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Representatives Lanese, Perales

Cosponsors: Representatives Anielski, Antonio, Blessing, Brown, Craig, Edwards, Galonski, Hambley, Hoops, Hughes, Kent, Leland, Manning, Miller, O'Brien, Patton, Ramos, West, Young, Speaker Smith

A BILL

To amend sections 109.46, 959.99, 2151.421, 1
4757.10, 4757.13, 4757.18, 4757.22, 4757.23, 2
4757.32, and 4757.33 and to enact sections 3
959.07, 959.08, 959.09, 959.10, 2151.4210, 4
2919.252, and 4757.25 of the Revised Code to 5
establish animal abuse reporting requirements, 6
to require the Department of Defense Family 7
Advocacy Program to be notified when a person 8
serving in the armed forces is investigated for 9
child abuse or neglect or domestic violence, and 10
to modify the laws regulating counselors, social 11
workers, and marriage and family therapists. 12

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

Section 1. That sections 109.46, 959.99, 2151.421, 13
4757.10, 4757.13, 4757.18, 4757.22, 4757.23, 4757.32, and 14
4757.33 be amended and sections 959.07, 959.08, 959.09, 959.10, 15
2151.4210, 2919.252, and 4757.25 of the Revised Code be enacted 16
to read as follows: 17

Sec. 109.46. (A) As used in this section, "domestic violence program" means any of the following:

(1) The nonprofit state domestic violence coalition designated by the family and youth services bureau of the United States department of health and human services;

(2) A program operated by a nonprofit entity the primary purpose of which is to provide a broad range of services to victims of domestic violence that may include, but are not limited to, hotlines, emergency shelters, victim advocacy and support, justice systems advocacy, individual and group counseling for adults and children, or transitional service and education to prevent domestic violence. The program may provide some or all of the services described in this division.

(B) (1) There is hereby created in the state treasury the domestic violence program fund consisting of money appropriated to the fund by the general assembly ~~or, money~~ donated to the fund, and money collected from civil penalties assessed under section 959.10 of the Revised Code. The attorney general shall administer the domestic violence program fund. ~~The Both of the following apply to the use of money in the fund:~~

(a) Subject to division (B) (1) (b) of this section, the attorney general may not use more than five per cent of the moneys appropriated or deposited into the fund to pay costs associated with administering the fund, and shall use at least ninety-five per cent of the moneys appropriated or deposited into the fund for the purpose of providing funding to domestic violence programs under this section.

(b) The attorney general shall use all money collected from civil penalties assessed under section 959.10 of the

Revised Code to provide funding to domestic violence programs 47
that assist victims of domestic violence by arranging temporary 48
shelter or other support for such victims' companion animals. 49

(2) The attorney general shall adopt rules pursuant to 50
Chapter 119. of the Revised Code that shall establish procedures 51
for domestic violence programs to apply to the attorney general 52
for funding from the domestic violence program fund and 53
procedures for the attorney general to distribute money out of 54
the fund to domestic violence programs. 55

(C) (1) Priority of funding from the domestic violence 56
program fund shall be given to the domestic violence programs in 57
existence on and after July 1, 2017. 58

(2) A domestic violence program that receives funds from 59
the domestic violence program fund shall use the funds received 60
for the following purposes: 61

(a) To provide training and technical assistance to 62
service providers, if the program that receives the funds is the 63
nonprofit state domestic violence coalition specified in 64
division (A) (1) of this section; 65

(b) To provide services to victims of domestic violence, 66
including, but not limited to, education to prevent domestic 67
violence, if the program that receives the funds is a nonprofit 68
entity described in division (A) (2) of this section. Funds 69
received under this division may also be used for general 70
operating support, including capital improvements and primary 71
prevention and risk reduction programs for the general 72
population. 73

(D) As used in this section, "companion animal" has the 74
same meaning as in section 959.131 of the Revised Code. 75

<u>Sec. 959.07. (A) As used in sections 959.07 to 959.09 of</u>	76
<u>the Revised Code:</u>	77
<u>(1) "Companion animal" has the same meaning as in section</u>	78
<u>959.131 of the Revised Code.</u>	79
<u>(2) "Licensed veterinarian" has the same meaning as in</u>	80
<u>section 4741.01 of the Revised Code.</u>	81
<u>(3) "Public children services agency" has the same meaning</u>	82
<u>as in section 5153.01 of the Revised Code.</u>	83
<u>(4) "Protective services" has the same meaning as in</u>	84
<u>section 5101.60 of the Revised Code.</u>	85
<u>(5) "Officer" has the same meaning as in section 959.132</u>	86
<u>of the Revised Code and includes a dog warden or deputy dog</u>	87
<u>warden appointed or employed under section 955.12 of the Revised</u>	88
<u>Code.</u>	89
<u>(6) "Social service professional" means an employee of a</u>	90
<u>private or public children services agency and an employee of a</u>	91
<u>county department of job and family services with responsibility</u>	92
<u>for protective services.</u>	93
<u>(7) "Adult" has the same meaning as in section 5101.60 of</u>	94
<u>the Revised Code.</u>	95
<u>(B) (1) No person listed in division (B) (2) of this section</u>	96
<u>shall fail to immediately report a violation of this chapter</u>	97
<u>that involves a companion animal or horse to an officer when</u>	98
<u>that person has knowledge or reasonable cause to suspect that</u>	99
<u>such a violation has occurred or is occurring.</u>	100
<u>(2) Division (B) (1) of this section applies to all of the</u>	101
<u>following operating in an official or professional capacity:</u>	102

<u>(a) A licensed veterinarian;</u>	103
<u>(b) A social service professional;</u>	104
<u>(c) A person licensed under Chapter 4757. of the Revised Code.</u>	105 106
<u>Sec. 959.08. No officer, operating in an official or professional capacity, shall fail to immediately report a violation of this chapter involving a companion animal or horse to an appropriate social service professional when both of the following apply:</u>	107 108 109 110 111
<u>(A) The officer has knowledge or reasonable cause to suspect that such a violation has occurred or is occurring.</u>	112 113
<u>(B) The officer has knowledge or reasonable cause to suspect that a child or older adult resides with the alleged violator.</u>	114 115 116
<u>Sec. 959.09. (A) A person required to make a report under section 959.07 or 959.08 of the Revised Code may do so orally or in writing and shall include all of the following in the report:</u>	117 118 119
<u>(1) The name, if known, and description of the animal involved;</u>	120 121
<u>(2) The address and telephone number of the owner or other person responsible for care of the animal, if known;</u>	122 123
<u>(3) The nature and extent of the suspected abuse;</u>	124
<u>(4) Any other information that the person making the report believes may be useful in establishing the existence of the suspected violation or the identity of the person causing the violation.</u>	125 126 127 128
<u>(B) A person required to make a report under section</u>	129

959.07 or 959.08 of the Revised Code is immune from civil or 130
criminal liability in connection with making that report if the 131
person acted in good faith when making the report. 132

(C) No person required to make a report under section 133
959.07 or 959.08 of the Revised Code shall knowingly make a 134
false report. 135

(D) (1) A court shall award reasonable attorney's fees and 136
costs to the prevailing party in any civil or criminal action or 137
judicial proceeding in which it is proved that participation in 138
the making of a report under section 959.07 or 959.08 of the 139
Revised Code was not in good faith. 140

(2) A court may award reasonable attorney's fees and costs 141
to the party against whom a civil action or proceeding is 142
brought in which it is alleged that participation in the making 143
of a report under section 959.07 or 959.08 of the Revised Code 144
was not in good faith if the action or proceeding is voluntarily 145
dismissed. 146

Sec. 959.10. (A) Whoever violates section 959.07 or 959.08 147
of the Revised Code shall pay a civil penalty of one hundred 148
dollars for a first violation and five hundred dollars for each 149
subsequent violation. 150

(B) The attorney general may bring a civil action to 151
enforce this section in the court of common pleas of the county 152
in which the violation occurred. An action under this section is 153
a civil action, governed by the Rules of Civil Procedure and 154
other rules of practice and procedure applicable to civil 155
actions. 156

