI in these following circumstances:

(1) Board investigators and the executive director may review CPI of individuals who are subject to investigation for alleged misconduct that may result in licensure or registration discipline. Such employees may review CPI of individuals who are not the subject of the investigation, but who otherwise may be witnesses with information related to the investigation. CPI may be reviewed by such employees and members of the board in professional conduct matters that become the subject of administrative hearings.

(2) Employees assigned to the continuing education audit may review CPI of licensees and registrants who are being audited for the purpose of carrying out that program.

(3) Employees assigned to registration, certification and licensure may review CPI of persons who hold or are applying for a license or registration issued by the board for the purpose of carrying out the counselor, social worker or marriage and family therapist licensing program.

(4) Employees assigned to the renewal section may review CPI of persons who are applying for renewal of a license or registration issued by the board for the purpose of carrying out the counselor, social worker or marriage and family therapist licensing program.

(5) Employees assigned to fiscal and human resource positions may review CPI of vendors billing the board for services rendered and employees of the board for payroll and other human resource activities for the purpose of carrying out the counselor, social worker or marriage and family therapist board's daily activities.

Effective: 09/01/2010
R.C. 119.032 review dates: 09/01/2015
Promulgated Under: 119.03
Statutory Authority: 1347.15, 4757.10
Rule Amplifies: 1347.15

4757-31-04 Confidentiality statutes.

The following federal statutes or regulations or state statutes and administrative rules make personal information maintained by the board confidential and identify the confidential personal information within the scope of rules promulgated by this board in accordance with section 1347.15 of the Revised Code:

(A) Social security numbers: 5 U.S.C. 552a. of 02/01/2010, unless the individual was told that the number would be disclosed.

(B) "Bureau of Criminal Investigation and Information" criminal records check results: section 4776.04 of the Revised Code, which includes Ohio reports and federal bureau of investigation reports.

(C) Investigation files are confidential per section 4757.38 of the Revised Code.

(D) College and university transcripts received by the board are confidential per family educational rights and privacy act regulation 34 CFR 99.33 and 20 U.S.C. 1232g(b)(4)(B) of 01/05/2009.

Effective: 09/01/2010
R.C. 119.032 review dates: 09/01/2015
Promulgated Under: 119.03
Statutory Authority: 1347.15, 4757.10
Rule Amplifies: 1347.15

4757-31-05 Restricting and logging access to confidential personal information in computerized personal information systems.

For personal information systems that are computer systems and contain confidential personal information, the agency shall do the following:

(A) Access restrictions. Access to confidential personal information that is kept electronically shall require a password or other authentication measure.

(B) Acquisition of a new computer system. When the board acquires a new computer system that stores, manages or contains confidential personal information, the board shall include a mechanism for recording specific access by employees of the board to confidential personal information in the system.

(C) Upgrading existing computer systems. When the board modifies an existing computer system that stores, manages or contains confidential personal information, the board shall make a determination whether the modification constitutes an upgrade. Any upgrades to a computer system shall include a mechanism for recording specific access by employees of the board to confidential personal information in the system.

(D) Logging requirements regarding confidential personal information in existing computer systems.

(1) The board shall require employees of the board who access confidential personal information within computer systems to maintain a log that records that access.

(2) Access to confidential information is not required to be entered into the log under the following circumstances:

(a) The employee of the board is accessing confidential personal information for official board purposes, including research, and the access is not specifically directed toward a specifically named individual or a group of specifically named individuals.

(b) The employee of the board is accessing confidential personal information for routine office procedures and the access is not specifically directed toward a specifically named individual or a group of specifically named individuals.

(c) The employee of the board comes into incidental contact with confidential personal information and the access of the information is not specifically directed toward a specifically named individual or a group of specifically named individuals.

(d) The employee of the board accesses confidential personal information about an individual based upon a request made under either of the following circumstances:

(i) The individual requests confidential personal information about himself/herself.

(ii) The individual makes a request that the board takes some action on that individual's behalf and accessing the confidential personal information is required in order to consider or process that request.

(3) For purposes of this paragraph, the board may choose the form or forms of logging, whether in electronic or paper formats.

(E) Log management. Nothing in this rule limits the board from requiring logging in any circumstance that it deems necessary. The board shall issue a policy that specifies the following:

(1) Who shall maintain the log;

(2) What information shall be captured in the log;

(3) How the log is to be stored; and

(4) How long information kept in the log is to be retained.

Effective: 09/01/2010
R.C. 119.032 review dates: 09/01/2015
Promulgated Under: 119.03
Statutory Authority: 1347.15, 4757.10
Rule Amplifies: 1347.15

Chapter 4757-99 Independent Rules

4757-99-01 Independent rules.

Each rule of rules 4757-1-01 to 4757-99-01 of the Administrative Code, and every part of each rule is hereby declared to be an independent rule, and the holding of any rule or part thereof to be unconstitutional, void, or ineffective for any cause shall not affect the validity or constitutionality of any other rule or part thereof.

R.C. 119.032 review dates: 12/02/2013 and 12/17/2017
Promulgated Under: 119.03
Statutory Authority: 4757.10
Rule Amplifies: 4757.10
Prior Effective Dates: 12/19/85

Other Laws Related to Practice as a Counselor, Social Worker, or Marriage and Family Therapist (not inclusive)

2305.51 Mental health professional or organization not liable for violent behavior by client or patient.

(A)

(1) As used in this section:

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

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

(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.

(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.

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

(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;

(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.

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

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

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

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

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

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

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

(a) The nature of the threat;

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

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

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

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

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

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

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

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

(E) This section does not affect the civil rights of a mental health client or patient under Ohio or federal law.

Amended by 130th General Assembly File No. TBD, HB 232, §1, eff. 7/10/2014.
Effective Date: 09-15-1999

2151.421 Reporting child abuse or neglect.

(A)

(1)

(a) No person described in division (A)(1)(b) of this section who is acting in an official or professional capacity and knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in a similar position to suspect, that a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired child under twenty-one years of age has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child shall fail to immediately report that knowledge or reasonable cause to suspect to the entity or persons specified in this division. Except as provided in section 5120.173 of the Revised Code, the person making the report shall make it to the public children services agency or a municipal or county peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. In the circumstances described in section 5120.173 of the Revised Code, the person making the report shall make it to the entity specified in that section.

(b) [Effective until 9/15/2014] Division (A)(1)(a) of this section applies to any person who is an attorney; physician, including a hospital intern or resident; dentist; podiatrist; practitioner of a limited branch of medicine as specified in section 4731.15 of the Revised Code; registered nurse; licensed practical nurse; visiting nurse; other health care professional; licensed psychologist; licensed school psychologist; independent marriage and family therapist or marriage and family therapist; speech pathologist or audiologist; coroner; administrator or employee of a child day-care center; administrator or employee of a residential camp or child day c administrator or employee of a certified child care agency or other public or private children services agency; school teacher; school employee; school authority; person engaged in social work or the practice of professional counseling; agent of a county humane society; person, other than a cleric, rendering spiritual treatment through prayer in accordance with the tenets of a well-recognized religion; employee of a county department of job and family services who is a professional and who works with children and families; superintendent or regional administrator employed by the department of youth services; superintendent, board member, or employee of a county board of developmental disabilities; investigative agent contracted with by a county board of developmental disabilities; employee of the department of developmental disabilities; employee of a facility or home that provides respite care in accordance with section 5123.171 of the Revised Code; employee of a home health agency; employee of an entity that provides homemaker services; a person performing the duties of an assessor pursuant to Chapter 3107. or 5103. of the Revised Code; or third party employed by a public children services agency to assist in providing child or family related services.

(b) [Effective 9/17/2014]Division (A)(1)(a) of this section applies to any person who is an attorney; physician, including a hospital intern or resident; dentist; podiatrist; practitioner of a limited branch of medicine as specified in section 4731.15 of the Revised Code; registered nurse; licensed practical nurse;

visiting nurse; other health care professional; licensed psychologist; licensed school psychologist; independent marriage and family therapist or marriage and family therapist; speech pathologist or audiologist; coroner; administrator or employee of a child day-care center; administrator or employee of a residential camp or child day c administrator or employee of a certified child care agency or other public or private children services agency; school teacher; school employee; school authority; person engaged in social work or the practice of professional counseling; agent of a county humane society; person, other than a cleric, rendering spiritual treatment through prayer in accordance with the tenets of a well-recognized religion; employee of a county department of job and family services who is a professional and who works with children and families; superintendent or regional administrator employed by the department of youth services; superintendent, board member, or employee of a county board of developmental disabilities; investigative agent contracted with by a county board of developmental disabilities; employee of the department of developmental disabilities; employee of a facility or home that provides respite care in accordance with section 5123.171 of the Revised Code; employee of a home health agency; employee of an entity that provides homemaker services; a person performing the duties of an assessor pursuant to Chapter 3107. or 5103. of the Revised Code; third party employed by a public children services agency to assist in providing child or family related services; court appointed special advocate; or guardian ad litem.

(2) Except as provided in division (A)(3) of this section, an attorney or a physician is not required to make a report pursuant to division (A)(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.

(3) The client or patient in an attorney-client or physician-patient relationship described in division (A)(2) of this section is deemed to have waived any testimonial privilege under division (A) or (B) of section 2317.02 of the Revised Code with respect to any communication the attorney or physician receives from the client or patient in that attorney-client or physician-patient relationship, and the attorney or physician shall make a report pursuant to division (A)(1) of this section with respect to that communication, if all of the following apply:

(a) The client or patient, at the time of the communication, is either a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired person under twenty-one years of age.

(b) The attorney or physician knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in similar position to suspect, as a result of the communication or any observations made during that communication, that the client or patient has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the client or patient.

