

As Reported by the House Health Committee

132nd General Assembly

Regular Session

2017-2018

Sub. H. B. No. 557

Representative Anielski

**Cosponsors: Representatives Schuring, Reineke, Brenner, Antonio, Barnes, Kelly,
Lepore-Hagan, Patmon, Sweeney**

A BILL

To amend sections 109.572, 1701.03, 1705.03, 1
1705.04, 1705.53, 1785.01, 1785.02, 1785.03, 2
1785.08, 4723.16, 4725.33, 4729.161, 4731.226, 3
4731.65, 4732.28, 4734.17, 4743.05, 4755.111, 4
4755.471, 4757.37, 4776.01, and 4776.20 and to 5
enact sections 4785.01, 4785.02, 4785.03, 6
4785.04, 4785.05, 4785.06, 4785.07, 4785.08, 7
4785.09, 4785.10, 4785.11, 4785.12, 4785.13, 8
4785.14, and 4785.99 of the Revised Code to 9
require the licensure of art therapists and to 10
require the Counselor, Social Worker, and 11
Marriage and Family Therapist Board to regulate 12
the licensure and practice of art therapists. 13

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

Section 1. That sections 109.572, 1701.03, 1705.03, 14
1705.04, 1705.53, 1785.01, 1785.02, 1785.03, 1785.08, 4723.16, 15
4725.33, 4729.161, 4731.226, 4731.65, 4732.28, 4734.17, 4743.05, 16
4755.111, 4755.471, 4757.37, 4776.01, and 4776.20 be amended and 17
sections 4785.01, 4785.02, 4785.03, 4785.04, 4785.05, 4785.06, 18

4785.07, 4785.08, 4785.09, 4785.10, 4785.11, 4785.12, 4785.13, 19
4785.14, and 4785.99 of the Revised Code be enacted to read as 20
follows: 21

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 22
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 23
Code, a completed form prescribed pursuant to division (C) (1) of 24
this section, and a set of fingerprint impressions obtained in 25
the manner described in division (C) (2) of this section, the 26
superintendent of the bureau of criminal identification and 27
investigation shall conduct a criminal records check in the 28
manner described in division (B) of this section to determine 29
whether any information exists that indicates that the person 30
who is the subject of the request previously has been convicted 31
of or pleaded guilty to any of the following: 32

(a) A violation of section 2903.01, 2903.02, 2903.03, 33
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 34
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 35
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 36
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 37
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 38
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 39
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 40
sexual penetration in violation of former section 2907.12 of the 41
Revised Code, a violation of section 2905.04 of the Revised Code 42
as it existed prior to July 1, 1996, a violation of section 43
2919.23 of the Revised Code that would have been a violation of 44
section 2905.04 of the Revised Code as it existed prior to July 45
1, 1996, had the violation been committed prior to that date, or 46
a violation of section 2925.11 of the Revised Code that is not a 47
minor drug possession offense; 48

(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 3721.121 of the Revised Code, a completed form prescribed pursuant to division (C) (1) of this section, and a set of fingerprint impressions obtained in 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 with respect to any person who has applied for employment in a position for which a criminal records check is required by those sections. The superintendent shall conduct the 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, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code;

(b) 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) (2) (a) of this section.

(3) On receipt of a request pursuant to section 173.27, 173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 5123.081, or 5123.169 of the Revised Code, a completed form prescribed pursuant to division (C) (1) of this section, and a set of fingerprint impressions obtained in 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 of the person for whom the request is made. The superintendent shall conduct the 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, has pleaded guilty to, or (except in the case of a request pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised Code) has been found eligible for intervention in lieu of conviction for any of the following, regardless of the date of the conviction, the date of entry of the guilty plea, or (except in the case of a request pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised Code) the date the person was found eligible for intervention in lieu of conviction:

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31,

2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02,	110
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02,	111
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05,	112
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42,	113
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48,	114
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12,	115
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03,	116
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321,	117
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123,	118
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02,	119
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11,	120
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36,	121
2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;	122
(b) Felonious sexual penetration in violation of former	123
section 2907.12 of the Revised Code;	124
(c) A violation of section 2905.04 of the Revised Code as	125
it existed prior to July 1, 1996;	126
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	127
the Revised Code when the underlying offense that is the object	128
of the conspiracy, attempt, or complicity is one of the offenses	129
listed in divisions (A) (3) (a) to (c) of this section;	130
(e) A violation of an existing or former municipal	131
ordinance or law of this state, any other state, or the United	132
States that is substantially equivalent to any of the offenses	133
listed in divisions (A) (3) (a) to (d) of this section.	134
(4) On receipt of a request pursuant to section 2151.86 of	135
the Revised Code, a completed form prescribed pursuant to	136
division (C) (1) of this section, and a set of fingerprint	137
impressions obtained in the manner described in division (C) (2)	138

of this section, the superintendent of the bureau of criminal 139
identification and investigation shall conduct a criminal 140
records check in the manner described in division (B) of this 141
section to determine whether any information exists that 142
indicates that the person who is the subject of the request 143
previously has been convicted of or pleaded guilty to any of the 144
following: 145

(a) A violation of section 959.13, 2903.01, 2903.02, 146
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 147
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 148
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 149
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 150
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 151
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 152
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 153
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 154
2927.12, or 3716.11 of the Revised Code, a violation of section 155
2905.04 of the Revised Code as it existed prior to July 1, 1996, 156
a violation of section 2919.23 of the Revised Code that would 157
have been a violation of section 2905.04 of the Revised Code as 158
it existed prior to July 1, 1996, had the violation been 159
committed prior to that date, a violation of section 2925.11 of 160
the Revised Code that is not a minor drug possession offense, 161
two or more OVI or OVUAC violations committed within the three 162
years immediately preceding the submission of the application or 163
petition that is the basis of the request, or felonious sexual 164
penetration in violation of former section 2907.12 of the 165
Revised Code; 166

(b) A violation of an existing or former law of this 167
state, any other state, or the United States that is 168
substantially equivalent to any of the offenses listed in 169

division (A) (4) (a) of this section.	170
(5) Upon receipt of a request pursuant to section 5104.013	171
of the Revised Code, a completed form prescribed pursuant to	172
division (C) (1) of this section, and a set of fingerprint	173
impressions obtained in the manner described in division (C) (2)	174
of this section, the superintendent of the bureau of criminal	175
identification and investigation shall conduct a criminal	176
records check in the manner described in division (B) of this	177
section to determine whether any information exists that	178
indicates that the person who is the subject of the request has	179
been convicted of or pleaded guilty to any of the following:	180
(a) A violation of section 2151.421, 2903.01, 2903.02,	181
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21,	182
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32,	183
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08,	184
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25,	185
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02,	186
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12,	187
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11,	188
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41,	189
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47,	190
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12,	191
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11,	192
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13,	193
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or	194
3716.11 of the Revised Code, felonious sexual penetration in	195
violation of former section 2907.12 of the Revised Code, a	196
violation of section 2905.04 of the Revised Code as it existed	197
prior to July 1, 1996, a violation of section 2919.23 of the	198
Revised Code that would have been a violation of section 2905.04	199
of the Revised Code as it existed prior to July 1, 1996, had the	200

violation been committed prior to that date, a violation of 201
section 2925.11 of the Revised Code that is not a minor drug 202
possession offense, a violation of section 2923.02 or 2923.03 of 203
the Revised Code that relates to a crime specified in this 204
division, or a second violation of section 4511.19 of the 205
Revised Code within five years of the date of application for 206
licensure or certification. 207

(b) A violation of an existing or former law of this 208
state, any other state, or the United States that is 209
substantially equivalent to any of the offenses or violations 210
described in division (A) (5) (a) of this section. 211

(6) Upon receipt of a request pursuant to section 5153.111 212
of the Revised Code, a completed form prescribed pursuant to 213
division (C) (1) of this section, and a set of fingerprint 214
impressions obtained in the manner described in division (C) (2) 215
of this section, the superintendent of the bureau of criminal 216
identification and investigation shall conduct a criminal 217
records check in the manner described in division (B) of this 218
section to determine whether any information exists that 219
indicates that the person who is the subject of the request 220
previously has been convicted of or pleaded guilty to any of the 221
following: 222

(a) A violation of section 2903.01, 2903.02, 2903.03, 223
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 224
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 225
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 226
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 227
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 228
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 229
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 230

Code, felonious sexual penetration in violation of former 231
section 2907.12 of the Revised Code, a violation of section 232
2905.04 of the Revised Code as it existed prior to July 1, 1996, 233
a violation of section 2919.23 of the Revised Code that would 234
have been a violation of section 2905.04 of the Revised Code as 235
it existed prior to July 1, 1996, had the violation been 236
committed prior to that date, or a violation of section 2925.11 237
of the Revised Code that is not a minor drug possession offense; 238

(b) A violation of an existing or former law of this 239
state, any other state, or the United States that is 240
substantially equivalent to any of the offenses listed in 241
division (A) (6) (a) of this section. 242

(7) On receipt of a request for a criminal records check 243
from an individual pursuant to section 4749.03 or 4749.06 of the 244
Revised Code, accompanied by a completed copy of the form 245
prescribed in division (C) (1) of this section and a set of 246
fingerprint impressions obtained in a manner described in 247
division (C) (2) of this section, the superintendent of the 248
bureau of criminal identification and investigation shall 249
conduct a criminal records check in the manner described in 250
division (B) of this section to determine whether any 251
information exists indicating that the person who is the subject 252
of the request has been convicted of or pleaded guilty to a 253
felony in this state or in any other state. If the individual 254
indicates that a firearm will be carried in the course of 255
business, the superintendent shall require information from the 256
federal bureau of investigation as described in division (B) (2) 257
of this section. Subject to division (F) of this section, the 258
superintendent shall report the findings of the criminal records 259
check and any information the federal bureau of investigation 260
provides to the director of public safety. 261

(8) On receipt of a request pursuant to section 1321.37, 262
1321.53, or 4763.05 of the Revised Code, a completed form 263
prescribed pursuant to division (C)(1) of this section, and a 264
set of fingerprint impressions obtained in the manner described 265
in division (C)(2) of this section, the superintendent of the 266
bureau of criminal identification and investigation shall 267
conduct a criminal records check with respect to any person who 268
has applied for a license, permit, or certification from the 269
department of commerce or a division in the department. The 270
superintendent shall conduct the criminal records check in the 271
manner described in division (B) of this section to determine 272
whether any information exists that indicates that the person 273
who is the subject of the request previously has been convicted 274
of or pleaded guilty to any of the following: a violation of 275
section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the 276
Revised Code; any other criminal offense involving theft, 277
receiving stolen property, embezzlement, forgery, fraud, passing 278
bad checks, money laundering, or drug trafficking, or any 279
criminal offense involving money or securities, as set forth in 280
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 281
the Revised Code; or any existing or former law of this state, 282
any other state, or the United States that is substantially 283
equivalent to those offenses. 284

(9) On receipt of a request for a criminal records check 285
from the treasurer of state under section 113.041 of the Revised 286
Code or from an individual under section 4701.08, 4715.101, 287
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 288
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 289
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 290
4747.051, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 291
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 292

4776.021, 4778.04, 4778.07, 4779.091, ~~or~~ 4783.04, or 4785.06 of 293
the Revised Code, accompanied by a completed form prescribed 294
under division (C) (1) of this section and a set of fingerprint 295
impressions obtained in the manner described in division (C) (2) 296
of this section, the superintendent of the bureau of criminal 297
identification and investigation shall conduct a criminal 298
records check in the manner described in division (B) of this 299
section to determine whether any information exists that 300
indicates that the person who is the subject of the request has 301
been convicted of or pleaded guilty to any criminal offense in 302
this state or any other state. Subject to division (F) of this 303
section, the superintendent shall send the results of a check 304
requested under section 113.041 of the Revised Code to the 305
treasurer of state and shall send the results of a check 306
requested under any of the other listed sections to the 307
licensing board specified by the individual in the request. 308

(10) On receipt of a request pursuant to section 1121.23, 309
1315.141, 1733.47, or 1761.26 of the Revised Code, a completed 310
form prescribed pursuant to division (C) (1) of this section, and 311
a set of fingerprint impressions obtained in the manner 312
described in division (C) (2) of this section, the superintendent 313
of the bureau of criminal identification and investigation shall 314
conduct a criminal records check in the manner described in 315
division (B) of this section to determine whether any 316
information exists that indicates that the person who is the 317
subject of the request previously has been convicted of or 318
pleaded guilty to any criminal offense under any existing or 319
former law of this state, any other state, or the United States. 320

(11) On receipt of a request for a criminal records check 321
from an appointing or licensing authority under section 3772.07 322
of the Revised Code, a completed form prescribed under division 323

(C) (1) of this section, and a set of fingerprint impressions 324
obtained in the manner prescribed in division (C) (2) of this 325
section, the superintendent of the bureau of criminal 326
identification and investigation shall conduct a criminal 327
records check in the manner described in division (B) of this 328
section to determine whether any information exists that 329
indicates that the person who is the subject of the request 330
previously has been convicted of or pleaded guilty or no contest 331
to any offense under any existing or former law of this state, 332
any other state, or the United States that is a disqualifying 333
offense as defined in section 3772.07 of the Revised Code or 334
substantially equivalent to such an offense. 335

(12) On receipt of a request pursuant to section 2151.33 336
or 2151.412 of the Revised Code, a completed form prescribed 337
pursuant to division (C) (1) of this section, and a set of 338
fingerprint impressions obtained in the manner described in 339
division (C) (2) of this section, the superintendent of the 340
bureau of criminal identification and investigation shall 341
conduct a criminal records check with respect to any person for 342
whom a criminal records check is required under that section. 343
The superintendent shall conduct the criminal records check in 344
the manner described in division (B) of this section to 345
determine whether any information exists that indicates that the 346
person who is the subject of the request previously has been 347
convicted of or pleaded guilty to any of the following: 348

(a) A violation of section 2903.01, 2903.02, 2903.03, 349
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 350
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 351
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 352
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 353
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 354

2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 355
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 356
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 357

(b) An existing or former law of this state, any other 358
state, or the United States that is substantially equivalent to 359
any of the offenses listed in division (A)(12)(a) of this 360
section. 361

(13) On receipt of a request pursuant to section 3796.12 362
of the Revised Code, a completed form prescribed pursuant to 363
division (C)(1) of this section, and a set of fingerprint 364
impressions obtained in a manner described in division (C)(2) of 365
this section, the superintendent of the bureau of criminal 366
identification and investigation shall conduct a criminal 367
records check in the manner described in division (B) of this 368
section to determine whether any information exists that 369
indicates that the person who is the subject of the request 370
previously has been convicted of or pleaded guilty to the 371
following: 372

(a) A disqualifying offense as specified in rules adopted 373
under division (B)(2)(b) of section 3796.03 of the Revised Code 374
if the person who is the subject of the request is an 375
administrator or other person responsible for the daily 376
operation of, or an owner or prospective owner, officer or 377
prospective officer, or board member or prospective board member 378
of, an entity seeking a license from the department of commerce 379
under Chapter 3796. of the Revised Code; 380

(b) A disqualifying offense as specified in rules adopted 381
under division (B)(2)(b) of section 3796.04 of the Revised Code 382
if the person who is the subject of the request is an 383
administrator or other person responsible for the daily 384

operation of, or an owner or prospective owner, officer or 385
prospective officer, or board member or prospective board member 386
of, an entity seeking a license from the state board of pharmacy 387
under Chapter 3796. of the Revised Code. 388

