

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**S. B. No. 238**

**Senators Yuko, Brenner**

**Cosponsors: Senators Antonio, Maharath, Sykes, Craig, Fedor, Kunze, Thomas**

---

**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, 4731.07, 3  
4731.224, 4731.226, 4731.24, 4731.25, 4731.65, 4  
4732.28, 4734.17, 4743.05, 4755.111, 4755.471, 5  
4757.37, 4776.01, and 4776.20 and to enact 6  
sections 4785.01, 4785.02, 4785.03, 4785.04, 7  
4785.05, 4785.06, 4785.07, 4785.08, 4785.09, 8  
4785.10, 4785.11, 4785.12, 4785.13, 4785.14, 9  
4785.99, 4787.01, 4787.02, 4787.03, 4787.04, 10  
4787.05, 4787.06, 4787.07, 4787.08, 4787.09, 11  
4787.10, 4787.11, 4787.12, 4787.13, 4787.14, 12  
4787.15, and 4787.99 of the Revised Code to 13  
license and regulate art therapists and music 14  
therapists. 15

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

**Section 1.** That sections 109.572, 1701.03, 1705.03, 16  
1705.04, 1705.53, 1785.01, 1785.02, 1785.03, 1785.08, 4723.16, 17  
4725.33, 4729.161, 4731.07, 4731.224, 4731.226, 4731.24, 18  
4731.25, 4731.65, 4732.28, 4734.17, 4743.05, 4755.111, 4755.471, 19

4757.37, 4776.01, and 4776.20 be amended and sections 4785.01, 20  
4785.02, 4785.03, 4785.04, 4785.05, 4785.06, 4785.07, 4785.08, 21  
4785.09, 4785.10, 4785.11, 4785.12, 4785.13, 4785.14, 4785.99, 22  
4787.01, 4787.02, 4787.03, 4787.04, 4787.05, 4787.06, 4787.07, 23  
4787.08, 4787.09, 4787.10, 4787.11, 4787.12, 4787.13, 4787.14, 24  
4787.15, and 4787.99 of the Revised Code be enacted to read as 25  
follows: 26

**Sec. 109.572.** (A) (1) Upon receipt of a request pursuant to 27  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 28  
Code, a completed form prescribed pursuant to division (C) (1) of 29  
this section, and a set of fingerprint impressions obtained in 30  
the manner described in division (C) (2) of this section, the 31  
superintendent of the bureau of criminal identification and 32  
investigation shall conduct a criminal records check in the 33  
manner described in division (B) of this section to determine 34  
whether any information exists that indicates that the person 35  
who is the subject of the request previously has been convicted 36  
of or pleaded guilty to any of the following: 37

(a) A violation of section 2903.01, 2903.02, 2903.03, 38  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 39  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 40  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 41  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 42  
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 43  
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 44  
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 45  
sexual penetration in violation of former section 2907.12 of the 46  
Revised Code, a violation of section 2905.04 of the Revised Code 47  
as it existed prior to July 1, 1996, a violation of section 48  
2919.23 of the Revised Code that would have been a violation of 49  
section 2905.04 of the Revised Code as it existed prior to July 50

1, 1996, had the violation been committed prior to that date, or 51  
a violation of section 2925.11 of the Revised Code that is not a 52  
minor drug possession offense; 53

(b) A violation of an existing or former law of this 54  
state, any other state, or the United States that is 55  
substantially equivalent to any of the offenses listed in 56  
division (A) (1) (a) of this section; 57

(c) If the request is made pursuant to section 3319.39 of 58  
the Revised Code for an applicant who is a teacher, any offense 59  
specified in section 3319.31 of the Revised Code. 60

(2) On receipt of a request pursuant to section 3712.09 or 61  
3721.121 of the Revised Code, a completed form prescribed 62  
pursuant to division (C) (1) of this section, and a set of 63  
fingerprint impressions obtained in the manner described in 64  
division (C) (2) of this section, the superintendent of the 65  
bureau of criminal identification and investigation shall 66  
conduct a criminal records check with respect to any person who 67  
has applied for employment in a position for which a criminal 68  
records check is required by those sections. The superintendent 69  
shall conduct the criminal records check in the manner described 70  
in division (B) of this section to determine whether any 71  
information exists that indicates that the person who is the 72  
subject of the request previously has been convicted of or 73  
pleaded guilty to any of the following: 74

(a) A violation of section 2903.01, 2903.02, 2903.03, 75  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 76  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 77  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 78  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 79  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 80

2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 81  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 82  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 83

(b) An existing or former law of this state, any other 84  
state, or the United States that is substantially equivalent to 85  
any of the offenses listed in division (A) (2) (a) of this 86  
section. 87

(3) On receipt of a request pursuant to section 173.27, 88  
173.38, 173.381, 3701.881, 5119.34, 5164.34, 5164.341, 5164.342, 89  
5123.081, or 5123.169 of the Revised Code, a completed form 90  
prescribed pursuant to division (C) (1) of this section, and a 91  
set of fingerprint impressions obtained in the manner described 92  
in division (C) (2) of this section, the superintendent of the 93  
bureau of criminal identification and investigation shall 94  
conduct a criminal records check of the person for whom the 95  
request is made. The superintendent shall conduct the criminal 96  
records check in the manner described in division (B) of this 97  
section to determine whether any information exists that 98  
indicates that the person who is the subject of the request 99  
previously has been convicted of, has pleaded guilty to, or 100  
(except in the case of a request pursuant to section 5164.34, 101  
5164.341, or 5164.342 of the Revised Code) has been found 102  
eligible for intervention in lieu of conviction for any of the 103  
following, regardless of the date of the conviction, the date of 104  
entry of the guilty plea, or (except in the case of a request 105  
pursuant to section 5164.34, 5164.341, or 5164.342 of the 106  
Revised Code) the date the person was found eligible for 107  
intervention in lieu of conviction: 108

(a) A violation of section 959.13, 959.131, 2903.01, 109  
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 110

2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341,	111
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33,	112
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08,	113
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31,	114
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02,	115
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02,	116
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05,	117
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42,	118
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48,	119
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12,	120
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03,	121
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321,	122
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123,	123
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02,	124
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11,	125
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36,	126
2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;	127
(b) Felonious sexual penetration in violation of former	128
section 2907.12 of the Revised Code;	129
(c) A violation of section 2905.04 of the Revised Code as	130
it existed prior to July 1, 1996;	131
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	132
the Revised Code when the underlying offense that is the object	133
of the conspiracy, attempt, or complicity is one of the offenses	134
listed in divisions (A) (3) (a) to (c) of this section;	135
(e) A violation of an existing or former municipal	136
ordinance or law of this state, any other state, or the United	137
States that is substantially equivalent to any of the offenses	138
listed in divisions (A) (3) (a) to (d) of this section.	139

(4) On receipt of a request pursuant to section 2151.86 or 140  
2151.904 of the Revised Code, a completed form prescribed 141  
pursuant to division (C)(1) of this section, and a set of 142  
fingerprint impressions obtained in the manner described in 143  
division (C)(2) of this section, the superintendent of the 144  
bureau of criminal identification and investigation shall 145  
conduct a criminal records check in the manner described in 146  
division (B) of this section to determine whether any 147  
information exists that indicates that the person who is the 148  
subject of the request previously has been convicted of or 149  
pleaded guilty to any of the following: 150

(a) A violation of section 959.13, 2903.01, 2903.02, 151  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 152  
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 153  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 154  
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 155  
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 156  
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 157  
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 158  
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 159  
2927.12, or 3716.11 of the Revised Code, a violation of section 160  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 161  
a violation of section 2919.23 of the Revised Code that would 162  
have been a violation of section 2905.04 of the Revised Code as 163  
it existed prior to July 1, 1996, had the violation been 164  
committed prior to that date, a violation of section 2925.11 of 165  
the Revised Code that is not a minor drug possession offense, 166  
two or more OVI or OVUAC violations committed within the three 167  
years immediately preceding the submission of the application or 168  
petition that is the basis of the request, or felonious sexual 169  
penetration in violation of former section 2907.12 of the 170

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

violation of former section 2907.12 of the Revised Code, a 201  
violation of section 2905.04 of the Revised Code as it existed 202  
prior to July 1, 1996, a violation of section 2919.23 of the 203  
Revised Code that would have been a violation of section 2905.04 204  
of the Revised Code as it existed prior to July 1, 1996, had the 205  
violation been committed prior to that date, a violation of 206  
section 2925.11 of the Revised Code that is not a minor drug 207  
possession offense, a violation of section 2923.02 or 2923.03 of 208  
the Revised Code that relates to a crime specified in this 209  
division, or a second violation of section 4511.19 of the 210  
Revised Code within five years of the date of application for 211  
licensure or certification. 212

(b) A violation of an existing or former law of this 213  
state, any other state, or the United States that is 214  
substantially equivalent to any of the offenses or violations 215  
described in division (A) (5) (a) of this section. 216

(6) Upon receipt of a request pursuant to section 5153.111 217  
of the Revised Code, a completed form prescribed pursuant to 218  
division (C) (1) of this section, and a set of fingerprint 219  
impressions obtained in the manner described in division (C) (2) 220  
of this section, the superintendent of the bureau of criminal 221  
identification and investigation shall conduct a criminal 222  
records check in the manner described in division (B) of this 223  
section to determine whether any information exists that 224  
indicates that the person who is the subject of the request 225  
previously has been convicted of or pleaded guilty to any of the 226  
following: 227

(a) A violation of section 2903.01, 2903.02, 2903.03, 228  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 229  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 230

2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 231  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 232  
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 233  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 234  
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 235  
Code, felonious sexual penetration in violation of former 236  
section 2907.12 of the Revised Code, a violation of section 237  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 238  
a violation of section 2919.23 of the Revised Code that would 239  
have been a violation of section 2905.04 of the Revised Code as 240  
it existed prior to July 1, 1996, had the violation been 241  
committed prior to that date, or a violation of section 2925.11 242  
of the Revised Code that is not a minor drug possession offense; 243

(b) A violation of an existing or former law of this 244  
state, any other state, or the United States that is 245  
substantially equivalent to any of the offenses listed in 246  
division (A) (6) (a) of this section. 247

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

federal bureau of investigation as described in division (B) (2) 262  
of this section. Subject to division (F) of this section, the 263  
superintendent shall report the findings of the criminal records 264  
check and any information the federal bureau of investigation 265  
provides to the director of public safety. 266

(8) On receipt of a request pursuant to section 1321.37, 267  
1321.53, or 4763.05 of the Revised Code, a completed form 268  
prescribed pursuant to division (C) (1) of this section, and a 269  
set of fingerprint impressions obtained in the manner described 270  
in division (C) (2) of this section, the superintendent of the 271  
bureau of criminal identification and investigation shall 272  
conduct a criminal records check with respect to any person who 273  
has applied for a license, permit, or certification from the 274  
department of commerce or a division in the department. The 275  
superintendent shall conduct the criminal records check in the 276  
manner described in division (B) of this section to determine 277  
whether any information exists that indicates that the person 278  
who is the subject of the request previously has been convicted 279  
of or pleaded guilty to any of the following: a violation of 280  
section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the 281  
Revised Code; any other criminal offense involving theft, 282  
receiving stolen property, embezzlement, forgery, fraud, passing 283  
bad checks, money laundering, or drug trafficking, or any 284  
criminal offense involving money or securities, as set forth in 285  
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 286  
the Revised Code; or any existing or former law of this state, 287  
any other state, or the United States that is substantially 288  
equivalent to those offenses. 289

(9) On receipt of a request for a criminal records check 290  
from the treasurer of state under section 113.041 of the Revised 291  
Code or from an individual under section 928.03, 4701.08, 292

