

AN ACT

To amend sections 125.22, 3793.07, 4743.05, 4745.01, and 4757.41; to enact sections 4758.01, 4758.02 to 4758.04, 4758.06, 4758.10 to 4758.13, 4758.15 to 4758.18, 4758.20 to 4758.32, 4758.35, 4758.36, 4758.40 to 4758.45, 4758.50, 4758.51, 4758.53, 4758.55 to 4758.61, 4758.70, 4758.71, and 4758.99 of the Revised Code; to repeal Sections 6 and 7 of Am. Sub. S.B. 172 of the 123rd General Assembly; and to repeal Section 8 of Am. Sub. S.B. 172 of the 123rd General Assembly, as subsequently amended, to create the Chemical Dependency Professionals Board, to require licensure or certification of chemical dependency counselors, to authorize the certification of alcohol and other drug prevention specialists, and to make an appropriation.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 125.22, 3793.07, 4743.05, 4745.01, and 4757.41 be amended and sections 4758.01, 4758.02, 4758.03, 4758.04, 4758.06, 4758.10, 4758.11, 4758.12, 4758.13, 4758.15, 4758.16, 4758.17, 4758.18, 4758.20, 4758.21, 4758.22, 4758.23, 4758.24, 4758.25, 4758.26, 4758.27, 4758.28, 4758.29, 4758.30, 4758.31, 4758.32, 4758.35, 4758.36, 4758.40, 4758.41, 4758.42, 4758.43, 4758.44, 4758.45, 4758.50, 4758.51, 4758.53, 4758.55, 4758.56, 4758.57, 4758.58, 4758.59, 4758.60, 4758.61, 4758.70, 4758.71, and 4758.99 of the Revised Code be enacted to read as follows:

Sec. 125.22. (A) The department of administrative services shall establish the central service agency to perform routine support for the following boards and commissions:

- (1) State board of examiners of architects;
- (2) Barber board;

- (3) State chiropractic board;
- (4) State board of cosmetology;
- (5) Accountancy board;
- (6) State dental board;
- (7) State board of optometry;
- (8) Ohio occupational therapy, physical therapy, and athletic trainers board;
- (9) State board of registration for professional engineers and surveyors;
- (10) State board of sanitarian registration;
- (11) Board of embalmers and funeral directors;
- (12) State board of psychology;
- (13) Ohio optical dispensers board;
- (14) Board of speech pathology and audiology;
- (15) Counselor and social worker board;
- (16) State veterinary medical licensing board;
- (17) Ohio board of dietetics;
- (18) Commission on Hispanic-Latino affairs;
- (19) Ohio respiratory care board;
- (20) Ohio commission on African-American males;
- (21) Chemical dependency professionals board.

(B)(1) Notwithstanding any other section of the Revised Code, the agency shall perform the following routine support services for the boards and commissions named in division (A) of this section unless the controlling board exempts a board or commission from this requirement on the recommendation of the director of administrative services:

- (a) Preparing and processing payroll and other personnel documents;
- (b) Preparing and processing vouchers, purchase orders, encumbrances, and other accounting documents;
- (c) Maintaining ledgers of accounts and balances;
- (d) Preparing and monitoring budgets and allotment plans in consultation with the boards and commissions;
- (e) Other routine support services that the director of administrative services considers appropriate to achieve efficiency.

(2) The agency may perform other services which a board or commission named in division (A) of this section delegates to the agency and the agency accepts.

(3) The agency may perform any service for any professional or occupational licensing board not named in division (A) of this section or any commission if the board or commission requests such service and the agency accepts.

(C) The director of administrative services shall be the appointing authority for the agency.

(D) The agency shall determine the fees to be charged to the boards and commissions, which shall be in proportion to the services performed for each board or commission.

(E) Each board or commission named in division (A) of this section and any other board or commission requesting services from the agency shall pay these fees to the agency from the general revenue fund maintenance account of the board or commission or from such other fund as the operating expenses of the board or commission are paid. Any amounts set aside for a fiscal year by a board or commission to allow for the payment of fees shall be used only for the services performed by the agency in that fiscal year. All receipts collected by the agency shall be deposited in the state treasury to the credit of the central service agency fund, which is hereby created. All expenses incurred by the agency in performing services for the boards or commissions shall be paid from the fund.

(F) Nothing in this section shall be construed as a grant of authority for the central service agency to initiate or deny personnel or fiscal actions for the boards and commissions.

Sec. 3793.07. (A) As used in this section:

(1) "Medicare program" means the program established under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended;

(2) "Medicaid program" means the program established under Title XIX of the "Social Security Act."

(B) ~~The~~ Except as provided in division (D) of this section, the department of alcohol and drug addiction services shall establish and administer a process for the certification or credentialing of chemical dependency ~~professionals~~ counselors and alcohol and other drug ~~prevention specialists~~ prevention specialists for the purpose of qualifying ~~the~~ their services ~~provided by chemical dependency professionals~~ for reimbursement under the medicare or medicaid program. The process shall be made available to any individual who is a member of the profession of ~~alcoholism counseling~~, drug abuse counseling, or chemical dependency counseling; or any individual who is an ~~alcoholism or alcohol and other drug abuse prevention consultant or specialist~~. Nothing in this section shall be construed as requiring such certification or credentials for services that are not reimbursed by medicare or medicaid.

The department shall cease to administer its process for the certification or credentialing of chemical dependency counselors and alcohol and other

drug prevention specialists under this section at the earlier of the following:

(1) The date, which shall be specified in an agreement between the department and chemical dependency professionals board, on which the board is to assume, under Chapter 4758. of the Revised Code, the department's certification duties;

(2) Two years after the effective date of this amendment.

(C) The department shall adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures for the certification or credentialing process. The rules shall include the following:

(1) Eligibility requirements;

(2) Application procedures;

(3) Minimum educational and clinical training requirements that must be met for initial certification or credentialing;

(4) Continuing education and training requirements for certified or credentialed individuals;

(5) Application and renewal fees that do not exceed the cost incurred by the department in implementing and administering the process;

(6) Administration or approval of examinations;

(7) Investigation of complaints and alleged violations of this section;

(8) Maintenance of the confidentiality of the department's investigative records;

(9) Disciplinary actions, including application denial and suspension or revocation of certification or credentials;

(10) Any other rules the department considers necessary to establish or administer the certification or credentialing process.

(D)(1) Except as provided in division (D)(2) of this section, the department shall not issue an initial certificate or credential to practice as a chemical dependency counselor I, but may renew such a certificate or credential issued prior to the effective date of this amendment or pursuant to division (D)(2) of this section until the department ceases to administer the certification and credentialing process under this section.

(2) The department may issue an initial certificate or credential to practice as a chemical dependency counselor I to an individual if the individual submitted the application for certification or credentials to the department prior to the effective date of this amendment.

(E) The department shall investigate alleged violations of this section or the rules adopted under it. As part of its investigation, the department may issue subpoenas, examine witnesses, and administer oaths. The department shall ensure that all records it holds pertaining to an investigation remain confidential.

