

**As Reported by the House Community and Family Advancement  
Committee**

**132nd General Assembly**

**Regular Session  
2017-2018**

**Sub. H. B. No. 523**

**Representatives Lanese, Perales**

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**A BILL**

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

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

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

**Sec. 109.46.** (A) As used in this section, "domestic 18  
violence program" means any of the following: 19

(1) The nonprofit state domestic violence coalition 20  
designated by the family and youth services bureau of the United 21  
States department of health and human services; 22

(2) A program operated by a nonprofit entity the primary 23  
purpose of which is to provide a broad range of services to 24  
victims of domestic violence that may include, but are not 25  
limited to, hotlines, emergency shelters, victim advocacy and 26  
support, justice systems advocacy, individual and group 27  
counseling for adults and children, or transitional service and 28  
education to prevent domestic violence. The program may provide 29  
some or all of the services described in this division. 30

(B) (1) There is hereby created in the state treasury the 31  
domestic violence program fund consisting of money appropriated 32  
to the fund by the general assembly ~~or~~, money donated to the 33  
fund, and money collected from civil penalties assessed under 34  
section 959.10 of the Revised Code. The attorney general shall 35  
administer the domestic violence program fund. ~~The~~ Both of the 36  
following apply to the use of money in the fund: 37

(a) Subject to division (B) (1) (b) of this section, the 38  
attorney general may not use more than five per cent of the 39  
moneys appropriated or deposited into the fund to pay costs 40  
associated with administering the fund, and shall use at least 41  
ninety-five per cent of the moneys appropriated or deposited 42  
into the fund for the purpose of providing funding to domestic 43  
violence programs under this section. 44

(b) The attorney general shall use all money collected 45  
from civil penalties assessed under section 959.10 of the 46  
Revised Code to provide funding to domestic violence programs 47  
that assist victims of domestic violence by arranging temporary 48  
shelter or other support for such victims' companion animals. 49

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

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

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

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

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

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

**Sec. 959.07.** (A) As used in sections 959.07 to 959.09 of 76  
the Revised Code: 77

(1) "Companion animal" has the same meaning as in section 78

<u>959.131 of the Revised Code.</u>	79
<u>(2) "Licensed veterinarian" has the same meaning as in section 4741.01 of the Revised Code.</u>	80 81
<u>(3) "Public children services agency" has the same meaning as in section 5153.01 of the Revised Code.</u>	82 83
<u>(4) "Protective services" has the same meaning as in section 5101.60 of the Revised Code.</u>	84 85
<u>(5) "Officer" has the same meaning as in section 959.132 of the Revised Code and includes a dog warden or deputy dog warden appointed or employed under section 955.12 of the Revised Code.</u>	86 87 88 89
<u>(6) "Social service professional" means an employee of a private or public children services agency and an employee of a county department of job and family services with responsibility for protective services.</u>	90 91 92 93
<u>(7) "Adult" has the same meaning as in section 5101.60 of the Revised Code.</u>	94 95
<u>(B) (1) No person listed in division (B) (2) of this section shall fail to immediately report a violation of this chapter that involves a companion animal or horse to an officer when that person has knowledge or reasonable cause to suspect that such a violation has occurred or is occurring.</u>	96 97 98 99 100
<u>(2) Division (B) (1) of this section applies to all of the following operating in an official or professional capacity:</u>	101 102
<u>(a) A licensed veterinarian;</u>	103
<u>(b) A social service professional;</u>	104
<u>(c) A person licensed under Chapter 4757. of the Revised</u>	105

<u>Code.</u>	106
<u>Sec. 959.08. No officer, operating in an official or</u>	107
<u>professional capacity, shall fail to immediately report a</u>	108
<u>violation of this chapter involving a companion animal or horse</u>	109
<u>to an appropriate social service professional when both of the</u>	110
<u>following apply:</u>	111
<u>(A) The officer has knowledge or reasonable cause to</u>	112
<u>suspect that such a violation has occurred or is occurring.</u>	113
<u>(B) The officer has knowledge or reasonable cause to</u>	114
<u>suspect that a child or older adult resides with the alleged</u>	115
<u>violator.</u>	116
<u>Sec. 959.09. (A) A person required to make a report under</u>	117
<u>section 959.07 or 959.08 of the Revised Code may do so orally or</u>	118
<u>in writing and shall include all of the following in the report:</u>	119
<u>(1) The name, if known, and description of the animal</u>	120
<u>involved;</u>	121
<u>(2) The address and telephone number of the owner or other</u>	122
<u>person responsible for care of the animal, if known;</u>	123
<u>(3) The nature and extent of the suspected abuse;</u>	124
<u>(4) Any other information that the person making the</u>	125
<u>report believes may be useful in establishing the existence of</u>	126
<u>the suspected violation or the identity of the person causing</u>	127
<u>the violation.</u>	128
<u>(B) A person required to make a report under section</u>	129
<u>959.07 or 959.08 of the Revised Code is immune from civil or</u>	130
<u>criminal liability in connection with making that report if the</u>	131
<u>person acted in good faith when making the report.</u>	132