4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 293  
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 294  
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 295  
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.202, 296  
4751.21, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 297  
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 298  
4776.021, 4778.04, 4778.07, 4779.091, ~~or~~4783.04, 4785.06, or 299  
4787.05 of the Revised Code, accompanied by a completed form 300  
prescribed under division (C)(1) of this section and a set of 301  
fingerprint impressions obtained in the manner described in 302  
division (C)(2) of this section, the superintendent of the 303  
bureau of criminal identification and investigation shall 304  
conduct a criminal records check in the manner described in 305  
division (B) of this section to determine whether any 306  
information exists that indicates that the person who is the 307  
subject of the request has been convicted of or pleaded guilty 308  
to any criminal offense in this state or any other state. 309  
Subject to division (F) of this section, the superintendent 310  
shall send the results of a check requested under section 311  
113.041 of the Revised Code to the treasurer of state and shall 312  
send the results of a check requested under any of the other 313  
listed sections to the licensing board specified by the 314  
individual in the request. 315

(10) On receipt of a request pursuant to section 124.74, 316  
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 317  
Code, a completed form prescribed pursuant to division (C)(1) of 318  
this section, and a set of fingerprint impressions obtained in 319  
the manner described in division (C)(2) of this section, the 320  
superintendent of the bureau of criminal identification and 321  
investigation shall conduct a criminal records check in the 322  
manner described in division (B) of this section to determine 323

whether any information exists that indicates that the person 324  
who is the subject of the request previously has been convicted 325  
of or pleaded guilty to any criminal offense under any existing 326  
or former law of this state, any other state, or the United 327  
States. 328

(11) On receipt of a request for a criminal records check 329  
from an appointing or licensing authority under section 3772.07 330  
of the Revised Code, a completed form prescribed under division 331  
(C) (1) of this section, and a set of fingerprint impressions 332  
obtained in the manner prescribed in division (C) (2) of this 333  
section, the superintendent of the bureau of criminal 334  
identification and investigation shall conduct a criminal 335  
records check in the manner described in division (B) of this 336  
section to determine whether any information exists that 337  
indicates that the person who is the subject of the request 338  
previously has been convicted of or pleaded guilty or no contest 339  
to any offense under any existing or former law of this state, 340  
any other state, or the United States that is a disqualifying 341  
offense as defined in section 3772.07 of the Revised Code or 342  
substantially equivalent to such an offense. 343

(12) On receipt of a request pursuant to section 2151.33 344  
or 2151.412 of the Revised Code, a completed form prescribed 345  
pursuant to division (C) (1) of this section, and a set of 346  
fingerprint impressions obtained in the manner described in 347  
division (C) (2) of this section, the superintendent of the 348  
bureau of criminal identification and investigation shall 349  
conduct a criminal records check with respect to any person for 350  
whom a criminal records check is required under that section. 351  
The superintendent shall conduct the criminal records check in 352  
the manner described in division (B) of this section to 353  
determine whether any information exists that indicates that the 354

person who is the subject of the request previously has been 355  
convicted of or pleaded guilty to any of the following: 356

(a) A violation of section 2903.01, 2903.02, 2903.03, 357  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 358  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 359  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 360  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 361  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 362  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 363  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 364  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 365

(b) An existing or former law of this state, any other 366  
state, or the United States that is substantially equivalent to 367  
any of the offenses listed in division (A) (12) (a) of this 368  
section. 369

(13) On receipt of a request pursuant to section 3796.12 370  
of the Revised Code, a completed form prescribed pursuant to 371  
division (C) (1) of this section, and a set of fingerprint 372  
impressions obtained in a manner described in division (C) (2) of 373  
this section, the superintendent of the bureau of criminal 374  
identification and investigation shall conduct a criminal 375  
records check in the manner described in division (B) of this 376  
section to determine whether any information exists that 377  
indicates that the person who is the subject of the request 378  
previously has been convicted of or pleaded guilty to the 379  
following: 380

(a) A disqualifying offense as specified in rules adopted 381  
under division (B) (2) (b) of section 3796.03 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 department of commerce 387  
under Chapter 3796. of the Revised Code; 388

(b) A disqualifying offense as specified in rules adopted 389  
under division (B) (2) (b) of section 3796.04 of the Revised Code 390  
if the person who is the subject of the request is an 391  
administrator or other person responsible for the daily 392  
operation of, or an owner or prospective owner, officer or 393  
prospective officer, or board member or prospective board member 394  
of, an entity seeking a license from the state board of pharmacy 395  
under Chapter 3796. of the Revised Code. 396

(14) On receipt of a request required by section 3796.13 397  
of the Revised Code, a completed form prescribed pursuant to 398  
division (C) (1) of this section, and a set of fingerprint 399  
impressions obtained in a manner described in division (C) (2) of 400  
this section, the superintendent of the bureau of criminal 401  
identification and investigation shall conduct a criminal 402  
records check in the manner described in division (B) of this 403  
section to determine whether any information exists that 404  
indicates that the person who is the subject of the request 405  
previously has been convicted of or pleaded guilty to the 406  
following: 407

(a) A disqualifying offense as specified in rules adopted 408  
under division (B) (8) (a) of section 3796.03 of the Revised Code 409  
if the person who is the subject of the request is seeking 410  
employment with an entity licensed by the department of commerce 411  
under Chapter 3796. of the Revised Code; 412

(b) A disqualifying offense as specified in rules adopted 413  
under division (B) (14) (a) of section 3796.04 of the Revised Code 414

if the person who is the subject of the request is seeking 415  
employment with an entity licensed by the state board of 416  
pharmacy under Chapter 3796. of the Revised Code. 417

(15) On receipt of a request pursuant to section 4768.06 418  
of the Revised Code, a completed form prescribed under division 419  
(C) (1) of this section, and a set of fingerprint impressions 420  
obtained in the manner described in division (C) (2) of this 421  
section, the superintendent of the bureau of criminal 422  
identification and investigation shall conduct a criminal 423  
records check in the manner described in division (B) of this 424  
section to determine whether any information exists indicating 425  
that the person who is the subject of the request has been 426  
convicted of or pleaded guilty to a felony in this state or in 427  
any other state. 428

(16) On receipt of a request pursuant to division (B) of 429  
section 4764.07 or division (A) of section 4735.143 of the 430  
Revised Code, a completed form prescribed under division (C) (1) 431  
of this section, and a set of fingerprint impressions obtained 432  
in the manner described in division (C) (2) of this section, the 433  
superintendent of the bureau of criminal identification and 434  
investigation shall conduct a criminal records check in the 435  
manner described in division (B) of this section to determine 436  
whether any information exists indicating that the person who is 437  
the subject of the request has been convicted of or pleaded 438  
guilty to any crime of moral turpitude, a felony, or an 439  
equivalent offense in any other state or the United States. 440

(17) On receipt of a request for a criminal records check 441  
under section 147.022 of the Revised Code, a completed form 442  
prescribed under division (C) (1) of this section, and a set of 443  
fingerprint impressions obtained in the manner prescribed in 444

division (C) (2) of this section, the superintendent of the 445  
bureau of criminal identification and investigation shall 446  
conduct a criminal records check in the manner described in 447  
division (B) of this section to determine whether any 448  
information exists that indicates that the person who is the 449  
subject of the request previously has been convicted of or 450  
pleaded guilty or no contest to any disqualifying offense, as 451  
defined in section 147.011 of the Revised Code, or to any 452  
offense under any existing or former law of this state, any 453  
other state, or the United States that is substantially 454  
equivalent to such a disqualifying offense. 455

(B) Subject to division (F) of this section, the 456  
superintendent shall conduct any criminal records check to be 457  
conducted under this section as follows: 458

(1) The superintendent shall review or cause to be 459  
reviewed any relevant information gathered and compiled by the 460  
bureau under division (A) of section 109.57 of the Revised Code 461  
that relates to the person who is the subject of the criminal 462  
records check, including, if the criminal records check was 463  
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 464  
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 465  
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 466  
3712.09, 3721.121, 3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 467  
4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 468  
5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 469  
5153.111 of the Revised Code, any relevant information contained 470  
in records that have been sealed under section 2953.32 of the 471  
Revised Code; 472

(2) If the request received by the superintendent asks for 473  
information from the federal bureau of investigation, the 474

superintendent shall request from the federal bureau of 475  
investigation any information it has with respect to the person 476  
who is the subject of the criminal records check, including 477  
fingerprint-based checks of national crime information databases 478  
as described in 42 U.S.C. 671 if the request is made pursuant to 479  
section 2151.86 or 5104.013 of the Revised Code or if any other 480  
Revised Code section requires fingerprint-based checks of that 481  
nature, and shall review or cause to be reviewed any information 482  
the superintendent receives from that bureau. If a request under 483  
section 3319.39 of the Revised Code asks only for information 484  
from the federal bureau of investigation, the superintendent 485  
shall not conduct the review prescribed by division (B) (1) of 486  
this section. 487

(3) The superintendent or the superintendent's designee 488  
may request criminal history records from other states or the 489  
federal government pursuant to the national crime prevention and 490  
privacy compact set forth in section 109.571 of the Revised 491  
Code. 492

(4) The superintendent shall include in the results of the 493  
criminal records check a list or description of the offenses 494  
listed or described in division (A) (1), (2), (3), (4), (5), (6), 495  
(7), (8), (9), (10), (11), (12), (13), (14), (15), (16), or (17) 496  
of this section, whichever division requires the superintendent 497  
to conduct the criminal records check. The superintendent shall 498  
exclude from the results any information the dissemination of 499  
which is prohibited by federal law. 500

(5) The superintendent shall send the results of the 501  
criminal records check to the person to whom it is to be sent 502  
not later than the following number of days after the date the 503  
superintendent receives the request for the criminal records 504

check, the completed form prescribed under division (C) (1) of 505  
this section, and the set of fingerprint impressions obtained in 506  
the manner described in division (C) (2) of this section: 507

(a) If the superintendent is required by division (A) of 508  
this section (other than division (A) (3) of this section) to 509  
conduct the criminal records check, thirty; 510

(b) If the superintendent is required by division (A) (3) 511  
of this section to conduct the criminal records check, sixty. 512

(C) (1) The superintendent shall prescribe a form to obtain 513  
the information necessary to conduct a criminal records check 514  
from any person for whom a criminal records check is to be 515  
conducted under this section. The form that the superintendent 516  
prescribes pursuant to this division may be in a tangible 517  
format, in an electronic format, or in both tangible and 518  
electronic formats. 519

(2) The superintendent shall prescribe standard impression 520  
sheets to obtain the fingerprint impressions of any person for 521  
whom a criminal records check is to be conducted under this 522  
section. Any person for whom a records check is to be conducted 523  
under this section shall obtain the fingerprint impressions at a 524  
county sheriff's office, municipal police department, or any 525  
other entity with the ability to make fingerprint impressions on 526  
the standard impression sheets prescribed by the superintendent. 527  
The office, department, or entity may charge the person a 528  
reasonable fee for making the impressions. The standard 529  
impression sheets the superintendent prescribes pursuant to this 530  
division may be in a tangible format, in an electronic format, 531  
or in both tangible and electronic formats. 532

(3) Subject to division (D) of this section, the 533

superintendent shall prescribe and charge a reasonable fee for 534  
providing a criminal records check under this section. The 535  
person requesting the criminal records check shall pay the fee 536  
prescribed pursuant to this division. In the case of a request 537  
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 538  
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 539  
fee shall be paid in the manner specified in that section. 540

(4) The superintendent of the bureau of criminal 541  
identification and investigation may prescribe methods of 542  
forwarding fingerprint impressions and information necessary to 543  
conduct a criminal records check, which methods shall include, 544  
but not be limited to, an electronic method. 545

(D) The results of a criminal records check conducted 546  
under this section, other than a criminal records check 547  
specified in division (A) (7) of this section, are valid for the 548  
person who is the subject of the criminal records check for a 549  
period of one year from the date upon which the superintendent 550  
completes the criminal records check. If during that period the 551  
superintendent receives another request for a criminal records 552  
check to be conducted under this section for that person, the 553  
superintendent shall provide the results from the previous 554  
criminal records check of the person at a lower fee than the fee 555  
prescribed for the initial criminal records check. 556

(E) When the superintendent receives a request for 557  
information from a registered private provider, the 558  
superintendent shall proceed as if the request was received from 559  
a school district board of education under section 3319.39 of 560  
the Revised Code. The superintendent shall apply division (A) (1) 561  
(c) of this section to any such request for an applicant who is 562  
a teacher. 563