~~(E)~~(F) With respect to hearings conducted by the department as part of the certification or credentialing process, both of the following apply:

(1) An individual whose application for certification or credentials issued under this section has been denied by the department may request a hearing in accordance with Chapter 119. of the Revised Code and the rules adopted under this section.

(2) The department may appoint a referee or hearing examiner to conduct the proceedings and make recommendations to the department as appropriate.

~~(F)~~(G) The department shall maintain a record of all fees collected under this section. All fees collected shall be paid into the state treasury to the credit of the credentialing fund, which is hereby created. Money credited to the fund shall be used solely to pay the costs of establishing and administering the process for certification or credentialing of chemical dependency professionals under this section.

~~(G) Certifications~~ Money credited to the credentialing fund under this section shall be transferred to the occupational licensing and regulatory fund created under section 4743.05 of the Revised Code at the earlier of the following:

(1) The date, which shall be specified in an agreement between the department and chemical dependency professionals board, on which the board is to assume, under Chapter 4758. of the Revised Code, the department's certification duties;

(2) Two years after the effective date of this amendment.

~~(H) Certifications~~ made and credentials issued by the Ohio credentialing board for chemical dependency professionals prior to the date the department establishes its certification or credentialing process under this section shall continue to be accepted by the department until, with respect to any particular individual, one of the following occurs:

(1) The individual's certification or credentials from the board have expired.

(2) The individual's certification or credentials from the board would be suspended or revoked by the department if the certification or credentials had been issued by the department under this section.

Sec. 4743.05. Except as otherwise provided in sections 4701.20 and 4729.65 of the Revised Code, all money collected under Chapters 3773., 4701., 4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 4732., 4733., 4734., 4736., 4741., 4753., 4755., 4757., 4758., 4759., and 4761. of the Revised Code, and until December 31, 2004, money collected under Chapter 4779. of the Revised Code, shall be paid into the state treasury to the credit

of the occupational licensing and regulatory fund, which is hereby created for use in administering such chapters.

At the end of each quarter, the director of budget and management shall transfer from the occupational licensing and regulatory fund to the nurse education assistance fund created in section 3333.28 of the Revised Code the amount certified to the director under division (B) of section 4723.08 of the Revised Code.

At the end of each quarter, the director shall transfer from the occupational licensing and regulatory fund to the certified public accountant education assistance fund created in section 4701.26 of the Revised Code the amount certified to the director under division (H)(2) of section 4701.10 of the Revised Code.

Sec. 4745.01. (A) "Standard renewal procedure," as used in Chapters 905., 907., 909., 911., 913., 915., 918., 921., 923., 927., 942., 943., 953., 1321., 3710., 3713., 3719., 3731., 3742., 3748., 3769., 3783., 3921., 3951., 4104., 4105., 4143., 4169., 4561., 4703., 4707., 4709., 4713., 4715., 4717., 4723., 4725., 4727., 4728., 4729., 4731., 4733., 4734., 4735., 4739., 4741., 4747., 4749., 4753., 4755., 4757., 4758., 4759., 4761., 4766., 4773., and 4775. of the Revised Code, means the license renewal procedures specified in this chapter.

(B) "Licensing agency," as used in this chapter, means any department, division, board, section of a board, or other state governmental unit subject to the standard renewal procedure, as defined in this section, and authorized by the Revised Code to issue a license to engage in a specific profession, occupation, or occupational activity, or to have charge of and operate certain specified equipment, machinery, or premises.

(C) "License," as used in this chapter, means a license, certificate, permit, card, or other authority issued or conferred by a licensing agency by authority of which the licensee has or claims the privilege to engage in the profession, occupation, or occupational activity, or to have control of and operate certain specific equipment, machinery, or premises, over which the licensing agency has jurisdiction.

(D) "Licensee," as used in this chapter, means either the person to whom the license is issued or renewed by a licensing agency, or the person, partnership, or corporation at whose request the license is issued or renewed.

(E) "Renewal" and "renewed," as used in this chapter and in the chapters of the Revised Code specified in division (A) of this section, includes the continuing licensing procedure provided in Chapter 3748. of the Revised Code and rules adopted under it and in sections 1321.05 and 3921.33 of the Revised Code, and as applied to those continuing licenses

any reference in this chapter to the date of expiration of any license shall be construed to mean the due date of the annual or other fee for the continuing license.

Sec. 4757.41. (A) This chapter shall not apply to the following:

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

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

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

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

(5) Any person employed in the civil service as defined in section 124.01 of the Revised Code while engaging in social work or professional counseling as a civil service employee;

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

(7) Individuals Until two years after the date the department of alcohol and drug addiction services ceases to administer its process for the certification or credentialing of chemical dependency counselors and alcohol and other drug prevention specialists under section 3793.07 of the Revised Code, as specified in division (B) of that section, or in the case of an individual who has the expiration date of the individual's certificate or

credentials delayed under section 4758.04 of the Revised Code, until the date of the delayed expiration, individuals with certification or credentials accepted by the department of alcohol and drug addiction services under that section 3793.07 of the Revised Code who are acting within the scope of their certification or credentials as members of the profession of alcoholism counseling, drug abuse counseling, or chemical dependency counseling; or as alcoholism or alcohol and other drug abuse prevention consultants or specialists;

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

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

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

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

(B) Divisions (A)(5), ~~(8)(9)~~, and ~~(10)(11)~~ of this section do not prevent a person described in those divisions from obtaining a license or certificate of registration under this chapter.

Sec. 4758.01. As used in this chapter:

(A) "Accredited educational institution" means an educational institution accredited by an accrediting agency accepted by the Ohio board of regents.

(B)(1) "Alcohol and other drug clinical counseling principles, methods, or procedures" means an approach to chemical dependency counseling that emphasizes the chemical dependency counselor's role in systematically assisting clients through all of the following:

(a) Analyzing background and current information;

(b) Exploring possible solutions;

(c) Developing and providing a treatment plan;

(d) In the case of an independent chemical dependency counselor or chemical dependency counselor III only, diagnosing chemical dependency

conditions.

(2) "Alcohol and other drug clinical counseling principles, methods, or procedures" includes counseling, assessing, consulting, and referral as they relate to chemical dependency conditions.

(C) "Alcohol and other drug prevention services" means a planned process of strategies and activities designed to preclude the onset of the use of alcohol and other drugs, reduce problematic use of alcohol and other drugs, or both.

(D) "Chemical dependency conditions" means those conditions relating to the abuse of or dependency on alcohol or other drugs that are classified in accepted nosologies, including the diagnostic and statistical manual of mental disorders and the international classification of diseases, and in editions of those nosologies published after the effective date of this section.

(E) "Chemical dependency counseling" means rendering or offering to render to individuals, groups, or the public a counseling service involving the application of alcohol and other drug clinical counseling principles, methods, or procedures to assist individuals who are abusing or dependent on alcohol or other drugs.

(F) "Scope of practice" means the services, methods, and techniques in which and the areas for which a person who holds a license or certificate under this chapter is trained and qualified.

