



Counselor, Social Worker & Marriage and Family Therapist Board

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STATE OF OHIO

COUNSELOR, SOCIAL WORKER AND MARRIAGE AND FAMILY THERAPIST BOARD

July 20, 2012

Chairperson, Mr. Tommie L. Robertson, at the LeVeque Tower, 50 West Broad Street, Columbus, OH, convened the regular meeting of the Board at 1:00 P.M. on July 20, 2012. Robert Nelson, Ms. Mary Venrick, Mr. Don McTigue, Ms. Stephanie McCloud, Dr. Thomas McGloshen, Mr. Steven Polovick, Ms. Maureen Cooper, Dr. Terri Hamm, Ms. Jennifer Paluszak Hadden and Dr. Deirdre Petrich. Absent: Dr. Otha Gilyard. Staff present: Mr. James Rough, Mr. William Hegarty, Ms. Patricia Miller, Ms. Tracey Hosom. Also present: Atty. Melissa Wilburn, Asst. Atty. General.

Mr. Robertson welcomed new Board Member, Ms. Stephanie McCloud to the Board and the Marriage and Family Therapist Professional Standards Committee.

I. Discussion and approval of agenda.

Dr. Petrich moved to nominate Mr. Robertson for another term as Board Chair, seconded by Ms. Venrick. Carried.

II. Dr. McGloshen moved to accept the May 18, 2012, minutes, seconded by Ms. Cooper. Carried.

III. Executive Director Report presented by Mr. Rough:

Mr. Rough reported:

1. Report given to each of the Professional Standards Committees is attached to the minutes.
2. The Board continues to have three vacancies and is glad to have Ms. McCloud.
3. HB 567 was introduced June 14, 2012, looking forward to it becoming law.

4. The five year rule review will be filed using the Common Sense Initiative process in two weeks.
5. The Planning Committee meeting went well.
6. Discussed the budget report.
7. The report of the number of licensees will be e-mailed to Board Members.
8. The Governor's Report will be available at the end of the month.

IV. Investigative Report presented by Mr. Hegarty:

Mr. Hegarty reported:

1. Thanked the Investigative Liaisons; Mr. Nelson, Ms. Venrick and Ms. Cooper.
2. The 2012 CLEAR Training dates are coming up quickly but the 2013 Training is not listed yet. Attorney General's office may have a training for investigators that could include board members.
3. Thirty new cases, overall increase in sexual boundaries cases. A counselor disciplinary case and two licensee cases involving sexual boundaries will be scheduled. Two hearings in September for the Social Workers.

V. Legal Update presented by Atty. Melissa Wilburn:

Atty. Melissa Wilburn reported:

1. An update on the consent agreement for Ms. Doris Murray, she is taking the courses required by the Board, registered for therapy as well as signed the consent agreement. The courses must be completed by July 2013.
2. Mr. Hegarty thanked Ms. Wilburn for attending the Planning Meeting.
3. Ms. Hosom commented that future consent agreements will be adjusted as a result of the Murray case.
4. A meeting with the Attorney General took place and the topic of executive session was discussed, voting must take place outside of executive session. Mr. Robertson asked if there are no attendees do you still need to go into executive session, Ms. Wilburn stated yes so that the discussion is not on the record but a record of who is in attendance of the executive session is needed.
5. Discussion on Regulatory Boards SB 337 revision and the language change to moral turpitude. CSWMFTB will not be a part of this bill.

VI. Social Work Professional Standards Committee Report was presented by Mr. Polovick:

Mr. Polovick reported:

1. Approved fourteen supervision designations, approved one hundred and forty-four LISW applications, three hundred and twenty-nine LSW applications, and seventeen social work assistant applications. One hundred and ninety-four LISW's are pending and one thousand three hundred and ninety-eight LSW's are pending, one hundred and four SWA's are pending
2. Approved four consent agreements, reviewed seven Goldman Hearings.
3. Discussed a LISW wanting to use the MMPI, but was denied by the publisher. He provided the publisher with a copy of rule 4757-5-06 of the Ohio Administrative Code and was approved to become a user of that publisher's assessment instruments.
4. The blanket NASW approval to the National Office in Washington, DC will be revoked in the rule change this year due to quality of some programs. Good discussion with NASW Ohio Chapter that Ohio is not the only state having this problem.

Mr. Robertson thanked Mr. Nelson for his time as the SWPSC Chair and for standing in for him at the Planning Committee meeting.

VII. Marriage and Family Therapist Professional Standards Committee Report was presented by Dr. McGloshen:

Dr. McGloshen reported:

1. Added to Mr. Polovick's report on the Assessment Instruments, that although licensed to do evaluations you have to make sure the individual using the instrument is qualified. Dr. Hamm added that counselor programs have added advanced testing classes to help licensees.
2. Welcomed Ms. McCloud, who works in private practice and the CSWMFTB was her first choice of Board's to serve.
3. Licensed five IMFT's, eight MFT's, and approved seven exam requests.
4. Reviewed the supervisory rule.
5. Congratulations to Mr. Robertson on another year as Board Chair.

VIII. Counselor Professional Standards Committee Report was presented by Ms. Maureen Cooper:

Ms. Cooper reported:

1. Approved one hundred and thirty PC's, fifty-seven PCC's and five hundred and nineteen CT-CR's.
2. Reported test results for May and June of 2012.
3. Closed seventeen cases, one Goldman hearing, and responded to correspondences.
4. The CPSC hopes HB 567 passes.
5. Mr. Robertson thanked Ms. Venrick for her service time as CPSC Chair.

IX. Committee Reports

Executive Committee

Mr. Robertson reported: Information already covered in the executive director's report.

CEU Committee

Ms. Paluszak-Hadden reported.

1. Discussed problems with certificates of attendance for continuing education programs not being complete or specifying approved for supervision when the content is not supervision.
2. Mr. Rough will work on a supervision definition and send out to the Board for input.
3. Discussed that a three hour program on supervision and ethics can only count as three hours for supervision or for ethics but not both.

Investigations Ad Hoc Committee

No Meeting. Mr. Rough suggested the Committee meet at least twice a year.

Mr. Robertson agreed to meet twice a year and also asked on the status of monitoring. Dr. Kress is continuing to work on the topic of monitoring.

X. Old Business:

None.

XI. New Business:

Mr. Rough recognized Ms. Miller's hard work.

Mr. Polovick suggested the annual Planning Committee Meeting be held off site possibly consider different places or ideas for holding the meeting. Possibly visit some sites and make the meeting more of a learning experience.

Mr. Robertson requested proper decorum in meetings regarding cell phones and to be responsible.

Mr. Robertson thanked the staff for their hard work.
Please remember to leave quietly and have a safe trip home.

XII. Adjourned: 2:00 PM

Tommie L. Robertson, LIMFT, Board Chair



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2012 Planning Session

Thursday, July 19, 2012

Members Present: Mary Venrick, Dr. Terri Hamm, Maureen Cooper, Dr. Tom McGloshen, Dr. Deiedre Petrich, Steve Polovick, Bob Nelson and Jennifer Haddon

Staff Present: Jim Rough, Bill Hegarty, Tracey Hosom, Tammy Tingle

Others present: Melissa Wilburn, AAG, Glenn Karr, and Adrienne Gavula, NASW

A. Continuing Education

Mr. Rough passed out information on Continuing Competency that the physical therapists are considering. Discussion was that continuing education does not guarantee better practice or competence. This is a national discussion with numerous regulatory boards. The evaluative piece of the continuing competency model is difficult. Continuing competency changes the perspective of the subject matter and would require a “buy-in” from the licensees. This is a good topic for discussion but will be a ways off before implementation due to current computer system. The focus would shift to content vs. hours. Mr. Rough was tasked to follow-up with the Canadian boards and to dialogue with OSU. There was concern that our audit rate is high already and how are we going to get the licensees to become more involved. We cannot make someone want to grow as a professional. A discussion of certifications of modalities or specialties is different than a CE issue. The Board could require certain number of CE hours in a specific area (AOD, geriatrics as examples) over a renewal cycle. Licensees can be apathetic with regard to their own careers. A discussion of compulsory monitoring was brought up including who qualifies individuals to be monitors. Board members could create their own competency plans to look at the easiness or difficulty in doing so. There is a fear of the huge staff time required for monitoring the competency plans.

We discussed that due to the new position held by Paula Broome, there is an increased understanding of the processes on the part of the providers and program providers. The providers are not all following the regulations (no names or dates on certificates, not listed as ethics or supervision on certificate). Paula will continue to report to the CEU Committee. Jim said that 50% of late renewals are now being audited. The CE Committee is also continuing to look at spirituality CEUs when issues arise and reviewing what people are requesting to be approved.

B. Investigation/Discipline

The discussion centered on Independent Contractors vs Employees and how OAC 4757-5-02(E)(2) can be problematic. The main issue is who “owns” the records or clients in an

agency setting when there are independent contractors involved. Ms. Hosom stated that a good way to deal with this is in the informed consent process that the clients are told where the records are and how they could request them. The therapist would tell the client that they are an independent contractor. Part of the problem is that the independent contractor and the agency have not discussed this issue at the time of the contract.

Mr. Karr discussed the issue of non-compete clauses. The Board discussed should we have them in our law and rule and could we even do so if we wanted to, based on other laws and court rulings.

There is a need for investigative liaisons to attend Investigator training through CLEAR or other entities. Ms. Wilburn stated that the AG's office is considering a training of this nature and she will let her boss know that not only investigators should attend but the Board members involved in the process.

C. Legislative Issues

Our bill has been introduced but is there time for passage? There was a change in focus of the language in the civil service exemption.

D. MFT Growth

This is an on-going issue. Dr. McGloshen stated that there is a possibility of joint degree programs being discussed at colleges/universities. Jim will get data from Wright State on their efforts.

E. CEU - Program and Providers

Jim reminded the Board members that a second set of eyes on a denial is a good thing. Important to dialogue if unsure of a program's appropriateness. Committees should be consistent within the Committee over time. In the new statute bill, CE providers and program providers will be statutory registrations and subject to discipline actions.