(c) The abuse or neglect does not arise out of the client's or patient's attempt to have an abortion without the notification of her parents, guardian, or custodian in accordance with section 2151.85 of the Revised Code.

(4)

(a) No cleric and no person, other than a volunteer, designated by any church, religious society, or faith acting as a leader, official, or delegate on behalf of the church, religious society, or faith who is acting in an official or professional capacity, who knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, that a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired child under twenty-one years of age has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child, and who knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, that another cleric or another person, other than a volunteer, designated by a church, religious society, or faith acting as a leader, official, or delegate on behalf of the church, religious society, or faith caused, or poses the threat of causing, the wound, injury, disability, or condition that reasonably indicates abuse or neglect shall fail to immediately report that knowledge or reasonable cause to believe to the entity or persons specified in this division. Except as provided in section 5120.173 of the Revised Code, the person making the report shall make it to the public children services agency or a municipal or county peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. In the circumstances described in section 5120.173 of the Revised Code, the person making the report shall make it to the entity specified in that section.

(b) Except as provided in division (A)(4)(c) of this section, a cleric is not required to make a report pursuant to division (A)(4)(a) of this section concerning any communication the cleric receives from a penitent in a cleric-penitent relationship, if, in accordance with division (C) of section 2317.02 of the Revised Code, the cleric could not testify with respect to that communication in a civil or criminal proceeding.

(c) The penitent in a cleric-penitent relationship described in division (A)(4)(b) of this section is deemed to have waived any testimonial privilege under division (C) of section 2317.02 of the Revised Code with respect to any communication the cleric receives from the penitent in that cleric-penitent relationship, and the cleric shall make a report pursuant to division (A)(4)(a) of this section with respect to that communication, if all of the following apply:

(i) The penitent, at the time of the communication, is either a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired person under twenty-one years of age.

(ii) The cleric knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, as a result of the communication or any observations made during

that communication, the penitent has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the penitent.

(iii) The abuse or neglect does not arise out of the penitent's attempt to have an abortion performed upon a child under eighteen years of age or upon a mentally retarded, developmentally disabled, or physically impaired person under twenty-one years of age without the notification of her parents, guardian, or custodian in accordance with section 2151.85 of the Revised Code.

(d) Divisions (A)(4)(a) and (c) of this section do not apply in a cleric-penitent relationship when the disclosure of any communication the cleric receives from the penitent is in violation of the sacred trust.

(e) As used in divisions (A)(1) and (4) of this section, "cleric" and "sacred trust" have the same meanings as in section 2317.02 of the Revised Code.

(B) Anyone who knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in similar circumstances to suspect, that a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired person under twenty-one years of age has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or other condition of a nature that reasonably indicates abuse or neglect of the child may report or cause reports to be made of that knowledge or reasonable cause to suspect to the entity or persons specified in this division. Except as provided in section 5120.173 of the Revised Code, a person making a report or causing a report to be made under this division shall make it or cause it to be made to the public children services agency or to a municipal or county peace officer. In the circumstances described in section 5120.173 of the Revised Code, a person making a report or causing a report to be made under this division shall make it or cause it to be made to the entity specified in that section.

(C) Any report made pursuant to division (A) or (B) of this section shall be made forthwith either by telephone or in person and shall be followed by a written report, if requested by the receiving agency or officer. The written report shall contain:

(1) The names and addresses of the child and the child's parents or the person or persons having custody of the child, if known;

(2) The child's age and the nature and extent of the child's injuries, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to have occurred or of the threat of injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to exist, including any evidence of previous injuries, abuse, or neglect;

(3) Any other information that might be helpful in establishing the cause of the injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to have occurred or of the threat of injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to exist.

Any person, who is required by division (A) of this section to report child abuse or child neglect that is known or reasonably suspected or believed to have occurred, may take or cause to be taken color photographs of areas of trauma visible on a child and, if medically indicated, cause to be performed radiological examinations of the child.

(D) As used in this division, "children's advocacy center" and "sexual abuse of a child" have the same meanings as in section 2151.425 of the Revised Code.

(1) When a municipal or county peace officer receives a report concerning the possible abuse or neglect of a child or the possible threat of abuse or neglect of a child, upon receipt of the report, the municipal or county peace officer who receives the report shall refer the report to the appropriate public children services agency.

(2) When a public children services agency receives a report pursuant to this division or division (A) or (B) of this section, upon receipt of the report, the public children services agency shall do both of the following:

(a) Comply with section 2151.422 of the Revised Code;

(b) If the county served by the agency is also served by a children's advocacy center and the report alleges sexual abuse of a child or another type of abuse of a child that is specified in the memorandum of understanding that creates the center as being within the center's jurisdiction, comply regarding the report with the protocol and procedures for referrals and investigations, with the coordinating activities, and with the authority or responsibility for performing or providing functions, activities, and services stipulated in the interagency agreement entered into under section 2151.428 of the Revised Code relative to that center.

(E) No township, municipal, or county peace officer shall remove a child about whom a report is made pursuant to this section from the child's parents, stepparents, or guardian or any other persons having custody of the child without consultation with the public children services agency, unless, in the judgment of the officer, and, if the report was made by physician, the physician, immediate removal is considered essential to protect the child from further abuse or neglect. The agency that must be consulted shall be the agency conducting the investigation of the report as determined pursuant to section 2151.422 of the Revised Code.

(F)

(1) Except as provided in section 2151.422 of the Revised Code or in an interagency agreement entered into under section 2151.428 of the Revised Code that applies to the particular report, the public children services agency shall investigate, within twenty-four hours, each report of child abuse or child neglect that is known or reasonably suspected or believed to have occurred and of a threat of child abuse or child neglect that is known or reasonably suspected or believed to exist that is referred to it under this section

to determine the circumstances surrounding the injuries, abuse, or neglect or the threat of injury, abuse, or neglect, the cause of the injuries, abuse, neglect, or threat, and the person or persons responsible. The investigation shall be made in cooperation with the law enforcement agency and in accordance with the memorandum of understanding prepared under division (J) of this section. A representative of the public children services agency shall, at the time of initial contact with the person subject to the investigation, inform the person of the specific complaints or allegations made against the person. The information shall be given in a manner that is consistent with division (H)(1) of this section and protects the rights of the person making the report under this section.

A failure to make the investigation in accordance with the memorandum is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from the report or the suppression of any evidence obtained as a result of the report and does not give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any person. The public children services agency shall report each case to the uniform statewide automated child welfare information system that the department of job and family services shall maintain in accordance with section 5101.13 of the Revised Code. The public children services agency shall submit a report of its investigation, in writing, to the law enforcement agency.

(2) The public children services agency shall make any recommendations to the county prosecuting attorney or city director of law that it considers necessary to protect any children that are brought to its attention.

(G)

(1)

(a) Except as provided in division (H)(3) of this section, anyone or any hospital, institution, school, health department, or agency participating in the making of reports under division (A) of this section, anyone or any hospital, institution, school, health department, or agency participating in good faith in the making of reports under division (B) of this section, and anyone participating in good faith in a judicial proceeding resulting from the reports, shall be immune from any civil or criminal liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of the making of the reports or the participation in the judicial proceeding.

(b) Notwithstanding section 4731.22 of the Revised Code, the physician-patient privilege shall not be a ground for excluding evidence regarding a child's injuries, abuse, or neglect, or the cause of the injuries, abuse, or neglect in any judicial proceeding resulting from a report submitted pursuant to this section.

(2) In any civil or criminal action or proceeding in which it is alleged and proved that participation in the making of a report under this section was not in good faith or participation in a judicial proceeding resulting from a report made under this section was not in good faith, the court shall award the prevailing party reasonable attorney's fees and costs and, if a civil action or proceeding is voluntarily dismissed, may

award reasonable attorney's fees and costs to the party against whom the civil action or proceeding is brought.

(H)

(1) Except as provided in divisions (H)(4) and (N) of this section, a report made under this section is confidential. The information provided in a report made pursuant to this section and the name of the person who made the report shall not be released for use, and shall not be used, as evidence in any civil action or proceeding brought against the person who made the report. Nothing in this division shall preclude the use of reports of other incidents of known or suspected abuse or neglect in a civil action or proceeding brought pursuant to division (M) of this section against a person who is alleged to have violated division (A)(1) of this section, provided that any information in a report that would identify the child who is the subject of the report or the maker of the report, if the maker of the report is not the defendant or an agent or employee of the defendant, has been redacted. In a criminal proceeding, the report is admissible in evidence in accordance with the Rules of Evidence and is subject to discovery in accordance with the Rules of Criminal Procedure.

(2) No person shall permit or encourage the unauthorized dissemination of the contents of any report made under this section.

(3) A person who knowingly makes or causes another person to make a false report under division (B) of this section that alleges that any person has committed an act or omission that resulted in a child being an abused child or a neglected child is guilty of a violation of section 2921.14 of the Revised Code.

(4) If a report is made pursuant to division (A) or (B) of this section and the child who is the subject of the report dies for any reason at any time after the report is made, but before the child attains eighteen years of age, the public children services agency or municipal or county peace officer to which the report was made or referred, on the request of the child fatality review board, shall submit a summary sheet of information providing a summary of the report to the review board of the county in which the deceased child resided at the time of death. On the request of the review board, the agency or peace officer may, at its discretion, make the report available to the review board. If the county served by the public children services agency is also served by a children's advocacy center and the report of alleged sexual abuse of a child or another type of abuse of a child is specified in the memorandum of understanding that creates the center as being within the center's jurisdiction, the agency or center shall perform the duties and functions specified in this division in accordance with the interagency agreement entered into under section 2151.428 of the Revised Code relative to that advocacy center.

