

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 184**

**Representatives Dovilla, Antonio**

**Cosponsors: Representatives Anielski, Becker, Boyd, Celebrezze, Conditt,  
Derickson, DeVitis, Fedor, Grossman, Henne, Johnson, T., Lepore-Hagan, Leland,  
Patmon, Phillips, Ramos, Rezabek, Stinziano**

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**A BILL**

To amend sections 109.572, 4731.07, 4731.224, 1  
4731.24, 4731.25, 4776.01, and 4776.20 and to 2  
enact sections 4780.01 to 4780.15 and 4780.99 of 3  
the Revised Code to require the licensure of 4  
music therapists and to require the State 5  
Medical Board to regulate the licensure and 6  
practice of music therapists. 7

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

**Section 1.** That sections 109.572, 4731.07, 4731.224, 8  
4731.24, 4731.25, 4776.01, and 4776.20 be amended and sections 9  
4780.01, 4780.02, 4780.03, 4780.04, 4780.05, 4780.06, 4780.07, 10  
4780.08, 4780.09, 4780.10, 4780.11, 4780.12, 4780.13, 4780.14, 11  
4780.15, and 4780.99 of the Revised Code be enacted to read as 12  
follows: 13

**Sec. 109.572.** (A) (1) Upon receipt of a request pursuant to 14  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 15  
Code, a completed form prescribed pursuant to division (C) (1) of 16  
this section, and a set of fingerprint impressions obtained in 17

the manner described in division (C) (2) of this section, the  
superintendent of the bureau of criminal identification and  
investigation shall conduct a criminal records check in the  
manner described in division (B) of this section to determine  
whether any information exists that indicates that the person  
who is the subject of the request previously has been convicted  
of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03,  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05,  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23,  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323,  
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24,  
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04,  
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious  
sexual penetration in violation of former section 2907.12 of the  
Revised Code, a violation of section 2905.04 of the Revised Code  
as it existed prior to July 1, 1996, a violation of section  
2919.23 of the Revised Code that would have been a violation of  
section 2905.04 of the Revised Code as it existed prior to July  
1, 1996, had the violation been committed prior to that date, or  
a violation of section 2925.11 of the Revised Code that is not a  
minor drug possession offense;

(b) A violation of an existing or former law of this  
state, any other state, or the United States that is  
substantially equivalent to any of the offenses listed in  
division (A) (1) (a) of this section;

(c) If the request is made pursuant to section 3319.39 of  
the Revised Code for an applicant who is a teacher, any offense  
specified in section 3319.31 of the Revised Code.

(2) On receipt of a request pursuant to section 3712.09 or 48  
3721.121 of the Revised Code, a completed form prescribed 49  
pursuant to division (C)(1) of this section, and a set of 50  
fingerprint impressions obtained in the manner described in 51  
division (C)(2) of this section, the superintendent of the 52  
bureau of criminal identification and investigation shall 53  
conduct a criminal records check with respect to any person who 54  
has applied for employment in a position for which a criminal 55  
records check is required by those sections. The superintendent 56  
shall conduct the criminal records check in the manner described 57  
in division (B) of this section to determine whether any 58  
information exists that indicates that the person who is the 59  
subject of the request previously has been convicted of or 60  
pleaded guilty to any of the following: 61

(a) A violation of section 2903.01, 2903.02, 2903.03, 62  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 63  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 64  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 65  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 66  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 67  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 68  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 69  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 70

(b) An existing or former law of this state, any other 71  
state, or the United States that is substantially equivalent to 72  
any of the offenses listed in division (A)(2)(a) of this 73  
section. 74

(3) On receipt of a request pursuant to section 173.27, 75  
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 76  
5123.081, or 5123.169 of the Revised Code, a completed form 77

prescribed pursuant to division (C)(1) of this section, and a 78  
set of fingerprint impressions obtained in the manner described 79  
in division (C)(2) of this section, the superintendent of the 80  
bureau of criminal identification and investigation shall 81  
conduct a criminal records check of the person for whom the 82  
request is made. The superintendent shall conduct the criminal 83  
records check in the manner described in division (B) of this 84  
section to determine whether any information exists that 85  
indicates that the person who is the subject of the request 86  
previously has been convicted of, has pleaded guilty to, or 87  
(except in the case of a request pursuant to section 5164.34,  
5164.341, or 5164.342 of the Revised Code) has been found 88  
eligible for intervention in lieu of conviction for any of the 89  
following, regardless of the date of the conviction, the date of 90  
entry of the guilty plea, or (except in the case of a request 91  
pursuant to section 5164.34, 5164.341, or 5164.342 of the 92  
Revised Code) the date the person was found eligible for 93  
intervention in lieu of conviction: 94  
95

(a) A violation of section 959.13, 959.131, 2903.01, 96  
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 97  
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 98  
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 99  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 100  
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 101  
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 102  
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 103  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 104  
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 105  
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 106  
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 107  
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 108

2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 109  
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 110  
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 111  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 112  
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 113  
2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code; 114

(b) Felonious sexual penetration in violation of former 115  
section 2907.12 of the Revised Code; 116

(c) A violation of section 2905.04 of the Revised Code as 117  
it existed prior to July 1, 1996; 118

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 119  
the Revised Code when the underlying offense that is the object 120  
of the conspiracy, attempt, or complicity is one of the offenses 121  
listed in divisions (A) (3) (a) to (c) of this section; 122

(e) A violation of an existing or former municipal 123  
ordinance or law of this state, any other state, or the United 124  
States that is substantially equivalent to any of the offenses 125  
listed in divisions (A) (3) (a) to (d) of this section. 126

(4) On receipt of a request pursuant to section 2151.86 of 127  
the Revised Code, a completed form prescribed pursuant to 128  
division (C) (1) of this section, and a set of fingerprint 129  
impressions obtained in the manner described in division (C) (2) 130  
of this section, the superintendent of the bureau of criminal 131  
identification and investigation shall conduct a criminal 132  
records check in the manner described in division (B) of this 133  
section to determine whether any information exists that 134  
indicates that the person who is the subject of the request 135  
previously has been convicted of or pleaded guilty to any of the 136  
following: 137

(a) A violation of section 959.13, 2903.01, 2903.02, 138  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 139  
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 140  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 141  
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 142  
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 143  
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 144  
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 145  
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 146  
2927.12, or 3716.11 of the Revised Code, a violation of section 147  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 148  
a violation of section 2919.23 of the Revised Code that would 149  
have been a violation of section 2905.04 of the Revised Code as 150  
it existed prior to July 1, 1996, had the violation been 151  
committed prior to that date, a violation of section 2925.11 of 152  
the Revised Code that is not a minor drug possession offense, 153  
two or more OVI or OVJAC violations committed within the three 154  
years immediately preceding the submission of the application or 155  
petition that is the basis of the request, or felonious sexual 156  
penetration in violation of former section 2907.12 of the 157  
Revised Code; 158

(b) A violation of an existing or former law of this 159  
state, any other state, or the United States that is 160  
substantially equivalent to any of the offenses listed in 161  
division (A) (4) (a) of this section. 162

(5) Upon receipt of a request pursuant to section 5104.012 163  
or 5104.013 of the Revised Code, a completed form prescribed 164  
pursuant to division (C) (1) of this section, and a set of 165  
fingerprint impressions obtained in the manner described in 166  
division (C) (2) of this section, the superintendent of the 167  
bureau of criminal identification and investigation shall 168

conduct a criminal records check in the manner described in 169  
division (B) of this section to determine whether any 170  
information exists that indicates that the person who is the 171  
subject of the request has been convicted of or pleaded guilty 172  
to any of the following: 173