F. Consumer Education

There are consumer items on the Board's website. NASW will look to see if the social worker information may need to be updated. An on-going issue is how to let consumers know that we, as a Board, exist. Senator Bacon has recommended that a data base be created that would show the availability of various types of licensees in a geographic area. This would be good for our licensees as an opt-in, opt-out option. How would this data base be advertised? If it is created, but no one knows it is there, then what is the point? How would someone ascertain any specialties listed are valid?

G. Electronic Service Delivery

How does the Board stay current with our rules as technology changes? Our rule was held as a model at the recent ASWB conference. NBCC is re-drafting their rules in this area. Mr. Karr said that the encryption programs for e-mail programs are flawed and can get a licensee in trouble under the HIPPA rules. There is also an issue of insurance reimbursement with electronic

service delivery. Is every client necessarily appropriate for e-therapy? A licensee doing electronic service delivery needs a competent, up to date IT person.

H. Supervision

What level of detail is expected in the supervision logs? The “S” designation has a lack of understanding among the licensees of what supervision encompasses for CEU purposes. Supervision CEUs should be for training supervision and not work supervision. There will always be an issue of the quality of supervision and how do we define that and oversee it. Currently if an “S” designation licensee is audited and found wanting in appropriate supervision hours, they can re-do those hours.

I. Professional Disclosure Statement

Under the new statute bill, professional disclosure requirements are no longer required. A licensee will have to post their license certificate. Jim needs to check on the wording to see if this is only required in the primary location. If someone has satellite offices, can they make copies of their license or can they obtain multiple official copies from the Board?

J. Rule Review

Jim will complete the Common Sense Initiative part of the 5-year rule review by the end of August. We will want to define “ethics” and “supervision” for CEU purposes.

K. Retired/Escrow status of license

The current computer system does not allow for this without a lot of manual intervention or an “on hold” status. The new system may give us the opportunity to do this. What requirements would need to be in place for a licensee to get off of the “on hold” status? Cost to renew a retired status? Would CEUs in some form still be required for a retired status?

L. Moral Turpitude

Push from the Governor’s office and ODRC to have things in place so convicted felons can re-enter the job market. Should there be specific conduct listed/defined that would prohibit licensure? A licensed person with a felony conviction is not guaranteed any job. Ms. Wilburn will be looking into the definition of “moral turpitude” in the ORC.

M. Overall concerns/important issues

1. Cultural competency/diversity – need for counselors’ and MFTs’ association ethics codes to have citations to become part of our ethics code.
2. Growth of MFTs
3. Need for an “S” status for MFTs
4. Need for Investigator liaison training – CLEAR, AG’s office?
5. Importance for statute bill to pass. – Counselor education programs need to be accredited through CACREP. NASW will lobby for bill passage.
6. Need for effective communication with consumers of services
7. Moral Turpitude issue for licensing or denial of licensing may hinge on definition.



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July 11, 2012

Executive Director's Report

Board Meeting Dates and Rooms

Thursday July 19, 2012

Executive Committee – Executive Director's Office at 8:15 a.m.
SWPSC - Conference Room – 9:00 a.m.
MFTPSC - Conference Room – 9:00 a.m.
CPSC - Conference Room – 9:00 a.m.
CEU Committee – Executive Director's Office at 11:00 a.m.

Annual Planning Meeting – Department of Aging Conference Room 10th Floor LeVeque Tower at 1:00 p.m. for lunch **meeting starts at 2:00 p.m.**

Friday July 20, 2012

SWPSC - Conference Room – 9:00 a.m.
MFTPSC - Conference Room – 9:00 a.m.
CPSC - Conference Room – 9:00 a.m.
Board Meeting – LeVeque Tower 15th Floor Petroleum Board – 1:00 p.m.

Issues to Discuss

Full Board Issues:

The following Board members have appointments that expired 10/10/2011:

Name	Type	Home Town	Expiration	1st or 2nd Appt
Timothy Brady	SW	Peebles	10/10/11	1 st
John Cranley	P	Cincinnati	10/10/11	1 st
Victoria White Kress	C	North Royalton	10/10/11	2 nd
Peggy Volters	MFT	Miamisburg	10/10/11	1 st

The Governor's director of boards and commissions is working on the remaining appointments to these positions. We have had communication requesting more applicants for positions in

order to comply with statute section 4757.03 that reads: “Not more than eight members of the board may be members of the same political party or sex.” The Governor’s office reports a good response of new applicants with more coming each week. I also talked to them about the upcoming appointments for 10/10/2012.

Legislation:

Representative Sears introduced our bill as House Bill 567. This is the first step with many to follow. I will be making appointments with all members of the House Health and Aging Committee to explain the bill and reasons for the changes prior to the first hearing being scheduled.

- There were a number of issues raised and resolved as noted in email to all board members and associations. The biggest change was input from the Governor’s office on the civil service exemption, which was modified to be they are exempt “...so long as the person has at least two years of service on the effective date of this amendment.” All affected state agencies are supporting the bill.
- The adoption assessor language in section 3107.014 was deleted due to the exemption change, but is still needed in some form. PCSAO, Public Children Services Agencies of Ohio, contacted me and we worked out a new paragraph to be added at a later date.
- Some counselors are not happy with the language that requires CACREP Accreditation as they would like it to be required of all applicants. The counseling associations are working through their processes on this issue.
- All other changes appear to be accepted.

The psychology board bill is waiting for its second hearing in the House.

The Chemical Dependency Professionals bill passed the senate as SB 287 and has been sent to the House and is waiting for hearings.

Budget:

We ended HY 2012 with excess appropriation of \$74,468.94, which includes encumbered money totaling \$26,685.05 for pending bills yet to be received from vendors. All encumbered amounts may not be used. We had \$21,497 excess in Payroll and \$52,971.67 in Non-Payroll.

We had reductions in expenses to changes in IT infrastructure and billing working with the Engineers & Surveyors Board. We are still short 4 board member appointments, which reduced payroll costs and travel costs. We only paid half of the prior year charges for the licensure system as they are working on a replacement system. We had no expensive hearings with attendant costs. We have reduced stored file costs by more than half from prior years due to the scanning of old files as we retrieve them from Fireproof storage facility.

Ohio Administrative Code changes ~ Rules:

Five Year Rule Review -

I will be filing the five year rule review changes with the Common Sense Initiative office soon after the board meeting. I had planned to do so prior to this board meeting, but vacation and the stand-up of our new server took work time planned for completing that effort. This is a prelude to filing rules with JCARR.

IT Issues

We have a new server, which is functioning well. We share it with the Engineers and Surveyors board saving costs for maintenance and operation.

Annual Planning Meeting

Please read the agenda and minutes from last year as a means of preparing for subjects to be discussed.

Executive Director Work Plan: review the results of the Planning Meeting and issues for future resolution. Below issues are based on the outcome of the planning meeting. I will review these issues with the Executive Committee at this meeting.

1. Multiple CEU Committee issues:
 - a. Should we move forward for study the continuing competency model to replace continuing education? – assign to the CEU Committee: committee not ready to move forward and will wait for OSU pilot project. The Counselors said they were not interested in the competency model.
 - b. How do we make the current CEU program more effective - assign to the CEU Committee – in work
 - c. Spirituality monitoring of issues – in work
2. Investigative Liaison Committee issues:
 - a. Continue work on monitor process – in work
 - b. Establish guidelines for training or mentoring of new investigative liaisons – in work
3. Legislative issues: - Mr. Rough assigned
 - a. Statute change bill introduction in House and Senate – in work
 - b. CE audit fine/fee implementation within statute change – in work
 - c. Other new issues?
4. MFT growth – MFT professional standards committee – in work

Sincerely,

James R. Rough
Executive Director



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AGENDA

July 19, 2012

1. Discussion of Agenda
2. Approval of Minutes of May 18 Board Meeting
3. Executive Director's Report
4. Deputy Director's Report
5. Legal Update
6. Social Work Professional Standards Committee Report
7. Marriage and Family Therapist Professional Standards Committee Report
8. Counselor Professional Standards Committee Report
9. Standing Committee Reports
 - a. Executive Committee
 - b. Continuing Education Committee
 - c. Investigative Liaison Committee
10. Old Business – Planning Meeting discussion
11. New Business
12. Chairman Comments



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STATE OF OHIO

COUNSELOR, SOCIAL WORKER AND MARRIAGE AND FAMILY THERAPIST BOARD

MAY 18, 2012

Chairperson, Mr. Tommie L. Robertson, at the LeVeque Tower, 50 West Broad Street, Columbus, OH, convened the regular meeting of the Board at 1:05 P.M. on May 18, 2012.

Members present were Mr. Robert Nelson, Ms. Mary Venrick, Mr. Don McTigue, Dr. Otha Gilyard, Dr. Thomas McGloshen, Mr. Steven Polovick, Ms. Maureen Cooper, Dr. Terri Hamm and Dr. Deirdre Petrich. Absent: Ms. Jennifer Paluszak Hadden. Staff present: Mr. James Rough, Mr. William Hegarty, Ms. Patricia Miller, Ms. Tammy Tingle, Mr. Andrew Miller and Mr. Raymond Lund. Also present: Atty. Melissa Wilburn, Asst. Atty. General and Ms. Michele Blackford, Student at Columbus State College.

- I.** Discussion and approval of agenda. Dr. Gilyard moved to accept the agenda with modifications, seconded by Dr. McGloshen. Carried.
- II.** Ms. Venrick moved to accept the March 16, 2012, minutes, seconded by Mr. Polovick. Carried.
- III. Executive Director Report presented by Mr. Rough:**

Mr. Rough reported:

1. Report given to each of the Professional Standards Committees is attached to the minutes.
2. The Governor continues to work on Board Member Appointments.
3. On May 16, 2012, a meeting took place with Rep. Sears. There are additional issues to follow-up on including the title of rehabilitation counselors, licensed psychologists with masters degrees being under our Board instead of the Psychology Board, grandparenting social work positions within the state as well as other issues.
4. The budget looks good especially with IT changes, number of board members down, and the new staff person not starting until March of

this year. The budget is complete for FY 13 and working on FY 14.
Reviewed the licensure report.