(5) A public children services agency shall advise a person alleged to have inflicted abuse or neglect on a child who is the subject of a report made pursuant to this section, including a report alleging sexual abuse of a child or another type of abuse of a child referred to a children's advocacy center pursuant to an interagency agreement entered into under section 2151.428 of the Revised Code, in writing of the

disposition of the investigation. The agency shall not provide to the person any information that identifies the person who made the report, statements of witnesses, or police or other investigative reports.

(I) Any report that is required by this section, other than a report that is made to the state highway patrol as described in section 5120.173 of the Revised Code, shall result in protective services and emergency supportive services being made available by the public children services agency on behalf of the children about whom the report is made, in an effort to prevent further neglect or abuse, to enhance their welfare, and, whenever possible, to preserve the family unit intact. The agency required to provide the services shall be the agency conducting the investigation of the report pursuant to section 2151.422 of the Revised Code.

(J)

(1) Each public children services agency shall prepare a memorandum of understanding that is signed by all of the following:

(a) If there is only one juvenile judge in the county, the juvenile judge of the county or the juvenile judge's representative;

(b) If there is more than one juvenile judge in the county, a juvenile judge or the juvenile judges' representative selected by the juvenile judges or, if they are unable to do so for any reason, the juvenile judge who is senior in point of service or the senior juvenile judge's representative;

(c) The county peace officer;

(d) All chief municipal peace officers within the county;

(e) Other law enforcement officers handling child abuse and neglect cases in the county;

(f) The prosecuting attorney of the county;

(g) If the public children services agency is not the county department of job and family services, the county department of job and family services;

(h) The county humane society;

(i) If the public children services agency participated in the execution of a memorandum of understanding under section 2151.426 of the Revised Code establishing a children's advocacy center, each participating member of the children's advocacy center established by the memorandum.

(2) A memorandum of understanding shall set forth the normal operating procedure to be employed by all concerned officials in the execution of their respective responsibilities under this section and division (C) of section 2919.21, division (B)(1) of section 2919.22, division (B) of section 2919.23, and section 2919.24 of the Revised Code and shall have as two of its primary goals the elimination of all unnecessary interviews of children who are the subject of reports made pursuant to division (A) or (B) of this section and, when feasible, providing for only one interview of a child who is the subject of any report made pursuant to division (A) or (B) of this section. A failure to follow the procedure set forth in the memorandum by the concerned officials is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from any reported case of abuse or neglect or the suppression of any evidence obtained as a result of any reported child abuse or child neglect and does not give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any person.

(3) A memorandum of understanding shall include all of the following:

(a) The roles and responsibilities for handling emergency and nonemergency cases of abuse and neglect;

(b) Standards and procedures to be used in handling and coordinating investigations of reported cases of child abuse and reported cases of child neglect, methods to be used in interviewing the child who is the subject of the report and who allegedly was abused or neglected, and standards and procedures addressing the categories of persons who may interview the child who is the subject of the report and who allegedly was abused or neglected.

(4) If a public children services agency participated in the execution of a memorandum of understanding under section 2151.426 of the Revised Code establishing a children's advocacy center, the agency shall incorporate the contents of that memorandum in the memorandum prepared pursuant to this section.

(5) The clerk of the court of common pleas in the county may sign the memorandum of understanding prepared under division (J)(1) of this section. If the clerk signs the memorandum of understanding, the clerk shall execute all relevant responsibilities as required of officials specified in the memorandum.

(K)

(1) Except as provided in division (K)(4) of this section, a person who is required to make a report pursuant to division (A) of this section may make a reasonable number of requests of the public children services agency that receives or is referred the report, or of the children's advocacy center that is referred the report if the report is referred to a children's advocacy center pursuant to an interagency agreement entered into under section 2151.428 of the Revised Code, to be provided with the following information:

(a) Whether the agency or center has initiated an investigation of the report;

(b) Whether the agency or center is continuing to investigate the report;

(c) Whether the agency or center is otherwise involved with the child who is the subject of the report;

(d) The general status of the health and safety of the child who is the subject of the report;

(e) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court.

(2) A person may request the information specified in division (K)(1) of this section only if, at the time the report is made, the person's name, address, and telephone number are provided to the person who receives the report.

When a municipal or county peace officer or employee of a public children services agency receives a report pursuant to division (A) or (B) of this section the recipient of the report shall inform the person of the right to request the information described in division (K)(1) of this section. The recipient of the report shall include in the initial child abuse or child neglect report that the person making the report was so informed and, if provided at the time of the making of the report, shall include the person's name, address, and telephone number in the report.

Each request is subject to verification of the identity of the person making the report. If that person's identity is verified, the agency shall provide the person with the information described in division (K)(1) of this section a reasonable number of times, except that the agency shall not disclose any confidential information regarding the child who is the subject of the report other than the information described in those divisions.

(3) A request made pursuant to division (K)(1) of this section is not a substitute for any report required to be made pursuant to division (A) of this section.

(4) If an agency other than the agency that received or was referred the report is conducting the investigation of the report pursuant to section 2151.422 of the Revised Code, the agency conducting the investigation shall comply with the requirements of division (K) of this section.

(L) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The department of job and family services may enter into a plan of cooperation with any other governmental entity to aid in ensuring that children are protected from abuse and neglect. The department shall make recommendations to the attorney general that the department determines are necessary to protect children from child abuse and child neglect.

(M) Whoever violates division (A) of this section is liable for compensatory and exemplary damages to the child who would have been the subject of the report that was not made. A person who brings a civil action or proceeding pursuant to this division against a person who is alleged to have violated division (A)(1) of this section may use in the action or proceeding reports of other incidents of known or suspected abuse or neglect, provided that any information in a report that would identify the child who is the subject of

the report or the maker of the report, if the maker is not the defendant or an agent or employee of the defendant, has been redacted.

(N)

(1) As used in this division:

(a) "Out-of-home care" includes a nonchartered nonpublic school if the alleged child abuse or child neglect, or alleged threat of child abuse or child neglect, described in a report received by a public children services agency allegedly occurred in or involved the nonchartered nonpublic school and the alleged perpetrator named in the report holds a certificate, permit, or license issued by the state board of education under section 3301.071 or Chapter 3319. of the Revised Code.

(b) "Administrator, director, or other chief administrative officer" means the superintendent of the school district if the out-of-home care entity subject to a report made pursuant to this section is a school operated by the district.

(2) No later than the end of the day following the day on which a public children services agency receives a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the agency shall provide written notice of the allegations contained in and the person named as the alleged perpetrator in the report to the administrator, director, or other chief administrative officer of the out-of-home care entity that is the subject of the report unless the administrator, director, or other chief administrative officer is named as an alleged perpetrator in the report. If the administrator, director, or other chief administrative officer of an out-of-home care entity is named as an alleged perpetrator in a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved the out-of-home care entity, the agency shall provide the written notice to the owner or governing board of the out-of-home care entity that is the subject of the report. The agency shall not provide witness statements or police or other investigative reports.

(3) No later than three days after the day on which a public children services agency that conducted the investigation as determined pursuant to section 2151.422 of the Revised Code makes a disposition of an investigation involving a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the agency shall send written notice of the disposition of the investigation to the administrator, director, or other chief administrative officer and the owner or governing board of the out-of-home care entity. The agency shall not provide witness statements or police or other investigative reports.

(O) As used in this section, "investigation" means the public children services agency's response to an accepted report of child abuse or neglect through either an alternative response or a traditional response.

Amended by 130th General Assembly File No. TBD, HB 213, §1, eff. 9/17/2014.
Amended by 130th General Assembly File No. TBD, HB 483, §101.01, eff. 9/15/2014.
Amended by 129th General Assembly File No.28, HB 153, §101.01, eff. 9/29/2011.
Amended by 128th General Assemblych.28, SB 79, §1, eff. 10/6/2009.
Effective Date: 01-30-2004; 09-16-2004; 04-11-2005; 05-06-2005; 08-03-2006; 09-21-2006; 2008 HB314 06-20-2008; 2008 SB163 08-14-2008; 2008 HB280 04-07-2009

5101.61 Reporting abuse, neglect or exploitation of adult.

(A) As used in this section:

(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, and a utilization review plan and program;

(e) Maintains clinical records on all patients;

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

(g) Provides approved methods and procedures for the dispensing and administration of drugs and biologicals;

(h) Has established an accounting and record keeping system to determine reasonable and allowable costs;

(i) "Ambulatory health facilities" also includes an alcoholism treatment facility approved by the joint commission on accreditation of healthcare organizations as an alcoholism treatment facility or certified

by the department of mental health and addiction services, and such facility shall comply with other provisions of this division not inconsistent with such accreditation or certification.

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

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

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

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

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

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

(d) Maintains comprehensive records on all patients;

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

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

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

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

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

(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;

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

(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;

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

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

(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.

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 a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults, 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, member of the clergy, any employee of a community mental health facility, and any person engaged in professional counseling, social work , or marriage and family therapy having reasonable cause to believe that an adult is being abused, neglected, or exploited, or is in a condition which is the result of abuse, neglect, or exploitation shall immediately report such belief to the county department of job and family services. This section does not apply to employees of any hospital or public hospital as defined in section 5122.01 of the Revised Code.

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

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

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

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

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

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

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

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

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

Amended by 130th General Assembly File No. TBD, HB 232, §1, eff. 7/10/2014.
Amended by 130th General Assembly File No. 25, HB 59, §101.01, eff. 9/29/2013.
Amended by 129th General Assembly File No.127, HB 487, §101.01, eff. 9/10/2012.
Amended by 129th General Assembly File No.28, HB 153, §101.01, eff. 7/1/2011.
Amended by 128th General Assembly File No.9, HB 1, §101.01, eff. 10/16/2009.
Effective Date: 07-01-2000

2921.22 Failure to report a crime or knowledge of a death or burn injury.

(A)

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

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

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

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

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

(E)

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

(a) Second or third degree burns;

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

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

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

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

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

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

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

(F)

(1) Any doctor of medicine or osteopathic medicine, hospital intern or resident, registered or licensed practical nurse, psychologist, social worker, independent social worker, social work assistant, licensed professional clinical counselor, licensed professional counselor, independent marriage and family therapist, or 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 professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, 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 religious counseling purpose of a professional character; husband and wife; or a communications assistant and those who are a party to a telecommunications relay service call.

