

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**S. B. No. 41**

**Senator Eklund**

**Cosponsors: Senators Schiavoni, Hoagland, Coley, Yuko**

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**A BILL**

To amend sections 2151.421, 2317.02, and 2921.22 of 1  
the Revised Code to provide generally a 2  
testimonial privilege for communications between 3  
a qualified advocate rendering advocacy services 4  
and a victim of sexual violence, menacing by 5  
stalking, or domestic violence, to exempt the 6  
nondisclosure of that privileged communication 7  
from the offense of failure to report a crime, 8  
to require a qualified advocate to report 9  
knowledge or reasonable suspicion of child abuse 10  
or neglect of the victim except for privileged 11  
communications, and to specify circumstances in 12  
which the victim is considered to have waived 13  
the privilege. 14

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

**Section 1.** That sections 2151.421, 2317.02, and 2921.22 of 15  
the Revised Code be amended to read as follows: 16

**Sec. 2151.421.** (A) (1) (a) No person described in division 17  
(A) (1) (b) of this section who is acting in an official or 18

professional capacity and knows, or has reasonable cause to 19  
suspect based on facts that would cause a reasonable person in a 20  
similar position to suspect, that a child under eighteen years 21  
of age, or a person under twenty-one years of age with a 22  
developmental disability or physical impairment, has suffered or 23  
faces a threat of suffering any physical or mental wound, 24  
injury, disability, or condition of a nature that reasonably 25  
indicates abuse or neglect of the child shall fail to 26  
immediately report that knowledge or reasonable cause to suspect 27  
to the entity or persons specified in this division. Except as 28  
provided in section 5120.173 of the Revised Code, the person 29  
making the report shall make it to the public children services 30  
agency or a municipal or county peace officer in the county in 31  
which the child resides or in which the abuse or neglect is 32  
occurring or has occurred. In the circumstances described in 33  
section 5120.173 of the Revised Code, the person making the 34  
report shall make it to the entity specified in that section. 35

(b) Division (A)(1)(a) of this section applies to any 36  
person who is an attorney; health care professional; 37  
practitioner of a limited branch of medicine as specified in 38  
section 4731.15 of the Revised Code; licensed school 39  
psychologist; independent marriage and family therapist or 40  
marriage and family therapist; coroner; administrator or 41  
employee of a child day-care center; administrator or employee 42  
of a residential camp, child day camp, or private, nonprofit 43  
therapeutic wilderness camp; administrator or employee of a 44  
certified child care agency or other public or private children 45  
services agency; school teacher; school employee; school 46  
authority; agent of a county humane society; person, other than 47  
a cleric, rendering spiritual treatment through prayer in 48  
accordance with the tenets of a well-recognized religion; 49

employee of a county department of job and family services who 50  
is a professional and who works with children and families; 51  
superintendent or regional administrator employed by the 52  
department of youth services; superintendent, board member, or 53  
employee of a county board of developmental disabilities; 54  
investigative agent contracted with by a county board of 55  
developmental disabilities; employee of the department of 56  
developmental disabilities; employee of a facility or home that 57  
provides respite care in accordance with section 5123.171 of the 58  
Revised Code; employee of an entity that provides homemaker 59  
services; a person performing the duties of an assessor pursuant 60  
to Chapter 3107. or 5103. of the Revised Code; third party 61  
employed by a public children services agency to assist in 62  
providing child or family related services; court appointed 63  
special advocate; ~~or guardian ad litem; or qualified advocate.~~ 64

(c) If two or more health care professionals, after 65  
providing health care services to a child, determine or suspect 66  
that the child has been or is being abused or neglected, the 67  
health care professionals may designate one of the health care 68  
professionals to report the abuse or neglect. A single report 69  
made under this division shall meet the reporting requirements 70  
of division (A) (1) of this section. 71

(2) Except as provided in division (A) (3) of this section, 72  
an attorney or a physician is not required to make a report 73  
pursuant to division (A) (1) of this section concerning any 74  
communication the attorney or physician receives from a client 75  
or patient in an attorney-client or physician-patient 76  
relationship, if, in accordance with division (A) or (B) of 77  
section 2317.02 of the Revised Code, the attorney or physician 78  
could not testify with respect to that communication in a civil 79  
or criminal proceeding. 80

(3) The client or patient in an attorney-client or 81  
physician-patient relationship described in division (A) (2) of 82  
this section is deemed to have waived any testimonial privilege 83  
under division (A) or (B) of section 2317.02 of the Revised Code 84  
with respect to any communication the attorney or physician 85  
receives from the client or patient in that attorney-client or 86  
physician-patient relationship, and the attorney or physician 87  
shall make a report pursuant to division (A) (1) of this section 88  
with respect to that communication, if all of the following 89  
apply: 90

(a) The client or patient, at the time of the 91  
communication, is a child under eighteen years of age or is a 92  
person under twenty-one years of age with a developmental 93  
disability or physical impairment. 94

(b) The attorney or physician knows, or has reasonable 95  
cause to suspect based on facts that would cause a reasonable 96  
person in similar position to suspect that the client or patient 97  
has suffered or faces a threat of suffering any physical or 98  
mental wound, injury, disability, or condition of a nature that 99  
reasonably indicates abuse or neglect of the client or patient. 100

(c) The abuse or neglect does not arise out of the 101  
client's or patient's attempt to have an abortion without the 102  
notification of her parents, guardian, or custodian in 103  
accordance with section 2151.85 of the Revised Code. 104

(4) (a) No cleric and no person, other than a volunteer, 105  
designated by any church, religious society, or faith acting as 106  
a leader, official, or delegate on behalf of the church, 107  
religious society, or faith who is acting in an official or 108  
professional capacity, who knows, or has reasonable cause to 109  
believe based on facts that would cause a reasonable person in a 110

similar position to believe, that a child under eighteen years 111  
of age, or a person under twenty-one years of age with a 112  
developmental disability or physical impairment, has suffered or 113  
faces a threat of suffering any physical or mental wound, 114  
injury, disability, or condition of a nature that reasonably 115  
indicates abuse or neglect of the child, and who knows, or has 116  
reasonable cause to believe based on facts that would cause a 117  
reasonable person in a similar position to believe, that another 118  
cleric or another person, other than a volunteer, designated by 119  
a church, religious society, or faith acting as a leader, 120  
official, or delegate on behalf of the church, religious 121  
society, or faith caused, or poses the threat of causing, the 122  
wound, injury, disability, or condition that reasonably 123  
indicates abuse or neglect shall fail to immediately report that 124  
knowledge or reasonable cause to believe to the entity or 125  
persons specified in this division. Except as provided in 126  
section 5120.173 of the Revised Code, the person making the 127  
report shall make it to the public children services agency or a 128  
municipal or county peace officer in the county in which the 129  
child resides or in which the abuse or neglect is occurring or 130  
has occurred. In the circumstances described in section 5120.173 131  
of the Revised Code, the person making the report shall make it 132  
to the entity specified in that section. 133

(b) Except as provided in division (A) (4) (c) of this 134  
section, a cleric is not required to make a report pursuant to 135  
division (A) (4) (a) of this section concerning any communication 136  
the cleric receives from a penitent in a cleric-penitent 137  
relationship, if, in accordance with division (C) of section 138  
2317.02 of the Revised Code, the cleric could not testify with 139  
respect to that communication in a civil or criminal proceeding. 140

(c) The penitent in a cleric-penitent relationship 141

described in division (A) (4) (b) of this section is deemed to 142  
have waived any testimonial privilege under division (C) of 143  
section 2317.02 of the Revised Code with respect to any 144  
communication the cleric receives from the penitent in that 145  
cleric-penitent relationship, and the cleric shall make a report 146  
pursuant to division (A) (4) (a) of this section with respect to 147  
that communication, if all of the following apply: 148

(i) The penitent, at the time of the communication, is a 149  
child under eighteen years of age or is a person under twenty- 150  
one years of age with a developmental disability or physical 151  
impairment. 152

(ii) The cleric knows, or has reasonable cause to believe 153  
based on facts that would cause a reasonable person in a similar 154  
position to believe, as a result of the communication or any 155  
observations made during that communication, the penitent has 156  
suffered or faces a threat of suffering any physical or mental 157  
wound, injury, disability, or condition of a nature that 158  
reasonably indicates abuse or neglect of the penitent. 159

(iii) The abuse or neglect does not arise out of the 160  
penitent's attempt to have an abortion performed upon a child 161  
under eighteen years of age or upon a person under twenty-one 162  
years of age with a developmental disability or physical 163  
impairment without the notification of her parents, guardian, or 164  
custodian in accordance with section 2151.85 of the Revised 165  
Code. 166

(d) Divisions (A) (4) (a) and (c) of this section do not 167  
apply in a cleric-penitent relationship when the disclosure of 168  
any communication the cleric receives from the penitent is in 169  
violation of the sacred trust. 170

(e) As used in divisions (A) (1) and (4) of this section, 171  
"cleric" and "sacred trust" have the same meanings as in section 172  
2317.02 of the Revised Code. 173

(5) (a) Except as provided in division (A) (5) (b) of this 174  
section, a qualified advocate is not required to make a report 175  
pursuant to division (A) (1) of this section concerning any 176  
confidential communication the qualified advocate receives from 177  
a victim in a qualified advocate-victim relationship, if, in 178  
accordance with division (M) of section 2317.02 of the Revised 179  
Code, the qualified advocate could not testify with respect to 180  
that communication in a civil, criminal, administrative, or 181  
education discipline proceeding. 182

(b) The victim in a qualified advocate-victim relationship 183  
described in division (A) (5) (a) of this section is considered to 184  
have waived any testimonial privilege under division (M) of 185  
section 2317.02 of the Revised Code with respect to any 186  
confidential communication the qualified advocate receives from 187  
the victim in that qualified advocate-victim relationship, and 188  
the qualified advocate shall make a report pursuant to division 189  
(A) (1) of this section with respect to that communication, if 190  
all of the following apply: 191