(F) (1) Subject to division (F) (2) of this section, all 564  
information regarding the results of a criminal records check 565  
conducted under this section that the superintendent reports or 566  
sends under division (A) (7) or (9) of this section to the 567  
director of public safety, the treasurer of state, or the 568  
person, board, or entity that made the request for the criminal 569  
records check shall relate to the conviction of the subject 570  
person, or the subject person's plea of guilty to, a criminal 571  
offense. 572

(2) Division (F) (1) of this section does not limit, 573  
restrict, or preclude the superintendent's release of 574  
information that relates to the arrest of a person who is 575  
eighteen years of age or older, to an adjudication of a child as 576  
a delinquent child, or to a criminal conviction of a person 577  
under eighteen years of age in circumstances in which a release 578  
of that nature is authorized under division (E) (2), (3), or (4) 579  
of section 109.57 of the Revised Code pursuant to a rule adopted 580  
under division (E) (1) of that section. 581

(G) As used in this section: 582

(1) "Criminal records check" means any criminal records 583  
check conducted by the superintendent of the bureau of criminal 584  
identification and investigation in accordance with division (B) 585  
of this section. 586

(2) "Minor drug possession offense" has the same meaning 587  
as in section 2925.01 of the Revised Code. 588

(3) "OVI or OVUAC violation" means a violation of section 589  
4511.19 of the Revised Code or a violation of an existing or 590  
former law of this state, any other state, or the United States 591  
that is substantially equivalent to section 4511.19 of the 592

Revised Code. 593

(4) "Registered private provider" means a nonpublic school 594  
or entity registered with the superintendent of public 595  
instruction under section 3310.41 of the Revised Code to 596  
participate in the autism scholarship program or section 3310.58 597  
of the Revised Code to participate in the Jon Peterson special 598  
needs scholarship program. 599

**Sec. 1701.03.** (A) A corporation may be formed under this 600  
chapter for any purpose or combination of purposes for which 601  
individuals lawfully may associate themselves, except that, if 602  
the Revised Code contains special provisions pertaining to the 603  
formation of any designated type of corporation other than a 604  
professional association, as defined in section 1785.01 of the 605  
Revised Code, a corporation of that type shall be formed in 606  
accordance with the special provisions. 607

(B) On and after July 1, 1994, a corporation may be formed 608  
under this chapter for the purpose of carrying on the practice 609  
of any profession, including, but not limited to, a corporation 610  
for the purpose of providing public accounting or certified 611  
public accounting services, a corporation for the erection, 612  
owning, and conducting of a sanitarium for receiving and caring 613  
for patients, medical and hygienic treatment of patients, and 614  
instruction of nurses in the treatment of disease and in 615  
hygiene, a corporation for the purpose of providing 616  
architectural, landscape architectural, professional 617  
engineering, or surveying services or any combination of those 618  
types of services, and a corporation for the purpose of 619  
providing a combination of the professional services, as defined 620  
in section 1785.01 of the Revised Code, of optometrists 621  
authorized under Chapter 4725. of the Revised Code, 622

chiropractors authorized under Chapter 4734. of the Revised Code 623  
to practice chiropractic or acupuncture, psychologists 624  
authorized under Chapter 4732. of the Revised Code, registered 625  
or licensed practical nurses authorized under Chapter 4723. of 626  
the Revised Code, pharmacists authorized under Chapter 4729. of 627  
the Revised Code, physical therapists authorized under sections 628  
4755.40 to 4755.56 of the Revised Code, occupational therapists 629  
authorized under sections 4755.04 to 4755.13 of the Revised 630  
Code, mechanotherapists authorized under section 4731.151 of the 631  
Revised Code, doctors of medicine and surgery, osteopathic 632  
medicine and surgery, or podiatric medicine and surgery 633  
authorized under Chapter 4731. of the Revised Code, ~~and~~ licensed 634  
professional clinical counselors, licensed professional 635  
counselors, independent social workers, social workers, 636  
independent marriage and family therapists, or marriage and 637  
family therapists authorized under Chapter 4757. of the Revised 638  
Code, and art therapists authorized under Chapter 4785. of the 639  
Revised Code. 640

This chapter does not restrict, limit, or otherwise affect 641  
the authority or responsibilities of any agency, board, 642  
commission, department, office, or other entity to license, 643  
register, and otherwise regulate the professional conduct of 644  
individuals or organizations of any kind rendering professional 645  
services, as defined in section 1785.01 of the Revised Code, in 646  
this state or to regulate the practice of any profession that is 647  
within the jurisdiction of the agency, board, commission, 648  
department, office, or other entity, notwithstanding that an 649  
individual is a director, officer, employee, or other agent of a 650  
corporation formed under this chapter and is rendering 651  
professional services or engaging in the practice of a 652  
profession through a corporation formed under this chapter or 653

that the organization is a corporation formed under this 654  
chapter. 655

(C) Nothing in division (A) or (B) of this section 656  
precludes the organization of a professional association in 657  
accordance with this chapter and Chapter 1785. of the Revised 658  
Code or the formation of a limited liability company under 659  
Chapter 1705. of the Revised Code with respect to a business, as 660  
defined in section 1705.01 of the Revised Code. 661

(D) No corporation formed for the purpose of providing a 662  
combination of the professional services, as defined in section 663  
1785.01 of the Revised Code, of optometrists authorized under 664  
Chapter 4725. of the Revised Code, chiropractors authorized 665  
under Chapter 4734. of the Revised Code to practice chiropractic 666  
or acupuncture, psychologists authorized under Chapter 4732. of 667  
the Revised Code, registered or licensed practical nurses 668  
authorized under Chapter 4723. of the Revised Code, pharmacists 669  
authorized under Chapter 4729. of the Revised Code, physical 670  
therapists authorized under sections 4755.40 to 4755.56 of the 671  
Revised Code, occupational therapists authorized under sections 672  
4755.04 to 4755.13 of the Revised Code, mechanotherapists 673  
authorized under section 4731.151 of the Revised Code, doctors 674  
of medicine and surgery, osteopathic medicine and surgery, or 675  
podiatric medicine and surgery authorized under Chapter 4731. of 676  
the Revised Code, ~~and~~ licensed professional clinical counselors, 677  
licensed professional counselors, independent social workers, 678  
social workers, independent marriage and family therapists, or 679  
marriage and family therapists authorized under Chapter 4757. of 680  
the Revised Code, and art therapists authorized under Chapter 681  
4785. of the Revised Code shall control the professional 682  
clinical judgment exercised within accepted and prevailing 683  
standards of practice of a licensed, certificated, or otherwise 684

legally authorized optometrist, chiropractor, chiropractor 685  
practicing acupuncture through the state chiropractic board, 686  
psychologist, nurse, pharmacist, physical therapist, 687  
occupational therapist, mechanotherapist, doctor of medicine and 688  
surgery, osteopathic medicine and surgery, or podiatric medicine 689  
and surgery, licensed professional clinical counselor, licensed 690  
professional counselor, independent social worker, social 691  
worker, independent marriage and family therapist, ~~or~~ marriage 692  
and family therapist, or art therapist in rendering care, 693  
treatment, or professional advice to an individual patient. 694

This division does not prevent a hospital, as defined in 695  
section 3727.01 of the Revised Code, insurer, as defined in 696  
section 3999.36 of the Revised Code, or intermediary 697  
organization, as defined in section 1751.01 of the Revised Code, 698  
from entering into a contract with a corporation described in 699  
this division that includes a provision requiring utilization 700  
review, quality assurance, peer review, or other performance or 701  
quality standards. Those activities shall not be construed as 702  
controlling the professional clinical judgment of an individual 703  
practitioner listed in this division. 704

**Sec. 1705.03.** (A) A limited liability company may sue and 705  
be sued. 706

(B) Unless otherwise provided in its articles of 707  
organization, a limited liability company may take property of 708  
any description or any interest in property of any description 709  
by gift, devise, or bequest and may make donations for the 710  
public welfare or for charitable, scientific, or educational 711  
purposes. 712

(C) In carrying out the purposes stated in its articles of 713  
organization or operating agreement and subject to limitations 714

prescribed by law or in its articles of organization or its	715
operating agreement, a limited liability company may do all of	716
the following:	717
(1) Purchase or otherwise acquire, lease as lessee or	718
lessor, invest in, hold, use, encumber, sell, exchange,	719
transfer, and dispose of property of any description or any	720
interest in property of any description;	721
(2) Make contracts;	722
(3) Form or acquire the control of other domestic or	723
foreign limited liability companies;	724
(4) Be a shareholder, partner, member, associate, or	725
participant in other profit or nonprofit enterprises or	726
ventures;	727
(5) Conduct its affairs in this state and elsewhere;	728
(6) Render in this state and elsewhere a professional	729
service, the kinds of professional services authorized under	730
Chapters 4703. and 4733. of the Revised Code, or a combination	731
of the professional services of optometrists authorized under	732
Chapter 4725. of the Revised Code, chiropractors authorized	733
under Chapter 4734. of the Revised Code to practice chiropractic	734
or acupuncture, psychologists authorized under Chapter 4732. of	735
the Revised Code, registered or licensed practical nurses	736
authorized under Chapter 4723. of the Revised Code, pharmacists	737
authorized under Chapter 4729. of the Revised Code, physical	738
therapists authorized under sections 4755.40 to 4755.56 of the	739
Revised Code, occupational therapists authorized under sections	740
4755.04 to 4755.13 of the Revised Code, mechanotherapists	741
authorized under section 4731.151 of the Revised Code, doctors	742
of medicine and surgery, osteopathic medicine and surgery, or	743

podiatric medicine and surgery authorized under Chapter 4731. of 744  
the Revised Code, ~~and~~ licensed professional clinical counselors, 745  
licensed professional counselors, independent social workers, 746  
social workers, independent marriage and family therapists, or 747  
marriage and family therapists authorized under Chapter 4757. of 748  
the Revised Code, and art therapists authorized under Chapter 749  
4785. of the Revised Code; 750

(7) Borrow money; 751

(8) Issue, sell, and pledge its notes, bonds, and other 752  
evidences of indebtedness; 753

(9) Secure any of its obligations by mortgage, pledge, or 754  
deed of trust of all or any of its property; 755

(10) Guarantee or secure obligations of any person; 756

(11) Do all things permitted by law and exercise all 757  
authority within or incidental to the purposes stated in its 758  
articles of organization. 759

(D) In addition to the authority conferred by division (C) 760  
of this section and irrespective of the purposes stated in its 761  
articles of organization or operating agreement but subject to 762  
any limitations stated in those articles or its operating 763  
agreement, a limited liability company may invest funds not 764  
currently needed in its business in any securities if the 765  
investment does not cause the company to acquire control of 766  
another enterprise whose activities and operations are not 767  
incidental to the purposes stated in the articles of 768  
organization of the company. 769

(E) (1) No lack of authority or limitation upon the 770  
authority of a limited liability company shall be asserted in 771  
any action except as follows: 772

(a) By the state in an action by it against the company;	773
(b) By or on behalf of the company in an action against a manager, an officer, or any member as a member;	774 775
(c) By a member as a member in an action against the company, a manager, an officer, or any member as a member;	776 777
(d) In an action involving an alleged improper issue of a membership interest in the company.	778 779
(2) Division (E)(1) of this section applies to any action commenced in this state upon any contract made in this state by a foreign limited liability company.	780 781 782
<b>Sec. 1705.04.</b> (A) One or more persons, without regard to residence, domicile, or state of organization, may form a limited liability company. The articles of organization shall be signed and filed with the secretary of state and shall set forth all of the following:	783 784 785 786 787
(1) The name of the company;	788
(2) Except as provided in division (B) of this section, the period of its duration, which may be perpetual;	789 790
(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.	791 792 793 794
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.	795 796 797 798
(B) If the articles of organization or operating agreement	799

do not set forth the period of the duration of the limited liability company, its duration shall be perpetual.