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

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

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

(5) Disclosure would amount to revealing information acquired by the actor in the course of the actor's duties in connection with a bona fide program of treatment or services for drug dependent persons or persons in danger of drug dependence, which program is maintained or conducted by a hospital, clinic, person, agency, or services provider certified pursuant to section 5119.36 of the Revised Code.

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

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

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

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

(K)

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

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

Amended by 130th General Assembly File No. TBD, HB 232, §1, eff. 7/10/2014.
Amended by 130th General Assembly File No. 25, HB 59, §101.01, eff. 9/29/2013.
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2317.02 Privileged communications.

The following persons shall not testify in certain respects:

(A)

(1) An attorney, concerning a communication made to the attorney by a client in that relation or concerning the attorney's advice to a client, except that the attorney may testify by express consent of the client or, if the client is deceased, by the express consent of the surviving spouse or the executor or administrator of the estate of the deceased client. However, if the client voluntarily reveals the substance of attorney-client communications in a nonprivileged context or is deemed by section 2151.421 of the Revised Code to have waived any testimonial privilege under this division, the attorney may be compelled to testify on the same subject.

The testimonial privilege established under this division does not apply concerning a communication between a client who has since died and the deceased client's attorney if the communication is relevant to a dispute between parties who claim through that deceased client, regardless of whether the claims are by testate or intestate succession or by inter vivos transaction, and the dispute addresses the competency of the deceased client when the deceased client executed a document that is the basis of the dispute or whether the deceased client was a victim of fraud, undue influence, or duress when the deceased client executed a document that is the basis of the dispute.

(2) An attorney, concerning a communication made to the attorney by a client in that relationship or the attorney's advice to a client, except that if the client is an insurance company, the attorney may be compelled to testify, subject to an in camera inspection by a court, about communications made by the client to the attorney or by the attorney to the client that are related to the attorney's aiding or furthering an ongoing or future commission of bad faith by the client, if the party seeking disclosure of the communications has made a prima-facie showing of bad faith, fraud, or criminal misconduct by the client.

(B)

(1) A physician or a dentist concerning a communication made to the physician or dentist by a patient in that relation or the physician's or dentist's advice to a patient, except as otherwise provided in this division, division (B)(2), and division (B)(3) of this section, and except that, if the patient is deemed by section 2151.421 of the Revised Code to have waived any testimonial privilege under this division, the physician may be compelled to testify on the same subject.

The testimonial privilege established under this division does not apply, and a physician or dentist may testify or may be compelled to testify, in any of the following circumstances:

(a) In any civil action, in accordance with the discovery provisions of the Rules of Civil Procedure in connection with a civil action, or in connection with a claim under Chapter 4123. of the Revised Code, under any of the following circumstances:

(i) If the patient or the guardian or other legal representative of the patient gives express consent;

(ii) If the patient is deceased, the spouse of the patient or the executor or administrator of the patient's estate gives express consent;

(iii) If a medical claim, dental claim, chiropractic claim, or optometric claim, as defined in section 2305.113 of the Revised Code, an action for wrongful death, any other type of civil action, or a claim under Chapter 4123. of the Revised Code is filed by the patient, the personal representative of the estate of the patient if deceased, or the patient's guardian or other legal representative.

(b) In any civil action concerning court-ordered treatment or services received by a patient, if the court-ordered treatment or services were ordered as part of a case plan journalized under section 2151.412 of the Revised Code or the court-ordered treatment or services are necessary or relevant to dependency, neglect, or abuse or temporary or permanent custody proceedings under Chapter 2151. of the Revised Code.

(c) In any criminal action concerning any test or the results of any test that determines the presence or concentration of alcohol, a drug of abuse, a combination of them, a controlled substance, or a metabolite of a controlled substance in the patient's whole blood, blood serum or plasma, breath, urine, or other bodily substance at any time relevant to the criminal offense in question.

(d) In any criminal action against a physician or dentist. In such an action, the testimonial privilege established under this division does not prohibit the admission into evidence, in accordance with the Rules of Evidence, of a patient's medical or dental records or other communications between a patient and the physician or dentist that are related to the action and obtained by subpoena, search warrant, or other lawful means. A court that permits or compels a physician or dentist to testify in such an action or permits the introduction into evidence of patient records or other communications in such an action shall require that appropriate measures be taken to ensure that the confidentiality of any patient named or otherwise identified in the records is maintained. Measures to ensure confidentiality that may be taken by the court include sealing its records or deleting specific information from its records.

(e)

(i) If the communication was between a patient who has since died and the deceased patient's physician or dentist, the communication is relevant to a dispute between parties who claim through that deceased patient, regardless of whether the claims are by testate or intestate succession or by inter vivos transaction, and the dispute addresses the competency of the deceased patient when the deceased patient executed a document that is the basis of the dispute or whether the deceased patient was a victim

of fraud, undue influence, or duress when the deceased patient executed a document that is the basis of the dispute.

(ii) If neither the spouse of a patient nor the executor or administrator of that patient's estate gives consent under division (B)(1)(a)(ii) of this section, testimony or the disclosure of the patient's medical records by a physician, dentist, or other health care provider under division (B)(1)(e)(i) of this section is a permitted use or disclosure of protected health information, as defined in 45 C.F.R. 160.103, and an authorization or opportunity to be heard shall not be required.

(iii) Division (B)(1)(e)(i) of this section does not require a mental health professional to disclose psychotherapy notes, as defined in 45 C.F.R. 164.501.

(iv) An interested person who objects to testimony or disclosure under division (B)(1)(e)(i) of this section may seek a protective order pursuant to Civil Rule 26.

(v) A person to whom protected health information is disclosed under division (B)(1)(e)(i) of this section shall not use or disclose the protected health information for any purpose other than the litigation or proceeding for which the information was requested and shall return the protected health information to the covered entity or destroy the protected health information, including all copies made, at the conclusion of the litigation or proceeding.

(2)

(a) If any law enforcement officer submits a written statement to a health care provider that states that an official criminal investigation has begun regarding a specified person or that a criminal action or proceeding has been commenced against a specified person, that requests the provider to supply to the officer copies of any records the provider possesses that pertain to any test or the results of any test administered to the specified person to determine the presence or concentration of alcohol, a drug of abuse, a combination of them, a controlled substance, or a metabolite of a controlled substance in the person's whole blood, blood serum or plasma, breath, or urine at any time relevant to the criminal offense in question, and that conforms to section 2317.022 of the Revised Code, the provider, except to the extent specifically prohibited by any law of this state or of the United States, shall supply to the officer a copy of any of the requested records the provider possesses. If the health care provider does not possess any of the requested records, the provider shall give the officer a written statement that indicates that the provider does not possess any of the requested records.

(b) If a health care provider possesses any records of the type described in division (B)(2)(a) of this section regarding the person in question at any time relevant to the criminal offense in question, in lieu of personally testifying as to the results of the test in question, the custodian of the records may submit a certified copy of the records, and, upon its submission, the certified copy is qualified as authentic evidence and may be admitted as evidence in accordance with the Rules of Evidence. Division (A) of section 2317.422 of the Revised Code does not apply to any certified copy of records submitted in accordance

with this division. Nothing in this division shall be construed to limit the right of any party to call as a witness the person who administered the test to which the records pertain, the person under whose supervision the test was administered, the custodian of the records, the person who made the records, or the person under whose supervision the records were made.

(3)

(a) If the testimonial privilege described in division (B)(1) of this section does not apply as provided in division (B)(1)(a)(iii) of this section, a physician or dentist may be compelled to testify or to submit to discovery under the Rules of Civil Procedure only as to a communication made to the physician or dentist by the patient in question in that relation, or the physician's or dentist's advice to the patient in question, that related causally or historically to physical or mental injuries that are relevant to issues in the medical claim, dental claim, chiropractic claim, or optometric claim, action for wrongful death, other civil action, or claim under Chapter 4123. of the Revised Code.

(b) If the testimonial privilege described in division (B)(1) of this section does not apply to a physician or dentist as provided in division (B)(1)(c) of this section, the physician or dentist, in lieu of personally testifying as to the results of the test in question, may submit a certified copy of those results, and, upon its submission, the certified copy is qualified as authentic evidence and may be admitted as evidence in accordance with the Rules of Evidence. Division (A) of section 2317.422 of the Revised Code does not apply to any certified copy of results submitted in accordance with this division. Nothing in this division shall be construed to limit the right of any party to call as a witness the person who administered the test in question, the person under whose supervision the test was administered, the custodian of the results of the test, the person who compiled the results, or the person under whose supervision the results were compiled.

(4) The testimonial privilege described in division (B)(1) of this section is not waived when a communication is made by a physician to a pharmacist or when there is communication between a patient and a pharmacist in furtherance of the physician-patient relation.

(5)

(a) As used in divisions (B)(1) to (4) of this section, "communication" means acquiring, recording, or transmitting any information, in any manner, concerning any facts, opinions, or statements necessary to enable a physician or dentist to diagnose, treat, prescribe, or act for a patient. A "communication" may include, but is not limited to, any medical or dental, office, or hospital communication such as a record, chart, letter, memorandum, laboratory test and results, x-ray, photograph, financial statement, diagnosis, or prognosis.

(b) As used in division (B)(2) of this section, "health care provider" means a hospital, ambulatory care facility, long-term care facility, pharmacy, emergency facility, or health care practitioner.