5. Dr. Susan Sears, the first Chairperson of the Board in November of 1985, passed away on February 28, 2012, Mr. Rough attended the services.
6. Discussed the Planning Meeting agenda for the July meeting.
7. The staff continues to work well together and Mr. Lund is doing a great job.
8. Good feedback has been received on the Listserv but an e-mail can be received to remove your name from the list.

IV. Investigative Report presented by Mr. Hegarty:

Mr. Hegarty reported:

1. Thanked the Investigative Liaisons; Mr. Nelson, Ms. Venrick and Ms. Cooper.
2. Fifty-two new complaints have been received with the majority regarding continuing education audits.
3. Working on a custody dispute case.
4. Thanked Ms. Hosom and Ms. Tingle for their hard work.

V. Legal Update presented by Atty. Melissa Wilburn:

Atty. Melissa Wilburn reported:

1. No hearings requested.
2. No decision made in the Murray case.

VI. Marriage and Family Therapist Professional Standards Committee Report was presented by Dr. McGloshen:

Dr. McGloshen reported:

1. Licensed one IMFT and seven MFT's.
2. Reviewed and approved nine exam requests.
3. Discussed the draft rule on supervision.
4. Clarified the supervision rule.
5. Budget permitting Dr. McGloshen moved to send Dr. Petrich and Ms. Adorjan to attend the MFT Regulatory Board Meeting in San Francisco, CA in September, seconded by Mr. Nelson. Approved. Carried. Mr. Rough will review the budget to see if possible to send two people. Dr. Petrich stated if only one person can attend that Ms. Adorjan be that person.

VII. Counselor Professional Standards Committee Report was presented by Ms. Venrick:

Ms. Venrick reported:

1. Approved fifty-six PC's and forty-two PCC's.
2. Reported exam results.
3. Sent out seven-hundred and four CT letters and one-hundred and fifty-two exam packets.
4. Ms. Cooper and Ms. Venrick closed cases.
5. Discussed endorsement applications, reviewed the laws and rules, responded to three correspondences, and denied one CT for moral character issues.

Dr. Gilyard commented the exam appears friendlier to licensees in private practice versus agencies. Mr. Rough stated there are no figures to support that and some individuals are re-taking the exam. Dr. Gilyard stated the Committee went over the figures. Ms. Cooper stated in private practice more decisions are made and there is more involvement. Dr. Gilyard requested this information be made available to students.

VIII. Social Work Professional Standards Committee Report was presented by Mr. Nelson:

Mr. Nelson reported:

1. Approved eighty-two LISW's, one-hundred and sixteen LSW's, nineteen SWA's and fifteen SWT's. Approved related degrees. Denied a hardship request.
2. A couple of hearings took place involving related degrees.
3. Mr. Miller reported to the Committee on the ASWB Spring Training Conference he attended in Lexington, KY, in April. Interesting information was given on different types of electronic therapy such as; AVATAR Therapy, Video Game Therapy, Four Square Therapy. The question of whether a therapist not understanding these therapies are considered practicing outside of their competency and can they refer a client at that point. Mr. Robertson stated to add E-therapy to the July meeting agenda as well as the term moral character.
4. Welcomed Mr. Lund to the Board.

IX. Committee Reports

Executive Committee

Mr. Robertson reported: Information already covered in the executive director's report.

CEU Committee

Mr. Polovick reported.

1. Ms. Broome is now working on audits full time and brought some professional disclosure statement issues to the Committee.
2. Survey Monkey results continue to be positive.
3. A draft rule is being composed to require 10,000 words per hour for on-line programs. NASW will not follow this rule even though the Board accepts their approval.
4. Elite, a continuing education company sent some on-line programs to be taken to see how long the programs take to be completed.
5. Discussed an agency using a provider number nine years after it lapsed and the repercussions.
6. NASW out of Oregon requested blanket continuing education approval and was denied.
7. Dr. McGloshen commented how impressive Ms. Broome's report was and that eighty-five percent of licensees do not have professional disclosure statements.

Investigations Ad Hoc Committee

No Meeting.

X. New Business: None

XI. Old Business:

If anyone is not participating in the lunch or dinner for the July meeting please let Mr. Rough know.

Mr. Robertson seconded the good job Ms. Broome is doing and glad she is focusing on more than continuing education. Also thanked the staff for doing a good job. Reminded everyone to be prepared for the July planning meeting.

Please remember to leave quietly and have a safe trip home.

XII. Adjourned: 2:00 PM

Tommie L. Robertson, LIMFT, Board Chair



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Planning Meeting Agenda

July 19, 2012

The following schedule for Thursday Planning meeting July 19, 2012 is based on input to date and last year's format.

1:00 - 2:00 Lunch - Together at Department of Aging 10th Floor LeVeque – Jim setup pizza

2:00 - 3:00 General discussion –

1. Similarities/differences of three committees: Consistency of decisions and opportunity for exceptions across the board
2. Issues from 2011 meeting:
 - a. Multiple CEU Committee issues:
 - i. Should we move forward for study the continuing competency model to replace continuing education? – assign to the CEU Committee: - in work
 - ii. How do we make the current CEU program more effective - assign to the CEU Committee – in work
 - iii. Spirituality monitoring of issues – in work
 - b. Investigative Liaison Committee issues:
 - i. Continue work on monitor process – in work
 - ii. Establish guidelines for training or mentoring of new investigative liaisons – in work
 - c. Legislative issues: - Mr. Rough assigned
 - i. Statute change bill introduction in House and Senate – in work
 - ii. CE audit fine/fee implementation within statute change – in work
 - d. MFT growth – MFT professional standards committee – in work
3. One, Three, Five year issues – what should the focus be?

3:00 - 3:50 Discipline process:

1. Improve sanctions – changes have been made to specifically address areas of concern in terms of monitoring – more communication occurs between compliance staff member and supervisors.
2. Ethical decision making training opportunities
3. Monitor training not formalized yet
4. CE audit failure fines: the rule is in place and we may use fines. The draft statute change incorporates language for a fee for late CE completion for renewals, which would not be reportable discipline since it is not a fine.

3:50 - 4:00 Break

4:00 - 5:00 CE issues:

1. CEU program/provider approval/denial – process consistency within and among PSCs
 - a. If one member says No another reviews it
 - b. If a member says yes, but thinks maybe others might say no, have another member review it
2. CE Provider & Programs under the draft statute change language will be “registrations” formally with the board and subject to discipline actions. CE Provider and CE Program applications now have fees.

5:00 - 6:00 Multiple items

1. Consumer education
2. Statute change including Civil Service exemption
3. Electronic Service Delivery – rule 4757-5-13 pertains - E-therapy and other issues are growing in discussion and across the states. What should we do to stay current?
4. Marketing of MFT/IMFT
5. Supervision - types of records and more direction – staff gets many questions regarding supervision logs
6. Professional Disclosure Statement – are removed in the draft statute change
7. Five year rule review – plan to file rules in August
8. Retired or Escrow status for which a fee is paid, but cannot use license and no CE required. To change back to active, a rule would set requirements for CE and an application.
9. What is moral turpitude or conversely good moral character? Governor’s office and Ohio Department of Corrections are pushing agenda to help former prisoners enter the job force with less stigma.
10. Does introduced bill HB 567 cover all issues desired?

6:00 - 7:00 Dinner – Chinese delivery

6:20 - 8:00 Action Plan - while finishing dinner

1. Summary of discussion
2. New issues identified
3. Action to take and timeframe

Statute Changes in House Bill 567

The changes below are in House Bill 567. Please share with others.

- 1701./1705./1785. General corporation law; Limited liability companies; Professional associations; and requires new division 4757.37 and changes to the other professionals Sections of the Revised Code. *Adds our licensees too these laws*
- 2305.51 Mental health professional or organization not liable for violent behavior by client or patient. – *adds MFTs*
- 2921.22 Failure to report a crime or knowledge of a death or burn injury. - *adds MFTs*
- 3107.014. Duties of an assessor – *no change in this version – change needed and submitted with concurrence of PCSAO.*
- 3701.74 Patient or patient's representative to submit request to examine or obtain copy of medical record. *Adds MFTs – Allows our licensees & Psychologists to send a copy of a patient file to another licensee rather than client, if adverse effect is likely for client*

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

- 4757.03 Counselor, social worker, and marriage and family therapist board. *Change to allow board members to serve until replaced. Changes to require a board member on each professional standards committee have public agency or other public experience.*
- 4757.13 Deletes 4757.12 and adds simpler requirement than professional disclosure statement.
- 4757.16 Application for license or registration. *Change to write rules on approval of applications.*
- 4757.22 Professional clinical counselor license. *Change to require a CACREP accredited degree for graduates from Ohio schools after 1/1/2018. Requires clinical coursework, but 30 quarter or 20 semester hour removed.*
- 4757.23 Professional counselor license. *Change to require a CACREP accredited degree for graduates from Ohio schools after 1/1/2018. Adds language for Counselor Trainees.*
- 4757.27 Independent social worker license. *Adds language for Social Worker Trainees. Removes doctorate as a qualifying degree and requires CSWE accreditation for the Master's degree.*
- 4757.28 Social worker license. *Removes related degree as a qualifying degree.*
- 4757.29 Certificate of registration as social work assistant. *Removes outdated and no longer applicable language.*
- 4757.30 Marriage and family therapist license; independent therapist license. *Adds a MFT Trainee registration option.*
- 4757.31 Fees; deposit of receipts; vouchers. *Adds a non-discipline fee for late completion of continuing education requirements for renewal.*
- 4757.33 Continuing education; additional coursework for certain social workers. *Removes the related degree initial continuing education requirement.*
- 4757.36 Grounds for disciplinary action; reinstatement. *Changes recommended by Attorney General's office.*
- 4757.37 *Adds language for the professional corporations and LLCs.*
- 4757.41 Exceptions from provisions. *Removes the exemption for civil service employees with less than 2 years of service at the time change goes into effect. Exempts rehabilitation counselors providing services under 3304.17.*
- 5101.61 & 3721.21 & 3721.22 Adult protective services definitions & Reporting abuse, neglect or exploitation of adult & Long-term care facility definitions & Reporting abuse or neglect of resident or misappropriation of property – *adds MFTs*
- 5123.61 Reporting abuse, neglect, and other major unusual incidents. – *adds MFTs & Counselors*
- *Temporary language in Section 3 – Department of Administrative Services has one year to implement the changes.*