(i) The victim, at the time of the communication, is 192  
either a child under eighteen years of age or a person under 193  
twenty-one years of age with a developmental disability or 194  
physical impairment. 195

(ii) The qualified advocate knows, or has reasonable cause 196  
to believe based on facts that would cause a reasonable person 197  
in a similar position to believe, as a result of the 198  
communication or any observations made during that 199  
communication, the victim has suffered or faces a threat of 200

suffering any physical or mental wound, injury, disability, or 201  
condition of a nature that reasonably indicates abuse or neglect 202  
of the victim. 203

(iii) The abuse or neglect does not arise out of the 204  
victim's attempt to have an abortion without the notification of 205  
her parents, guardian, or custodian in accordance with section 206  
2151.85 of the Revised Code. 207

(c) As used in divisions (A) (1) and (5) of this section, 208  
"confidential communication," "qualified advocate," and "victim" 209  
have the same meanings as in section 2317.02 of the Revised 210  
Code. 211

(B) Anyone who knows, or has reasonable cause to suspect 212  
based on facts that would cause a reasonable person in similar 213  
circumstances to suspect, that a child under eighteen years of 214  
age, or a person under twenty-one years of age with a 215  
developmental disability or physical impairment, has suffered or 216  
faces a threat of suffering any physical or mental wound, 217  
injury, disability, or other condition of a nature that 218  
reasonably indicates abuse or neglect of the child may report or 219  
cause reports to be made of that knowledge or reasonable cause 220  
to suspect to the entity or persons specified in this division. 221  
Except as provided in section 5120.173 of the Revised Code, a 222  
person making a report or causing a report to be made under this 223  
division shall make it or cause it to be made to the public 224  
children services agency or to a municipal or county peace 225  
officer. In the circumstances described in section 5120.173 of 226  
the Revised Code, a person making a report or causing a report 227  
to be made under this division shall make it or cause it to be 228  
made to the entity specified in that section. 229

(C) Any report made pursuant to division (A) or (B) of 230



this section shall be made forthwith either by telephone or in 231  
person and shall be followed by a written report, if requested 232  
by the receiving agency or officer. The written report shall 233  
contain: 234

(1) The names and addresses of the child and the child's 235  
parents or the person or persons having custody of the child, if 236  
known; 237

(2) The child's age and the nature and extent of the 238  
child's injuries, abuse, or neglect that is known or reasonably 239  
suspected or believed, as applicable, to have occurred or of the 240  
threat of injury, abuse, or neglect that is known or reasonably 241  
suspected or believed, as applicable, to exist, including any 242  
evidence of previous injuries, abuse, or neglect; 243

(3) Any other information, including, but not limited to, 244  
results and reports of any medical examinations, tests, or 245  
procedures performed under division (D) of this section, that 246  
might be helpful in establishing the cause of the injury, abuse, 247  
or neglect that is known or reasonably suspected or believed, as 248  
applicable, to have occurred or of the threat of injury, abuse, 249  
or neglect that is known or reasonably suspected or believed, as 250  
applicable, to exist. 251

(D) (1) Any person, who is required by division (A) of this 252  
section to report child abuse or child neglect that is known or 253  
reasonably suspected or believed to have occurred, may take or 254  
cause to be taken color photographs of areas of trauma visible 255  
on a child and, if medically necessary for the purpose of 256  
diagnosing or treating injuries that are suspected to have 257  
occurred as a result of child abuse or child neglect, perform or 258  
cause to be performed radiological examinations and any other 259  
medical examinations of, and tests or procedures on, the child. 260

(2) The results and any available reports of examinations, 261  
tests, or procedures made under division (D)(1) of this section 262  
shall be included in a report made pursuant to division (A) of 263  
this section. Any additional reports of examinations, tests, or 264  
procedures that become available shall be provided to the public 265  
children services agency, upon request. 266

(3) If a health care professional provides health care 267  
services in a hospital, children's advocacy center, or emergency 268  
medical facility to a child about whom a report has been made 269  
under division (A) of this section, the health care professional 270  
may take any steps that are reasonably necessary for the release 271  
or discharge of the child to an appropriate environment. Before 272  
the child's release or discharge, the health care professional 273  
may obtain information, or consider information obtained, from 274  
other entities or individuals that have knowledge about the 275  
child. Nothing in division (D)(3) of this section shall be 276  
construed to alter the responsibilities of any person under 277  
sections 2151.27 and 2151.31 of the Revised Code. 278

(4) A health care professional may conduct medical 279  
examinations, tests, or procedures on the siblings of a child 280  
about whom a report has been made under division (A) of this 281  
section and on other children who reside in the same home as the 282  
child, if the professional determines that the examinations, 283  
tests, or procedures are medically necessary to diagnose or 284  
treat the siblings or other children in order to determine 285  
whether reports under division (A) of this section are warranted 286  
with respect to such siblings or other children. The results of 287  
the examinations, tests, or procedures on the siblings and other 288  
children may be included in a report made pursuant to division 289  
(A) of this section. 290

(5) Medical examinations, tests, or procedures conducted 291  
under divisions (D) (1) and (4) of this section and decisions 292  
regarding the release or discharge of a child under division (D) 293  
(3) of this section do not constitute a law enforcement 294  
investigation or activity. 295

(E) (1) When a municipal or county peace officer receives a 296  
report concerning the possible abuse or neglect of a child or 297  
the possible threat of abuse or neglect of a child, upon receipt 298  
of the report, the municipal or county peace officer who 299  
receives the report shall refer the report to the appropriate 300  
public children services agency. 301

(2) When a public children services agency receives a 302  
report pursuant to this division or division (A) or (B) of this 303  
section, upon receipt of the report, the public children 304  
services agency shall do both of the following: 305

(a) Comply with section 2151.422 of the Revised Code; 306

(b) If the county served by the agency is also served by a 307  
children's advocacy center and the report alleges sexual abuse 308  
of a child or another type of abuse of a child that is specified 309  
in the memorandum of understanding that creates the center as 310  
being within the center's jurisdiction, comply regarding the 311  
report with the protocol and procedures for referrals and 312  
investigations, with the coordinating activities, and with the 313  
authority or responsibility for performing or providing 314  
functions, activities, and services stipulated in the 315  
interagency agreement entered into under section 2151.428 of the 316  
Revised Code relative to that center. 317

(F) No township, municipal, or county peace officer shall 318  
remove a child about whom a report is made pursuant to this 319

section from the child's parents, stepparents, or guardian or 320  
any other persons having custody of the child without 321  
consultation with the public children services agency, unless, 322  
in the judgment of the officer, and, if the report was made by 323  
physician, the physician, immediate removal is considered 324  
essential to protect the child from further abuse or neglect. 325  
The agency that must be consulted shall be the agency conducting 326  
the investigation of the report as determined pursuant to 327  
section 2151.422 of the Revised Code. 328

(G) (1) Except as provided in section 2151.422 of the 329  
Revised Code or in an interagency agreement entered into under 330  
section 2151.428 of the Revised Code that applies to the 331  
particular report, the public children services agency shall 332  
investigate, within twenty-four hours, each report of child 333  
abuse or child neglect that is known or reasonably suspected or 334  
believed to have occurred and of a threat of child abuse or 335  
child neglect that is known or reasonably suspected or believed 336  
to exist that is referred to it under this section to determine 337  
the circumstances surrounding the injuries, abuse, or neglect or 338  
the threat of injury, abuse, or neglect, the cause of the 339  
injuries, abuse, neglect, or threat, and the person or persons 340  
responsible. The investigation shall be made in cooperation with 341  
the law enforcement agency and in accordance with the memorandum 342  
of understanding prepared under division (K) of this section. A 343  
representative of the public children services agency shall, at 344  
the time of initial contact with the person subject to the 345  
investigation, inform the person of the specific complaints or 346  
allegations made against the person. The information shall be 347  
given in a manner that is consistent with division (I) (1) of 348  
this section and protects the rights of the person making the 349  
report under this section. 350

A failure to make the investigation in accordance with the 351  
memorandum is not grounds for, and shall not result in, the 352  
dismissal of any charges or complaint arising from the report or 353  
the suppression of any evidence obtained as a result of the 354  
report and does not give, and shall not be construed as giving, 355  
any rights or any grounds for appeal or post-conviction relief 356  
to any person. The public children services agency shall report 357  
each case to the uniform statewide automated child welfare 358  
information system that the department of job and family 359  
services shall maintain in accordance with section 5101.13 of 360  
the Revised Code. The public children services agency shall 361  
submit a report of its investigation, in writing, to the law 362  
enforcement agency. 363

(2) The public children services agency shall make any 364  
recommendations to the county prosecuting attorney or city 365  
director of law that it considers necessary to protect any 366  
children that are brought to its attention. 367

(H) (1) (a) Except as provided in divisions (H) (1) (b) and 368  
(I) (3) of this section, any person, health care professional, 369  
hospital, institution, school, health department, or agency 370  
shall be immune from any civil or criminal liability for injury, 371  
death, or loss to person or property that otherwise might be 372  
incurred or imposed as a result of any of the following: 373

(i) Participating in the making of reports pursuant to 374  
division (A) of this section or in the making of reports in good 375  
faith, pursuant to division (B) of this section; 376

(ii) Participating in medical examinations, tests, or 377  
procedures under division (D) of this section; 378

(iii) Providing information used in a report made pursuant 379

to division (A) of this section or providing information in good 380  
faith used in a report made pursuant to division (B) of this 381  
section; 382

(iv) Participating in a judicial proceeding resulting from 383  
a report made pursuant to division (A) of this section or 384  
participating in good faith in a proceeding resulting from a 385  
report made pursuant to division (B) of this section. 386