(C) The attorney general shall deposit money collected 157
from the penalties assessed under this section in the domestic 158

violence program fund established in section 109.46 of the 159
Revised Code. 160

Sec. 959.99. (A) Whoever violates section 959.18 or 959.19 161
of the Revised Code is guilty of a minor misdemeanor. 162

(B) Except as otherwise provided in this division, whoever 163
violates section 959.02 of the Revised Code is guilty of a 164
misdemeanor of the second degree. If the value of the animal 165
killed or the injury done amounts to three hundred dollars or 166
more, whoever violates section 959.02 of the Revised Code is 167
guilty of a misdemeanor of the first degree. 168

(C) Whoever violates section 959.03, 959.06, division (C) 169
of section 959.09, 959.12, or 959.17 or division (A) of section 170
959.15 of the Revised Code is guilty of a misdemeanor of the 171
fourth degree. 172

(D) Whoever violates division (A) of section 959.13 or 173
section 959.21 of the Revised Code is guilty of a misdemeanor of 174
the second degree. In addition, the court may order the offender 175
to forfeit the animal or livestock and may provide for its 176
disposition, including, but not limited to, the sale of the 177
animal or livestock. If an animal or livestock is forfeited and 178
sold pursuant to this division, the proceeds from the sale first 179
shall be applied to pay the expenses incurred with regard to the 180
care of the animal from the time it was taken from the custody 181
of the former owner. The balance of the proceeds from the sale, 182
if any, shall be paid to the former owner of the animal. 183

(E) (1) Whoever violates division (B) of section 959.131 of 184
the Revised Code is guilty of a misdemeanor of the first degree 185
on a first offense and a felony of the fifth degree on each 186
subsequent offense. 187

(2) Whoever violates division (C) of section 959.131 of the Revised Code is guilty of a felony of the fifth degree.	188 189
(3) Whoever violates section 959.01 of the Revised Code or division (D) of section 959.131 of the Revised Code is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.	190 191 192 193
(4) Whoever violates division (E) of section 959.131 of the Revised Code is guilty of a felony of the fifth degree.	194 195
(5) Whoever violates division (F) of section 959.131 of the Revised Code is guilty of a misdemeanor of the first degree.	196 197
(6) (a) A court may order a person who is convicted of or pleads guilty to a violation of section 959.131 of the Revised Code to forfeit to an impounding agency, as defined in section 959.132 of the Revised Code, any or all of the companion animals in that person's ownership or care. The court also may prohibit or place limitations on the person's ability to own or care for any companion animals for a specified or indefinite period of time.	198 199 200 201 202 203 204 205
(b) A court may order a person who is convicted of or pleads guilty to a violation of section 959.131 of the Revised Code to reimburse an impounding agency for the reasonably necessary costs incurred by the agency for the care of a companion animal that the agency impounded as a result of the investigation or prosecution of the violation, provided that the costs were not otherwise paid under section 959.132 of the Revised Code.	206 207 208 209 210 211 212 213
(7) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation of section 959.131 or 959.21 of the Revised Code suffers from a mental or emotional	214 215 216

disorder that contributed to the violation, the court may impose 217
as a community control sanction or as a condition of probation a 218
requirement that the offender undergo psychological evaluation 219
or counseling. The court shall order the offender to pay the 220
costs of the evaluation or counseling. 221

(F) Whoever violates section 959.14 of the Revised Code is 222
guilty of a misdemeanor of the second degree on a first offense 223
and a misdemeanor of the first degree on each subsequent 224
offense. 225

(G) Whoever violates section 959.05 or 959.20 of the 226
Revised Code is guilty of a misdemeanor of the first degree. 227

(H) Whoever violates section 959.16 of the Revised Code is 228
guilty of a felony of the fourth degree for a first offense and 229
a felony of the third degree on each subsequent offense. 230

(I) Whoever violates division (B) or (C) of section 959.15 231
of the Revised Code is guilty of a felony and shall be fined not 232
more than ten thousand dollars. 233

Sec. 2151.421. (A) (1) (a) No person described in division 234
(A) (1) (b) of this section who is acting in an official or 235
professional capacity and knows, or has reasonable cause to 236
suspect based on facts that would cause a reasonable person in a 237
similar position to suspect, that a child under eighteen years 238
of age, or a person under twenty-one years of age with a 239
developmental disability or physical impairment, has suffered or 240
faces a threat of suffering any physical or mental wound, 241
injury, disability, or condition of a nature that reasonably 242
indicates abuse or neglect of the child shall fail to 243
immediately report that knowledge or reasonable cause to suspect 244
to the entity or persons specified in this division. Except as 245

provided in section 5120.173 of the Revised Code, the person 246
making the report shall make it to the public children services 247
agency or a municipal or county peace officer in the county in 248
which the child resides or in which the abuse or neglect is 249
occurring or has occurred. In the circumstances described in 250
section 5120.173 of the Revised Code, the person making the 251
report shall make it to the entity specified in that section. 252

(b) Division (A) (1) (a) of this section applies to any 253
person who is an attorney; health care professional; 254
practitioner of a limited branch of medicine as specified in 255
section 4731.15 of the Revised Code; licensed school 256
psychologist; independent marriage and family therapist or 257
marriage and family therapist; coroner; administrator or 258
employee of a child day-care center; administrator or employee 259
of a residential camp, child day camp, or private, nonprofit 260
therapeutic wilderness camp; administrator or employee of a 261
certified child care agency or other public or private children 262
services agency; school teacher; school employee; school 263
authority; agent of a county humane society, dog warden, deputy 264
dog warden, or other person appointed to act as an animal 265
control officer for a municipal corporation or township in 266
accordance with state law, an ordinance, or a resolution; 267
person, other than a cleric, rendering spiritual treatment 268
through prayer in accordance with the tenets of a well- 269
recognized religion; employee of a county department of job and 270
family services who is a professional and who works with 271
children and families; superintendent or regional administrator 272
employed by the department of youth services; superintendent, 273
board member, or employee of a county board of developmental 274
disabilities; investigative agent contracted with by a county 275
board of developmental disabilities; employee of the department 276

of developmental disabilities; employee of a facility or home 277
that provides respite care in accordance with section 5123.171 278
of the Revised Code; employee of an entity that provides 279
homemaker services; a person performing the duties of an 280
assessor pursuant to Chapter 3107. or 5103. of the Revised Code; 281
third party employed by a public children services agency to 282
assist in providing child or family related services; court 283
appointed special advocate; or guardian ad litem. 284

(c) If two or more health care professionals, after 285
providing health care services to a child, determine or suspect 286
that the child has been or is being abused or neglected, the 287
health care professionals may designate one of the health care 288
professionals to report the abuse or neglect. A single report 289
made under this division shall meet the reporting requirements 290
of division (A) (1) of this section. 291

(2) Except as provided in division (A) (3) of this section, 292
an attorney or a physician is not required to make a report 293
pursuant to division (A) (1) of this section concerning any 294
communication the attorney or physician receives from a client 295
or patient in an attorney-client or physician-patient 296
relationship, if, in accordance with division (A) or (B) of 297
section 2317.02 of the Revised Code, the attorney or physician 298
could not testify with respect to that communication in a civil 299
or criminal proceeding. 300

(3) The client or patient in an attorney-client or 301
physician-patient relationship described in division (A) (2) of 302
this section is deemed to have waived any testimonial privilege 303
under division (A) or (B) of section 2317.02 of the Revised Code 304
with respect to any communication the attorney or physician 305
receives from the client or patient in that attorney-client or 306

physician-patient relationship, and the attorney or physician 307
shall make a report pursuant to division (A)(1) of this section 308
with respect to that communication, if all of the following 309
apply: 310

(a) The client or patient, at the time of the 311
communication, is a child under eighteen years of age or is a 312
person under twenty-one years of age with a developmental 313
disability or physical impairment. 314

