

As Introduced

**131st General Assembly
Regular Session
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H. B. No. 230

**Representative Sprague
Cosponsor: Representative Fedor**

A BILL

To amend sections 2305.234, 4757.41, 4758.01, 1
4758.02, 4758.10, 4758.13, 4758.20, 4758.21, 2
4758.22, 4758.23, 4758.30, 4758.31, 4758.36, 3
4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 4
4758.44, 4758.45, 4758.46, 4758.60, and 4758.61 5
of the Revised Code regarding the practices of 6
chemical dependency counseling and prevention 7
services. 8

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

Section 1. That sections 2305.234, 4757.41, 4758.01, 9
4758.02, 4758.10, 4758.13, 4758.20, 4758.21, 4758.22, 4758.23, 10
4758.30, 4758.31, 4758.36, 4758.39, 4758.40, 4758.41, 4758.42, 11
4758.43, 4758.44, 4758.45, 4758.46, 4758.60, and 4758.61 of the 12
Revised Code be amended to read as follows: 13

Sec. 2305.234. (A) As used in this section: 14

(1) "Chiropractic claim," "medical claim," and "optometric 15
claim" have the same meanings as in section 2305.113 of the 16
Revised Code. 17

(2) "Dental claim" has the same meaning as in section 18

2305.113 of the Revised Code, except that it does not include 19
any claim arising out of a dental operation or any derivative 20
claim for relief that arises out of a dental operation. 21

(3) "Governmental health care program" has the same 22
meaning as in section 4731.65 of the Revised Code. 23

(4) "Health care facility or location" means a hospital, 24
clinic, ambulatory surgical facility, office of a health care 25
professional or associated group of health care professionals, 26
training institution for health care professionals, a free 27
clinic or other nonprofit shelter or health care facility as 28
those terms are defined in section 3701.071 of the Revised Code, 29
or any other place where medical, dental, or other health- 30
related diagnosis, care, or treatment is provided to a person. 31

(5) "Health care professional" means any of the following 32
who provide medical, dental, or other health-related diagnosis, 33
care, or treatment: 34

(a) Physicians authorized under Chapter 4731. of the 35
Revised Code to practice medicine and surgery or osteopathic 36
medicine and surgery; 37

(b) Registered nurses and licensed practical nurses 38
licensed under Chapter 4723. of the Revised Code and individuals 39
who hold a certificate of authority issued under that chapter 40
that authorizes the practice of nursing as a certified 41
registered nurse anesthetist, clinical nurse specialist, 42
certified nurse-midwife, or certified nurse practitioner; 43

(c) Physician assistants authorized to practice under 44
Chapter 4730. of the Revised Code; 45

(d) Dentists and dental hygienists licensed under Chapter 46
4715. of the Revised Code; 47

(e) Physical therapists, physical therapist assistants, occupational therapists, occupational therapy assistants, and athletic trainers licensed under Chapter 4755. of the Revised Code;	48 49 50 51
(f) Chiropractors licensed under Chapter 4734. of the Revised Code;	52 53
(g) Optometrists licensed under Chapter 4725. of the Revised Code;	54 55
(h) Podiatrists authorized under Chapter 4731. of the Revised Code to practice podiatry;	56 57
(i) Dietitians licensed under Chapter 4759. of the Revised Code;	58 59
(j) Pharmacists licensed under Chapter 4729. of the Revised Code;	60 61
(k) Emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians- paramedic, certified under Chapter 4765. of the Revised Code;	62 63 64
(l) Respiratory care professionals licensed under Chapter 4761. of the Revised Code;	65 66
(m) Speech-language pathologists and audiologists licensed under Chapter 4753. of the Revised Code;	67 68
(n) Licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, and marriage and family therapists, licensed under Chapter 4757. of the Revised Code;	69 70 71 72 73
(o) Psychologists licensed under Chapter 4732. of the	74

Revised Code;	75
(p) Individuals <u>Independent chemical dependency</u>	76
<u>counselors-clinical supervisors, independent chemical dependency</u>	77
<u>counselors, chemical dependency counselors III, and chemical</u>	78
<u>dependency counselors II, licensed or certified under Chapter</u>	79
4758. of the Revised Code who are acting within the scope of	80
their license or certificate as members of the profession of	81
chemical dependency counseling or alcohol and other drug	82
prevention services, and chemical dependency counselor	83
<u>assistants, prevention consultants, prevention specialists,</u>	84
<u>prevention specialist assistants, and registered applicants,</u>	85
<u>certified under that chapter.</u>	86
(6) "Health care worker" means a person other than a	87
health care professional who provides medical, dental, or other	88
health-related care or treatment under the direction of a health	89
care professional with the authority to direct that individual's	90
activities, including medical technicians, medical assistants,	91
dental assistants, orderlies, aides, and individuals acting in	92
similar capacities.	93
(7) "Indigent and uninsured person" means a person who	94
meets both of the following requirements:	95
(a) Relative to being indigent, the person's income is not	96
greater than two hundred per cent of the federal poverty line,	97
as defined by the United States office of management and budget	98
and revised in accordance with section 673(2) of the "Omnibus	99
Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.	100
9902, as amended, except in any case in which division (A) (7) (b)	101
(iii) of this section includes a person whose income is greater	102
than two hundred per cent of the federal poverty line.	103

(b) Relative to being uninsured, one of the following applies:	104 105
(i) The person is not a policyholder, certificate holder, insured, contract holder, subscriber, enrollee, member, beneficiary, or other covered individual under a health insurance or health care policy, contract, or plan.	106 107 108 109
(ii) The person is a policyholder, certificate holder, insured, contract holder, subscriber, enrollee, member, beneficiary, or other covered individual under a health insurance or health care policy, contract, or plan, but the insurer, policy, contract, or plan denies coverage or is the subject of insolvency or bankruptcy proceedings in any jurisdiction.	110 111 112 113 114 115 116
(iii) Until June 30, 2019, the person is eligible for the medicaid program or is a medicaid recipient.	117 118
(iv) Except as provided in division (A) (7) (b) (iii) of this section, the person is not eligible for or a recipient, enrollee, or beneficiary of any governmental health care program.	119 120 121 122
(8) "Nonprofit health care referral organization" means an entity that is not operated for profit and refers patients to, or arranges for the provision of, health-related diagnosis, care, or treatment by a health care professional or health care worker.	123 124 125 126 127
(9) "Operation" means any procedure that involves cutting or otherwise infiltrating human tissue by mechanical means, including surgery, laser surgery, ionizing radiation, therapeutic ultrasound, or the removal of intraocular foreign bodies. "Operation" does not include the administration of	128 129 130 131 132

medication by injection, unless the injection is administered in 133
conjunction with a procedure infiltrating human tissue by 134
mechanical means other than the administration of medicine by 135
injection. "Operation" does not include routine dental 136
restorative procedures, the scaling of teeth, or extractions of 137
teeth that are not impacted. 138

(10) "Tort action" means a civil action for damages for 139
injury, death, or loss to person or property other than a civil 140
action for damages for a breach of contract or another agreement 141
between persons or government entities. 142

(11) "Volunteer" means an individual who provides any 143
medical, dental, or other health-care related diagnosis, care, 144
or treatment without the expectation of receiving and without 145
receipt of any compensation or other form of remuneration from 146
an indigent and uninsured person, another person on behalf of an 147
indigent and uninsured person, any health care facility or 148
location, any nonprofit health care referral organization, or 149
any other person or government entity. 150