(b) Immunity under division (H) (1) (a) (ii) of this section 387  
shall not apply when a health care provider has deviated from 388  
the standard of care applicable to the provider's profession. 389

(c) Notwithstanding section 4731.22 of the Revised Code, 390  
the physician-patient privilege shall not be a ground for 391  
excluding evidence regarding a child's injuries, abuse, or 392  
neglect, or the cause of the injuries, abuse, or neglect in any 393  
judicial proceeding resulting from a report submitted pursuant 394  
to this section. 395

(2) In any civil or criminal action or proceeding in which 396  
it is alleged and proved that participation in the making of a 397  
report under this section was not in good faith or participation 398  
in a judicial proceeding resulting from a report made under this 399  
section was not in good faith, the court shall award the 400  
prevailing party reasonable attorney's fees and costs and, if a 401  
civil action or proceeding is voluntarily dismissed, may award 402  
reasonable attorney's fees and costs to the party against whom 403  
the civil action or proceeding is brought. 404

(I) (1) Except as provided in divisions (I) (4) and (O) of 405  
this section, a report made under this section is confidential. 406  
The information provided in a report made pursuant to this 407  
section and the name of the person who made the report shall not 408

be released for use, and shall not be used, as evidence in any 409  
civil action or proceeding brought against the person who made 410  
the report. Nothing in this division shall preclude the use of 411  
reports of other incidents of known or suspected abuse or 412  
neglect in a civil action or proceeding brought pursuant to 413  
division (N) of this section against a person who is alleged to 414  
have violated division (A)(1) of this section, provided that any 415  
information in a report that would identify the child who is the 416  
subject of the report or the maker of the report, if the maker 417  
of the report is not the defendant or an agent or employee of 418  
the defendant, has been redacted. In a criminal proceeding, the 419  
report is admissible in evidence in accordance with the Rules of 420  
Evidence and is subject to discovery in accordance with the 421  
Rules of Criminal Procedure. 422

(2)(a) Except as provided in division (I)(2)(b) of this 423  
section, no person shall permit or encourage the unauthorized 424  
dissemination of the contents of any report made under this 425  
section. 426

(b) A health care professional that obtains the same 427  
information contained in a report made under this section from a 428  
source other than the report may disseminate the information, if 429  
its dissemination is otherwise permitted by law. 430

(3) A person who knowingly makes or causes another person 431  
to make a false report under division (B) of this section that 432  
alleges that any person has committed an act or omission that 433  
resulted in a child being an abused child or a neglected child 434  
is guilty of a violation of section 2921.14 of the Revised Code. 435

(4) If a report is made pursuant to division (A) or (B) of 436  
this section and the child who is the subject of the report dies 437  
for any reason at any time after the report is made, but before 438

the child attains eighteen years of age, the public children 439  
services agency or municipal or county peace officer to which 440  
the report was made or referred, on the request of the child 441  
fatality review board or the director of health pursuant to 442  
guidelines established under section 3701.70 of the Revised 443  
Code, shall submit a summary sheet of information providing a 444  
summary of the report to the review board of the county in which 445  
the deceased child resided at the time of death or to the 446  
director. On the request of the review board or director, the 447  
agency or peace officer may, at its discretion, make the report 448  
available to the review board or director. If the county served 449  
by the public children services agency is also served by a 450  
children's advocacy center and the report of alleged sexual 451  
abuse of a child or another type of abuse of a child is 452  
specified in the memorandum of understanding that creates the 453  
center as being within the center's jurisdiction, the agency or 454  
center shall perform the duties and functions specified in this 455  
division in accordance with the interagency agreement entered 456  
into under section 2151.428 of the Revised Code relative to that 457  
advocacy center. 458

(5) A public children services agency shall advise a 459  
person alleged to have inflicted abuse or neglect on a child who 460  
is the subject of a report made pursuant to this section, 461  
including a report alleging sexual abuse of a child or another 462  
type of abuse of a child referred to a children's advocacy 463  
center pursuant to an interagency agreement entered into under 464  
section 2151.428 of the Revised Code, in writing of the 465  
disposition of the investigation. The agency shall not provide 466  
to the person any information that identifies the person who 467  
made the report, statements of witnesses, or police or other 468  
investigative reports. 469



(J) Any report that is required by this section, other 470  
than a report that is made to the state highway patrol as 471  
described in section 5120.173 of the Revised Code, shall result 472  
in protective services and emergency supportive services being 473  
made available by the public children services agency on behalf 474  
of the children about whom the report is made, in an effort to 475  
prevent further neglect or abuse, to enhance their welfare, and, 476  
whenever possible, to preserve the family unit intact. The 477  
agency required to provide the services shall be the agency 478  
conducting the investigation of the report pursuant to section 479  
2151.422 of the Revised Code. 480

(K) (1) Each public children services agency shall prepare 481  
a memorandum of understanding that is signed by all of the 482  
following: 483

(a) If there is only one juvenile judge in the county, the 484  
juvenile judge of the county or the juvenile judge's 485  
representative; 486

(b) If there is more than one juvenile judge in the 487  
county, a juvenile judge or the juvenile judges' representative 488  
selected by the juvenile judges or, if they are unable to do so 489  
for any reason, the juvenile judge who is senior in point of 490  
service or the senior juvenile judge's representative; 491

(c) The county peace officer; 492

(d) All chief municipal peace officers within the county; 493

(e) Other law enforcement officers handling child abuse 494  
and neglect cases in the county; 495

(f) The prosecuting attorney of the county; 496

(g) If the public children services agency is not the 497

county department of job and family services, the county 498  
department of job and family services; 499

(h) The county humane society; 500

(i) If the public children services agency participated in 501  
the execution of a memorandum of understanding under section 502  
2151.426 of the Revised Code establishing a children's advocacy 503  
center, each participating member of the children's advocacy 504  
center established by the memorandum. 505

(2) A memorandum of understanding shall set forth the 506  
normal operating procedure to be employed by all concerned 507  
officials in the execution of their respective responsibilities 508  
under this section and division (C) of section 2919.21, division 509  
(B) (1) of section 2919.22, division (B) of section 2919.23, and 510  
section 2919.24 of the Revised Code and shall have as two of its 511  
primary goals the elimination of all unnecessary interviews of 512  
children who are the subject of reports made pursuant to 513  
division (A) or (B) of this section and, when feasible, 514  
providing for only one interview of a child who is the subject 515  
of any report made pursuant to division (A) or (B) of this 516  
section. A failure to follow the procedure set forth in the 517  
memorandum by the concerned officials is not grounds for, and 518  
shall not result in, the dismissal of any charges or complaint 519  
arising from any reported case of abuse or neglect or the 520  
suppression of any evidence obtained as a result of any reported 521  
child abuse or child neglect and does not give, and shall not be 522  
construed as giving, any rights or any grounds for appeal or 523  
post-conviction relief to any person. 524

(3) A memorandum of understanding shall include all of the 525  
following: 526

|  |     |
|--|-----|
| (a) The roles and responsibilities for handling emergency        | 527 |
| and nonemergency cases of abuse and neglect;                     | 528 |
| (b) Standards and procedures to be used in handling and          | 529 |
| coordinating investigations of reported cases of child abuse and | 530 |
| reported cases of child neglect, methods to be used in           | 531 |
| interviewing the child who is the subject of the report and who  | 532 |
| allegedly was abused or neglected, and standards and procedures  | 533 |
| addressing the categories of persons who may interview the child | 534 |
| who is the subject of the report and who allegedly was abused or | 535 |
| neglected.   | 536 |
| (4) If a public children services agency participated in         | 537 |
| the execution of a memorandum of understanding under section     | 538 |
| 2151.426 of the Revised Code establishing a children's advocacy  | 539 |
| center, the agency shall incorporate the contents of that        | 540 |
| memorandum in the memorandum prepared pursuant to this section.  | 541 |
| (5) The clerk of the court of common pleas in the county         | 542 |
| may sign the memorandum of understanding prepared under division | 543 |
| (K) (1) of this section. If the clerk signs the memorandum of    | 544 |
| understanding, the clerk shall execute all relevant              | 545 |
| responsibilities as required of officials specified in the       | 546 |
| memorandum.  | 547 |
| (L) (1) Except as provided in division (L) (4) or (5) of         | 548 |
| this section, a person who is required to make a report pursuant | 549 |
| to division (A) of this section may make a reasonable number of  | 550 |
| requests of the public children services agency that receives or | 551 |
| is referred the report, or of the children's advocacy center     | 552 |
| that is referred the report if the report is referred to a       | 553 |
| children's advocacy center pursuant to an interagency agreement  | 554 |
| entered into under section 2151.428 of the Revised Code, to be   | 555 |
| provided with the following information:                         | 556 |

|  |  |
|--|--|
| (a) Whether the agency or center has initiated an investigation of the report;   | 557<br>558   |
| (b) Whether the agency or center is continuing to investigate the report;  | 559<br>560   |
| (c) Whether the agency or center is otherwise involved with the child who is the subject of the report;  | 561<br>562   |
| (d) The general status of the health and safety of the child who is the subject of the report;   | 563<br>564   |
| (e) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court.  | 565<br>566<br>567  |
| (2) A person may request the information specified in division (L)(1) of this section only if, at the time the report is made, the person's name, address, and telephone number are provided to the person who receives the report.  | 568<br>569<br>570<br>571   |
| When a municipal or county peace officer or employee of a public children services agency receives a report pursuant to division (A) or (B) of this section the recipient of the report shall inform the person of the right to request the information described in division (L)(1) of this section. The recipient of the report shall include in the initial child abuse or child neglect report that the person making the report was so informed and, if provided at the time of the making of the report, shall include the person's name, address, and telephone number in the report. | 572<br>573<br>574<br>575<br>576<br>577<br>578<br>579<br>580<br>581 |
| Each request is subject to verification of the identity of the person making the report. If that person's identity is verified, the agency shall provide the person with the information described in division (L)(1) of this section a  | 582<br>583<br>584<br>585   |

reasonable number of times, except that the agency shall not 586  
disclose any confidential information regarding the child who is 587  
the subject of the report other than the information described 588  
in those divisions. 589