(14) On receipt of a request required by section 3796.13 389
of the Revised Code, a completed form prescribed pursuant to 390
division (C)(1) of this section, and a set of fingerprint 391
impressions obtained in a manner described in division (C)(2) of 392
this section, the superintendent of the bureau of criminal 393
identification and investigation shall conduct a criminal 394
records check in the manner described in division (B) of this 395
section to determine whether any information exists that 396
indicates that the person who is the subject of the request 397
previously has been convicted of or pleaded guilty to the 398
following: 399

(a) A disqualifying offense as specified in rules adopted 400
under division (B)(8)(a) of section 3796.03 of the Revised Code 401
if the person who is the subject of the request is seeking 402
employment with an entity licensed by the department of commerce 403
under Chapter 3796. of the Revised Code; 404

(b) A disqualifying offense as specified in rules adopted 405
under division (B)(14)(a) of section 3796.04 of the Revised Code 406
if the person who is the subject of the request is seeking 407
employment with an entity licensed by the state board of 408
pharmacy under Chapter 3796. of the Revised Code. 409

(B) Subject to division (F) of this section, the 410
superintendent shall conduct any criminal records check to be 411
conducted under this section as follows: 412

(1) The superintendent shall review or cause to be 413

reviewed any relevant information gathered and compiled by the 414
bureau under division (A) of section 109.57 of the Revised Code 415
that relates to the person who is the subject of the criminal 416
records check, including, if the criminal records check was 417
requested under section 113.041, 121.08, 173.27, 173.38, 418
173.381, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 419
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 420
3721.121, 3772.07, 3796.12, 3796.13, 4749.03, 4749.06, 4763.05, 421
5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 422
5153.111 of the Revised Code, any relevant information contained 423
in records that have been sealed under section 2953.32 of the 424
Revised Code; 425

(2) If the request received by the superintendent asks for 426
information from the federal bureau of investigation, the 427
superintendent shall request from the federal bureau of 428
investigation any information it has with respect to the person 429
who is the subject of the criminal records check, including 430
fingerprint-based checks of national crime information databases 431
as described in 42 U.S.C. 671 if the request is made pursuant to 432
section 2151.86 or 5104.013 of the Revised Code or if any other 433
Revised Code section requires fingerprint-based checks of that 434
nature, and shall review or cause to be reviewed any information 435
the superintendent receives from that bureau. If a request under 436
section 3319.39 of the Revised Code asks only for information 437
from the federal bureau of investigation, the superintendent 438
shall not conduct the review prescribed by division (B) (1) of 439
this section. 440

(3) The superintendent or the superintendent's designee 441
may request criminal history records from other states or the 442
federal government pursuant to the national crime prevention and 443
privacy compact set forth in section 109.571 of the Revised 444

Code. 445

(4) The superintendent shall include in the results of the 446
criminal records check a list or description of the offenses 447
listed or described in division (A) (1), (2), (3), (4), (5), (6), 448
(7), (8), (9), (10), (11), (12), (13), or (14) of this section, 449
whichever division requires the superintendent to conduct the 450
criminal records check. The superintendent shall exclude from 451
the results any information the dissemination of which is 452
prohibited by federal law. 453

(5) The superintendent shall send the results of the 454
criminal records check to the person to whom it is to be sent 455
not later than the following number of days after the date the 456
superintendent receives the request for the criminal records 457
check, the completed form prescribed under division (C) (1) of 458
this section, and the set of fingerprint impressions obtained in 459
the manner described in division (C) (2) of this section: 460

(a) If the superintendent is required by division (A) of 461
this section (other than division (A) (3) of this section) to 462
conduct the criminal records check, thirty; 463

(b) If the superintendent is required by division (A) (3) 464
of this section to conduct the criminal records check, sixty. 465

(C) (1) The superintendent shall prescribe a form to obtain 466
the information necessary to conduct a criminal records check 467
from any person for whom a criminal records check is to be 468
conducted under this section. The form that the superintendent 469
prescribes pursuant to this division may be in a tangible 470
format, in an electronic format, or in both tangible and 471
electronic formats. 472

(2) The superintendent shall prescribe standard impression 473

sheets to obtain the fingerprint impressions of any person for 474
whom a criminal records check is to be conducted under this 475
section. Any person for whom a records check is to be conducted 476
under this section shall obtain the fingerprint impressions at a 477
county sheriff's office, municipal police department, or any 478
other entity with the ability to make fingerprint impressions on 479
the standard impression sheets prescribed by the superintendent. 480
The office, department, or entity may charge the person a 481
reasonable fee for making the impressions. The standard 482
impression sheets the superintendent prescribes pursuant to this 483
division may be in a tangible format, in an electronic format, 484
or in both tangible and electronic formats. 485

(3) Subject to division (D) of this section, the 486
superintendent shall prescribe and charge a reasonable fee for 487
providing a criminal records check under this section. The 488
person requesting the criminal records check shall pay the fee 489
prescribed pursuant to this division. In the case of a request 490
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 491
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 492
fee shall be paid in the manner specified in that section. 493

(4) The superintendent of the bureau of criminal 494
identification and investigation may prescribe methods of 495
forwarding fingerprint impressions and information necessary to 496
conduct a criminal records check, which methods shall include, 497
but not be limited to, an electronic method. 498

(D) The results of a criminal records check conducted 499
under this section, other than a criminal records check 500
specified in division (A) (7) of this section, are valid for the 501
person who is the subject of the criminal records check for a 502
period of one year from the date upon which the superintendent 503

completes the criminal records check. If during that period the 504
superintendent receives another request for a criminal records 505
check to be conducted under this section for that person, the 506
superintendent shall provide the results from the previous 507
criminal records check of the person at a lower fee than the fee 508
prescribed for the initial criminal records check. 509

(E) When the superintendent receives a request for 510
information from a registered private provider, the 511
superintendent shall proceed as if the request was received from 512
a school district board of education under section 3319.39 of 513
the Revised Code. The superintendent shall apply division (A) (1) 514
(c) of this section to any such request for an applicant who is 515
a teacher. 516

(F) (1) Subject to division (F) (2) of this section, all 517
information regarding the results of a criminal records check 518
conducted under this section that the superintendent reports or 519
sends under division (A) (7) or (9) of this section to the 520
director of public safety, the treasurer of state, or the 521
person, board, or entity that made the request for the criminal 522
records check shall relate to the conviction of the subject 523
person, or the subject person's plea of guilty to, a criminal 524
offense. 525

(2) Division (F) (1) of this section does not limit, 526
restrict, or preclude the superintendent's release of 527
information that relates to the arrest of a person who is 528
eighteen years of age or older, to an adjudication of a child as 529
a delinquent child, or to a criminal conviction of a person 530
under eighteen years of age in circumstances in which a release 531
of that nature is authorized under division (E) (2), (3), or (4) 532
of section 109.57 of the Revised Code pursuant to a rule adopted 533

under division (E) (1) of that section.	534
(G) As used in this section:	535
(1) "Criminal records check" means any criminal records	536
check conducted by the superintendent of the bureau of criminal	537
identification and investigation in accordance with division (B)	538
of this section.	539
(2) "Minor drug possession offense" has the same meaning	540
as in section 2925.01 of the Revised Code.	541
(3) "OVI or OVUAC violation" means a violation of section	542
4511.19 of the Revised Code or a violation of an existing or	543
former law of this state, any other state, or the United States	544
that is substantially equivalent to section 4511.19 of the	545
Revised Code.	546
(4) "Registered private provider" means a nonpublic school	547
or entity registered with the superintendent of public	548
instruction under section 3310.41 of the Revised Code to	549
participate in the autism scholarship program or section 3310.58	550
of the Revised Code to participate in the Jon Peterson special	551
needs scholarship program.	552
Sec. 1701.03. (A) A corporation may be formed under this	553
chapter for any purpose or combination of purposes for which	554
individuals lawfully may associate themselves, except that, if	555
the Revised Code contains special provisions pertaining to the	556
formation of any designated type of corporation other than a	557
professional association, as defined in section 1785.01 of the	558
Revised Code, a corporation of that type shall be formed in	559
accordance with the special provisions.	560
(B) On and after July 1, 1994, a corporation may be formed	561
under this chapter for the purpose of carrying on the practice	562

of any profession, including, but not limited to, a corporation 563
for the purpose of providing public accounting or certified 564
public accounting services, a corporation for the erection, 565
owning, and conducting of a sanitarium for receiving and caring 566
for patients, medical and hygienic treatment of patients, and 567
instruction of nurses in the treatment of disease and in 568
hygiene, a corporation for the purpose of providing 569
architectural, landscape architectural, professional 570
engineering, or surveying services or any combination of those 571
types of services, and a corporation for the purpose of 572
providing a combination of the professional services, as defined 573
in section 1785.01 of the Revised Code, of optometrists 574
authorized under Chapter 4725. of the Revised Code, 575
chiropractors authorized under Chapter 4734. of the Revised Code 576
to practice chiropractic or acupuncture, psychologists 577
authorized under Chapter 4732. of the Revised Code, registered 578
or licensed practical nurses authorized under Chapter 4723. of 579
the Revised Code, pharmacists authorized under Chapter 4729. of 580
the Revised Code, physical therapists authorized under sections 581
4755.40 to 4755.56 of the Revised Code, occupational therapists 582
authorized under sections 4755.04 to 4755.13 of the Revised 583
Code, mechanotherapists authorized under section 4731.151 of the 584
Revised Code, doctors of medicine and surgery, osteopathic 585
medicine and surgery, or podiatric medicine and surgery 586
authorized under Chapter 4731. of the Revised Code, ~~and~~-licensed 587
professional clinical counselors, licensed professional 588
counselors, independent social workers, social workers, 589
independent marriage and family therapists, or marriage and 590
family therapists authorized under Chapter 4757. of the Revised 591
Code, and art therapists authorized under Chapter 4785. of the 592
Revised Code. 593

This chapter does not restrict, limit, or otherwise affect 594
the authority or responsibilities of any agency, board, 595
commission, department, office, or other entity to license, 596
register, and otherwise regulate the professional conduct of 597
individuals or organizations of any kind rendering professional 598
services, as defined in section 1785.01 of the Revised Code, in 599
this state or to regulate the practice of any profession that is 600
within the jurisdiction of the agency, board, commission, 601
department, office, or other entity, notwithstanding that an 602
individual is a director, officer, employee, or other agent of a 603
corporation formed under this chapter and is rendering 604
professional services or engaging in the practice of a 605
profession through a corporation formed under this chapter or 606
that the organization is a corporation formed under this 607
chapter. 608

(C) Nothing in division (A) or (B) of this section 609
precludes the organization of a professional association in 610
accordance with this chapter and Chapter 1785. of the Revised 611
Code or the formation of a limited liability company under 612
Chapter 1705. of the Revised Code with respect to a business, as 613
defined in section 1705.01 of the Revised Code. 614

(D) No corporation formed for the purpose of providing a 615
combination of the professional services, as defined in section 616
1785.01 of the Revised Code, of optometrists authorized under 617
Chapter 4725. of the Revised Code, chiropractors authorized 618
under Chapter 4734. of the Revised Code to practice chiropractic 619
or acupuncture, psychologists authorized under Chapter 4732. of 620
the Revised Code, registered or licensed practical nurses 621
authorized under Chapter 4723. of the Revised Code, pharmacists 622
authorized under Chapter 4729. of the Revised Code, physical 623
therapists authorized under sections 4755.40 to 4755.56 of the 624

Revised Code, occupational therapists authorized under sections 625
4755.04 to 4755.13 of the Revised Code, mechanotherapists 626
authorized under section 4731.151 of the Revised Code, doctors 627
of medicine and surgery, osteopathic medicine and surgery, or 628
podiatric medicine and surgery authorized under Chapter 4731. of 629
the Revised Code, ~~and~~ licensed professional clinical counselors, 630
licensed professional counselors, independent social workers, 631
social workers, independent marriage and family therapists, or 632
marriage and family therapists authorized under Chapter 4757. of 633
the Revised Code, and art therapists authorized under Chapter 634
4785. of the Revised Code shall control the professional 635
clinical judgment exercised within accepted and prevailing 636
standards of practice of a licensed, certificated, or otherwise 637
legally authorized optometrist, chiropractor, chiropractor 638
practicing acupuncture through the state chiropractic board, 639
psychologist, nurse, pharmacist, physical therapist, 640
occupational therapist, mechanotherapist, doctor of medicine and 641
surgery, osteopathic medicine and surgery, or podiatric medicine 642
and surgery, licensed professional clinical counselor, licensed 643
professional counselor, independent social worker, social 644
worker, independent marriage and family therapist, ~~or~~ marriage 645
and family therapist, or art therapist in rendering care, 646
treatment, or professional advice to an individual patient. 647

This division does not prevent a hospital, as defined in 648
section 3727.01 of the Revised Code, insurer, as defined in 649
section 3999.36 of the Revised Code, or intermediary 650
organization, as defined in section 1751.01 of the Revised Code, 651
from entering into a contract with a corporation described in 652
this division that includes a provision requiring utilization 653
review, quality assurance, peer review, or other performance or 654
quality standards. Those activities shall not be construed as 655

controlling the professional clinical judgment of an individual 656
practitioner listed in this division. 657

Sec. 1705.03. (A) A limited liability company may sue and 658
be sued. 659

(B) Unless otherwise provided in its articles of 660
organization, a limited liability company may take property of 661
any description or any interest in property of any description 662
by gift, devise, or bequest and may make donations for the 663
public welfare or for charitable, scientific, or educational 664
purposes. 665

(C) In carrying out the purposes stated in its articles of 666
organization or operating agreement and subject to limitations 667
prescribed by law or in its articles of organization or its 668
operating agreement, a limited liability company may do all of 669
the following: 670

(1) Purchase or otherwise acquire, lease as lessee or 671
lessor, invest in, hold, use, encumber, sell, exchange, 672
transfer, and dispose of property of any description or any 673
interest in property of any description; 674

(2) Make contracts; 675

(3) Form or acquire the control of other domestic or 676
foreign limited liability companies; 677

(4) Be a shareholder, partner, member, associate, or 678
participant in other profit or nonprofit enterprises or 679
ventures; 680

(5) Conduct its affairs in this state and elsewhere; 681

(6) Render in this state and elsewhere a professional 682
service, the kinds of professional services authorized under 683

Chapters 4703. and 4733. of the Revised Code, or a combination	684
of the professional services of optometrists authorized under	685
Chapter 4725. of the Revised Code, chiropractors authorized	686
under Chapter 4734. of the Revised Code to practice chiropractic	687
or acupuncture, psychologists authorized under Chapter 4732. of	688
the Revised Code, registered or licensed practical nurses	689
authorized under Chapter 4723. of the Revised Code, pharmacists	690
authorized under Chapter 4729. of the Revised Code, physical	691
therapists authorized under sections 4755.40 to 4755.56 of the	692
Revised Code, occupational therapists authorized under sections	693
4755.04 to 4755.13 of the Revised Code, mechanotherapists	694
authorized under section 4731.151 of the Revised Code, doctors	695
of medicine and surgery, osteopathic medicine and surgery, or	696
podiatric medicine and surgery authorized under Chapter 4731. of	697
the Revised Code, and licensed professional clinical counselors,	698
licensed professional counselors, independent social workers,	699
social workers, independent marriage and family therapists, or	700
marriage and family therapists authorized under Chapter 4757. of	701
the Revised Code, <u>and art therapists authorized under Chapter</u>	702
<u>4785. of the Revised Code;</u>	703
(7) Borrow money;	704
(8) Issue, sell, and pledge its notes, bonds, and other	705
evidences of indebtedness;	706
(9) Secure any of its obligations by mortgage, pledge, or	707
deed of trust of all or any of its property;	708
(10) Guarantee or secure obligations of any person;	709
(11) Do all things permitted by law and exercise all	710
authority within or incidental to the purposes stated in its	711
articles of organization.	712