(12) "Community control sanction" has the same meaning as 151
in section 2929.01 of the Revised Code. 152

(13) "Deep sedation" means a drug-induced depression of 153
consciousness during which a patient cannot be easily aroused 154
but responds purposefully following repeated or painful 155
stimulation, a patient's ability to independently maintain 156
ventilatory function may be impaired, a patient may require 157
assistance in maintaining a patent airway and spontaneous 158
ventilation may be inadequate, and cardiovascular function is 159
usually maintained. 160

(14) "General anesthesia" means a drug-induced loss of 161

consciousness during which a patient is not arousable, even by 162
painful stimulation, the ability to independently maintain 163
ventilatory function is often impaired, a patient often requires 164
assistance in maintaining a patent airway, positive pressure 165
ventilation may be required because of depressed spontaneous 166
ventilation or drug-induced depression of neuromuscular 167
function, and cardiovascular function may be impaired. 168

(B) (1) Subject to divisions (F) and (G) (3) of this 169
section, a health care professional who is a volunteer and 170
complies with division (B) (2) of this section is not liable in 171
damages to any person or government entity in a tort or other 172
civil action, including an action on a medical, dental, 173
chiropractic, optometric, or other health-related claim, for 174
injury, death, or loss to person or property that allegedly 175
arises from an action or omission of the volunteer in the 176
provision to an indigent and uninsured person of medical, 177
dental, or other health-related diagnosis, care, or treatment, 178
including the provision of samples of medicine and other medical 179
products, unless the action or omission constitutes willful or 180
wanton misconduct. 181

(2) To qualify for the immunity described in division (B) 182
(1) of this section, a health care professional shall do all of 183
the following prior to providing diagnosis, care, or treatment: 184

(a) Determine, in good faith, that the indigent and 185
uninsured person is mentally capable of giving informed consent 186
to the provision of the diagnosis, care, or treatment and is not 187
subject to duress or under undue influence; 188

(b) Inform the person of the provisions of this section, 189
including notifying the person that, by giving informed consent 190
to the provision of the diagnosis, care, or treatment, the 191

person cannot hold the health care professional liable for 192
damages in a tort or other civil action, including an action on 193
a medical, dental, chiropractic, optometric, or other health- 194
related claim, unless the action or omission of the health care 195
professional constitutes willful or wanton misconduct; 196

(c) Obtain the informed consent of the person and a 197
written waiver, signed by the person or by another individual on 198
behalf of and in the presence of the person, that states that 199
the person is mentally competent to give informed consent and, 200
without being subject to duress or under undue influence, gives 201
informed consent to the provision of the diagnosis, care, or 202
treatment subject to the provisions of this section. A written 203
waiver under division (B) (2) (c) of this section shall state 204
clearly and in conspicuous type that the person or other 205
individual who signs the waiver is signing it with full 206
knowledge that, by giving informed consent to the provision of 207
the diagnosis, care, or treatment, the person cannot bring a 208
tort or other civil action, including an action on a medical, 209
dental, chiropractic, optometric, or other health-related claim, 210
against the health care professional unless the action or 211
omission of the health care professional constitutes willful or 212
wanton misconduct. 213

(3) A physician or podiatrist who is not covered by 214
medical malpractice insurance, but complies with division (B) (2) 215
of this section, is not required to comply with division (A) of 216
section 4731.143 of the Revised Code. 217

(C) Subject to divisions (F) and (G) (3) of this section, 218
health care workers who are volunteers are not liable in damages 219
to any person or government entity in a tort or other civil 220
action, including an action upon a medical, dental, 221

chiropractic, optometric, or other health-related claim, for 222
injury, death, or loss to person or property that allegedly 223
arises from an action or omission of the health care worker in 224
the provision to an indigent and uninsured person of medical, 225
dental, or other health-related diagnosis, care, or treatment, 226
unless the action or omission constitutes willful or wanton 227
misconduct. 228

(D) Subject to divisions (F) and (G) (3) of this section, a 229
nonprofit health care referral organization is not liable in 230
damages to any person or government entity in a tort or other 231
civil action, including an action on a medical, dental, 232
chiropractic, optometric, or other health-related claim, for 233
injury, death, or loss to person or property that allegedly 234
arises from an action or omission of the nonprofit health care 235
referral organization in referring indigent and uninsured 236
persons to, or arranging for the provision of, medical, dental, 237
or other health-related diagnosis, care, or treatment by a 238
health care professional described in division (B) (1) of this 239
section or a health care worker described in division (C) of 240
this section, unless the action or omission constitutes willful 241
or wanton misconduct. 242

(E) Subject to divisions (F) and (G) (3) of this section 243
and to the extent that the registration requirements of section 244
3701.071 of the Revised Code apply, a health care facility or 245
location associated with a health care professional described in 246
division (B) (1) of this section, a health care worker described 247
in division (C) of this section, or a nonprofit health care 248
referral organization described in division (D) of this section 249
is not liable in damages to any person or government entity in a 250
tort or other civil action, including an action on a medical, 251
dental, chiropractic, optometric, or other health-related claim, 252

for injury, death, or loss to person or property that allegedly 253
arises from an action or omission of the health care 254
professional or worker or nonprofit health care referral 255
organization relative to the medical, dental, or other health- 256
related diagnosis, care, or treatment provided to an indigent 257
and uninsured person on behalf of or at the health care facility 258
or location, unless the action or omission constitutes willful 259
or wanton misconduct. 260

(F) (1) Except as provided in division (F) (2) of this 261
section, the immunities provided by divisions (B), (C), (D), and 262
(E) of this section are not available to a health care 263
professional, health care worker, nonprofit health care referral 264
organization, or health care facility or location if, at the 265
time of an alleged injury, death, or loss to person or property, 266
the health care professionals or health care workers involved 267
are providing one of the following: 268

(a) Any medical, dental, or other health-related 269
diagnosis, care, or treatment pursuant to a community service 270
work order entered by a court under division (B) of section 271
2951.02 of the Revised Code or imposed by a court as a community 272
control sanction; 273

(b) Performance of an operation to which any one of the 274
following applies: 275

(i) The operation requires the administration of deep 276
sedation or general anesthesia. 277

(ii) The operation is a procedure that is not typically 278
performed in an office. 279

(iii) The individual involved is a health care 280
professional, and the operation is beyond the scope of practice 281

or the education, training, and competence, as applicable, of 282
the health care professional. 283

(c) Delivery of a baby or any other purposeful termination 284
of a human pregnancy. 285

(2) Division (F)(1) of this section does not apply when a 286
health care professional or health care worker provides medical, 287
dental, or other health-related diagnosis, care, or treatment 288
that is necessary to preserve the life of a person in a medical 289
emergency. 290

(G)(1) This section does not create a new cause of action 291
or substantive legal right against a health care professional, 292
health care worker, nonprofit health care referral organization, 293
or health care facility or location. 294

(2) This section does not affect any immunities from civil 295
liability or defenses established by another section of the 296
Revised Code or available at common law to which a health care 297
professional, health care worker, nonprofit health care referral 298
organization, or health care facility or location may be 299
entitled in connection with the provision of emergency or other 300
medical, dental, or other health-related diagnosis, care, or 301
treatment. 302