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

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

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

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

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

(C) The attorney general shall deposit money collected 157  
from the penalties assessed under this section in the domestic 158  
violence program fund established in section 109.46 of the 159  
Revised Code. 160

**Sec. 959.99.** (A) Whoever violates section 959.18 or 959.19 161

of the Revised Code is guilty of a minor misdemeanor. 162

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

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

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

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

(2) Whoever violates division (C) of section 959.131 of 188  
the Revised Code is guilty of a felony of the fifth degree. 189

(3) Whoever violates section 959.01 of the Revised Code or 190

division (D) of section 959.131 of the Revised Code is guilty of 191  
a misdemeanor of the second degree on a first offense and a 192  
misdemeanor of the first degree on each subsequent offense. 193

(4) Whoever violates division (E) of section 959.131 of 194  
the Revised Code is guilty of a felony of the fifth degree. 195

(5) Whoever violates division (F) of section 959.131 of 196  
the Revised Code is guilty of a misdemeanor of the first degree. 197

(6) (a) A court may order a person who is convicted of or 198  
pleads guilty to a violation of section 959.131 of the Revised 199  
Code to forfeit to an impounding agency, as defined in section 200  
959.132 of the Revised Code, any or all of the companion animals 201  
in that person's ownership or care. The court also may prohibit 202  
or place limitations on the person's ability to own or care for 203  
any companion animals for a specified or indefinite period of 204  
time. 205

(b) A court may order a person who is convicted of or 206  
pleads guilty to a violation of section 959.131 of the Revised 207  
Code to reimburse an impounding agency for the reasonably 208  
necessary costs incurred by the agency for the care of a 209  
companion animal that the agency impounded as a result of the 210  
investigation or prosecution of the violation, provided that the 211  
costs were not otherwise paid under section 959.132 of the 212  
Revised Code. 213

(7) If a court has reason to believe that a person who is 214  
convicted of or pleads guilty to a violation of section 959.131 215  
or 959.21 of the Revised Code suffers from a mental or emotional 216  
disorder that contributed to the violation, the court may impose 217  
as a community control sanction or as a condition of probation a 218  
requirement that the offender undergo psychological evaluation 219



or counseling. The court shall order the offender to pay the 220  
costs of the evaluation or counseling. 221

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

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

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

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

**Sec. 2151.421.** (A) (1) (a) No person described in division 234  
(A) (1) (b) of this section who is acting in an official or 235  
professional capacity and knows, or has reasonable cause to 236  
suspect based on facts that would cause a reasonable person in a 237  
similar position to suspect, that a child under eighteen years 238  
of age, or a person under twenty-one years of age with a 239  
developmental disability or physical impairment, has suffered or 240  
faces a threat of suffering any physical or mental wound, 241  
injury, disability, or condition of a nature that reasonably 242  
indicates abuse or neglect of the child shall fail to 243  
immediately report that knowledge or reasonable cause to suspect 244  
to the entity or persons specified in this division. Except as 245  
provided in section 5120.173 of the Revised Code, the person 246  
making the report shall make it to the public children services 247  
agency or a municipal or county peace officer in the county in 248

which the child resides or in which the abuse or neglect is 249  
occurring or has occurred. In the circumstances described in 250  
section 5120.173 of the Revised Code, the person making the 251  
report shall make it to the entity specified in that section. 252