(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 and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery authorized under Chapter 4731. of the Revised Code, ~~and~~ licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, or marriage and family therapists authorized under Chapter 4757. of the Revised Code, and art therapists authorized under Chapter 4785. of the Revised Code the following apply:

(1) Each member, employee, or other agent of the company who renders a professional service in this state and, if the management of the company is not reserved to its members, each manager of the company who renders a professional service in this state shall be licensed, certificated, or otherwise legally authorized to render in this state the same kind of professional

service; if applicable, the kinds of professional services 831  
authorized under Chapters 4703. and 4733. of the Revised Code; 832  
or, if applicable, any of the kinds of professional services of 833  
optometrists authorized under Chapter 4725. of the Revised Code, 834  
chiropractors authorized under Chapter 4734. of the Revised Code 835  
to practice chiropractic or acupuncture, psychologists 836  
authorized under Chapter 4732. of the Revised Code, registered 837  
or licensed practical nurses authorized under Chapter 4723. of 838  
the Revised Code, pharmacists authorized under Chapter 4729. of 839  
the Revised Code, physical therapists authorized under sections 840  
4755.40 to 4755.56 of the Revised Code, occupational therapists 841  
authorized under sections 4755.04 to 4755.13 of the Revised 842  
Code, mechanotherapists authorized under section 4731.151 of the 843  
Revised Code, doctors of medicine and surgery, osteopathic 844  
medicine and surgery, or podiatric medicine and surgery 845  
authorized under Chapter 4731. of the Revised Code, ~~or~~-licensed 846  
professional clinical counselors, licensed professional 847  
counselors, independent social workers, social workers, 848  
independent marriage and family therapists, or marriage and 849  
family therapists authorized under Chapter 4757. of the Revised 850  
Code, or art therapists authorized under Chapter 4785. of the 851  
Revised Code. 852

(2) Each member, employee, or other agent of the company 853  
who renders a professional service in another state and, if the 854  
management of the company is not reserved to its members, each 855  
manager of the company who renders a professional service in 856  
another state shall be licensed, certificated, or otherwise 857  
legally authorized to render that professional service in the 858  
other state. 859

(D) Except for the provisions of this chapter pertaining 860  
to the personal liability of members, employees, or other agents 861

of a limited liability company and, if the management of the 862  
company is not reserved to its members, the personal liability 863  
of managers of the company, this chapter does not restrict, 864  
limit, or otherwise affect the authority or responsibilities of 865  
any agency, board, commission, department, office, or other 866  
entity to license, certificate, register, and otherwise regulate 867  
the professional conduct of individuals or organizations of any 868  
kind rendering professional services in this state or to 869  
regulate the practice of any profession that is within the 870  
jurisdiction of the agency, board, commission, department, 871  
office, or other entity, notwithstanding that the individual is 872  
a member or manager of a limited liability company and is 873  
rendering the professional services or engaging in the practice 874  
of the profession through the limited liability company or that 875  
the organization is a limited liability company. 876

(E) No limited liability company formed for the purpose of 877  
providing a combination of the professional services, as defined 878  
in section 1785.01 of the Revised Code, of optometrists 879  
authorized under Chapter 4725. of the Revised Code, 880  
chiropractors authorized under Chapter 4734. of the Revised Code 881  
to practice chiropractic or acupuncture, psychologists 882  
authorized under Chapter 4732. of the Revised Code, registered 883  
or licensed practical nurses authorized under Chapter 4723. of 884  
the Revised Code, pharmacists authorized under Chapter 4729. of 885  
the Revised Code, physical therapists authorized under sections 886  
4755.40 to 4755.56 of the Revised Code, occupational therapists 887  
authorized under sections 4755.04 to 4755.13 of the Revised 888  
Code, mechanotherapists authorized under section 4731.151 of the 889  
Revised Code, doctors of medicine and surgery, osteopathic 890  
medicine and surgery, or podiatric medicine and surgery 891  
authorized under Chapter 4731. of the Revised Code, ~~and~~-licensed 892

professional clinical counselors, licensed professional 893  
counselors, independent social workers, social workers, 894  
independent marriage and family therapists, or marriage and 895  
family therapists authorized under Chapter 4757. of the Revised 896  
Code, and art therapists authorized under Chapter 4785. of the 897  
Revised Code shall control the professional clinical judgment 898  
exercised within accepted and prevailing standards of practice 899  
of a licensed, certificated, or otherwise legally authorized 900  
optometrist, chiropractor, chiropractor practicing acupuncture 901  
through the state chiropractic board, psychologist, nurse, 902  
pharmacist, physical therapist, occupational therapist, 903  
mechanotherapist, doctor of medicine and surgery, osteopathic 904  
medicine and surgery, or podiatric medicine and surgery, 905  
licensed professional clinical counselor, licensed professional 906  
counselor, independent social worker, social worker, independent 907  
marriage and family therapist, ~~or~~ marriage and family therapist, 908  
or art therapist in rendering care, treatment, or professional 909  
advice to an individual patient. 910

This division does not prevent a hospital, as defined in 911  
section 3727.01 of the Revised Code, insurer, as defined in 912  
section 3999.36 of the Revised Code, or intermediary 913  
organization, as defined in section 1751.01 of the Revised Code, 914  
from entering into a contract with a limited liability company 915  
described in this division that includes a provision requiring 916  
utilization review, quality assurance, peer review, or other 917  
performance or quality standards. Those activities shall not be 918  
construed as controlling the professional clinical judgment of 919  
an individual practitioner listed in this division. 920

**Sec. 1705.53.** Subject to any contrary provisions of the 921  
Ohio Constitution, the laws of the state under which a foreign 922  
limited liability company is organized govern its organization 923

and internal affairs and the liability of its members. A foreign 924  
limited liability company may not be denied a certificate of 925  
registration as a foreign limited liability company in this 926  
state because of any difference between the laws of the state 927  
under which it is organized and the laws of this state. However, 928  
a foreign limited liability company that applies for 929  
registration under this chapter to render a professional service 930  
in this state, as a condition to obtaining and maintaining a 931  
certificate of registration, shall comply with the requirements 932  
of division (C) of section 1705.04 of the Revised Code and shall 933  
comply with the requirements of Chapters 4703. and 4733. of the 934  
Revised Code if the kinds of professional services authorized 935  
under those chapters are to be rendered or with the requirements 936  
of Chapters 4723., 4725., 4729., 4731., 4732., 4734., 4755., ~~and~~ 937  
4757., and 4785. of the Revised Code if a combination of the 938  
professional services of optometrists authorized under Chapter 939  
4725. of the Revised Code, chiropractors authorized under 940  
Chapter 4734. of the Revised Code to practice chiropractic or 941  
acupuncture, psychologists authorized under Chapter 4732. of the 942  
Revised Code, registered or licensed practical nurses authorized 943  
under Chapter 4723. of the Revised Code, pharmacists authorized 944  
under Chapter 4729. of the Revised Code, physical therapists 945  
authorized under sections 4755.40 to 4755.56 of the Revised 946  
Code, occupational therapists authorized under sections 4755.04 947  
to 4755.13 of the Revised Code, mechanotherapists authorized 948  
under section 4731.151 of the Revised Code, doctors of medicine 949  
and surgery, osteopathic medicine and surgery, or podiatric 950  
medicine and surgery authorized under Chapter 4731. of the 951  
Revised Code, ~~and~~ licensed professional clinical counselors, 952  
licensed professional counselors, independent social workers, 953  
social workers, independent marriage and family therapists, or 954  
marriage and family therapists authorized under Chapter 4757. of 955

the Revised Code, and art therapists authorized under Chapter 956  
4785. of the Revised Code are to be rendered. 957

**Sec. 1785.01.** As used in this chapter: 958

(A) "Professional service" means any type of professional 959  
service that may be performed only pursuant to a license, 960  
certificate, or other legal authorization issued pursuant to 961  
Chapter 4701., 4703., 4705., 4715., 4723., 4725., 4729., 4730., 962  
4731., 4732., 4733., 4734., 4741., 4755., ~~or 4757.~~, or 4785. of 963  
the Revised Code to certified public accountants, licensed 964  
public accountants, architects, attorneys, dentists, nurses, 965  
optometrists, pharmacists, physician assistants, doctors of 966  
medicine and surgery, doctors of osteopathic medicine and 967  
surgery, doctors of podiatric medicine and surgery, 968  
practitioners of the limited branches of medicine specified in 969  
section 4731.15 of the Revised Code, mechanotherapists, 970  
psychologists, professional engineers, chiropractors, 971  
chiropractors practicing acupuncture through the state 972  
chiropractic board, veterinarians, physical therapists, 973  
occupational therapists, licensed professional clinical 974  
counselors, licensed professional counselors, independent social 975  
workers, social workers, independent marriage and family 976  
therapists, ~~and marriage and family therapists,~~ and art 977  
therapists. 978

(B) "Professional association" means an association 979  
organized under this chapter for the sole purpose of rendering 980  
one of the professional services authorized under Chapter 4701., 981  
4703., 4705., 4715., 4723., 4725., 4729., 4730., 4731., 4732., 982  
4733., 4734., 4741., 4755., ~~or 4757.~~, or 4785. of the Revised 983  
Code, a combination of the professional services authorized 984  
under Chapters 4703. and 4733. of the Revised Code, or a 985

combination of the professional services of optometrists 986  
authorized under Chapter 4725. of the Revised Code, 987  
chiropractors authorized under Chapter 4734. of the Revised Code 988  
to practice chiropractic or acupuncture, psychologists 989  
authorized under Chapter 4732. of the Revised Code, registered 990  
or licensed practical nurses authorized under Chapter 4723. of 991  
the Revised Code, pharmacists authorized under Chapter 4729. of 992  
the Revised Code, physical therapists authorized under sections 993  
4755.40 to 4755.56 of the Revised Code, occupational therapists 994  
authorized under sections 4755.04 to 4755.13 of the Revised 995  
Code, mechanotherapists authorized under section 4731.151 of the 996  
Revised Code, doctors of medicine and surgery, osteopathic 997  
medicine and surgery, or podiatric medicine and surgery 998  
authorized under Chapter 4731. of the Revised Code, ~~and~~ licensed 999  
professional clinical counselors, licensed professional 1000  
counselors, independent social workers, social workers, 1001  
independent marriage and family therapists, or marriage and 1002  
family therapists authorized under Chapter 4757. of the Revised 1003  
Code, and art therapists authorized under Chapter 4785. of the 1004  
Revised Code. 1005

**Sec. 1785.02.** An individual or group of individuals each 1006  
of whom is licensed, certificated, or otherwise legally 1007  
authorized to render within this state the same kind of 1008  
professional service, a group of individuals each of whom is 1009  
licensed, certificated, or otherwise legally authorized to 1010  
render within this state the professional service authorized 1011  
under Chapter 4703. or 4733. of the Revised Code, or a group of 1012  
individuals each of whom is licensed, certificated, or otherwise 1013  
legally authorized to render within this state the professional 1014  
service of optometrists authorized under Chapter 4725. of the 1015  
Revised Code, chiropractors authorized under Chapter 4734. of 1016

the Revised Code to practice chiropractic or acupuncture, 1017  
psychologists authorized under Chapter 4732. of the Revised 1018  
Code, registered or licensed practical nurses authorized under 1019  
Chapter 4723. of the Revised Code, pharmacists authorized under 1020  
Chapter 4729. of the Revised Code, physical therapists 1021  
authorized under sections 4755.40 to 4755.56 of the Revised 1022  
Code, occupational therapists authorized under sections 4755.04 1023  
to 4755.13 of the Revised Code, mechanotherapists authorized 1024  
under section 4731.151 of the Revised Code, doctors of medicine 1025  
and surgery, osteopathic medicine and surgery, or podiatric 1026  
medicine and surgery authorized under Chapter 4731. of the 1027  
Revised Code, ~~ex-~~licensed professional clinical counselors, 1028  
licensed professional counselors, independent social workers, 1029  
social workers, independent marriage and family therapists, or 1030  
marriage and family therapists authorized under Chapter 4757. of 1031  
the Revised Code, or art therapists authorized under Chapter 1032  
4785. of the Revised Code may organize and become a shareholder 1033  
or shareholders of a professional association. Any group of 1034  
individuals described in this section who may be rendering one 1035  
of the professional services as an organization created 1036  
otherwise than pursuant to this chapter may incorporate under 1037  
and pursuant to this chapter by amending the agreement 1038  
establishing the organization in a manner that the agreement as 1039  
amended constitutes articles of incorporation prepared and filed 1040  
in the manner prescribed in section 1785.08 of the Revised Code 1041  
and by otherwise complying with the applicable requirements of 1042  
this chapter. 1043