(b) The attorney or physician knows, or has reasonable 315
cause to suspect based on facts that would cause a reasonable 316
person in similar position to suspect that the client or patient 317
has suffered or faces a threat of suffering any physical or 318
mental wound, injury, disability, or condition of a nature that 319
reasonably indicates abuse or neglect of the client or patient. 320

(c) The abuse or neglect does not arise out of the 321
client's or patient's attempt to have an abortion without the 322
notification of her parents, guardian, or custodian in 323
accordance with section 2151.85 of the Revised Code. 324

(4) (a) No cleric and no person, other than a volunteer, 325
designated by any church, religious society, or faith acting as 326
a leader, official, or delegate on behalf of the church, 327
religious society, or faith who is acting in an official or 328
professional capacity, who knows, or has reasonable cause to 329
believe based on facts that would cause a reasonable person in a 330
similar position to believe, that a child under eighteen years 331
of age, or a person under twenty-one years of age with a 332
developmental disability or physical impairment, has suffered or 333
faces a threat of suffering any physical or mental wound, 334
injury, disability, or condition of a nature that reasonably 335
indicates abuse or neglect of the child, and who knows, or has 336

reasonable cause to believe based on facts that would cause a 337
reasonable person in a similar position to believe, that another 338
cleric or another person, other than a volunteer, designated by 339
a church, religious society, or faith acting as a leader, 340
official, or delegate on behalf of the church, religious 341
society, or faith caused, or poses the threat of causing, the 342
wound, injury, disability, or condition that reasonably 343
indicates abuse or neglect shall fail to immediately report that 344
knowledge or reasonable cause to believe to the entity or 345
persons specified in this division. Except as provided in 346
section 5120.173 of the Revised Code, the person making the 347
report shall make it to the public children services agency or a 348
municipal or county peace officer in the county in which the 349
child resides or in which the abuse or neglect is occurring or 350
has occurred. In the circumstances described in section 5120.173 351
of the Revised Code, the person making the report shall make it 352
to the entity specified in that section. 353

(b) Except as provided in division (A) (4) (c) of this 354
section, a cleric is not required to make a report pursuant to 355
division (A) (4) (a) of this section concerning any communication 356
the cleric receives from a penitent in a cleric-penitent 357
relationship, if, in accordance with division (C) of section 358
2317.02 of the Revised Code, the cleric could not testify with 359
respect to that communication in a civil or criminal proceeding. 360

(c) The penitent in a cleric-penitent relationship 361
described in division (A) (4) (b) of this section is deemed to 362
have waived any testimonial privilege under division (C) of 363
section 2317.02 of the Revised Code with respect to any 364
communication the cleric receives from the penitent in that 365
cleric-penitent relationship, and the cleric shall make a report 366
pursuant to division (A) (4) (a) of this section with respect to 367

that communication, if all of the following apply: 368

(i) The penitent, at the time of the communication, is a 369
child under eighteen years of age or is a person under twenty- 370
one years of age with a developmental disability or physical 371
impairment. 372

(ii) The cleric knows, or has reasonable cause to believe 373
based on facts that would cause a reasonable person in a similar 374
position to believe, as a result of the communication or any 375
observations made during that communication, the penitent has 376
suffered or faces a threat of suffering any physical or mental 377
wound, injury, disability, or condition of a nature that 378
reasonably indicates abuse or neglect of the penitent. 379

(iii) The abuse or neglect does not arise out of the 380
penitent's attempt to have an abortion performed upon a child 381
under eighteen years of age or upon a person under twenty-one 382
years of age with a developmental disability or physical 383
impairment without the notification of her parents, guardian, or 384
custodian in accordance with section 2151.85 of the Revised 385
Code. 386

(d) Divisions (A) (4) (a) and (c) of this section do not 387
apply in a cleric-penitent relationship when the disclosure of 388
any communication the cleric receives from the penitent is in 389
violation of the sacred trust. 390

(e) As used in divisions (A) (1) and (4) of this section, 391
"cleric" and "sacred trust" have the same meanings as in section 392
2317.02 of the Revised Code. 393

(B) Anyone who knows, or has reasonable cause to suspect 394
based on facts that would cause a reasonable person in similar 395
circumstances to suspect, that a child under eighteen years of 396

age, or a person under twenty-one years of age with a 397
developmental disability or physical impairment, has suffered or 398
faces a threat of suffering any physical or mental wound, 399
injury, disability, or other condition of a nature that 400
reasonably indicates abuse or neglect of the child may report or 401
cause reports to be made of that knowledge or reasonable cause 402
to suspect to the entity or persons specified in this division. 403
Except as provided in section 5120.173 of the Revised Code, a 404
person making a report or causing a report to be made under this 405
division shall make it or cause it to be made to the public 406
children services agency or to a municipal or county peace 407
officer. In the circumstances described in section 5120.173 of 408
the Revised Code, a person making a report or causing a report 409
to be made under this division shall make it or cause it to be 410
made to the entity specified in that section. 411

(C) Any report made pursuant to division (A) or (B) of 412
this section shall be made forthwith either by telephone or in 413
person and shall be followed by a written report, if requested 414
by the receiving agency or officer. The written report shall 415
contain: 416

(1) The names and addresses of the child and the child's 417
parents or the person or persons having custody of the child, if 418
known; 419

(2) The child's age and the nature and extent of the 420
child's injuries, abuse, or neglect that is known or reasonably 421
suspected or believed, as applicable, to have occurred or of the 422
threat of injury, abuse, or neglect that is known or reasonably 423
suspected or believed, as applicable, to exist, including any 424
evidence of previous injuries, abuse, or neglect; 425

(3) Any other information, including, but not limited to, 426

results and reports of any medical examinations, tests, or 427
procedures performed under division (D) of this section, that 428
might be helpful in establishing the cause of the injury, abuse, 429
or neglect that is known or reasonably suspected or believed, as 430
applicable, to have occurred or of the threat of injury, abuse, 431
or neglect that is known or reasonably suspected or believed, as 432
applicable, to exist. 433

(D) (1) Any person, who is required by division (A) of this 434
section to report child abuse or child neglect that is known or 435
reasonably suspected or believed to have occurred, may take or 436
cause to be taken color photographs of areas of trauma visible 437
on a child and, if medically necessary for the purpose of 438
diagnosing or treating injuries that are suspected to have 439
occurred as a result of child abuse or child neglect, perform or 440
cause to be performed radiological examinations and any other 441
medical examinations of, and tests or procedures on, the child. 442

(2) The results and any available reports of examinations, 443
tests, or procedures made under division (D) (1) of this section 444
shall be included in a report made pursuant to division (A) of 445
this section. Any additional reports of examinations, tests, or 446
procedures that become available shall be provided to the public 447
children services agency, upon request. 448

(3) If a health care professional provides health care 449
services in a hospital, children's advocacy center, or emergency 450
medical facility to a child about whom a report has been made 451
under division (A) of this section, the health care professional 452
may take any steps that are reasonably necessary for the release 453
or discharge of the child to an appropriate environment. Before 454
the child's release or discharge, the health care professional 455
may obtain information, or consider information obtained, from 456

other entities or individuals that have knowledge about the 457
child. Nothing in division (D) (3) of this section shall be 458
construed to alter the responsibilities of any person under 459
sections 2151.27 and 2151.31 of the Revised Code. 460

(4) A health care professional may conduct medical 461
examinations, tests, or procedures on the siblings of a child 462
about whom a report has been made under division (A) of this 463
section and on other children who reside in the same home as the 464
child, if the professional determines that the examinations, 465
tests, or procedures are medically necessary to diagnose or 466
treat the siblings or other children in order to determine 467
whether reports under division (A) of this section are warranted 468
with respect to such siblings or other children. The results of 469
the examinations, tests, or procedures on the siblings and other 470
children may be included in a report made pursuant to division 471
(A) of this section. 472

(5) Medical examinations, tests, or procedures conducted 473
under divisions (D) (1) and (4) of this section and decisions 474
regarding the release or discharge of a child under division (D) 475
(3) of this section do not constitute a law enforcement 476
investigation or activity. 477