(b) Division (A)(1)(a) of this section applies to any 253  
person who is an attorney; health care professional; 254  
practitioner of a limited branch of medicine as specified in 255  
section 4731.15 of the Revised Code; licensed school 256  
psychologist; independent marriage and family therapist or 257  
marriage and family therapist; coroner; administrator or 258  
employee of a child day-care center; administrator or employee 259  
of a residential camp, child day camp, or private, nonprofit 260  
therapeutic wilderness camp; administrator or employee of a 261  
certified child care agency or other public or private children 262  
services agency; school teacher; school employee; school 263  
authority; agent of a county humane society, dog warden, deputy 264  
dog warden, or other person appointed to act as an animal 265  
control officer for a municipal corporation or township in 266  
accordance with state law, an ordinance, or a resolution; 267  
person, other than a cleric, rendering spiritual treatment 268  
through prayer in accordance with the tenets of a well- 269  
recognized religion; employee of a county department of job and 270  
family services who is a professional and who works with 271  
children and families; superintendent or regional administrator 272  
employed by the department of youth services; superintendent, 273  
board member, or employee of a county board of developmental 274  
disabilities; investigative agent contracted with by a county 275  
board of developmental disabilities; employee of the department 276  
of developmental disabilities; employee of a facility or home 277  
that provides respite care in accordance with section 5123.171 278  
of the Revised Code; employee of an entity that provides 279

homemaker services; a person performing the duties of an 280  
assessor pursuant to Chapter 3107. or 5103. of the Revised Code; 281  
third party employed by a public children services agency to 282  
assist in providing child or family related services; court 283  
appointed special advocate; or guardian ad litem. 284

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

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

(3) The client or patient in an attorney-client or 301  
physician-patient relationship described in division (A)(2) of 302  
this section is deemed to have waived any testimonial privilege 303  
under division (A) or (B) of section 2317.02 of the Revised Code 304  
with respect to any communication the attorney or physician 305  
receives from the client or patient in that attorney-client or 306  
physician-patient relationship, and the attorney or physician 307  
shall make a report pursuant to division (A)(1) of this section 308  
with respect to that communication, if all of the following 309

apply: 310

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

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

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

(4) (a) No cleric and no person, other than a volunteer, 325  
designated by any church, religious society, or faith acting as 326  
a leader, official, or delegate on behalf of the church, 327  
religious society, or faith who is acting in an official or 328  
professional capacity, who knows, or has reasonable cause to 329  
believe based on facts that would cause a reasonable person in a 330  
similar position to believe, that a child under eighteen years 331  
of age, or a person under twenty-one years of age with a 332  
developmental disability or physical impairment, has suffered or 333  
faces a threat of suffering any physical or mental wound, 334  
injury, disability, or condition of a nature that reasonably 335  
indicates abuse or neglect of the child, and who knows, or has 336  
reasonable cause to believe based on facts that would cause a 337  
reasonable person in a similar position to believe, that another 338  
cleric or another person, other than a volunteer, designated by 339

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

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

(c) The penitent in a cleric-penitent relationship 361  
described in division (A) (4) (b) of this section is deemed to 362  
have waived any testimonial privilege under division (C) of 363  
section 2317.02 of the Revised Code with respect to any 364  
communication the cleric receives from the penitent in that 365  
cleric-penitent relationship, and the cleric shall make a report 366  
pursuant to division (A) (4) (a) of this section with respect to 367  
that communication, if all of the following apply: 368

(i) The penitent, at the time of the communication, is a 369

child under eighteen years of age or is a person under twenty- 370  
one years of age with a developmental disability or physical 371  
impairment. 372

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

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

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

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

(B) Anyone who knows, or has reasonable cause to suspect 394  
based on facts that would cause a reasonable person in similar 395  
circumstances to suspect, that a child under eighteen years of 396  
age, or a person under twenty-one years of age with a 397  
developmental disability or physical impairment, has suffered or 398

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

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

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

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

(3) Any other information, including, but not limited to, 426  
results and reports of any medical examinations, tests, or 427  
procedures performed under division (D) of this section, that 428

might be helpful in establishing the cause of the injury, abuse, 429  
or neglect that is known or reasonably suspected or believed, as 430  
applicable, to have occurred or of the threat of injury, abuse, 431  
or neglect that is known or reasonably suspected or believed, as 432  
applicable, to exist. 433