Sec. 4758.02. (A) Effective two years after the date the department of alcohol and drug addiction services ceases to administer its certification and credentialing process under section 3793.07 of the Revised Code as specified in division (B) of that section and except as provided in sections 4758.03 and 4758.04 of the Revised Code, no person shall do any of the following:

(1) Engage in or represent to the public that the person engages in chemical dependency counseling for a fee, salary, or other consideration unless the person holds a valid independent chemical dependency counselor license, chemical dependency counselor III license, chemical dependency counselor II license, chemical dependency counselor I certificate, or chemical dependency counselor assistant certificate issued under this chapter;

(2) Use the title "licensed independent chemical dependency counselor," "LICDC," "licensed chemical dependency counselor III," "LCDC III," "licensed chemical dependency counselor II," "LCDC II," "certified chemical dependency counselor I," "CCDC I," "chemical dependency counselor assistant," "CDCA," or any other title or description incorporating the word "chemical dependency counselor" or any other initials used to

identify persons acting in those capacities unless currently authorized under this chapter to act in the capacity indicated by the title or initials;

(3) Represent to the public that the person is a registered applicant unless the person holds a valid registered applicant certificate issued under this chapter;

(4) Use the title "certified prevention specialist II," "CPS II," "certified prevention specialist I," "CPS I," "registered applicant," or any other title, description, or initials used to identify persons acting in those capacities unless currently authorized under this chapter to act in the capacity indicated by the title or initials.

(B) Effective six years after the effective date of this section, no person shall engage in or represent to the public that the person engages in chemical dependency counseling as a chemical dependency counselor I.

Sec. 4758.03. Division (A) of section 4758.02 of the Revised Code does not apply to any of the following:

(A) An individual who holds a valid license, registration, certificate, or credentials issued under another chapter of the Revised Code while performing services within the recognized scope, standards, and ethics of the individual's profession;

(B) An individual who is a rabbi, priest, Christian Science practitioner, clergy, or member of a religious order and other individuals participating with them in pastoral counseling when the chemical dependency counseling activities are within the scope of the performance of their regular or specialized ministerial duties and are performed under the auspices or sponsorship of an established and legally cognizable church, denomination, or sect or an integrated auxiliary of a church as defined in paragraph (h) of 26 Code of Federal Regulations 1.6033-2 (2000) as amended, and the individual rendering the service remains accountable to the established authority of that church, denomination, sect, or integrated auxiliary;

(C) A student in an accredited educational institution while carrying out activities that are part of the student's prescribed course of study if the activities are supervised as required by the educational institution and the student is not represented as an individual who holds a license or certificate issued under this chapter.

ncy counselor or alcohol and other drug prevention specialist may apply to the chemical dependency professionals board for the board to delay the expiration date of the individual's certificate or credentials. If the board determines that there is good cause for delaying the expiration date, the board may delay the expiration date until a date the board specifies. The date the board specifies shall not be later than the date that is three years after the effective date of the board's initial rules adopted under section 4758.20 of the Revised Code.

An individual who has the expiration date of the individual's certificate or credentials delayed under this section may perform services within the scope, standards, and ethics of the certificate or credentials until the date of the delayed expiration date.

Sec. 4758.06. No individual who holds or has held a license or certificate issued under this chapter shall disclose any information regarding the identity, diagnosis, or treatment of any of the individual's clients or consumers except for the purposes and under the circumstances expressly authorized by 42 U.S.C.A. 290dd-2, regulations promulgated pursuant to that federal law, other federal law enacted after the effective date of this section to replace 42 U.S.C.A. 290dd-2, or regulations promulgated under the replacement federal law. The prohibition of this section applies whether or not the information is recorded.

Sec. 4758.10. (A) There is hereby created the chemical dependency professionals board.

(B) The governor shall appoint all of the following voting members of the board with the advice and consent of the senate:

(1) Four individuals who hold a valid independent chemical dependency counselor license issued under this chapter, including at least two of whom have received at least a master's degree in a field related to chemical dependency counseling from an accredited educational institution;

(2) Two individuals who hold a valid chemical dependency counselor III license issued under this chapter;

(3) One individual who holds a valid chemical dependency counselor II license issued under this chapter;

(4) Two individuals who hold a valid prevention specialist II certificate or prevention specialist I certificate issued under this chapter;

(5) One individual who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery and has experience practicing in a field related to chemical dependency counseling;

(6) Two individuals who represent the public and have not practiced

chemical dependency counseling or alcohol and other drug prevention services and have not been involved in the delivery of chemical dependency counseling services or alcohol and other drug prevention services. At least one of these individuals shall be at least sixty years of age. During their terms, the public members shall not practice chemical dependency counseling or alcohol and other drug prevention services or be involved in the delivery of chemical dependency counseling services or alcohol and other drug prevention services.

(C) Not later than ninety days after the effective date of this section, the director of alcohol and drug addiction services shall appoint an individual who represents the department of alcohol and drug addiction services to serve as an ex officio member of the chemical dependency professionals board.

(D) Not more than one-half of the voting members of the board may be of the same gender or members of the same political party. At least two voting members of the board shall be of African, Native American, Hispanic, or Asian descent.

Sec. 4758.11. Of the initial appointees to the chemical dependency professionals board appointed by the governor under division (B) of section 4758.10 of the Revised Code, four shall be appointed for terms ending one year after the effective date of this section, four shall be appointed for terms ending two years after the effective date of this section, and four shall be appointed for terms ending three years after the effective date of this section. After the initial appointments, terms of office shall be three years, each term ending on the same day of the same month of the year as the term it succeeds.

A voting member of the board shall hold office from the date of appointment until the end of the term for which the member was appointed. A voting member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term. A voting member shall continue in office after the expiration date of the member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first. Voting members may be reappointed, except that an individual who has held office for two consecutive full terms shall not be reappointed sooner than one year after the expiration of the second full term.

The ex officio member of the board appointed by the director of alcohol and drug addiction services under division (C) of section 4758.10 of the Revised Code shall serve at the pleasure of the director.

Sec. 4758.12. The voting members of the chemical dependency

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

Sec. 4758.13. The chemical dependency professionals board shall meet to discuss matters relating to the administration and operation of the board and the regulation of the practices of chemical dependency counseling and alcohol and other drug prevention services. The board shall hold at least one regular meeting every three months. Additional meetings may be held at such times as the board determines, on the call of the chairperson, or on the written request to the executive director of three or more voting board members. If three or more voting members request a meeting, the executive director shall call a meeting, which shall be held not later than seven days after the request is received.

Seven voting members of the board constitute a quorum to conduct business. Except as provided in section 4758.32 of the Revised Code, no action shall be taken without the concurrence of at least a quorum.

At its first meeting each year, the board shall elect a chairperson from among its voting members. No member shall serve more than two consecutive terms as chairperson.

The board shall keep any records and minutes necessary to fulfill the duties established by this chapter and rules adopted under it.

Sec. 4758.15. The chemical dependency professionals board shall employ an executive director. The board may employ and prescribe the powers and duties of employees and consultants as are necessary for it to carry out the board's duties under this chapter and the rules adopted under it.

Sec. 4758.16. The chemical dependency professionals board shall not discriminate against any licensee, certificate holder, or applicant for a license or certificate under this chapter because of the individual's race, color, religion, gender, national origin, disability as defined in section 4112.01 of the Revised Code, or age. The board shall afford a hearing to any individual who files with the board a statement alleging discrimination based on any of those reasons.