(D) In addition to the authority conferred by division (C) 713
of this section and irrespective of the purposes stated in its 714
articles of organization or operating agreement but subject to 715
any limitations stated in those articles or its operating 716
agreement, a limited liability company may invest funds not 717
currently needed in its business in any securities if the 718
investment does not cause the company to acquire control of 719
another enterprise whose activities and operations are not 720
incidental to the purposes stated in the articles of 721
organization of the company. 722

(E) (1) No lack of authority or limitation upon the 723
authority of a limited liability company shall be asserted in 724
any action except as follows: 725

(a) By the state in an action by it against the company; 726

(b) By or on behalf of the company in an action against a 727
manager, an officer, or any member as a member; 728

(c) By a member as a member in an action against the 729
company, a manager, an officer, or any member as a member; 730

(d) In an action involving an alleged improper issue of a 731
membership interest in the company. 732

(2) Division (E) (1) of this section applies to any action 733
commenced in this state upon any contract made in this state by 734
a foreign limited liability company. 735

Sec. 1705.04. (A) One or more persons, without regard to 736
residence, domicile, or state of organization, may form a 737
limited liability company. The articles of organization shall be 738
signed and filed with the secretary of state and shall set forth 739
all of the following: 740

(1) The name of the company;	741
(2) Except as provided in division (B) of this section, the period of its duration, which may be perpetual;	742 743
(3) Any other provisions that are from the operating agreement or that are not inconsistent with applicable law and that the members elect to set out in the articles for the regulation of the affairs of the company.	744 745 746 747
The legal existence of the company begins upon the filing of the articles of organization or on a later date specified in the articles of organization that is not more than ninety days after the filing.	748 749 750 751
(B) If the articles of organization or operating agreement do not set forth the period of the duration of the limited liability company, its duration shall be perpetual.	752 753 754
(C) If a limited liability company is formed under this chapter for the purpose of rendering a professional service, the kinds of professional services authorized under Chapters 4703. and 4733. of the Revised Code, or a combination of the professional services of optometrists authorized under Chapter 4725. of the Revised Code, chiropractors authorized under Chapter 4734. of the Revised Code to practice chiropractic or acupuncture, psychologists authorized under Chapter 4732. of the Revised Code, registered or licensed practical nurses authorized under Chapter 4723. of the Revised Code, pharmacists authorized under Chapter 4729. of the Revised Code, physical therapists authorized under sections 4755.40 to 4755.56 of the Revised Code, occupational therapists authorized under sections 4755.04 to 4755.13 of the Revised Code, mechanotherapists authorized under section 4731.151 of the Revised Code, doctors of medicine	755 756 757 758 759 760 761 762 763 764 765 766 767 768 769

and surgery, osteopathic medicine and surgery, or podiatric 770
medicine and surgery authorized under Chapter 4731. of the 771
Revised Code, ~~and~~ licensed professional clinical counselors, 772
licensed professional counselors, independent social workers, 773
social workers, independent marriage and family therapists, or 774
marriage and family therapists authorized under Chapter 4757. of 775
the Revised Code, and art therapists authorized under Chapter 776
4785. of the Revised Code the following apply: 777

(1) Each member, employee, or other agent of the company 778
who renders a professional service in this state and, if the 779
management of the company is not reserved to its members, each 780
manager of the company who renders a professional service in 781
this state shall be licensed, certificated, or otherwise legally 782
authorized to render in this state the same kind of professional 783
service; if applicable, the kinds of professional services 784
authorized under Chapters 4703. and 4733. of the Revised Code; 785
or, if applicable, any of the kinds of professional services of 786
optometrists authorized under Chapter 4725. of the Revised Code, 787
chiropractors authorized under Chapter 4734. of the Revised Code 788
to practice chiropractic or acupuncture, psychologists 789
authorized under Chapter 4732. of the Revised Code, registered 790
or licensed practical nurses authorized under Chapter 4723. of 791
the Revised Code, pharmacists authorized under Chapter 4729. of 792
the Revised Code, physical therapists authorized under sections 793
4755.40 to 4755.56 of the Revised Code, occupational therapists 794
authorized under sections 4755.04 to 4755.13 of the Revised 795
Code, mechanotherapists authorized under section 4731.151 of the 796
Revised Code, doctors of medicine and surgery, osteopathic 797
medicine and surgery, or podiatric medicine and surgery 798
authorized under Chapter 4731. of the Revised Code, ~~or~~ licensed 799
professional clinical counselors, licensed professional 800

counselors, independent social workers, social workers, 801
independent marriage and family therapists, or marriage and 802
family therapists authorized under Chapter 4757. of the Revised 803
Code, or art therapists authorized under Chapter 4785. of the 804
Revised Code. 805

(2) Each member, employee, or other agent of the company 806
who renders a professional service in another state and, if the 807
management of the company is not reserved to its members, each 808
manager of the company who renders a professional service in 809
another state shall be licensed, certificated, or otherwise 810
legally authorized to render that professional service in the 811
other state. 812

(D) Except for the provisions of this chapter pertaining 813
to the personal liability of members, employees, or other agents 814
of a limited liability company and, if the management of the 815
company is not reserved to its members, the personal liability 816
of managers of the company, this chapter does not restrict, 817
limit, or otherwise affect the authority or responsibilities of 818
any agency, board, commission, department, office, or other 819
entity to license, certificate, register, and otherwise regulate 820
the professional conduct of individuals or organizations of any 821
kind rendering professional services in this state or to 822
regulate the practice of any profession that is within the 823
jurisdiction of the agency, board, commission, department, 824
office, or other entity, notwithstanding that the individual is 825
a member or manager of a limited liability company and is 826
rendering the professional services or engaging in the practice 827
of the profession through the limited liability company or that 828
the organization is a limited liability company. 829

(E) No limited liability company formed for the purpose of 830

providing a combination of the professional services, as defined 831
in section 1785.01 of the Revised Code, of optometrists 832
authorized under Chapter 4725. of the Revised Code, 833
chiropractors authorized under Chapter 4734. of the Revised Code 834
to practice chiropractic or acupuncture, psychologists 835
authorized under Chapter 4732. of the Revised Code, registered 836
or licensed practical nurses authorized under Chapter 4723. of 837
the Revised Code, pharmacists authorized under Chapter 4729. of 838
the Revised Code, physical therapists authorized under sections 839
4755.40 to 4755.56 of the Revised Code, occupational therapists 840
authorized under sections 4755.04 to 4755.13 of the Revised 841
Code, mechanotherapists authorized under section 4731.151 of the 842
Revised Code, doctors of medicine and surgery, osteopathic 843
medicine and surgery, or podiatric medicine and surgery 844
authorized under Chapter 4731. of the Revised Code, ~~and~~ licensed 845
professional clinical counselors, licensed professional 846
counselors, independent social workers, social workers, 847
independent marriage and family therapists, or marriage and 848
family therapists authorized under Chapter 4757. of the Revised 849
Code, and art therapists authorized under Chapter 4785. of the 850
Revised Code shall control the professional clinical judgment 851
exercised within accepted and prevailing standards of practice 852
of a licensed, certificated, or otherwise legally authorized 853
optometrist, chiropractor, chiropractor practicing acupuncture 854
through the state chiropractic board, psychologist, nurse, 855
pharmacist, physical therapist, occupational therapist, 856
mechanotherapist, doctor of medicine and surgery, osteopathic 857
medicine and surgery, or podiatric medicine and surgery, 858
licensed professional clinical counselor, licensed professional 859
counselor, independent social worker, social worker, independent 860
marriage and family therapist, ~~or~~ marriage and family therapist, or 861
art therapist in rendering care, treatment, or professional 862

advice to an individual patient. 863

This division does not prevent a hospital, as defined in 864
section 3727.01 of the Revised Code, insurer, as defined in 865
section 3999.36 of the Revised Code, or intermediary 866
organization, as defined in section 1751.01 of the Revised Code, 867
from entering into a contract with a limited liability company 868
described in this division that includes a provision requiring 869
utilization review, quality assurance, peer review, or other 870
performance or quality standards. Those activities shall not be 871
construed as controlling the professional clinical judgment of 872
an individual practitioner listed in this division. 873

Sec. 1705.53. Subject to any contrary provisions of the 874
Ohio Constitution, the laws of the state under which a foreign 875
limited liability company is organized govern its organization 876
and internal affairs and the liability of its members. A foreign 877
limited liability company may not be denied a certificate of 878
registration as a foreign limited liability company in this 879
state because of any difference between the laws of the state 880
under which it is organized and the laws of this state. However, 881
a foreign limited liability company that applies for 882
registration under this chapter to render a professional service 883
in this state, as a condition to obtaining and maintaining a 884
certificate of registration, shall comply with the requirements 885
of division (C) of section 1705.04 of the Revised Code and shall 886
comply with the requirements of Chapters 4703. and 4733. of the 887
Revised Code if the kinds of professional services authorized 888
under those chapters are to be rendered or with the requirements 889
of Chapters 4723., 4725., 4729., 4731., 4732., 4734., 4755., ~~and~~ 890
4757., and 4785. of the Revised Code if a combination of the 891
professional services of optometrists authorized under Chapter 892
4725. of the Revised Code, chiropractors authorized under 893

Chapter 4734. of the Revised Code to practice chiropractic or 894
acupuncture, psychologists authorized under Chapter 4732. of the 895
Revised Code, registered or licensed practical nurses authorized 896
under Chapter 4723. of the Revised Code, pharmacists authorized 897
under Chapter 4729. of the Revised Code, physical therapists 898
authorized under sections 4755.40 to 4755.56 of the Revised 899
Code, occupational therapists authorized under sections 4755.04 900
to 4755.13 of the Revised Code, mechanotherapists authorized 901
under section 4731.151 of the Revised Code, doctors of medicine 902
and surgery, osteopathic medicine and surgery, or podiatric 903
medicine and surgery authorized under Chapter 4731. of the 904
Revised Code, ~~and~~ licensed professional clinical counselors, 905
licensed professional counselors, independent social workers, 906
social workers, independent marriage and family therapists, or 907
marriage and family therapists authorized under Chapter 4757. of 908
the Revised Code, and art therapists authorized under Chapter 909
4785. of the Revised Code are to be rendered. 910

Sec. 1785.01. As used in this chapter: 911

(A) "Professional service" means any type of professional 912
service that may be performed only pursuant to a license, 913
certificate, or other legal authorization issued pursuant to 914
Chapter 4701., 4703., 4705., 4715., 4723., 4725., 4729., 4730., 915
4731., 4732., 4733., 4734., 4741., 4755., ~~or~~ 4757., or 4785. of 916
the Revised Code to certified public accountants, licensed 917
public accountants, architects, attorneys, dentists, nurses, 918
optometrists, pharmacists, physician assistants, doctors of 919
medicine and surgery, doctors of osteopathic medicine and 920
surgery, doctors of podiatric medicine and surgery, 921
practitioners of the limited branches of medicine specified in 922
section 4731.15 of the Revised Code, mechanotherapists, 923
psychologists, professional engineers, chiropractors, 924

chiropractors practicing acupuncture through the state 925
chiropractic board, veterinarians, physical therapists, 926
occupational therapists, licensed professional clinical 927
counselors, licensed professional counselors, independent social 928
workers, social workers, independent marriage and family 929
therapists, ~~and~~ marriage and family therapists, and art 930
therapists. 931

(B) "Professional association" means an association 932
organized under this chapter for the sole purpose of rendering 933
one of the professional services authorized under Chapter 4701., 934
4703., 4705., 4715., 4723., 4725., 4729., 4730., 4731., 4732., 935
4733., 4734., 4741., 4755., ~~or~~ 4757., or 4785. of the Revised 936
Code, a combination of the professional services authorized 937
under Chapters 4703. and 4733. of the Revised Code, or a 938
combination of the professional services of optometrists 939
authorized under Chapter 4725. of the Revised Code, 940
chiropractors authorized under Chapter 4734. of the Revised Code 941
to practice chiropractic or acupuncture, psychologists 942
authorized under Chapter 4732. of the Revised Code, registered 943
or licensed practical nurses authorized under Chapter 4723. of 944
the Revised Code, pharmacists authorized under Chapter 4729. of 945
the Revised Code, physical therapists authorized under sections 946
4755.40 to 4755.56 of the Revised Code, occupational therapists 947
authorized under sections 4755.04 to 4755.13 of the Revised 948
Code, mechanotherapists authorized under section 4731.151 of the 949
Revised Code, doctors of medicine and surgery, osteopathic 950
medicine and surgery, or podiatric medicine and surgery 951
authorized under Chapter 4731. of the Revised Code, ~~and~~ licensed 952
professional clinical counselors, licensed professional 953
counselors, independent social workers, social workers, 954
independent marriage and family therapists, or marriage and 955

family therapists authorized under Chapter 4757. of the Revised 956
Code, and art therapists authorized under Chapter 4785. of the 957
Revised Code. 958

Sec. 1785.02. An individual or group of individuals each 959
of whom is licensed, certificated, or otherwise legally 960
authorized to render within this state the same kind of 961
professional service, a group of individuals each of whom is 962
licensed, certificated, or otherwise legally authorized to 963
render within this state the professional service authorized 964
under Chapter 4703. or 4733. of the Revised Code, or a group of 965
individuals each of whom is licensed, certificated, or otherwise 966
legally authorized to render within this state the professional 967
service of optometrists authorized under Chapter 4725. of the 968
Revised Code, chiropractors authorized under Chapter 4734. of 969
the Revised Code to practice chiropractic or acupuncture, 970
psychologists authorized under Chapter 4732. of the Revised 971
Code, registered or licensed practical nurses authorized under 972
Chapter 4723. of the Revised Code, pharmacists authorized under 973
Chapter 4729. of the Revised Code, physical therapists 974
authorized under sections 4755.40 to 4755.56 of the Revised 975
Code, occupational therapists authorized under sections 4755.04 976
to 4755.13 of the Revised Code, mechanotherapists authorized 977
under section 4731.151 of the Revised Code, doctors of medicine 978
and surgery, osteopathic medicine and surgery, or podiatric 979
medicine and surgery authorized under Chapter 4731. of the 980
Revised Code, ~~ex~~-licensed professional clinical counselors, 981
licensed professional counselors, independent social workers, 982
social workers, independent marriage and family therapists, or 983
marriage and family therapists authorized under Chapter 4757. of 984
the Revised Code, or art therapists authorized under Chapter 985
4785. of the Revised Code may organize and become a shareholder 986

or shareholders of a professional association. Any group of 987
individuals described in this section who may be rendering one 988
of the professional services as an organization created 989
otherwise than pursuant to this chapter may incorporate under 990
and pursuant to this chapter by amending the agreement 991
establishing the organization in a manner that the agreement as 992
amended constitutes articles of incorporation prepared and filed 993
in the manner prescribed in section 1785.08 of the Revised Code 994
and by otherwise complying with the applicable requirements of 995
this chapter. 996