(c) As used in division (B)(5)(b) of this section:

(i) "Ambulatory care facility" means a facility that provides medical, diagnostic, or surgical treatment to patients who do not require hospitalization, including a dialysis center, ambulatory surgical facility, cardiac catheterization facility, diagnostic imaging center, extracorporeal shock wave lithotripsy center, home health agency, inpatient hospice, birthing center, radiation therapy center, emergency facility, and an urgent care center. "Ambulatory health care facility" does not include the private office of a physician or dentist, whether the office is for an individual or group practice.

(ii) "Emergency facility" means a hospital emergency department or any other facility that provides emergency medical services.

(iii) "Health care practitioner" has the same meaning as in section 4769.01 of the Revised Code.

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

(v) "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; a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults; a nursing facility, as defined in section 5165.01 of the Revised Code; a skilled nursing facility, as defined in section 5165.01 of the Revised Code; and an intermediate care facility for individuals with intellectual disabilities, as defined in section 5124.01 of the Revised Code.

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

(d) As used in divisions (B)(1) and (2) of this section, "drug of abuse" has the same meaning as in section 4506.01 of the Revised Code.

(6) Divisions (B)(1), (2), (3), (4), and (5) of this section apply to doctors of medicine, doctors of osteopathic medicine, doctors of podiatry, and dentists.

(7) Nothing in divisions (B)(1) to (6) of this section affects, or shall be construed as affecting, the immunity from civil liability conferred by section 307.628 of the Revised Code or the immunity from civil liability conferred by section 2305.33 of the Revised Code upon physicians who report an employee's use of a drug of abuse, or a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee in accordance with division (B) of that section. As used in division (B)(7) of this section, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

(C)

(1) A cleric, when the cleric remains accountable to the authority of that cleric's church, denomination, or sect, concerning a confession made, or any information confidentially communicated, to the cleric for a religious counseling purpose in the cleric's professional character. The cleric may testify by express consent of the person making the communication, except when the disclosure of the information is in violation of a sacred trust and except that, if the person voluntarily testifies or is deemed by division (A)(4)(c) of section 2151.421 of the Revised Code to have waived any testimonial privilege under this division, the cleric may be compelled to testify on the same subject except when disclosure of the information is in violation of a sacred trust.

(2) As used in division (C) of this section:

(a) "Cleric" means a member of the clergy, rabbi, priest, Christian Science practitioner, or regularly ordained, accredited, or licensed minister of an established and legally cognizable church, denomination, or sect.

(b) "Sacred trust" means a confession or confidential communication made to a cleric in the cleric's ecclesiastical capacity in the course of discipline enjoined by the church to which the cleric belongs, including, but not limited to, the Catholic Church, if both of the following apply:

(i) The confession or confidential communication was made directly to the cleric.

(ii) The confession or confidential communication was made in the manner and context that places the cleric specifically and strictly under a level of confidentiality that is considered inviolate by canon law or church doctrine.

(D) Husband or wife, concerning any communication made by one to the other, or an act done by either in the presence of the other, during coverture, unless the communication was made, or act done, in the known presence or hearing of a third person competent to be a witness; and such rule is the same if the marital relation has ceased to exist;

(E) A person who assigns a claim or interest, concerning any matter in respect to which the person would not, if a party, be permitted to testify;

(F) A person who, if a party, would be restricted under section 2317.03 of the Revised Code, when the property or thing is sold or transferred by an executor, administrator, guardian, trustee, heir, devisee, or legatee, shall be restricted in the same manner in any action or proceeding concerning the property or thing.

(G)

(1) A school guidance counselor who holds a valid educator license from the state board of education as provided for in section 3319.22 of the Revised Code, a person licensed under Chapter 4757. of the Revised Code as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, marriage and family therapist or independent marriage and family therapist, or registered under Chapter 4757. of the Revised Code as a social work assistant concerning a confidential communication received from a client in that relation or the person's advice to a client unless any of the following applies:

(a) The communication or advice indicates clear and present danger to the client or other persons. For the purposes of this division, cases in which there are indications of present or past child abuse or neglect of the client constitute a clear and present danger.

(b) The client gives express consent to the testimony.

(c) If the client is deceased, the surviving spouse or the executor or administrator of the estate of the deceased client gives express consent.

(d) The client voluntarily testifies, in which case the school guidance counselor or person licensed or registered under Chapter 4757. of the Revised Code may be compelled to testify on the same subject.

(e) The court in camera determines that the information communicated by the client is not germane to the counselor-client, marriage and family therapist-client, or social worker-client relationship.

(f) A court, in an action brought against a school, its administration, or any of its personnel by the client, rules after an in-camera inspection that the testimony of the school guidance counselor is relevant to that action.

(g) The testimony is sought in a civil action and concerns court-ordered treatment or services received by a patient as part of a case plan journalized under section 2151.412 of the Revised Code or the court-ordered treatment or services are necessary or relevant to dependency, neglect, or abuse or temporary or permanent custody proceedings under Chapter 2151. of the Revised Code.

(2) Nothing in division (G)(1) of this section shall relieve a school guidance counselor or a person licensed or registered under Chapter 4757. of the Revised Code from the requirement to report information concerning child abuse or neglect under section 2151.421 of the Revised Code.

(H) A mediator acting under a mediation order issued under division (A) of section 3109.052 of the Revised Code or otherwise issued in any proceeding for divorce, dissolution, legal separation, annulment, or the allocation of parental rights and responsibilities for the care of children, in any action or proceeding, other than a criminal, delinquency, child abuse, child neglect, or dependent child action or proceeding, that is

brought by or against either parent who takes part in mediation in accordance with the order and that pertains to the mediation process, to any information discussed or presented in the mediation process, to the allocation of parental rights and responsibilities for the care of the parents' children, or to the awarding of parenting time rights in relation to their children;

(I) A communications assistant, acting within the scope of the communication assistant's authority, when providing telecommunications relay service pursuant to section 4931.06 of the Revised Code or Title II of the "Communications Act of 1934," 104 Stat. 366 (1990), 47 U.S.C. 225, concerning a communication made through a telecommunications relay service. Nothing in this section shall limit the obligation of a communications assistant to divulge information or testify when mandated by federal law or regulation or pursuant to subpoena in a criminal proceeding.

Nothing in this section shall limit any immunity or privilege granted under federal law or regulation.

(J)

(1) A chiropractor in a civil proceeding concerning a communication made to the chiropractor by a patient in that relation or the chiropractor's advice to a patient, except as otherwise provided in this division. The testimonial privilege established under this division does not apply, and a chiropractor may testify or may be compelled to testify, in any civil action, in accordance with the discovery provisions of the Rules of Civil Procedure in connection with a civil action, or in connection with a claim under Chapter 4123. of the Revised Code, under any of the following circumstances:

(a) If the patient or the guardian or other legal representative of the patient gives express consent.

(b) If the patient is deceased, the spouse of the patient or the executor or administrator of the patient's estate gives express consent.

(c) If a medical claim, dental claim, chiropractic claim, or optometric claim, as defined in section 2305.113 of the Revised Code, an action for wrongful death, any other type of civil action, or a claim under Chapter 4123. of the Revised Code is filed by the patient, the personal representative of the estate of the patient if deceased, or the patient's guardian or other legal representative.

(2) If the testimonial privilege described in division (J)(1) of this section does not apply as provided in division (J)(1)(c) of this section, a chiropractor may be compelled to testify or to submit to discovery under the Rules of Civil Procedure only as to a communication made to the chiropractor by the patient in question in that relation, or the chiropractor's advice to the patient in question, that related causally or historically to physical or mental injuries that are relevant to issues in the medical claim, dental claim, chiropractic claim, or optometric claim, action for wrongful death, other civil action, or claim under Chapter 4123. of the Revised Code.

(3) The testimonial privilege established under this division does not apply, and a chiropractor may testify or be compelled to testify, in any criminal action or administrative proceeding.

(4) As used in this division, "communication" means acquiring, recording, or transmitting any information, in any manner, concerning any facts, opinions, or statements necessary to enable a chiropractor to diagnose, treat, or act for a patient. A communication may include, but is not limited to, any chiropractic, office, or hospital communication such as a record, chart, letter, memorandum, laboratory test and results, x-ray, photograph, financial statement, diagnosis, or prognosis.

(K)

(1) Except as provided under division (K)(2) of this section, a critical incident stress management team member concerning a communication received from an individual who receives crisis response services from the team member, or the team member's advice to the individual, during a debriefing session.

(2) The testimonial privilege established under division (K)(1) of this section does not apply if any of the following are true:

(a) The communication or advice indicates clear and present danger to the individual who receives crisis response services or to other persons. For purposes of this division, cases in which there are indications of present or past child abuse or neglect of the individual constitute a clear and present danger.

(b) The individual who received crisis response services gives express consent to the testimony.

(c) If the individual who received crisis response services is deceased, the surviving spouse or the executor or administrator of the estate of the deceased individual gives express consent.

(d) The individual who received crisis response services voluntarily testifies, in which case the team member may be compelled to testify on the same subject.

(e) The court in camera determines that the information communicated by the individual who received crisis response services is not germane to the relationship between the individual and the team member.

(f) The communication or advice pertains or is related to any criminal act.

(3) As used in division (K) of this section:

(a) "Crisis response services" means consultation, risk assessment, referral, and on-site crisis intervention services provided by a critical incident stress management team to individuals affected by crisis or disaster.

(b) "Critical incident stress management team member" or "team member" means an individual specially trained to provide crisis response services as a member of an organized community or local crisis response team that holds membership in the Ohio critical incident stress management network.

(c) "Debriefing session" means a session at which crisis response services are rendered by a critical incident stress management team member during or after a crisis or disaster.