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

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

(3) If a health care professional provides health care 449  
services in a hospital, children's advocacy center, or emergency 450  
medical facility to a child about whom a report has been made 451  
under division (A) of this section, the health care professional 452  
may take any steps that are reasonably necessary for the release 453  
or discharge of the child to an appropriate environment. Before 454  
the child's release or discharge, the health care professional 455  
may obtain information, or consider information obtained, from 456  
other entities or individuals that have knowledge about the 457  
child. Nothing in division (D) (3) of this section shall be 458



construed to alter the responsibilities of any person under 459  
sections 2151.27 and 2151.31 of the Revised Code. 460

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

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

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

(2) When a public children services agency receives a 484  
report pursuant to this division or division (A) or (B) of this 485  
section, upon receipt of the report, the public children 486  
services agency shall do both of the following: 487

(a) Comply with section 2151.422 of the Revised Code;	488
(b) If the county served by the agency is also served by a children's advocacy center and the report alleges sexual abuse of a child or another type of abuse of a child that is specified in the memorandum of understanding that creates the center as being within the center's jurisdiction, comply regarding the report with the protocol and procedures for referrals and investigations, with the coordinating activities, and with the authority or responsibility for performing or providing functions, activities, and services stipulated in the interagency agreement entered into under section 2151.428 of the Revised Code relative to that center.	489 490 491 492 493 494 495 496 497 498 499
(F) No township, municipal, or county peace officer shall remove a child about whom a report is made pursuant to this section from the child's parents, stepparents, or guardian or any other persons having custody of the child without consultation with the public children services agency, unless, in the judgment of the officer, and, if the report was made by physician, the physician, immediate removal is considered essential to protect the child from further abuse or neglect. The agency that must be consulted shall be the agency conducting the investigation of the report as determined pursuant to section 2151.422 of the Revised Code.	500 501 502 503 504 505 506 507 508 509 510
(G) (1) Except as provided in section 2151.422 of the Revised Code or in an interagency agreement entered into under section 2151.428 of the Revised Code that applies to the particular report, the public children services agency shall investigate, within twenty-four hours, each report of child abuse or child neglect that is known or reasonably suspected or believed to have occurred and of a threat of child abuse or	511 512 513 514 515 516 517

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

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

(2) The public children services agency shall make any 546  
recommendations to the county prosecuting attorney or city 547  
director of law that it considers necessary to protect any 548

children that are brought to its attention.	549
(H) (1) (a) Except as provided in divisions (H) (1) (b) and	550
(I) (3) of this section, any person, health care professional,	551
hospital, institution, school, health department, or agency	552
shall be immune from any civil or criminal liability for injury,	553
death, or loss to person or property that otherwise might be	554
incurred or imposed as a result of any of the following:	555
(i) Participating in the making of reports pursuant to	556
division (A) of this section or in the making of reports in good	557
faith, pursuant to division (B) of this section;	558
(ii) Participating in medical examinations, tests, or	559
procedures under division (D) of this section;	560
(iii) Providing information used in a report made pursuant	561
to division (A) of this section or providing information in good	562
faith used in a report made pursuant to division (B) of this	563
section;	564
(iv) Participating in a judicial proceeding resulting from	565
a report made pursuant to division (A) of this section or	566
participating in good faith in a proceeding resulting from a	567
report made pursuant to division (B) of this section.	568
(b) Immunity under division (H) (1) (a) (ii) of this section	569
shall not apply when a health care provider has deviated from	570
the standard of care applicable to the provider's profession.	571
(c) Notwithstanding section 4731.22 of the Revised Code,	572
the physician-patient privilege shall not be a ground for	573
excluding evidence regarding a child's injuries, abuse, or	574
neglect, or the cause of the injuries, abuse, or neglect in any	575
judicial proceeding resulting from a report submitted pursuant	576
to this section.	577

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

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

(2) (a) Except as provided in division (I) (2) (b) of this 605  
section, no person shall permit or encourage the unauthorized 606  
dissemination of the contents of any report made under this 607  
section. 608