Sec. 1785.03. A professional association may render a 997
particular professional service only through officers, 998
employees, and agents who are themselves duly licensed, 999
certificated, or otherwise legally authorized to render the 1000
professional service within this state. As used in this section, 1001
"employee" does not include clerks, bookkeepers, technicians, or 1002
other individuals who are not usually and ordinarily considered 1003
by custom and practice to be rendering a particular professional 1004
service for which a license, certificate, or other legal 1005
authorization is required and does not include any other person 1006
who performs all of that person's employment under the direct 1007
supervision and control of an officer, agent, or employee who 1008
renders a particular professional service to the public on 1009
behalf of the professional association. 1010

No professional association formed for the purpose of 1011
providing a combination of the professional services, as defined 1012
in section 1785.01 of the Revised Code, of optometrists 1013
authorized under Chapter 4725. of the Revised Code, 1014
chiropractors authorized under Chapter 4734. of the Revised Code 1015
to practice chiropractic or acupuncture, psychologists 1016
authorized under Chapter 4732. of the Revised Code, registered 1017

or licensed practical nurses authorized under Chapter 4723. of 1018
the Revised Code, pharmacists authorized under Chapter 4729. of 1019
the Revised Code, physical therapists authorized under sections 1020
4755.40 to 4755.56 of the Revised Code, occupational therapists 1021
authorized under sections 4755.04 to 4755.13 of the Revised 1022
Code, mechanotherapists authorized under section 4731.151 of the 1023
Revised Code, doctors of medicine and surgery, osteopathic 1024
medicine and surgery, or podiatric medicine and surgery 1025
authorized under Chapter 4731. of the Revised Code, ~~and~~-licensed 1026
professional clinical counselors, licensed professional 1027
counselors, independent social workers, social workers, 1028
independent marriage and family therapists, or marriage and 1029
family therapists authorized under Chapter 4757. of the Revised 1030
Code, and art therapists authorized under Chapter 4785. of the 1031
Revised Code shall control the professional clinical judgment 1032
exercised within accepted and prevailing standards of practice 1033
of a licensed, certificated, or otherwise legally authorized 1034
optometrist, chiropractor, chiropractor practicing acupuncture 1035
through the state chiropractic board, psychologist, nurse, 1036
pharmacist, physical therapist, occupational therapist, 1037
mechanotherapist, doctor of medicine and surgery, osteopathic 1038
medicine and surgery, or podiatric medicine and surgery, 1039
licensed professional clinical counselor, licensed professional 1040
counselor, independent social worker, social worker, independent 1041
marriage and family therapist, ~~or~~-marriage and family therapist, 1042
or art therapist in rendering care, treatment, or professional 1043
advice to an individual patient. 1044

This division does not prevent a hospital, as defined in 1045
section 3727.01 of the Revised Code, insurer, as defined in 1046
section 3999.36 of the Revised Code, or intermediary 1047
organization, as defined in section 1751.01 of the Revised Code, 1048

from entering into a contract with a professional association 1049
described in this division that includes a provision requiring 1050
utilization review, quality assurance, peer review, or other 1051
performance or quality standards. Those activities shall not be 1052
construed as controlling the professional clinical judgment of 1053
an individual practitioner listed in this division. 1054

Sec. 1785.08. Chapter 1701. of the Revised Code applies to 1055
professional associations, including their organization and the 1056
manner of filing articles of incorporation, except that the 1057
requirements of division (A) of section 1701.06 of the Revised 1058
Code do not apply to professional associations. If any provision 1059
of this chapter conflicts with any provision of Chapter 1701. of 1060
the Revised Code, the provisions of this chapter shall take 1061
precedence. A professional association for the practice of 1062
medicine and surgery, osteopathic medicine and surgery, or 1063
podiatric medicine and surgery or for the combined practice of 1064
optometry, chiropractic, acupuncture through the state 1065
chiropractic board, psychology, nursing, pharmacy, physical 1066
therapy, mechanotherapy, medicine and surgery, osteopathic 1067
medicine and surgery, ~~or~~ podiatric medicine and surgery, or art 1068
therapy may provide in its articles of incorporation or bylaws 1069
that its directors may have terms of office not exceeding six 1070
years. 1071

Sec. 4723.16. (A) An individual whom the board of nursing 1072
licenses or otherwise legally authorizes to engage in the 1073
practice of nursing as a registered nurse, advanced practice 1074
registered nurse, or licensed practical nurse may render the 1075
professional services of a registered, advanced practice 1076
registered, or licensed practical nurse within this state 1077
through a corporation formed under division (B) of section 1078
1701.03 of the Revised Code, a limited liability company formed 1079

under Chapter 1705. of the Revised Code, a partnership, or a 1080
professional association formed under Chapter 1785. of the 1081
Revised Code. This division does not preclude an individual of 1082
that nature from rendering professional services as a 1083
registered, advanced practice registered, or licensed practical 1084
nurse through another form of business entity, including, but 1085
not limited to, a nonprofit corporation or foundation, or in 1086
another manner that is authorized by or in accordance with this 1087
chapter, another chapter of the Revised Code, or rules of the 1088
board of nursing adopted pursuant to this chapter. 1089

(B) A corporation, limited liability company, partnership, 1090
or professional association described in division (A) of this 1091
section may be formed for the purpose of providing a combination 1092
of the professional services of the following individuals who 1093
are licensed, certificated, or otherwise legally authorized to 1094
practice their respective professions: 1095

(1) Optometrists who are authorized to practice optometry 1096
under Chapter 4725. of the Revised Code; 1097

(2) Chiropractors who are authorized to practice 1098
chiropractic or acupuncture under Chapter 4734. of the Revised 1099
Code; 1100

(3) Psychologists who are authorized to practice 1101
psychology under Chapter 4732. of the Revised Code; 1102

(4) Registered, advanced practice registered, or licensed 1103
practical nurses who are authorized to practice nursing as 1104
registered nurses, advanced practice registered nurses, or 1105
licensed practical nurses under this chapter; 1106

(5) Pharmacists who are authorized to practice pharmacy 1107
under Chapter 4729. of the Revised Code; 1108

(6) Physical therapists who are authorized to practice 1109
physical therapy under sections 4755.40 to 4755.56 of the 1110
Revised Code; 1111

(7) Occupational therapists who are licensed to practice 1112
occupational therapy under sections 4755.04 to 4755.13 of the 1113
Revised Code; 1114

(8) Mechanotherapists who are authorized to practice 1115
mechanotherapy under section 4731.151 of the Revised Code; 1116

(9) Doctors of medicine and surgery, osteopathic medicine 1117
and surgery, or podiatric medicine and surgery who are licensed, 1118
certificated, or otherwise legally authorized for their 1119
respective practices under Chapter 4731. of the Revised Code; 1120

(10) Licensed professional clinical counselors, licensed 1121
professional counselors, independent social workers, social 1122
workers, independent marriage and family therapists, or marriage 1123
and family therapists who are authorized for their respective 1124
practices under Chapter 4757. of the Revised Code; 1125

(11) Art therapists who are authorized to practice art 1126
therapy under Chapter 4785. of the Revised Code. 1127

This division shall apply notwithstanding a provision of a 1128
code of ethics applicable to a nurse that prohibits a 1129
registered, advanced practice registered, or licensed practical 1130
nurse from engaging in the practice of nursing as a registered 1131
nurse, advanced practice registered nurse, or licensed practical 1132
nurse in combination with a person who is licensed, 1133
certificated, or otherwise legally authorized to practice 1134
optometry, chiropractic, acupuncture through the state 1135
chiropractic board, psychology, pharmacy, physical therapy, 1136
occupational therapy, mechanotherapy, medicine and surgery, 1137

osteopathic medicine and surgery, podiatric medicine and 1138
surgery, professional counseling, social work, ~~or~~ marriage and 1139
family therapy, or art therapy, but who is not also licensed, 1140
certificated, or otherwise legally authorized to engage in the 1141
practice of nursing as a registered nurse, advanced practice 1142
registered nurse, or licensed practical nurse. 1143

Sec. 4725.33. (A) An individual whom the state vision 1144
professionals board licenses to engage in the practice of 1145
optometry may render the professional services of an optometrist 1146
within this state through a corporation formed under division 1147
(B) of section 1701.03 of the Revised Code, a limited liability 1148
company formed under Chapter 1705. of the Revised Code, a 1149
partnership, or a professional association formed under Chapter 1150
1785. of the Revised Code. This division does not preclude an 1151
optometrist from rendering professional services as an 1152
optometrist through another form of business entity, including, 1153
but not limited to, a nonprofit corporation or foundation, or in 1154
another manner that is authorized by or in accordance with this 1155
chapter, another chapter of the Revised Code, or rules of the 1156
state vision professionals board adopted pursuant to this 1157
chapter. 1158

(B) A corporation, limited liability company, partnership, 1159
or professional association described in division (A) of this 1160
section may be formed for the purpose of providing a combination 1161
of the professional services of the following individuals who 1162
are licensed, certificated, or otherwise legally authorized to 1163
practice their respective professions: 1164

(1) Optometrists who are authorized to practice optometry 1165
under Chapter 4725. of the Revised Code; 1166

(2) Chiropractors who are authorized to practice 1167

chiropractic or acupuncture under Chapter 4734. of the Revised Code;	1168 1169
(3) Psychologists who are authorized to practice psychology under Chapter 4732. of the Revised Code;	1170 1171
(4) Registered or licensed practical nurses who are authorized to practice nursing as registered nurses or as licensed practical nurses under Chapter 4723. of the Revised Code;	1172 1173 1174 1175
(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;	1176 1177
(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;	1178 1179 1180
(7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;	1181 1182 1183
(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;	1184 1185
(9) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under Chapter 4731. of the Revised Code;	1186 1187 1188 1189
(10) Licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, or marriage and family therapists who are authorized for their respective practices under Chapter 4757. of the Revised Code;	1190 1191 1192 1193 1194
<u>(11) Art therapists who are authorized to practice art</u>	1195

therapy under Chapter 4785. of the Revised Code. 1196

This division shall apply notwithstanding a provision of a 1197
code of ethics applicable to an optometrist that prohibits an 1198
optometrist from engaging in the practice of optometry in 1199
combination with a person who is licensed, certificated, or 1200
otherwise legally authorized to practice chiropractic, 1201
acupuncture through the state chiropractic board, psychology, 1202
nursing, pharmacy, physical therapy, occupational therapy, 1203
mechanotherapy, medicine and surgery, osteopathic medicine and 1204
surgery, podiatric medicine and surgery, professional 1205
counseling, social work, ~~or~~ marriage and family therapy, or art 1206
therapy, but who is not also licensed, certificated, or 1207
otherwise legally authorized to engage in the practice of 1208
optometry. 1209

Sec. 4729.161. (A) An individual registered with the state 1210
board of pharmacy to engage in the practice of pharmacy may 1211
render the professional services of a pharmacist within this 1212
state through a corporation formed under division (B) of section 1213
1701.03 of the Revised Code, a limited liability company formed 1214
under Chapter 1705. of the Revised Code, a partnership, or a 1215
professional association formed under Chapter 1785. of the 1216
Revised Code. This division does not preclude an individual of 1217
that nature from rendering professional services as a pharmacist 1218
through another form of business entity, including, but not 1219
limited to, a nonprofit corporation or foundation, or in another 1220
manner that is authorized by or in accordance with this chapter, 1221
another chapter of the Revised Code, or rules of the state board 1222
of pharmacy adopted pursuant to this chapter. 1223

(B) A corporation, limited liability company, partnership, 1224
or professional association described in division (A) of this 1225

section may be formed for the purpose of providing a combination 1226
of the professional services of the following individuals who 1227
are licensed, certificated, or otherwise legally authorized to 1228
practice their respective professions: 1229

(1) Optometrists who are authorized to practice optometry 1230
under Chapter 4725. of the Revised Code; 1231

(2) Chiropractors who are authorized to practice 1232
chiropractic or acupuncture under Chapter 4734. of the Revised 1233
Code; 1234

(3) Psychologists who are authorized to practice 1235
psychology under Chapter 4732. of the Revised Code; 1236

(4) Registered or licensed practical nurses who are 1237
authorized to practice nursing as registered nurses or as 1238
licensed practical nurses under Chapter 4723. of the Revised 1239
Code; 1240

(5) Pharmacists who are authorized to practice pharmacy 1241
under Chapter 4729. of the Revised Code; 1242

(6) Physical therapists who are authorized to practice 1243
physical therapy under sections 4755.40 to 4755.56 of the 1244
Revised Code; 1245

(7) Occupational therapists who are authorized to practice 1246
occupational therapy under sections 4755.04 to 4755.13 of the 1247
Revised Code; 1248

(8) Mechanotherapists who are authorized to practice 1249
mechanotherapy under section 4731.151 of the Revised Code; 1250

(9) Doctors of medicine and surgery, osteopathic medicine 1251
and surgery, or podiatric medicine and surgery who are 1252
authorized for their respective practices under Chapter 4731. of 1253

the Revised Code; 1254

(10) Licensed professional clinical counselors, licensed 1255
professional counselors, independent social workers, social 1256
workers, independent marriage and family therapists, or marriage 1257
and family therapists who are authorized for their respective 1258
practices under Chapter 4757. of the Revised Code; 1259

(11) Art therapists who are authorized to practice art 1260
therapy under Chapter 4785. of the Revised Code. 1261

This division shall apply notwithstanding a provision of a 1262
code of ethics applicable to a pharmacist that prohibits a 1263
pharmacist from engaging in the practice of pharmacy in 1264
combination with a person who is licensed, certificated, or 1265
otherwise legally authorized to practice optometry, 1266
chiropractic, acupuncture through the state chiropractic board, 1267
psychology, nursing, physical therapy, occupational therapy, 1268
mechanotherapy, medicine and surgery, osteopathic medicine and 1269
surgery, podiatric medicine and surgery, professional 1270
counseling, social work, ~~or~~ marriage and family therapy, or art 1271
therapy, but who is not also licensed, certificated, or 1272
otherwise legally authorized to engage in the practice of 1273
pharmacy. 1274

Sec. 4731.226. (A) (1) An individual whom the state medical 1275
board licenses, certificates, or otherwise legally authorizes to 1276
engage in the practice of medicine and surgery, osteopathic 1277
medicine and surgery, or podiatric medicine and surgery may 1278
render the professional services of a doctor of medicine and 1279
surgery, osteopathic medicine and surgery, or podiatric medicine 1280
and surgery within this state through a corporation formed under 1281
division (B) of section 1701.03 of the Revised Code, a limited 1282
liability company formed under Chapter 1705. of the Revised 1283

Code, a partnership, or a professional association formed under 1284
Chapter 1785. of the Revised Code. Division (A) (1) of this 1285
section does not preclude an individual of that nature from 1286
rendering professional services as a doctor of medicine and 1287
surgery, osteopathic medicine and surgery, or podiatric medicine 1288
and surgery through another form of business entity, including, 1289
but not limited to, a nonprofit corporation or foundation, or in 1290
another manner that is authorized by or in accordance with this 1291
chapter, another chapter of the Revised Code, or rules of the 1292
state medical board adopted pursuant to this chapter. 1293