**Sec. 1785.03.** A professional association may render a 1044  
particular professional service only through officers, 1045  
employees, and agents who are themselves duly licensed, 1046  
certificated, or otherwise legally authorized to render the 1047

professional service within this state. As used in this section, 1048  
"employee" does not include clerks, bookkeepers, technicians, or 1049  
other individuals who are not usually and ordinarily considered 1050  
by custom and practice to be rendering a particular professional 1051  
service for which a license, certificate, or other legal 1052  
authorization is required and does not include any other person 1053  
who performs all of that person's employment under the direct 1054  
supervision and control of an officer, agent, or employee who 1055  
renders a particular professional service to the public on 1056  
behalf of the professional association. 1057

No professional association formed for the purpose of 1058  
providing a combination of the professional services, as defined 1059  
in section 1785.01 of the Revised Code, of optometrists 1060  
authorized under Chapter 4725. of the Revised Code, 1061  
chiropractors authorized under Chapter 4734. of the Revised Code 1062  
to practice chiropractic or acupuncture, psychologists 1063  
authorized under Chapter 4732. of the Revised Code, registered 1064  
or licensed practical nurses authorized under Chapter 4723. of 1065  
the Revised Code, pharmacists authorized under Chapter 4729. of 1066  
the Revised Code, physical therapists authorized under sections 1067  
4755.40 to 4755.56 of the Revised Code, occupational therapists 1068  
authorized under sections 4755.04 to 4755.13 of the Revised 1069  
Code, mechanotherapists authorized under section 4731.151 of the 1070  
Revised Code, doctors of medicine and surgery, osteopathic 1071  
medicine and surgery, or podiatric medicine and surgery 1072  
authorized under Chapter 4731. of the Revised Code, ~~and~~ licensed 1073  
professional clinical counselors, licensed professional 1074  
counselors, independent social workers, social workers, 1075  
independent marriage and family therapists, or marriage and 1076  
family therapists authorized under Chapter 4757. of the Revised 1077  
Code, and art therapists authorized under Chapter 4785. of the 1078

Revised Code shall control the professional clinical judgment 1079  
exercised within accepted and prevailing standards of practice 1080  
of a licensed, certificated, or otherwise legally authorized 1081  
optometrist, chiropractor, chiropractor practicing acupuncture 1082  
through the state chiropractic board, psychologist, nurse, 1083  
pharmacist, physical therapist, occupational therapist, 1084  
mechanotherapist, doctor of medicine and surgery, osteopathic 1085  
medicine and surgery, or podiatric medicine and surgery, 1086  
licensed professional clinical counselor, licensed professional 1087  
counselor, independent social worker, social worker, independent 1088  
marriage and family therapist, ~~or~~ marriage and family therapist, or 1089  
art therapist in rendering care, treatment, or professional 1090  
advice to an individual patient. 1091

This division does not prevent a hospital, as defined in 1092  
section 3727.01 of the Revised Code, insurer, as defined in 1093  
section 3999.36 of the Revised Code, or intermediary 1094  
organization, as defined in section 1751.01 of the Revised Code, 1095  
from entering into a contract with a professional association 1096  
described in this division that includes a provision requiring 1097  
utilization review, quality assurance, peer review, or other 1098  
performance or quality standards. Those activities shall not be 1099  
construed as controlling the professional clinical judgment of 1100  
an individual practitioner listed in this division. 1101

**Sec. 1785.08.** Chapter 1701. of the Revised Code applies to 1102  
professional associations, including their organization and the 1103  
manner of filing articles of incorporation, except that the 1104  
requirements of division (A) of section 1701.06 of the Revised 1105  
Code do not apply to professional associations. If any provision 1106  
of this chapter conflicts with any provision of Chapter 1701. of 1107  
the Revised Code, the provisions of this chapter shall take 1108  
precedence. A professional association for the practice of 1109

medicine and surgery, osteopathic medicine and surgery, or 1110  
podiatric medicine and surgery or for the combined practice of 1111  
optometry, chiropractic, acupuncture through the state 1112  
chiropractic board, psychology, nursing, pharmacy, physical 1113  
therapy, mechanotherapy, medicine and surgery, osteopathic 1114  
medicine and surgery, ~~or~~ podiatric medicine and surgery, or art 1115  
therapy may provide in its articles of incorporation or bylaws 1116  
that its directors may have terms of office not exceeding six 1117  
years. 1118

**Sec. 4723.16.** (A) An individual whom the board of nursing 1119  
licenses or otherwise legally authorizes to engage in the 1120  
practice of nursing as a registered nurse, advanced practice 1121  
registered nurse, or licensed practical nurse may render the 1122  
professional services of a registered, advanced practice 1123  
registered, or licensed practical nurse within this state 1124  
through a corporation formed under division (B) of section 1125  
1701.03 of the Revised Code, a limited liability company formed 1126  
under Chapter 1705. of the Revised Code, a partnership, or a 1127  
professional association formed under Chapter 1785. of the 1128  
Revised Code. This division does not preclude an individual of 1129  
that nature from rendering professional services as a 1130  
registered, advanced practice registered, or licensed practical 1131  
nurse through another form of business entity, including, but 1132  
not limited to, a nonprofit corporation or foundation, or in 1133  
another manner that is authorized by or in accordance with this 1134  
chapter, another chapter of the Revised Code, or rules of the 1135  
board of nursing adopted pursuant to this chapter. 1136

(B) A corporation, limited liability company, partnership, 1137  
or professional association described in division (A) of this 1138  
section may be formed for the purpose of providing a combination 1139  
of the professional services of the following individuals who 1140

are licensed, certificated, or otherwise legally authorized to	1141
practice their respective professions:	1142
(1) Optometrists who are authorized to practice optometry	1143
under Chapter 4725. of the Revised Code;	1144
(2) Chiropractors who are authorized to practice	1145
chiropractic or acupuncture under Chapter 4734. of the Revised	1146
Code;	1147
(3) Psychologists who are authorized to practice	1148
psychology under Chapter 4732. of the Revised Code;	1149
(4) Registered, advanced practice registered, or licensed	1150
practical nurses who are authorized to practice nursing as	1151
registered nurses, advanced practice registered nurses, or	1152
licensed practical nurses under this chapter;	1153
(5) Pharmacists who are authorized to practice pharmacy	1154
under Chapter 4729. of the Revised Code;	1155
(6) Physical therapists who are authorized to practice	1156
physical therapy under sections 4755.40 to 4755.56 of the	1157
Revised Code;	1158
(7) Occupational therapists who are licensed to practice	1159
occupational therapy under sections 4755.04 to 4755.13 of the	1160
Revised Code;	1161
(8) Mechanotherapists who are authorized to practice	1162
mechanotherapy under section 4731.151 of the Revised Code;	1163
(9) Doctors of medicine and surgery, osteopathic medicine	1164
and surgery, or podiatric medicine and surgery who are licensed,	1165
certificated, or otherwise legally authorized for their	1166
respective practices under Chapter 4731. of the Revised Code;	1167

(10) Licensed professional clinical counselors, licensed 1168  
professional counselors, independent social workers, social 1169  
workers, independent marriage and family therapists, or marriage 1170  
and family therapists who are authorized for their respective 1171  
practices under Chapter 4757. of the Revised Code; 1172

(11) Art therapists who are authorized to practice art 1173  
therapy under Chapter 4785. of the Revised Code. 1174

This division shall apply notwithstanding a provision of a 1175  
code of ethics applicable to a nurse that prohibits a 1176  
registered, advanced practice registered, or licensed practical 1177  
nurse from engaging in the practice of nursing as a registered 1178  
nurse, advanced practice registered nurse, or licensed practical 1179  
nurse in combination with a person who is licensed, 1180  
certificated, or otherwise legally authorized to practice 1181  
optometry, chiropractic, acupuncture through the state 1182  
chiropractic board, psychology, pharmacy, physical therapy, 1183  
occupational therapy, mechanotherapy, medicine and surgery, 1184  
osteopathic medicine and surgery, podiatric medicine and 1185  
surgery, professional counseling, social work, ~~or~~ marriage and 1186  
family therapy, or art therapy, but who is not also licensed, 1187  
certificated, or otherwise legally authorized to engage in the 1188  
practice of nursing as a registered nurse, advanced practice 1189  
registered nurse, or licensed practical nurse. 1190

**Sec. 4725.33.** (A) An individual whom the state vision 1191  
professionals board licenses to engage in the practice of 1192  
optometry may render the professional services of an optometrist 1193  
within this state through a corporation formed under division 1194  
(B) of section 1701.03 of the Revised Code, a limited liability 1195  
company formed under Chapter 1705. of the Revised Code, a 1196  
partnership, or a professional association formed under Chapter 1197

1785. of the Revised Code. This division does not preclude an 1198  
optometrist from rendering professional services as an 1199  
optometrist through another form of business entity, including, 1200  
but not limited to, a nonprofit corporation or foundation, or in 1201  
another manner that is authorized by or in accordance with this 1202  
chapter, another chapter of the Revised Code, or rules of the 1203  
state vision professionals board adopted pursuant to this 1204  
chapter. 1205

(B) A corporation, limited liability company, partnership, 1206  
or professional association described in division (A) of this 1207  
section may be formed for the purpose of providing a combination 1208  
of the professional services of the following individuals who 1209  
are licensed, certificated, or otherwise legally authorized to 1210  
practice their respective professions: 1211

(1) Optometrists who are authorized to practice optometry 1212  
under Chapter 4725. of the Revised Code; 1213

(2) Chiropractors who are authorized to practice 1214  
chiropractic or acupuncture under Chapter 4734. of the Revised 1215  
Code; 1216

(3) Psychologists who are authorized to practice 1217  
psychology under Chapter 4732. of the Revised Code; 1218

(4) Registered or licensed practical nurses who are 1219  
authorized to practice nursing as registered nurses or as 1220  
licensed practical nurses under Chapter 4723. of the Revised 1221  
Code; 1222

(5) Pharmacists who are authorized to practice pharmacy 1223  
under Chapter 4729. of the Revised Code; 1224

(6) Physical therapists who are authorized to practice 1225  
physical therapy under sections 4755.40 to 4755.56 of the 1226

Revised Code;	1227
(7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;	1228 1229 1230
(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;	1231 1232
(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;	1233 1234 1235 1236
(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;	1237 1238 1239 1240 1241
<u>(11) Art therapists who are authorized to practice art therapy under Chapter 4785. of the Revised Code.</u>	1242 1243
This division shall apply notwithstanding a provision of a code of ethics applicable to an optometrist that prohibits an optometrist from engaging in the practice of optometry in combination with a person who is licensed, certificated, or otherwise legally authorized to practice 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, <del>or</del> marriage and family therapy, <u>or art therapy</u> , but who is not also licensed, certificated, or otherwise legally authorized to engage in the practice of	1244 1245 1246 1247 1248 1249 1250 1251 1252 1253 1254 1255

optometry. 1256

**Sec. 4729.161.** (A) An individual registered with the state 1257  
board of pharmacy to engage in the practice of pharmacy may 1258  
render the professional services of a pharmacist within this 1259  
state through a corporation formed under division (B) of section 1260  
1701.03 of the Revised Code, a limited liability company formed 1261  
under Chapter 1705. of the Revised Code, a partnership, or a 1262  
professional association formed under Chapter 1785. of the 1263  
Revised Code. This division does not preclude an individual of 1264  
that nature from rendering professional services as a pharmacist 1265  
through another form of business entity, including, but not 1266  
limited to, a nonprofit corporation or foundation, or in another 1267  
manner that is authorized by or in accordance with this chapter, 1268  
another chapter of the Revised Code, or rules of the state board 1269  
of pharmacy adopted pursuant to this chapter. 1270

(B) A corporation, limited liability company, partnership, 1271  
or professional association described in division (A) of this 1272  
section may be formed for the purpose of providing a combination 1273  
of the professional services of the following individuals who 1274  
are licensed, certificated, or otherwise legally authorized to 1275  
practice their respective professions: 1276