(a) A violation of section 2903.01, 2903.02, 2903.03, 174  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 175  
2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 176  
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 177  
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 178  
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 179  
2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 180  
2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 181  
2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 182  
2919.12, 2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 183  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 184  
2925.06, or 3716.11 of the Revised Code, felonious sexual 185  
penetration in violation of former section 2907.12 of the 186  
Revised Code, a violation of section 2905.04 of the Revised Code 187  
as it existed prior to July 1, 1996, a violation of section 188  
2919.23 of the Revised Code that would have been a violation of 189  
section 2905.04 of the Revised Code as it existed prior to July 190  
1, 1996, had the violation been committed prior to that date, a 191  
violation of section 2925.11 of the Revised Code that is not a 192  
minor drug possession offense, a violation of section 2923.02 or 193  
2923.03 of the Revised Code that relates to a crime specified in 194  
this division, or a second violation of section 4511.19 of the 195  
Revised Code within five years of the date of application for 196  
licensure or certification. 197

(b) A violation of an existing or former law of this 198  
state, any other state, or the United States that is 199

substantially equivalent to any of the offenses or violations 200  
described in division (A) (5) (a) of this section. 201

(6) Upon receipt of a request pursuant to section 5153.111 202  
of the Revised Code, a completed form prescribed pursuant to 203  
division (C) (1) of this section, and a set of fingerprint 204  
impressions obtained in the manner described in division (C) (2) 205  
of this section, the superintendent of the bureau of criminal 206  
identification and investigation shall conduct a criminal 207  
records check in the manner described in division (B) of this 208  
section to determine whether any information exists that 209  
indicates that the person who is the subject of the request 210  
previously has been convicted of or pleaded guilty to any of the 211  
following: 212

(a) A violation of section 2903.01, 2903.02, 2903.03, 213  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 214  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 215  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 216  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 217  
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 218  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 219  
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 220  
Code, felonious sexual penetration in violation of former 221  
section 2907.12 of the Revised Code, a violation of section 222  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 223  
a violation of section 2919.23 of the Revised Code that would 224  
have been a violation of section 2905.04 of the Revised Code as 225  
it existed prior to July 1, 1996, had the violation been 226  
committed prior to that date, or a violation of section 2925.11 227  
of the Revised Code that is not a minor drug possession offense; 228

(b) A violation of an existing or former law of this 229



state, any other state, or the United States that is 230  
substantially equivalent to any of the offenses listed in 231  
division (A) (6) (a) of this section. 232

(7) On receipt of a request for a criminal records check 233  
from an individual pursuant to section 4749.03 or 4749.06 of the 234  
Revised Code, accompanied by a completed copy of the form 235  
prescribed in division (C) (1) of this section and a set of 236  
fingerprint impressions obtained in a manner described in 237  
division (C) (2) of this section, the superintendent of the 238  
bureau of criminal identification and investigation shall 239  
conduct a criminal records check in the manner described in 240  
division (B) of this section to determine whether any 241  
information exists indicating that the person who is the subject 242  
of the request has been convicted of or pleaded guilty to a 243  
felony in this state or in any other state. If the individual 244  
indicates that a firearm will be carried in the course of 245  
business, the superintendent shall require information from the 246  
federal bureau of investigation as described in division (B) (2) 247  
of this section. Subject to division (F) of this section, the 248  
superintendent shall report the findings of the criminal records 249  
check and any information the federal bureau of investigation 250  
provides to the director of public safety. 251

(8) On receipt of a request pursuant to section 1321.37, 252  
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 253  
Code, a completed form prescribed pursuant to division (C) (1) of 254  
this section, and a set of fingerprint impressions obtained in 255  
the manner described in division (C) (2) of this section, the 256  
superintendent of the bureau of criminal identification and 257  
investigation shall conduct a criminal records check with 258  
respect to any person who has applied for a license, permit, or 259  
certification from the department of commerce or a division in 260

the department. The superintendent shall conduct the criminal 261  
records check in the manner described in division (B) of this 262  
section to determine whether any information exists that 263  
indicates that the person who is the subject of the request 264  
previously has been convicted of or pleaded guilty to any of the 265  
following: a violation of section 2913.02, 2913.11, 2913.31, 266  
2913.51, or 2925.03 of the Revised Code; any other criminal 267  
offense involving theft, receiving stolen property, 268  
embezzlement, forgery, fraud, passing bad checks, money 269  
laundering, or drug trafficking, or any criminal offense 270  
involving money or securities, as set forth in Chapters 2909., 271  
2911., 2913., 2915., 2921., 2923., and 2925. of the Revised 272  
Code; or any existing or former law of this state, any other 273  
state, or the United States that is substantially equivalent to 274  
those offenses. 275

(9) On receipt of a request for a criminal records check 276  
from the treasurer of state under section 113.041 of the Revised 277  
Code or from an individual under section 4701.08, 4715.101, 278  
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 279  
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 280  
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 281  
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 282  
4762.031, 4762.06, 4776.021, 4779.091, 4780.05, or 4783.04 of 283  
the Revised Code, accompanied by a completed form prescribed 284  
under division (C)(1) of this section and a set of fingerprint 285  
impressions obtained in the manner described in division (C)(2) 286  
of this section, the superintendent of the bureau of criminal 287  
identification and investigation shall conduct a criminal 288  
records check in the manner described in division (B) of this 289  
section to determine whether any information exists that 290  
indicates that the person who is the subject of the request has 291

been convicted of or pleaded guilty to any criminal offense in 292  
this state or any other state. Subject to division (F) of this 293  
section, the superintendent shall send the results of a check 294  
requested under section 113.041 of the Revised Code to the 295  
treasurer of state and shall send the results of a check 296  
requested under any of the other listed sections to the 297  
licensing board specified by the individual in the request. 298

(10) On receipt of a request pursuant to section 1121.23, 299  
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 300  
Code, a completed form prescribed pursuant to division (C) (1) of 301  
this section, and a set of fingerprint impressions obtained in 302  
the manner described in division (C) (2) of this section, the 303  
superintendent of the bureau of criminal identification and 304  
investigation shall conduct a criminal records check in the 305  
manner described in division (B) of this section to determine 306  
whether any information exists that indicates that the person 307  
who is the subject of the request previously has been convicted 308  
of or pleaded guilty to any criminal offense under any existing 309  
or former law of this state, any other state, or the United 310  
States. 311

(11) On receipt of a request for a criminal records check 312  
from an appointing or licensing authority under section 3772.07 313  
of the Revised Code, a completed form prescribed under division 314  
(C) (1) of this section, and a set of fingerprint impressions 315  
obtained in the manner prescribed in division (C) (2) of this 316  
section, the superintendent of the bureau of criminal 317  
identification and investigation shall conduct a criminal 318  
records check in the manner described in division (B) of this 319  
section to determine whether any information exists that 320  
indicates that the person who is the subject of the request 321  
previously has been convicted of or pleaded guilty or no contest 322

to any offense under any existing or former law of this state, 323  
any other state, or the United States that is a disqualifying 324  
offense as defined in section 3772.07 of the Revised Code or 325  
substantially equivalent to such an offense. 326

(12) On receipt of a request pursuant to section 2151.33 327  
or 2151.412 of the Revised Code, a completed form prescribed 328  
pursuant to division (C)(1) of this section, and a set of 329  
fingerprint impressions obtained in the manner described in 330  
division (C)(2) of this section, the superintendent of the 331  
bureau of criminal identification and investigation shall 332  
conduct a criminal records check with respect to any person for 333  
whom a criminal records check is required by that section. The 334  
superintendent shall conduct the criminal records check in the 335  
manner described in division (B) of this section to determine 336  
whether any information exists that indicates that the person 337  
who is the subject of the request previously has been convicted 338  
of or pleaded guilty to any of the following: 339