As Introduced

**129th General Assembly
Regular Session
2011-2012**

H. B. No. 567

Representative Sears

Cosponsors: Representatives Gonzales, Hackett, Hill, Stebelton, Thompson

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A B I L L

To amend sections 1701.03, 1705.03, 1705.04, 1705.53, 1
1785.01, 1785.02, 1785.03, 2305.234, 2305.51, 2
2921.22, 3107.014, 3701.74, 3721.21, 4723.16, 3
4725.33, 4729.161, 4731.226, 4731.65, 4732.28, 4
4734.17, 4755.471, 4757.03, 4757.16, 4757.22, 5
4757.23, 4757.27, 4757.28, 4757.29, 4757.30, 6
4757.31, 4757.33, 4757.36, 4757.41, 5101.61, and 7
5123.61; to enact sections 4757.13 and 4757.37; 8
and to repeal section 4757.12 of the Revised Code 9
to modify counselor, social worker, and marriage 10
and family therapist licensing law, to provide 11
certain professional rights to such licensees, and 12
to amend the version of section 5123.61 of the 13
Revised Code that is scheduled to take effect on 14
October 1, 2012. 15

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

Section 1. That sections 1701.03, 1705.03, 1705.04, 1705.53, 16
1785.01, 1785.02, 1785.03, 2305.234, 2305.51, 2921.22, 3107.014, 17
3701.74, 3721.21, 4723.16, 4725.33, 4729.161, 4731.226, 4731.65, 18
4732.28, 4734.17, 4755.471, 4757.03, 4757.16, 4757.22, 4757.23, 19
4757.27, 4757.28, 4757.29, 4757.30, 4757.31, 4757.33, 4757.36, 20

4757.41, 5101.61, and 5123.61 be amended and sections 4757.13 and 21
4757.37 be enacted to read as follows: 22

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

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

therapists authorized under sections 4755.40 to 4755.56 of the 52
Revised Code, mechanotherapists authorized under section 4731.151 53
of the Revised Code, and doctors of medicine and surgery, 54
osteopathic medicine and surgery, or podiatric medicine and 55
surgery authorized under Chapter 4731. of the Revised Code. This 56
chapter does not restrict, limit, or otherwise affect the 57
authority or responsibilities of any agency, board, commission, 58
department, office, or other entity to license, register, and 59
otherwise regulate the professional conduct of individuals or 60
organizations of any kind rendering professional services, as 61
defined in section 1785.01 of the Revised Code, in this state or 62
to regulate the practice of any profession that is within the 63
jurisdiction of the agency, board, commission, department, office, 64
or other entity, notwithstanding that an individual is a director, 65
officer, employee, or other agent of a corporation formed under 66
this chapter and is rendering professional services or engaging in 67
the practice of a profession through a corporation formed under 68
this chapter or that the organization is a corporation formed 69
under this chapter. 70

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

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

therapists licensed under Chapter 4757. of the Revised Code, 84
registered or licensed practical nurses authorized under Chapter 85
4723. of the Revised Code, pharmacists authorized under Chapter 86
4729. of the Revised Code, physical therapists authorized under 87
sections 4755.40 to 4755.56 of the Revised Code, mechanotherapists 88
authorized under section 4731.151 of the Revised Code, and doctors 89
of medicine and surgery, osteopathic medicine and surgery, or 90
podiatric medicine and surgery authorized under Chapter 4731. of 91
the Revised Code shall control the professional clinical judgment 92
exercised within accepted and prevailing standards of practice of 93
a licensed, certificated, or otherwise legally authorized 94
optometrist, chiropractor, chiropractor practicing acupuncture 95
through the state chiropractic board, counselor, social worker, 96
marriage and family therapist, psychologist, nurse, pharmacist, 97
physical therapist, mechanotherapist, or doctor of medicine and 98
surgery, osteopathic medicine and surgery, or podiatric medicine 99
and surgery in rendering care, treatment, or professional advice 100
to an individual patient. 101

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

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

(B) Unless otherwise provided in its articles of 114

organization, a limited liability company may take property of any 115
description or any interest in property of any description by 116
gift, devise, or bequest and may make donations for the public 117
welfare or for charitable, scientific, or educational purposes. 118

(C) In carrying out the purposes stated in its articles of 119
organization or operating agreement and subject to limitations 120
prescribed by law or in its articles of organization or its 121
operating agreement, a limited liability company may do all of the 122
following: 123

(1) Purchase or otherwise acquire, lease as lessee or lessor, 124
invest in, hold, use, encumber, sell, exchange, transfer, and 125
dispose of property of any description or any interest in property 126
of any description; 127

(2) Make contracts; 128

(3) Form or acquire the control of other domestic or foreign 129
limited liability companies; 130

(4) Be a shareholder, partner, member, associate, or 131
participant in other profit or nonprofit enterprises or ventures; 132

(5) Conduct its affairs in this state and elsewhere; 133

(6) Render in this state and elsewhere a professional 134
service, the kinds of professional services authorized under 135
Chapters 4703. and 4733. of the Revised Code, or a combination of 136
the professional services of optometrists authorized under Chapter 137
4725. of the Revised Code, chiropractors authorized under Chapter 138
4734. of the Revised Code to practice chiropractic or acupuncture, 139
counselors, social workers, or marriage and family therapists 140
licensed under Chapter 4757. of the Revised Code, psychologists 141
authorized under Chapter 4732. of the Revised Code, registered or 142
licensed practical nurses authorized under Chapter 4723. of the 143
Revised Code, pharmacists authorized under Chapter 4729. of the 144
Revised Code, physical therapists authorized under sections 145

4755.40 to 4755.56 of the Revised Code, occupational therapists	146
authorized under sections 4755.04 to 4755.13 of the Revised Code,	147
mechanotherapists authorized under section 4731.151 of the Revised	148
Code, and doctors of medicine and surgery, osteopathic medicine	149
and surgery, or podiatric medicine and surgery authorized under	150
Chapter 4731. of the Revised Code;	151
(7) Borrow money;	152
(8) Issue, sell, and pledge its notes, bonds, and other	153
evidences of indebtedness;	154
(9) Secure any of its obligations by mortgage, pledge, or	155
deed of trust of all or any of its property;	156
(10) Guarantee or secure obligations of any person;	157
(11) Do all things permitted by law and exercise all	158
authority within or incidental to the purposes stated in its	159
articles of organization.	160
(D) In addition to the authority conferred by division (C) of	161
this section and irrespective of the purposes stated in its	162
articles of organization or operating agreement but subject to any	163
limitations stated in those articles or its operating agreement, a	164
limited liability company may invest funds not currently needed in	165
its business in any securities if the investment does not cause	166
the company to acquire control of another enterprise whose	167
activities and operations are not incidental to the purposes	168
stated in the articles of organization of the company.	169
(E)(1) No lack of authority or limitation upon the authority	170
of a limited liability company shall be asserted in any action	171
except as follows:	172
(a) By the state in an action by it against the company;	173
(b) By or on behalf of the company in an action against a	174
manager, an officer, or any member as a member;	175

(c) By a member as a member in an action against the company, 176
a manager, an officer, or any member as a member; 177

(d) In an action involving an alleged improper issue of a 178
membership interest in the company. 179

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

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

(1) The name of the company; 188

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

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

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

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

(C) If a limited liability company is formed under this 202
chapter for the purpose of rendering a professional service, the 203
kinds of professional services authorized under Chapters 4703. and 204
4733. of the Revised Code, or a combination of the professional 205

services of optometrists authorized under Chapter 4725. of the 206
Revised Code, chiropractors authorized under Chapter 4734. of the 207
Revised Code to practice chiropractic or acupuncture, counselors, 208
social workers, or marriage and family therapists licensed under 209
Chapter 4757. of the Revised Code, psychologists authorized under 210
Chapter 4732. of the Revised Code, registered or licensed 211
practical nurses authorized under Chapter 4723. of the Revised 212
Code, pharmacists authorized under Chapter 4729. of the Revised 213
Code, physical therapists authorized under sections 4755.40 to 214
4755.56 of the Revised Code, occupational therapists authorized 215
under sections 4755.04 to 4755.13 of the Revised Code, 216
mechanotherapists authorized under section 4731.151 of the Revised 217
Code, and doctors of medicine and surgery, osteopathic medicine 218
and surgery, or podiatric medicine and surgery authorized under 219
Chapter 4731. of the Revised Code, the following apply: 220

(1) Each member, employee, or other agent of the company who 221
renders a professional service in this state and, if the 222
management of the company is not reserved to its members, each 223
manager of the company who renders a professional service in this 224
state shall be licensed, certificated, or otherwise legally 225
authorized to render in this state the same kind of professional 226
service; if applicable, the kinds of professional services 227
authorized under Chapters 4703. and 4733. of the Revised Code; or, 228
if applicable, any of the kinds of professional services of 229
optometrists authorized under Chapter 4725. of the Revised Code, 230
chiropractors authorized under Chapter 4734. of the Revised Code 231
to practice chiropractic or acupuncture, counselors, social 232
workers, or marriage and family therapists licensed under Chapter 233
4757. of the Revised Code, psychologists authorized under Chapter 234
4732. of the Revised Code, registered or licensed practical nurses 235
authorized under Chapter 4723. of the Revised Code, pharmacists 236
authorized under Chapter 4729. of the Revised Code, physical 237
therapists authorized under sections 4755.40 to 4755.56 of the 238

Revised Code, occupational therapists authorized under sections 239
4755.04 to 4755.13 of the Revised Code, mechanotherapists 240
authorized under section 4731.151 of the Revised Code, or doctors 241
of medicine and surgery, osteopathic medicine and surgery, or 242
podiatric medicine and surgery authorized under Chapter 4731. of 243
the Revised Code. 244