(3) A request made pursuant to division (L)(1) of this 590  
section is not a substitute for any report required to be made 591  
pursuant to division (A) of this section. 592

(4) If an agency other than the agency that received or 593  
was referred the report is conducting the investigation of the 594  
report pursuant to section 2151.422 of the Revised Code, the 595  
agency conducting the investigation shall comply with the 596  
requirements of division (L) of this section. 597

(5) A health care professional who made a report under 598  
division (A) of this section, or on whose behalf such a report 599  
was made as provided in division (A)(1)(c) of this section, may 600  
authorize a person to obtain the information described in 601  
division (L)(1) of this section if the person requesting the 602  
information is associated with or acting on behalf of the health 603  
care professional who provided health care services to the child 604  
about whom the report was made. 605

(M) The director of job and family services shall adopt 606  
rules in accordance with Chapter 119. of the Revised Code to 607  
implement this section. The department of job and family 608  
services may enter into a plan of cooperation with any other 609  
governmental entity to aid in ensuring that children are 610  
protected from abuse and neglect. The department shall make 611  
recommendations to the attorney general that the department 612  
determines are necessary to protect children from child abuse 613  
and child neglect. 614

(N) Whoever violates division (A) of this section is 615  
liable for compensatory and exemplary damages to the child who 616  
would have been the subject of the report that was not made. A 617  
person who brings a civil action or proceeding pursuant to this 618  
division against a person who is alleged to have violated 619  
division (A) (1) of this section may use in the action or 620  
proceeding reports of other incidents of known or suspected 621  
abuse or neglect, provided that any information in a report that 622  
would identify the child who is the subject of the report or the 623  
maker of the report, if the maker is not the defendant or an 624  
agent or employee of the defendant, has been redacted. 625

(O) (1) As used in this division: 626

(a) "Out-of-home care" includes a nonchartered nonpublic 627  
school if the alleged child abuse or child neglect, or alleged 628  
threat of child abuse or child neglect, described in a report 629  
received by a public children services agency allegedly occurred 630  
in or involved the nonchartered nonpublic school and the alleged 631  
perpetrator named in the report holds a certificate, permit, or 632  
license issued by the state board of education under section 633  
3301.071 or Chapter 3319. of the Revised Code. 634

(b) "Administrator, director, or other chief 635  
administrative officer" means the superintendent of the school 636  
district if the out-of-home care entity subject to a report made 637  
pursuant to this section is a school operated by the district. 638

(2) No later than the end of the day following the day on 639  
which a public children services agency receives a report of 640  
alleged child abuse or child neglect, or a report of an alleged 641  
threat of child abuse or child neglect, that allegedly occurred 642  
in or involved an out-of-home care entity, the agency shall 643  
provide written notice of the allegations contained in and the 644

person named as the alleged perpetrator in the report to the 645  
administrator, director, or other chief administrative officer 646  
of the out-of-home care entity that is the subject of the report 647  
unless the administrator, director, or other chief 648  
administrative officer is named as an alleged perpetrator in the 649  
report. If the administrator, director, or other chief 650  
administrative officer of an out-of-home care entity is named as 651  
an alleged perpetrator in a report of alleged child abuse or 652  
child neglect, or a report of an alleged threat of child abuse 653  
or child neglect, that allegedly occurred in or involved the 654  
out-of-home care entity, the agency shall provide the written 655  
notice to the owner or governing board of the out-of-home care 656  
entity that is the subject of the report. The agency shall not 657  
provide witness statements or police or other investigative 658  
reports. 659

(3) No later than three days after the day on which a 660  
public children services agency that conducted the investigation 661  
as determined pursuant to section 2151.422 of the Revised Code 662  
makes a disposition of an investigation involving a report of 663  
alleged child abuse or child neglect, or a report of an alleged 664  
threat of child abuse or child neglect, that allegedly occurred 665  
in or involved an out-of-home care entity, the agency shall send 666  
written notice of the disposition of the investigation to the 667  
administrator, director, or other chief administrative officer 668  
and the owner or governing board of the out-of-home care entity. 669  
The agency shall not provide witness statements or police or 670  
other investigative reports. 671

(P) As used in this section: 672

(1) "Children's advocacy center" and "sexual abuse of a 673  
child" have the same meanings as in section 2151.425 of the 674

Revised Code. 675

(2) "Health care professional" means an individual who 676  
provides health-related services including a physician, hospital 677  
intern or resident, dentist, podiatrist, registered nurse, 678  
licensed practical nurse, visiting nurse, licensed psychologist, 679  
speech pathologist, audiologist, person engaged in social work 680  
or the practice of professional counseling, and employee of a 681  
home health agency. "Health care professional" does not include 682  
a practitioner of a limited branch of medicine as specified in 683  
section 4731.15 of the Revised Code, licensed school 684  
psychologist, independent marriage and family therapist or 685  
marriage and family therapist, or coroner. 686

(3) "Investigation" means the public children services 687  
agency's response to an accepted report of child abuse or 688  
neglect through either an alternative response or a traditional 689  
response. 690

**Sec. 2317.02.** The following persons shall not testify in 691  
certain respects: 692

(A) (1) An attorney, concerning a communication made to the 693  
attorney by a client in that relation or concerning the 694  
attorney's advice to a client, except that the attorney may 695  
testify by express consent of the client or, if the client is 696  
deceased, by the express consent of the surviving spouse or the 697  
executor or administrator of the estate of the deceased client. 698  
However, if the client voluntarily reveals the substance of 699  
attorney-client communications in a nonprivileged context or is 700  
deemed by section 2151.421 of the Revised Code to have waived 701  
any testimonial privilege under this division, the attorney may 702  
be compelled to testify on the same subject. 703



The testimonial privilege established under this division 704  
does not apply concerning either of the following: 705

(a) A communication between a client in a capital case, as 706  
defined in section 2901.02 of the Revised Code, and the client's 707  
attorney if the communication is relevant to a subsequent 708  
ineffective assistance of counsel claim by the client alleging 709  
that the attorney did not effectively represent the client in 710  
the case; 711

(b) A communication between a client who has since died 712  
and the deceased client's attorney if the communication is 713  
relevant to a dispute between parties who claim through that 714  
deceased client, regardless of whether the claims are by testate 715  
or intestate succession or by inter vivos transaction, and the 716  
dispute addresses the competency of the deceased client when the 717  
deceased client executed a document that is the basis of the 718  
dispute or whether the deceased client was a victim of fraud, 719  
undue influence, or duress when the deceased client executed a 720  
document that is the basis of the dispute. 721

(2) An attorney, concerning a communication made to the 722  
attorney by a client in that relationship or the attorney's 723  
advice to a client, except that if the client is an insurance 724  
company, the attorney may be compelled to testify, subject to an 725  
in camera inspection by a court, about communications made by 726  
the client to the attorney or by the attorney to the client that 727  
are related to the attorney's aiding or furthering an ongoing or 728  
future commission of bad faith by the client, if the party 729  
seeking disclosure of the communications has made a prima-facie 730  
showing of bad faith, fraud, or criminal misconduct by the 731  
client. 732

(B) (1) A physician, advanced practice registered nurse, or 733

dentist concerning a communication made to the physician, 734  
advanced practice registered nurse, or dentist by a patient in 735  
that relation or the advice of a physician, advanced practice 736  
registered nurse, or dentist given to a patient, except as 737  
otherwise provided in this division, division (B) (2), and 738  
division (B) (3) of this section, and except that, if the patient 739  
is deemed by section 2151.421 of the Revised Code to have waived 740  
any testimonial privilege under this division, the physician or 741  
advanced practice registered nurse may be compelled to testify 742  
on the same subject. 743

The testimonial privilege established under this division 744  
does not apply, and a physician, advanced practice registered 745  
nurse, or dentist may testify or may be compelled to testify, in 746  
any of the following circumstances: 747

(a) In any civil action, in accordance with the discovery 748  
provisions of the Rules of Civil Procedure in connection with a 749  
civil action, or in connection with a claim under Chapter 4123. 750  
of the Revised Code, under any of the following circumstances: 751

(i) If the patient or the guardian or other legal 752  
representative of the patient gives express consent; 753

(ii) If the patient is deceased, the spouse of the patient 754  
or the executor or administrator of the patient's estate gives 755  
express consent; 756

(iii) If a medical claim, dental claim, chiropractic 757  
claim, or optometric claim, as defined in section 2305.113 of 758  
the Revised Code, an action for wrongful death, any other type 759  
of civil action, or a claim under Chapter 4123. of the Revised 760  
Code is filed by the patient, the personal representative of the 761  
estate of the patient if deceased, or the patient's guardian or 762

other legal representative. 763

(b) In any civil action concerning court-ordered treatment 764  
or services received by a patient, if the court-ordered 765  
treatment or services were ordered as part of a case plan 766  
journalized under section 2151.412 of the Revised Code or the 767  
court-ordered treatment or services are necessary or relevant to 768  
dependency, neglect, or abuse or temporary or permanent custody 769  
proceedings under Chapter 2151. of the Revised Code. 770

(c) In any criminal action concerning any test or the 771  
results of any test that determines the presence or 772  
concentration of alcohol, a drug of abuse, a combination of 773  
them, a controlled substance, or a metabolite of a controlled 774  
substance in the patient's whole blood, blood serum or plasma, 775  
breath, urine, or other bodily substance at any time relevant to 776  
the criminal offense in question. 777