(3) This section does not grant an immunity from tort or 303
other civil liability to a health care professional, health care 304
worker, nonprofit health care referral organization, or health 305
care facility or location for actions that are outside the scope 306
of authority of health care professionals or health care 307
workers. 308

In the case of the diagnosis, care, or treatment of an 309
indigent and uninsured person who is eligible for the medicaid 310

program or is a medicaid recipient, this section grants an 311
immunity from tort or other civil liability only if the person's 312
diagnosis, care, or treatment is provided in a free clinic, as 313
defined in section 3701.071 of the Revised Code. 314

(4) This section does not affect any legal responsibility 315
of a health care professional, health care worker, or nonprofit 316
health care referral organization to comply with any applicable 317
law of this state or rule of an agency of this state. 318

(5) This section does not affect any legal responsibility 319
of a health care facility or location to comply with any 320
applicable law of this state, rule of an agency of this state, 321
or local code, ordinance, or regulation that pertains to or 322
regulates building, housing, air pollution, water pollution, 323
sanitation, health, fire, zoning, or safety. 324

Sec. 4757.41. (A) This chapter shall not apply to the 325
following: 326

(1) A person certified by the state board of education 327
under Chapter 3319. of the Revised Code while performing any 328
services within the person's scope of employment by a board of 329
education or by a private school meeting the standards 330
prescribed by the state board of education under division (D) of 331
section 3301.07 of the Revised Code or in a program operated 332
under Chapter 5126. of the Revised Code for training individuals 333
with mental retardation or other developmental disabilities; 334

(2) Psychologists or school psychologists licensed under 335
Chapter 4732. of the Revised Code; 336

(3) Members of other professions licensed, certified, or 337
registered by this state while performing services within the 338
recognized scope, standards, and ethics of their respective 339

professions; 340

(4) Rabbis, priests, Christian science practitioners, 341
clergy, or members of religious orders and other individuals 342
participating with them in pastoral counseling when the 343
counseling activities are within the scope of the performance of 344
their regular or specialized ministerial duties and are 345
performed under the auspices or sponsorship of an established 346
and legally cognizable church, denomination, or sect or an 347
integrated auxiliary of a church as defined in federal tax 348
regulations, paragraph (g) (5) of 26 C.F.R. 1.6033-2 (1995), and 349
when the individual rendering the service remains accountable to 350
the established authority of that church, denomination, sect, or 351
integrated auxiliary; 352

(5) Any person who is not licensed under this chapter as a 353
licensed professional clinical counselor, licensed professional 354
counselor, independent social worker, or social worker and is 355
employed in the civil service as defined in section 124.01 of 356
the Revised Code while engaging in professional counseling or 357
social work as a civil service employee, if ~~on the effective~~ 358
~~date of this amendment~~ July 10, 2014, the person has at least 359
two years of service in that capacity; 360

(6) A student in an accredited educational institution 361
while carrying out activities that are part of the student's 362
prescribed course of study if the activities are supervised as 363
required by the educational institution and if the student does 364
not hold herself or himself out as a person licensed or 365
registered under this chapter; 366

(7) ~~Individuals~~ An individual who hold holds a license or 367
certificate under Chapter 4758. of the Revised Code who ~~are~~ is 368
acting within the scope of ~~their~~ the individual's license or 369

certificate as ~~members~~ a member of the profession of chemical 370
dependency counseling or ~~alcohol and other drug~~ prevention 371
services; 372

(8) Any person employed by the American red cross while 373
engaging in activities relating to services for military 374
families and veterans and disaster relief, as described in the 375
"American National Red Cross Act," 33 Stat. 599 (1905), 36 376
U.S.C.A. 1, as amended; 377

(9) Members of labor organizations who hold union 378
counselor certificates while performing services in their 379
official capacity as union counselors; 380

(10) Any person employed in a hospital as defined in 381
section 3727.01 of the Revised Code or in a nursing home as 382
defined in section 3721.01 of the Revised Code while providing 383
as a hospital employee or nursing home employee, respectively, 384
social services other than counseling and the use of 385
psychosocial interventions and social psychotherapy; 386

(11) A vocational rehabilitation professional who is 387
providing rehabilitation services to individuals under section 388
3304.17 of the Revised Code, or holds certification by the 389
commission on rehabilitation counselor certification and is 390
providing rehabilitation counseling services consistent with the 391
commission's standards; 392

(12) A caseworker not licensed under this chapter as an 393
independent social worker or social worker who is employed by a 394
public children services agency under section 5153.112 of the 395
Revised Code. 396

(B) Divisions (A) (5) and (10) of this section do not 397
prevent a person described in those divisions from obtaining a 398

license or certificate of registration under this chapter. 399

(C) Except as provided in divisions (A) and (D) of this 400
section, no employee in the service of the state, including 401
public employees as defined by Chapter 4117. of the Revised 402
Code, shall engage in the practice of professional counseling, 403
social work, or marriage and family therapy without the 404
appropriate license issued by the board. Failure to comply with 405
this division constitutes nonfeasance under section 124.34 of 406
the Revised Code or just cause under a collective bargaining 407
agreement. Nothing in this division restricts the director of 408
administrative services from developing new classifications 409
related to this division or from reassigning affected employees 410
to appropriate classifications based on the employee's duties 411
and qualifications. 412

(D) Except as provided in division (A) of this section, an 413
employee who was engaged in the practice of professional 414
counseling, social work, or marriage and family therapy in the 415
service of the state prior to ~~the effective date of this~~ 416
~~amendment~~ July 10, 2014, including public employees as defined 417
by Chapter 4117. of the Revised Code, shall comply with division 418
(C) of this section within two years after ~~the effective date of~~ 419
~~this amendment~~ July 10, 2014. Any such employee who fails to 420
comply shall be removed from employment. 421

(E) Nothing in this chapter prevents a public children 422
services agency from employing as a caseworker a person not 423
licensed under this chapter as an independent social worker or 424
social worker who has the qualifications specified in section 425
5153.112 of the Revised Code. 426

Sec. 4758.01. As used in this chapter: 427

(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-clinical supervisor, 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 December 23, 456
2002. 457

~~(E)~~(D) "Chemical dependency counseling" means rendering 458
or offering to render to individuals, groups, or the public a 459
counseling service involving the application of alcohol and 460
other drug clinical counseling principles, methods, or 461
procedures to assist individuals who are abusing or dependent on 462
alcohol or other drugs. 463

~~(F)~~(E) "Gambling disorder" means a persistent and 464
recurring maladaptive gambling behavior that is classified in 465
accepted nosologies, including the diagnostic and statistical 466
manual of mental disorders and the international classification 467
of diseases, and in editions of those nosologies published after 468
~~the effective date of this section~~ September 15, 2014. 469

(F) "Prevention services" means a comprehensive, multi- 470
system set of individual and environmental approaches that 471
maximizes physical health, promotes safety, and precludes the 472
onset of behavioral health disorders. 473

(G) Unless the context provides otherwise, "scope of 474
practice" means the services, methods, and techniques in which 475
and the areas for which a person who holds a license, 476
certificate, or endorsement under this chapter is trained and 477
qualified. 478

(H) "Substance abuse professional" has the same meaning as 479
in 49 C.F.R. 40.3. 480