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

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

(E) No limited liability company formed for the purpose of 269
providing a combination of the professional services, as defined 270

in section 1785.01 of the Revised Code, of optometrists authorized 271
under Chapter 4725. of the Revised Code, chiropractors authorized 272
under Chapter 4734. of the Revised Code to practice chiropractic 273
or acupuncture, counselors, social workers, or marriage and family 274
therapists licensed under Chapter 4757. of the Revised Code, 275
psychologists authorized under Chapter 4732. of the Revised Code, 276
registered or licensed practical nurses authorized under Chapter 277
4723. of the Revised Code, pharmacists authorized under Chapter 278
4729. of the Revised Code, physical therapists authorized under 279
sections 4755.40 to 4755.56 of the Revised Code, occupational 280
therapists authorized under sections 4755.04 to 4755.13 of the 281
Revised Code, mechanotherapists authorized under section 4731.151 282
of the Revised Code, and doctors of medicine and surgery, 283
osteopathic medicine and surgery, or podiatric medicine and 284
surgery authorized under Chapter 4731. of the Revised Code shall 285
control the professional clinical judgment exercised within 286
accepted and prevailing standards of practice of a licensed, 287
certificated, or otherwise legally authorized optometrist, 288
chiropractor, chiropractor practicing acupuncture through the 289
state chiropractic board, counselor, social worker, marriage and 290
family therapist, psychologist, nurse, pharmacist, physical 291
therapist, occupational therapist, mechanotherapist, or doctor of 292
medicine and surgery, osteopathic medicine and surgery, or 293
podiatric medicine and surgery in rendering care, treatment, or 294
professional advice to an individual patient. 295

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

the professional clinical judgment of an individual practitioner 304
listed in this division. 305

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

of medicine and surgery, osteopathic medicine and surgery, or 336
podiatric medicine and surgery authorized under Chapter 4731. of 337
the Revised Code are to be rendered. 338

Sec. 1785.01. As used in this chapter: 339

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

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

Revised Code to practice chiropractic or acupuncture, counselors, 367
social workers, or marriage and family therapists licensed under 368
Chapter 4757. of the Revised Code, psychologists authorized under 369
Chapter 4732. of the Revised Code, registered or licensed 370
practical nurses authorized under Chapter 4723. of the Revised 371
Code, pharmacists authorized under Chapter 4729. of the Revised 372
Code, physical therapists authorized under sections 4755.40 to 373
4755.56 of the Revised Code, occupational therapists authorized 374
under sections 4755.04 to 4755.13 of the Revised Code, 375
mechanotherapists authorized under section 4731.151 of the Revised 376
Code, and doctors of medicine and surgery, osteopathic medicine 377
and surgery, or podiatric medicine and surgery authorized under 378
Chapter 4731. of the Revised Code. 379

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

4755.13 of the Revised Code, mechanotherapists authorized under 399
section 4731.151 of the Revised Code, or doctors of medicine and 400
surgery, osteopathic medicine and surgery, or podiatric medicine 401
and surgery authorized under Chapter 4731. of the Revised Code may 402
organize and become a shareholder or shareholders of a 403
professional association. Any group of individuals described in 404
this section who may be rendering one of the professional services 405
as an organization created otherwise than pursuant to this chapter 406
may incorporate under and pursuant to this chapter by amending the 407
agreement establishing the organization in a manner that the 408
agreement as amended constitutes articles of incorporation 409
prepared and filed in the manner prescribed in section 1785.08 of 410
the Revised Code and by otherwise complying with the applicable 411
requirements of this chapter. 412

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

No professional association formed for the purpose of 426
providing a combination of the professional services, as defined 427
in section 1785.01 of the Revised Code, of optometrists authorized 428
under Chapter 4725. of the Revised Code, chiropractors authorized 429
under Chapter 4734. of the Revised Code to practice chiropractic 430

or acupuncture, counselors, social workers, or marriage and family 431
therapists licensed under Chapter 4757. of the Revised Code, 432
psychologists authorized under Chapter 4732. of the Revised Code, 433
registered or licensed practical nurses authorized under Chapter 434
4723. of the Revised Code, pharmacists authorized under Chapter 435
4729. of the Revised Code, physical therapists authorized under 436
sections 4755.40 to 4755.56 of the Revised Code, occupational 437
therapists authorized under sections 4755.04 to 4755.13 of the 438
Revised Code, mechanotherapists authorized under section 4731.151 439
of the Revised Code, and doctors of medicine and surgery, 440
osteopathic medicine and surgery, or podiatric medicine and 441
surgery authorized under Chapter 4731. of the Revised Code shall 442
control the professional clinical judgment exercised within 443
accepted and prevailing standards of practice of a licensed, 444
certificated, or otherwise legally authorized optometrist, 445
chiropractor, chiropractor practicing acupuncture through the 446
state chiropractic board, counselor, social worker, marriage and 447
family therapist, psychologist, nurse, pharmacist, physical 448
therapist, occupational therapist, mechanotherapist, or doctor of 449
medicine and surgery, osteopathic medicine and surgery, or 450
podiatric medicine and surgery in rendering care, treatment, or 451
professional advice to an individual patient. 452

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

Sec. 2305.234. (A) As used in this section:	463
(1) "Chiropractic claim," "medical claim," and "optometric claim" have the same meanings as in section 2305.113 of the Revised Code.	464 465 466
(2) "Dental claim" has the same meaning as in section 2305.113 of the Revised Code, except that it does not include any claim arising out of a dental operation or any derivative claim for relief that arises out of a dental operation.	467 468 469 470
(3) "Governmental health care program" has the same meaning as in section 4731.65 of the Revised Code.	471 472
(4) "Health care facility or location" means a hospital, clinic, ambulatory surgical facility, office of a health care professional or associated group of health care professionals, training institution for health care professionals, or any other place where medical, dental, or other health-related diagnosis, care, or treatment is provided to a person.	473 474 475 476 477 478
(5) "Health care professional" means any of the following who provide medical, dental, or other health-related diagnosis, care, or treatment:	479 480 481
(a) Physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	482 483 484
(b) Registered nurses and licensed practical nurses licensed under Chapter 4723. of the Revised Code and individuals who hold a certificate of authority issued under that chapter that authorizes the practice of nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner;	485 486 487 488 489 490
(c) Physician assistants authorized to practice under Chapter 4730. of the Revised Code;	491 492

(d) Dentists and dental hygienists licensed under Chapter 4715. of the Revised Code;	493 494
(e) Physical therapists, physical therapist assistants, occupational therapists, and occupational therapy assistants licensed under Chapter 4755. of the Revised Code;	495 496 497
(f) Chiropractors licensed under Chapter 4734. of the Revised Code;	498 499
(g) Optometrists licensed under Chapter 4725. of the Revised Code;	500 501
(h) Podiatrists authorized under Chapter 4731. of the Revised Code to practice podiatry;	502 503
(i) Dietitians licensed under Chapter 4759. of the Revised Code;	504 505
(j) Pharmacists licensed under Chapter 4729. of the Revised Code;	506 507
(k) Emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic, certified under Chapter 4765. of the Revised Code;	508 509 510 511
(l) Respiratory care professionals licensed under Chapter 4761. of the Revised Code;	512 513
(m) Speech-language pathologists and audiologists licensed under Chapter 4753. of the Revised Code;	514 515
<u>(n) Counselors, social workers, or marriage and family therapists authorized to practice counseling, social work, or marriage and family therapy under Chapter 4757. of the Revised Code;</u>	516 517 518 519
<u>(o) Psychologists authorized to practice psychology under Chapter 4732. of the Revised Code;</u>	520 521

(p) Individuals licensed or certified under Chapter 4758. of 522
the Revised Code who are acting within the scope of their license 523
or certificate as members of the profession of chemical dependency 524
counseling or alcohol and other drug prevention services. 525

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

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

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

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

(c) Either of the following applies: 543

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

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

or bankruptcy proceedings in any jurisdiction. 553

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

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

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

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

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

(13) "Deep sedation" means a drug-induced depression of 583

consciousness during which a patient cannot be easily aroused but 584
responds purposefully following repeated or painful stimulation, a 585
patient's ability to independently maintain ventilatory function 586
may be impaired, a patient may require assistance in maintaining a 587
patent airway and spontaneous ventilation may be inadequate, and 588
cardiovascular function is usually maintained. 589

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

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

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

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

to duress or under undue influence; 616

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

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

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

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

action, including an action upon a medical, dental, chiropractic, 648
optometric, or other health-related claim, for injury, death, or 649
loss to person or property that allegedly arises from an action or 650
omission of the health care worker in the provision to an indigent 651
and uninsured person of medical, dental, or other health-related 652
diagnosis, care, or treatment, unless the action or omission 653
constitutes willful or wanton misconduct. 654

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

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

from an action or omission of the health care professional or 680
worker or nonprofit health care referral organization relative to 681
the medical, dental, or other health-related diagnosis, care, or 682
treatment provided to an indigent and uninsured person on behalf 683
of or at the health care facility or location, unless the action 684
or omission constitutes willful or wanton misconduct. 685

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The nature of the threat; 821

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

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

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

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

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

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

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

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

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

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

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

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

law enforcement authorities. 864

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

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

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

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

(a) Second or third degree burns; 890

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

assessor may be utilized for an adoption. 1049

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

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

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

"Ambulatory care facility" does not include the private office of a physician or dentist, whether the office is for an individual or group practice. 1080
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(2) "Chiropractor" means an individual licensed under Chapter 4734. of the Revised Code to practice chiropractic. 1083
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(3) "Emergency facility" means a hospital emergency department or any other facility that provides emergency medical services. 1085
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(4) "Health care practitioner" means all of the following: 1088