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

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

(4) If a report is made pursuant to division (A) or (B) of 618  
this section and the child who is the subject of the report dies 619  
for any reason at any time after the report is made, but before 620  
the child attains eighteen years of age, the public children 621  
services agency or municipal or county peace officer to which 622  
the report was made or referred, on the request of the child 623  
fatality review board or the director of health pursuant to 624  
guidelines established under section 3701.70 of the Revised 625  
Code, shall submit a summary sheet of information providing a 626  
summary of the report to the review board of the county in which 627  
the deceased child resided at the time of death or to the 628  
director. On the request of the review board or director, the 629  
agency or peace officer may, at its discretion, make the report 630  
available to the review board or director. If the county served 631  
by the public children services agency is also served by a 632  
children's advocacy center and the report of alleged sexual 633  
abuse of a child or another type of abuse of a child is 634  
specified in the memorandum of understanding that creates the 635  
center as being within the center's jurisdiction, the agency or 636  
center shall perform the duties and functions specified in this 637  
division in accordance with the interagency agreement entered 638  
into under section 2151.428 of the Revised Code relative to that 639

advocacy center. 640

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

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

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

(a) If there is only one juvenile judge in the county, the 666  
juvenile judge of the county or the juvenile judge's 667  
representative; 668

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

(c) The county peace officer;

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

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

(f) The prosecuting attorney of the county;

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

(h) The county humane society;

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

(2) A memorandum of understanding shall set forth the normal operating procedure to be employed by all concerned officials in the execution of their respective responsibilities under this section and division (C) of section 2919.21, division (B) (1) of section 2919.22, division (B) of section 2919.23, and section 2919.24 of the Revised Code and shall have as two of its primary goals the elimination of all unnecessary interviews of children who are the subject of reports made pursuant to division (A) or (B) of this section and, when feasible,



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

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

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

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

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

(5) The clerk of the court of common pleas in the county 724  
may sign the memorandum of understanding prepared under division 725

(K) (1) of this section. If the clerk signs the memorandum of understanding, the clerk shall execute all relevant responsibilities as required of officials specified in the memorandum.

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

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

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

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

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

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

(2) A person may request the information specified in division (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.

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.

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

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

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

(5) A health care professional who made a report under division (A) of this section, or on whose behalf such a report was made as provided in division (A)(1)(c) of this section, may authorize a person to obtain the information described in

division (L) (1) of this section if the person requesting the 784  
information is associated with or acting on behalf of the health 785  
care professional who provided health care services to the child 786  
about whom the report was made. 787

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

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

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

(a) "Out-of-home care" includes a nonchartered nonpublic 809  
school if the alleged child abuse or child neglect, or alleged 810  
threat of child abuse or child neglect, described in a report 811  
received by a public children services agency allegedly occurred 812  
in or involved the nonchartered nonpublic school and the alleged 813

perpetrator named in the report holds a certificate, permit, or 814  
license issued by the state board of education under section 815  
3301.071 or Chapter 3319. of the Revised Code. 816

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

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

(3) No later than three days after the day on which a 842  
public children services agency that conducted the investigation 843

as determined pursuant to section 2151.422 of the Revised Code 844  
makes a disposition of an investigation involving a report of 845  
alleged child abuse or child neglect, or a report of an alleged 846  
threat of child abuse or child neglect, that allegedly occurred 847  
in or involved an out-of-home care entity, the agency shall send 848  
written notice of the disposition of the investigation to the 849  
administrator, director, or other chief administrative officer 850  
and the owner or governing board of the out-of-home care entity. 851  
The agency shall not provide witness statements or police or 852  
other investigative reports. 853

(P) As used in this section: 854

(1) "Children's advocacy center" and "sexual abuse of a 855  
child" have the same meanings as in section 2151.425 of the 856  
Revised Code. 857

(2) "Health care professional" means an individual who 858  
provides health-related services including a physician, hospital 859  
intern or resident, dentist, podiatrist, registered nurse, 860  
licensed practical nurse, visiting nurse, licensed psychologist, 861  
speech pathologist, audiologist, person engaged in social work 862  
or the practice of professional counseling, and employee of a 863  
home health agency. "Health care professional" does not include 864  
a practitioner of a limited branch of medicine as specified in 865  
section 4731.15 of the Revised Code, licensed school 866  
psychologist, independent marriage and family therapist or 867  
marriage and family therapist, or coroner. 868

(3) "Investigation" means the public children services 869  
agency's response to an accepted report of child abuse or 870  
neglect through either an alternative response or a traditional 871  
response. 872

Sec. 2151.4210. (A) As used in this section, "armed forces" has the same meaning as in section 5903.01 of the Revised Code. 873  
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875