(a) A violation of section 2903.01, 2903.02, 2903.03, 340  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 341  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 342  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 343  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 344  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 345  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 346  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 347  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 348

(b) An existing or former law of this state, any other 349  
state, or the United States that is substantially equivalent to 350  
any of the offenses listed in division (A)(12)(a) of this 351  
section. 352

(B) Subject to division (F) of this section, the 353  
superintendent shall conduct any criminal records check to be 354  
conducted under this section as follows: 355

(1) The superintendent shall review or cause to be 356  
reviewed any relevant information gathered and compiled by the 357  
bureau under division (A) of section 109.57 of the Revised Code 358  
that relates to the person who is the subject of the criminal 359  
records check, including, if the criminal records check was 360  
requested under section 113.041, 121.08, 173.27, 173.38, 361  
173.381, 1121.23, 1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 362  
1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 363  
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 364  
4749.03, 4749.06, 4763.05, 5104.012, 5104.013, 5164.34, 365  
5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of the 366  
Revised Code, any relevant information contained in records that 367  
have been sealed under section 2953.32 of the Revised Code; 368

(2) If the request received by the superintendent asks for 369  
information from the federal bureau of investigation, the 370  
superintendent shall request from the federal bureau of 371  
investigation any information it has with respect to the person 372  
who is the subject of the criminal records check, including 373  
fingerprint-based checks of national crime information databases 374  
as described in 42 U.S.C. 671 if the request is made pursuant to 375  
section 2151.86, 5104.012, or 5104.013 of the Revised Code or if 376  
any other Revised Code section requires fingerprint-based checks 377  
of that nature, and shall review or cause to be reviewed any 378  
information the superintendent receives from that bureau. If a 379  
request under section 3319.39 of the Revised Code asks only for 380  
information from the federal bureau of investigation, the 381  
superintendent shall not conduct the review prescribed by 382  
division (B) (1) of this section. 383

(3) The superintendent or the superintendent's designee 384  
may request criminal history records from other states or the 385  
federal government pursuant to the national crime prevention and 386  
privacy compact set forth in section 109.571 of the Revised 387  
Code. 388

(4) The superintendent shall include in the results of the 389  
criminal records check a list or description of the offenses 390  
listed or described in division (A) (1), (2), (3), (4), (5), (6), 391  
(7), (8), (9), (10), (11), or (12) of this section, whichever 392  
division requires the superintendent to conduct the criminal 393  
records check. The superintendent shall exclude from the results 394  
any information the dissemination of which is prohibited by 395  
federal law. 396

(5) The superintendent shall send the results of the 397  
criminal records check to the person to whom it is to be sent 398  
not later than the following number of days after the date the 399  
superintendent receives the request for the criminal records 400  
check, the completed form prescribed under division (C) (1) of 401  
this section, and the set of fingerprint impressions obtained in 402  
the manner described in division (C) (2) of this section: 403

(a) If the superintendent is required by division (A) of 404  
this section (other than division (A) (3) of this section) to 405  
conduct the criminal records check, thirty; 406

(b) If the superintendent is required by division (A) (3) 407  
of this section to conduct the criminal records check, sixty. 408

(C) (1) The superintendent shall prescribe a form to obtain 409  
the information necessary to conduct a criminal records check 410  
from any person for whom a criminal records check is to be 411  
conducted under this section. The form that the superintendent 412

prescribes pursuant to this division may be in a tangible 413  
format, in an electronic format, or in both tangible and 414  
electronic formats. 415

(2) The superintendent shall prescribe standard impression 416  
sheets to obtain the fingerprint impressions of any person for 417  
whom a criminal records check is to be conducted under this 418  
section. Any person for whom a records check is to be conducted 419  
under this section shall obtain the fingerprint impressions at a 420  
county sheriff's office, municipal police department, or any 421  
other entity with the ability to make fingerprint impressions on 422  
the standard impression sheets prescribed by the superintendent. 423  
The office, department, or entity may charge the person a 424  
reasonable fee for making the impressions. The standard 425  
impression sheets the superintendent prescribes pursuant to this 426  
division may be in a tangible format, in an electronic format, 427  
or in both tangible and electronic formats. 428

(3) Subject to division (D) of this section, the 429  
superintendent shall prescribe and charge a reasonable fee for 430  
providing a criminal records check under this section. The 431  
person requesting the criminal records check shall pay the fee 432  
prescribed pursuant to this division. In the case of a request 433  
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 434  
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 435  
fee shall be paid in the manner specified in that section. 436

(4) The superintendent of the bureau of criminal 437  
identification and investigation may prescribe methods of 438  
forwarding fingerprint impressions and information necessary to 439  
conduct a criminal records check, which methods shall include, 440  
but not be limited to, an electronic method. 441

(D) The results of a criminal records check conducted 442

under this section, other than a criminal records check 443  
specified in division (A) (7) of this section, are valid for the 444  
person who is the subject of the criminal records check for a 445  
period of one year from the date upon which the superintendent 446  
completes the criminal records check. If during that period the 447  
superintendent receives another request for a criminal records 448  
check to be conducted under this section for that person, the 449  
superintendent shall provide the results from the previous 450  
criminal records check of the person at a lower fee than the fee 451  
prescribed for the initial criminal records check. 452

(E) When the superintendent receives a request for 453  
information from a registered private provider, the 454  
superintendent shall proceed as if the request was received from 455  
a school district board of education under section 3319.39 of 456  
the Revised Code. The superintendent shall apply division (A) (1) 457  
(c) of this section to any such request for an applicant who is 458  
a teacher. 459

(F) (1) All information regarding the results of a criminal 460  
records check conducted under this section that the 461  
superintendent reports or sends under division (A) (7) or (9) of 462  
this section to the director of public safety, the treasurer of 463  
state, or the person, board, or entity that made the request for 464  
the criminal records check shall relate to the conviction of the 465  
subject person, or the subject person's plea of guilty to, a 466  
criminal offense. 467

(2) Division (F) (1) of this section does not limit, 468  
restrict, or preclude the superintendent's release of 469  
information that relates to the arrest of a person who is 470  
eighteen years of age or older, to an adjudication of a child as 471  
a delinquent child, or to a criminal conviction of a person 472



under eighteen years of age in circumstances in which a release 473  
of that nature is authorized under division (E) (2), (3), or (4) 474  
of section 109.57 of the Revised Code pursuant to a rule adopted 475  
under division (E) (1) of that section. 476

(G) As used in this section: 477

(1) "Criminal records check" means any criminal records 478  
check conducted by the superintendent of the bureau of criminal 479  
identification and investigation in accordance with division (B) 480  
of this section. 481

(2) "Minor drug possession offense" has the same meaning 482  
as in section 2925.01 of the Revised Code. 483

(3) "OVI or OVUAC violation" means a violation of section 484  
4511.19 of the Revised Code or a violation of an existing or 485  
former law of this state, any other state, or the United States 486  
that is substantially equivalent to section 4511.19 of the 487  
Revised Code. 488

(4) "Registered private provider" means a nonpublic school 489  
or entity registered with the superintendent of public 490  
instruction under section 3310.41 of the Revised Code to 491  
participate in the autism scholarship program or section 3310.58 492  
of the Revised Code to participate in the Jon Peterson special 493  
needs scholarship program. 494

**Sec. 4731.07.** (A) The state medical board shall keep a 495  
record of its proceedings. The minutes of a meeting of the board 496  
shall, on approval by the board, constitute an official record 497  
of its proceedings. 498