(E) (1) When a municipal or county peace officer receives a 478
report concerning the possible abuse or neglect of a child or 479
the possible threat of abuse or neglect of a child, upon receipt 480
of the report, the municipal or county peace officer who 481
receives the report shall refer the report to the appropriate 482
public children services agency. 483

(2) When a public children services agency receives a 484
report pursuant to this division or division (A) or (B) of this 485
section, upon receipt of the report, the public children 486

services agency shall do both of the following: 487

(a) Comply with section 2151.422 of the Revised Code; 488

(b) If the county served by the agency is also served by a 489
children's advocacy center and the report alleges sexual abuse 490
of a child or another type of abuse of a child that is specified 491
in the memorandum of understanding that creates the center as 492
being within the center's jurisdiction, comply regarding the 493
report with the protocol and procedures for referrals and 494
investigations, with the coordinating activities, and with the 495
authority or responsibility for performing or providing 496
functions, activities, and services stipulated in the 497
interagency agreement entered into under section 2151.428 of the 498
Revised Code relative to that center. 499

(F) No township, municipal, or county peace officer shall 500
remove a child about whom a report is made pursuant to this 501
section from the child's parents, stepparents, or guardian or 502
any other persons having custody of the child without 503
consultation with the public children services agency, unless, 504
in the judgment of the officer, and, if the report was made by 505
physician, the physician, immediate removal is considered 506
essential to protect the child from further abuse or neglect. 507
The agency that must be consulted shall be the agency conducting 508
the investigation of the report as determined pursuant to 509
section 2151.422 of the Revised Code. 510

(G) (1) Except as provided in section 2151.422 of the 511
Revised Code or in an interagency agreement entered into under 512
section 2151.428 of the Revised Code that applies to the 513
particular report, the public children services agency shall 514
investigate, within twenty-four hours, each report of child 515
abuse or child neglect that is known or reasonably suspected or 516

believed to have occurred and of a threat of child abuse or 517
child neglect that is known or reasonably suspected or believed 518
to exist that is referred to it under this section to determine 519
the circumstances surrounding the injuries, abuse, or neglect or 520
the threat of injury, abuse, or neglect, the cause of the 521
injuries, abuse, neglect, or threat, and the person or persons 522
responsible. The investigation shall be made in cooperation with 523
the law enforcement agency and in accordance with the memorandum 524
of understanding prepared under division (K) of this section. A 525
representative of the public children services agency shall, at 526
the time of initial contact with the person subject to the 527
investigation, inform the person of the specific complaints or 528
allegations made against the person. The information shall be 529
given in a manner that is consistent with division (I)(1) of 530
this section and protects the rights of the person making the 531
report under this section. 532

A failure to make the investigation in accordance with the 533
memorandum is not grounds for, and shall not result in, the 534
dismissal of any charges or complaint arising from the report or 535
the suppression of any evidence obtained as a result of the 536
report and does not give, and shall not be construed as giving, 537
any rights or any grounds for appeal or post-conviction relief 538
to any person. The public children services agency shall report 539
each case to the uniform statewide automated child welfare 540
information system that the department of job and family 541
services shall maintain in accordance with section 5101.13 of 542
the Revised Code. The public children services agency shall 543
submit a report of its investigation, in writing, to the law 544
enforcement agency. 545

(2) The public children services agency shall make any 546
recommendations to the county prosecuting attorney or city 547

director of law that it considers necessary to protect any 548
children that are brought to its attention. 549

(H) (1) (a) Except as provided in divisions (H) (1) (b) and 550
(I) (3) of this section, any person, health care professional, 551
hospital, institution, school, health department, or agency 552
shall be immune from any civil or criminal liability for injury, 553
death, or loss to person or property that otherwise might be 554
incurred or imposed as a result of any of the following: 555

(i) Participating in the making of reports pursuant to 556
division (A) of this section or in the making of reports in good 557
faith, pursuant to division (B) of this section; 558

(ii) Participating in medical examinations, tests, or 559
procedures under division (D) of this section; 560

(iii) Providing information used in a report made pursuant 561
to division (A) of this section or providing information in good 562
faith used in a report made pursuant to division (B) of this 563
section; 564

(iv) Participating in a judicial proceeding resulting from 565
a report made pursuant to division (A) of this section or 566
participating in good faith in a proceeding resulting from a 567
report made pursuant to division (B) of this section. 568

(b) Immunity under division (H) (1) (a) (ii) of this section 569
shall not apply when a health care provider has deviated from 570
the standard of care applicable to the provider's profession. 571

(c) Notwithstanding section 4731.22 of the Revised Code, 572
the physician-patient privilege shall not be a ground for 573
excluding evidence regarding a child's injuries, abuse, or 574
neglect, or the cause of the injuries, abuse, or neglect in any 575
judicial proceeding resulting from a report submitted pursuant 576

to this section. 577

(2) In any civil or criminal action or proceeding in which 578
it is alleged and proved that participation in the making of a 579
report under this section was not in good faith or participation 580
in a judicial proceeding resulting from a report made under this 581
section was not in good faith, the court shall award the 582
prevailing party reasonable attorney's fees and costs and, if a 583
civil action or proceeding is voluntarily dismissed, may award 584
reasonable attorney's fees and costs to the party against whom 585
the civil action or proceeding is brought. 586

(I) (1) Except as provided in divisions (I) (4) and (O) of 587
this section, a report made under this section is confidential. 588
The information provided in a report made pursuant to this 589
section and the name of the person who made the report shall not 590
be released for use, and shall not be used, as evidence in any 591
civil action or proceeding brought against the person who made 592
the report. Nothing in this division shall preclude the use of 593
reports of other incidents of known or suspected abuse or 594
neglect in a civil action or proceeding brought pursuant to 595
division (N) of this section against a person who is alleged to 596
have violated division (A) (1) of this section, provided that any 597
information in a report that would identify the child who is the 598
subject of the report or the maker of the report, if the maker 599
of the report is not the defendant or an agent or employee of 600
the defendant, has been redacted. In a criminal proceeding, the 601
report is admissible in evidence in accordance with the Rules of 602
Evidence and is subject to discovery in accordance with the 603
Rules of Criminal Procedure. 604

(2) (a) Except as provided in division (I) (2) (b) of this 605
section, no person shall permit or encourage the unauthorized 606

dissemination of the contents of any report made under this 607
section. 608

(b) A health care professional that obtains the same 609
information contained in a report made under this section from a 610
source other than the report may disseminate the information, if 611
its dissemination is otherwise permitted by law. 612

(3) A person who knowingly makes or causes another person 613
to make a false report under division (B) of this section that 614
alleges that any person has committed an act or omission that 615
resulted in a child being an abused child or a neglected child 616
is guilty of a violation of section 2921.14 of the Revised Code. 617

(4) If a report is made pursuant to division (A) or (B) of 618
this section and the child who is the subject of the report dies 619
for any reason at any time after the report is made, but before 620
the child attains eighteen years of age, the public children 621
services agency or municipal or county peace officer to which 622
the report was made or referred, on the request of the child 623
fatality review board or the director of health pursuant to 624
guidelines established under section 3701.70 of the Revised 625
Code, shall submit a summary sheet of information providing a 626
summary of the report to the review board of the county in which 627
the deceased child resided at the time of death or to the 628
director. On the request of the review board or director, the 629
agency or peace officer may, at its discretion, make the report 630
available to the review board or director. If the county served 631
by the public children services agency is also served by a 632
children's advocacy center and the report of alleged sexual 633
abuse of a child or another type of abuse of a child is 634
specified in the memorandum of understanding that creates the 635
center as being within the center's jurisdiction, the agency or 636

center shall perform the duties and functions specified in this 637
division in accordance with the interagency agreement entered 638
into under section 2151.428 of the Revised Code relative to that 639
advocacy center. 640