(B) A public children services agency that is 876  
investigating a report of child abuse or neglect shall determine 877  
if the person alleged to have inflicted the abuse or neglect is 878  
serving in the armed forces. Notwithstanding division (I) of 879  
section 2151.421 of the Revised Code, if the agency determines 880  
that the person is serving in the armed forces, it shall notify 881  
the department of defense family advocacy program that the 882  
person is alleged to have inflicted abuse or neglect on the 883  
child that is the subject of the report. 884

Sec. 2919.252. (A) As used in this section: 885

(1) "Peace officer" has the same meaning as in section 886  
2935.01 of the Revised Code. 887

(2) "Armed forces" has the same meaning as in section 888  
5903.01 of the Revised Code. 889

(B) A peace officer investigating an alleged violation of 890  
section 2919.25 of the Revised Code shall determine if the 891  
person alleged to have committed the violation serves in the 892  
armed forces. If the officer determines that the person serves 893  
in the armed forces, the officer shall notify the department of 894  
defense family advocacy program that the person is alleged to 895  
have committed a violation of that section. 896

Sec. 4757.10. (A) The counselor, social worker, and 897  
marriage and family therapist board may adopt any rules 898  
necessary to carry out this chapter. 899

(B) The board shall adopt rules that do all of the 900  
following: 901

<del>(A)</del> <u>(1)</u> Concern intervention for and treatment of any impaired person holding a license or certificate of registration issued under this chapter;	902 903 904
<del>(B)</del> <u>(2)</u> Establish standards for training and experience of supervisors described in division (C) of section 4757.30 of the Revised Code;	905 906 907
<del>(C)</del> <u>(3)</u> Define the requirement that an applicant be of good moral character in order to be licensed or registered under this chapter;	908 909 910
<del>(D)</del> <u>(4)</u> Establish requirements for criminal records checks of applicants under section 4776.03 of the Revised Code;	911 912
<del>(E)</del> <u>(5)</u> Establish a graduated system of fines based on the scope and severity of violations and the history of compliance, not to exceed five hundred dollars per incident, that any professional standards committee of the board may charge for a disciplinary violation described in section 4757.36 of the Revised Code;	913 914 915 916 917 918
<del>(F)</del> <u>(6)</u> Establish the amount and content of corrective action courses required by the board under section <del>4755.36</del> <u>4757.36</u> of the Revised Code;	919 920 921
<del>(G)</del> <u>(7)</u> Provide for voluntary registration of all of the following:	922 923
<del>(1)</del> <u>(a)</u> Master's level counselor trainees enrolled in practice and internships;	924 925
<del>(2)</del> <u>(b)</u> Master's level social worker trainees enrolled in fieldwork, practice, and internships;	926 927
<del>(3)</del> <u>(c)</u> Master's level marriage and family therapist trainees enrolled in practice and internships.	928 929



(8) Establish a schedule of deadlines for renewal. 930

(C) Rules adopted under division ~~(G)~~ (B) (7) of this 931  
section shall not require a trainee to register with the board, 932  
and if a trainee has not registered, shall prohibit any adverse 933  
effect with respect to a trainee's application for licensure by 934  
the board. 935

(D) All rules adopted under this section shall be adopted 936  
in accordance with Chapter 119. of the Revised Code. When it 937  
adopts rules under this section or any other section of this 938  
chapter, the board may consider standards established by any 939  
national association or other organization representing the 940  
interests of those involved in professional counseling, social 941  
work, or marriage and family therapy. 942

**Sec. 4757.13.** ~~(A) Each individual who engages in the~~ 943  
~~practice of professional counseling, social work, or marriage~~ 944  
~~and family therapy shall prominently display, in a conspicuous~~ 945  
~~place in the office or place where a major portion of the~~ 946  
~~individual's practice is conducted, and in such a manner as to~~ 947  
~~be easily seen and read, the license granted to the individual~~ 948  
~~by the state counselor, social worker, and marriage and family~~ 949  
~~therapist board.~~ 950

~~(B)~~ A person holding a license holder issued under this 951  
chapter who is engaged in a private individual practice, 952  
partnership, or group practice shall prominently display the 953  
license holder's fee schedule in the office or place where a 954  
major portion of the license holder's practice is conducted. The 955  
bottom of the first page of the fee schedule shall include the 956  
following statement, which shall be followed by the name, 957  
address, and telephone number of the board: 958