(d) In any criminal action against a physician, advanced 778  
practice registered nurse, or dentist. In such an action, the 779  
testimonial privilege established under this division does not 780  
prohibit the admission into evidence, in accordance with the 781  
Rules of Evidence, of a patient's medical or dental records or 782  
other communications between a patient and the physician, 783  
advanced practice registered nurse, or dentist that are related 784  
to the action and obtained by subpoena, search warrant, or other 785  
lawful means. A court that permits or compels a physician, 786  
advanced practice registered nurse, or dentist to testify in 787  
such an action or permits the introduction into evidence of 788  
patient records or other communications in such an action shall 789  
require that appropriate measures be taken to ensure that the 790  
confidentiality of any patient named or otherwise identified in 791  
the records is maintained. Measures to ensure confidentiality 792

that may be taken by the court include sealing its records or 793  
deleting specific information from its records. 794

(e) (i) If the communication was between a patient who has 795  
since died and the deceased patient's physician, advanced 796  
practice registered nurse, or dentist, the communication is 797  
relevant to a dispute between parties who claim through that 798  
deceased patient, regardless of whether the claims are by 799  
testate or intestate succession or by inter vivos transaction, 800  
and the dispute addresses the competency of the deceased patient 801  
when the deceased patient executed a document that is the basis 802  
of the dispute or whether the deceased patient was a victim of 803  
fraud, undue influence, or duress when the deceased patient 804  
executed a document that is the basis of the dispute. 805

(ii) If neither the spouse of a patient nor the executor 806  
or administrator of that patient's estate gives consent under 807  
division (B) (1) (a) (ii) of this section, testimony or the 808  
disclosure of the patient's medical records by a physician, 809  
advanced practice registered nurse, dentist, or other health 810  
care provider under division (B) (1) (e) (i) of this section is a 811  
permitted use or disclosure of protected health information, as 812  
defined in 45 C.F.R. 160.103, and an authorization or 813  
opportunity to be heard shall not be required. 814

(iii) Division (B) (1) (e) (i) of this section does not 815  
require a mental health professional to disclose psychotherapy 816  
notes, as defined in 45 C.F.R. 164.501. 817

(iv) An interested person who objects to testimony or 818  
disclosure under division (B) (1) (e) (i) of this section may seek 819  
a protective order pursuant to Civil Rule 26. 820

(v) A person to whom protected health information is 821

disclosed under division (B) (1) (e) (i) of this section shall not 822  
use or disclose the protected health information for any purpose 823  
other than the litigation or proceeding for which the 824  
information was requested and shall return the protected health 825  
information to the covered entity or destroy the protected 826  
health information, including all copies made, at the conclusion 827  
of the litigation or proceeding. 828

(2) (a) If any law enforcement officer submits a written 829  
statement to a health care provider that states that an official 830  
criminal investigation has begun regarding a specified person or 831  
that a criminal action or proceeding has been commenced against 832  
a specified person, that requests the provider to supply to the 833  
officer copies of any records the provider possesses that 834  
pertain to any test or the results of any test administered to 835  
the specified person to determine the presence or concentration 836  
of alcohol, a drug of abuse, a combination of them, a controlled 837  
substance, or a metabolite of a controlled substance in the 838  
person's whole blood, blood serum or plasma, breath, or urine at 839  
any time relevant to the criminal offense in question, and that 840  
conforms to section 2317.022 of the Revised Code, the provider, 841  
except to the extent specifically prohibited by any law of this 842  
state or of the United States, shall supply to the officer a 843  
copy of any of the requested records the provider possesses. If 844  
the health care provider does not possess any of the requested 845  
records, the provider shall give the officer a written statement 846  
that indicates that the provider does not possess any of the 847  
requested records. 848

(b) If a health care provider possesses any records of the 849  
type described in division (B) (2) (a) of this section regarding 850  
the person in question at any time relevant to the criminal 851  
offense in question, in lieu of personally testifying as to the 852

results of the test in question, the custodian of the records 853  
may submit a certified copy of the records, and, upon its 854  
submission, the certified copy is qualified as authentic 855  
evidence and may be admitted as evidence in accordance with the 856  
Rules of Evidence. Division (A) of section 2317.422 of the 857  
Revised Code does not apply to any certified copy of records 858  
submitted in accordance with this division. Nothing in this 859  
division shall be construed to limit the right of any party to 860  
call as a witness the person who administered the test to which 861  
the records pertain, the person under whose supervision the test 862  
was administered, the custodian of the records, the person who 863  
made the records, or the person under whose supervision the 864  
records were made. 865

(3) (a) If the testimonial privilege described in division 866  
(B) (1) of this section does not apply as provided in division 867  
(B) (1) (a) (iii) of this section, a physician, advanced practice 868  
registered nurse, or dentist may be compelled to testify or to 869  
submit to discovery under the Rules of Civil Procedure only as 870  
to a communication made to the physician, advanced practice 871  
registered nurse, or dentist by the patient in question in that 872  
relation, or the advice of the physician, advanced practice 873  
registered nurse, or dentist given to the patient in question, 874  
that related causally or historically to physical or mental 875  
injuries that are relevant to issues in the medical claim, 876  
dental claim, chiropractic claim, or optometric claim, action 877  
for wrongful death, other civil action, or claim under Chapter 878  
4123. of the Revised Code. 879

(b) If the testimonial privilege described in division (B) 880  
(1) of this section does not apply to a physician, advanced 881  
practice registered nurse, or dentist as provided in division 882  
(B) (1) (c) of this section, the physician, advanced practice 883

registered nurse, or dentist, in lieu of personally testifying 884  
as to the results of the test in question, may submit a 885  
certified copy of those results, and, upon its submission, the 886  
certified copy is qualified as authentic evidence and may be 887  
admitted as evidence in accordance with the Rules of Evidence. 888  
Division (A) of section 2317.422 of the Revised Code does not 889  
apply to any certified copy of results submitted in accordance 890  
with this division. Nothing in this division shall be construed 891  
to limit the right of any party to call as a witness the person 892  
who administered the test in question, the person under whose 893  
supervision the test was administered, the custodian of the 894  
results of the test, the person who compiled the results, or the 895  
person under whose supervision the results were compiled. 896

(4) The testimonial privilege described in division (B) (1) 897  
of this section is not waived when a communication is made by a 898  
physician or advanced practice registered nurse to a pharmacist 899  
or when there is communication between a patient and a 900  
pharmacist in furtherance of the physician-patient or advanced 901  
practice registered nurse-patient relation. 902

(5) (a) As used in divisions (B) (1) to (4) of this section, 903  
"communication" means acquiring, recording, or transmitting any 904  
information, in any manner, concerning any facts, opinions, or 905  
statements necessary to enable a physician, advanced practice 906  
registered nurse, or dentist to diagnose, treat, prescribe, or 907  
act for a patient. A "communication" may include, but is not 908  
limited to, any medical or dental, office, or hospital 909  
communication such as a record, chart, letter, memorandum, 910  
laboratory test and results, x-ray, photograph, financial 911  
statement, diagnosis, or prognosis. 912

(b) As used in division (B) (2) of this section, "health 913

care provider" means a hospital, ambulatory care facility, long-term care facility, pharmacy, emergency facility, or health care practitioner. 914  
915  
916

(c) As used in division (B) (5) (b) of this section: 917

(i) "Ambulatory care facility" means a facility that 918  
provides medical, diagnostic, or surgical treatment to patients 919  
who do not require hospitalization, including a dialysis center, 920  
ambulatory surgical facility, cardiac catheterization facility, 921  
diagnostic imaging center, extracorporeal shock wave lithotripsy 922  
center, home health agency, inpatient hospice, birthing center, 923  
radiation therapy center, emergency facility, and an urgent care 924  
center. "Ambulatory health care facility" does not include the 925  
private office of a physician, advanced practice registered 926  
nurse, or dentist, whether the office is for an individual or 927  
group practice. 928

(ii) "Emergency facility" means a hospital emergency 929  
department or any other facility that provides emergency medical 930  
services. 931

(iii) "Health care practitioner" has the same meaning as 932  
in section 4769.01 of the Revised Code. 933

(iv) "Hospital" has the same meaning as in section 3727.01 934  
of the Revised Code. 935

(v) "Long-term care facility" means a nursing home, 936  
residential care facility, or home for the aging, as those terms 937  
are defined in section 3721.01 of the Revised Code; a 938  
residential facility licensed under section 5119.34 of the 939  
Revised Code that provides accommodations, supervision, and 940  
personal care services for three to sixteen unrelated adults; a 941  
nursing facility, as defined in section 5165.01 of the Revised 942



Code; a skilled nursing facility, as defined in section 5165.01 943  
of the Revised Code; and an intermediate care facility for 944  
individuals with intellectual disabilities, as defined in 945  
section 5124.01 of the Revised Code. 946

(vi) "Pharmacy" has the same meaning as in section 4729.01 947  
of the Revised Code. 948

(d) As used in divisions (B) (1) and (2) of this section, 949  
"drug of abuse" has the same meaning as in section 4506.01 of 950  
the Revised Code. 951

(6) Divisions (B) (1), (2), (3), (4), and (5) of this 952  
section apply to doctors of medicine, doctors of osteopathic 953  
medicine, doctors of podiatry, advanced practice registered 954  
nurses, and dentists. 955

(7) Nothing in divisions (B) (1) to (6) of this section 956  
affects, or shall be construed as affecting, the immunity from 957  
civil liability conferred by section 307.628 of the Revised Code 958  
or the immunity from civil liability conferred by section 959  
2305.33 of the Revised Code upon physicians or advanced practice 960  
registered nurses who report an employee's use of a drug of 961  
abuse, or a condition of an employee other than one involving 962  
the use of a drug of abuse, to the employer of the employee in 963  
accordance with division (B) of that section. As used in 964  
division (B) (7) of this section, "employee," "employer," and 965  
"physician" have the same meanings as in section 2305.33 of the 966  
Revised Code and "advanced practice registered nurse" has the 967  
same meaning as in section 4723.01 of the Revised Code. 968