(L)

(1) Subject to division (L)(2) of this section and except as provided in division (L)(3) of this section, an employee assistance professional, concerning a communication made to the employee assistance professional by a client in the employee assistance professional's official capacity as an employee assistance professional.

(2) Division (L)(1) of this section applies to an employee assistance professional who meets either or both of the following requirements:

(a) Is certified by the employee assistance certification commission to engage in the employee assistance profession;

(b) Has education, training, and experience in all of the following:

(i) Providing workplace-based services designed to address employer and employee productivity issues;

(ii) Providing assistance to employees and employees' dependents in identifying and finding the means to resolve personal problems that affect the employees or the employees' performance;

(iii) Identifying and resolving productivity problems associated with an employee's concerns about any of the following matters: health, marriage, family, finances, substance abuse or other addiction, workplace, law, and emotional issues;

(iv) Selecting and evaluating available community resources;

(v) Making appropriate referrals;

(vi) Local and national employee assistance agreements;

(vii) Client confidentiality.

(3) Division (L)(1) of this section does not apply to any of the following:

(a) A criminal action or proceeding involving an offense under sections 2903.01 to 2903.06 of the Revised Code if the employee assistance professional's disclosure or testimony relates directly to the facts or immediate circumstances of the offense;

(b) A communication made by a client to an employee assistance professional that reveals the contemplation or commission of a crime or serious, harmful act;

(c) A communication that is made by a client who is an unemancipated minor or an adult adjudicated to be incompetent and indicates that the client was the victim of a crime or abuse;

(d) A civil proceeding to determine an individual's mental competency or a criminal action in which a plea of not guilty by reason of insanity is entered;

(e) A civil or criminal malpractice action brought against the employee assistance professional;

(f) When the employee assistance professional has the express consent of the client or, if the client is deceased or disabled, the client's legal representative;

(g) When the testimonial privilege otherwise provided by division (L)(1) of this section is abrogated under law.

Amended by 130th General Assembly File No. TBD, HB 232, §1, eff. 7/10/2014.
Amended by 130th General Assembly File No. 25, HB 59, §101.01, eff. 9/29/2013.
Amended by 129th General Assembly File No.185, HB 461, §1, eff. 3/22/2013.
Amended by 129th General Assembly File No.127, HB 487, §101.01, eff. 9/10/2012.
Amended by 129th General Assembly File No.28, HB 153, §101.01, eff. 7/1/2011.
Amended by 128th General Assembly File No.43, SB 162, §1, eff. 9/13/2010.
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3701.74 Patient or patient's representative to submit request to examine or obtain copy of medical record.

(A) As used in this section and section 3701.741 of the Revised Code:

(1) "Ambulatory care facility" means a facility that provides medical, diagnostic, or surgical treatment to patients who do not require hospitalization, including a dialysis center, ambulatory surgical facility, cardiac catheterization facility, diagnostic imaging center, extracorporeal shock wave lithotripsy center, home health agency, inpatient hospice, birthing center, radiation therapy center, emergency facility, and an urgent care center. "Ambulatory care facility" does not include the private office of a physician or dentist, whether the office is for an individual or group practice.

(2) "Chiropractor" means an individual licensed under Chapter 4734. of the Revised Code to practice chiropractic.

(3) "Emergency facility" means a hospital emergency department or any other facility that provides emergency medical services.

(4) "Health care practitioner" means all of the following:

(a) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;

(b) A registered or licensed practical nurse licensed under Chapter 4723. of the Revised Code;

(c) An optometrist licensed under Chapter 4725. of the Revised Code;

(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;

(e) A pharmacist licensed under Chapter 4729. of the Revised Code;

(f) A physician;

(g) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;

(h) A practitioner of a limited branch of medicine issued a certificate under Chapter 4731. of the Revised Code;

(i) A psychologist licensed under Chapter 4732. of the Revised Code;

(j) A chiropractor;

(k) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;

(l) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;

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

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

(o) A licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist licensed, or a social work assistant registered, under Chapter 4757. of the Revised Code;

(p) A dietitian licensed under Chapter 4759. of the Revised Code;

(q) A respiratory care professional licensed under Chapter 4761. of the Revised Code;

(r) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code.

(5) "Health care provider" means a hospital, ambulatory care facility, long-term care facility, pharmacy, emergency facility, or health care practitioner.

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

(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; a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults; a nursing facility, as defined in section 5165.01 of the Revised Code; a skilled nursing facility, as defined in section 5165.01 of the Revised Code; and an intermediate care facility for individuals with intellectual disabilities, as defined in section 5124.01 of the Revised Code.

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

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

(D)

(1) This section does not apply to medical records whose release is covered by section 173.20 or 3721.13 of the Revised Code, by Chapter 1347., 5119., or 5122. of the Revised Code, by 42 C.F.R. part 2, "Confidentiality of Alcohol and Drug Abuse Patient Records," or by 42 C.F.R. 483.10.

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

Amended by 130th General Assembly File No. TBD, HB 483, §101.01, eff. 9/15/2014.

Amended by 130th General Assembly File No. TBD, HB 232, §1, eff. 7/10/2014.

Amended by 130th General Assembly File No. 25, HB 59, §101.01, eff. 9/29/2013.

Amended by 129th General AssemblyFile No.127, HB 487, §101.01, eff. 9/10/2012.

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5122.04 Outpatient services for minors without knowledge or consent of parent or guardian.

(A) Upon the request of a minor fourteen years of age or older, a mental health professional may provide outpatient mental health services, excluding the use of medication, without the consent or knowledge of the minor's parent or guardian. Except as otherwise provided in this section, the minor's parent or guardian shall not be informed of the services without the minor's consent unless the mental health professional treating the minor determines that there is a compelling need for disclosure based on a substantial probability of harm to the minor or to other persons, and if the minor is notified of the mental health professional's intent to inform the minor's parent, or guardian.

(B) Services provided to a minor pursuant to this section shall be limited to not more than six sessions or thirty days of services whichever occurs sooner. After the sixth session or thirty days of services the mental health professional shall terminate the services or, with the consent of the minor, notify the parent, or guardian, to obtain consent to provide further outpatient services.

(C) The minor's parent or guardian shall not be liable for the costs of services which are received by a minor under division (A).

(D) Nothing in this section relieves a mental health professional from the obligations of section 2151.421 of the Revised Code.

(E) As used in this section, "mental health professional" has the same meaning as in section 340.02 of the Revised Code.

Effective Date: 07-01-1989

3109.051 Parenting time - companionship or visitation rights.

(A) If a divorce, dissolution, legal separation, or annulment proceeding involves a child and if the court has not issued a shared parenting decree, the court shall consider any mediation report filed pursuant to section 3109.052 of the Revised Code and, in accordance with division (C) of this section, shall make a just and reasonable order or decree permitting each parent who is not the residential parent to have parenting time with the child at the time and under the conditions that the court directs, unless the court determines that it would not be in the best interest of the child to permit that parent to have parenting time with the child and includes in the journal its findings of fact and conclusions of law. Whenever possible, the order or decree permitting the parenting time shall ensure the opportunity for both parents to have frequent and continuing contact with the child, unless frequent and continuing contact by either parent with the child would not be in the best interest of the child. The court shall include in its final decree a specific schedule of parenting time for that parent. Except as provided in division (E)(6) of section 3113.31 of the Revised Code, if the court, pursuant to this section, grants parenting time to a parent or companionship or visitation rights to any other person with respect to any child, it shall not require the public children services agency to provide supervision of or other services related to that parent's exercise of parenting time or that person's exercise of companionship or visitation rights with respect to the child. This section does not limit the power of a juvenile court pursuant to Chapter 2151. of the Revised Code to issue orders with respect to children who are alleged to be abused, neglected, or dependent children or to make dispositions of children who are adjudicated abused, neglected, or dependent children or of a common pleas court to issue orders pursuant to section 3113.31 of the Revised Code.

(B)

(1) In a divorce, dissolution of marriage, legal separation, annulment, or child support proceeding that involves a child, the court may grant reasonable companionship or visitation rights to any grandparent, any person related to the child by consanguinity or affinity, or any other person other than a parent, if all of the following apply:

(a) The grandparent, relative, or other person files a motion with the court seeking companionship or visitation rights.

(b) The court determines that the grandparent, relative, or other person has an interest in the welfare of the child.

(c) The court determines that the granting of the companionship or visitation rights is in the best interest of the child.

(2) A motion may be filed under division (B)(1) of this section during the pendency of the divorce, dissolution of marriage, legal separation, annulment, or child support proceeding or, if a motion was not filed at that time or was filed at that time and the circumstances in the case have changed, at any time after a decree or final order is issued in the case.

(C) When determining whether to grant parenting time rights to a parent pursuant to this section or section 3109.12 of the Revised Code or to grant companionship or visitation rights to a grandparent,

relative, or other person pursuant to this section or section 3109.11 or 3109.12 of the Revised Code, when establishing a specific parenting time or visitation schedule, and when determining other parenting time matters under this section or section 3109.12 of the Revised Code or visitation matters under this section or section 3109.11 or 3109.12 of the Revised Code, the court shall consider any mediation report that is filed pursuant to section 3109.052 of the Revised Code and shall consider all other relevant factors, including, but not limited to, all of the factors listed in division (D) of this section. In considering the factors listed in division (D) of this section for purposes of determining whether to grant parenting time or visitation rights, establishing a specific parenting time or visitation schedule, determining other parenting time matters under this section or section 3109.12 of the Revised Code or visitation matters under this section or under section 3109.11 or 3109.12 of the Revised Code, and resolving any issues related to the making of any determination with respect to parenting time or visitation rights or the establishment of any specific parenting time or visitation schedule, the court, in its discretion, may interview in chambers any or all involved children regarding their wishes and concerns. If the court interviews any child concerning the child's wishes and concerns regarding those parenting time or visitation matters, the interview shall be conducted in chambers, and no person other than the child, the child's attorney, the judge, any necessary court personnel, and, in the judge's discretion, the attorney of each parent shall be permitted to be present in the chambers during the interview. No person shall obtain or attempt to obtain from a child a written or recorded statement or affidavit setting forth the wishes and concerns of the child regarding those parenting time or visitation matters. A court, in considering the factors listed in division (D) of this section for purposes of determining whether to grant any parenting time or visitation rights, establishing a parenting time or visitation schedule, determining other parenting time matters under this section or section 3109.12 of the Revised Code or visitation matters under this section or under section 3109.11 or 3109.12 of the Revised Code, or resolving any issues related to the making of any determination with respect to parenting time or visitation rights or the establishment of any specific parenting time or visitation schedule, shall not accept or consider a written or recorded statement or affidavit that purports to set forth the child's wishes or concerns regarding those parenting time or visitation matters.