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

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

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

**Sec. 4757.22.** (A) The counselors professional standards committee of the counselor, social worker, and marriage and family therapist board shall issue a license to practice as a licensed professional clinical counselor to each applicant who submits a properly completed application, pays the fee

established under section 4757.31 of the Revised Code, and meets	989
the requirements specified in division (B) of this section.	990
(B) (1) To be eligible for a licensed professional clinical	991
counselor license, an individual must meet the following	992
requirements:	993
(a) The individual must be of good moral character.	994
(b) The individual must hold from an accredited	995
educational institution a graduate degree in counseling.	996
(c) The individual must complete a minimum of ninety	997
quarter hours or sixty semester hours of graduate credit in	998
counselor training acceptable to the committee, including	999
instruction in the following areas:	1000
(i) Clinical psychopathology, personality, and abnormal	1001
behavior;	1002
(ii) Evaluation of mental and emotional disorders;	1003
(iii) Diagnosis of mental and emotional disorders;	1004
(iv) Methods of prevention, intervention, and treatment of	1005
mental and emotional disorders.	1006
(d) The individual must complete, in either a private or	1007
clinical counseling setting, supervised experience in counseling	1008
that is of a type approved by the committee, is supervised by a	1009
licensed professional clinical counselor or other qualified	1010
professional approved by the committee, and is in the following	1011
amounts:	1012
(i) In the case of an individual holding only a master's	1013
degree, not less than two years of experience, which must be	1014
completed after the award of the master's degree;	1015

(ii) In the case of an individual holding a doctorate, not less than one year of experience, which must be completed after the award of the doctorate. 1016  
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(e) The individual must pass a field evaluation that meets the following requirements: 1019  
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(i) Has been completed by the applicant's instructors, employers, supervisors, or other persons determined by the committee to be competent to evaluate an individual's professional competence; 1021  
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(ii) Includes documented evidence of the quality, scope, and nature of the applicant's experience and competence in diagnosing and treating mental and emotional disorders. 1025  
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(f) The individual must pass an examination administered by the board for the purpose of determining ability to practice as a licensed professional clinical counselor. 1028  
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(2) To meet the requirement of division (B) (1) (b) of this section, a graduate degree in counseling obtained from a ~~mental health~~ counseling program in this state after January 1, 2018, must be from a ~~clinical mental health counseling program, a clinical rehabilitation counseling program, or an addiction~~ counseling program accredited by the council for accreditation of counseling and related educational programs. 1031  
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(3) All of the following meet the educational requirements of division (B) (1) (c) of this section: 1038  
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(a) A clinical mental health counseling program accredited by the council for accreditation of counseling and related educational programs; 1040  
1041  
1042

(b) Until January 1, 2018, a mental health counseling 1043

program accredited by the council for accreditation of 1044  
counseling and related educational programs; 1045

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

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

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

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

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

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

(E) An individual may not sit for the licensing 1070  
examination unless the individual meets the educational 1071  
requirements to be licensed under this section. An individual 1072

who is denied admission to the licensing examination may appeal 1073  
the denial in accordance with Chapter 119. of the Revised Code. 1074

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

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

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

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

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

**Sec. 4757.23.** (A) The counselors professional standards 1095  
committee of the counselor, social worker, and marriage and 1096  
family therapist board shall issue a license as a licensed 1097  
professional counselor to each applicant who submits a properly 1098  
completed application, pays the fee established under section 1099  
4757.31 of the Revised Code, and meets the requirements 1100  
established under division (B) of this section. 1101

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

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

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

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

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

(ii) Evaluation of mental and emotional disorders;

(iii) Diagnosis of mental and emotional disorders;

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

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

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

(3) All of the following meet the educational requirements	1130
of division (B) (1) (c) of this section:	1131
(a) A clinical mental health counseling program accredited	1132
by the council for accreditation of counseling and related	1133
educational programs;	1134
(b) Until January 1, 2018, a mental health counseling	1135
program accredited by the council for accreditation of	1136
counseling and related educational programs;	1137
(c) A graduate degree in counseling issued by an	1138
institution in another state from a clinical mental health	1139
counseling program, a clinical rehabilitation counseling	1140
program, or an addiction counseling program that is accredited	1141
by the council for accreditation of counseling and related	1142
educational programs;	1143
(d) Any other accredited counseling programs accepted by	1144
the board in accordance with rules adopted under division (F) (3)	1145
of this section.	1146
(C) To be accepted by the committee for purposes of	1147
division (B) of this section, counselor training must include at	1148
least the following:	1149
(1) Instruction in human growth and development;	1150
counseling theory; counseling techniques; group dynamics,	1151
processing, and counseling; appraisal of individuals; research	1152
and evaluation; professional, legal, and ethical	1153
responsibilities; social and cultural foundations; and lifestyle	1154
and career development;	1155
(2) Participation in a supervised practicum and <u>clinical</u>	1156
internship in counseling.	1157