(C) (1) A cleric, when the cleric remains accountable to 969  
the authority of that cleric's church, denomination, or sect, 970  
concerning a confession made, or any information confidentially 971

communicated, to the cleric for a religious counseling purpose 972  
in the cleric's professional character. The cleric may testify 973  
by express consent of the person making the communication, 974  
except when the disclosure of the information is in violation of 975  
a sacred trust and except that, if the person voluntarily 976  
testifies or is deemed by division (A) (4) (c) of section 2151.421 977  
of the Revised Code to have waived any testimonial privilege 978  
under this division, the cleric may be compelled to testify on 979  
the same subject except when disclosure of the information is in 980  
violation of a sacred trust. 981

(2) As used in division (C) of this section: 982

(a) "Cleric" means a member of the clergy, rabbi, priest, 983  
Christian Science practitioner, or regularly ordained, 984  
accredited, or licensed minister of an established and legally 985  
cognizable church, denomination, or sect. 986

(b) "Sacred trust" means a confession or confidential 987  
communication made to a cleric in the cleric's ecclesiastical 988  
capacity in the course of discipline enjoined by the church to 989  
which the cleric belongs, including, but not limited to, the 990  
Catholic Church, if both of the following apply: 991

(i) The confession or confidential communication was made 992  
directly to the cleric. 993

(ii) The confession or confidential communication was made 994  
in the manner and context that places the cleric specifically 995  
and strictly under a level of confidentiality that is considered 996  
inviolable by canon law or church doctrine. 997

(D) Husband or wife, concerning any communication made by 998  
one to the other, or an act done by either in the presence of 999  
the other, during coverture, unless the communication was made, 1000

or act done, in the known presence or hearing of a third person 1001  
competent to be a witness; and such rule is the same if the 1002  
marital relation has ceased to exist; 1003

(E) A person who assigns a claim or interest, concerning 1004  
any matter in respect to which the person would not, if a party, 1005  
be permitted to testify; 1006

(F) A person who, if a party, would be restricted under 1007  
section 2317.03 of the Revised Code, when the property or thing 1008  
is sold or transferred by an executor, administrator, guardian, 1009  
trustee, heir, devisee, or legatee, shall be restricted in the 1010  
same manner in any action or proceeding concerning the property 1011  
or thing. 1012

(G) (1) A school guidance counselor who holds a valid 1013  
educator license from the state board of education as provided 1014  
for in section 3319.22 of the Revised Code, a person licensed 1015  
under Chapter 4757. of the Revised Code as a licensed 1016  
professional clinical counselor, licensed professional 1017  
counselor, social worker, independent social worker, marriage 1018  
and family therapist or independent marriage and family 1019  
therapist, or registered under Chapter 4757. of the Revised Code 1020  
as a social work assistant concerning a confidential 1021  
communication received from a client in that relation or the 1022  
person's advice to a client unless any of the following applies: 1023

(a) The communication or advice indicates clear and 1024  
present danger to the client or other persons. For the purposes 1025  
of this division, cases in which there are indications of 1026  
present or past child abuse or neglect of the client constitute 1027  
a clear and present danger. 1028

(b) The client gives express consent to the testimony. 1029

(c) If the client is deceased, the surviving spouse or the executor or administrator of the estate of the deceased client gives express consent.

(d) The client voluntarily testifies, in which case the school guidance counselor or person licensed or registered under Chapter 4757. of the Revised Code may be compelled to testify on the same subject.

(e) The court in camera determines that the information communicated by the client is not germane to the counselor-client, marriage and family therapist-client, or social worker-client relationship.

(f) A court, in an action brought against a school, its administration, or any of its personnel by the client, rules after an in-camera inspection that the testimony of the school guidance counselor is relevant to that action.

(g) The testimony is sought in a civil action and concerns court-ordered treatment or services received by a patient as part of a case plan journalized under section 2151.412 of the Revised Code or the court-ordered treatment or services are necessary or relevant to dependency, neglect, or abuse or temporary or permanent custody proceedings under Chapter 2151. of the Revised Code.

(2) Nothing in division (G) (1) of this section shall relieve a school guidance counselor or a person licensed or registered under Chapter 4757. of the Revised Code from the requirement to report information concerning child abuse or neglect under section 2151.421 of the Revised Code.

(H) A mediator acting under a mediation order issued under division (A) of section 3109.052 of the Revised Code or

otherwise issued in any proceeding for divorce, dissolution, 1059  
legal separation, annulment, or the allocation of parental 1060  
rights and responsibilities for the care of children, in any 1061  
action or proceeding, other than a criminal, delinquency, child 1062  
abuse, child neglect, or dependent child action or proceeding, 1063  
that is brought by or against either parent who takes part in 1064  
mediation in accordance with the order and that pertains to the 1065  
mediation process, to any information discussed or presented in 1066  
the mediation process, to the allocation of parental rights and 1067  
responsibilities for the care of the parents' children, or to 1068  
the awarding of parenting time rights in relation to their 1069  
children; 1070

(I) A communications assistant, acting within the scope of 1071  
the communication assistant's authority, when providing 1072  
telecommunications relay service pursuant to section 4931.06 of 1073  
the Revised Code or Title II of the "Communications Act of 1074  
1934," 104 Stat. 366 (1990), 47 U.S.C. 225, concerning a 1075  
communication made through a telecommunications relay service. 1076  
Nothing in this section shall limit the obligation of a 1077  
communications assistant to divulge information or testify when 1078  
mandated by federal law or regulation or pursuant to subpoena in 1079  
a criminal proceeding. 1080

Nothing in this section shall limit any immunity or 1081  
privilege granted under federal law or regulation. 1082

(J) (1) A chiropractor in a civil proceeding concerning a 1083  
communication made to the chiropractor by a patient in that 1084  
relation or the chiropractor's advice to a patient, except as 1085  
otherwise provided in this division. The testimonial privilege 1086  
established under this division does not apply, and a 1087  
chiropractor may testify or may be compelled to testify, in any 1088

civil action, in accordance with the discovery provisions of the 1089  
Rules of Civil Procedure in connection with a civil action, or 1090  
in connection with a claim under Chapter 4123. of the Revised 1091  
Code, under any of the following circumstances: 1092

(a) If the patient or the guardian or other legal 1093  
representative of the patient gives express consent. 1094

(b) If the patient is deceased, the spouse of the patient 1095  
or the executor or administrator of the patient's estate gives 1096  
express consent. 1097

(c) If a medical claim, dental claim, chiropractic claim, 1098  
or optometric claim, as defined in section 2305.113 of the 1099  
Revised Code, an action for wrongful death, any other type of 1100  
civil action, or a claim under Chapter 4123. of the Revised Code 1101  
is filed by the patient, the personal representative of the 1102  
estate of the patient if deceased, or the patient's guardian or 1103  
other legal representative. 1104

(2) If the testimonial privilege described in division (J) 1105  
(1) of this section does not apply as provided in division (J) 1106  
(1)(c) of this section, a chiropractor may be compelled to 1107  
testify or to submit to discovery under the Rules of Civil 1108  
Procedure only as to a communication made to the chiropractor by 1109  
the patient in question in that relation, or the chiropractor's 1110  
advice to the patient in question, that related causally or 1111  
historically to physical or mental injuries that are relevant to 1112  
issues in the medical claim, dental claim, chiropractic claim, 1113  
or optometric claim, action for wrongful death, other civil 1114  
action, or claim under Chapter 4123. of the Revised Code. 1115

(3) The testimonial privilege established under this 1116  
division does not apply, and a chiropractor may testify or be 1117

compelled to testify, in any criminal action or administrative proceeding. 1118  
1119

(4) As used in this division, "communication" means 1120  
acquiring, recording, or transmitting any information, in any 1121  
manner, concerning any facts, opinions, or statements necessary 1122  
to enable a chiropractor to diagnose, treat, or act for a 1123  
patient. A communication may include, but is not limited to, any 1124  
chiropractic, office, or hospital communication such as a 1125  
record, chart, letter, memorandum, laboratory test and results, 1126  
x-ray, photograph, financial statement, diagnosis, or prognosis. 1127

(K) (1) Except as provided under division (K) (2) of this 1128  
section, a critical incident stress management team member 1129  
concerning a communication received from an individual who 1130  
receives crisis response services from the team member, or the 1131  
team member's advice to the individual, during a debriefing 1132  
session. 1133

(2) The testimonial privilege established under division 1134  
(K) (1) of this section does not apply if any of the following 1135  
are true: 1136

(a) The communication or advice indicates clear and 1137  
present danger to the individual who receives crisis response 1138  
services or to other persons. For purposes of this division, 1139  
cases in which there are indications of present or past child 1140  
abuse or neglect of the individual constitute a clear and 1141  
present danger. 1142

(b) The individual who received crisis response services 1143  
gives express consent to the testimony. 1144

(c) If the individual who received crisis response 1145  
services is deceased, the surviving spouse or the executor or 1146

administrator of the estate of the deceased individual gives 1147  
express consent. 1148

(d) The individual who received crisis response services 1149  
voluntarily testifies, in which case the team member may be 1150  
compelled to testify on the same subject. 1151

(e) The court in camera determines that the information 1152  
communicated by the individual who received crisis response 1153  
services is not germane to the relationship between the 1154  
individual and the team member. 1155

(f) The communication or advice pertains or is related to 1156  
any criminal act. 1157

(3) As used in division (K) of this section: 1158

(a) "Crisis response services" means consultation, risk 1159  
assessment, referral, and on-site crisis intervention services 1160  
provided by a critical incident stress management team to 1161  
individuals affected by crisis or disaster. 1162