Sec. 4758.17. The chemical dependency professionals board shall adopt a seal to authenticate its records and proceedings.

A statement, signed by the executive director of the board to which is affixed the official seal of the board, to the effect that an individual specified in the statement does not currently hold a license or certificate under this chapter or that a license or certificate issued by the board under this chapter

has been revoked or suspended, shall be received as prima-facie evidence of a record of the board in any court or before any officer of the state.

Sec. 4758.18. The chemical dependency professionals board shall include the board's address and telephone number on each license and certificate it issues under this chapter.

Sec. 4758.20. (A) The chemical dependency professionals board shall adopt rules to establish, specify, or provide for all of the following:

(1) Fees for the purposes authorized by section 4758.21 of the Revised Code;

(2) For the purpose of section 4758.23 of the Revised Code, codes of ethical practice and professional conduct for individuals who hold a license or certificate issued under this chapter;

(3) For the purpose of section 4758.24 of the Revised Code, all of the following:

(a) Good moral character requirements for an individual who seeks or holds a license or certificate issued under this chapter;

(b) The documents that an individual seeking such a license or certificate must submit to the board;

(c) Requirements to obtain the license or certificate that are in addition to the requirements established under sections 4758.40, 4758.41, 4758.42, 4758.43, 4758.44, and 4758.45 of the Revised Code. The additional requirements may include preceptorships.

(4) Procedures for renewal of a chemical dependency counselor I license under section 4758.27 of the Revised Code;

(5) For the purpose of section 4758.28 of the Revised Code, requirements for approval of continuing education courses of study for individuals who hold a license or certificate issued under this chapter;

(6) For the purpose of section 4758.30 of the Revised Code, the intervention for and treatment of an individual holding a license or certificate issued under this chapter whose abilities to practice are impaired due to abuse of or dependency on alcohol or other drugs or other physical or mental condition;

(7) Requirements governing reinstatement of a suspended or revoked license or certificate under division (B) of section 4758.30 of the Revised Code, including requirements for determining the amount of time an individual must wait to apply for reinstatement;

(8) For the purpose of section 4758.31 of the Revised Code, methods of ensuring that all records the board holds pertaining to an investigation remain confidential during the investigation;

(9) Criteria for employees of the board to follow when performing their

duties under division (B) of section 4758.35 of the Revised Code:

(10) For the purpose of division (A)(1) of section 4758.40 of the Revised Code, course requirements for a master's degree in behavioral sciences that shall, at a minimum, include at least sixty quarter hours, or the equivalent number of semester hours, in all of the following courses:

(a) Theories of counseling and psychotherapy;

(b) Counseling procedures;

(c) Group process and techniques;

(d) Relationship therapy;

(e) Research methods and statistics;

(f) Fundamentals of assessment and diagnosis, including measurement and appraisal;

(g) Psychopathology;

(h) Human development;

(i) Cultural competence in counseling;

(j) Ethics.

(11) For the purpose of division (A)(3) of section 4758.40, division (A)(3) of section 4758.41, and division (A)(3) of section 4758.42, training requirements for chemical dependency that shall, at a minimum, include qualifications for the individuals who provide the training and instruction in all of the following courses:

(a) Theories of addiction;

(b) Counseling procedures and strategies with addicted populations;

(c) Group process and techniques working with addicted populations;

(d) Assessment and diagnosis of addiction;

(e) Relationship counseling with addicted populations;

(f) Pharmacology;

(g) Prevention strategies;

(h) Treatment planning;

(i) Legal and ethical issues.

(12) For the purpose of division (B)(2)(b) of section 4758.40 and division (B)(2) of section 4758.41 of the Revised Code, requirements for the forty clock hours of training on the version of the diagnostic and statistical manual of mental disorders that is current at the time of the training, including the number of the clock hours that must be on substance-related disorders and the number of the clock hours that must be on awareness of other mental and emotional disorders;

(13) For the purpose of division (A)(1) of section 4758.41 of the Revised Code, course requirements for a bachelor's degree in behavioral sciences;

(14) For the purpose of division (A) of section 4758.43 of the Revised Code, training requirements for chemical dependency counseling that shall, at a minimum, include qualifications for the individuals who provide the training and instruction in one or more of the courses listed in division (A)(11) of this section as selected by the individual seeking the chemical dependency counselor assistant certificate;

(15) For the purpose of division (A)(3) of section 4758.44, division (A)(3) of section 4758.45, and division (A)(2) of section 4758.53 of the Revised Code, requirements for prevention-related education;

(16) For the purpose of section 4758.51 of the Revised Code, continuing education requirements for individuals who hold a license or certificate issued under this chapter;

(17) For the purpose of section 4758.51 of the Revised Code, the number of hours of continuing education that an individual must complete to have an expired license or certificate restored under section 4758.26 of the Revised Code;

(18) For the purpose of section 4758.53 of the Revised Code, the requirements an individual holding a registered applicant certificate must complete to take an examination administered pursuant to section 4758.22 of the Revised Code to obtain a prevention specialist II certificate or prevention specialist I certificate and the documentation the individual must submit to the board showing that the individual has completed the requirements;

(19) The method of determining the amount of time an individual must wait to apply to the board for a new registered applicant certificate under division (B) of section 4758.53 of the Revised Code;

(20) The duties of an independent chemical dependency counselor licensed under this chapter who supervises a chemical dependency counselor III under section 4758.56, independent chemical dependency counselor or chemical dependency counselor III licensed under this chapter who supervises a chemical dependency counselor assistant under section 4758.59, or prevention specialist II or prevention specialist I certified under this chapter who supervises a registered applicant under section 4758.61 of the Revised Code. The duties may differ.

(21) Anything else necessary to administer this chapter.

(B) All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code and any applicable federal laws and regulations. Initial rules shall be adopted not later than nine months after the effective date of this section.

(C) When it adopts rules under this section, the board may consider

standards established by any national association or other organization representing the interests of those involved in chemical dependency counseling or alcohol and other drug prevention services.

Sec. 4758.21. (A) In accordance with rules adopted under section 4758.20 of the Revised Code and subject to division (B) of this section, the chemical dependency professionals board shall establish, and may from time to time adjust, fees to be charged for the following:

(1) Admitting an individual to an examination administered pursuant to section 4758.22 of the Revised Code;

(2) Issuing an initial independent chemical dependency counselor license, chemical dependency counselor III license, chemical dependency counselor II license, chemical dependency counselor assistant certificate, prevention specialist II certificate, prevention specialist I certificate, or registered applicant certificate;

(3) Renewing an independent chemical dependency counselor license, chemical dependency counselor III license, chemical dependency counselor II license, chemical dependency counselor I certificate, chemical dependency counselor assistant certificate, prevention specialist II certificate, prevention specialist I certificate, or registered applicant certificate;

(4) Approving continuing education courses under section 4758.28 of the Revised Code;

(5) Doing anything else the board determines necessary to administer this chapter.