(1) Optometrists who are authorized to practice optometry 1277  
under Chapter 4725. of the Revised Code; 1278

(2) Chiropractors who are authorized to practice 1279  
chiropractic or acupuncture under Chapter 4734. of the Revised 1280  
Code; 1281

(3) Psychologists who are authorized to practice 1282  
psychology under Chapter 4732. of the Revised Code; 1283

(4) Registered or licensed practical nurses who are 1284

authorized to practice nursing as registered nurses or as	1285
licensed practical nurses under Chapter 4723. of the Revised	1286
Code;	1287
(5) Pharmacists who are authorized to practice pharmacy	1288
under Chapter 4729. of the Revised Code;	1289
(6) Physical therapists who are authorized to practice	1290
physical therapy under sections 4755.40 to 4755.56 of the	1291
Revised Code;	1292
(7) Occupational therapists who are authorized to practice	1293
occupational therapy under sections 4755.04 to 4755.13 of the	1294
Revised Code;	1295
(8) Mechanotherapists who are authorized to practice	1296
mechanotherapy under section 4731.151 of the Revised Code;	1297
(9) Doctors of medicine and surgery, osteopathic medicine	1298
and surgery, or podiatric medicine and surgery who are	1299
authorized for their respective practices under Chapter 4731. of	1300
the Revised Code;	1301
(10) Licensed professional clinical counselors, licensed	1302
professional counselors, independent social workers, social	1303
workers, independent marriage and family therapists, or marriage	1304
and family therapists who are authorized for their respective	1305
practices under Chapter 4757. of the Revised Code;	1306
<u>(11) Art therapists who are authorized to practice art</u>	1307
<u>therapy under Chapter 4785. of the Revised Code.</u>	1308
This division shall apply notwithstanding a provision of a	1309
code of ethics applicable to a pharmacist that prohibits a	1310
pharmacist from engaging in the practice of pharmacy in	1311
combination with a person who is licensed, certificated, or	1312

otherwise legally authorized to practice optometry, 1313  
chiropractic, acupuncture through the state chiropractic board, 1314  
psychology, nursing, physical therapy, occupational therapy, 1315  
mechanotherapy, medicine and surgery, osteopathic medicine and 1316  
surgery, podiatric medicine and surgery, professional 1317  
counseling, social work, ~~or~~ marriage and family therapy, or art 1318  
therapy, but who is not also licensed, certificated, or 1319  
otherwise legally authorized to engage in the practice of 1320  
pharmacy. 1321

**Sec. 4731.07.** (A) The state medical board shall keep a 1322  
record of its proceedings. The minutes of a meeting of the board 1323  
shall, on approval by the board, constitute an official record 1324  
of its proceedings. 1325

(B) The board shall keep a register of applicants for 1326  
licenses and certificates issued under this chapter; licenses 1327  
issued under Chapters 4730., 4760., 4762., 4774., and 4778.; ~~and~~ 1328  
licenses and limited permits issued under Chapters 4759. and 1329  
4761. of the Revised Code; and applicants for licenses, licenses 1330  
issued, and licenses suspended or revoked under Chapter 4787. of 1331  
the Revised Code. The register shall show the name of the 1332  
applicant and whether the applicant was granted or refused the 1333  
license, certificate, or limited permit being sought. 1334

With respect to applicants to practice medicine and 1335  
surgery or osteopathic medicine and surgery, the register shall 1336  
show the name of the institution that granted the applicant the 1337  
degree of doctor of medicine or osteopathic medicine. With 1338  
respect to applicants to practice respiratory care, the register 1339  
shall show the addresses of the person's last known place of 1340  
business and residence, the effective date and identification 1341  
number of the license or limited permit, and, if applicable, the 1342

name and location of the institution that granted the person's 1343  
degree or certificate of completion of respiratory care 1344  
educational requirements and the date the degree or certificate 1345  
of completion was issued. 1346

(C) The books and records of the board shall be prima- 1347  
facie evidence of matters therein contained. 1348

**Sec. 4731.224.** (A) Within sixty days after the imposition 1349  
of any formal disciplinary action taken by any health care 1350  
facility, including a hospital, health care facility operated by 1351  
a health insuring corporation, ambulatory surgical center, or 1352  
similar facility, against any individual holding a valid license 1353  
or certificate to practice issued pursuant to this chapter, the 1354  
chief administrator or executive officer of the facility shall 1355  
report to the state medical board the name of the individual, 1356  
the action taken by the facility, and a summary of the 1357  
underlying facts leading to the action taken. Upon request, the 1358  
board shall be provided certified copies of the patient records 1359  
that were the basis for the facility's action. Prior to release 1360  
to the board, the summary shall be approved by the peer review 1361  
committee that reviewed the case or by the governing board of 1362  
the facility. As used in this division, "formal disciplinary 1363  
action" means any action resulting in the revocation, 1364  
restriction, reduction, or termination of clinical privileges 1365  
for violations of professional ethics, or for reasons of medical 1366  
incompetence or medical malpractice. "Formal disciplinary 1367  
action" includes a summary action, an action that takes effect 1368  
notwithstanding any appeal rights that may exist, and an action 1369  
that results in an individual surrendering clinical privileges 1370  
while under investigation and during proceedings regarding the 1371  
action being taken or in return for not being investigated or 1372  
having proceedings held. "Formal disciplinary action" does not 1373

include any action taken for the sole reason of failure to 1374  
maintain records on a timely basis or failure to attend staff or 1375  
section meetings. 1376

The filing or nonfiling of a report with the board, 1377  
investigation by the board, or any disciplinary action taken by 1378  
the board, shall not preclude any action by a health care 1379  
facility to suspend, restrict, or revoke the individual's 1380  
clinical privileges. 1381

In the absence of fraud or bad faith, no individual or 1382  
entity that provides patient records to the board shall be 1383  
liable in damages to any person as a result of providing the 1384  
records. 1385

(B) (1) Except as provided in division (B) (2) of this 1386  
section, if any individual authorized to practice under this 1387  
chapter or any professional association or society of such 1388  
individuals believes that a violation of any provision of this 1389  
chapter, Chapter 4730., 4759., 4760., 4761., 4762., 4774., ~~or~~ 1390  
4778., or 4787. of the Revised Code, or any rule of the board 1391  
has occurred, the individual, association, or society shall 1392  
report to the board the information upon which the belief is 1393  
based. 1394

(2) If any individual authorized to practice under this 1395  
chapter or any professional association or society of such 1396  
individuals believes that a violation of division (B) (26) of 1397  
section 4731.22 of the Revised Code has occurred, the 1398  
individual, association, or society shall report the information 1399  
upon which the belief is based to the monitoring organization 1400  
conducting the program established by the board under section 1401  
4731.251 of the Revised Code. If any such report is made to the 1402  
board, it shall be referred to the monitoring organization 1403

unless the board is aware that the individual who is the subject 1404  
of the report does not meet the program eligibility requirements 1405  
of section 4731.252 of the Revised Code. 1406

(C) Any professional association or society composed 1407  
primarily of doctors of medicine and surgery, doctors of 1408  
osteopathic medicine and surgery, doctors of podiatric medicine 1409  
and surgery, or practitioners of limited branches of medicine 1410  
that suspends or revokes an individual's membership for 1411  
violations of professional ethics, or for reasons of 1412  
professional incompetence or professional malpractice, within 1413  
sixty days after a final decision shall report to the board, on 1414  
forms prescribed and provided by the board, the name of the 1415  
individual, the action taken by the professional organization, 1416  
and a summary of the underlying facts leading to the action 1417  
taken. 1418

The filing of a report with the board or decision not to 1419  
file a report, investigation by the board, or any disciplinary 1420  
action taken by the board, does not preclude a professional 1421  
organization from taking disciplinary action against an 1422  
individual. 1423

(D) Any insurer providing professional liability insurance 1424  
to an individual authorized to practice under this chapter, or 1425  
any other entity that seeks to indemnify the professional 1426  
liability of such an individual, shall notify the board within 1427  
thirty days after the final disposition of any written claim for 1428  
damages where such disposition results in a payment exceeding 1429  
twenty-five thousand dollars. The notice shall contain the 1430  
following information: 1431

(1) The name and address of the person submitting the 1432  
notification; 1433

(2) The name and address of the insured who is the subject of the claim;	1434 1435
(3) The name of the person filing the written claim;	1436
(4) The date of final disposition;	1437
(5) If applicable, the identity of the court in which the final disposition of the claim took place.	1438 1439
(E) The board may investigate possible violations of this chapter or the rules adopted under it that are brought to its attention as a result of the reporting requirements of this section, except that the board shall conduct an investigation if a possible violation involves repeated malpractice. As used in this division, "repeated malpractice" means three or more claims for medical malpractice within the previous five-year period, each resulting in a judgment or settlement in excess of twenty-five thousand dollars in favor of the claimant, and each involving negligent conduct by the practicing individual.	1440 1441 1442 1443 1444 1445 1446 1447 1448 1449
(F) All summaries, reports, and records received and maintained by the board pursuant to this section shall be held in confidence and shall not be subject to discovery or introduction in evidence in any federal or state civil action involving a health care professional or facility arising out of matters that are the subject of the reporting required by this section. The board may use the information obtained only as the basis for an investigation, as evidence in a disciplinary hearing against an individual whose practice is regulated under this chapter, or in any subsequent trial or appeal of a board action or order.	1450 1451 1452 1453 1454 1455 1456 1457 1458 1459 1460
The board may disclose the summaries and reports it receives under this section only to health care facility	1461 1462

committees within or outside this state that are involved in 1463  
credentialing or recredentialing the individual or in reviewing 1464  
the individual's clinical privileges. The board shall indicate 1465  
whether or not the information has been verified. Information 1466  
transmitted by the board shall be subject to the same 1467  
confidentiality provisions as when maintained by the board. 1468

(G) Except for reports filed by an individual pursuant to 1469  
division (B) of this section, the board shall send a copy of any 1470  
reports or summaries it receives pursuant to this section to the 1471  
individual who is the subject of the reports or summaries. The 1472  
individual shall have the right to file a statement with the 1473  
board concerning the correctness or relevance of the 1474  
information. The statement shall at all times accompany that 1475  
part of the record in contention. 1476

(H) An individual or entity that, pursuant to this 1477  
section, reports to the board, reports to the monitoring 1478  
organization described in section 4731.251 of the Revised Code, 1479  
or refers an impaired practitioner to a treatment provider 1480  
approved by the board under section 4731.25 of the Revised Code 1481  
shall not be subject to suit for civil damages as a result of 1482  
the report, referral, or provision of the information. 1483

(I) In the absence of fraud or bad faith, no professional 1484  
association or society of individuals authorized to practice 1485  
under this chapter that sponsors a committee or program to 1486  
provide peer assistance to practitioners with substance abuse 1487  
problems, no representative or agent of such a committee or 1488  
program, no representative or agent of the monitoring 1489  
organization described in section 4731.251 of the Revised Code, 1490  
and no member of the state medical board shall be held liable in 1491  
damages to any person by reason of actions taken to refer a 1492

practitioner to a treatment provider approved under section 1493  
4731.25 of the Revised Code for examination or treatment. 1494

**Sec. 4731.226.** (A) (1) An individual whom the state medical 1495  
board licenses, certificates, or otherwise legally authorizes to 1496  
engage in the practice of medicine and surgery, osteopathic 1497  
medicine and surgery, or podiatric medicine and surgery may 1498  
render the professional services of a doctor of medicine and 1499  
surgery, osteopathic medicine and surgery, or podiatric medicine 1500  
and surgery within this state through a corporation formed under 1501  
division (B) of section 1701.03 of the Revised Code, a limited 1502  
liability company formed under Chapter 1705. of the Revised 1503  
Code, a partnership, or a professional association formed under 1504  
Chapter 1785. of the Revised Code. Division (A) (1) of this 1505  
section does not preclude an individual of that nature from 1506  
rendering professional services as a doctor of medicine and 1507  
surgery, osteopathic medicine and surgery, or podiatric medicine 1508  
and surgery through another form of business entity, including, 1509  
but not limited to, a nonprofit corporation or foundation, or in 1510  
another manner that is authorized by or in accordance with this 1511  
chapter, another chapter of the Revised Code, or rules of the 1512  
state medical board adopted pursuant to this chapter. 1513