(b) "Critical incident stress management team member" or 1163  
"team member" means an individual specially trained to provide 1164  
crisis response services as a member of an organized community 1165  
or local crisis response team that holds membership in the Ohio 1166  
critical incident stress management network. 1167

(c) "Debriefing session" means a session at which crisis 1168  
response services are rendered by a critical incident stress 1169  
management team member during or after a crisis or disaster. 1170

(L) (1) Subject to division (L) (2) of this section and 1171  
except as provided in division (L) (3) of this section, an 1172  
employee assistance professional, concerning a communication 1173  
made to the employee assistance professional by a client in the 1174



|  |      |
|--|------|
| employee assistance professional's official capacity as an       | 1175 |
| employee assistance professional.                                | 1176 |
| (2) Division (L)(1) of this section applies to an employee       | 1177 |
| assistance professional who meets either or both of the          | 1178 |
| following requirements:  | 1179 |
| (a) Is certified by the employee assistance certification        | 1180 |
| commission to engage in the employee assistance profession;      | 1181 |
| (b) Has education, training, and experience in all of the        | 1182 |
| following:   | 1183 |
| (i) Providing workplace-based services designed to address       | 1184 |
| employer and employee productivity issues;                       | 1185 |
| (ii) Providing assistance to employees and employees'            | 1186 |
| dependents in identifying and finding the means to resolve       | 1187 |
| personal problems that affect the employees or the employees'    | 1188 |
| performance;   | 1189 |
| (iii) Identifying and resolving productivity problems            | 1190 |
| associated with an employee's concerns about any of the          | 1191 |
| following matters: health, marriage, family, finances, substance | 1192 |
| abuse or other addiction, workplace, law, and emotional issues;  | 1193 |
| (iv) Selecting and evaluating available community                | 1194 |
| resources;   | 1195 |
| (v) Making appropriate referrals;                                | 1196 |
| (vi) Local and national employee assistance agreements;          | 1197 |
| (vii) Client confidentiality.                                    | 1198 |
| (3) Division (L)(1) of this section does not apply to any        | 1199 |
| of the following:  | 1200 |
| (a) A criminal action or proceeding involving an offense         | 1201 |

under sections 2903.01 to 2903.06 of the Revised Code if the 1202  
employee assistance professional's disclosure or testimony 1203  
relates directly to the facts or immediate circumstances of the 1204  
offense; 1205

(b) A communication made by a client to an employee 1206  
assistance professional that reveals the contemplation or 1207  
commission of a crime or serious, harmful act; 1208

(c) A communication that is made by a client who is an 1209  
unemancipated minor or an adult adjudicated to be incompetent 1210  
and indicates that the client was the victim of a crime or 1211  
abuse; 1212

(d) A civil proceeding to determine an individual's mental 1213  
competency or a criminal action in which a plea of not guilty by 1214  
reason of insanity is entered; 1215

(e) A civil or criminal malpractice action brought against 1216  
the employee assistance professional; 1217

(f) When the employee assistance professional has the 1218  
express consent of the client or, if the client is deceased or 1219  
disabled, the client's legal representative; 1220

(g) When the testimonial privilege otherwise provided by 1221  
division (L) (1) of this section is abrogated under law. 1222

(M) (1) Subject to division (M) (2) of this section and 1223  
except as provided in division (M) (3) of this section, a 1224  
qualified advocate, in any civil, criminal, administrative, or 1225  
education discipline proceeding, concerning either of the 1226  
following: 1227

(a) A confidential communication made by a victim to a 1228  
qualified advocate or by a qualified advocate to a victim in the 1229

course of safety planning, counseling, support, or advocacy 1230  
services provided by the qualified advocate to the victim and 1231  
related to the sexual violence, menacing by stalking, or 1232  
domestic violence for which the victim sought those services; 1233

(b) A record created or maintained in the course of the 1234  
qualified advocate providing safety planning, counseling, 1235  
support, or advocacy services regarding the victim and related 1236  
to the sexual violence, menacing by stalking, or domestic 1237  
violence for which the victim sought those services. 1238

(2) If the victim voluntarily reveals the substance of any 1239  
qualified advocate-victim communication in a nonprivileged 1240  
context or is considered by division (A) (5) (b) of section 1241  
2151.421 of the Revised Code to have waived any testimonial 1242  
privilege under division (M) (1) of this section, the qualified 1243  
advocate may be compelled to testify on the same subject in any 1244  
proceeding described in division (M) (1) of this section. 1245

(3) The testimonial privilege established under division 1246  
(M) (1) of this section does not apply concerning any of the 1247  
following: 1248

(a) A confidential communication between a qualified 1249  
advocate and a victim in a civil, criminal, administrative, or 1250  
education discipline action or proceeding brought against the 1251  
qualified advocate or the qualified victim services program of 1252  
which the qualified advocate is an employee or volunteer by the 1253  
victim or by any other person in relation to the safety 1254  
planning, counseling, support, or advocacy services provided to 1255  
the victim, if the confidential communication is relevant to the 1256  
defense of the qualified advocate or qualified victim services 1257  
program; 1258

(b) A disclosure of the confidential communication by the 1259  
qualified advocate to another person if the disclosure is 1260  
reasonably necessary to accomplish the purpose for which the 1261  
qualified advocate is consulted by the victim; 1262

(c) A disclosure of aggregate, nonpersonally identifiable 1263  
data. 1264

(4) As used in division (M) of this section: 1265

(a) "Aggregate, nonpersonally identifiable data" means all 1266  
data from or through which the person to whom the data pertains 1267  
cannot be identified. 1268

(b) "Confidential communication" means any written or oral 1269  
communication that is intended for the purpose of furthering the 1270  
interest of the victim in the course of safety planning, 1271  
counseling, support, or advocacy services and is not intended 1272  
for further disclosure to another person except any of the 1273  
following: 1274

(i) Any person who is present at the time the 1275  
communication is made and is present in order to further the 1276  
interest of the victim in the course of seeking safety planning, 1277  
counseling, support, or advocacy services; 1278

(ii) Any person who is reasonably necessary for the 1279  
transmission of the communication; 1280

(iii) Any other persons in the context of group 1281  
counseling. 1282

(c) "Domestic violence" means a violation of section 1283  
2919.25 of the Revised Code or a violation of a substantively 1284  
comparable ordinance of a municipal corporation. 1285

(d) "Qualified advocate" means any person to whom both of 1286

the following apply: 1287

(i) The person has completed at least forty hours of 1288  
training in advocacy for victims of sexual violence, menacing by 1289  
stalking, or domestic violence. 1290

(ii) The person is an employee or volunteer of a qualified 1291  
victim services program. 1292

(e) "Qualified victim services program" means either of 1293  
the following: 1294

(i) A nongovernmental, nonprofit, community-based program 1295  
that receives moneys administered by the office of the Ohio 1296  
attorney general or the United States department of justice; 1297  
offers safety planning, counseling, support, or advocacy 1298  
services to victims of sexual violence, menacing by stalking, or 1299  
domestic violence; and adheres to the standards set forth by the 1300  
federally recognized state sexual violence or state domestic 1301  
violence coalitions; 1302

(ii) A rape crisis program. 1303

(f) "Rape crisis program" has the same meaning as in 1304  
section 109.921 of the Revised Code. 1305

(g) "Sexual violence" means any of the following: 1306

(i) A violation of section 2907.02, 2907.03, 2907.04, 1307  
2907.05, or former section 2907.12 of the Revised Code; 1308

(ii) A violation of an existing or former municipal 1309  
ordinance or law of this state, any other state, or the United 1310  
States that is or was substantially equivalent to any of the 1311  
sections specified in division (M)(4)(g)(i) of this section. 1312

(h) "Menacing by stalking" means a violation of section 1313

2903.211 of the Revised Code or a violation of a substantively 1314  
comparable ordinance of a municipal corporation. 1315

(i) "Victim" means a person who seeks safety planning, 1316  
counseling, support, or advocacy services at a qualified victim 1317  
services program if those services are related to sexual 1318  
violence, menacing by stalking, or domestic violence against the 1319  
person. 1320

**Sec. 2921.22.** (A) (1) Except as provided in division (A) (2) 1321  
of this section, no person, knowing that a felony has been or is 1322  
being committed, shall knowingly fail to report such information 1323  
to law enforcement authorities. 1324

(2) No person, knowing that a violation of division (B) of 1325  
section 2913.04 of the Revised Code has been, or is being 1326  
committed or that the person has received information derived 1327  
from such a violation, shall knowingly fail to report the 1328  
violation to law enforcement authorities. 1329

(B) Except for conditions that are within the scope of 1330  
division (E) of this section, no person giving aid to a sick or 1331  
injured person shall negligently fail to report to law 1332  
enforcement authorities any gunshot or stab wound treated or 1333  
observed by the person, or any serious physical harm to persons 1334  
that the person knows or has reasonable cause to believe 1335  
resulted from an offense of violence. 1336

(C) No person who discovers the body or acquires the first 1337  
knowledge of the death of a person shall fail to report the 1338  
death immediately to a physician or advanced practice registered 1339  
nurse whom the person knows to be treating the deceased for a 1340  
condition from which death at such time would not be unexpected, 1341  
or to a law enforcement officer, an ambulance service, an 1342

emergency squad, or the coroner in a political subdivision in 1343  
which the body is discovered, the death is believed to have 1344  
occurred, or knowledge concerning the death is obtained. For 1345  
purposes of this division, "advanced practice registered nurse" 1346  
does not include a certified registered nurse anesthetist. 1347

(D) No person shall fail to provide upon request of the 1348  
person to whom a report required by division (C) of this section 1349  
was made, or to any law enforcement officer who has reasonable 1350  
cause to assert the authority to investigate the circumstances 1351  
surrounding the death, any facts within the person's knowledge 1352  
that may have a bearing on the investigation of the death. 1353