(I) "U.S. department of transportation drug and alcohol 481
testing program" means a transportation workplace drug and 482
alcohol testing program governed by 49 C.F.R. part 40. 483

Sec. 4758.02. (A) Except as provided in section 4758.03 of 484

the Revised Code, no person shall do any of the following: 485

(1) Engage in or represent to the public that the person 486
engages in chemical dependency counseling for a fee, salary, or 487
other consideration unless the person holds a valid independent 488
chemical dependency counselor-clinical supervisor license, 489
independent chemical dependency counselor license, chemical 490
dependency counselor III license, chemical dependency counselor 491
II license, or chemical dependency counselor assistant 492
certificate issued under this chapter; 493

(2) Use the title "licensed independent chemical 494
dependency counselor-clinical supervisor," "LICDC-CS," "licensed 495
independent chemical dependency counselor," "LICDC," "licensed 496
chemical dependency counselor III," "LCDC III," "licensed 497
chemical dependency counselor II," "LCDC II," "chemical 498
dependency counselor assistant," "CDCA," or any other title or 499
description incorporating the word "chemical dependency 500
counselor" or any other initials used to identify persons acting 501
in those capacities unless currently authorized under this 502
chapter to act in the capacity indicated by the title or 503
initials; 504

(3) Represent to the public that the person holds a 505
gambling disorder endorsement unless the person holds a valid 506
gambling disorder endorsement issued under this chapter; 507

(4) Represent to the public that the person is a 508
registered applicant unless the person holds a valid registered 509
applicant certificate issued under this chapter; 510

(5) Use the title "certified prevention ~~specialist~~ 511
~~consultant~~," "CPS-~~I~~CPC," "certified prevention specialist-~~I~~," 512
"CPS-~~I~~," "certified prevention specialist assistant," "CPSA," 513

"registered applicant," "RA," or any other title, description, 514
or initials used to identify persons acting in those capacities 515
unless currently authorized under this chapter to act in the 516
capacity indicated by the title or initials. 517

(B) No person shall engage in or represent to the public 518
that the person engages in chemical dependency counseling as a 519
chemical dependency counselor I. 520

Sec. 4758.10. (A) There is hereby created the chemical 521
dependency professionals board. 522

(B) The governor shall appoint all of the following voting 523
members of the board with the advice and consent of the senate: 524

(1) Four individuals who hold a valid independent chemical 525
dependency counselor-clinical supervisor license or independent 526
chemical dependency counselor license issued under this chapter, 527
including at least two of whom have received at least a master's 528
degree in a field related to chemical dependency counseling from 529
an accredited educational institution; 530

(2) Two individuals who hold a valid chemical dependency 531
counselor III license issued under this chapter; 532

(3) One individual who holds a valid chemical dependency 533
counselor II license issued under this chapter; 534

(4) Two individuals who hold a valid prevention ~~specialist~~ 535
~~consultant~~ certificate or prevention specialist ~~certificate~~ 536
issued under this chapter; 537

(5) One individual who is authorized under Chapter 4731. 538
of the Revised Code to practice medicine and surgery or 539
osteopathic medicine and surgery and has experience practicing 540
in a field related to chemical dependency counseling; 541

(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 fifty 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 December 23, 2002,
the director of mental health and addiction services shall
appoint an individual who represents the department of mental
health and 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. 4758.13. 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. 572

Seven voting members of the board constitute a quorum to 573
conduct business. Except as provided in section 4758.32 of the 574
Revised Code, no action shall be taken without the concurrence 575
of at least a quorum. 576

At its first meeting each year, the board shall elect a 577
chairperson from among its voting members. No member shall serve 578
more than two consecutive terms as chairperson. 579

The board shall keep any records and minutes necessary to 580
fulfill the duties established by this chapter and rules adopted 581
under it. 582

Sec. 4758.20. (A) The chemical dependency professionals 583
board shall adopt rules to establish, specify, or provide for 584
all of the following: 585

(1) Fees for the purposes authorized by section 4758.21 of 586
the Revised Code; 587

(2) If the board, pursuant to section 4758.221 of the 588
Revised Code, elects to administer examinations for individuals 589
seeking to act as substance abuse professionals in a U.S. 590
department of transportation drug and alcohol testing program, 591
the board's administration of the examinations; 592

(3) For the purpose of section 4758.23 of the Revised 593
Code, codes of ethical practice and professional conduct for 594
individuals who hold a license, certificate, or endorsement 595
issued under this chapter; 596

(4) For the purpose of section 4758.24 of the Revised 597
Code, all of the following: 598

(a) Good moral character requirements for an individual 599

who seeks or holds a license, certificate, or endorsement issued 600
under this chapter; 601

(b) The documents that an individual seeking such a 602
license, certificate, or endorsement must submit to the board; 603

(c) Requirements to obtain the license, certificate, or 604
endorsement that are in addition to the requirements established 605
under sections 4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 606
4758.44, 4758.45, 4758.46, 4758.47, and 4758.48 of the Revised 607
Code. The additional requirements may include preceptorships. 608

(d) The period of time that an individual whose registered 609
applicant certificate has expired must wait before applying for 610
a new registered applicant certificate. 611

(5) For the purpose of section 4758.28 of the Revised 612
Code, requirements for approval of continuing education courses 613
of study for individuals who hold a license, certificate, or 614
endorsement issued under this chapter; 615

(6) For the purpose of section 4758.30 of the Revised 616
Code, the intervention for and treatment of an individual 617
holding a license, certificate, or endorsement issued under this 618
chapter whose abilities to practice are impaired due to abuse of 619
or dependency on alcohol or other drugs or other physical or 620
mental condition; 621

(7) Requirements governing reinstatement of a suspended or 622
revoked license, certificate, or endorsement under division (B) 623
of section 4758.30 of the Revised Code, including requirements 624
for determining the amount of time an individual must wait to 625
apply for reinstatement; 626

(8) For the purpose of section 4758.31 of the Revised 627
Code, methods of ensuring that all records the board holds 628

pertaining to an investigation remain confidential during the investigation; 629
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(9) Criteria for employees of the board to follow when performing their duties under division (B) of section 4758.35 of the Revised Code; 631
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(10) For the purpose of division (A) (1) of section 4758.39 and division (A) (1) of section 4758.40 of the Revised Code, course requirements for a degree in a behavioral science or nursing that shall, at a minimum, include at least forty semester hours in all of the following courses: 634
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(a) Theories of counseling and psychotherapy; 639

(b) Counseling procedures; 640

(c) Group process and techniques; 641

(d) Relationship therapy; 642

(e) Research methods and statistics; 643

(f) Fundamentals of assessment and diagnosis, including measurement and appraisal; 644
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(g) Psychopathology; 646

(h) Human development; 647

(i) Cultural competence in counseling; 648

(j) Ethics. 649

(11) For the purpose of division (A) (2) of section 4758.39 of the Revised Code, the number of hours of compensated work or supervised internship experience that an individual must have and the number of those hours that must be in clinical supervisory experience; 650
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(12) For the purpose of division (A) (3) of section 4758.39, division (A) (3) of section 4758.40, division (A) (3) of section 4758.41, and division (A) (3) of section 4758.42 of the Revised Code, both of the following:

(a) The number of hours of training in chemical dependency an individual must have;

(b) 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~~ the content areas covered in the training.