(B) The board shall keep a register of applicants for 499  
certificates of registration and certificates to practice issued 500  
under this chapter and Chapters 4730., 4760., 4762., and 4774. 501

of the Revised Code ~~and~~; licenses issued under Chapter 4778. of 502  
the Revised Code; and applicants for licenses, licenses issued, 503  
and licenses suspended or revoked under Chapter 4780. of the 504  
Revised Code. The register shall show the name of the applicant 505  
and whether the applicant was granted or refused a certificate 506  
or license. With respect to applicants to practice medicine and 507  
surgery or osteopathic medicine and surgery, the register shall 508  
show the name of the institution that granted the applicant the 509  
degree of doctor of medicine or osteopathic medicine. The books 510  
and records of the board shall be prima-facie evidence of 511  
matters therein contained. 512

**Sec. 4731.224.** (A) Within sixty days after the imposition 513  
of any formal disciplinary action taken by any health care 514  
facility, including a hospital, health care facility operated by 515  
a health insuring corporation, ambulatory surgical center, or 516  
similar facility, against any individual holding a valid 517  
certificate to practice issued pursuant to this chapter, the 518  
chief administrator or executive officer of the facility shall 519  
report to the state medical board the name of the individual, 520  
the action taken by the facility, and a summary of the 521  
underlying facts leading to the action taken. Upon request, the 522  
board shall be provided certified copies of the patient records 523  
that were the basis for the facility's action. Prior to release 524  
to the board, the summary shall be approved by the peer review 525  
committee that reviewed the case or by the governing board of 526  
the facility. As used in this division, "formal disciplinary 527  
action" means any action resulting in the revocation, 528  
restriction, reduction, or termination of clinical privileges 529  
for violations of professional ethics, or for reasons of medical 530  
incompetence, medical malpractice, or drug or alcohol abuse. 531  
"Formal disciplinary action" includes a summary action, an 532

action that takes effect notwithstanding any appeal rights that 533  
may exist, and an action that results in an individual 534  
surrendering clinical privileges while under investigation and 535  
during proceedings regarding the action being taken or in return 536  
for not being investigated or having proceedings held. "Formal 537  
disciplinary action" does not include any action taken for the 538  
sole reason of failure to maintain records on a timely basis or 539  
failure to attend staff or section meetings. 540

The filing or nonfiling of a report with the board, 541  
investigation by the board, or any disciplinary action taken by 542  
the board, shall not preclude any action by a health care 543  
facility to suspend, restrict, or revoke the individual's 544  
clinical privileges. 545

In the absence of fraud or bad faith, no individual or 546  
entity that provides patient records to the board shall be 547  
liable in damages to any person as a result of providing the 548  
records. 549

(B) If any individual authorized to practice under this 550  
chapter or any professional association or society of such 551  
individuals believes that a violation of any provision of this 552  
chapter, Chapter 4730., 4760., 4762., 4774., ~~or 4778.~~, or 4780. 553  
of the Revised Code, or any rule of the board has occurred, the 554  
individual, association, or society shall report to the board 555  
the information upon which the belief is based. This division 556  
does not require any treatment provider approved by the board 557  
under section 4731.25 of the Revised Code or any employee, 558  
agent, or representative of such a provider to make reports with 559  
respect to an impaired practitioner participating in treatment 560  
or aftercare for substance abuse as long as the practitioner 561  
maintains participation in accordance with the requirements of 562

section 4731.25 of the Revised Code, and as long as the 563  
treatment provider or employee, agent, or representative of the 564  
provider has no reason to believe that the practitioner has 565  
violated any provision of this chapter or any rule adopted under 566  
it, other than the provisions of division (B) (26) of section 567  
4731.22 of the Revised Code. This division does not require 568  
reporting by any member of an impaired practitioner committee 569  
established by a health care facility or by any representative 570  
or agent of a committee or program sponsored by a professional 571  
association or society of individuals authorized to practice 572  
under this chapter to provide peer assistance to practitioners 573  
with substance abuse problems with respect to a practitioner who 574  
has been referred for examination to a treatment program 575  
approved by the board under section 4731.25 of the Revised Code 576  
if the practitioner cooperates with the referral for examination 577  
and with any determination that the practitioner should enter 578  
treatment and as long as the committee member, representative, 579  
or agent has no reason to believe that the practitioner has 580  
ceased to participate in the treatment program in accordance 581  
with section 4731.25 of the Revised Code or has violated any 582  
provision of this chapter or any rule adopted under it, other 583  
than the provisions of division (B) (26) of section 4731.22 of 584  
the Revised Code. 585

(C) Any professional association or society composed 586  
primarily of doctors of medicine and surgery, doctors of 587  
osteopathic medicine and surgery, doctors of podiatric medicine 588  
and surgery, or practitioners of limited branches of medicine 589  
that suspends or revokes an individual's membership for 590  
violations of professional ethics, or for reasons of 591  
professional incompetence or professional malpractice, within 592  
sixty days after a final decision shall report to the board, on 593

forms prescribed and provided by the board, the name of the 594  
individual, the action taken by the professional organization, 595  
and a summary of the underlying facts leading to the action 596  
taken. 597

The filing of a report with the board or decision not to 598  
file a report, investigation by the board, or any disciplinary 599  
action taken by the board, does not preclude a professional 600  
organization from taking disciplinary action against an 601  
individual. 602

(D) Any insurer providing professional liability insurance 603  
to an individual authorized to practice under this chapter, or 604  
any other entity that seeks to indemnify the professional 605  
liability of such an individual, shall notify the board within 606  
thirty days after the final disposition of any written claim for 607  
damages where such disposition results in a payment exceeding 608  
twenty-five thousand dollars. The notice shall contain the 609  
following information: 610

(1) The name and address of the person submitting the 611  
notification; 612

(2) The name and address of the insured who is the subject 613  
of the claim; 614

(3) The name of the person filing the written claim; 615

(4) The date of final disposition; 616

(5) If applicable, the identity of the court in which the 617  
final disposition of the claim took place. 618

(E) The board may investigate possible violations of this 619  
chapter or the rules adopted under it that are brought to its 620  
attention as a result of the reporting requirements of this 621

section, except that the board shall conduct an investigation if 622  
a possible violation involves repeated malpractice. As used in 623  
this division, "repeated malpractice" means three or more claims 624  
for medical malpractice within the previous five-year period, 625  
each resulting in a judgment or settlement in excess of twenty- 626  
five thousand dollars in favor of the claimant, and each 627  
involving negligent conduct by the practicing individual. 628

(F) All summaries, reports, and records received and 629  
maintained by the board pursuant to this section shall be held 630  
in confidence and shall not be subject to discovery or 631  
introduction in evidence in any federal or state civil action 632  
involving a health care professional or facility arising out of 633  
matters that are the subject of the reporting required by this 634  
section. The board may use the information obtained only as the 635  
basis for an investigation, as evidence in a disciplinary 636  
hearing against an individual whose practice is regulated under 637  
this chapter, or in any subsequent trial or appeal of a board 638  
action or order. 639

The board may disclose the summaries and reports it 640  
receives under this section only to health care facility 641  
committees within or outside this state that are involved in 642  
credentialing or recredentialing the individual or in reviewing 643  
the individual's clinical privileges. The board shall indicate 644  
whether or not the information has been verified. Information 645  
transmitted by the board shall be subject to the same 646  
confidentiality provisions as when maintained by the board. 647

(G) Except for reports filed by an individual pursuant to 648  
division (B) of this section, the board shall send a copy of any 649  
reports or summaries it receives pursuant to this section to the 650  
individual who is the subject of the reports or summaries. The 651

individual shall have the right to file a statement with the 652  
board concerning the correctness or relevance of the 653  
information. The statement shall at all times accompany that 654  
part of the record in contention. 655