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

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

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

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

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

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

(1) Establish criteria for the committee to use in 1182  
determining whether an applicant's training should be accepted 1183  
and supervised experience approved; 1184

(2) Establish course content requirements for qualifying 1185  
counseling degrees issued by institutions in other states from 1186

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

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

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

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

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

(2) The person has continuously engaged in the practice of 1212  
professional counseling in the other state for a period of five 1213  
years or more immediately preceding the date the application is 1214  
submitted. 1215

(3) The person's scope of practice in the other state is 1216  
comparable to the scope of practice associated with the license 1217  
the person is requesting. 1218

(4) The person's license, certificate, registration, or 1219  
other authorization to practice in the other state is in good 1220  
standing at the time the person submits the application. 1221

(5) The person has not been disciplined by the regulatory 1222  
authority of the other state that issued the license, 1223  
certificate, registration, or other authorization for a period 1224  
of five years or more preceding the date the application is 1225  
submitted. 1226

(6) The person has achieved a passing score on the 1227  
examination required by the board for licensure as a licensed 1228  
professional clinical counselor or a licensed professional 1229  
counselor, as applicable. 1230

(B) To meet the requirement of division (A) (1) of this 1231  
section, the coursework the person completed to obtain the 1232  
graduate degree must be comparable to the coursework required to 1233  
obtain a degree in clinical mental health counseling from a 1234  
program accredited by the council for accreditation of 1235  
counseling and related educational programs. 1236

(C) Before issuing a license to practice as a licensed 1237  
professional clinical counselor by endorsement under this 1238  
section, the committee shall require an applicant to complete 1239  
not less than seven hundred fifty hours of supervised experience 1240  
that is of a type approved by the committee. 1241

**Sec. 4757.32.** A license or certificate of registration 1242  
issued under this chapter ~~expires two years after it is issued~~ 1243  
~~and is valid without further recommendation or examination until~~ 1244

revoked or suspended or until the license or certificate of 1245  
registration expires for failure to renew as provided for in 1246  
this section. Licenses and certificates of registration shall be 1247  
renewed biennially in accordance with the schedule established 1248  
in rules adopted by the counselor, social worker, and marriage 1249  
and family therapist board under section 4757.10 of the Revised 1250  
Code. A license or certificate of registration may be renewed in 1251  
accordance with the standard renewal procedure established under 1252  
Chapter 4745. of the Revised Code. 1253

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

A license or certificate of registration that is not 1263  
renewed lapses on its expiration date. A license or certificate 1264  
of registration that has lapsed may be restored if the 1265  
individual, not later than two years after the license or 1266  
certificate expired, applies for restoration of the license or 1267  
certificate. The staff of the appropriate professional standards 1268  
committee shall issue a restored license or certificate of 1269  
registration to the applicant if the applicant pays the renewal 1270  
fee established under section 4757.31 of the Revised Code and 1271  
satisfies the continuing education requirements established 1272  
under section 4757.33 of the Revised Code for restoring the 1273  
license or certificate of registration. The board and its 1274  
professional standards committees shall not require a person to 1275

take an examination as a condition of having a lapsed license or 1276  
certificate of registration restored. 1277

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

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

The professional standards committees of the counselor, 1295  
social worker, and marriage and family therapist board shall 1296  
adopt rules in accordance with Chapter 119. of the Revised Code 1297  
establishing standards and procedures to be followed by the 1298  
committees in conducting the continuing education approval 1299  
process, which shall include registering individuals and 1300  
entities to provide continuing education programs approved by 1301  
the board. 1302

(B) The board may waive the continuing education 1303  
requirements established under this section for persons who are 1304  
unable to fulfill them because of military service, illness, 1305

residence abroad, or any other reason the committee considers 1306  
acceptable. 1307

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

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

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

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

Section 2151.421 of the Revised Code as amended by both 1329  
Sub. H.B. 158 and Am. Sub. H.B. 493 of the 131st General 1330  
Assembly. 1331