~~(12)~~ (13) For the purpose of division (A) (2) of section 4758.40, division (A) (2) of section 4758.41, and division (A) (2) of section 4758.42 of the Revised Code, the number of hours of compensated work or supervised internship experience that an individual must have;

(14) 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, the number of the clock hours that must be on chemical dependency conditions, and the number of the clock hours that must be on awareness of other mental and emotional disorders;

~~(13)~~ (15) For the purpose of division (A) (1) of section 4758.41 of the Revised Code, course requirements for a degree in a behavioral science or nursing;

~~(14)~~ (16) For the purpose of division (A) of section 4758.43 of the Revised Code, both of the following:

(a) The number of hours of training in chemical dependency counseling that an individual must have;

(b) 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) (10) of this section as selected by the individual seeking the chemical dependency counselor assistant certificate;~~ the content areas covered in the training.

(17) For the purpose of division (A) (1) of section 4758.44 of the Revised Code, the number of hours of compensated work experience in prevention services that an individual must have and the number of those hours that must be in administering or supervising the services;

(18) For the purpose of division (A) (2) of section 4758.44 of the Revised Code, the field of study in which an individual must obtain at least a bachelor's degree;

~~(16)~~ (19) For the purpose of division (A) (3) of section 4758.44, division (A) (3) of section 4758.45, and division (D) of section 4758.46 of the Revised Code, both of the following:

(a) The number of hours of prevention-related education that an individual must have;

(b) Requirements for prevention-related education;

~~(17)~~ (20) For the purpose of division (A) (4) of section 4758.44 of the Revised Code, the number of hours of administrative or supervisory education that an individual must have;

~~(18)~~ (21) For the purpose of division (A) (1) of section 4758.45 of the Revised Code, the number of hours of compensated or volunteer work, field placement, intern, or practicum experience in prevention services that an individual must have and the number of those hours that must be in planning or delivering the services;

(22) For the purpose of division (A) (2) of section 4758.45 of the Revised Code, the field of study in which an individual must obtain at least an associate's degree;

(23) For the purpose of division (C) of section 4758.46 of the Revised Code, the number of hours of compensated or volunteer work, field placement, intern, or practicum experience in prevention services that an individual must have;

(24) Standards for the one hundred hours of compensated work or supervised internship in gambling disorder direct

clinical experience required by division (B) (2) of section 4758.48 of the Revised Code;	739 740
(20) <u>(25)</u> For the purpose of section 4758.51 of the Revised Code, continuing education requirements for individuals who hold a license, certificate, or endorsement issued under this chapter;	741 742 743 744
(21) <u>(26)</u> 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, certificate, or endorsement restored under section 4758.26 of the Revised Code;	745 746 747 748 749
(22) <u>(27)</u> For the purpose of divisions (A) and (B) of section 4758.52 of the Revised Code, training requirements for chemical dependency counseling;	750 751 752
(23) <u>(28)</u> The duties, which may differ, of all of the following:	753 754
(a) An independent chemical dependency counselor-clinical supervisor licensed under this chapter who supervises a chemical dependency counselor III under section 4758.56 of the Revised Code;	755 756 757 758
(b) An independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, or chemical dependency counselor III licensed under this chapter who supervises a chemical dependency counselor assistant under section 4758.59 of the Revised Code;	759 760 761 762 763
(c) A prevention specialist II <u>consultant</u> or prevention specialist I certified under this chapter or independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, or chemical dependency counselor	764 765 766 767

III licensed under this chapter who supervises a prevention specialist assistant or registered applicant under section 4758.61 of the Revised Code.

~~(24)~~ (29) The duties of an independent chemical dependency counselor licensed under this chapter who holds the gambling disorder endorsement who supervises a chemical dependency counselor III with the gambling disorder endorsement under section 4758.62 of the Revised Code.

~~(25)~~ (30) 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.

(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-clinical supervisor license, independent chemical dependency counselor license, chemical dependency counselor III license, chemical dependency counselor II license, chemical

dependency counselor assistant certificate, prevention	797
specialist II consultant certificate, prevention specialist I -	798
certificate, prevention specialist assistant certificate, or	799
registered applicant certificate;	800
(3) Issuing an initial gambling disorder endorsement;	801
(4) Renewing an independent chemical dependency counselor-	802
clinical supervisor license, independent chemical dependency	803
counselor license, chemical dependency counselor III license,	804
chemical dependency counselor II license, chemical dependency	805
counselor assistant certificate, prevention specialist II -	806
<u>consultant</u> certificate, prevention specialist I -certificate, or	807
prevention specialist assistant certificate;	808
(5) Renewing a gambling disorder endorsement;	809
(6) Approving continuing education courses under section	810
4758.28 of the Revised Code;	811
(7) Doing anything else the board determines necessary to	812
administer this chapter.	813
(B) The fees established under division (A) of this	814
section are nonrefundable. They shall be in amounts sufficient	815
to cover the necessary expenses of the board in administering	816
this chapter and rules adopted under it. The fees for a license,	817
certificate, or endorsement and the renewal of a license,	818
certificate, or endorsement may differ for the various types of	819
licenses, certificates, or endorsements, but shall not exceed	820
one hundred seventy-five dollars each, unless the board	821
determines that amounts in excess of one hundred seventy-five	822
dollars are needed to cover its necessary expenses in	823
administering this chapter and rules adopted under it and the	824
amounts in excess of one hundred seventy-five dollars are	825

approved by the controlling board. 826

(C) All vouchers of the board shall be approved by the 827
chairperson or executive director of the board, or both, as 828
authorized by the board. 829

Sec. 4758.22. The chemical dependency professionals board 830
shall prepare, cause to be prepared, or procure the use of, and 831
grade, cause to be graded, or procure the grading of, 832
examinations to determine the competence of individuals seeking 833
an independent chemical dependency counselor-clinical supervisor 834
license, independent chemical dependency counselor license, 835
chemical dependency counselor III license, chemical dependency 836
counselor II license, prevention ~~specialist II~~ consultant 837
certificate, or prevention specialist ~~I~~-certificate. The board 838
may develop the examinations or use examinations prepared by 839
state or national organizations that represent the interests of 840
those involved in chemical dependency counseling or ~~alcohol and~~ 841
~~other drug~~ prevention services. The board shall conduct 842
examinations at least twice each year and shall determine the 843
level of competence necessary for a passing score. 844

An individual may not sit for an examination administered 845
pursuant to this section unless the individual meets the 846
requirements to obtain the license or certificate the individual 847
seeks, other than the requirement to have passed the 848
examination, and pays the fee established under section 4758.21 849
of the Revised Code. An individual who is denied admission to 850
the examination may appeal the denial in accordance with Chapter 851
119. of the Revised Code. 852

Sec. 4758.23. (A) In rules adopted under section 4758.20 853
of the Revised Code, the chemical dependency professionals board 854
shall establish codes of ethical practice and professional 855

conduct for the following:	856
(1) Individuals who hold a valid independent chemical dependency counselor-clinical supervisor license, independent chemical dependency counselor license, chemical dependency counselor III license, chemical dependency counselor II license, or chemical dependency counselor assistant certificate issued under this chapter;	857 858 859 860 861 862
(2) Individuals who hold a valid prevention specialist II <u>consultant</u> certificate, prevention specialist I certificate, prevention specialist assistant certificate, or registered applicant certificate issued under this chapter;	863 864 865 866
(3) Individuals who hold a valid gambling disorder endorsement.	867 868
(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.	869 870 871 872 873 874 875
(C) The codes for individuals identified under division (A) (1) of this section may be based on any codes of ethical practice and professional conduct developed by national associations or other organizations representing the interests of those involved in chemical dependency counseling. The codes for individuals identified under division (A) (2) of this section may be based on any codes of ethical practice and professional conduct developed by national associations or other organizations representing the interests of those involved in	876 877 878 879 880 881 882 883 884