(H) An individual or entity that, pursuant to this 656  
section, reports to the board or refers an impaired practitioner 657  
to a treatment provider approved by the board under section 658  
4731.25 of the Revised Code shall not be subject to suit for 659  
civil damages as a result of the report, referral, or provision 660  
of the information. 661

(I) In the absence of fraud or bad faith, no professional 662  
association or society of individuals authorized to practice 663  
under this chapter that sponsors a committee or program to 664  
provide peer assistance to practitioners with substance abuse 665  
problems, no representative or agent of such a committee or 666  
program, and no member of the state medical board shall be held 667  
liable in damages to any person by reason of actions taken to 668  
refer a practitioner to a treatment provider approved under 669  
section 4731.25 of the Revised Code for examination or 670  
treatment. 671

**Sec. 4731.24.** Except as provided in sections 4731.281 and 672  
4731.40 of the Revised Code, all receipts of the state medical 673  
board, from any source, shall be deposited in the state 674  
treasury. Until July 1, 1998, the funds shall be deposited to 675  
the credit of the occupational licensing and regulatory fund. On 676  
and after July 1, 1998, the funds shall be deposited to the 677  
credit of the state medical board operating fund, which is 678  
hereby created on July 1, 1998. Except as provided in section 679  
4731.24 of the Revised Code, all funds deposited into the state 680  
treasury under this section shall be used solely for the 681

administration and enforcement of this chapter and Chapters 682  
4730., 4760., 4762., 4774., ~~and 4778.~~, and 4780. of the Revised 683  
Code by the board. 684

**Sec. 4731.25.** The state medical board, in accordance with 685  
Chapter 119. of the Revised Code, shall adopt and may amend and 686  
rescind rules establishing standards for approval of physicians 687  
and facilities as treatment providers for impaired practitioners 688  
who are regulated under this chapter or Chapter 4730., 4760., 689  
4762., 4774., ~~or 4778.~~, or 4780. of the Revised Code. The rules 690  
shall include standards for both inpatient and outpatient 691  
treatment. The rules shall provide that in order to be approved, 692  
a treatment provider must have the capability of making an 693  
initial examination to determine what type of treatment an 694  
impaired practitioner requires. Subject to the rules, the board 695  
shall review and approve treatment providers on a regular basis. 696  
The board, at its discretion, may withdraw or deny approval 697  
subject to the rules. 698

An approved impaired practitioner treatment provider 699  
shall: 700

(A) Report to the board the name of any practitioner 701  
suffering or showing evidence of suffering impairment as 702  
described in division (B) (5) of section 4730.25 of the Revised 703  
Code, division (B) (26) of section 4731.22 of the Revised Code, 704  
division (B) (6) of section 4760.13 of the Revised Code, division 705  
(B) (6) of section 4762.13 of the Revised Code, division (B) (6) 706  
of section 4774.13 of the Revised Code, ~~or~~ division (B) (6) of 707  
section 4778.14 of the Revised Code, or division (C) (4) of 708  
section 4780.11 of the Revised Code who fails to comply within 709  
one week with a referral for examination; 710

(B) Report to the board the name of any impaired 711



practitioner who fails to enter treatment within forty-eight 712  
hours following the provider's determination that the 713  
practitioner needs treatment; 714

(C) Require every practitioner who enters treatment to 715  
agree to a treatment contract establishing the terms of 716  
treatment and aftercare, including any required supervision or 717  
restrictions of practice during treatment or aftercare; 718

(D) Require a practitioner to suspend practice upon entry 719  
into any required inpatient treatment; 720

(E) Report to the board any failure by an impaired 721  
practitioner to comply with the terms of the treatment contract 722  
during inpatient or outpatient treatment or aftercare; 723

(F) Report to the board the resumption of practice of any 724  
impaired practitioner before the treatment provider has made a 725  
clear determination that the practitioner is capable of 726  
practicing according to acceptable and prevailing standards of 727  
care; 728

(G) Require a practitioner who resumes practice after 729  
completion of treatment to comply with an aftercare contract 730  
that meets the requirements of rules adopted by the board for 731  
approval of treatment providers; 732

(H) Report the identity of any practitioner practicing 733  
under the terms of an aftercare contract to hospital 734  
administrators, medical chiefs of staff, and chairpersons of 735  
impaired practitioner committees of all health care institutions 736  
at which the practitioner holds clinical privileges or otherwise 737  
practices. If the practitioner does not hold clinical privileges 738  
at any health care institution, the treatment provider shall 739  
report the practitioner's identity to the impaired practitioner 740

committee of the county medical society, osteopathic academy, or 741  
podiatric medical association in every county in which the 742  
practitioner practices. If there are no impaired practitioner 743  
committees in the county, the treatment provider shall report 744  
the practitioner's identity to the president or other designated 745  
member of the county medical society, osteopathic academy, or 746  
podiatric medical association. 747

(I) Report to the board the identity of any practitioner 748  
who suffers a relapse at any time during or following aftercare. 749

Any individual authorized to practice under this chapter 750  
who enters into treatment by an approved treatment provider 751  
shall be deemed to have waived any confidentiality requirements 752  
that would otherwise prevent the treatment provider from making 753  
reports required under this section. 754

In the absence of fraud or bad faith, no person or 755  
organization that conducts an approved impaired practitioner 756  
treatment program, no member of such an organization, and no 757  
employee, representative, or agent of the treatment provider 758  
shall be held liable in damages to any person by reason of 759  
actions taken or recommendations made by the treatment provider 760  
or its employees, representatives, or agents. 761

**Sec. 4776.01.** As used in this chapter: 762

(A) "License" means an authorization evidenced by a 763  
license, certificate, registration, permit, card, or other 764  
authority that is issued or conferred by a licensing agency to a 765  
licensee or to an applicant for an initial license by which the 766  
licensee or initial license applicant has or claims the 767  
privilege to engage in a profession, occupation, or occupational 768  
activity, or, except in the case of the state dental board, to 769

have control of and operate certain specific equipment, 770  
machinery, or premises, over which the licensing agency has 771  
jurisdiction. 772

(B) Except as provided in section 4776.20 of the Revised 773  
Code, "licensee" means the person to whom the license is issued 774  
by a licensing agency. 775

(C) Except as provided in section 4776.20 of the Revised 776  
Code, "licensing agency" means any of the following: 777

(1) The board authorized by Chapters 4701., 4717., 4725., 778  
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4755., 4757., 779  
4759., 4760., 4761., 4762., 4779., 4780., and 4783. of the 780  
Revised Code to issue a license to engage in a specific 781  
profession, occupation, or occupational activity, or to have 782  
charge of and operate certain specified equipment, machinery, or 783  
premises. 784

(2) The state dental board, relative to its authority to 785  
issue a license pursuant to section 4715.12, 4715.16, 4715.21, 786  
or 4715.27 of the Revised Code. 787

(D) "Applicant for an initial license" includes persons 788  
seeking a license for the first time and persons seeking a 789  
license by reciprocity, endorsement, or similar manner of a 790  
license issued in another state. 791

(E) "Applicant for a restored license" includes persons 792  
seeking restoration of a certificate under section 4730.14, 793  
4731.281, 4760.06, or 4762.06 of the Revised Code. 794

(F) "Criminal records check" has the same meaning as in 795  
section 109.572 of the Revised Code. 796

**Sec. 4776.20.** (A) As used in this section: 797

(1) "Licensing agency" means, in addition to each board 798  
identified in division (C) of section 4776.01 of the Revised 799  
Code, the board or other government entity authorized to issue a 800  
license under Chapters 4703., 4707., 4709., 4712., 4713., 4719., 801  
4723., 4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740., 802  
4742., 4747., 4749., 4751., 4752., 4753., 4758., 4759., 4763., 803  
4765., 4766., 4771., 4773., 4774., 4778., 4780. and 4781. of 804  
the Revised Code. "Licensing agency" includes an administrative 805  
officer that has authority to issue a license. 806