(2) An individual whom the state medical board authorizes 1514  
to engage in the practice of mechanotherapy may render the 1515  
professional services of a mechanotherapist within this state 1516  
through a corporation formed under division (B) of section 1517  
1701.03 of the Revised Code, a limited liability company formed 1518  
under Chapter 1705. of the Revised Code, a partnership, or a 1519  
professional association formed under Chapter 1785. of the 1520  
Revised Code. Division (A) (2) of this section does not preclude 1521  
an individual of that nature from rendering professional 1522  
services as a mechanotherapist through another form of business 1523

entity, including, but not limited to, a nonprofit corporation 1524  
or foundation, or in another manner that is authorized by or in 1525  
accordance with this chapter, another chapter of the Revised 1526  
Code, or rules of the state medical board adopted pursuant to 1527  
this chapter. 1528

(B) A corporation, limited liability company, partnership, 1529  
or professional association described in division (A) of this 1530  
section may be formed for the purpose of providing a combination 1531  
of the professional services of the following individuals who 1532  
are licensed, certificated, or otherwise legally authorized to 1533  
practice their respective professions: 1534

(1) Optometrists who are authorized to practice optometry 1535  
under Chapter 4725. of the Revised Code; 1536

(2) Chiropractors who are authorized to practice 1537  
chiropractic or acupuncture under Chapter 4734. of the Revised 1538  
Code; 1539

(3) Psychologists who are authorized to practice 1540  
psychology under Chapter 4732. of the Revised Code; 1541

(4) Registered or licensed practical nurses who are 1542  
authorized to practice nursing as registered nurses or as 1543  
licensed practical nurses under Chapter 4723. of the Revised 1544  
Code; 1545

(5) Pharmacists who are authorized to practice pharmacy 1546  
under Chapter 4729. of the Revised Code; 1547

(6) Physical therapists who are authorized to practice 1548  
physical therapy under sections 4755.40 to 4755.56 of the 1549  
Revised Code; 1550

(7) Occupational therapists who are authorized to practice 1551

occupational therapy under sections 4755.04 to 4755.13 of the Revised Code; 1552  
1553

(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code; 1554  
1555

(9) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under this chapter; 1556  
1557  
1558

(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; 1559  
1560  
1561  
1562  
1563

(11) Art therapists who are authorized to practice art therapy under Chapter 4785. of the Revised Code. 1564  
1565

(C) Division (B) of this section shall apply notwithstanding a provision of a code of ethics described in division (B)(18) of section 4731.22 of the Revised Code that prohibits either of the following: 1566  
1567  
1568  
1569

(1) A doctor of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery from engaging in the doctor's authorized practice 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, professional counseling, social work, ~~or~~ marriage and family therapy, or art therapy, but who is not also licensed, certificated, or otherwise legally authorized to practice medicine and surgery, osteopathic medicine and surgery, 1570  
1571  
1572  
1573  
1574  
1575  
1576  
1577  
1578  
1579  
1580

or podiatric medicine and surgery. 1581

(2) A mechanotherapist from engaging in the practice of 1582  
mechanotherapy in combination with a person who is licensed, 1583  
certificated, or otherwise legally authorized to engage in the 1584  
practice of optometry, chiropractic, acupuncture through the 1585  
state chiropractic board, psychology, nursing, pharmacy, 1586  
physical therapy, occupational therapy, medicine and surgery, 1587  
osteopathic medicine and surgery, podiatric medicine and 1588  
surgery, professional counseling, social work, ~~or~~ marriage and 1589  
family therapy, or art therapy, but who is not also licensed, 1590  
certificated, or otherwise legally authorized to engage in the 1591  
practice of mechanotherapy. 1592

**Sec. 4731.24.** Except as provided in sections 4731.281 and 1593  
4731.40 of the Revised Code, all receipts of the state medical 1594  
board, from any source, shall be deposited in the state 1595  
treasury. The funds shall be deposited to the credit of the 1596  
state medical board operating fund, which is hereby created. 1597  
Except as provided in sections 4730.252, 4731.225, 4731.24, 1598  
4759.071, 4760.133, 4761.091, 4762.133, 4774.133, and 4778.141 1599  
of the Revised Code, all funds deposited into the state treasury 1600  
under this section shall be used solely for the administration 1601  
and enforcement of this chapter and Chapters 4730., 4759., 1602  
4760., 4761., 4762., 4774., ~~and 4778.~~ and 4787. of the Revised 1603  
Code by the board. 1604

**Sec. 4731.25.** The state medical board, in accordance with 1605  
Chapter 119. of the Revised Code, shall adopt and may amend and 1606  
rescind rules establishing standards for approval of physicians 1607  
and facilities as treatment providers for practitioners 1608  
suffering or showing evidence of suffering impairment as 1609  
described in division (B) (5) of section 4730.25, division (B) 1610

(26) of section 4731.22, division (A)(18) of section 4759.07, 1611  
division (B)(6) of section 4760.13, division (A)(18) of section 1612  
4761.09, division (B)(6) of section 4762.13, division (B)(6) of 1613  
section 4774.13, ~~or~~ division (B)(6) of section 4778.14, or 1614  
division (C)(4) of section 4787.11 of the Revised Code. The 1615  
rules shall include standards for both inpatient and outpatient 1616  
treatment and for care and monitoring that continues after 1617  
treatment. The rules shall provide that in order to be approved, 1618  
a treatment provider must have the capability of making an 1619  
initial examination to determine what type of treatment an 1620  
impaired practitioner requires. Subject to the rules, the board 1621  
shall review and approve treatment providers on a regular basis. 1622  
The board, at its discretion, may withdraw or deny approval 1623  
subject to the rules. 1624

An approved impaired practitioner treatment provider shall 1625  
do all of the following: 1626

(A) Report to the board the name of any practitioner 1627  
suffering or showing evidence of suffering impairment who fails 1628  
to comply within one week with a referral for examination; 1629

(B) Report to the board the name of any impaired 1630  
practitioner who fails to enter treatment within forty-eight 1631  
hours following the provider's determination that the 1632  
practitioner needs treatment; 1633

(C) Require every practitioner who enters treatment to 1634  
agree to a treatment contract establishing the terms of 1635  
treatment and aftercare, including any required supervision or 1636  
restrictions of practice during treatment or aftercare; 1637

(D) Require a practitioner to suspend practice upon entry 1638  
into any required inpatient treatment; 1639

(E) Report to the board any failure by an impaired 1640  
practitioner to comply with the terms of the treatment contract 1641  
during inpatient or outpatient treatment or aftercare; 1642

(F) Report to the board the resumption of practice of any 1643  
impaired practitioner before the treatment provider has made a 1644  
clear determination that the practitioner is capable of 1645  
practicing according to acceptable and prevailing standards of 1646  
care; 1647

(G) Require a practitioner who resumes practice after 1648  
completion of treatment to comply with an aftercare contract 1649  
that meets the requirements of rules adopted by the board for 1650  
approval of treatment providers; 1651

(H) Report the identity of any practitioner practicing 1652  
under the terms of an aftercare contract to hospital 1653  
administrators, medical chiefs of staff, and chairpersons of 1654  
impaired practitioner committees of all health care institutions 1655  
at which the practitioner holds clinical privileges or otherwise 1656  
practices. If the practitioner does not hold clinical privileges 1657  
at any health care institution, the treatment provider shall 1658  
report the practitioner's identity to the impaired practitioner 1659  
committee of the county medical society, osteopathic academy, or 1660  
podiatric medical association in every county in which the 1661  
practitioner practices. If there are no impaired practitioner 1662  
committees in the county, the treatment provider shall report 1663  
the practitioner's identity to the president or other designated 1664  
member of the county medical society, osteopathic academy, or 1665  
podiatric medical association. 1666

(I) Report to the board the identity of any practitioner 1667  
who suffers a relapse at any time during or following aftercare. 1668

Any individual authorized to practice under this chapter 1669  
who enters into treatment by an approved treatment provider 1670  
shall be deemed to have waived any confidentiality requirements 1671  
that would otherwise prevent the treatment provider from making 1672  
reports required under this section. 1673

In the absence of fraud or bad faith, no person or 1674  
organization that conducts an approved impaired practitioner 1675  
treatment program, no member of such an organization, and no 1676  
employee, representative, or agent of the treatment provider 1677  
shall be held liable in damages to any person by reason of 1678  
actions taken or recommendations made by the treatment provider 1679  
or its employees, representatives, or agents. 1680

**Sec. 4731.65.** As used in sections 4731.65 to 4731.71 of 1681  
the Revised Code: 1682

(A) (1) "Clinical laboratory services" means either of the 1683  
following: 1684

(a) Any examination of materials derived from the human 1685  
body for the purpose of providing information for the diagnosis, 1686  
prevention, or treatment of any disease or impairment or for the 1687  
assessment of health; 1688

(b) Procedures to determine, measure, or otherwise 1689  
describe the presence or absence of various substances or 1690  
organisms in the body. 1691

(2) "Clinical laboratory services" does not include the 1692  
mere collection or preparation of specimens. 1693

(B) "Designated health services" means any of the 1694  
following: 1695

(1) Clinical laboratory services; 1696

(2) Home health care services;	1697
(3) Outpatient prescription drugs.	1698
(C) "Fair market value" means the value in arms-length transactions, consistent with general market value and:	1699 1700
(1) With respect to rentals or leases, the value of rental property for general commercial purposes, not taking into account its intended use;	1701 1702 1703
(2) With respect to a lease of space, not adjusted to reflect the additional value the prospective lessee or lessor would attribute to the proximity or convenience to the lessor if the lessor is a potential source of referrals to the lessee.	1704 1705 1706 1707
(D) "Governmental health care program" means any program providing health care benefits that is administered by the federal government, this state, or a political subdivision of this state, including the medicare program, health care coverage for public employees, health care benefits administered by the bureau of workers' compensation, and the medicaid program.	1708 1709 1710 1711 1712 1713
(E) (1) "Group practice" means a group of two or more holders of licenses or certificates under this chapter legally organized as a partnership, professional corporation or association, limited liability company, foundation, nonprofit corporation, faculty practice plan, or similar group practice entity, including an organization comprised of a nonprofit medical clinic that contracts with a professional corporation or association of physicians to provide medical services exclusively to patients of the clinic in order to comply with section 1701.03 of the Revised Code and including a corporation, limited liability company, partnership, or professional association described in division (B) of section 4731.226 of the	1714 1715 1716 1717 1718 1719 1720 1721 1722 1723 1724 1725

Revised Code formed for the purpose of providing a combination 1726  
of the professional services of optometrists who are licensed, 1727  
certificated, or otherwise legally authorized to practice 1728  
optometry under Chapter 4725. of the Revised Code, chiropractors 1729  
who are licensed, certificated, or otherwise legally authorized 1730  
to practice chiropractic or acupuncture under Chapter 4734. of 1731  
the Revised Code, psychologists who are licensed, certificated, 1732  
or otherwise legally authorized to practice psychology under 1733  
Chapter 4732. of the Revised Code, registered or licensed 1734  
practical nurses who are licensed, certificated, or otherwise 1735  
legally authorized to practice nursing under Chapter 4723. of 1736  
the Revised Code, pharmacists who are licensed, certificated, or 1737  
otherwise legally authorized to practice pharmacy under Chapter 1738  
4729. of the Revised Code, physical therapists who are licensed, 1739  
certificated, or otherwise legally authorized to practice 1740  
physical therapy under sections 4755.40 to 4755.56 of the 1741  
Revised Code, occupational therapists who are licensed, 1742  
certificated, or otherwise legally authorized to practice 1743  
occupational therapy under sections 4755.04 to 4755.13 of the 1744  
Revised Code, mechanotherapists who are licensed, certificated, 1745  
or otherwise legally authorized to practice mechanotherapy under 1746  
section 4731.151 of the Revised Code, and doctors of medicine 1747  
and surgery, osteopathic medicine and surgery, or podiatric 1748  
medicine and surgery who are licensed, certificated, or 1749  
otherwise legally authorized for their respective practices 1750  
under this chapter, ~~and~~ licensed professional clinical 1751  
counselors, licensed professional counselors, independent social 1752  
workers, social workers, independent marriage and family 1753  
therapists, or marriage and family therapists who are licensed, 1754  
certificated, or otherwise legally authorized for their 1755  
respective practices under Chapter 4757. of the Revised Code, 1756  
and art therapists who are authorized to practice art therapy 1757

under Chapter 4785. of the Revised Code to which all of the 1758  
following apply: 1759