(B) The fees established under division (A) of this section are nonrefundable. They shall be in amounts sufficient to cover the necessary expenses of the board in administering this chapter and rules adopted under it. The fees for a license or certificate and the renewal of a license or certificate may differ for the various types of licenses and certificates, but shall not exceed one hundred seventy-five dollars each, unless the board determines that amounts in excess of one hundred seventy-five dollars are needed to cover its necessary expenses in administering this chapter and rules adopted under it and the amounts in excess of one hundred seventy-five dollars are approved by the controlling board.

(C) All vouchers of the board shall be approved by the chairperson or executive director of the board, or both, as authorized by the board.

Sec. 4758.22. The chemical dependency professionals board shall prepare, cause to be prepared, or procure the use of, and grade, cause to be graded, or procure the grading of, examinations to determine the competence of individuals seeking an independent chemical dependency

counselor license, chemical dependency counselor III license, chemical dependency counselor II license, prevention specialist II certificate, or prevention specialist I certificate. The board may develop the examinations or use examinations prepared by state or national organizations that represent the interests of those involved in chemical dependency counseling or alcohol and other drug prevention services. The board shall conduct examinations at least twice each year and shall determine the level of competence necessary for a passing score.

An individual may not sit for an examination administered pursuant to this section unless the individual meets the requirements to obtain the license or certificate the individual seeks, other than the requirement to have passed the examination, and pays the fee established under section 4758.21 of the Revised Code. An individual who is denied admission to the examination may appeal the denial in accordance with Chapter 119. of the Revised Code.

Sec. 4758.23. (A) In rules adopted under section 4758.20 of the Revised Code, the chemical dependency professionals board shall establish codes of ethical practice and professional conduct for the following:

(1) Individuals who hold a valid independent chemical dependency counselor license, chemical dependency counselor III license, chemical dependency counselor II license, chemical dependency counselor I certificate, or chemical dependency counselor assistant certificate issued under this chapter;

(2) Individuals who hold a valid prevention specialist II certificate, prevention specialist I certificate, or registered applicant certificate issued under this chapter.

(B) The codes for individuals identified under division (A)(1) of this section shall define unprofessional conduct, which shall include engaging in a dual relationship with a client, former client, consumer, or former consumer; committing an act of sexual abuse, misconduct, or exploitation of a client, former client, consumer, or former consumer; and, except as permitted by law, violating client or consumer confidentiality.

evention services. The board may establish standards in the codes that are more stringent than those established by the national associations or other organizations.

Sec. 4758.24. (A) The chemical dependency professionals board shall issue a license or certificate under this chapter to an individual who meets all of the following requirements:

(1) Is of good moral character as determined in accordance with rules adopted under section 4758.20 of the Revised Code;

(2) Submits a properly completed application and all other documentation specified in rules adopted under section 4758.20 of the Revised Code;

(3) Pays the fee established under section 4758.21 of the Revised Code for the license or certificate that the individual seeks;

(4) Meets the requirements to obtain the license or certificate that the individual seeks as specified in section 4758.40, 4758.41, 4758.42, 4758.43, 4758.44, or 4758.45 of the Revised Code;

(5) Meets any additional requirements specified in rules adopted under section 4758.20 of the Revised Code to obtain the license or certificate that the individual seeks.

(B) The board shall not issue an initial certificate to practice as a chemical dependency counselor I.

Sec. 4758.25. (A) The chemical dependency professionals 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 of this state to receive a license or certificate under this chapter.

The board may become a member of a national reciprocity organization that requires its members to have requirements substantially equivalent to the requirements of this state to receive a license or certificate to practice in the same capacities as those regulated under this chapter. If the board becomes a member of such an organization, the board shall consider itself to have a reciprocal agreement with the other states that are also members of the organization.

(B) The board may, by endorsement, issue the appropriate license or certificate to a resident of a state with which the board does not have a reciprocal agreement if both of the following apply:

(1) The board finds that the state has requirements substantially equivalent to the requirements of this state for receipt of a license or certificate under this chapter.

(2) The individual submits proof satisfactory to the board of being currently authorized to practice by that state.

(C) A license or certificate obtained by reciprocity or endorsement under this section may be renewed or restored under section 4758.26 of the Revised Code if the individual holding the license or certificate satisfies the renewal or restoration requirements established by that section. An individual holding a license or certificate obtained by reciprocity or endorsement under this section may obtain, under section 4758.24 of the Revised Code, a different license or certificate available under this chapter if the individual meets all of the requirements as specified in that section for the license or certificate the individual seeks.

Sec. 4758.26. (A) Except as provided in section 4758.27 of the Revised Code, a license or certificate issued under this chapter, other than a registered applicant certificate, expires two years after it is issued and may be renewed in accordance with the standard renewal procedure established under Chapter 4745. of the Revised Code.

(B) Subject to section 4758.30 of the Revised Code and except as provided in section 4758.27 of the Revised Code, the chemical dependency professionals board shall renew a license or certificate issued under this chapter, other than a registered applicant certificate, if the individual seeking the renewal pays the renewal fee established under section 4758.21 of the Revised Code and satisfies the continuing education requirements established under section 4758.51 of the Revised Code.

(C) Except as provided in section 4758.27 of the Revised Code, a license or certificate issued under this chapter, other than a registered applicant certificate, that has expired may be restored if the individual seeking the restoration, not later than two years after the license or certificate expires, applies for restoration of the license or certificate. The board shall issue a restored license or certificate to the individual if the individual pays the renewal fee established under section 4758.21 of the Revised Code and satisfies the continuing education requirements established under section 4758.51 of the Revised Code for restoring the license or certificate. The board shall not require an individual to take an examination as a condition of having an expired license or certificate restored under this section.

Sec. 4758.27. Until the date that is six years after the effective date of this section, the chemical dependency professionals board shall renew a certificate that on the effective date of this section is accepted under section 3793.07 of the Revised Code as authority to practice as a chemical dependency counselor I if the individual holding the certificate renews the

certificate in accordance with rules adopted under section 4758.20 of the Revised Code and pays the renewal fee established under section 4758.21 of the Revised Code. Subsequent renewals shall be done under section 4758.26 of the Revised Code.

After the date that is six years after the effective date of this section, the board shall not renew under this section, or renew or restore under section 4758.26 of the Revised Code, a certificate to practice as a certified chemical dependency counselor I.

Sec. 4758.28. The chemical dependency professionals board shall approve, in accordance with rules adopted under section 4758.20 of the Revised Code and subject to payment of the fee established under section 4758.21 of the Revised Code, continuing education courses of study for individuals who hold a license or certificate issued under this chapter.

Sec. 4758.29. On receipt of a notice pursuant to section 3123.43 of the Revised Code, the chemical dependency professionals board shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license or certificate issued pursuant to this chapter.