~~alcohol and other drug~~ prevention services. The board may 885
establish standards in the codes that are more stringent than 886
those established by the national associations or other 887
organizations. 888

Sec. 4758.30. (A) The chemical dependency professionals 889
board, in accordance with Chapter 119. of the Revised Code, may 890
refuse to issue a license, certificate, or endorsement applied 891
for under this chapter; refuse to renew or restore a license, 892
certificate, or endorsement issued under this chapter; suspend, 893
revoke, or otherwise restrict a license, certificate, or 894
endorsement issued under this chapter; or reprimand an 895
individual holding a license, certificate, or endorsement issued 896
under this chapter. These actions may be taken by the board 897
regarding the applicant for a license, certificate, or 898
endorsement or the individual holding a license, certificate, or 899
endorsement for one or more of the following reasons: 900

(1) Violation of any provision of this chapter or rules 901
adopted under it; 902

(2) Knowingly making a false statement on an application 903
for a license, certificate, or endorsement or for renewal, 904
restoration, or reinstatement of a license, certificate, or 905
endorsement; 906

(3) Acceptance of a commission or rebate for referring an 907
individual to a person who holds a license or certificate issued 908
by, or who is registered with, an entity of state government, 909
including persons practicing chemical dependency counseling, 910
~~alcohol and other drug~~ prevention services, gambling disorder 911
counseling, or fields related to chemical dependency counseling, 912
~~gambling disorder counseling, or alcohol and other drug~~ 913
prevention services, or gambling disorder counseling; 914

- (4) Conviction in this or any other state of any crime that is a felony in this state; 915
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- (5) Conviction in this or any other state of a misdemeanor committed in the course of practice as an independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, chemical dependency counselor III, chemical dependency counselor II, chemical dependency counselor assistant, prevention ~~specialist~~ consultant, gambling disorder endorsee, prevention specialist ~~I~~, prevention specialist assistant, or registered applicant; 917
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- (6) Inability to practice as an independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, chemical dependency counselor III, chemical dependency counselor II, chemical dependency counselor assistant, gambling disorder endorsee, prevention ~~specialist~~ consultant, prevention specialist ~~I~~, prevention specialist assistant, or registered applicant due to abuse of or dependency on alcohol or other drugs or other physical or mental condition; 925
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- (7) Practicing outside the individual's scope of practice; 933
- (8) Practicing without complying with the supervision requirements specified under section 4758.56, 4758.59, 4758.61, or 4758.62 of the Revised Code; 934
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- (9) Violation of the code of ethical practice and professional conduct for chemical dependency counseling, ~~alcohol and other drug prevention services~~, or gambling disorder counseling ~~services~~ adopted by the board pursuant to section 4758.23 of the Revised Code; 937
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- (10) Revocation of a license, certificate, or endorsement or voluntary surrender of a license, certificate, or endorsement 942
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in another state or jurisdiction for an offense that would be a 944
violation of this chapter. 945

(B) An individual whose license, certificate, or 946
endorsement has been suspended or revoked under this section may 947
apply to the board for reinstatement after an amount of time the 948
board shall determine in accordance with rules adopted under 949
section 4758.20 of the Revised Code. The board may accept or 950
refuse an application for reinstatement. The board may require 951
an examination for reinstatement of a license, certificate, or 952
endorsement that has been suspended or revoked. 953

Sec. 4758.31. The chemical dependency professionals board 954
shall investigate alleged violations of this chapter or the 955
rules adopted under it and alleged irregularities in the 956
delivery of chemical dependency counseling services, prevention 957
services, or gambling disorder counseling services, ~~or alcohol-~~ 958
~~and other drug prevention services~~ by individuals who hold a 959
license, certificate, or endorsement issued under this chapter. 960
As part of an investigation, the board may issue subpoenas, 961
examine witnesses, and administer oaths. 962

The board may receive any information necessary to conduct 963
an investigation under this section that has been obtained in 964
accordance with federal laws and regulations. If the board is 965
investigating the provision of chemical dependency counseling 966
services or gambling disorder counseling services to a couple or 967
group, it is not necessary for both members of the couple or all 968
members of the group to consent to the release of information 969
relevant to the investigation. 970

The board shall ensure, in accordance with rules adopted 971
under section 4758.20 of the Revised Code, that all records it 972
holds pertaining to an investigation remain confidential during 973

the investigation. After the investigation, the records are 974
public records except as otherwise provided by federal or state 975
law. 976

Sec. 4758.36. As part of the review process under division 977
(C) of section 4758.35 of the Revised Code of an application 978
submitted by an applicant ~~who has obtained the applicant's whose~~ 979
~~education, or~~ experience in chemical dependency counseling, 980
~~gambling disorder, or alcohol and other drug prevention~~ 981
~~services, or gambling disorder counseling was obtained outside~~ 982
the United States, or whose education and experience both were 983
obtained outside the United States, the chemical dependency 984
professionals board shall determine whether the applicant's 985
command of the English language and education or experience meet 986
the standards required by this chapter and rules adopted under 987
it. 988

Sec. 4758.39. An individual seeking an independent 989
chemical dependency counselor-clinical supervisor license shall 990
meet the requirements of division (A) or (B) of this section. 991

(A) To meet the requirements of this division, an 992
individual must meet all of the following requirements: 993

(1) Hold from an accredited educational institution at 994
least a master's degree in either a behavioral science or 995
nursing that meets the course requirements specified in rules 996
adopted under section 4758.20 of the Revised Code; 997

(2) Have not less than ~~six thousand~~ the number of hours 998
specified in rules adopted under section 4758.20 of the Revised 999
Code of compensated work or supervised internship experience ~~(,~~ 1000
including at least ~~two thousand~~ the number of hours specified in 1001
those rules of clinical supervisory experience ~~as part of the~~ 1002

~~compensated work or supervised internship)~~, in any of the 1003
following, not less than ~~one thousand two hundred hours~~ twenty 1004
per cent of which are in chemical dependency counseling: 1005

(a) Chemical dependency services, substance abuse 1006
services, or both types of services; 1007

(b) The practice of psychology, as defined in section 1008
4732.01 of the Revised Code; 1009

(c) The practice of professional counseling, the practice 1010
of social work, or the practice of marriage and family therapy, 1011
all as defined in section 4757.01 of the Revised Code. 1012

(3) Have a minimum of ~~one hundred eighty~~ the number of 1013
hours specified in rules adopted under section 4758.20 of the 1014
Revised Code of training in chemical dependency that meets the 1015
requirements specified in those ~~rules adopted under section~~ 1016
~~4758.20 of the Revised Code;~~ 1017