(2) An individual whom the state medical board authorizes 1294
to engage in the practice of mechanotherapy may render the 1295
professional services of a mechanotherapist within this state 1296
through a corporation formed under division (B) of section 1297
1701.03 of the Revised Code, a limited liability company formed 1298
under Chapter 1705. of the Revised Code, a partnership, or a 1299
professional association formed under Chapter 1785. of the 1300
Revised Code. Division (A) (2) of this section does not preclude 1301
an individual of that nature from rendering professional 1302
services as a mechanotherapist through another form of business 1303
entity, including, but not limited to, a nonprofit corporation 1304
or foundation, or in another manner that is authorized by or in 1305
accordance with this chapter, another chapter of the Revised 1306
Code, or rules of the state medical board adopted pursuant to 1307
this chapter. 1308

(B) A corporation, limited liability company, partnership, 1309
or professional association described in division (A) of this 1310
section may be formed for the purpose of providing a combination 1311
of the professional services of the following individuals who 1312
are licensed, certificated, or otherwise legally authorized to 1313
practice their respective professions: 1314

(1) Optometrists who are authorized to practice optometry	1315
under Chapter 4725. of the Revised Code;	1316
(2) Chiropractors who are authorized to practice	1317
chiropractic or acupuncture under Chapter 4734. of the Revised	1318
Code;	1319
(3) Psychologists who are authorized to practice	1320
psychology under Chapter 4732. of the Revised Code;	1321
(4) Registered or licensed practical nurses who are	1322
authorized to practice nursing as registered nurses or as	1323
licensed practical nurses under Chapter 4723. of the Revised	1324
Code;	1325
(5) Pharmacists who are authorized to practice pharmacy	1326
under Chapter 4729. of the Revised Code;	1327
(6) Physical therapists who are authorized to practice	1328
physical therapy under sections 4755.40 to 4755.56 of the	1329
Revised Code;	1330
(7) Occupational therapists who are authorized to practice	1331
occupational therapy under sections 4755.04 to 4755.13 of the	1332
Revised Code;	1333
(8) Mechanotherapists who are authorized to practice	1334
mechanotherapy under section 4731.151 of the Revised Code;	1335
(9) Doctors of medicine and surgery, osteopathic medicine	1336
and surgery, or podiatric medicine and surgery who are	1337
authorized for their respective practices under this chapter;	1338
(10) Licensed professional clinical counselors, licensed	1339
professional counselors, independent social workers, social	1340
workers, independent marriage and family therapists, or marriage	1341
and family therapists who are authorized for their respective	1342

practices under Chapter 4757. of the Revised Code; 1343

(11) Art therapists who are authorized to practice art 1344
therapy under Chapter 4785. of the Revised Code. 1345

(C) Division (B) of this section shall apply 1346
notwithstanding a provision of a code of ethics described in 1347
division (B) (18) of section 4731.22 of the Revised Code that 1348
prohibits either of the following: 1349

(1) A doctor of medicine and surgery, osteopathic medicine 1350
and surgery, or podiatric medicine and surgery from engaging in 1351
the doctor's authorized practice in combination with a person 1352
who is licensed, certificated, or otherwise legally authorized 1353
to engage in the practice of optometry, chiropractic, 1354
acupuncture through the state chiropractic board, psychology, 1355
nursing, pharmacy, physical therapy, occupational therapy, 1356
mechanotherapy, professional counseling, social work, ~~or~~ 1357
marriage and family therapy, or art therapy, but who is not also 1358
licensed, certificated, or otherwise legally authorized to 1359
practice medicine and surgery, osteopathic medicine and surgery, 1360
or podiatric medicine and surgery. 1361

(2) A mechanotherapist from engaging in the practice of 1362
mechanotherapy in combination with a person who is licensed, 1363
certificated, or otherwise legally authorized to engage in the 1364
practice of optometry, chiropractic, acupuncture through the 1365
state chiropractic board, psychology, nursing, pharmacy, 1366
physical therapy, occupational therapy, medicine and surgery, 1367
osteopathic medicine and surgery, podiatric medicine and 1368
surgery, professional counseling, social work, ~~or~~ marriage and 1369
family therapy, or art therapy, but who is not also licensed, 1370
certificated, or otherwise legally authorized to engage in the 1371
practice of mechanotherapy. 1372

Sec. 4731.65. As used in sections 4731.65 to 4731.71 of	1373
the Revised Code:	1374
(A) (1) "Clinical laboratory services" means either of the	1375
following:	1376
(a) Any examination of materials derived from the human	1377
body for the purpose of providing information for the diagnosis,	1378
prevention, or treatment of any disease or impairment or for the	1379
assessment of health;	1380
(b) Procedures to determine, measure, or otherwise	1381
describe the presence or absence of various substances or	1382
organisms in the body.	1383
(2) "Clinical laboratory services" does not include the	1384
mere collection or preparation of specimens.	1385
(B) "Designated health services" means any of the	1386
following:	1387
(1) Clinical laboratory services;	1388
(2) Home health care services;	1389
(3) Outpatient prescription drugs.	1390
(C) "Fair market value" means the value in arms-length	1391
transactions, consistent with general market value and:	1392
(1) With respect to rentals or leases, the value of rental	1393
property for general commercial purposes, not taking into	1394
account its intended use;	1395
(2) With respect to a lease of space, not adjusted to	1396
reflect the additional value the prospective lessee or lessor	1397
would attribute to the proximity or convenience to the lessor if	1398
the lessor is a potential source of referrals to the lessee.	1399

(D) "Governmental health care program" means any program 1400
providing health care benefits that is administered by the 1401
federal government, this state, or a political subdivision of 1402
this state, including the medicare program, health care coverage 1403
for public employees, health care benefits administered by the 1404
bureau of workers' compensation, and the medicaid program. 1405

(E) (1) "Group practice" means a group of two or more 1406
holders of licenses or certificates under this chapter legally 1407
organized as a partnership, professional corporation or 1408
association, limited liability company, foundation, nonprofit 1409
corporation, faculty practice plan, or similar group practice 1410
entity, including an organization comprised of a nonprofit 1411
medical clinic that contracts with a professional corporation or 1412
association of physicians to provide medical services 1413
exclusively to patients of the clinic in order to comply with 1414
section 1701.03 of the Revised Code and including a corporation, 1415
limited liability company, partnership, or professional 1416
association described in division (B) of section 4731.226 of the 1417
Revised Code formed for the purpose of providing a combination 1418
of the professional services of optometrists who are licensed, 1419
certificated, or otherwise legally authorized to practice 1420
optometry under Chapter 4725. of the Revised Code, chiropractors 1421
who are licensed, certificated, or otherwise legally authorized 1422
to practice chiropractic or acupuncture under Chapter 4734. of 1423
the Revised Code, psychologists who are licensed, certificated, 1424
or otherwise legally authorized to practice psychology under 1425
Chapter 4732. of the Revised Code, registered or licensed 1426
practical nurses who are licensed, certificated, or otherwise 1427
legally authorized to practice nursing under Chapter 4723. of 1428
the Revised Code, pharmacists who are licensed, certificated, or 1429
otherwise legally authorized to practice pharmacy under Chapter 1430

4729. of the Revised Code, physical therapists who are licensed, 1431
certificated, or otherwise legally authorized to practice 1432
physical therapy under sections 4755.40 to 4755.56 of the 1433
Revised Code, occupational therapists who are licensed, 1434
certificated, or otherwise legally authorized to practice 1435
occupational therapy under sections 4755.04 to 4755.13 of the 1436
Revised Code, mechanotherapists who are licensed, certificated, 1437
or otherwise legally authorized to practice mechanotherapy under 1438
section 4731.151 of the Revised Code, and doctors of medicine 1439
and surgery, osteopathic medicine and surgery, or podiatric 1440
medicine and surgery who are licensed, certificated, or 1441
otherwise legally authorized for their respective practices 1442
under this chapter, ~~and~~ licensed professional clinical 1443
counselors, licensed professional counselors, independent social 1444
workers, social workers, independent marriage and family 1445
therapists, or marriage and family therapists who are licensed, 1446
certificated, or otherwise legally authorized for their 1447
respective practices under Chapter 4757. of the Revised Code, 1448
and art therapists who are authorized to practice art therapy 1449
under Chapter 4785. of the Revised Code to which all of the 1450
following apply: 1451

(a) Each physician who is a member of the group practice 1452
provides substantially the full range of services that the 1453
physician routinely provides, including medical care, 1454
consultation, diagnosis, or treatment, through the joint use of 1455
shared office space, facilities, equipment, and personnel. 1456

(b) Substantially all of the services of the members of 1457
the group are provided through the group and are billed in the 1458
name of the group and amounts so received are treated as 1459
receipts of the group. 1460

(c) The overhead expenses of and the income from the practice are distributed in accordance with methods previously determined by members of the group.

(d) The group practice meets any other requirements that the state medical board applies in rules adopted under section 4731.70 of the Revised Code.

(2) In the case of a faculty practice plan associated with a hospital with a medical residency training program in which physician members may provide a variety of specialty services and provide professional services both within and outside the group, as well as perform other tasks such as research, the criteria in division (E) (1) of this section apply only with respect to services rendered within the faculty practice plan.

(F) "Home health care services" and "immediate family" have the same meanings as in the rules adopted under section 4731.70 of the Revised Code.

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

(H) A "referral" includes both of the following:

(1) A request by a holder of a license or certificate under this chapter for an item or service, including a request for a consultation with another physician and any test or procedure ordered by or to be performed by or under the supervision of the other physician;

(2) A request for or establishment of a plan of care by a license or certificate holder that includes the provision of designated health services.

(I) "Third-party payer" has the same meaning as in section

3901.38 of the Revised Code. 1489

Sec. 4732.28. (A) An individual whom the state board of 1490
psychology licenses, certificates, or otherwise legally 1491
authorizes to engage in the practice of psychology may render 1492
the professional services of a psychologist within this state 1493
through a corporation formed under division (B) of section 1494
1701.03 of the Revised Code, a limited liability company formed 1495
under Chapter 1705. of the Revised Code, a partnership, or a 1496
professional association formed under Chapter 1785. of the 1497
Revised Code. This division does not preclude an individual of 1498
that nature from rendering professional services as a 1499
psychologist through another form of business entity, including, 1500
but not limited to, a nonprofit corporation or foundation, or in 1501
another manner that is authorized by or in accordance with this 1502
chapter, another chapter of the Revised Code, or rules of the 1503
state board of psychology adopted pursuant to this chapter. 1504

(B) A corporation, limited liability company, partnership, 1505
or professional association described in division (A) of this 1506
section may be formed for the purpose of providing a combination 1507
of the professional services of the following individuals who 1508
are licensed, certificated, or otherwise legally authorized to 1509
practice their respective professions: 1510

(1) Optometrists who are authorized to practice optometry 1511
under Chapter 4725. of the Revised Code; 1512

(2) Chiropractors who are authorized to practice 1513
chiropractic or acupuncture under Chapter 4734. of the Revised 1514
Code; 1515

(3) Psychologists who are authorized to practice 1516
psychology under this chapter; 1517

(4) Registered or licensed practical nurses who are 1518
authorized to practice nursing as registered nurses or as 1519
licensed practical nurses under Chapter 4723. of the Revised 1520
Code; 1521

(5) Pharmacists who are authorized to practice pharmacy 1522
under Chapter 4729. of the Revised Code; 1523

(6) Physical therapists who are authorized to practice 1524
physical therapy under sections 4755.40 to 4755.56 of the 1525
Revised Code; 1526

(7) Occupational therapists who are authorized to practice 1527
occupational therapy under sections 4755.04 to 4755.13 of the 1528
Revised Code; 1529

(8) Mechanotherapists who are authorized to practice 1530
mechanotherapy under section 4731.151 of the Revised Code; 1531

(9) Doctors of medicine and surgery, osteopathic medicine 1532
and surgery, or podiatric medicine and surgery who are 1533
authorized for their respective practices under Chapter 4731. of 1534
the Revised Code; 1535

(10) Licensed professional clinical counselors, licensed 1536
professional counselors, independent social workers, social 1537
workers, independent marriage and family therapists, or marriage 1538
and family therapists who are authorized for their respective 1539
practices under Chapter 4757. of the Revised Code; 1540

(11) Art therapists who are authorized to practice art 1541
therapy under Chapter 4785. of the Revised Code. 1542

This division shall apply notwithstanding a provision of a 1543
code of ethics applicable to a psychologist that prohibits a 1544
psychologist from engaging in the practice of psychology in 1545

combination with a person who is licensed, certificated, or 1546
otherwise legally authorized to practice optometry, 1547
chiropractic, acupuncture through the state chiropractic board, 1548
nursing, pharmacy, physical therapy, occupational therapy, 1549
mechanotherapy, medicine and surgery, osteopathic medicine and 1550
surgery, podiatric medicine and surgery, professional 1551
counseling, social work, ~~or~~ marriage and family therapy, or art 1552
therapy, but who is not also licensed, certificated, or 1553
otherwise legally authorized to engage in the practice of 1554
psychology. 1555

Sec. 4734.17. (A) An individual whom the state 1556
chiropractic board licenses to engage in the practice of 1557
chiropractic or certifies to practice acupuncture may render the 1558
professional services of a chiropractor or chiropractor 1559
certified to practice acupuncture within this state through a 1560
corporation formed under division (B) of section 1701.03 of the 1561
Revised Code, a limited liability company formed under Chapter 1562
1705. of the Revised Code, a partnership, or a professional 1563
association formed under Chapter 1785. of the Revised Code. This 1564
division does not preclude a chiropractor from rendering 1565
professional services as a chiropractor or chiropractor 1566
certified to practice acupuncture through another form of 1567
business entity, including, but not limited to, a nonprofit 1568
corporation or foundation, or in another manner that is 1569
authorized by or in accordance with this chapter, another 1570
chapter of the Revised Code, or rules of the state chiropractic 1571
board adopted pursuant to this chapter. 1572

(B) A corporation, limited liability company, partnership, 1573
or professional association described in division (A) of this 1574
section may be formed for the purpose of providing a combination 1575
of the professional services of the following individuals who 1576

are licensed, certificated, or otherwise legally authorized to	1577
practice their respective professions:	1578
(1) Optometrists who are authorized to practice optometry,	1579
under Chapter 4725. of the Revised Code;	1580
(2) Chiropractors who are authorized to practice	1581
chiropractic or acupuncture under this chapter;	1582
(3) Psychologists who are authorized to practice	1583
psychology under Chapter 4732. of the Revised Code;	1584
(4) Registered or licensed practical nurses who are	1585
authorized to practice nursing as registered nurses or as	1586
licensed practical nurses under Chapter 4723. of the Revised	1587
Code;	1588
(5) Pharmacists who are authorized to practice pharmacy	1589
under Chapter 4729. of the Revised Code;	1590
(6) Physical therapists who are authorized to practice	1591
physical therapy under sections 4755.40 to 4755.56 of the	1592
Revised Code;	1593
(7) Occupational therapists who are authorized to practice	1594
occupational therapy under sections 4755.04 to 4755.13 of the	1595
Revised Code;	1596
(8) Mechanotherapists who are authorized to practice	1597
mechanotherapy under section 4731.151 of the Revised Code;	1598
(9) Doctors of medicine and surgery, osteopathic medicine	1599
and surgery, or podiatric medicine and surgery who are	1600
authorized for their respective practices under Chapter 4731. of	1601
the Revised Code;	1602
(10) Licensed professional clinical counselors, licensed	1603

professional counselors, independent social workers, social 1604
workers, independent marriage and family therapists, or marriage 1605
and family therapists who are authorized for their respective 1606
practices under Chapter 4757. of the Revised Code; 1607