Sec. 4758.30. (A) The chemical dependency professionals board, in accordance with Chapter 119. of the Revised Code, may refuse to issue a license or certificate applied for under this chapter; refuse to renew a license or certificate issued under this chapter; suspend, revoke, or otherwise restrict a license or certificate issued under this chapter; or reprimand an individual holding a license or certificate issued under this chapter. These actions may be taken by the board regarding the applicant for a license or certificate or the individual holding a license or certificate for one or more of the following reasons:

(1) Violation of any provision of this chapter or rules adopted under it;

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

(3) Acceptance of a commission or rebate for referring an individual to a person who holds a license or certificate issued by, or who is registered with, an entity of state government, including persons practicing chemical dependency counseling, alcohol and other drug prevention services, or fields related to chemical dependency counseling or alcohol and other drug prevention services;

(4) Conviction in this or any other state of any crime that is a felony in this state;

(5) Conviction in this or any other state of a misdemeanor committed in

the course of practice as an independent chemical dependency counselor, chemical dependency counselor III, chemical dependency counselor II, chemical dependency counselor I, chemical dependency counselor assistant, prevention specialist II, prevention specialist I, or registered applicant;

(6) Inability to practice as an independent chemical dependency counselor, chemical dependency counselor III, chemical dependency counselor II, chemical dependency counselor I, chemical dependency counselor assistant, prevention specialist II, prevention specialist I, or registered applicant due to abuse of or dependency on alcohol or other drugs or other physical or mental condition;

(7) Practicing outside the individual's scope of practice;

(8) Practicing without complying with the supervision requirements specified under section 4758.56, 4758.59, or 4758.61 of the Revised Code;

(9) Violation of the code of ethical practice and professional conduct for chemical dependency counseling or alcohol and other drug prevention services adopted by the board pursuant to section 4758.23 of the Revised Code;

(10) Revocation of a license or certificate or voluntary surrender of a license or certificate in another state or jurisdiction for an offense that would be a violation of this chapter.

(B) An individual whose license or certificate has been suspended or revoked under this section may apply to the board for reinstatement after an amount of time the board shall determine in accordance with rules adopted under section 4758.20 of the Revised Code. The board may accept or refuse an application for reinstatement. The board may require an examination for reinstatement of a license or certificate that has been suspended or revoked.

Sec. 4758.31. The chemical dependency professionals board shall investigate alleged violations of this chapter or the rules adopted under it and alleged irregularities in the delivery of chemical dependency counseling services or alcohol and other drug prevention services by individuals who hold a license or certificate issued under this chapter. As part of an investigation, the board may issue subpoenas, examine witnesses, and administer oaths.

The board may receive any information necessary to conduct an investigation under this section that has been obtained in accordance with federal laws and regulations. If the board is investigating the provision of chemical dependency counseling services to a couple or group, it is not necessary for both members of the couple or all members of the group to consent to the release of information relevant to the investigation.

The board shall ensure, in accordance with rules adopted under section

4758.20 of the Revised Code, that all records it holds pertaining to an investigation remain confidential during the investigation. After the investigation, the records are public records except as otherwise provided by federal or state law.

Sec. 4758.32. For any hearing it conducts under this chapter, the chemical dependency professionals board may appoint one of its voting members to act on behalf of the board. It is not necessary that the member be an attorney to be appointed. The board shall make the appointment in writing.

A finding or order of a member appointed to act on behalf of the board is a finding or order of the board when confirmed by the board.

Sec. 4758.35. (A) An individual seeking a license or certificate issued under this chapter shall file with the chemical dependency professionals board a written application on a form prescribed by the board. Each form shall state that a false statement made on the form is the crime of falsification under section 2921.13 of the Revised Code.

(B) The board shall require an individual or individuals employed by the board under section 4758.15 of the Revised Code to do both of the following in accordance with criteria established by rules adopted under section 4758.20 of the Revised Code:

(1) Receive and review all applications submitted to the board;

(2) Submit to the board all applications the individual or individuals recommend the board review based on the criteria established in the rules.

(C) The board shall review all applications submitted to the board pursuant to division (B)(2) of this section.

Sec. 4758.36. As part of the review process under division (C) of section 4758.35 of the Revised Code of an application submitted by an applicant who has obtained the applicant's education, experience in chemical dependency counseling or alcohol and other drug prevention services, or education and experience outside the United States, the chemical dependency professionals board shall determine whether the applicant's command of the English language and education or experience meet the standards required by this chapter and rules adopted under it.

Sec. 4758.40. An individual seeking an independent chemical dependency counselor license shall meet either of the following requirements:

(A) Meet all of the following requirements:

(1) Hold from an accredited educational institution a master's degree in behavioral sciences that meets the course requirements specified in rules adopted under section 4758.20 of the Revised Code;

(2) Have not less than four thousand hours of compensated work experience in either of the following, not less than eight hundred hours of which are in chemical dependency counseling:

(a) Chemical dependency services, substance abuse services, or both types of services;

(b) The practice of psychology, as defined in section 4732.01 of the Revised Code, or the practice of professional counseling or the practice of social work, both as defined in section 4757.01 of the Revised Code.

(3) Have a minimum of two hundred seventy hours of training in chemical dependency that meets the requirements specified in rules adopted under section 4758.20 of the Revised Code;

(4) Pass one or more examinations administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as an independent chemical dependency counselor.

(B) Meet both of the following requirements:

(1) Hold, on the effective date of this section, a certificate or credentials that were accepted under section 3793.07 of the Revised Code as authority to practice as a certified chemical dependency counselor III or certified chemical dependency counselor III-E;

(2) Meet one of the following requirements:

(a) Hold the degree described in division (A)(1) of this section;

(b) Have held a chemical dependency counselor III, II, or I certificate for at least eight consecutive years and have not less than forty clock hours of training on the version of the diagnostic and statistical manual of mental disorders that is current at the time of the training. The training must meet the requirements specified in rules adopted under section 4758.20 of the Revised Code and have been provided by an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, a psychologist licensed under Chapter 4732. of the Revised Code, or a professional clinical counselor or independent social worker licensed under Chapter 4757. of the Revised Code.

Sec. 4758.41. An individual seeking a chemical dependency counselor III license shall meet any of the following requirements:

(A) Meet all of the following requirements:

(1) Hold from an accredited educational institution a bachelor's degree in a behavioral science that meets the course requirements specified in rules adopted under section 4758.20 of the Revised Code;

(2) Have not less than four thousand hours of compensated work experience in either of the following, not less than eight hundred work hours

of which are in chemical dependency counseling:

(a) Chemical dependency services, substance abuse services, or both types of services;

(b) The practice of psychology, as defined in section 4732.01 of the Revised Code, or the practice of professional counseling or the practice of social work, both as defined in section 4757.01 of the Revised Code.

(3) Have a minimum of two hundred seventy hours of training in chemical dependency that meets the requirements specified in rules adopted under section 4758.20 of the Revised Code;

(4) Pass one or more examinations administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as a chemical dependency counselor III.

(B) Meet both of the following requirements:

(1) Hold, on the effective date of this section, a certificate or credentials that were accepted under section 3793.07 of the Revised Code as authority to practice as a certified chemical dependency counselor III or certified chemical dependency counselor III-E;

(2) Have not less than forty clock hours of training on the version of the diagnostic and statistical manual of mental disorders that is current at the time of the training. The training must meet the requirements specified in rules adopted under section 4758.20 of the Revised Code and have been provided by an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, a psychologist licensed under Chapter 4732. of the Revised Code, or a professional clinical counselor or independent social worker licensed under Chapter 4757. of the Revised Code.