(D) In determining whether to grant parenting time to a parent pursuant to this section or section 3109.12 of the Revised Code or companionship or visitation rights to a grandparent, relative, or other person pursuant to this section or section 3109.11 or 3109.12 of the Revised Code, in establishing a specific parenting time or visitation schedule, and in determining other parenting time matters under this section or section 3109.12 of the Revised Code or visitation matters under this section or section 3109.11 or 3109.12 of the Revised Code, the court shall consider all of the following factors:

(1) The prior interaction and interrelationships of the child with the child's parents, siblings, and other persons related by consanguinity or affinity, and with the person who requested companionship or visitation if that person is not a parent, sibling, or relative of the child;

(2) The geographical location of the residence of each parent and the distance between those residences, and if the person is not a parent, the geographical location of that person's residence and the distance between that person's residence and the child's residence;

(3) The child's and parents' available time, including, but not limited to, each parent's employment schedule, the child's school schedule, and the child's and the parents' holiday and vacation schedule;

(4) The age of the child;

(5) The child's adjustment to home, school, and community;

(6) If the court has interviewed the child in chambers, pursuant to division (C) of this section, regarding the wishes and concerns of the child as to parenting time by the parent who is not the residential parent or companionship or visitation by the grandparent, relative, or other person who requested companionship or visitation, as to a specific parenting time or visitation schedule, or as to other parenting time or visitation matters, the wishes and concerns of the child, as expressed to the court;

(7) The health and safety of the child;

(8) The amount of time that will be available for the child to spend with siblings;

(9) The mental and physical health of all parties;

(10) Each parent's willingness to reschedule missed parenting time and to facilitate the other parent's parenting time rights, and with respect to a person who requested companionship or visitation, the willingness of that person to reschedule missed visitation;

(11) In relation to parenting time, whether either parent previously has been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child being an abused child or a neglected child; whether either parent, in a case in which a child has been adjudicated an abused child or a neglected child, previously has been determined to be the perpetrator of the abusive or neglectful act that is the basis of the adjudication; and whether there is reason to believe that either parent has acted in a manner resulting in a child being an abused child or a neglected child;

(12) In relation to requested companionship or visitation by a person other than a parent, whether the person previously has been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child being an abused child or a neglected child; whether the person, in a case in which a child has been adjudicated an abused child or a neglected child, previously has been determined to be the perpetrator of the abusive or neglectful act that is the basis of the adjudication; whether either parent previously has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the current proceeding; whether either parent previously has been convicted of an offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the current proceeding and caused physical harm to the victim in the commission of the offense; and whether there is reason to believe that the person has acted in a manner resulting in a child being an abused child or a neglected child;

(13) Whether the residential parent or one of the parents subject to a shared parenting decree has continuously and willfully denied the other parent's right to parenting time in accordance with an order of the court;

(14) Whether either parent has established a residence or is planning to establish a residence outside this state;

(15) In relation to requested companionship or visitation by a person other than a parent, the wishes and concerns of the child's parents, as expressed by them to the court;

(16) Any other factor in the best interest of the child.

(E) The remarriage of a residential parent of a child does not affect the authority of a court under this section to grant parenting time rights with respect to the child to the parent who is not the residential parent or to grant reasonable companionship or visitation rights with respect to the child to any grandparent, any person related by consanguinity or affinity, or any other person.

(F)

(1) If the court, pursuant to division (A) of this section, denies parenting time to a parent who is not the residential parent or denies a motion for reasonable companionship or visitation rights filed under division (B) of this section and the parent or movant files a written request for findings of fact and conclusions of law, the court shall state in writing its findings of fact and conclusions of law in accordance with Civil Rule 52.

(2) On or before July 1, 1991, each court of common pleas, by rule, shall adopt standard parenting time guidelines. A court shall have discretion to deviate from its standard parenting time guidelines based upon factors set forth in division (D) of this section.

(G)

(1) If the residential parent intends to move to a residence other than the residence specified in the parenting time order or decree of the court, the parent shall file a notice of intent to relocate with the court that issued the order or decree. Except as provided in divisions (G)(2), (3), and (4) of this section, the court shall send a copy of the notice to the parent who is not the residential parent. Upon receipt of the notice, the court, on its own motion or the motion of the parent who is not the residential parent, may schedule a hearing with notice to both parents to determine whether it is in the best interest of the child to revise the parenting time schedule for the child.

(2) When a court grants parenting time rights to a parent who is not the residential parent, the court shall determine whether that parent has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding, has been convicted of or pleaded guilty to any other offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding and caused physical harm to the victim in the commission of the offense, or has been determined to be the perpetrator of the abusive act that is the basis of an adjudication that a child is an abused child. If the court determines that that parent has not been so convicted and has not been determined to be the perpetrator of an abusive act that is the basis of a child abuse adjudication, the court shall issue an order stating that a copy of any notice of relocation that is filed with the court pursuant to division (G)(1) of this section will be sent to the parent who is given the parenting time rights in accordance with division (G)(1) of this section.

If the court determines that the parent who is granted the parenting time rights has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding, has been convicted of or pleaded guilty to any other offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding and caused physical harm to the victim in the commission of the offense, or has been

determined to be the perpetrator of the abusive act that is the basis of an adjudication that a child is an abused child, it shall issue an order stating that that parent will not be given a copy of any notice of relocation that is filed with the court pursuant to division (G)(1) of this section unless the court determines that it is in the best interest of the children to give that parent a copy of the notice of relocation, issues an order stating that that parent will be given a copy of any notice of relocation filed pursuant to division (G)(1) of this section, and issues specific written findings of fact in support of its determination.

(3) If a court, prior to April 11, 1991, issued an order granting parenting time rights to a parent who is not the residential parent and did not require the residential parent in that order to give the parent who is granted the parenting time rights notice of any change of address and if the residential parent files a notice of relocation pursuant to division (G)(1) of this section, the court shall determine if the parent who is granted the parenting time rights has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding, has been convicted of or pleaded guilty to any other offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding and caused physical harm to the victim in the commission of the offense, or has been determined to be the perpetrator of the abusive act that is the basis of an adjudication that a child is an abused child. If the court determines that the parent who is granted the parenting time rights has not been so convicted and has not been determined to be the perpetrator of an abusive act that is the basis of a child abuse adjudication, the court shall issue an order stating that a copy of any notice of relocation that is filed with the court pursuant to division (G)(1) of this section will be sent to the parent who is granted parenting time rights in accordance with division (G)(1) of this section.

If the court determines that the parent who is granted the parenting time rights has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding, has been convicted of or pleaded guilty to any other offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding and caused physical harm to the victim in the commission of the offense, or has been determined to be the perpetrator of the abusive act that is the basis of an adjudication that a child is an abused child, it shall issue an order stating that that parent will not be given a copy of any notice of relocation that is filed with the court pursuant to division (G)(1) of this section unless the court determines that it is in the best interest of the children to give that parent a copy of the notice of relocation, issues an order stating that that parent will be given a copy of any notice of relocation filed pursuant to division (G)(1) of this section, and issues specific written findings of fact in support of its determination.

(4) If a parent who is granted parenting time rights pursuant to this section or any other section of the Revised Code is authorized by an order issued pursuant to this section or any other court order to receive a copy of any notice of relocation that is filed pursuant to division (G)(1) of this section or pursuant to court order, if the residential parent intends to move to a residence other than the residence address specified in the parenting time order, and if the residential parent does not want the parent who is granted the parenting time rights to receive a copy of the relocation notice because the parent with parenting time rights has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding, has been convicted of or pleaded guilty to any other offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding and caused physical harm to the victim in the

commission of the offense, or has been determined to be the perpetrator of the abusive act that is the basis of an adjudication that a child is an abused child, the residential parent may file a motion with the court requesting that the parent who is granted the parenting time rights not receive a copy of any notice of relocation. Upon the filing of the motion, the court shall schedule a hearing on the motion and give both parents notice of the date, time, and location of the hearing. If the court determines that the parent who is granted the parenting time rights has been so convicted or has been determined to be the perpetrator of an abusive act that is the basis of a child abuse adjudication, the court shall issue an order stating that the parent who is granted the parenting time rights will not be given a copy of any notice of relocation that is filed with the court pursuant to division (G)(1) of this section or that the residential parent is no longer required to give that parent a copy of any notice of relocation unless the court determines that it is in the best interest of the children to give that parent a copy of the notice of relocation, issues an order stating that that parent will be given a copy of any notice of relocation filed pursuant to division (G)(1) of this section, and issues specific written findings of fact in support of its determination. If it does not so find, it shall dismiss the motion.