(a) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code; 1089
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(b) A registered or licensed practical nurse licensed under Chapter 4723. of the Revised Code; 1091
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(c) An optometrist licensed under Chapter 4725. of the Revised Code; 1093
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(d) A dispensing optician, spectacle dispensing optician, contact lens dispensing optician, or spectacle-contact lens dispensing optician licensed under Chapter 4725. of the Revised Code; 1095
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(e) A pharmacist licensed under Chapter 4729. of the Revised Code; 1099
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(f) A physician; 1101

(g) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant; 1102
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(h) A practitioner of a limited branch of medicine issued a certificate under Chapter 4731. of the Revised Code; 1104
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(i) A psychologist licensed under Chapter 4732. of the Revised Code; 1106
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(j) A chiropractor; 1108

(k) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;	1109 1110
(l) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	1111 1112
(m) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	1113 1114
(n) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	1115 1116
(o) A professional clinical counselor, professional counselor, social worker, or independent social worker , <u>marriage and family therapist, or independent marriage and family therapist</u> licensed, or a social work assistant registered, under Chapter 4757. of the Revised Code;	1117 1118 1119 1120 1121
(p) A dietitian licensed under Chapter 4759. of the Revised Code;	1122 1123
(q) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	1124 1125
(r) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code.	1126 1127 1128
(5) "Health care provider" means a hospital, ambulatory care facility, long-term care facility, pharmacy, emergency facility, or health care practitioner.	1129 1130 1131
(6) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.	1132 1133
(7) "Long-term care facility" means a nursing home, residential care facility, or home for the aging, as those terms are defined in section 3721.01 of the Revised Code; an adult care facility, as defined in section 5119.70 of the Revised Code; a nursing facility or intermediate care facility for the mentally	1134 1135 1136 1137 1138

retarded, as those terms are defined in section 5111.20 of the Revised Code; a facility or portion of a facility certified as a skilled nursing facility under Title XVIII of the "Social Security Act," 49 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended.

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

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

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

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

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

(11) "Patient's personal representative" means a minor patient's parent or other person acting in loco parentis, a court-appointed guardian, or a person with durable power of attorney for health care for a patient, the executor or administrator of the patient's estate, or the person responsible for the patient's estate if it is not to be probated. "Patient's personal representative" does not include an insurer authorized under Title XXXIX of the Revised Code to do the business of sickness and accident insurance in this state, a health insuring corporation holding a certificate of authority under Chapter 1751. of the Revised Code, or any other person not named in this division.

(12) "Pharmacy" has the same meaning as in section 4729.01 of the Revised Code. 1170
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(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. 1172
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(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. 1176
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(B) A patient, a patient's personal representative or an authorized person who wishes to examine or obtain a copy of part or all of a medical record shall submit to the health care provider a written request signed by the patient, personal representative, or authorized person dated not more than one year before the date on which it is submitted. The request shall indicate whether the copy is to be sent to the requestor, physician or chiropractor, or held for the requestor at the office of the health care provider. Within a reasonable time after receiving a request that meets the requirements of this division and includes sufficient information to identify the record requested, a health care provider that has the patient's medical records shall permit the patient to examine the record during regular business hours without charge or, on request, shall provide a copy of the record in accordance with section 3701.741 of the Revised Code, except that if a physician, psychologist, counselor, social worker, marriage and family therapist, or chiropractor who has treated the patient determines for clearly stated treatment reasons that disclosure of the requested record is likely to have an adverse effect on the patient, the health care provider shall provide the record to a physician, psychologist, counselor, social worker, marriage and family therapist, or chiropractor designated by the patient. The health 1179
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care provider shall take reasonable steps to establish the 1202
identity of the person making the request to examine or obtain a 1203
copy of the patient's record. 1204

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"nurse aide" means an individual who provides nursing and 1262
nursing-related services to residents in a long-term care 1263
facility, either as a member of the staff of the facility for 1264
monetary compensation or as a volunteer without monetary 1265
compensation. 1266

(2) "Nurse aide" does not include either of the following: 1267

(a) A licensed health professional practicing within the 1268
scope of the professional's license; 1269

(b) An individual providing nursing and nursing-related 1270
services in a religious nonmedical health care institution, if the 1271
individual has been trained in the principles of nonmedical care 1272
and is recognized by the institution as being competent in the 1273
administration of care within the religious tenets practiced by 1274
the residents of the institution. 1275

(L) "Licensed health professional" means all of the 1276
following: 1277

(1) An occupational therapist or occupational therapy 1278
assistant licensed under Chapter 4755. of the Revised Code; 1279

(2) A physical therapist or physical therapy assistant 1280
licensed under Chapter 4755. of the Revised Code; 1281

(3) A physician authorized under Chapter 4731. of the Revised 1282
Code to practice medicine and surgery, osteopathic medicine and 1283
surgery, or podiatry; 1284

(4) A physician assistant authorized under Chapter 4730. of 1285
the Revised Code to practice as a physician assistant; 1286

(5) A registered nurse or licensed practical nurse licensed 1287
under Chapter 4723. of the Revised Code; 1288

(6) A social worker or independent social worker licensed 1289
under Chapter 4757. of the Revised Code or a social work assistant 1290
registered under that chapter; 1291

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Registered or licensed practical nurses who are 1413

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

division (B) of section 1701.03 of the Revised Code, a limited liability company formed under Chapter 1705. of the Revised Code, a partnership, or a professional association formed under Chapter 1785. of the Revised Code. Division (A)(1) of this section does not preclude an individual of that nature from rendering professional services as a doctor of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery 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 state medical board adopted pursuant to this chapter.

(2) An individual whom the state medical board authorizes to engage in the practice of mechanotherapy may render the professional services of a mechanotherapist 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. Division (A)(2) of this section does not preclude an individual of that nature from rendering professional services as a mechanotherapist 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 state medical 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:	1538
(1) Optometrists who are authorized to practice optometry under Chapter 4725. of the Revised Code;	1539 1540
(2) Chiropractors who are authorized to practice chiropractic or acupuncture under Chapter 4734. of the Revised Code;	1541 1542
(3) <u>Counselors, social workers, or marriage and family therapists licensed under Chapter 4757. of the Revised Code;</u>	1543 1544
<u>(4)</u> Psychologists who are authorized to practice psychology under Chapter 4732. of the Revised Code;	1545 1546
(4) <u>(5)</u> Registered or licensed practical nurses who are authorized to practice nursing as registered nurses or as licensed practical nurses under Chapter 4723. of the Revised Code;	1547 1548 1549
(5) <u>(6)</u> Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;	1550 1551
(6) <u>(7)</u> Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;	1552 1553 1554
(7) <u>(8)</u> Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;	1555 1556 1557
(8) <u>(9)</u> Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;	1558 1559
(9) <u>(10)</u> Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under this chapter.	1560 1561 1562
(C) Division (B) of this section shall apply notwithstanding a provision of a code of ethics described in division (B)(18) of section 4731.22 of the Revised Code that prohibits either of the following:	1563 1564 1565 1566

(1) A doctor of medicine and surgery, osteopathic medicine 1567
and surgery, or podiatric medicine and surgery from engaging in 1568
the doctor's authorized practice in combination with a person who 1569
is licensed, certificated, or otherwise legally authorized to 1570
engage in the practice of optometry, chiropractic, acupuncture 1571
through the state chiropractic board, counseling, social work, 1572
marriage and family therapy, psychology, nursing, pharmacy, 1573
physical therapy, occupational therapy, or mechanotherapy, but who 1574
is not also licensed, certificated, or otherwise legally 1575
authorized to practice medicine and surgery, osteopathic medicine 1576
and surgery, or podiatric medicine and surgery. 1577

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

Sec. 4731.65. As used in sections 4731.65 to 4731.71 of the 1588
Revised Code: 1589

(A)(1) "Clinical laboratory services" means either of the 1590
following: 1591

(a) Any examination of materials derived from the human body 1592
for the purpose of providing information for the diagnosis, 1593
prevention, or treatment of any disease or impairment or for the 1594
assessment of health; 1595

(b) Procedures to determine, measure, or otherwise describe 1596
the presence or absence of various substances or organisms in the 1597

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

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

which all of the following apply: 1661

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Chiropractors who are authorized to practice chiropractic or acupuncture under Chapter 4734. of the Revised Code;	1722 1723
(3) Psychologists who are authorized to practice psychology under this chapter;	1724 1725
(4) Registered or licensed practical nurses who are authorized to practice nursing as registered nurses or as licensed practical nurses under Chapter 4723. of the Revised Code;	1726 1727 1728
(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;	1729 1730
(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;	1731 1732 1733
(7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;	1734 1735 1736
(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;	1737 1738
(9) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under Chapter 4731. of the Revised Code;	1739 1740 1741 1742
<u>(10) Counselors, social workers, or marriage and family therapists, or independent marriage and family therapists who are authorized to practice counseling, social work, or marriage and family therapy under Chapter 4757. of the Revised Code.</u>	1743 1744 1745 1746
This division shall apply notwithstanding a provision of a code of ethics applicable to a psychologist that prohibits a psychologist from engaging in the practice of psychology in combination with a person who is licensed, certificated, or otherwise legally authorized to practice optometry, chiropractic,	1747 1748 1749 1750 1751

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

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

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

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

(2) Chiropractors who are authorized to practice chiropractic 1782

or acupuncture under this chapter;	1783
(3) Psychologists who are authorized to practice psychology under Chapter 4732. of the Revised Code;	1784 1785
(4) Registered or licensed practical nurses who are authorized to practice nursing as registered nurses or as licensed practical nurses under Chapter 4723. of the Revised Code;	1786 1787 1788
(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;	1789 1790
(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;	1791 1792 1793
(7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;	1794 1795 1796
(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;	1797 1798
(9) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under Chapter 4731. of the Revised Code;	1799 1800 1801 1802
<u>(10) Counselors, social workers, or marriage and family therapists, or independent marriage and family therapists who are authorized to practice counseling, social work, or marriage and family therapy under Chapter 4757. of the Revised Code.</u>	1803 1804 1805 1806
This division shall apply notwithstanding a provision of any code of ethics established or adopted under section 4734.16 of the Revised Code that prohibits an individual from engaging in the practice of chiropractic or acupuncture in combination with an individual who is licensed, certificated, or otherwise authorized for the practice of optometry, psychology, nursing, pharmacy,	1807 1808 1809 1810 1811 1812