(C) Meet all of the following requirements:

(1) Hold, on the effective date of this section, a certificate or credentials that were accepted under section 3793.07 of the Revised Code as authority to practice as a certified chemical dependency counselor II;

(2) Meet the requirement of division (B)(2) of this section;

(3) Hold a bachelor's degree in a behavioral science.

Sec. 4758.42. An individual seeking a chemical dependency counselor II license shall meet either of the following requirements:

(A) Meet all of the following requirements:

(1) Hold from an accredited educational institution an associate's degree in a behavioral science or a bachelor's degree in any field;

(2)(a) If the individual holds an associate's degree, have not less than five thousand hours of compensated or volunteer work, field placement, intern, or practicum experience in either of the following, not less than one

thousand hours of which are in chemical dependency counseling:

(i) Chemical dependency services, substance abuse services, or both types of services;

(ii) The practice of psychology, as defined in section 4732.01 of the Revised Code, or the practice of professional counseling or the practice of social work, both as defined in section 4757.01 of the Revised Code.

(b) If the individual holds a bachelor's degree, have not less than six thousand hours of compensated or volunteer work, field placement, intern, or practicum experience in either of the following, not less than one thousand two hundred hours of which are in chemical dependency counseling:

(i) Chemical dependency services, substance abuse services, or both types of services;

(ii) The practice of psychology, as defined in section 4732.01 of the Revised Code, or the practice of professional counseling or the practice of social work, both as defined in section 4757.01 of the Revised Code.

(3) Have a minimum of two hundred seventy hours of training in chemical dependency that meets the requirements specified in rules adopted under section 4758.20 of the Revised Code;

(4) Pass one or more examinations administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as a chemical dependency counselor II.

(B) Meet both of the following requirements:

(1) Hold a degree described in division (A)(1) of this section;

(2) Hold, on the effective date of this section, a certificate or credentials that were accepted under section 3793.07 of the Revised Code as authority to practice as a certified chemical dependency counselor II.

Sec. 4758.43. An individual seeking a chemical dependency counselor assistant certificate shall meet either of the following requirements:

(A) Have at least forty hours of training in chemical dependency counseling that meets the requirements specified in rules adopted under section 4758.20 of the Revised Code.

(B) Hold, on the effective date of this section, a certificate or credentials that were accepted under section 3793.07 of the Revised Code as authority to practice as a registered candidate.

Sec. 4758.44. An individual seeking a prevention specialist II certificate shall meet either of the following requirements:

(A) Meet all of the following requirements:

(1) Have compensated work experience in which not less than fifty per cent of the individual's time was devoted to planning, coordinating, or

delivering alcohol and other drug prevention services;

(2) Have one of the following:

(a) A bachelor's degree in a behavioral science and at least six thousand hours of compensated work experience in alcohol and other drug prevention services;

(b) A master's or doctoral degree in a behavioral science and at least four thousand hours of compensated work experience in alcohol and other drug prevention services.

(3) Have at least two hundred seventy hours of prevention-related education that meets the requirements specified in rules adopted under section 4758.20 of the Revised Code;

(4) Obtain a registered applicant certificate under this chapter and comply with the requirements of section 4758.53 of the Revised Code;

(5) Pass the examination administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as a prevention specialist II.

(B) Hold, on the effective date of this section, a certificate or credentials that were accepted under section 3793.07 of the Revised Code as authority to practice as a certified prevention specialist II.

Sec. 4758.45. An individual seeking a prevention specialist I certificate shall meet either of the following requirements:

(A) Meet all of the following requirements:

(1) Have compensated or volunteer work, field placement, intern, or practicum experience in which not less than twenty per cent of the individual's time was devoted to planning or delivering alcohol and other drug prevention services;

(2) Have one of the following:

(a) At least six thousand hours of compensated or volunteer work, field placement, intern, or practicum experience in alcohol and other drug prevention services;

(b) An associate's degree in a behavioral science and at least four thousand hours of compensated or volunteer work, field placement, intern, or practicum experience in alcohol and other drug prevention services;

(c) A bachelor's, master's, or doctoral degree in a behavioral science and at least two thousand hours of compensated or volunteer work, field placement, intern, or practicum experience in alcohol and other drug prevention services.

(3) Have at least one hundred eighty hours of prevention-related education that meets the requirements specified in rules adopted under section 4758.20 of the Revised Code;

(4) Obtain a registered applicant certificate under this chapter and comply with the requirements of section 4758.53 of the Revised Code;

(5) Pass the examination administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as a prevention specialist I.

(B) Hold, on the effective date of this section, a certificate or credentials that were accepted under section 3793.07 of the Revised Code as authority to practice as a certified prevention specialist I.

Sec. 4758.50. An individual who holds a license or certificate issued under this chapter shall post the license or certificate in a prominent place at the individual's place of employment.

Sec. 4758.51. (A) Except as provided in division (B) of this section and in accordance with rules adopted under section 4758.20 of the Revised Code, each individual who holds a license or certificate issued under this chapter shall complete during the period that the license or certificate is in effect not less than forty clock hours of continuing education as a condition of receiving a renewed license or certificate. To have an expired license or certificate restored, an individual shall complete the number of hours of continuing education specified in rules adopted under section 4758.20 of the Revised Code.

(B) The chemical dependency professionals board may waive the continuing education requirements established under this section for individuals who are unable to fulfill them because of military service, illness, residence outside the United States, or any other reason the board considers acceptable.

Sec. 4758.53. (A) Not later than four years after the effective date of a registered applicant certificate issued under this chapter, the individual issued the certificate shall submit to the chemical dependency professionals board documentation specified in rules adopted under section 4758.20 of the Revised Code showing that the individual has completed the requirements specified in those rules to take an examination administered pursuant to section 4758.22 of the Revised Code to obtain a prevention specialist II certificate or prevention specialist I certificate. If the individual submits the required documentation within the required time, the board shall notify the individual that the individual meets the requirements to take the examination. Not later than one year after the board so notifies the individual, the individual shall take the examination. If the individual fails the examination, the individual shall do both of the following:

(1) Retake the examination at least two times per year until the individual passes the examination;

(2) Not later than two years after the date of the first examination, renew the registered applicant certificate and complete forty hours of prevention-related education that meets the requirements specified in rules adopted under section 4758.20 of the Revised Code.

(B) If an individual holding a registered applicant certificate fails to meet any of the requirements of division (A) of this section, the board shall revoke the individual's registered applicant certificate. The individual may not apply to the board for a new registered applicant certificate earlier than a period of time the board shall determine in accordance with rules adopted under section 4758.20 of the Revised Code.

Sec. 4758.55. An individual holding a valid independent chemical dependency counselor license may do all of the following:

(A) Diagnose and treat chemical dependency conditions;

(B) Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and education services as they relate to abuse of and dependency on alcohol and other drugs;

(C) Refer individuals with nonchemical dependency conditions to appropriate sources of help.