(E) (1) As used in this division, "burn injury" means any 1354  
of the following: 1355

(a) Second or third degree burns; 1356

(b) Any burns to the upper respiratory tract or laryngeal 1357  
edema due to the inhalation of superheated air; 1358

(c) Any burn injury or wound that may result in death; 1359

(d) Any physical harm to persons caused by or as the 1360  
result of the use of fireworks, novelties and trick noisemakers, 1361  
and wire sparklers, as each is defined by section 3743.01 of the 1362  
Revised Code. 1363

(2) No physician, nurse, physician assistant, or limited 1364  
practitioner who, outside a hospital, sanitarium, or other 1365  
medical facility, attends or treats a person who has sustained a 1366  
burn injury that is inflicted by an explosion or other 1367  
incendiary device or that shows evidence of having been 1368  
inflicted in a violent, malicious, or criminal manner shall fail 1369  
to report the burn injury immediately to the local arson, or 1370  
fire and explosion investigation, bureau, if there is a bureau 1371

of this type in the jurisdiction in which the person is attended 1372  
or treated, or otherwise to local law enforcement authorities. 1373

(3) No manager, superintendent, or other person in charge 1374  
of a hospital, sanitarium, or other medical facility in which a 1375  
person is attended or treated for any burn injury that is 1376  
inflicted by an explosion or other incendiary device or that 1377  
shows evidence of having been inflicted in a violent, malicious, 1378  
or criminal manner shall fail to report the burn injury 1379  
immediately to the local arson, or fire and explosion 1380  
investigation, bureau, if there is a bureau of this type in the 1381  
jurisdiction in which the person is attended or treated, or 1382  
otherwise to local law enforcement authorities. 1383

(4) No person who is required to report any burn injury 1384  
under division (E) (2) or (3) of this section shall fail to file, 1385  
within three working days after attending or treating the 1386  
victim, a written report of the burn injury with the office of 1387  
the state fire marshal. The report shall comply with the uniform 1388  
standard developed by the state fire marshal pursuant to 1389  
division (A) (15) of section 3737.22 of the Revised Code. 1390

(5) Anyone participating in the making of reports under 1391  
division (E) of this section or anyone participating in a 1392  
judicial proceeding resulting from the reports is immune from 1393  
any civil or criminal liability that otherwise might be incurred 1394  
or imposed as a result of such actions. Notwithstanding section 1395  
4731.22 of the Revised Code, the physician-patient relationship 1396  
or advanced practice registered nurse-patient relationship is 1397  
not a ground for excluding evidence regarding a person's burn 1398  
injury or the cause of the burn injury in any judicial 1399  
proceeding resulting from a report submitted under division (E) 1400  
of this section. 1401



(F) (1) Any doctor of medicine or osteopathic medicine, 1402  
hospital intern or resident, nurse, psychologist, social worker, 1403  
independent social worker, social work assistant, licensed 1404  
professional clinical counselor, licensed professional 1405  
counselor, independent marriage and family therapist, or 1406  
marriage and family therapist who knows or has reasonable cause 1407  
to believe that a patient or client has been the victim of 1408  
domestic violence, as defined in section 3113.31 of the Revised 1409  
Code, shall note that knowledge or belief and the basis for it 1410  
in the patient's or client's records. 1411

(2) Notwithstanding section 4731.22 of the Revised Code, 1412  
the physician-patient privilege or advanced practice registered 1413  
nurse-patient privilege shall not be a ground for excluding any 1414  
information regarding the report containing the knowledge or 1415  
belief noted under division (F) (1) of this section, and the 1416  
information may be admitted as evidence in accordance with the 1417  
Rules of Evidence. 1418

(G) Divisions (A) and (D) of this section do not require 1419  
disclosure of information, when any of the following applies: 1420

(1) The information is privileged by reason of the 1421  
relationship between attorney and client; physician and patient; 1422  
advanced practice registered nurse and patient; licensed 1423  
psychologist or licensed school psychologist and client; 1424  
licensed professional clinical counselor, licensed professional 1425  
counselor, independent social worker, social worker, independent 1426  
marriage and family therapist, or marriage and family therapist 1427  
and client; member of the clergy, rabbi, minister, or priest and 1428  
any person communicating information confidentially to the 1429  
member of the clergy, rabbi, minister, or priest for a religious 1430  
counseling purpose of a professional character; husband and 1431

wife; ~~or~~ a communications assistant and those who are a party to 1432  
a telecommunications relay service call; or a qualified advocate 1433  
and a victim of sexual violence, menacing by stalking, or 1434  
domestic violence. 1435

(2) The information would tend to incriminate a member of 1436  
the actor's immediate family. 1437

(3) Disclosure of the information would amount to 1438  
revealing a news source, privileged under section 2739.04 or 1439  
2739.12 of the Revised Code. 1440

(4) Disclosure of the information would amount to 1441  
disclosure by a member of the ordained clergy of an organized 1442  
religious body of a confidential communication made to that 1443  
member of the clergy in that member's capacity as a member of 1444  
the clergy by a person seeking the aid or counsel of that member 1445  
of the clergy. 1446

(5) Disclosure would amount to revealing information 1447  
acquired by the actor in the course of the actor's duties in 1448  
connection with a bona fide program of treatment or services for 1449  
drug dependent persons or persons in danger of drug dependence, 1450  
which program is maintained or conducted by a hospital, clinic, 1451  
person, agency, or community addiction services provider whose 1452  
alcohol and drug addiction services are certified pursuant to 1453  
section 5119.36 of the Revised Code. 1454

(6) Disclosure would amount to revealing information 1455  
acquired by the actor in the course of the actor's duties in 1456  
connection with a bona fide program for providing counseling 1457  
services to victims of crimes that are violations of section 1458  
2907.02 or 2907.05 of the Revised Code or to victims of 1459  
felonious sexual penetration in violation of former section 1460

2907.12 of the Revised Code. As used in this division, 1461  
"counseling services" include services provided in an informal 1462  
setting by a person who, by education or experience, is 1463  
competent to provide those services. 1464

(7) (a) Disclosure would amount to revealing information 1465  
acquired by the actor in the course of the actor's duties in a 1466  
designated victim advocacy office, women's center, health 1467  
center, or other program to which all of the following apply: 1468

(i) The office, center, or program provides safety 1469  
planning, counseling, support, or advocacy services to victims 1470  
of domestic violence, menacing by stalking, or sexual violence. 1471

(ii) The office, center, or program is located on the 1472  
campus of, or is affiliated with, a two-year or four-year post- 1473  
secondary educational institution in this state. 1474

(iii) The office, center, or program employs or otherwise 1475  
engages one or more qualified advocates. 1476

(iv) The office, center, or program has a memorandum of 1477  
understanding with a qualified victim services program. 1478

(b) As used in divisions (G) (1) and (7) of this section: 1479

(i) "Domestic violence," "menacing by stalking," 1480  
"qualified victim services program," "sexual violence," and 1481  
"victim" have the same meanings as in division (M) of section 1482  
2317.02 of the Revised Code. 1483

(ii) "Qualified advocate" means any person who has 1484  
completed at least forty hours of training in advocacy for 1485  
victims of sexual violence, menacing by stalking, or domestic 1486  
violence, and who is an employee or volunteer of a designated 1487  
victim advocacy office, women's center, health center, or other 1488

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| <u>program described in division (G) (7) (a) of this section.</u> | 1489 |
| (H) No disclosure of information pursuant to this section         | 1490 |
| gives rise to any liability or recrimination for a breach of      | 1491 |
| privilege or confidence.  | 1492 |
| (I) Whoever violates division (A) or (B) of this section          | 1493 |
| is guilty of failure to report a crime. Violation of division     | 1494 |
| (A) (1) of this section is a misdemeanor of the fourth degree.    | 1495 |
| Violation of division (A) (2) or (B) of this section is a         | 1496 |
| misdemeanor of the second degree.                                 | 1497 |
| (J) Whoever violates division (C) or (D) of this section          | 1498 |
| is guilty of failure to report knowledge of a death, a            | 1499 |
| misdemeanor of the fourth degree.                                 | 1500 |
| (K) (1) Whoever negligently violates division (E) of this         | 1501 |
| section is guilty of a minor misdemeanor.                         | 1502 |
| (2) Whoever knowingly violates division (E) of this               | 1503 |
| section is guilty of a misdemeanor of the second degree.          | 1504 |
| (L) As used in this section, "nurse" includes an advanced         | 1505 |
| practice registered nurse, registered nurse, and licensed         | 1506 |
| practical nurse.  | 1507 |
| <b>Section 2.</b> That existing sections 2151.421, 2317.02, and   | 1508 |
| 2921.22 of the Revised Code are hereby repealed.                  | 1509 |
| <b>Section 3.</b> Section 2151.421 of the Revised Code is         | 1510 |
| presented in this act as a composite of the section as amended    | 1511 |
| by both Sub. H.B. 158 and Am. Sub. H.B. 493 of the 131st General  | 1512 |
| Assembly. The General Assembly, applying the principle stated in  | 1513 |
| division (B) of section 1.52 of the Revised Code that amendments  | 1514 |
| are to be harmonized if reasonably capable of simultaneous        | 1515 |
| operation, finds that the composite is the resulting version of   | 1516 |

the section in effect prior to the effective date of the section 1517  
as presented in this act. 1518

Section 2921.22 of the Revised Code is presented in this 1519  
act as a composite of the section as amended by both Sub. H.B. 1520  
216 and Sub. S.B. 319 of the 131st General Assembly. The General 1521  
Assembly, applying the principle stated in division (B) of 1522  
section 1.52 of the Revised Code that amendments are to be 1523  
harmonized if reasonably capable of simultaneous operation, 1524  
finds that the composite is the resulting version of the section 1525  
in effect prior to the effective date of the section as 1526  
presented in this act. 1527