(5) A public children services agency shall advise a 641
person alleged to have inflicted abuse or neglect on a child who 642
is the subject of a report made pursuant to this section, 643
including a report alleging sexual abuse of a child or another 644
type of abuse of a child referred to a children's advocacy 645
center pursuant to an interagency agreement entered into under 646
section 2151.428 of the Revised Code, in writing of the 647
disposition of the investigation. The agency shall not provide 648
to the person any information that identifies the person who 649
made the report, statements of witnesses, or police or other 650
investigative reports. 651

(J) Any report that is required by this section, other 652
than a report that is made to the state highway patrol as 653
described in section 5120.173 of the Revised Code, shall result 654
in protective services and emergency supportive services being 655
made available by the public children services agency on behalf 656
of the children about whom the report is made, in an effort to 657
prevent further neglect or abuse, to enhance their welfare, and, 658
whenever possible, to preserve the family unit intact. The 659
agency required to provide the services shall be the agency 660
conducting the investigation of the report pursuant to section 661
2151.422 of the Revised Code. 662

(K) (1) Each public children services agency shall prepare 663
a memorandum of understanding that is signed by all of the 664
following: 665

(a) If there is only one juvenile judge in the county, the 666

juvenile judge of the county or the juvenile judge's
representative; 667
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(b) If there is more than one juvenile judge in the 669
county, a juvenile judge or the juvenile judges' representative 670
selected by the juvenile judges or, if they are unable to do so 671
for any reason, the juvenile judge who is senior in point of 672
service or the senior juvenile judge's representative; 673

(c) The county peace officer; 674

(d) All chief municipal peace officers within the county; 675

(e) Other law enforcement officers handling child abuse 676
and neglect cases in the county; 677

(f) The prosecuting attorney of the county; 678

(g) If the public children services agency is not the 679
county department of job and family services, the county 680
department of job and family services; 681

(h) The county humane society; 682

(i) If the public children services agency participated in 683
the execution of a memorandum of understanding under section 684
2151.426 of the Revised Code establishing a children's advocacy 685
center, each participating member of the children's advocacy 686
center established by the memorandum. 687

(2) A memorandum of understanding shall set forth the 688
normal operating procedure to be employed by all concerned 689
officials in the execution of their respective responsibilities 690
under this section and division (C) of section 2919.21, division 691
(B) (1) of section 2919.22, division (B) of section 2919.23, and 692
section 2919.24 of the Revised Code and shall have as two of its 693
primary goals the elimination of all unnecessary interviews of 694

children who are the subject of reports made pursuant to 695
division (A) or (B) of this section and, when feasible, 696
providing for only one interview of a child who is the subject 697
of any report made pursuant to division (A) or (B) of this 698
section. A failure to follow the procedure set forth in the 699
memorandum by the concerned officials is not grounds for, and 700
shall not result in, the dismissal of any charges or complaint 701
arising from any reported case of abuse or neglect or the 702
suppression of any evidence obtained as a result of any reported 703
child abuse or child neglect and does not give, and shall not be 704
construed as giving, any rights or any grounds for appeal or 705
post-conviction relief to any person. 706

(3) A memorandum of understanding shall include all of the 707
following: 708

(a) The roles and responsibilities for handling emergency 709
and nonemergency cases of abuse and neglect; 710

(b) Standards and procedures to be used in handling and 711
coordinating investigations of reported cases of child abuse and 712
reported cases of child neglect, methods to be used in 713
interviewing the child who is the subject of the report and who 714
allegedly was abused or neglected, and standards and procedures 715
addressing the categories of persons who may interview the child 716
who is the subject of the report and who allegedly was abused or 717
neglected. 718

(4) If a public children services agency participated in 719
the execution of a memorandum of understanding under section 720
2151.426 of the Revised Code establishing a children's advocacy 721
center, the agency shall incorporate the contents of that 722
memorandum in the memorandum prepared pursuant to this section. 723

(5) The clerk of the court of common pleas in the county 724
may sign the memorandum of understanding prepared under division 725
(K) (1) of this section. If the clerk signs the memorandum of 726
understanding, the clerk shall execute all relevant 727
responsibilities as required of officials specified in the 728
memorandum. 729

(L) (1) Except as provided in division (L) (4) or (5) of 730
this section, a person who is required to make a report pursuant 731
to division (A) of this section may make a reasonable number of 732
requests of the public children services agency that receives or 733
is referred the report, or of the children's advocacy center 734
that is referred the report if the report is referred to a 735
children's advocacy center pursuant to an interagency agreement 736
entered into under section 2151.428 of the Revised Code, to be 737
provided with the following information: 738

(a) Whether the agency or center has initiated an 739
investigation of the report; 740

(b) Whether the agency or center is continuing to 741
investigate the report; 742

(c) Whether the agency or center is otherwise involved 743
with the child who is the subject of the report; 744

(d) The general status of the health and safety of the 745
child who is the subject of the report; 746

(e) Whether the report has resulted in the filing of a 747
complaint in juvenile court or of criminal charges in another 748
court. 749

(2) A person may request the information specified in 750
division (L) (1) of this section only if, at the time the report 751
is made, the person's name, address, and telephone number are 752

provided to the person who receives the report. 753

When a municipal or county peace officer or employee of a 754
public children services agency receives a report pursuant to 755
division (A) or (B) of this section the recipient of the report 756
shall inform the person of the right to request the information 757
described in division (L)(1) of this section. The recipient of 758
the report shall include in the initial child abuse or child 759
neglect report that the person making the report was so informed 760
and, if provided at the time of the making of the report, shall 761
include the person's name, address, and telephone number in the 762
report. 763

Each request is subject to verification of the identity of 764
the person making the report. If that person's identity is 765
verified, the agency shall provide the person with the 766
information described in division (L)(1) of this section a 767
reasonable number of times, except that the agency shall not 768
disclose any confidential information regarding the child who is 769
the subject of the report other than the information described 770
in those divisions. 771

(3) A request made pursuant to division (L)(1) of this 772
section is not a substitute for any report required to be made 773
pursuant to division (A) of this section. 774

(4) If an agency other than the agency that received or 775
was referred the report is conducting the investigation of the 776
report pursuant to section 2151.422 of the Revised Code, the 777
agency conducting the investigation shall comply with the 778
requirements of division (L) of this section. 779

(5) A health care professional who made a report under 780
division (A) of this section, or on whose behalf such a report 781

was made as provided in division (A) (1) (c) of this section, may 782
authorize a person to obtain the information described in 783
division (L) (1) of this section if the person requesting the 784
information is associated with or acting on behalf of the health 785
care professional who provided health care services to the child 786
about whom the report was made. 787

(M) The director of job and family services shall adopt 788
rules in accordance with Chapter 119. of the Revised Code to 789
implement this section. The department of job and family 790
services may enter into a plan of cooperation with any other 791
governmental entity to aid in ensuring that children are 792
protected from abuse and neglect. The department shall make 793
recommendations to the attorney general that the department 794
determines are necessary to protect children from child abuse 795
and child neglect. 796

(N) Whoever violates division (A) of this section is 797
liable for compensatory and exemplary damages to the child who 798
would have been the subject of the report that was not made. A 799
person who brings a civil action or proceeding pursuant to this 800
division against a person who is alleged to have violated 801
division (A) (1) of this section may use in the action or 802
proceeding reports of other incidents of known or suspected 803
abuse or neglect, provided that any information in a report that 804
would identify the child who is the subject of the report or the 805
maker of the report, if the maker is not the defendant or an 806
agent or employee of the defendant, has been redacted. 807

(O) (1) As used in this division: 808

(a) "Out-of-home care" includes a nonchartered nonpublic 809
school if the alleged child abuse or child neglect, or alleged 810
threat of child abuse or child neglect, described in a report 811

received by a public children services agency allegedly occurred 812
in or involved the nonchartered nonpublic school and the alleged 813
perpetrator named in the report holds a certificate, permit, or 814
license issued by the state board of education under section 815
3301.071 or Chapter 3319. of the Revised Code. 816