(H)

(1) Subject to section 3125.16 and division (F) of section 3319.321 of the Revised Code, a parent of a child who is not the residential parent of the child is entitled to access, under the same terms and conditions under which access is provided to the residential parent, to any record that is related to the child and to which the residential parent of the child legally is provided access, unless the court determines that it would not be in the best interest of the child for the parent who is not the residential parent to have access to the records under those same terms and conditions. If the court determines that the parent of a child who is not the residential parent should not have access to records related to the child under the same terms and conditions as provided for the residential parent, the court shall specify the terms and conditions under which the parent who is not the residential parent is to have access to those records, shall enter its written findings of facts and opinion in the journal, and shall issue an order containing the terms and conditions to both the residential parent and the parent of the child who is not the residential parent. The court shall include in every order issued pursuant to this division notice that any keeper of a record who knowingly fails to comply with the order or division (H) of this section is in contempt of court.

(2) Subject to section 3125.16 and division (F) of section 3319.321 of the Revised Code, subsequent to the issuance of an order under division (H)(1) of this section, the keeper of any record that is related to a particular child and to which the residential parent legally is provided access shall permit the parent of the child who is not the residential parent to have access to the record under the same terms and conditions under which access is provided to the residential parent, unless the residential parent has presented the keeper of the record with a copy of an order issued under division (H)(1) of this section that limits the terms and conditions under which the parent who is not the residential parent is to have access to records pertaining to the child and the order pertains to the record in question. If the residential parent presents the keeper of the record with a copy of that type of order, the keeper of the record shall permit the parent who is not the residential parent to have access to the record only in accordance with the most recent order that has been issued pursuant to division (H)(1) of this section and presented to the keeper by the residential parent or the parent who is not the residential parent. Any keeper of any record who knowingly fails to comply with division (H) of this section or with any order issued pursuant to division (H)(1) of this section is in contempt of court.

(3) The prosecuting attorney of any county may file a complaint with the court of common pleas of that county requesting the court to issue a protective order preventing the disclosure pursuant to division

(H)(1) or (2) of this section of any confidential law enforcement investigatory record. The court shall schedule a hearing on the motion and give notice of the date, time, and location of the hearing to all parties.

(I) A court that issues a parenting time order or decree pursuant to this section or section 3109.12 of the Revised Code shall determine whether the parent granted the right of parenting time is to be permitted access, in accordance with section 5104.039 of the Revised Code, to any child day-care center that is, or that in the future may be, attended by the children with whom the right of parenting time is granted. Unless the court determines that the parent who is not the residential parent should not have access to the center to the same extent that the residential parent is granted access to the center, the parent who is not the residential parent and who is granted parenting time rights is entitled to access to the center to the same extent that the residential parent is granted access to the center. If the court determines that the parent who is not the residential parent should not have access to the center to the same extent that the residential parent is granted such access under section 5104.039 of the Revised Code, the court shall specify the terms and conditions under which the parent who is not the residential parent is to have access to the center, provided that the access shall not be greater than the access that is provided to the residential parent under section 5104.039 of the Revised Code, the court shall enter its written findings of fact and opinions in the journal, and the court shall include the terms and conditions of access in the parenting time order or decree.

(J)

(1) Subject to division (F) of section 3319.321 of the Revised Code, when a court issues an order or decree allocating parental rights and responsibilities for the care of a child, the parent of the child who is not the residential parent of the child is entitled to access, under the same terms and conditions under which access is provided to the residential parent, to any student activity that is related to the child and to which the residential parent of the child legally is provided access, unless the court determines that it would not be in the best interest of the child to grant the parent who is not the residential parent access to the student activities under those same terms and conditions. If the court determines that the parent of the child who is not the residential parent should not have access to any student activity that is related to the child under the same terms and conditions as provided for the residential parent, the court shall specify the terms and conditions under which the parent who is not the residential parent is to have access to those student activities, shall enter its written findings of facts and opinion in the journal, and shall issue an order containing the terms and conditions to both the residential parent and the parent of the child who is not the residential parent. The court shall include in every order issued pursuant to this division notice that any school official or employee who knowingly fails to comply with the order or division (J) of this section is in contempt of court.

(2) Subject to division (F) of section 3319.321 of the Revised Code, subsequent to the issuance of an order under division (J)(1) of this section, all school officials and employees shall permit the parent of the child who is not the residential parent to have access to any student activity under the same terms and conditions under which access is provided to the residential parent of the child, unless the residential parent has presented the school official or employee, the board of education of the school, or the governing body of the chartered nonpublic school with a copy of an order issued under division (J)(1) of this section that limits the terms and conditions under which the parent who is not the residential parent is to have access to student activities related to the child and the order pertains to the student activity in question. If the residential parent presents the school official or employee, the board of education of the school, or the governing body of the chartered nonpublic school with a copy of that type of order, the

school official or employee shall permit the parent who is not the residential parent to have access to the student activity only in accordance with the most recent order that has been issued pursuant to division (J)(1) of this section and presented to the school official or employee, the board of education of the school, or the governing body of the chartered nonpublic school by the residential parent or the parent who is not the residential parent. Any school official or employee who knowingly fails to comply with division (J) of this section or with any order issued pursuant to division (J)(1) of this section is in contempt of court.

(K) If any person is found in contempt of court for failing to comply with or interfering with any order or decree granting parenting time rights issued pursuant to this section or section 3109.12 of the Revised Code or companionship or visitation rights issued pursuant to this section, section 3109.11 or 3109.12 of the Revised Code, or any other provision of the Revised Code, the court that makes the finding, in addition to any other penalty or remedy imposed, shall assess all court costs arising out of the contempt proceeding against the person and require the person to pay any reasonable attorney's fees of any adverse party, as determined by the court, that arose in relation to the act of contempt, and may award reasonable compensatory parenting time or visitation to the person whose right of parenting time or visitation was affected by the failure or interference if such compensatory parenting time or visitation is in the best interest of the child. Any compensatory parenting time or visitation awarded under this division shall be included in an order issued by the court and, to the extent possible, shall be governed by the same terms and conditions as was the parenting time or visitation that was affected by the failure or interference.

(L) Any parent who requests reasonable parenting time rights with respect to a child under this section or section 3109.12 of the Revised Code or any person who requests reasonable companionship or visitation rights with respect to a child under this section, section 3109.11 or 3109.12 of the Revised Code, or any other provision of the Revised Code may file a motion with the court requesting that it waive all or any part of the costs that may accrue in the proceedings. If the court determines that the movant is indigent and that the waiver is in the best interest of the child, the court, in its discretion, may waive payment of all or any part of the costs of those proceedings.

(M)

(1) A parent who receives an order for active military service in the uniformed services and who is subject to a parenting time order may apply to the court for any of the following temporary orders for the period extending from the date of the parent's departure to the date of return:

(a) An order delegating all or part of the parent's parenting time with the child to a relative or to another person who has a close and substantial relationship with the child if the delegation is in the child's best interest;

(b) An order that the other parent make the child reasonably available for parenting time with the parent when the parent is on leave from active military service;

(c) An order that the other parent facilitate contact, including telephone and electronic contact, between the parent and child while the parent is on active military service.

(2)

(a) Upon receipt of an order for active military service, a parent who is subject to a parenting time order and seeks an order under division (M)(1) of this section shall notify the other parent who is subject to the parenting time order and apply to the court as soon as reasonably possible after receipt of the order for active military service. The application shall include the date on which the active military service begins.

(b) The court shall schedule a hearing upon receipt of an application under division (M) of this section and hold the hearing not later than thirty days after its receipt, except that the court shall give the case calendar priority and handle the case expeditiously if exigent circumstances exist in the case. No hearing shall be required if both parents agree to the terms of the requested temporary order and the court determines that the order is in the child's best interest.

(c) In determining whether a delegation under division (M)(1)(a) of this section is in the child's best interest, the court shall consider all relevant factors, including the factors set forth in division (D) of this section.

(d) An order delegating all or part of the parent's parenting time pursuant to division (M)(1)(a) of this section does not create standing on behalf of the person to whom parenting time is delegated to assert visitation or companionship rights independent of the order.

(3) At the request of a parent who is ordered for active military service in the uniformed services and who is a subject of a proceeding pertaining to a parenting time order or pertaining to a request for companionship rights or visitation with a child, the court shall permit the parent to participate in the proceeding and present evidence by electronic means, including communication by telephone, video, or internet to the extent permitted by rules of the supreme court of Ohio.

(N) The juvenile court has exclusive jurisdiction to enter the orders in any case certified to it from another court.

(O) As used in this section:

(1) "Abused child" has the same meaning as in section 2151.031 of the Revised Code, and "neglected child" has the same meaning as in section 2151.03 of the Revised Code.

(2) "Active military service" and "uniformed services" have the same meanings as in section 3109.04 of the Revised Code.

(3) "Confidential law enforcement investigatory record" has the same meaning as in section 149.43 of the Revised Code.

(4) "Parenting time order" means an order establishing the amount of time that a child spends with the parent who is not the residential parent or the amount of time that the child is to be physically located with a parent under a shared parenting order.

(5) "Record" means any record, document, file, or other material that contains information directly related to a child, including, but not limited to, any of the following:

(a) Records maintained by public and nonpublic schools;

(b) Records maintained by facilities that provide child care, as defined in section 5104.01 of the Revised Code, publicly funded child care, as defined in section 5104.01 of the Revised Code, or pre-school services operated by or under the supervision of a school district board of education or a nonpublic school;

(c) Records maintained by hospitals, other facilities, or persons providing medical or surgical care or treatment for the child;

(d) Records maintained by agencies, departments, instrumentalities, or other entities of the state or any political subdivision of the state, other than a child support enforcement agency. Access to records maintained by a child support enforcement agency is governed by section 3125.16 of the Revised Code.

Amended by 129th General Assembly File No.128, SB 316, §120.01, eff. 1/1/2014.
Amended by 129th General Assembly File No.21, HB 121, §1, eff. 6/9/2011.
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