(4) Unless the individual holds a valid license, 1018
registration, certificate, or credentials issued under another 1019
chapter of the Revised Code that authorizes the individual to 1020
engage in a profession whose scope of practice includes the 1021
clinical supervision of chemical dependency counseling, chemical 1022
dependency counseling, and diagnosing and treating chemical 1023
dependency conditions, pass one or more examinations 1024
administered pursuant to section 4758.22 of the Revised Code for 1025
the purpose of determining competence to practice as an 1026
independent chemical dependency counselor-clinical supervisor. 1027

(B) To meet the requirement of this division, an 1028
individual must hold, ~~on the effective date of this section~~ 1029
March 22, 2013, a valid independent chemical dependency 1030
counselor license. 1031

Sec. 4758.40. An individual seeking an independent 1032
chemical dependency counselor license shall meet the 1033
requirements of division (A) or (B) of this section. 1034

(A) To meet the requirements of this division, an 1035
individual must meet all of the following requirements: 1036

(1) Hold from an accredited educational institution at 1037
least a master's degree in a behavioral science or nursing that 1038
meets the course requirements specified in rules adopted under 1039
section 4758.20 of the Revised Code; 1040

(2) Have not less than ~~two thousand~~ the number of hours 1041
specified in rules adopted under section 4758.20 of the Revised 1042
Code of compensated work or supervised internship experience in 1043
any of the following, not less than ~~four hundred hours~~ twenty 1044
per cent of which are in chemical dependency counseling: 1045

(a) Chemical dependency services, substance abuse 1046
services, or both types of services; 1047

(b) The practice of psychology, as defined in section 1048
4732.01 of the Revised Code; 1049

(c) The practice of professional counseling, the practice 1050
of social work, or the practice of marriage and family therapy, 1051
all as defined in section 4757.01 of the Revised Code. 1052

(3) Have a minimum of ~~one hundred eighty~~ the number of 1053
hours specified in rules adopted under section 4758.20 of the 1054
Revised Code of training in chemical dependency that meets the 1055
requirements specified in ~~those rules adopted under section~~ 1056
~~4758.20 of the Revised Code~~; 1057

(4) Unless the individual holds a valid license, 1058
registration, certificate, or credentials issued under another 1059

chapter of the Revised Code that authorizes the individual to 1060
engage in a profession whose scope of practice includes chemical 1061
dependency counseling and diagnosing and treating chemical 1062
dependency conditions, pass one or more examinations 1063
administered pursuant to section 4758.22 of the Revised Code for 1064
the purpose of determining competence to practice as an 1065
independent chemical dependency counselor. 1066

(B) To meet the requirements of this division, an 1067
individual must meet both of the following requirements: 1068

(1) Hold, on December 23, 2002, a certificate or 1069
credentials that were accepted under former section 3793.07 of 1070
the Revised Code as authority to practice as a certified 1071
chemical dependency counselor III or certified chemical 1072
dependency counselor III-E; 1073

(2) Meet one of the following requirements: 1074

(a) Hold the degree described in division (A) (1) of this 1075
section; 1076

(b) Have held a chemical dependency counselor III, II, or 1077
I certificate for at least eight consecutive years and have not 1078
less than forty clock hours of training on the version of the 1079
diagnostic and statistical manual of mental disorders that is 1080
current at the time of the training. The training must meet the 1081
requirements specified in rules adopted under section 4758.20 of 1082
the Revised Code. An individual authorized under Chapter 4731. 1083
of the Revised Code to practice medicine and surgery or 1084
osteopathic medicine and surgery, a psychologist licensed under 1085
Chapter 4732. of the Revised Code, or a licensed professional 1086
clinical counselor or independent social worker licensed under 1087
Chapter 4757. of the Revised Code may provide any portion of the 1088

training. An independent chemical dependency counselor licensed 1089
under this chapter who holds the degree described in division 1090
(A) (1) of this section may provide the portion of the training 1091
on chemical dependency conditions. 1092

Sec. 4758.41. An individual seeking a chemical dependency 1093
counselor III license shall meet the requirements of division 1094
(A), (B), or (C) of this section. 1095

(A) To meet the requirements of this division, an 1096
individual must meet all of the following requirements: 1097

(1) Hold from an accredited educational institution at 1098
least a bachelor's degree in a behavioral science or nursing 1099
that meets the course requirements specified in rules adopted 1100
under section 4758.20 of the Revised Code; 1101

(2) Have not less than ~~two thousand~~ the number of hours 1102
specified in rules adopted under section 4758.20 of the Revised 1103
Code of compensated work or supervised internship experience in 1104
any of the following, not less than ~~four hundred hours~~ twenty 1105
per cent of which are in chemical dependency counseling: 1106

(a) Chemical dependency services, substance abuse 1107
services, or both types of services; 1108

(b) The practice of psychology, as defined in section 1109
4732.01 of the Revised Code; 1110

(c) The practice of professional counseling, the practice 1111
of social work, or the practice of marriage and family therapy, 1112
all as defined in section 4757.01 of the Revised Code. 1113

(3) Have a minimum of ~~one hundred eighty~~ the number of 1114
hours specified in rules adopted under section 4758.20 of the 1115
Revised Code of training in chemical dependency that meets the 1116

requirements specified in ~~those rules adopted under section~~ 1117
~~4758.20 of the Revised Code;~~ 1118

(4) Unless the individual holds a valid license, 1119
registration, certificate, or credentials issued under another 1120
chapter of the Revised Code that authorizes the individual to 1121
engage in a profession whose scope of practice includes chemical 1122
dependency counseling and diagnosing and treating chemical 1123
dependency conditions, pass one or more examinations 1124
administered pursuant to section 4758.22 of the Revised Code for 1125
the purpose of determining competence to practice as a chemical 1126
dependency counselor III. 1127

(B) To meet the requirements of this division, an 1128
individual must meet both of the following requirements: 1129

(1) Hold, on December 23, 2002, a certificate or 1130
credentials that were accepted under former section 3793.07 of 1131
the Revised Code as authority to practice as a certified 1132
chemical dependency counselor III or certified chemical 1133
dependency counselor III-E; 1134

(2) Have not less than forty clock hours of training on 1135
the version of the diagnostic and statistical manual of mental 1136
disorders that is current at the time of the training. The 1137
training must meet the requirements specified in rules adopted 1138
under section 4758.20 of the Revised Code. An individual 1139
authorized under Chapter 4731. of the Revised Code to practice 1140
medicine and surgery or osteopathic medicine and surgery, a 1141
psychologist licensed under Chapter 4732. of the Revised Code, 1142
or a licensed professional clinical counselor or independent 1143
social worker licensed under Chapter 4757. of the Revised Code 1144
may provide any portion of the training. An independent chemical 1145
dependency counselor licensed under this chapter who holds the 1146

degree described in division (A) (1) of section 4758.40 of the Revised Code may provide the portion of the training on chemical dependency conditions.

(C) To meet the requirements of this division, an individual must meet all of the following requirements:

(1) Hold, on December 23, 2002, a certificate or credentials that were accepted under former 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 the requirements of division (A) or (B) of this section.