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

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

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

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

(2) Chiropractors who are authorized to practice chiropractic or acupuncture under Chapter 4734. of the Revised Code;	1844 1845
(3) Psychologists who are authorized to practice psychology under Chapter 4732. of the Revised Code;	1846 1847
(4) Registered or licensed practical nurses who are authorized to practice nursing as registered nurses or as licensed practical nurses under Chapter 4723. of the Revised Code;	1848 1849 1850
(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;	1851 1852
(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;	1853 1854 1855
(7) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;	1856 1857
(8) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under Chapter 4731. of the Revised Code;	1858 1859 1860 1861
<u>(9) Counselors, social workers, or marriage and family therapists, or independent marriage and family therapists who are authorized to practice counseling, social work, or marriage and family therapy under Chapter 4757. of the Revised Code.</u>	1862 1863 1864 1865
This division shall apply notwithstanding a provision of a code of ethics applicable to a physical therapist that prohibits a physical therapist from engaging in the practice of physical therapy in combination with a person who is licensed, certificated, or otherwise legally authorized to practice optometry, chiropractic, acupuncture through the state chiropractic board, psychology, nursing, pharmacy, mechanotherapy, medicine and surgery, osteopathic medicine and surgery, or	1866 1867 1868 1869 1870 1871 1872 1873

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

training acceptable to the committee, which the individual may 2119
complete while working toward receiving a graduate degree in 2120
counseling, or subsequent to receiving the degree, and which shall 2121
include training in the following areas: 2122

(a) Clinical psychopathology, personality, and abnormal 2123
behavior; 2124

(b) Evaluation of mental and emotional disorders; 2125

(c) Diagnosis of mental and emotional disorders; 2126

(d) Methods of prevention, intervention, and treatment of 2127
mental and emotional disorders. 2128

 (4) The individual must pass an examination administered by 2129
the board for the purpose of determining ability to practice as a 2130
professional counselor. 2131

 (C) To be accepted by the committee for purposes of division 2132
(B) of this section, counselor training must include at least the 2133
following: 2134

 (1) Instruction in human growth and development; counseling 2135
theory; counseling techniques; group dynamics, processing, and 2136
counseling; appraisal of individuals; research and evaluation; 2137
professional, legal, and ethical responsibilities; social and 2138
cultural foundations; and lifestyle and career development; 2139

 (2) Participation in a supervised practicum and internship in 2140
counseling. 2141

 (D) The committee may issue a provisional license to an 2142
applicant who meets all of the requirements to be licensed under 2143
this section, pending the receipt of transcripts or action by the 2144
committee to issue a license as a professional counselor. 2145

 (E) An individual may not sit for the licensing examination 2146
unless the individual meets the educational requirements to be 2147
licensed under this section. An individual who is denied admission 2148

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chapter 119. of the Revised Code. 2209

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

(2) The individual must hold from an accredited educational institution one of the following: 2228
2229

(a) A baccalaureate degree in social work ~~or, prior to October 10, 1992, a baccalaureate degree in a program closely related to social work and approved by the committee;~~ 2230
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(b) A master's degree in social work; 2233

(c) A doctorate in social work. 2234

(3) The individual must pass an examination administered by the board for the purpose of determining ability to practice as a social worker. 2235
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2237

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

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

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

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

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

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

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

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

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

(3) Achieved one of the following: 2292

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Maintains comprehensive records on all patients; 2764

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

agency. 3002

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

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

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

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

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

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

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

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

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

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

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

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

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

Revised Code are hereby repealed. 3096

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

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

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

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

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

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

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

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

defined in that section. 3125

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

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

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

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

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

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

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

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

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

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

of an organized religion. 3188

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

and the law enforcement agency shall make the written report of 3314
its findings to the county board. 3315

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

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

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

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

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

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

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

CSW - # of Cred by Prefix & Status		
Report generated on 7/2/2012 at 8:45:02 AM		
Prefix	Credential Status	Count
C	ACTIVE	4858
C	ACTIVE IN RENEWAL	459
C	ACTIVE IN RENEWAL - PAID	179
C	Application Incomplete	72
C	DECEASED	15
C	DENIED	102
C	EXAM PENDING	854
C	EXPIRED	8556
C	FAILED TO RENEW	398
C	FAILED TO RENEW - PAID	10
C	NEVER LICENSED	397
C	PENDING	345
C	REVOKED	3
C	SURRENDERED	1
C	Surrendered in Lieu of Discipline	6
C	SUSPENDED	3
C	UPGRADE	5682
Credential Prefix Totals		21940
E	ACTIVE	4006
E	ACTIVE IN RENEWAL	470
E	ACTIVE IN RENEWAL - PAID	154
E	Application Incomplete	55
E	DECEASED	23
E	DENIED	4
E	EXAM PENDING	451
E	EXPIRED	1256
E	FAILED TO RENEW	212
E	FAILED TO RENEW - PAID	7
E	NEVER LICENSED	34
E	PENDING	33
E	REVOKED	13
E	Surrendered in Lieu of Discipline	9
E	SUSPENDED	5
E	UPGRADE	689
Credential Prefix Totals		7421
F	ACTIVE	176
F	ACTIVE IN RENEWAL	22
F	ACTIVE IN RENEWAL - PAID	3
F	Application Incomplete	10
F	DECEASED	2
F	DENIED	1
F	EXAM PENDING	4
F	EXPIRED	29
F	FAILED TO RENEW	13
F	NEVER LICENSED	5
F	PENDING	8
Credential Prefix Totals		273
I	ACTIVE	6328
I	ACTIVE IN RENEWAL	903
I	ACTIVE IN RENEWAL - PAID	489
I	DECEASED	50
I	DENIED	3
I	EXPIRED	3770
I	FAILED TO RENEW	472
I	FAILED TO RENEW - PAID	13
I	LAPSED	1
I	NEVER LICENSED	159
I	PENDING	197
I	REVOKED	12
I	SURRENDERED	1
I	Surrendered in Lieu of Discipline	4

FY 2012
End of Year

CSW - # of Active Cred by Prefix & Stat			
Report generated on 7/2/2012 at 8:46:05 AM			
Prefix	Subcat	Credential Status	Count
C		ACTIVE	2924
C		ACTIVE IN RENEWAL	431
C		ACTIVE IN RENEWAL - PAID	147
C		FAILED TO RENEW - PAID	9
C	CR	ACTIVE	927
C	PROV	ACTIVE	3
C	SUPV	ACTIVE	254
C	SUPV	ACTIVE IN RENEWAL	28
C	SUPV	ACTIVE IN RENEWAL - PAID	32
C	SUPV	FAILED TO RENEW - PAID	1
C	TRNE	ACTIVE	614
PC (no CR or CT)			3829
E		ACTIVE	1716
E		ACTIVE IN RENEWAL	184
E		ACTIVE IN RENEWAL - PAID	47
E		FAILED TO RENEW - PAID	2
E	SUPV	ACTIVE	2289
E	SUPV	ACTIVE IN RENEWAL	286
E	SUPV	ACTIVE IN RENEWAL - PAID	107
E	SUPV	FAILED TO RENEW - PAID	5
PCC			4636
F		ACTIVE	176
F		ACTIVE IN RENEWAL	22
F		ACTIVE IN RENEWAL - PAID	3
IMFT			201
I		ACTIVE	2250
I		ACTIVE IN RENEWAL	272
I		ACTIVE IN RENEWAL - PAID	155
I		FAILED TO RENEW - PAID	7
I	SUPV	ACTIVE	4077
I	SUPV	ACTIVE IN RENEWAL	631
I	SUPV	ACTIVE IN RENEWAL - PAID	334
I	SUPV	FAILED TO RENEW - PAID	6
LISW			7732
M		ACTIVE	81
M		ACTIVE IN RENEWAL	7
M		ACTIVE IN RENEWAL - PAID	3
M	TEMP	ACTIVE	2
MFT			93
S		ACTIVE	13059
S		ACTIVE IN RENEWAL	2027
S		ACTIVE IN RENEWAL - PAID	617
S		FAILED TO RENEW - PAID	31
S	TEMP	ACTIVE	8
S	TRNE	ACTIVE	413
LSW (no SWT)			15742
W		ACTIVE	485
W		ACTIVE IN RENEWAL	78
W		ACTIVE IN RENEWAL - PAID	19
W		FAILED TO RENEW - PAID	1
SWA			583
Total Active Licensees			32816

I	SUSPENDED	4
I	UPGRADE	5455
Credential Prefix Totals		17861
M	ACTIVE	83
M	ACTIVE IN RENEWAL	7
M	ACTIVE IN RENEWAL - PAID	3
M	Application Incomplete	36
M	DECEASED	1
M	DENIED	12
M	EXAM PENDING	66
M	EXPIRED	19
M	FAILED TO RENEW	6
M	NEVER LICENSED	26
M	PENDING	13
M	UPGRADE	28
Credential Prefix Totals		300
R	EXPIRED	523
R	REVOKED	2
Credential Prefix Totals		525
S	ACTIVE	13572
S	ACTIVE IN RENEWAL	2027
S	ACTIVE IN RENEWAL - CE PENDING	1
S	ACTIVE IN RENEWAL - INCOMPLETE	1
S	ACTIVE IN RENEWAL - PAID	617
S	DECEASED	54
S	DENIED	74
S	EXPIRED	19678
S	FAILED TO RENEW	1308
S	FAILED TO RENEW - PAID	32
S	NEVER LICENSED	1339
S	PENDING	1407
S	REVOKED	72
S	SURRENDERED	3
S	Surrendered in Lieu of Discipline	13
S	SUSPENDED	13
S	UPGRADE	3635
Credential Prefix Totals		43846
W	ACTIVE	486
W	ACTIVE IN RENEWAL	78
W	ACTIVE IN RENEWAL - PAID	19
W	DECEASED	2
W	DENIED	30
W	EXPIRED	1781
W	FAILED TO RENEW	172
W	FAILED TO RENEW - PAID	1
W	NEVER LICENSED	86
W	PENDING	102
W	REVOKED	11
W	Surrendered in Lieu of Discipline	2
W	SUSPENDED	2
W	UPGRADE	161
Credential Prefix Totals		2933
Grand Totals		95099