(2) "Licensee" means, in addition to a licensee as 807  
described in division (B) of section 4776.01 of the Revised 808  
Code, the person to whom a license is issued by the board or 809  
other government entity authorized to issue a license under 810  
Chapters 4703., 4707., 4709., 4712., 4713., 4719., 4723., 4727., 811  
4728., 4733., 4735., 4736., 4737., 4738., 4740., 4742., 4747., 812  
4749., 4751., 4752., 4753., 4758., 4759., 4763., 4765., 4766., 813  
4771., 4773., 4774., 4778., 4780. and 4781. of the Revised 814  
Code. 815

(3) "Prosecutor" has the same meaning as in section 816  
2935.01 of the Revised Code. 817

(B) On a licensee's conviction of, plea of guilty to, 818  
judicial finding of guilt of, or judicial finding of guilt 819  
resulting from a plea of no contest to the offense of 820  
trafficking in persons in violation of section 2905.32 of the 821  
Revised Code, the prosecutor in the case shall promptly notify 822  
the licensing agency of the conviction, plea, or finding and 823  
provide the licensee's name and residential address. On receipt 824  
of this notification, the licensing agency shall immediately 825  
suspend the licensee's license. 826

(C) If there is a conviction of, plea of guilty to, 827

judicial finding of guilt of, or judicial finding of guilt 828  
resulting from a plea of no contest to the offense of 829  
trafficking in persons in violation of section 2905.32 of the 830  
Revised Code and all or part of the violation occurred on the 831  
premises of a facility that is licensed by a licensing agency, 832  
the prosecutor in the case shall promptly notify the licensing 833  
agency of the conviction, plea, or finding and provide the 834  
facility's name and address and the offender's name and 835  
residential address. On receipt of this notification, the 836  
licensing agency shall immediately suspend the facility's 837  
license. 838

(D) Notwithstanding any provision of the Revised Code to 839  
the contrary, the suspension of a license under division (B) or 840  
(C) of this section shall be implemented by a licensing agency 841  
without a prior hearing. After the suspension, the licensing 842  
agency shall give written notice to the subject of the 843  
suspension of the right to request a hearing under Chapter 119. 844  
of the Revised Code. After a hearing is held, the licensing 845  
agency shall either revoke or permanently revoke the ~~license~~ 846  
license of the subject of the suspension, unless it determines 847  
that the license holder has not been convicted of, pleaded 848  
guilty to, been found guilty of, or been found guilty based on a 849  
plea of no contest to the offense of trafficking in persons in 850  
violation of section 2905.32 of the Revised Code. 851

Sec. 4780.01. As used in this chapter: 852

(A) "Client" means a person who receives music therapy 853  
services. 854

(B) "Licensee" means a music therapist who is licensed to 855  
practice music therapy pursuant to this chapter. 856

(C) "Music therapy" means the clinical use of music interventions by a person to accomplish individualized goals within a therapeutic relationship through an individualized music therapy treatment plan developed for a client. 857  
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(D) "Music therapy services" means the services a licensee is authorized to provide pursuant to section 4780.09 of the Revised Code to achieve the goals of music therapy. 861  
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**Sec. 4780.02.** (A) No person who is not licensed to practice music therapy pursuant to this chapter or whose license to practice as a music therapist has been suspended or revoked shall knowingly do either of the following: 864  
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(1) Provide music therapy services; 868

(2) Use the title "music therapist" or a similar title. 869

(B) This chapter does not apply to any of the following persons: 870  
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(1) A person performing services or participating in activities as an integral part of a program of study in an accredited music therapy program, if the person does not represent the person's self as a music therapist; 872  
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(2) A person who holds a professional license in this state or an employee who is supervised by a person who holds a professional license in this state who is performing services, including the use of music in the services, that are incidental to the practice of the person's profession, if the person does not represent the person's self as a music therapist; 876  
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(3) Any person whose training and national certification attests to the person's preparation and ability to practice the person's certified profession or occupation, if the person does 882  
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not represent the person's self as a music therapist; 885

(4) Any person who practices music therapy under the 886  
supervision of a licensee, if the person does not represent the 887  
person's self as a music therapist. 888

**Sec. 4780.03.** (A) The state medical board may adopt rules 889  
as the board considers necessary to carry out this chapter. The 890  
rules may include requirements for continuing education for 891  
music therapists in addition to those required under section 892  
4780.07 of the Revised Code. 893

(B) The board shall enforce this chapter and any rules 894  
adopted pursuant to it. 895

(C) The board, upon request and payment of a fee 896  
established by the board, shall provide a copy of the list 897  
maintained pursuant to section 4731.07 of the Revised Code, as 898  
it pertains to this chapter. Any fee charged by the board for 899  
providing the copy shall not exceed the actual cost incurred by 900  
the board to make the copy. 901

**Sec. 4780.04.** (A) There is hereby created within the state 902  
medical board the music therapy advisory committee consisting of 903  
five persons familiar with the practice of music therapy. The 904  
committee shall provide the board with expertise and assistance 905  
in carrying out its duties pursuant to this chapter. 906

The committee shall consist of the following members: 907

(1) Three members who are licensed under this chapter to 908  
practice as music therapists in this state; 909

(2) One member who is a licensed health care professional 910  
who is not a licensee; 911

(3) One member who is a consumer. 912

(B) Not later than ninety days after the effective date of 913  
this section, the board shall make initial appointments to the 914  
committee. The board shall appoint two members to terms ending 915  
one year after the effective date of this section, one member to 916  
a term ending two years after the effective date of this 917  
section, one member to a term ending three years after the 918  
effective date of this section, and one member to a term ending 919  
four years after the effective date of this section. Thereafter, 920  
terms of office for all members are four years, with each term 921  
ending on the same day of the same month as did the term that it 922  
succeeds. Each member shall hold office from the date of 923  
appointment until the end of the term for which the member was 924  
appointed. Members may be reappointed. 925

Vacancies shall be filled in the same manner as original 926  
appointments. Any member appointed to fill a vacancy occurring 927  
prior to the expiration of the term for which the member's 928  
predecessor was appointed shall hold office for the remainder of 929  
the term. Any member shall continue in office subsequent to the 930  
expiration date of the member's term until a successor takes 931  
office, or until a period of sixty days has elapsed, whichever 932  
occurs first. 933

(C) Members of the committee shall serve without 934  
compensation and shall not be reimbursed for expenses. 935

(D) The committee shall meet at least once per year or as 936  
otherwise called by the board. 937

(E) The board shall consult with the committee prior to 938  
changing fees established under this chapter. The board shall 939  
seek the advice of the committee for issues related to music 940  
therapy. 941



(F) The committee is not subject to sections 101.82 to 942  
101.87 of the Revised Code. 943

(G) The committee shall provide to the board an analysis 944  
of disciplinary actions taken license applicants and licensees, 945  
appeals and denials, and revocation of licenses at least once 946  
per year. 947

(H) The committee may facilitate the development of 948  
materials that the state medical board may utilize to educate 949  
the public concerning music therapist licensure, the benefits of 950  
music therapy, and utilization of music therapy by individuals 951  
and in facilities or institutional settings. The committee may 952  
act as a facilitator of statewide dissemination of information 953  
between music therapists, the American music therapy association 954  
or its successor organization, the certification board for music 955  
therapists or its successor organization, and the state medical 956  
board. 957

**Sec. 4780.05.** (A) A person seeking a license to practice 958  
as a music therapist under this chapter shall do both of the 959  
following: 960