(b) "Administrator, director, or other chief 817
administrative officer" means the superintendent of the school 818
district if the out-of-home care entity subject to a report made 819
pursuant to this section is a school operated by the district. 820

(2) No later than the end of the day following the day on 821
which a public children services agency receives a report of 822
alleged child abuse or child neglect, or a report of an alleged 823
threat of child abuse or child neglect, that allegedly occurred 824
in or involved an out-of-home care entity, the agency shall 825
provide written notice of the allegations contained in and the 826
person named as the alleged perpetrator in the report to the 827
administrator, director, or other chief administrative officer 828
of the out-of-home care entity that is the subject of the report 829
unless the administrator, director, or other chief 830
administrative officer is named as an alleged perpetrator in the 831
report. If the administrator, director, or other chief 832
administrative officer of an out-of-home care entity is named as 833
an alleged perpetrator in a report of alleged child abuse or 834
child neglect, or a report of an alleged threat of child abuse 835
or child neglect, that allegedly occurred in or involved the 836
out-of-home care entity, the agency shall provide the written 837
notice to the owner or governing board of the out-of-home care 838
entity that is the subject of the report. The agency shall not 839
provide witness statements or police or other investigative 840
reports. 841

(3) No later than three days after the day on which a public children services agency that conducted the investigation as determined pursuant to section 2151.422 of the Revised Code makes a disposition of an investigation involving a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the agency shall send written notice of the disposition of the investigation to the administrator, director, or other chief administrative officer and the owner or governing board of the out-of-home care entity. The agency shall not provide witness statements or police or other investigative reports.

(P) As used in this section:

(1) "Children's advocacy center" and "sexual abuse of a child" have the same meanings as in section 2151.425 of the Revised Code.

(2) "Health care professional" means an individual who provides health-related services including a physician, hospital intern or resident, dentist, podiatrist, registered nurse, licensed practical nurse, visiting nurse, licensed psychologist, speech pathologist, audiologist, person engaged in social work or the practice of professional counseling, and employee of a home health agency. "Health care professional" does not include a practitioner of a limited branch of medicine as specified in section 4731.15 of the Revised Code, licensed school psychologist, independent marriage and family therapist or marriage and family therapist, or coroner.

(3) "Investigation" means the public children services agency's response to an accepted report of child abuse or neglect through either an alternative response or a traditional

response. 872

Sec. 2151.4210. (A) As used in this section, "armed forces" has the same meaning as in section 5903.01 of the Revised Code. 873
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(B) A public children services agency that is investigating a report of child abuse or neglect shall determine if the person alleged to have inflicted the abuse or neglect is serving in the armed forces. Notwithstanding division (I) of section 2151.421 of the Revised Code, if the agency determines that the person is serving in the armed forces, it shall notify the department of defense family advocacy program that the person is alleged to have inflicted abuse or neglect on the child that is the subject of the report. 876
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Sec. 2919.252. (A) As used in this section: 885

(1) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code. 886
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(2) "Armed forces" has the same meaning as in section 5903.01 of the Revised Code. 888
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(B) A peace officer investigating an alleged violation of section 2919.25 of the Revised Code shall determine if the person alleged to have committed the violation serves in the armed forces. If the officer determines that the person serves in the armed forces, the officer shall notify the department of defense family advocacy program that the person is alleged to have committed a violation of that section. 890
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Sec. 4757.10. (A) The counselor, social worker, and marriage and family therapist board may adopt any rules necessary to carry out this chapter. 897
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<u>(B)</u> The board shall adopt rules that do all of the following:	900 901
(A) <u>(1)</u> Concern intervention for and treatment of any impaired person holding a license or certificate of registration issued under this chapter;	902 903 904
(B) <u>(2)</u> Establish standards for training and experience of supervisors described in division (C) of section 4757.30 of the Revised Code;	905 906 907
(C) <u>(3)</u> Define the requirement that an applicant be of good moral character in order to be licensed or registered under this chapter;	908 909 910
(D) <u>(4)</u> Establish requirements for criminal records checks of applicants under section 4776.03 of the Revised Code;	911 912
(E) <u>(5)</u> Establish a graduated system of fines based on the scope and severity of violations and the history of compliance, not to exceed five hundred dollars per incident, that any professional standards committee of the board may charge for a disciplinary violation described in section 4757.36 of the Revised Code;	913 914 915 916 917 918
(F) <u>(6)</u> Establish the amount and content of corrective action courses required by the board under section 4755.36 <u>4757.36</u> of the Revised Code;	919 920 921
(G) <u>(7)</u> Provide for voluntary registration of all of the following:	922 923
(1) <u>(a)</u> Master's level counselor trainees enrolled in practice and internships;	924 925
(2) <u>(b)</u> Master's level social worker trainees enrolled in fieldwork, practice, and internships;	926 927

(3) <u>(c)</u> Master's level marriage and family therapist trainees enrolled in practice and internships.	928 929
<u>(8)</u> Establish a schedule of deadlines for renewal.	930
<u>(C)</u> Rules adopted under division (G) <u>(B) (7)</u> of this section shall not require a trainee to register with the board, and if a trainee has not registered, shall prohibit any adverse effect with respect to a trainee's application for licensure by the board.	931 932 933 934 935
<u>(D)</u> All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. When it adopts rules under this section or any other section of this chapter, the board may consider standards established by any national association or other organization representing the interests of those involved in professional counseling, social work, or marriage and family therapy.	936 937 938 939 940 941 942
Sec. 4757.13. (A) Each individual who engages in the practice of professional counseling, social work, or marriage and family therapy shall prominently display, in a conspicuous place in the office or place where a major portion of the individual's practice is conducted, and in such a manner as to be easily seen and read, the license granted to the individual by the state counselor, social worker, and marriage and family therapist board.	943 944 945 946 947 948 949 950
(B) <u>A person holding a license holder issued under this chapter who is engaged in a private individual practice, partnership, or group practice shall prominently display the license holder's fee schedule in the office or place where a major portion of the license holder's practice is conducted. The bottom of the first page of the fee schedule shall include the</u>	951 952 953 954 955 956

following statement, which shall be followed by the name, 957
address, and telephone number of the board: 958

"This information is required by the Counselor, Social 959
Worker, and Marriage and Family Therapist Board, which regulates 960
the practices of professional counseling, social work, and 961
marriage and family therapy in this state." 962

Sec. 4757.18. The counselor, social worker, and marriage 963
and family therapist board may enter into a reciprocal agreement 964
with any state that regulates individuals practicing in the same 965
capacities as those regulated under this chapter if the board 966
finds that the state has requirements substantially equivalent 967
to the requirements this state has for receipt of a license or 968
certificate of registration under this chapter. In a reciprocal 969
agreement, the board agrees to issue the appropriate license or 970
certificate of registration to any resident of the other state 971
whose practice is currently authorized by that state if that 972
state's regulatory body agrees to authorize the appropriate 973
practice of any resident of this state who holds a valid license 974
or certificate of registration issued under this chapter. 975

~~The Subject to section 4757.25 of the Revised Code, the~~ 976
professional standards committees of the board may, by 977
endorsement, issue the appropriate license or certificate of 978
registration to a resident of a state with which the board does 979
not have a reciprocal agreement, if the person submits proof 980
satisfactory to the committee of currently being licensed, 981
certified, registered, or otherwise authorized to practice by 982
that state. 983

Sec. 4757.22. (A) The counselors professional standards 984
committee of the counselor, social worker, and marriage and 985
family therapist board shall issue a license to practice as a 986

licensed professional clinical counselor to each applicant who 987
submits a properly completed application, pays the fee 988
established under section 4757.31 of the Revised Code, and meets 989
the requirements specified in division (B) of this section. 990

(B) (1) To be eligible for a licensed professional clinical 991
counselor license, an individual must meet the following 992
requirements: 993

(a) The individual must be of good moral character. 994

(b) The individual must hold from an accredited 995
educational institution a graduate degree in counseling. 996

(c) The individual must complete a minimum of ninety 997
quarter hours or sixty semester hours of graduate credit in 998
counselor training acceptable to the committee, including 999
instruction in the following areas: 1000