(11) Art therapists who are authorized to practice art 1608
therapy under Chapter 4785. of the Revised Code. 1609

This division shall apply notwithstanding a provision of 1610
any code of ethics established or adopted under section 4734.16 1611
of the Revised Code that prohibits an individual from engaging 1612
in the practice of chiropractic or acupuncture in combination 1613
with an individual who is licensed, certificated, or otherwise 1614
authorized for the practice of optometry, psychology, nursing, 1615
pharmacy, physical therapy, occupational therapy, 1616
mechanotherapy, medicine and surgery, osteopathic medicine and 1617
surgery, podiatric medicine and surgery, professional 1618
counseling, social work, ~~or~~ marriage and family therapy, or art 1619
therapy, but who is not also licensed under this chapter to 1620
engage in the practice of chiropractic. 1621

Sec. 4743.05. Except as otherwise provided in sections 1622
4701.20, 4723.062, 4723.082, 4729.65, 4781.121, and 4781.28 of 1623
the Revised Code, all money collected under Chapters 3773., 1624
4701., 4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 1625
4732., 4733., 4734., 4736., 4741., 4744., 4747., 4753., 4755., 1626
4757., 4758., 4771., 4775., 4779., ~~and 4781.,~~ and 4785. of the 1627
Revised Code shall be paid into the state treasury to the credit 1628
of the occupational licensing and regulatory fund, which is 1629
hereby created for use in administering such chapters. 1630

At the end of each quarter, the director of budget and 1631
management shall transfer from the occupational licensing and 1632
regulatory fund to the nurse education assistance fund created 1633

in section 3333.28 of the Revised Code the amount certified to 1634
the director under division (B) of section 4723.08 of the 1635
Revised Code. 1636

At the end of each quarter, the director shall transfer 1637
from the occupational licensing and regulatory fund to the 1638
certified public accountant education assistance fund created in 1639
section 4701.26 of the Revised Code the amount certified to the 1640
director under division (H) (2) of section 4701.10 of the Revised 1641
Code. 1642

Sec. 4755.111. (A) An individual whom the occupational 1643
therapy section of the Ohio occupational therapy, physical 1644
therapy, and athletic trainers board licenses, certificates, or 1645
otherwise legally authorizes to engage in the practice of 1646
occupational therapy may render the professional services of an 1647
occupational therapist within this state through a corporation 1648
formed under division (B) of section 1701.03 of the Revised 1649
Code, a limited liability company formed under Chapter 1705. of 1650
the Revised Code, a partnership, or a professional association 1651
formed under Chapter 1785. of the Revised Code. This division 1652
does not preclude an individual of that nature from rendering 1653
professional services as an occupational therapist through 1654
another form of business entity, including, but not limited to, 1655
a nonprofit corporation or foundation, or in another manner that 1656
is authorized by or in accordance with sections 4755.04 to 1657
4755.13 of the Revised Code, another chapter of the Revised 1658
Code, or rules of the Ohio occupational therapy, physical 1659
therapy, and athletic trainers board adopted pursuant to 1660
sections 4755.04 to 4755.13 of the Revised Code. 1661

(B) A corporation, limited liability company, partnership, 1662
or professional association described in division (A) of this 1663

section may be formed for the purpose of providing a combination 1664
of the professional services of the following individuals who 1665
are licensed, certificated, or otherwise legally authorized to 1666
practice their respective professions: 1667

(1) Optometrists who are authorized to practice optometry 1668
under Chapter 4725. of the Revised Code; 1669

(2) Chiropractors who are authorized to practice 1670
chiropractic or acupuncture under Chapter 4734. of the Revised 1671
Code; 1672

(3) Psychologists who are authorized to practice 1673
psychology under Chapter 4732. of the Revised Code; 1674

(4) Registered or licensed practical nurses who are 1675
authorized to practice nursing as registered nurses or as 1676
licensed practical nurses under Chapter 4723. of the Revised 1677
Code; 1678

(5) Pharmacists who are authorized to practice pharmacy 1679
under Chapter 4729. of the Revised Code; 1680

(6) Physical therapists who are authorized to practice 1681
physical therapy under sections 4755.40 to 4755.56 of the 1682
Revised Code; 1683

(7) Occupational therapists who are authorized to practice 1684
occupational therapy under sections 4755.04 to 4755.13 of the 1685
Revised Code; 1686

(8) Mechanotherapists who are authorized to practice 1687
mechanotherapy under section 4731.151 of the Revised Code; 1688

(9) Doctors of medicine and surgery, osteopathic medicine 1689
and surgery, or podiatric medicine and surgery who are 1690
authorized for their respective practices under Chapter 4731. of 1691

the Revised Code; 1692

(10) Licensed professional clinical counselors, licensed 1693
professional counselors, independent social workers, social 1694
workers, independent marriage and family therapists, or marriage 1695
and family therapists who are authorized for their respective 1696
practices under Chapter 4757. of the Revised Code; 1697

(11) Art therapists who are authorized to practice art 1698
therapy under Chapter 4785. of the Revised Code. 1699

This division shall apply notwithstanding a provision of a 1700
code of ethics applicable to an occupational therapist that 1701
prohibits an occupational therapist from engaging in the 1702
practice of occupational therapy in combination with a person 1703
who is licensed, certificated, or otherwise legally authorized 1704
to practice optometry, chiropractic, acupuncture through the 1705
state chiropractic board, psychology, nursing, pharmacy, 1706
physical therapy, mechanotherapy, medicine and surgery, 1707
osteopathic medicine and surgery, podiatric medicine and 1708
surgery, professional counseling, social work, ~~or~~ marriage and 1709
family therapy, or art therapy but who is not also licensed, 1710
certificated, or otherwise legally authorized to engage in the 1711
practice of occupational therapy. 1712

Sec. 4755.471. (A) An individual whom the physical therapy 1713
section of the Ohio occupational therapy, physical therapy, and 1714
athletic trainers board licenses, certificates, or otherwise 1715
legally authorizes to engage in the practice of physical therapy 1716
may render the professional services of a physical therapist 1717
within this state through a corporation formed under division 1718
(B) of section 1701.03 of the Revised Code, a limited liability 1719
company formed under Chapter 1705. of the Revised Code, a 1720
partnership, or a professional association formed under Chapter 1721

1785. of the Revised Code. This division does not preclude an 1722
individual of that nature from rendering professional services 1723
as a physical therapist through another form of business entity, 1724
including, but not limited to, a nonprofit corporation or 1725
foundation, or in another manner that is authorized by or in 1726
accordance with sections 4755.40 to 4755.53 of the Revised Code, 1727
another chapter of the Revised Code, or rules of the Ohio 1728
occupational therapy, physical therapy, and athletic trainers 1729
board adopted pursuant to sections 4755.40 to 4755.53 of the 1730
Revised Code. 1731

(B) A corporation, limited liability company, partnership, 1732
or professional association described in division (A) of this 1733
section may be formed for the purpose of providing a combination 1734
of the professional services of the following individuals who 1735
are licensed, certificated, or otherwise legally authorized to 1736
practice their respective professions: 1737

(1) Optometrists who are authorized to practice optometry 1738
under Chapter 4725. of the Revised Code; 1739

(2) Chiropractors who are authorized to practice 1740
chiropractic or acupuncture under Chapter 4734. of the Revised 1741
Code; 1742

(3) Psychologists who are authorized to practice 1743
psychology under Chapter 4732. of the Revised Code; 1744

(4) Registered or licensed practical nurses who are 1745
authorized to practice nursing as registered nurses or as 1746
licensed practical nurses under Chapter 4723. of the Revised 1747
Code; 1748

(5) Pharmacists who are authorized to practice pharmacy 1749
under Chapter 4729. of the Revised Code; 1750

(6) Physical therapists who are authorized to practice 1751
physical therapy under sections 4755.40 to 4755.56 of the 1752
Revised Code; 1753

(7) Occupational therapists who are authorized to practice 1754
occupational therapy under sections 4755.04 to 4755.13 of the 1755
Revised Code; 1756

(8) Mechanotherapists who are authorized to practice 1757
mechanotherapy under section 4731.151 of the Revised Code; 1758

(9) Doctors of medicine and surgery, osteopathic medicine 1759
and surgery, or podiatric medicine and surgery who are 1760
authorized for their respective practices under Chapter 4731. of 1761
the Revised Code; 1762

(10) Licensed professional clinical counselors, licensed 1763
professional counselors, independent social workers, social 1764
workers, independent marriage and family therapists, or marriage 1765
and family therapists who are authorized for their respective 1766
practices under Chapter 4757. of the Revised Code; 1767

(11) Art therapists who are authorized to practice art 1768
therapy under Chapter 4785. of the Revised Code. 1769

This division shall apply notwithstanding a provision of a 1770
code of ethics applicable to a physical therapist that prohibits 1771
a physical therapist from engaging in the practice of physical 1772
therapy in combination with a person who is licensed, 1773
certificated, or otherwise legally authorized to practice 1774
optometry, chiropractic, acupuncture through the state 1775
chiropractic board, psychology, nursing, pharmacy, occupational 1776
therapy, mechanotherapy, medicine and surgery, osteopathic 1777
medicine and surgery, podiatric medicine and surgery, 1778
professional counseling, social work, ~~or~~ marriage and family 1779

therapy, or art therapy, but who is not also licensed, 1780
certificated, or otherwise legally authorized to engage in the 1781
practice of physical therapy. 1782

Sec. 4757.37. (A) An individual whom the counselor, social 1783
worker, and marriage and family therapist board licenses, 1784
certificates, or otherwise legally authorizes to engage in the 1785
practice of professional counseling, social work, or marriage 1786
and family therapy may render the professional services of a 1787
licensed professional clinical counselor, licensed professional 1788
counselor, independent social worker, social worker, independent 1789
marriage and family therapist, or marriage and family therapist 1790
within this state through a corporation formed under division 1791
(B) of section 1701.03 of the Revised Code, a limited liability 1792
company formed under Chapter 1705. of the Revised Code, a 1793
partnership, or a professional association formed under Chapter 1794
1785. of the Revised Code. This division does not preclude such 1795
an individual from rendering professional services as a licensed 1796
professional clinical counselor, licensed professional 1797
counselor, independent social worker, social worker, independent 1798
marriage and family therapist, or marriage and family therapist 1799
through another form of business entity, including, but not 1800
limited to, a nonprofit corporation or foundation, or in another 1801
manner that is authorized by or in accordance with this chapter, 1802
another chapter of the Revised Code, or rules of the counselor, 1803
social worker, and marriage and family therapist board adopted 1804
pursuant to this chapter. 1805

(B) A corporation, limited liability company, partnership, 1806
or professional association described in division (A) of this 1807
section may be formed for the purpose of providing a combination 1808
of the professional services of the following individuals who 1809
are licensed, certificated, or otherwise legally authorized to 1810

practice their respective professions:	1811
(1) Optometrists who are authorized to practice optometry	1812
under Chapter 4725. of the Revised Code;	1813
(2) Chiropractors who are authorized to practice	1814
chiropractic or acupuncture under Chapter 4734. of the Revised	1815
Code;	1816
(3) Psychologists who are authorized to practice	1817
psychology under Chapter 4732. of the Revised Code;	1818
(4) Registered or licensed practical nurses who are	1819
authorized to practice nursing as registered nurses or as	1820
licensed practical nurses under Chapter 4723. of the Revised	1821
Code;	1822
(5) Pharmacists who are authorized to practice pharmacy	1823
under Chapter 4729. of the Revised Code;	1824
(6) Physical therapists who are authorized to practice	1825
physical therapy under sections 4755.40 to 4755.56 of the	1826
Revised Code;	1827
(7) Occupational therapists who are authorized to practice	1828
occupational therapy under sections 4755.04 to 4755.13 of the	1829
Revised Code;	1830
(8) Mechanotherapists who are authorized to practice	1831
mechanotherapy under section 4731.151 of the Revised Code;	1832
(9) Doctors of medicine and surgery, osteopathic medicine	1833
and surgery, or podiatric medicine and surgery who are	1834
authorized for their respective practices under Chapter 4731. of	1835
the Revised Code;	1836
(10) Licensed professional clinical counselors, licensed	1837

professional counselors, independent social workers, social 1838
workers, independent marriage and family therapists, or marriage 1839
and family therapists who are authorized for their respective 1840
practices under this chapter; 1841

(11) Art therapists who are authorized to practice art 1842
therapy under Chapter 4785. of the Revised Code. 1843

This division applies notwithstanding a provision of a 1844
code of ethics applicable to an individual who is a licensed 1845
professional clinical counselor, licensed professional 1846
counselor, independent social worker, social worker, independent 1847
marriage and family therapist, or marriage and family therapist 1848
that prohibits the individual from engaging in the individual's 1849
practice in combination with a person who is licensed, 1850
certificated, or otherwise legally authorized to practice 1851
optometry, chiropractic, acupuncture through the state 1852
chiropractic board, psychology, nursing, pharmacy, physical 1853
therapy, occupational therapy, mechanotherapy, medicine and 1854
surgery, osteopathic medicine and surgery, ~~or~~ podiatric medicine 1855
and surgery, or art therapy, but who is not also licensed, 1856
certificated, or otherwise legally authorized to engage in the 1857
practice of professional counseling, social work, or marriage 1858
and family therapy. 1859

Sec. 4776.01. As used in this chapter: 1860

(A) "License" means an authorization evidenced by a 1861
license, certificate, registration, permit, card, or other 1862
authority that is issued or conferred by a licensing agency to a 1863
licensee or to an applicant for an initial license by which the 1864
licensee or initial license applicant has or claims the 1865
privilege to engage in a profession, occupation, or occupational 1866
activity, or, except in the case of the state dental board, to 1867

have control of and operate certain specific equipment, 1868
machinery, or premises, over which the licensing agency has 1869
jurisdiction. 1870

(B) Except as provided in section 4776.20 of the Revised 1871
Code, "licensee" means the person to whom the license is issued 1872
by a licensing agency. "Licensee" includes a person who, for 1873
purposes of section 3796.13 of the Revised Code, has complied 1874
with sections 4776.01 to 4776.04 of the Revised Code and has 1875
been determined by the department of commerce or state board of 1876
pharmacy, as the applicable licensing agency, to meet the 1877
requirements for employment. 1878

(C) Except as provided in section 4776.20 of the Revised 1879
Code, "licensing agency" means any of the following: 1880

(1) The board authorized by Chapters 4701., 4717., 4725., 1881
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4753., 1882
4755., 4757., 4759., 4760., 4761., 4762., 4774., 4778., 4779., 1883
~~and 4783., and 4785.~~ of the Revised Code to issue a license to 1884
engage in a specific profession, occupation, or occupational 1885
activity, or to have charge of and operate certain specific 1886
equipment, machinery, or premises. 1887