CSWMFT Board Budget Report

as of 7-10-2012

Fund Code	Account	ALI	Department	Budget Period	Budget	Expense	Encumber	Left	% Available
4K90	510	899609	CSW	2012	10,446.25	9,842.55	602.7	1	0.01
4K90	520	899609	CSW	2012	218,507.60	192,425.25	26,081.35	1	0
4K90	530	899609	CSW	2012	3,600.48	3,600.48	0	0	0
4K90	595	899609	CSW	2012	172	171	0	1	0.58
4K90	500	899609	CSW	2012Q1	206,056.59	206,056.59	0	0	0
4K90	500	899609	CSW	2012Q2	239,832.81	239,832.81	0	0	0
4K90	500	899609	CSW	2012Q3	201,683.20	201,683.20	0	0	0
4K90	500	899609	CSW	2012Q4	249,467.13	249,466.13	0	1	0

1,129,766.06 1,103,078.01 26684.05

Payroll 897,039.73 897,038.73

Non-Payroll 232,726.33 206,039.28

Original Appropriation: \$ 1,204,235.00 Remaining \$ 74,468.94 assumes all encumbrances used

Payroll \$ 918,537.00 \$ 21,497.27

Non-Payroll \$ 285,698.00 \$ 52,971.67

Encumbered funds remaining:

Auditor 1246.00

DAS 17500.00

OBM-Travel 600.00

Fireproof 350.00

MT Business 550.00

Greene 100.00

Time Warner 232.50

Fifth Third 5342.63

ODJFS 602.70

26523.83

FY 2012 Revenues CSWMFT Board

as of 6/30/2012

Account Title	Renewals & Applications	Late Fees	L&R-CE-Ver	Total Revenues
HOLD - Credit Cards	\$ -			\$ -
CE Program Fees	\$ 6,390.00			\$ 6,390.00
WALL CERTIFICATES	\$ 1,245.00			\$ 1,245.00
CE Provider Fees	\$ 4,375.00			\$ 4,375.00
MISCELLANEOUS then Verification Fees	\$ 185.00		\$ 11,475.00	\$ 11,660.00
Board Miscellaneous	\$ 12,195.00			\$ 23,670.00
LICENSED SOCIAL WORKER RENEW	\$ 404,380.00	\$ 21,440.00	L&R-SWapps	\$ 425,820.00
LICENSED SOCIAL WORKER APP	\$ 87,420.00		\$ 17,160.00	\$ 104,580.00
LIC INDEP SOCIAL WORKER RENEW	\$ 289,350.00	\$ 6,200.00	CE-SW	\$ 295,550.00
LIC INDEP SOCIAL WORKER APP	\$ 35,100.00		\$ 1,680.00	\$ 36,780.00
SOCIAL WORKER ASSIST RENEW	\$ 8,840.00	\$ 680.00		\$ 9,520.00
SOCIAL WORKER ASSIST APP	\$ 5,120.00			\$ 5,120.00
LICENSED SOCIAL WORKER TEMP	\$ 260.00			\$ 260.00
SWPSC Total	\$ 830,470.00	\$ 28,320.00	\$ 18,840.00	\$ 877,630.00
PROFESSIONAL COUNSELOR RENEW	\$ 101,100.00	\$ 6,240.00	L&R-PCapps	\$ 107,340.00
PROFESSIONAL COUNSELOR APP	\$ 31,920.00		\$ 8,480.00	\$ 40,400.00
PROF CLINICAL COUNSELOR RENEW	\$ 158,610.00	\$ 4,680.00	CE-PC	\$ 163,290.00
PROF CLINICAL COUNSELOR APP	\$ 23,790.00		\$ 2,220.00	\$ 26,010.00
CPSC Total	\$ 315,420.00	\$ 10,920.00	\$ 10,700.00	\$ 337,040.00
MAR & FAMILY THERAPIST RENEW	\$ 1,760.00	\$ 80.00	L&R-MFTapps	\$ 1,840.00
MAR & FAMILY THERAPIST APP	\$ 1,260.00		\$ 390.00	\$ 1,650.00
INDEP MAR & FAM THERAPST RENEW	\$ 7,575.00	\$ 360.00	CE-MFT	\$ 7,935.00
INDEP MAR & FAM THERAPIST APP	\$ 1,200.00		\$ 120.00	\$ 1,320.00
MFTPSC Total	\$ 11,795.00	\$ 440.00	\$ 510.00	\$ 12,745.00
Board Total	\$ 1,169,880.00	\$ 39,680.00	\$ 41,525.00	\$ 1,251,085.00

Revenue for FY 2011 was \$1,195,901.23
 Increased \$55,183.77

L&R is laws and rules exam
 CE is laws and rules CEU online
 VER is license verification

CSWMFT Board Disbursements in FY 2012

as of 6/30/2012

Account	CSWMFT Projected & Actual Expenses Expense Title	FY 2012 Projected	FY 2012 Actual	FY 2011 PD in FY12
513500	UNEMPLOYMENT COMPENSATION	\$ 992.66	\$559.65	
513604	AASCB CONFERENCE REGISTRATION & FLIGHT	\$ 733.80	\$733.80	
514900	AASCB, ASWB & AMFTRB MEMBERSHIP	\$ 3,300.00	\$3,300.00	
514903	COLLEGE ACCREDITATION PUBLICATION	\$ 75.00	\$75.00	
514904	SURVEY MONKEY	\$ 200.00	\$200.00	
514905	LEGISLATIVE REPORT SUBSCRIPTION	\$ 1,050.00	\$1,050.00	
515503	COURT REPORTER	\$ 1,949.45	\$1,949.45	
515505	HEARING OFFICERS RC 119	\$ 540.00	\$540.00	
515509	SUBPOENA FEES	\$ 68.45	\$68.45	
517001	PC & SERVER MAINTENANCE CONTRACT	\$ 1,750.00	\$1,750.00	
517001	LAWS & RULES EXAM UPDATE	\$ -		\$ 2,864.00
521101	OFFICE SUPPLIES & EQUIPMENT	\$ 4,766.50	\$4,766.50	
521104	DUPLICATING AND PAPER SUPPLIES	\$ 399.28	\$399.28	
521105	DATA PROCESSING SUPPLIES&EQUIP	\$ 279.95	\$279.95	\$ 450.00
521222	DRUG TESTING	\$ 33.70	\$ 33.70	
523600	OAKS TRAVEL - BOARD MEMBERS	\$ 14,975.39	\$ 14,975.39	
523600	OAKS TRAVEL - STAFF	\$ 10,466.95	\$ 10,466.95	\$ 232.50
524201	T-1 LINE & CABLE INTERNET	\$ 2,790.00	\$ 2,325.00	
526103	FORTIS, PRINTER & SCANNER MAINT	\$ 4,270.25	\$ 4,270.25	\$ 75.00
526105	SHREDDING SERVICE	\$ 525.00	\$ 525.00	\$ 170.52
526121	COPYING MACHINE SERVICE	\$ 2,400.00	\$ 1,927.40	
526701	SCANNER & PRINTER MAINTENANCE	\$ 1,880.97	\$ 1,880.97	
527201	ITEMS IN STORAGE RENTAL	\$ 900.00	\$ 706.53	
527301	OFFICE RENT	\$ 45,204.00	\$ 45,204.00	
529201	AUDITOR OF STATE	\$ 6,728.10	\$ 5,082.10	\$ 588.00
529201	SHARED SVCS - TRAVEL PROCESSING	\$ 2,376.00	\$ 1,776.00	
529201	IT SERVICES - EMAIL- ROUTER- ETC	\$ 62.34	\$93.74	
	Insurance for Office	\$ 151.29	\$ 151.29	
	Real Estate Fee	\$ 226.02	\$ 226.02	\$ 1,530.94
	Telephones	\$ 7,325.00	\$ 4,753.30	\$ 1,005.98
	Printing	\$ 9,000.00	\$ 6,844.76	
529201	CENTRAL SERVICES AGENCY - FINANCE & HR	\$ 35,094.66	\$ 35,094.66	\$ 3,245.40
529207	PRESORT MAIL POSTAGE	\$ 16,500.00	\$ 12,213.41	\$ 191.35
529208	DAS COMPUTER USAGE			\$ 116.00
	eLicensing & L+R Exam Support	\$ 8,400.00	\$4,930.00	\$ 871.14
	Router - Internet access	\$ 5,450.00	\$3,857.89	
	eLicensing Cost	\$ 8,502.00	\$ 8,502.00	\$ 553.87
	Computer Usage & Email	\$ 2,300.00	\$803.75	
529214	ETHICS COMMISSION & JLEC (Lobby) FEES	\$ 1,260.00	\$ 1,260.00	
529823	MISCELLANEOUS EXPENSE REIMBURSEMENTS	\$ 500.00	\$164.06	\$ 4,422.79
529929	BANK CHARGES CREDIT CARD	\$ 20,000.00	\$ 14,692.70	
531101	IT EQUIPMENT - New Server	\$ 4,115.59	\$4,115.59	\$ 4,578.32
537100	MICROSOFT OFFICE 2010 & PDF Software	\$ 2,789.35	\$2,789.35	
595602	OTHER REFUNDS	\$ 171.00	\$ 171.00	
	Total	\$ 229,510.04	\$ 205,508.89	\$ 20,895.81
	*Total Non-Payroll Appropriation	\$ 285,698.00		
	Projected excess (-\$) or deficit (+\$)	\$ (56,187.96)		
	Total Spent to date in FY 2012	\$ 226,404.70	\$ 205,508.89	\$ 20,895.81

Non-Payroll appropriation includes \$31,000+ from the 1st pay period paid w/ FY 2011 dollars

Major savings -reduced DAS, Internet connection, no LAN fees and PC maintenance

We are really about \$25,000 under due to the payroll issue above