(1) Submit all of the following to the state medical 961  
board: 962

(a) A completed application on a form provided by the 963  
state medical board; 964

(b) An application fee of one hundred fifty dollars or a 965  
higher amount established by the board; 966

(c) Proof that the person is at least eighteen years of 967  
age; 968

(d) Proof that the person has successfully completed an 969

academic program with a bachelor's or higher degree in music 970  
therapy approved by the American music therapy association or 971  
its successor organization; 972

(e) Proof that the person has done both of the following: 973

(i) Has passed the examination for board certification by 974  
the certification board for music therapists or its successor 975  
organization or obtained certification as a music therapist by 976  
that board on January 1, 1985; 977

(ii) Is currently certified as a music therapist by the 978  
certification board for music therapists or its successor 979  
organization; 980

(f) Proof that the person has successfully completed a 981  
minimum of one thousand two hundred hours of clinical training, 982  
with at least one hundred eighty hours in preinternship 983  
experience and at least nine hundred hours in internship 984  
experience, if the internship is approved by the American music 985  
therapy association or its successor organization, an academic 986  
institution, or both. 987

(2) Comply with sections 4776.01 to 4776.04 of the Revised 988  
Code. 989

(B) The state medical board shall not grant to a person a 990  
license to practice as a music therapist unless the board, in 991  
its discretion, decides that the results of the criminal records 992  
check do not make the person ineligible for a license issued 993  
pursuant to section 4780.11 of the Revised Code. 994

(C) Within sixty days after receiving the information 995  
described in division (A) (1) of this section and receipt of 996  
proof of compliance with division (A) (2) of this section, the 997  
state medical board shall issue a license to practice as a music 998

therapist if the board determines that the person satisfies the 999  
requirements of division (A) of this section. 1000

(D) The state medical board, subject to the approval of 1001  
the controlling board, may establish a fee in excess of the 1002  
amount prescribed in division (A) of this section, provided that 1003  
the amount of the increase does not exceed fifty per cent of 1004  
that fee, that no fee increase occur prior to January 1, 2016, 1005  
and that the increase does not exceed the amount necessary for 1006  
the state medical board to implement this chapter. 1007

**Sec. 4780.06.** If a person who is licensed to practice as a 1008  
music therapist in another jurisdiction wishes to be licensed 1009  
under this chapter, the person shall comply with division (A) of 1010  
section 4780.05 of the Revised Code and shall include with the 1011  
person's application proof that the person's license issued in 1012  
the other jurisdiction is in good standing with that 1013  
jurisdiction. 1014

The state medical board shall review the person's 1015  
licensure history in that jurisdiction, and shall include in 1016  
that review a review of any misconduct or neglect in the 1017  
practice of music therapy in that jurisdiction on the part of 1018  
the person. The board shall issue a license to the person in 1019  
accordance with divisions (B) and (C) of section 4780.05 of the 1020  
Revised Code, if, in addition to the requirements specified in 1021  
those divisions, the board determines that the person's license 1022  
issued in another jurisdiction is in good standing and that the 1023  
requirements for obtaining licensure in that jurisdiction are 1024  
equal to or greater than the requirements specified in section 1025  
4780.05 of the Revised Code. 1026

**Sec. 4780.07.** (A) A license to practice as a music 1027  
therapist issued under this chapter is valid for three years 1028

beginning on the date the license is issued and may be renewed. 1029

(B) A person seeking to renew a license to practice as a 1030  
music therapist shall, before the license expires, apply for 1031  
renewal of the license. To be eligible for renewal, an applicant 1032  
shall submit all of the following to the state medical board: 1033

(1) A completed application for renewal on a form 1034  
prescribed by the board; 1035

(2) Proof that the licensee has continuously maintained 1036  
for the previous three years certification with, and is 1037  
currently certified as a music therapist by, the certification 1038  
board for music therapists or its successor organization; 1039

(3) Proof that the licensee has completed not less than 1040  
sixty hours of continuing education approved by the 1041  
certification board for music therapists or its successor 1042  
organization and any other continuing education requirements 1043  
established by the state medical board; 1044

(4) A fee in the amount of one hundred fifty dollars or 1045  
such other amount as prescribed by the state medical board. 1046

(C) A licensee shall notify the board in writing of any 1047  
change in address. 1048

(D) The state medical board shall send renewal notices at 1049  
least one month prior to the license expiration date. 1050

(E) The state medical board, subject to the approval of 1051  
the controlling board, may establish a fee in excess of the 1052  
amount prescribed in division (A) of this section, if the amount 1053  
of the increase does not exceed fifty per cent of that fee, that 1054  
no fee increase occur prior to January 1, 2016, and that the 1055  
increase does not exceed the amount necessary for the state 1056

medical board to implement this chapter. 1057

**Sec. 4780.08.** A license to practice as a music therapist 1058  
that is not renewed on or before its expiration date is 1059  
delinquent and shall be forfeited to the state medical board. 1060  
The board, within thirty days after the license becomes 1061  
delinquent, shall send a notice to the licensee by certified 1062  
mail, return receipt requested, to the address of the licensee 1063  
as indicated in the records of the board. The notice shall 1064  
inform the licensee that the licensee's license is forfeited and 1065  
explain procedures for restoring the forfeited license. 1066

A licensee may restore a forfeited license within one year 1067  
after the license becomes delinquent by complying with the 1068  
requirements of section 4780.07 of the Revised Code. The board 1069  
shall terminate a forfeited license that is not restored within 1070  
one year after the date it becomes delinquent. The board may 1071  
require a person whose license has been terminated to apply for 1072  
a new license under section 4780.05 of the Revised Code. 1073

Upon written request of a licensee, the board may place an 1074  
active license on inactive status subject to an inactive status 1075  
fee established by the board. The licensee, upon request and 1076  
payment of the inactive license fee, may continue on inactive 1077  
status for a period up to two years. A licensee may reactivate 1078  
an inactive license at any time during that two-year period by 1079  
making a written request to the board and by fulfilling 1080  
requirements established by the board. 1081

**Sec. 4780.09.** (A) A licensee shall do both of the 1082  
following: 1083

(1) Before providing music therapy services to a client 1084  
for a medical, developmental, or mental health condition, 1085

collaborate with the client's physician, psychologist, primary 1086  
care provider, or mental health professional, as applicable, to 1087  
review the client's diagnosis, treatment needs, and treatment 1088  
plan; 1089

(2) During the provision of music therapy services to a 1090  
client, collaborate, as applicable, with the client's treatment 1091  
team. 1092

(B) A licensee may do any of the following activities: 1093

(1) Accept referrals for music therapy services from 1094  
physicians, psychologists, or other medical, developmental, or 1095  
mental health professionals, education professionals, clients, 1096  
family members of prospective clients, or caregivers of 1097  
prospective clients; 1098

(2) Conduct a music therapy assessment of a client to 1099  
collect systematic, comprehensive, and accurate information 1100  
necessary to determine the appropriate type of music therapy 1101  
services to provide to the client; 1102

(3) Develop an individualized treatment plan for a client 1103  
that identifies the goals, objectives, and potential strategies 1104  
of the music therapy services appropriate for the client using 1105  
music interventions, which may include music improvisation, 1106  
receptive music listening, song writing, lyric discussion, music 1107  
and imagery, music performance, learning through music, and 1108  
movement to music; 1109

(4) If applicable, carry out an individualized treatment 1110  
plan that is consistent with any other medical, developmental, 1111  
mental health, or education services being provided to the 1112  
client; 1113

(5) Evaluate the client's response to music therapy and 1114

the individualized treatment plan and suggest modifications, as 1115  
appropriate; 1116