(2) The state dental board, relative to its authority to 1888
issue a license pursuant to section 4715.12, 4715.16, 4715.21, 1889
or 4715.27 of the Revised Code; 1890

(3) The department of commerce or state board of pharmacy, 1891
relative to its authority under Chapter 3796. of the Revised 1892
Code and any rules adopted under that chapter with respect to a 1893
person who is subject to section 3796.13 of the Revised Code. 1894

(D) "Applicant for an initial license" includes persons 1895
seeking a license for the first time and persons seeking a 1896

license by reciprocity, endorsement, or similar manner of a 1897
license issued in another state. "Applicant for an initial 1898
license" also includes a person who, for purposes of section 1899
3796.13 of the Revised Code, is required to comply with sections 1900
4776.01 to 4776.04 of the Revised Code. 1901

(E) "Applicant for a restored license" includes persons 1902
seeking restoration of a license under section 4730.14, 1903
4731.281, 4760.06, or 4762.06 of the Revised Code. 1904

(F) "Criminal records check" has the same meaning as in 1905
section 109.572 of the Revised Code. 1906

Sec. 4776.20. (A) As used in this section: 1907

(1) "Licensing agency" means, in addition to each board 1908
identified in division (C) of section 4776.01 of the Revised 1909
Code, the board or other government entity authorized to issue a 1910
license under Chapters 4703., 4707., 4709., 4712., 4713., 4719., 1911
4723., 4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740., 1912
4742., 4747., 4749., 4751., 4752., 4753., 4758., 4759., 4763., 1913
4765., 4766., 4771., 4773., ~~and 4781.~~ and 4785. of the Revised 1914
Code. "Licensing agency" includes an administrative officer that 1915
has authority to issue a license. 1916

(2) "Licensee" means, in addition to a licensee as 1917
described in division (B) of section 4776.01 of the Revised 1918
Code, the person to whom a license is issued by the board or 1919
other government entity authorized to issue a license under 1920
Chapters 4703., 4707., 4709., 4712., 4713., 4719., 4723., 4727., 1921
4728., 4733., 4735., 4736., 4737., 4738., 4740., 4742., 4747., 1922
4749., 4751., 4752., 4753., 4758., 4759., 4763., 4765., 4766., 1923
4771., 4773., ~~and 4781.~~ and 4785. of the Revised Code. 1924

(3) "Prosecutor" has the same meaning as in section 1925

2935.01 of the Revised Code. 1926

(B) On a licensee's conviction of, plea of guilty to, 1927
judicial finding of guilt of, or judicial finding of guilt 1928
resulting from a plea of no contest to the offense of 1929
trafficking in persons in violation of section 2905.32 of the 1930
Revised Code, the prosecutor in the case shall promptly notify 1931
the licensing agency of the conviction, plea, or finding and 1932
provide the licensee's name and residential address. On receipt 1933
of this notification, the licensing agency shall immediately 1934
suspend the licensee's license. 1935

(C) If there is a conviction of, plea of guilty to, 1936
judicial finding of guilt of, or judicial finding of guilt 1937
resulting from a plea of no contest to the offense of 1938
trafficking in persons in violation of section 2905.32 of the 1939
Revised Code and all or part of the violation occurred on the 1940
premises of a facility that is licensed by a licensing agency, 1941
the prosecutor in the case shall promptly notify the licensing 1942
agency of the conviction, plea, or finding and provide the 1943
facility's name and address and the offender's name and 1944
residential address. On receipt of this notification, the 1945
licensing agency shall immediately suspend the facility's 1946
license. 1947

(D) Notwithstanding any provision of the Revised Code to 1948
the contrary, the suspension of a license under division (B) or 1949
(C) of this section shall be implemented by a licensing agency 1950
without a prior hearing. After the suspension, the licensing 1951
agency shall give written notice to the subject of the 1952
suspension of the right to request a hearing under Chapter 119. 1953
of the Revised Code. After a hearing is held, the licensing 1954
agency shall either revoke or permanently revoke the license of 1955

the subject of the suspension, unless it determines that the 1956
license holder has not been convicted of, pleaded guilty to, 1957
been found guilty of, or been found guilty based on a plea of no 1958
contest to the offense of trafficking in persons in violation of 1959
section 2905.32 of the Revised Code. 1960

Sec. 4785.01. As used in this chapter: 1961

(A) (1) "Art therapy" means the integrated use of 1962
psychotherapeutic principles and methods with art media and the 1963
creative process to assist individuals, families, or groups in 1964
doing any of the following: 1965

(a) Improving cognitive and sensory-motor functions; 1966

(b) Increasing self-awareness and self-esteem; 1967

(c) Coping with grief and traumatic experiences; 1968

(d) Enhancing cognitive abilities; 1969

(e) Resolving conflicts and distress; 1970

(f) Enhancing social functioning; 1971

(g) Identifying and assessing clients' needs to implement 1972
therapeutic intervention to meet developmental, behavioral, 1973
mental, and emotional needs. 1974

(2) "Art therapy" includes therapeutic intervention to 1975
facilitate alternative modes of receptive and expressive 1976
communication and evaluation and assessment to define and 1977
implement art-based treatment plans to address cognitive, 1978
behavioral, developmental, and emotional needs. 1979

(B) "Practice of art therapy" means the rendering or 1980
offering to render art therapy in the prevention or treatment of 1981
cognitive, developmental, emotional, or behavioral disabilities 1982

<u>or conditions.</u>	1983
<u>(C) "Licensee" means a person who is licensed to practice art therapy under this chapter.</u>	1984 1985
<u>(D) "Client" means a person who receives art therapy from a licensee.</u>	1986 1987
<u>Sec. 4785.02. (A) No person shall recklessly engage in the practice of art therapy or use the title "art therapist" or a similar title unless the person is licensed under this chapter.</u>	1988 1989 1990
<u>(B) This chapter does not apply to any of the following persons:</u>	1991 1992
<u>(1) A student who engages in the supervised practice of art therapy as part of an art therapy program at an accredited educational institution, if the person does not represent the person's self as an art therapist;</u>	1993 1994 1995 1996
<u>(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 engages in the practice of art therapy in a manner that is incidental to the practice of the person's or employee's profession, if the person does not represent the person's or employee's self as an art therapist;</u>	1997 1998 1999 2000 2001 2002
<u>(3) A person who engages in the practice of art therapy as part of the postgraduate supervised clinical experience described in division (B)(4) of section 4785.06 of the Revised Code.</u>	2003 2004 2005 2006
<u>Sec. 4785.03. The counselor, social worker, and marriage and family therapist board shall adopt rules in accordance with Chapter 119. of the Revised Code to implement and administer this chapter, including a rule that concerns the intervention</u>	2007 2008 2009 2010

for and treatment of any impaired person holding a license 2011
issued under the chapter. 2012

Sec. 4785.04. The counselor, social worker, and marriage 2013
and family therapist board shall keep a register of applicants 2014
for licenses issued under this chapter. The register shall show 2015
the name of the applicant and whether the applicant was granted 2016
or refused a license. 2017

The counselor, social worker, and marriage and family 2018
therapist board shall develop and publish on its internet web 2019
site a directory containing the names of, and contact 2020
information for, all persons who hold current, valid licenses 2021
issued by the board under this chapter. 2022

Sec. 4785.05. (A) The buckeye art therapy association or 2023
its successor organization shall provide the counselor, social 2024
worker, and marriage and family therapist board with expertise 2025
and assistance in carrying out the board's duties pursuant to 2026
this chapter. The association or its successor organization 2027
shall review and submit to the board recommendations on all of 2028
the following: 2029

(1) Requirements and procedures for issuing licenses under 2030
this chapter; 2031

(2) Rules pertaining to the practice of art therapy and 2032
the administration and enforcement of this chapter; 2033

(3) Standards for the ethical practice of art therapy that 2034
shall include, as the association or its successor organization 2035
finds appropriate, the code of ethics, conduct, and disciplinary 2036
procedures adopted by the art therapy credentials board, its 2037
successor organization, or an equivalent organization recognized 2038
by the counselor, social worker, and marriage and family 2039

<u>therapist board;</u>	2040
<u>(4) Standards and procedures for compliance with</u>	2041
<u>continuing education requirements and approval of providers of</u>	2042
<u>continuing education;</u>	2043
<u>(5) Fees required for issuance and renewal of licenses</u>	2044
<u>under this chapter;</u>	2045
<u>(6) Any other issue the board considers necessary for the</u>	2046
<u>administration and enforcement of this chapter.</u>	2047
<u>(B) The board shall take into consideration all</u>	2048
<u>recommendations submitted by the association or its successor</u>	2049
<u>organization before adopting any rule under section 4785.03 of</u>	2050
<u>the Revised Code. Not later than ninety days after receiving a</u>	2051
<u>recommendation from the association or its successor</u>	2052
<u>organization, the board shall approve or disapprove the</u>	2053
<u>recommendation and notify the association or its successor</u>	2054
<u>organization of its decision. If a recommendation is</u>	2055
<u>disapproved, the board shall inform the association or its</u>	2056
<u>successor organization of its reasons for making that decision.</u>	2057
<u>The association or its successor organization may resubmit the</u>	2058
<u>recommendation after addressing the concerns expressed by the</u>	2059
<u>board and modifying the disapproved recommendation accordingly.</u>	2060
<u>Not later than ninety days after receiving a resubmitted</u>	2061
<u>recommendation, the board shall approve or disapprove the</u>	2062
<u>recommendation. There is no limit on the number of times the</u>	2063
<u>association or its successor organization may resubmit a</u>	2064
<u>recommendation for consideration by the board.</u>	2065
<u>Sec. 4785.06. (A) A person seeking a license to practice</u>	2066
<u>art therapy under this chapter shall submit to the counselor,</u>	2067
<u>social worker, and marriage and family therapist board a</u>	2068

completed application on a form prescribed by the counselor, 2069
social worker, and marriage and family therapist board and an 2070
application fee in an amount to be determined by the board in 2071
rules adopted pursuant to section 4785.03 of the Revised Code. 2072
The board may prorate the application fee for an initial 2073
license. 2074

The application shall include information the counselor, 2075
social worker, and marriage and family therapist board considers 2076
necessary to process the application, including evidence 2077
satisfactory to the counselor, social worker, and marriage and 2078
family therapist board that the applicant meets the requirements 2079
specified in division (B) of this section. No part of the 2080
application fee shall be returned to the applicant or applied to 2081
another application. 2082

(B) To be eligible for a license to practice art therapy 2083
under this chapter, an applicant shall demonstrate to the 2084
counselor, social worker, and marriage and family therapist 2085
board that the applicant meets all of the following 2086
requirements: 2087

(1) The applicant is at least eighteen years of age. 2088

(2) The applicant is of good moral character. 2089

(3) The applicant has attained a master's degree or higher 2090
degree from a graduate program in art therapy that one of the 2091
following applies to at the time the degree was conferred: 2092

(a) The program is approved by the American art therapy 2093
association or its successor organization. 2094

(b) The program is accredited by the commission on 2095
accreditation of allied health education programs or its 2096
successor organization. 2097

(c) The counselor, social worker, and marriage and family therapist board considers the program to be substantially equivalent to a program approved or accredited under division (B) (3) (a) or (b) of this section. 2098
2099
2100
2101

(4) The applicant has completed at least two years of postgraduate supervised clinical experience in the practice of art therapy that meets the posteducation supervised art therapy experience requirements that the art therapy credentials board, its successor organization, or an equivalent organization recognized by the counselor, social worker, and marriage and family therapist board required for an individual to become a registered art therapist at the time the experience was completed. 2102
2103
2104
2105
2106
2107
2108
2109
2110

(5) The applicant has a board certification in good standing with the art therapy credentials board, its successor organization, or an equivalent organization recognized by the counselor, social worker, and marriage and family therapist board. 2111
2112
2113
2114
2115

(6) The applicant complies with sections 4776.01 to 4776.04 of the Revised Code. 2116
2117

(7) The applicant has satisfied any other requirements established by the counselor, social worker, and marriage and family therapist board in rules adopted under section 4785.03 of the Revised Code. 2118
2119
2120
2121

(C) The counselor, social worker, and marriage and family therapist board shall not grant to a person a license to practice art therapy unless the board, in its discretion, decides that the results of a criminal records check do not make the person ineligible for a license under this section. 2122
2123
2124
2125
2126

(D) Not later than sixty days after receiving a complete application, the counselor, social worker, and marriage and family therapist board shall issue a license to practice art therapy to an applicant if the counselor, social worker, and marriage and family therapist board determines that the applicant satisfies the requirements of division (B) of this section. An affirmative vote of a majority of the members of the board is required to determine that an applicant meets the requirements. 2127
2128
2129
2130
2131
2132
2133
2134
2135

(E) The counselor, social worker, and marriage and family therapist board may waive the requirements of division (B) of this section and issue a license to practice art therapy to an applicant if, not later than one year following the adoption of the initial rules adopted by the board under section 4785.03 of the Revised Code, the applicant files an application with the counselor, social worker, and marriage and family therapist board that includes evidence satisfactory to the board that the applicant meets all of the following requirements: 2136
2137
2138
2139
2140
2141
2142
2143
2144

(1) The applicant holds a credential in good standing with the art therapy credentials board, its successor organization, or an equivalent organization recognized by the counselor, social worker, and marriage and family therapist board. 2145
2146
2147
2148

(2) The applicant has practiced art therapy for at least five years. 2149
2150

(3) The applicant complies with sections 4776.01 to 4776.04 of the Revised Code. 2151
2152

(4) The applicant satisfies any additional requirements established by the counselor, social worker, and marriage and family therapist board in rules adopted under section 4785.03 of 2153
2154
2155

the Revised Code. 2156

Sec. 4785.07. (A) A license issued under section 4785.06 2157
of the Revised Code shall expire biennially and may be renewed 2158
in accordance with this section. A licensee seeking to renew a 2159
license to practice art therapy shall, on or before the thirty- 2160
first day of January of each even-numbered year, apply for 2161
renewal of the license. The counselor, social worker, and 2162
marriage and family therapist board may establish a different 2163
expiration date for an initial license. The board shall provide 2164
renewal notices at least one month before the expiration date. 2165

(B) A licensee shall submit a renewal application to the 2166
counselor, social worker, and marriage and family therapist 2167
board in a manner prescribed by the board and a renewal fee in 2168
an amount to be determined by the board in rules adopted 2169
pursuant to section 4785.03 of the Revised Code. 2170

(C) To be eligible for renewal, a licensee shall certify 2171
to the board that the licensee has done all of the following: 2172

(1) Maintained board certification with the art therapy 2173
credentials board, its successor organization, or an equivalent 2174
organization recognized by the counselor, social worker, and 2175
marriage and family therapist board; 2176

(2) Completed at least forty hours of the continuing 2177
education that is required to maintain board certification with 2178
the art therapy credentials board, its successor organization, 2179
or an equivalent organization recognized by the counselor, 2180
social worker, and marriage and family therapist board; 2181

(3) Report any criminal offense to which the applicant has 2182
pleaded guilty, of which the licensee has been found guilty, or 2183
for which the applicant has been found eligible for intervention 2184

in lieu of conviction, since last signing an application for a 2185
license under this chapter. 2186