(i) Clinical psychopathology, personality, and abnormal 1001
behavior; 1002

(ii) Evaluation of mental and emotional disorders; 1003

(iii) Diagnosis of mental and emotional disorders; 1004

(iv) Methods of prevention, intervention, and treatment of 1005
mental and emotional disorders. 1006

(d) The individual must complete, in either a private or 1007
clinical counseling setting, supervised experience in counseling 1008
that is of a type approved by the committee, is supervised by a 1009
licensed professional clinical counselor or other qualified 1010
professional approved by the committee, and is in the following 1011
amounts: 1012

(i) In the case of an individual holding only a master's 1013

degree, not less than two years of experience, which must be 1014
completed after the award of the master's degree; 1015

(ii) In the case of an individual holding a doctorate, not 1016
less than one year of experience, which must be completed after 1017
the award of the doctorate. 1018

(e) The individual must pass a field evaluation that meets 1019
the following requirements: 1020

(i) Has been completed by the applicant's instructors, 1021
employers, supervisors, or other persons determined by the 1022
committee to be competent to evaluate an individual's 1023
professional competence; 1024

(ii) Includes documented evidence of the quality, scope, 1025
and nature of the applicant's experience and competence in 1026
diagnosing and treating mental and emotional disorders. 1027

(f) The individual must pass an examination administered 1028
by the board for the purpose of determining ability to practice 1029
as a licensed professional clinical counselor. 1030

(2) To meet the requirement of division (B) (1) (b) of this 1031
section, a graduate degree in counseling obtained from a ~~mental-~~ 1032
~~health-counseling~~ program in this state after January 1, 2018, 1033
must be from a ~~clinical mental health counseling program, a~~ 1034
~~clinical rehabilitation counseling program, or an addiction-~~ 1035
counseling program accredited by the council for accreditation 1036
of counseling and related educational programs. 1037

(3) All of the following meet the educational requirements 1038
of division (B) (1) (c) of this section: 1039

(a) A clinical mental health counseling program accredited 1040
by the council for accreditation of counseling and related 1041

educational programs; 1042

(b) Until January 1, 2018, a mental health counseling 1043
program accredited by the council for accreditation of 1044
counseling and related educational programs; 1045

(c) A graduate degree in counseling issued by another 1046
state from a clinical mental health counseling program, a 1047
clinical rehabilitation counseling program, or an addiction 1048
counseling program that is accredited by the council for 1049
accreditation of counseling and related educational programs; 1050

(d) Any other accredited counseling programs accepted by 1051
the board in accordance with rules adopted under division (F) (3) 1052
of this section. 1053

(C) To be accepted by the committee for purposes of 1054
division (B) of this section, counselor training must include at 1055
least the following: 1056

(1) Instruction in human growth and development; 1057
counseling theory; counseling techniques; group dynamics, 1058
processing, and counseling; appraisal of individuals; research 1059
and evaluation; professional, legal, and ethical 1060
responsibilities; social and cultural foundations; and lifestyle 1061
and career development; 1062

(2) Participation in a supervised practicum and clinical 1063
internship in counseling. 1064

(D) The committee may issue a temporary license to an 1065
applicant who meets all of the requirements to be licensed under 1066
this section, pending the receipt of transcripts or action by 1067
the committee to issue a license to practice as a licensed 1068
professional clinical counselor. 1069

(E) An individual may not sit for the licensing 1070
examination unless the individual meets the educational 1071
requirements to be licensed under this section. An individual 1072
who is denied admission to the licensing examination may appeal 1073
the denial in accordance with Chapter 119. of the Revised Code. 1074

(F) The board shall adopt any rules necessary for the 1075
committee to implement this section. The rules shall do all of 1076
the following: 1077

(1) Establish criteria for the committee to use in 1078
determining whether an applicant's training should be accepted 1079
and supervised experience approved; 1080

(2) Establish course content requirements for qualifying 1081
counseling degrees issued by institutions in other states from 1082
clinical mental health counseling programs, clinical 1083
rehabilitation counseling programs, and addiction counseling 1084
programs that are not accredited by the council for 1085
accreditation of counseling and related educational programs and 1086
for graduate degrees from other accredited counseling programs 1087
approved by the board in accordance with rules adopted under 1088
division (F) (3) of this section; 1089

(3) For purposes of divisions (B) (2) (b) and (3) of this 1090
section, establish requirements for acceptance by the committee 1091
of accredited counseling programs. 1092

Rules adopted under this division shall be adopted in 1093
accordance with Chapter 119. of the Revised Code. 1094

Sec. 4757.23. (A) The counselors professional standards 1095
committee of the counselor, social worker, and marriage and 1096
family therapist board shall issue a license as a licensed 1097
professional counselor to each applicant who submits a properly 1098

completed application, pays the fee established under section 1099
4757.31 of the Revised Code, and meets the requirements 1100
established under division (B) of this section. 1101

(B) (1) To be eligible for a license as a licensed 1102
professional counselor, an individual must meet the following 1103
requirements: 1104

(a) The individual must be of good moral character. 1105

(b) The individual must hold from an accredited 1106
educational institution a graduate degree in counseling. 1107

(c) The individual must complete a minimum of ninety 1108
quarter hours or sixty semester hours of graduate credit in 1109
counselor training acceptable to the committee, which the 1110
individual may complete while working toward receiving a 1111
graduate degree in counseling, or subsequent to receiving the 1112
degree, and which shall include training in the following areas: 1113

(i) Clinical psychopathology, personality, and abnormal 1114
behavior; 1115

(ii) Evaluation of mental and emotional disorders; 1116

(iii) Diagnosis of mental and emotional disorders; 1117

(iv) Methods of prevention, intervention, and treatment of 1118
mental and emotional disorders. 1119

(d) The individual must pass an examination administered 1120
by the board for the purpose of determining ability to practice 1121
as a licensed professional counselor. 1122

(2) To meet the requirement of division (B) (1) (b) of this 1123
section, a graduate degree in counseling obtained from a ~~mental-~~ 1124
~~health-~~ counseling program in this state after January 1, 2018, 1125

must be from a ~~clinical mental health counseling program,~~ 1126
~~clinical rehabilitation counseling program, or addiction-~~ 1127
counseling program accredited by the council for accreditation 1128
of counseling and related educational programs. 1129

(3) All of the following meet the educational requirements 1130
of division (B) (1) (c) of this section: 1131

(a) A clinical mental health counseling program accredited 1132
by the council for accreditation of counseling and related 1133
educational programs; 1134

(b) Until January 1, 2018, a mental health counseling 1135
program accredited by the council for accreditation of 1136
counseling and related educational programs; 1137

(c) A graduate degree in counseling issued by an 1138
institution in another state from a clinical mental health 1139
counseling program, a clinical rehabilitation counseling 1140
program, or an addiction counseling program that is accredited 1141
by the council for accreditation of counseling and related 1142
educational programs; 1143

(d) Any other accredited counseling programs accepted by 1144
the board in accordance with rules adopted under division (F) (3) 1145
of this section. 1146

(C) To be accepted by the committee for purposes of 1147
division (B) of this section, counselor training must include at 1148
least the following: 1149

(1) Instruction in human growth and development; 1150
counseling theory; counseling techniques; group dynamics, 1151
processing, and counseling; appraisal of individuals; research 1152
and evaluation; professional, legal, and ethical 1153
responsibilities; social and cultural foundations; and lifestyle 1154

and career development; 1155

(2) Participation in a supervised practicum and clinical 1156
internship in counseling. 1157

(D) The committee may issue a temporary license to 1158
practice as a licensed professional counselor to an applicant 1159
who meets all of the requirements to be licensed under this 1160
section as follows: 1161

(1) Pending the receipt of transcripts or action by the 1162
committee to issue a license as a licensed professional 1163
counselor; 1164