(6) Develop a plan for determining when the provision of 1117  
music therapy services is no longer needed in collaboration with 1118  
the client, any physician or other health care or education 1119  
provider of the client, any appropriate family member of the 1120  
client, and any other appropriate person upon whom the client 1121  
relies for support; 1122

(7) Minimize any barriers so that the client may receive 1123  
music therapy services in the least restrictive environment; 1124

(8) Collaborate with and educate the client and the family 1125  
or caregiver of the client or any other appropriate person about 1126  
the needs of the client that are being addressed in music 1127  
therapy and the manner in which the music therapy addresses 1128  
those needs. 1129

**Sec. 4780.10.** If any member of the state medical board or 1130  
the music therapy advisory committee becomes aware of any ground 1131  
for initiating disciplinary action against a licensee, the 1132  
member shall file a written complaint with the board. As soon as 1133  
practicable after receiving a complaint, the board shall conduct 1134  
an investigation of the complaint to determine whether the 1135  
allegations in the complaint merit the initiation of 1136  
disciplinary proceedings against the licensee. 1137

**Sec. 4780.11.** (A) If, after an investigation conducted by 1138  
the state medical board and after notice and a hearing in 1139  
accordance with Chapter 119. of the Revised Code, the board 1140  
finds one or more grounds for taking disciplinary action as 1141  
described in division (C) of this section, the board may do any 1142  
of the following: 1143

- (1) Place the licensee on probation for a specified period 1144  
or until further order of the board; 1145
- (2) Administer to the applicant or licensee a public 1146  
reprimand; 1147
- (3) Refuse to issue a license to an applicant or renew the 1148  
license of the licensee; 1149
- (4) Suspend or revoke the license of the licensee; 1150
- (5) Impose an administrative fine of not less than one 1151  
hundred dollars nor more than one thousand dollars for each 1152  
violation; 1153
- (6) Take any combination of the actions enumerated in 1154  
divisions (A) (1) to (5) of this section. 1155
- (B) An order of the board may include any other terms, 1156  
provisions, or conditions as the board considers appropriate. An 1157  
order of the board and the findings of fact and conclusions of 1158  
law supporting that order are public records. The board shall 1159  
not issue a private reprimand. 1160
- (C) The board may impose any of the disciplinary actions 1161  
described in division (A) of this section if a licensee or 1162  
applicant does any of the following: 1163
- (1) Submits false, fraudulent, or misleading information 1164  
to the board or any agency of this state, any other state, or 1165  
the federal government; 1166
- (2) Violates this chapter or any rule adopted pursuant to 1167  
it; 1168
- (3) Is convicted of or pleads guilty to a disqualifying 1169  
offense or a crime of moral turpitude, as those terms are 1170



defined in section 4776.10 of the Revised Code; 1171

(4) Is impaired in the licensee's or applicant's ability 1172  
to practice according to acceptable and prevailing standards of 1173  
care because of habitual or excessive use or abuse of drugs, 1174  
alcohol, or other substances that impair ability to practice; 1175

(5) Uses fraud or deception in applying for a license to 1176  
practice as a music therapist; 1177

(6) Fails to pay fees when due; 1178

(7) Fails to provide requested information in a timely 1179  
manner; 1180

(8) Is unable to, or fails to practice music therapy with 1181  
reasonable skill and consistent with the welfare of clients, 1182  
including negligence in the practice of music therapy, 1183  
incapacity, and abuse of or engaging in sexual contact with a 1184  
client; 1185

(9) Is subject to disciplinary action by another 1186  
jurisdiction with respect to the licensee's or applicant's 1187  
license to practice as a music therapist issued by that 1188  
jurisdiction. 1189

**Sec. 4780.12.** On receipt of a notice pursuant to section 1190  
3123.43 of the Revised Code, the state medical board shall 1191  
comply with sections 3123.41 to 3123.50 of the Revised Code and 1192  
any applicable rules adopted under section 3123.63 of the 1193  
Revised Code with respect to a license to practice as a music 1194  
therapist issued pursuant to this chapter. 1195

**Sec. 4780.13.** The state medical board shall comply with 1196  
section 4776.20 of the Revised Code. 1197

**Sec. 4780.14.** If the state medical board determines that a 1198

person has violated or is about to violate any provision of this 1199  
chapter or a rule adopted pursuant to it, the board may bring an 1200  
action in a court of competent jurisdiction to enjoin the person 1201  
from engaging in or continuing the violation. 1202

An injunction may be issued without proof of actual damage 1203  
sustained by any person and does not prohibit the criminal 1204  
prosecution and punishment of the person who commits the 1205  
violation. 1206

**Sec. 4780.15.** Except as otherwise provided in this 1207  
section, a complaint filed with the state medical board and all 1208  
documents and other information filed with the complaint are 1209  
confidential and are not subject to section 149.43 of the 1210  
Revised Code, unless the person who is the subject of the 1211  
complaint submits a written statement to the board requesting 1212  
that the documents and information be made public records. 1213

The charging documents filed with the board to initiate 1214  
disciplinary action and information considered by the board when 1215  
determining whether to impose discipline against a licensee or 1216  
applicant are public records. An order that imposes discipline 1217  
and the findings of fact and conclusions of law supporting that 1218  
order are public records. 1219

Nothing in this section prohibits the board from 1220  
communicating or cooperating with or providing any documents or 1221  
other information to any other licensing board or any other 1222  
agency that is investigating a person, including a law 1223  
enforcement agency. 1224

**Sec. 4780.99.** Whoever violates division (A) of section 1225  
4780.02 of the Revised Code is guilty of a misdemeanor of the 1226  
fourth degree on a first offense; on each subsequent offense, 1227

such person is guilty of a misdemeanor of the third degree. 1228

**Section 2.** That existing sections 109.572, 4731.07, 1229  
4731.224, 4731.24, 4731.25, 4776.01, and 4776.20 of the Revised 1230  
Code are hereby repealed. 1231

**Section 3.** Division (A) of section 4780.02 of the Revised 1232  
Code, as enacted by this act, takes effect one year after the 1233  
effective date of this act. 1234

**Section 4.** Notwithstanding section 4780.04 of the Revised 1235  
Code, as enacted by this act, persons appointed to the Music 1236  
Therapy Advisory Committee need not be licensed as required 1237  
under that section during the first year after the effective 1238  
date of this act. 1239

**Section 5.** (A) As used in this section, "board certified 1240  
music therapist" means a person who has completed the education 1241  
and clinical training requirements established by the American 1242  
Music Therapy Association, has passed the Certification Board 1243  
for Music Therapists certification examination or obtained 1244  
certification by that Board on January 1, 1985, and remains 1245  
actively certified by the Certification Board for Music 1246  
Therapists. 1247

(B) For a period of one year beginning on the effective 1248  
date of this act, the State Medical Board shall waive the 1249  
examination requirement under section 4780.05 of the Revised 1250  
Code, as enacted by this act, that a person must satisfy to 1251  
obtain a license to practice as a music therapist if the person 1252  
demonstrates to the Board that the person either is a board 1253  
certified music therapist or is designated as a registered music 1254  
therapist, certified music therapist, or advanced certified 1255  
music therapist and in good standing with the National Music 1256

Therapy Registry. 1257

**Section 6.** Section 109.572 of the Revised Code is 1258  
presented in this act as a composite of the section as amended 1259  
by both Am. Sub. H.B. 483 and Am. Sub. S.B. 143 of the 130th 1260  
General Assembly. The General Assembly, applying the principle 1261  
stated in division (B) of section 1.52 of the Revised Code that 1262  
amendments are to be harmonized if reasonably capable of 1263  
simultaneous operation, finds that the composite is the 1264  
resulting version of the section in effect prior to the 1265  
effective date of the section as presented in this act. 1266