(D) If a licensee submits a renewal application that the 2187
counselor, social worker, and marriage and family therapist 2188
board considers to be complete and qualifies for renewal 2189
pursuant to division (B) of this section, the counselor, social 2190
worker, and marriage and family therapist board shall issue to 2191
the licensee a renewed license to practice art therapy. 2192

(E) The counselor, social worker, and marriage and family 2193
therapist board may require a random sample of licensees to 2194
submit materials documenting that the licensee has complied with 2195
divisions (C) (1) and (2) of this section. If the counselor, 2196
social worker, and marriage and family therapist board finds 2197
through the random sample or any other means that a licensee has 2198
not complied with those divisions, the board may refuse to renew 2199
the licensee's license or may take any other action the board 2200
may take under this chapter. 2201

Sec. 4785.08. (A) A license to practice art therapy that 2202
is not renewed on or before its expiration date is automatically 2203
suspended on its expiration date. The continued practice of art 2204
therapy after suspension of a license shall be considered a 2205
violation of division (A) of section 4785.02 of the Revised 2206
Code. 2207

(B) If a license has been suspended pursuant to division 2208
(A) of this section, the counselor, social worker, and marriage 2209
and family therapist board shall reinstate the license if the 2210
person qualifies for renewal pursuant to section 4785.07 of the 2211
Revised Code and pays a monetary penalty to be established by 2212
the board. 2213

(C) If a license has been suspended pursuant to division 2214
(A) of this section for more than two years, the board may 2215
impose terms and conditions for reinstatement in addition to 2216
those specified in division (B) of this section, including the 2217
following: 2218

(1) Requiring the applicant to pass an oral or written 2219
examination, or both, to determine the applicant's fitness to 2220
resume the practice of art therapy; 2221

(2) Requiring the applicant to obtain additional training 2222
and to pass an examination on completion of the training; 2223

(3) Restricting or limiting the extent, scope, or type of 2224
practice in which an applicant may engage. 2225

Sec. 4785.09. (A) A licensee may treat affective, 2226
behavioral, and cognitive disorders or problems specified in the 2227
edition of the diagnostic and statistical manual of mental 2228
disorders published by the American psychiatric association 2229
designated by the counselor, social worker, and marriage and 2230
family therapist board in rules adopted under section 4785.03 of 2231
the Revised Code. 2232

(B) A license issued under this chapter does not authorize 2233
the licensee to do either of the following: 2234

(1) Administer or prescribe drugs; 2235

(2) Perform psychological testing intended to measure or 2236
diagnose serious mental illness. 2237

Sec. 4785.10. (A) As used in this section: 2238

(1) "Willfully betraying a professional confidence" and 2239
"false, fraudulent, deceptive, or misleading statement" have the 2240
same meanings as in section 4731.22 of the Revised Code. 2241

(2) "Privileged communication" means any information 2242
obtained through the practice of art therapy, including client 2243
records, artwork, verbal or artistic expressions, assessment 2244
results, or assessment interpretations. 2245

(B) The counselor, social worker, and marriage and family 2246
therapist board, by an affirmative vote of a majority of the 2247
members, may limit, revoke, suspend, or refuse to grant a 2248
license to practice art therapy to a person found by the board 2249
to have committed fraud, misrepresentation, or deception in 2250
applying for or securing the license. 2251

(C) The board, by an affirmative vote of a majority of the 2252
members, shall, to the extent permitted by law, limit, revoke, 2253
suspend, or refuse to issue, renew, or reinstate a license, or 2254
reprimand or place on probation a licensee for any of the 2255
following reasons: 2256

(1) Failure to comply with the requirements of this 2257
chapter or any rules adopted by the board; 2258

(2) Permitting the licensee's name or license to be used 2259
by another person; 2260

(3) Failure to employ acceptable scientific methods in the 2261
selection of modalities for treatment provided under a license 2262
to practice art therapy; 2263

(4) A plea of guilty to, a judicial finding of guilt of, 2264
or a judicial finding of eligibility for intervention in lieu of 2265
conviction for, a violation of any federal or state law 2266
regulating the possession, distribution, or use of any drug; 2267

(5) Willfully betraying a professional confidence; 2268

(6) Making a false, fraudulent, deceptive, or misleading 2269

statement in the solicitation of or advertising for clients; in 2270
relation to the practice of art therapy; or in securing or 2271
attempting to secure any license or certificate to practice 2272
issued by the board; 2273

(7) A departure from, or the failure to conform to, 2274
minimal standards of care of similar practitioners under the 2275
same or similar circumstances, whether or not actual injury to a 2276
client is established; 2277

(8) Representing, with the purpose of obtaining 2278
compensation or other advantage as personal gain or for any 2279
other person, that an incurable disease or injury, or other 2280
incurable condition, can be permanently cured; 2281

(9) The obtaining of, or attempting to obtain, money or 2282
anything of value by fraudulent misrepresentations in the course 2283
of the practice of art therapy; 2284

(10) A plea of guilty to, a judicial finding of guilt of, 2285
or a judicial finding of eligibility for intervention in lieu of 2286
conviction for, a felony; 2287

(11) Commission of an act that constitutes a felony in 2288
this state, regardless of the jurisdiction in which the act was 2289
committed; 2290

(12) A plea of guilty to, a judicial finding of guilt of, 2291
or a judicial finding of eligibility for intervention in lieu of 2292
conviction for, a misdemeanor committed in the course of the 2293
practice of art therapy; 2294

(13) Commission of an act in the course of the practice of 2295
art therapy that constitutes a misdemeanor in this state, 2296
regardless of the jurisdiction in which the act was committed; 2297

<u>(14) A plea of guilty to, a judicial finding of guilt of,</u>	2298
<u>or a judicial finding of eligibility for intervention in lieu of</u>	2299
<u>conviction for, a misdemeanor involving moral turpitude;</u>	2300
<u>(15) Commission of an act involving moral turpitude that</u>	2301
<u>constitutes a misdemeanor in this state, regardless of the</u>	2302
<u>jurisdiction in which the act was committed;</u>	2303
<u>(16) Violation of the conditions of limitation placed by</u>	2304
<u>the board on a license to practice art therapy;</u>	2305
<u>(17) Failure to pay license renewal fees required by this</u>	2306
<u>chapter;</u>	2307
<u>(18) Inability to practice art therapy according to</u>	2308
<u>acceptable and prevailing standards of care by reason of mental</u>	2309
<u>illness or physical illness, including physical deterioration</u>	2310
<u>that adversely affects cognitive, motor, or perceptive skills;</u>	2311
<u>(19) Impairment of ability to practice art therapy</u>	2312
<u>according to acceptable and prevailing standards of care because</u>	2313
<u>of habitual or excessive use or abuse of drugs, alcohol, or</u>	2314
<u>other substances that impair the ability to practice;</u>	2315
<u>(20) Failure to maintain the confidentiality of privileged</u>	2316
<u>communications without the written consent of a client or a</u>	2317
<u>client's parent or guardian, as applicable, unless otherwise</u>	2318
<u>required by law, court order, or necessity to protect public</u>	2319
<u>health and safety;</u>	2320
<u>(21) Failure to comply with the continuing education</u>	2321
<u>requirements necessary to renew a license to practice art</u>	2322
<u>therapy;</u>	2323
<u>(22) Failure to comply with any standards for the ethical</u>	2324
<u>practice of art therapy that the board adopts under section</u>	2325

<u>4785.03 of the Revised Code;</u>	2326
<u>(23) Failure to cooperate in an investigation conducted by</u>	2327
<u>the board under division (E) of this section, including failure</u>	2328
<u>to comply with a subpoena or order issued by the board or</u>	2329
<u>failure to answer truthfully a question presented by the board</u>	2330
<u>in an investigative interview.</u>	2331
<u>(D) Disciplinary actions taken by the board under</u>	2332
<u>divisions (B) and (C) of this section shall be taken pursuant to</u>	2333
<u>an adjudication under Chapter 119. of the Revised Code, except</u>	2334
<u>that in lieu of an adjudication, the board may enter into a</u>	2335
<u>consent agreement with a person to resolve an allegation of a</u>	2336
<u>violation of this chapter or any rule adopted under it. A</u>	2337
<u>consent agreement, when ratified by an affirmative vote of a</u>	2338
<u>majority of the members of the board, shall constitute the</u>	2339
<u>findings and order of the board with respect to the matter</u>	2340
<u>addressed in the agreement. If the board refuses to ratify a</u>	2341
<u>consent agreement, the admissions and findings contained in the</u>	2342
<u>consent agreement are of no force or effect.</u>	2343
<u>(E) The board shall investigate evidence that appears to</u>	2344
<u>show that a person has violated any provision of this chapter or</u>	2345
<u>any rule adopted under it. Any person may report to the board in</u>	2346
<u>a signed writing any information that the person may have that</u>	2347
<u>appears to show a violation of any provision of this chapter or</u>	2348
<u>any rule adopted under it. Investigations of alleged violations</u>	2349
<u>of this chapter or any rule adopted under it shall be conducted</u>	2350
<u>by the board in the same manner as the board conducts</u>	2351
<u>investigations under section 4757.38 of the Revised Code.</u>	2352
<u>(F) Notwithstanding any provision of the Revised Code to</u>	2353
<u>the contrary, all of the following apply:</u>	2354

(1) The surrender of a license issued under this chapter 2355
is not effective until accepted by the board. A telephone 2356
conference call may be used for acceptance of the surrender of a 2357
person's license to practice art therapy. The telephone 2358
conference call shall be considered a special meeting under 2359
division (F) of section 121.22 of the Revised Code. 2360
Reinstatement of a license to practice art therapy surrendered 2361
to the board requires an affirmative vote of a majority of the 2362
members of the board. 2363

(2) An application for a license to practice art therapy 2364
under this chapter may not be withdrawn without approval of the 2365
board. 2366

(3) Failure of a person to renew a license to practice art 2367
therapy in accordance with section 4785.07 of the Revised Code 2368
does not remove or limit the board's jurisdiction to take any 2369
disciplinary action under this section against the person. 2370

Sec. 4785.11. (A) If a licensee violates any provision of 2371
this chapter or any rule adopted under it, the counselor, social 2372
worker, and marriage and family therapist board may, pursuant to 2373
an adjudication under Chapter 119. of the Revised Code and an 2374
affirmative vote of a majority of its members, impose a civil 2375
penalty. The amount of the civil penalty shall be determined by 2376
the board in accordance with the guidelines adopted under 2377
division (B) of this section. 2378

(B) The board shall adopt and may amend guidelines 2379
regarding the amounts of civil penalties to be imposed under 2380
this section. Adoption or amendment of the guidelines requires 2381
the approval of a majority of the board members. 2382

(C) Amounts received from payment of civil penalties 2383

imposed under this section shall be deposited by the board in 2384
the state treasury to the credit of the occupational licensing 2385
and regulatory fund. Amounts received from payment of civil 2386
penalties imposed for violations of division (C)(19) of section 2387
4785.10 of the Revised Code shall be used by the board solely 2388
for investigations, enforcement, and compliance monitoring. 2389

Sec. 4785.12. On receipt of a notice pursuant to section 2390
3123.43 of the Revised Code, the counselor, social worker, and 2391
marriage and family therapist board shall comply with sections 2392
3123.41 to 3123.50 of the Revised Code and any applicable rules 2393
adopted under section 3123.63 of the Revised Code with respect 2394
to a license to practice art therapy issued under this chapter. 2395

Sec. 4785.13. The counselor, social worker, and marriage 2396
and family therapist board shall comply with section 4776.20 of 2397
the Revised Code. 2398

Sec. 4785.14. (A) A licensee may practice art therapy 2399
within this state through a corporation formed under division 2400
(B) of section 1701.03 of the Revised Code, a limited liability 2401
company formed under Chapter 1705. of the Revised Code, a 2402
partnership, or a professional association formed under Chapter 2403
1785. of the Revised Code. This division does not preclude a 2404
licensee from practicing art therapy through another form of 2405
business entity, including a nonprofit corporation or 2406
foundation, or in another manner that is authorized by or in 2407
accordance with this chapter, another chapter of the Revised 2408
Code, or rules of the counselor, social worker, and marriage and 2409
family therapist board adopted pursuant to this chapter. 2410

(B) A corporation, limited liability company, partnership, 2411
or professional association described in division (A) of this 2412
section may be formed for the purpose of providing a combination 2413

of the professional services of the following individuals who 2414
are licensed, certificated, or otherwise legally authorized to 2415
practice their respective professions: 2416

(1) Optometrists who are authorized to practice optometry 2417
under Chapter 4725. of the Revised Code; 2418

(2) Chiropractors who are authorized to practice 2419
chiropractic or acupuncture under Chapter 4734. of the Revised 2420
Code; 2421

(3) Psychologists who are authorized to practice 2422
psychology under Chapter 4732. of the Revised Code; 2423

(4) Registered or licensed practical nurses who are 2424
authorized to practice nursing as registered nurses or as 2425
licensed practical nurses under Chapter 4723. of the Revised 2426
Code; 2427

(5) Pharmacists who are authorized to practice pharmacy 2428
under Chapter 4729. of the Revised Code; 2429

(6) Physical therapists who are authorized to practice 2430
physical therapy under sections 4755.40 to 4755.56 of the 2431
Revised Code; 2432

(7) Occupational therapists who are authorized to practice 2433
occupational therapy under sections 4755.04 to 4755.13 of the 2434
Revised Code; 2435

(8) Mechanotherapists who are authorized to practice 2436
mechanotherapy under section 4731.151 of the Revised Code; 2437

(9) Doctors of medicine and surgery, osteopathic medicine 2438
and surgery, or podiatric medicine and surgery who are 2439
authorized for their respective practices under Chapter 4731. of 2440
the Revised Code; 2441

(10) Licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, or marriage and family therapists who are authorized for their respective practices under Chapter 4757. of the Revised Code; 2442
2443
2444
2445
2446

(11) Art therapists who are authorized to practice art therapy under this chapter. 2447
2448

This division shall apply notwithstanding a provision of a code of ethics applicable to a licensee that prohibits the individual from engaging in the practice of art therapy in combination with a person who is licensed, certificated, or otherwise legally authorized to engage in the practice of optometry, chiropractic, acupuncture through the state chiropractic board, psychology, nursing, pharmacy, physical therapy, occupational therapy, mechanotherapy, medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, professional counseling, social work, or marriage and family therapy, but who is not also licensed to engage in the practice of art therapy. 2449
2450
2451
2452
2453
2454
2455
2456
2457
2458
2459
2460

Sec. 4785.99. Whoever violates division (A) of section 4785.02 of the Revised Code is guilty of a felony of the fifth degree on a first offense; on each subsequent offense, such person is guilty of a felony of the fourth degree. 2461
2462
2463
2464

Section 2. That existing sections 109.572, 1701.03, 1705.03, 1705.04, 1705.53, 1785.01, 1785.02, 1785.03, 1785.08, 4723.16, 4725.33, 4729.161, 4731.226, 4731.65, 4732.28, 4734.17, 4743.05, 4755.111, 4755.471, 4757.37, 4776.01, and 4776.20 of the Revised Code are hereby repealed. 2465
2466
2467
2468
2469

Section 3. Division (A) of section 4785.02 of the Revised 2470

Code, as enacted by this act, takes effect one year after the
effective date of this act.

2471

2472