(A) To meet the requirements of this division, an individual must meet all of the following requirements:

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

(2) Have not less than ~~two thousand~~ the number of hours specified in rules adopted under section 4758.20 of the Revised Code of compensated work or supervised internship experience in any of the following, not less than ~~four hundred hours~~ twenty per cent 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 1174
4732.01 of the Revised Code; 1175

(c) The practice of professional counseling, the practice 1176
of social work, or the practice of marriage and family therapy, 1177
all as defined in section 4757.01 of the Revised Code. 1178

(3) Have a minimum of ~~one hundred eighty~~ the number of 1179
hours specified in rules adopted under section 4758.20 of the 1180
Revised Code of training in chemical dependency that meets the 1181
requirements specified in those rules ~~adopted under section~~ 1182
~~4758.20 of the Revised Code;~~ 1183

(4) Pass one or more examinations administered pursuant to 1184
section 4758.22 of the Revised Code for the purpose of 1185
determining competence to practice as a chemical dependency 1186
counselor II. 1187

(B) To meet the requirement of this division, an 1188
individual must hold, on December 23, 2002, a certificate or 1189
credentials that were accepted under former section 3793.07 of 1190
the Revised Code as authority to practice as a certified 1191
chemical dependency counselor II. 1192

Sec. 4758.43. An individual seeking a chemical dependency 1193
counselor assistant certificate shall meet either of the 1194
following requirements: 1195

(A) Have at least ~~forty~~ the number of hours specified in 1196
rules adopted under section 4758.20 of the Revised Code of 1197
training in chemical dependency counseling that meets the 1198
requirements specified in those rules ~~adopted under section~~ 1199
~~4758.20 of the Revised Code;~~ 1200

(B) Hold, on December 23, 2002, a certificate or 1201
credentials that were accepted under former section 3793.07 of 1202

the Revised Code as authority to practice as a registered 1203
candidate. 1204

Sec. 4758.44. An individual seeking a prevention 1205
~~specialist II consultant~~ certificate shall meet the requirements 1206
of division (A) or (B) of this section. 1207

(A) To meet the requirements of this division, an 1208
individual must meet all of the following requirements: 1209

(1) Have at least ~~six thousand~~ the number of hours 1210
specified in rules adopted under section 4758.20 of the Revised 1211
Code of compensated work experience in ~~alcohol and other drug~~ 1212
prevention services, including at least ~~four thousand~~ the number 1213
of hours specified in those rules of administering or 1214
supervising the services; 1215

(2) Hold from an accredited educational institution at 1216
least a bachelor's degree in a field of study specified in rules 1217
adopted under section 4758.20 of the Revised Code; 1218

(3) Have at least ~~one hundred~~ the number of hours 1219
specified in rules adopted under section 4758.20 of the Revised 1220
Code of prevention-related education that meets the requirements 1221
specified in those rules ~~adopted under section 4758.20 of the~~ 1222
~~Revised Code~~; 1223

(4) Have at least the number of hours specified in rules 1224
adopted under section 4758.20 of the Revised Code of 1225
administrative or supervisory education ~~specified in rules~~ 1226
~~adopted under section 4758.20 of the Revised Code~~; 1227

(5) Pass one or more examinations administered pursuant to 1228
section 4758.22 of the Revised Code for the purpose of 1229
determining competence to practice as a prevention ~~specialist II~~ 1230
consultant. 1231

(B) To meet the requirement of this division, an individual must hold, on December 23, 2002, a certificate or credentials that were accepted under former 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 the requirements of division (A) or (B) of this section.

(A) To meet the requirements of this division, an individual must meet all of the following requirements:

(1) Have at least ~~two thousand~~ the number of hours specified in rules adopted under section 4758.20 of the Revised Code of compensated or volunteer work, field placement, intern, or practicum experience in ~~alcohol and other drug~~ prevention services, including at least ~~four hundred~~ the number of hours specified in those rules of planning or delivering the services;

(2) Hold from an accredited educational institution at least an associate's degree in a field of study specified in rules adopted under section 4758.20 of the Revised Code;

(3) Have at least ~~one hundred~~ the number of hours specified in rules adopted under section 4758.20 of the Revised Code of prevention-related education that meets the requirements specified in those 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 prevention specialist~~I~~.

(B) To meet the requirement of this division, an individual must hold, on December 23, 2002, a certificate or

credentials that were accepted under former section 3793.07 of 1261
the Revised Code as authority to practice as a certified 1262
prevention specialist I. 1263

Sec. 4758.46. An individual seeking a prevention 1264
specialist assistant certificate shall meet all of the following 1265
requirements: 1266

(A) Be at least eighteen years of age; 1267

(B) Have at least a high school diploma or high school 1268
equivalence diploma; 1269

(C) Have at least ~~one hundred~~ the number of hours 1270
specified in rules adopted under section 4758.20 of the Revised 1271
Code of compensated or volunteer work, field placement, intern, 1272
or practicum experience in ~~alcohol and other drug~~ prevention 1273
services; 1274

(D) Have at least ~~forty five~~ the number of hours 1275
specified in rules adopted under section 4758.20 of the Revised 1276
Code of prevention-related education that meets the requirements 1277
specified in ~~those rules adopted under section 4758.20 of the~~ 1278
~~Revised Code.~~ 1279

Sec. 4758.60. An individual who holds a valid prevention 1280
~~specialist II consultant~~ certificate or prevention specialist I 1281
certificate issued under this chapter may engage in the practice 1282
of prevention services as specified in rules adopted under 1283
section 4758.20 of the Revised Code. 1284

Sec. 4758.61. An individual who holds a valid prevention 1285
specialist assistant certificate or registered applicant 1286
certificate issued under this chapter may engage in the practice 1287
of ~~alcohol and other drug~~ prevention services under the 1288
supervision of any of the following: 1289

(A) A prevention specialist II <u>consultant</u> or prevention specialist I certified under this chapter;	1290 1291
(B) An independent chemical dependency counselor-clinical supervisor, an independent chemical dependency counselor, or a chemical dependency counselor III licensed under this chapter;	1292 1293 1294
(C) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	1295 1296 1297
(D) A psychologist licensed under Chapter 4732. of the Revised Code;	1298 1299
(E) A registered nurse licensed under Chapter 4723. of the Revised Code;	1300 1301
(F) A licensed professional clinical counselor, a licensed professional counselor, an independent social worker, a social worker, an independent marriage and family therapist, or a marriage and family therapist licensed under Chapter 4757. of the Revised Code;	1302 1303 1304 1305 1306
(G) A school counselor licensed by the department of education pursuant to section 3319.22 of the Revised Code;	1307 1308
(H) A health education specialist certified by the national commission for health education credentialing;	1309 1310
(I) An individual authorized to practice as a certified nurse practitioner or clinical nurse specialist under Chapter 4723. of the Revised Code.	1311 1312 1313
Section 2. That existing sections 2305.234, 4757.41, 4758.01, 4758.02, 4758.10, 4758.13, 4758.20, 4758.21, 4758.22, 4758.23, 4758.30, 4758.31, 4758.36, 4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 4758.44, 4758.45, 4758.46, 4758.60, and	1314 1315 1316 1317

4758.61 of the Revised Code are hereby repealed. 1318

Section 3. (A) This act renames two of the certificates 1319
issued by the Chemical Dependency Professionals Board as 1320
follows: 1321

(1) A prevention specialist I certificate is renamed a 1322
prevention specialist certificate; 1323

(2) A prevention specialist II certificate is renamed a 1324
prevention consultant certificate. 1325

(B) A certificate described in division (A) of this 1326
section that is valid on the effective date of this act 1327
constitutes the renamed certificate and remains valid until its 1328
expiration date, unless earlier suspended or revoked by the 1329
Board. 1330