(2) For a period not to exceed ninety days, to an 1165
applicant who provides the board with a statement from the 1166
applicant's academic institution indicating that the applicant 1167
has met the academic requirements for the applicant's degree and 1168
the projected date the applicant will receive the applicant's 1169
transcript showing a conferred degree. 1170

On application to the committee, a temporary license 1171
issued under division (D) (2) of this section may be renewed for 1172
good cause shown. 1173

(E) An individual may not sit for the licensing 1174
examination unless the individual meets the educational 1175
requirements to be licensed under this section. An individual 1176
who is denied admission to the licensing examination may appeal 1177
the denial in accordance with Chapter 119. of the Revised Code. 1178

(F) The board shall adopt any rules necessary for the 1179
committee to implement this section. The rules shall do all of 1180
the following: 1181

(1) Establish criteria for the committee to use in 1182

determining whether an applicant's training should be accepted 1183
and supervised experience approved; 1184

(2) Establish course content requirements for qualifying 1185
counseling degrees issued by institutions in other states from 1186
clinical mental health counseling programs, clinical 1187
rehabilitation counseling programs, and addiction counseling 1188
programs that are not accredited by the council for 1189
accreditation of counseling and related educational programs and 1190
for graduate degrees from other accredited counseling programs 1191
accepted by the board in accordance with rules adopted under 1192
division (F) (3) of this section; 1193

(3) For purposes of divisions (B) (2) (b) and (3) of this 1194
section, establish requirements for acceptance by the committee 1195
of accredited counseling programs. 1196

Rules adopted under this division shall be adopted in 1197
accordance with Chapter 119. of the Revised Code. 1198

Sec. 4757.25. (A) Notwithstanding any provision in 1199
sections 4757.22 and 4757.23 of the Revised Code to the 1200
contrary, the counselors professional standards committee of the 1201
counselor, social worker, and marriage and family therapist 1202
board may, by endorsement, issue a license to practice as a 1203
licensed professional clinical counselor or a licensed 1204
professional counselor to a person who is authorized to practice 1205
in another state even though the person does not hold a graduate 1206
degree in counseling if the person meets all of the following 1207
requirements: 1208

(1) The person has a graduate degree in a field of study 1209
that demonstrates an education in the diagnosis and treatment of 1210
mental and emotional disorders. 1211

(2) The person has continuously engaged in the practice of professional counseling in the other state for a period of five years or more immediately preceding the date the application is submitted. 1212
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(3) The person's scope of practice in the other state is comparable to the scope of practice associated with the license the person is requesting. 1216
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(4) The person's license, certificate, registration, or other authorization to practice in the other state is in good standing at the time the person submits the application. 1219
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(5) The person has not been disciplined by the regulatory authority of the other state that issued the license, certificate, registration, or other authorization for a period of five years or more preceding the date the application is submitted. 1222
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(6) The person has achieved a passing score on the examination required by the board for licensure as a licensed professional clinical counselor or a licensed professional counselor, as applicable. 1227
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(B) To meet the requirement of division (A)(1) of this section, the coursework the person completed to obtain the graduate degree must be comparable to the coursework required to obtain a degree in clinical mental health counseling from a program accredited by the council for accreditation of counseling and related educational programs. 1231
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(C) Before issuing a license to practice as a licensed professional clinical counselor by endorsement under this section, the committee shall require an applicant to complete not less than seven hundred fifty hours of supervised experience 1237
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that is of a type approved by the committee. 1241

Sec. 4757.32. A license or certificate of registration 1242
issued under this chapter ~~expires two years after it is issued~~ 1243
~~and is valid without further recommendation or examination until~~ 1244
revoked or suspended or until the license or certificate of 1245
registration expires for failure to renew as provided for in 1246
this section. Licenses and certificates of registration shall be 1247
renewed biennially in accordance with the schedule established 1248
in rules adopted by the counselor, social worker, and marriage 1249
and family therapist board under section 4757.10 of the Revised 1250
Code. A license or certificate of registration may be renewed in 1251
accordance with the standard renewal procedure established under 1252
Chapter 4745. of the Revised Code. 1253

Subject to section 4757.36 of the Revised Code, the staff 1254
of the appropriate professional standards committee of the 1255
~~counselor, social worker, and marriage and family therapist~~ 1256
board shall, on behalf of each committee, issue a renewed 1257
license or certificate of registration to each applicant who has 1258
paid the renewal fee established by the board under section 1259
4757.31 of the Revised Code and satisfied the continuing 1260
education requirements established by the board under section 1261
4757.33 of the Revised Code. 1262

A license or certificate of registration that is not 1263
renewed lapses on its expiration date. A license or certificate 1264
of registration that has lapsed may be restored if the 1265
individual, not later than two years after the license or 1266
certificate expired, applies for restoration of the license or 1267
certificate. The staff of the appropriate professional standards 1268
committee shall issue a restored license or certificate of 1269
registration to the applicant if the applicant pays the renewal 1270

fee established under section 4757.31 of the Revised Code and 1271
satisfies the continuing education requirements established 1272
under section 4757.33 of the Revised Code for restoring the 1273
license or certificate of registration. The board and its 1274
professional standards committees shall not require a person to 1275
take an examination as a condition of having a lapsed license or 1276
certificate of registration restored. 1277

Sec. 4757.33. (A) Except as provided in division (B) of 1278
this section, each person who holds a license ~~or certificate of~~ 1279
~~registration~~ issued under this chapter shall complete during the 1280
period that the license ~~or certificate~~ is in effect not less 1281
than thirty clock hours of continuing professional education as 1282
a condition of receiving a renewed license ~~or certificate~~. ~~To~~ 1283
Except as provided in division (B) of this section, each person 1284
who holds a certificate of registration as a social work 1285
assistant shall complete during the period the certificate is in 1286
effect fifteen clock hours of continuing professional education 1287
as a condition of receiving a renewed certificate of 1288
registration. 1289

To have a lapsed license or certificate of registration 1290
restored, a person shall complete the number of hours of 1291
continuing education specified by the counselor, social worker, 1292
and marriage and family therapist board in rules it shall adopt 1293
in accordance with Chapter 119. of the Revised Code. 1294

The professional standards committees of the counselor, 1295
social worker, and marriage and family therapist board shall 1296
adopt rules in accordance with Chapter 119. of the Revised Code 1297
establishing standards and procedures to be followed by the 1298
committees in conducting the continuing education approval 1299
process, which shall include registering individuals and 1300

entities to provide continuing education programs approved by 1301
the board. 1302

(B) The board may waive the continuing education 1303
requirements established under this section for persons who are 1304
unable to fulfill them because of military service, illness, 1305
residence abroad, or any other reason the committee considers 1306
acceptable. 1307

Section 2. That existing sections 109.46, 959.99, 1308
2151.421, 4757.10, 4757.13, 4757.18, 4757.22, 4757.23, 4757.32, 1309
and 4757.33 of the Revised Code are hereby repealed. 1310

Section 3. A license or certificate of registration issued 1311
under Chapter 4757. of the Revised Code that is in effect on the 1312
effective date of this act shall continue in effect until the 1313
first biennial renewal date established by the Counselor, Social 1314
Worker, and Marriage and Family Therapist Board pursuant to 1315
sections 4757.10 and 4757.32 of the Revised Code, as amended by 1316
this act. No license or certificate of registration in effect on 1317
the effective date of this act is valid for more than three 1318
years after the effective date of this act. 1319

Section 4. The General Assembly, applying the principle 1320
stated in division (B) of section 1.52 of the Revised Code that 1321
amendments are to be harmonized if reasonably capable of 1322
simultaneous operation, finds that the composite of the sections 1323
as amended by the acts indicated, are the resulting version of 1324
the sections in effect prior to the effective date of the 1325
sections as presented in this act: 1326

Section 959.99 of the Revised Code as amended by both Sub. 1327
H.B. 60 and Sub. S.B. 331 of the 131st General Assembly. 1328

Section 2151.421 of the Revised Code as amended by both 1329

Sub. H.B. 158 and Am. Sub. H.B. 493 of the 131st General	1330
Assembly.	1331