Sec. 4758.56. (A) An individual holding a valid chemical dependency counselor III license may do all of the following:

(1) Diagnose chemical dependency conditions under the supervision of any of the following:

(a) An independent chemical dependency counselor licensed under this chapter;

(b) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(c) A psychologist licensed under Chapter 4732. of the Revised Code;

(d) A registered nurse licensed under Chapter 4723. of the Revised Code or professional clinical counselor or independent social worker licensed under Chapter 4757. of the Revised Code if such supervision is consistent with the scope of practice of the registered nurse, professional clinical counselor, or independent social worker.

(2) Treat chemical dependency conditions;

(3) Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and education services as they relate to abuse of and dependency on alcohol and other drugs;

(4) Refer individuals with nonchemical dependency conditions to appropriate sources of help.

(B) A chemical dependency counselor III may not practice as an individual practitioner.

Sec. 4758.57. (A) An individual holding a valid chemical dependency counselor II license may do both of the following:

(1) Perform assessment, crisis intervention, individual and group counseling, case management, and education services as they relate to abuse of and dependency on alcohol and other drugs;

(2) Refer individuals with nonchemical dependency conditions to appropriate sources of help.

(B) A chemical dependency counselor II may not practice as an individual practitioner.

Sec. 4758.58. (A) Until six years after the effective date of this section, an individual holding a valid chemical dependency counselor I certificate may do both of the following:

(1) Perform assessment, crisis intervention, individual and group counseling, case management, and education services as they relate to abuse of and dependency on alcohol and other drugs;

(2) Refer individuals with nonchemical dependency conditions to appropriate sources of help.

(B) A chemical dependency counselor I may not practice as an individual practitioner.

Sec. 4758.59. (A) Subject to division (B) of this section, an individual holding a valid chemical dependency counselor assistant certificate may do both of the following:

(1) Perform assessment, crisis intervention, individual and group counseling, case management, and education services as they relate to abuse of or dependency on alcohol and other drugs;

(2) Refer individuals with nonchemical dependency conditions to appropriate sources of help.

(B) An individual holding a valid chemical dependency counselor assistant certificate may perform the tasks specified in division (A) of this section only while under the supervision of any of the following:

(1) An independent chemical dependency counselor or chemical dependency counselor III licensed under this chapter;

(2) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(3) A psychologist licensed under Chapter 4732. of the Revised Code;

(4) A registered nurse licensed under Chapter 4723. of the Revised Code or professional clinical counselor or independent social worker licensed under Chapter 4757. of the Revised Code if such supervision is consistent with the scope of practice of the registered nurse, professional clinical counselor, or independent social worker.

(C) A chemical dependency counselor assistant may not practice as an individual practitioner.

Sec. 4758.60. An individual who holds a valid prevention specialist II certificate or prevention specialist I certificate issued under this chapter may engage in the practice of alcohol and other drug prevention services.

Sec. 4758.61. An individual who holds a valid registered applicant certificate issued under this chapter may engage in the practice of alcohol and other drug prevention services under the supervision of an individual holding a valid prevention specialist II certificate or prevention specialist I certificate issued under this chapter.

Sec. 4758.70. Except to the extent of providing services authorized by this chapter, this chapter does not authorize any individual to engage in the practice of psychology as defined in section 4732.01 of the Revised Code.

Except to the extent of providing services authorized by this chapter, this chapter does not authorize any individual to engage in the practice of professional counseling or social work, as those terms are defined in section 4757.01 of the Revised Code.

Sec. 4758.71. Nothing in this chapter or the rules adopted under it authorizes an individual who holds a license or certificate issued under this chapter to admit a patient to a hospital or requires a hospital to allow any such individual to admit a patient.

Sec. 4758.99. Whoever violates division (A) or (B) of section 4758.02 of the Revised Code is guilty of a misdemeanor of the fourth degree on a first offense; on each subsequent offense, the person is guilty of a misdemeanor of the third degree.

SECTION 2. That existing sections 125.22, 3793.07, 4743.05, 4745.01, and 4757.41 of the Revised Code are hereby repealed.

SECTION 3. That Sections 6 and 7 of Am. Sub. S.B. 172 of the 123rd General Assembly are hereby repealed. That Section 8 of Am. Sub. S.B. 172 of the 123rd General Assembly, as amended by Am. Sub. S.B. 261 of the 124th General Assembly, is hereby repealed.

This repeal prevents the repeal and reenactment of section 3793.07 of the Revised Code that was to have been effective July 1, 2003, and thereby removes all limitation upon the continued existence of section 3793.07 of the Revised Code as presented in Section 1 of this act.

SECTION 4. Within ninety days after the effective date of this section, the Governor shall appoint the initial members of the Chemical Dependency Professionals Board in accordance with section 4758.10 of the Revised Code. Such an appointee is not required, at the time of appointment, to hold an independent chemical dependency counselor license, chemical dependency counselor III license, prevention specialist II certificate, or prevention specialist I certificate. However, the appointee shall possess at the time of appointment any education, work experience, and training standards as specified in Chapter 4758. of the Revised Code that are necessary to obtain such a license or certificate. The appointee may remain a board member only if the appointee obtains an independent chemical dependency counselor license, chemical dependency counselor III license, prevention specialist II certificate, or prevention specialist I certificate, as appropriate for the member's appointment, not later than one year after the effective date of this section.

SECTION 5. The Department of Alcohol and Drug Addiction Services shall work with the Chemical Dependency Professionals Board to enable the orderly transition from the Department's issuance of certificates and credentials under section 3793.07 of the Revised Code to the Board's issuance of certificates and licenses under Chapter 4758. of the Revised Code. The transition shall be completed at the earlier of the following:

(A) The date, which shall be specified in an agreement between the Department and Board, on which the Board is to assume the department's duties;

(B) The date that is two years after the effective date of this section.

SECTION 6. All items in this section are hereby appropriated as designated out of any moneys in the state treasury to the credit of the Occupational Licensing and Regulatory Fund. For all appropriations made in this act, those in the first column are for fiscal year 2002 and those in the second column are for fiscal year 2003. The appropriations made in this act are in addition to any other appropriations made for the 2001-2003 biennium.

CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD

General Services Fund Group

4K9 930-609	Chemical Dependency	\$	0	\$	100,518
	Professionals Operating				

	nses			
TOTAL GSF General Services Fund Group	\$	0	\$	100,518
TOTAL ALL BUDGET FUND GROUPS	\$	0	\$	100,518

Within the limits set forth in this act, the Director of Budget and Management shall establish accounts indicating source and amount of funds for each appropriation made in this act, and shall determine the form and manner in which appropriation accounts shall be maintained. Expenditures from appropriations contained in this act shall be accounted for as though made in Am. Sub. H.B. 94 of the 124th General Assembly.

The appropriations made in this act are subject to all provisions of Am. Sub. H.B. 94 of the 124th General Assembly that are generally applicable to such appropriations.

SECTION 7. The codified and uncoded sections of law contained in this act, and the items of law of which they are composed, are not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, the codified and uncoded sections of law contained in this act and the items of law of which they are composed go into immediate effect when this act becomes law.

Speaker _____ of the House of Representatives.

President _____ of the Senate.

Passed _____, 20____

Approved _____, 20____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the
____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____