(a) Each physician who is a member of the group practice 1760  
provides substantially the full range of services that the 1761  
physician routinely provides, including medical care, 1762  
consultation, diagnosis, or treatment, through the joint use of 1763  
shared office space, facilities, equipment, and personnel. 1764

(b) Substantially all of the services of the members of 1765  
the group are provided through the group and are billed in the 1766  
name of the group and amounts so received are treated as 1767  
receipts of the group. 1768

(c) The overhead expenses of and the income from the 1769  
practice are distributed in accordance with methods previously 1770  
determined by members of the group. 1771

(d) The group practice meets any other requirements that 1772  
the state medical board applies in rules adopted under section 1773  
4731.70 of the Revised Code. 1774

(2) In the case of a faculty practice plan associated with 1775  
a hospital with a medical residency training program in which 1776  
physician members may provide a variety of specialty services 1777  
and provide professional services both within and outside the 1778  
group, as well as perform other tasks such as research, the 1779  
criteria in division (E) (1) of this section apply only with 1780  
respect to services rendered within the faculty practice plan. 1781

(F) "Home health care services" and "immediate family" 1782  
have the same meanings as in the rules adopted under section 1783  
4731.70 of the Revised Code. 1784

(G) "Hospital" has the same meaning as in section 3727.01 1785  
of the Revised Code. 1786

(H) A "referral" includes both of the following:	1787
(1) A request by a holder of a license or certificate	1788
under this chapter for an item or service, including a request	1789
for a consultation with another physician and any test or	1790
procedure ordered by or to be performed by or under the	1791
supervision of the other physician;	1792
(2) A request for or establishment of a plan of care by a	1793
license or certificate holder that includes the provision of	1794
designated health services.	1795
(I) "Third-party payer" has the same meaning as in section	1796
3901.38 of the Revised Code.	1797
<b>Sec. 4732.28.</b> (A) An individual whom the state board of	1798
psychology licenses, certificates, or otherwise legally	1799
authorizes to engage in the practice of psychology may render	1800
the professional services of a psychologist within this state	1801
through a corporation formed under division (B) of section	1802
1701.03 of the Revised Code, a limited liability company formed	1803
under Chapter 1705. of the Revised Code, a partnership, or a	1804
professional association formed under Chapter 1785. of the	1805
Revised Code. This division does not preclude an individual of	1806
that nature from rendering professional services as a	1807
psychologist through another form of business entity, including,	1808
but not limited to, a nonprofit corporation or foundation, or in	1809
another manner that is authorized by or in accordance with this	1810
chapter, another chapter of the Revised Code, or rules of the	1811
state board of psychology adopted pursuant to this chapter.	1812
(B) A corporation, limited liability company, partnership,	1813
or professional association described in division (A) of this	1814
section may be formed for the purpose of providing a combination	1815

of the professional services of the following individuals who 1816  
are licensed, certificated, or otherwise legally authorized to 1817  
practice their respective professions: 1818

(1) Optometrists who are authorized to practice optometry 1819  
under Chapter 4725. of the Revised Code; 1820

(2) Chiropractors who are authorized to practice 1821  
chiropractic or acupuncture under Chapter 4734. of the Revised 1822  
Code; 1823

(3) Psychologists who are authorized to practice 1824  
psychology under this chapter; 1825

(4) Registered or licensed practical nurses who are 1826  
authorized to practice nursing as registered nurses or as 1827  
licensed practical nurses under Chapter 4723. of the Revised 1828  
Code; 1829

(5) Pharmacists who are authorized to practice pharmacy 1830  
under Chapter 4729. of the Revised Code; 1831

(6) Physical therapists who are authorized to practice 1832  
physical therapy under sections 4755.40 to 4755.56 of the 1833  
Revised Code; 1834

(7) Occupational therapists who are authorized to practice 1835  
occupational therapy under sections 4755.04 to 4755.13 of the 1836  
Revised Code; 1837

(8) Mechanotherapists who are authorized to practice 1838  
mechanotherapy under section 4731.151 of the Revised Code; 1839

(9) Doctors of medicine and surgery, osteopathic medicine 1840  
and surgery, or podiatric medicine and surgery who are 1841  
authorized for their respective practices under Chapter 4731. of 1842  
the Revised Code; 1843

(10) Licensed professional clinical counselors, licensed 1844  
professional counselors, independent social workers, social 1845  
workers, independent marriage and family therapists, or marriage 1846  
and family therapists who are authorized for their respective 1847  
practices under Chapter 4757. of the Revised Code; 1848

(11) Art therapists who are authorized to practice art 1849  
therapy under Chapter 4785. of the Revised Code. 1850

This division shall apply notwithstanding a provision of a 1851  
code of ethics applicable to a psychologist that prohibits a 1852  
psychologist from engaging in the practice of psychology in 1853  
combination with a person who is licensed, certificated, or 1854  
otherwise legally authorized to practice optometry, 1855  
chiropractic, acupuncture through the state chiropractic board, 1856  
nursing, pharmacy, physical therapy, occupational therapy, 1857  
mechanotherapy, medicine and surgery, osteopathic medicine and 1858  
surgery, podiatric medicine and surgery, professional 1859  
counseling, social work, ~~or~~ marriage and family therapy, or art 1860  
therapy, but who is not also licensed, certificated, or 1861  
otherwise legally authorized to engage in the practice of 1862  
psychology. 1863

**Sec. 4734.17.** (A) An individual whom the state 1864  
chiropractic board licenses to engage in the practice of 1865  
chiropractic or certifies to practice acupuncture may render the 1866  
professional services of a chiropractor or chiropractor 1867  
certified to practice acupuncture within this state through a 1868  
corporation formed under division (B) of section 1701.03 of the 1869  
Revised Code, a limited liability company formed under Chapter 1870  
1705. of the Revised Code, a partnership, or a professional 1871  
association formed under Chapter 1785. of the Revised Code. This 1872  
division does not preclude a chiropractor from rendering 1873

professional services as a chiropractor or chiropractor 1874  
certified to practice acupuncture through another form of 1875  
business entity, including, but not limited to, a nonprofit 1876  
corporation or foundation, or in another manner that is 1877  
authorized by or in accordance with this chapter, another 1878  
chapter of the Revised Code, or rules of the state chiropractic 1879  
board adopted pursuant to this chapter. 1880

(B) A corporation, limited liability company, partnership, 1881  
or professional association described in division (A) of this 1882  
section may be formed for the purpose of providing a combination 1883  
of the professional services of the following individuals who 1884  
are licensed, certificated, or otherwise legally authorized to 1885  
practice their respective professions: 1886

(1) Optometrists who are authorized to practice optometry, 1887  
under Chapter 4725. of the Revised Code; 1888

(2) Chiropractors who are authorized to practice 1889  
chiropractic or acupuncture under this chapter; 1890

(3) Psychologists who are authorized to practice 1891  
psychology under Chapter 4732. of the Revised Code; 1892

(4) Registered or licensed practical nurses who are 1893  
authorized to practice nursing as registered nurses or as 1894  
licensed practical nurses under Chapter 4723. of the Revised 1895  
Code; 1896

(5) Pharmacists who are authorized to practice pharmacy 1897  
under Chapter 4729. of the Revised Code; 1898

(6) Physical therapists who are authorized to practice 1899  
physical therapy under sections 4755.40 to 4755.56 of the 1900  
Revised Code; 1901

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

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

(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;

(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;\_

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

This division shall apply notwithstanding a provision of any code of ethics established or adopted under section 4734.16 of the Revised Code that prohibits an individual from engaging in the practice of chiropractic or acupuncture in combination with an individual who is licensed, certificated, or otherwise authorized for the practice of optometry, 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, or art therapy, but who is not also licensed under this chapter to engage in the practice of chiropractic.

**Sec. 4743.05.** Except as otherwise provided in sections

4701.20, 4723.062, 4723.082, 4729.65, 4781.121, and 4781.28 of 1931  
the Revised Code, all money collected under Chapters 3773., 1932  
4701., 4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 1933  
4732., 4733., 4734., 4736., 4741., 4744., 4747., 4753., 4755., 1934  
4757., 4758., 4771., 4775., 4779., ~~and 4781.~~, and 4785. of the 1935  
Revised Code shall be paid into the state treasury to the credit 1936  
of the occupational licensing and regulatory fund, which is 1937  
hereby created for use in administering such chapters. 1938

At the end of each quarter, the director of budget and 1939  
management shall transfer from the occupational licensing and 1940  
regulatory fund to the nurse education assistance fund created 1941  
in section 3333.28 of the Revised Code the amount certified to 1942  
the director under division (B) of section 4723.08 of the 1943  
Revised Code. 1944

At the end of each quarter, the director shall transfer 1945  
from the occupational licensing and regulatory fund to the 1946  
certified public accountant education assistance fund created in 1947  
section 4701.26 of the Revised Code the amount certified to the 1948  
director under division (H) (2) of section 4701.10 of the Revised 1949  
Code. 1950

**Sec. 4755.111.** (A) An individual whom the occupational 1951  
therapy section of the Ohio occupational therapy, physical 1952  
therapy, and athletic trainers board licenses, certificates, or 1953  
otherwise legally authorizes to engage in the practice of 1954  
occupational therapy may render the professional services of an 1955  
occupational therapist within this state through a corporation 1956  
formed under division (B) of section 1701.03 of the Revised 1957  
Code, a limited liability company formed under Chapter 1705. of 1958  
the Revised Code, a partnership, or a professional association 1959  
formed under Chapter 1785. of the Revised Code. This division 1960

does not preclude an individual of that nature from rendering professional services as an occupational therapist through another form of business entity, including, but not limited to, a nonprofit corporation or foundation, or in another manner that is authorized by or in accordance with sections 4755.04 to 4755.13 of the Revised Code, another chapter of the Revised Code, or rules of the Ohio occupational therapy, physical therapy, and athletic trainers board adopted pursuant to sections 4755.04 to 4755.13 of the Revised Code.

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

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

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

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

(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;

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

(6) Physical therapists who are authorized to practice

physical therapy under sections 4755.40 to 4755.56 of the Revised Code;	1990 1991
(7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;	1992 1993 1994
(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;	1995 1996
(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;	1997 1998 1999 2000
(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;_	2001 2002 2003 2004 2005
<u>(11) Art therapists who are authorized to practice art therapy under Chapter 4785. of the Revised Code.</u>	2006 2007
This division shall apply notwithstanding a provision of a code of ethics applicable to an occupational therapist that prohibits an occupational therapist from engaging in the practice of occupational therapy in combination with a person who is licensed, certificated, or otherwise legally authorized to practice optometry, chiropractic, acupuncture through the state chiropractic board, psychology, nursing, pharmacy, physical therapy, mechanotherapy, medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, professional counseling, social work, <del>or</del> marriage and family therapy, <u>or art therapy</u> but who is not also licensed,	2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018

certificated, or otherwise legally authorized to engage in the 2019  
practice of occupational therapy. 2020

**Sec. 4755.471.** (A) An individual whom the physical therapy 2021  
section of the Ohio occupational therapy, physical therapy, and 2022  
athletic trainers board licenses, certificates, or otherwise 2023  
legally authorizes to engage in the practice of physical therapy 2024  
may render the professional services of a physical therapist 2025  
within this state through a corporation formed under division 2026  
(B) of section 1701.03 of the Revised Code, a limited liability 2027  
company formed under Chapter 1705. of the Revised Code, a 2028  
partnership, or a professional association formed under Chapter 2029  
1785. of the Revised Code. This division does not preclude an 2030  
individual of that nature from rendering professional services 2031  
as a physical therapist through another form of business entity, 2032  
including, but not limited to, a nonprofit corporation or 2033  
foundation, or in another manner that is authorized by or in 2034  
accordance with sections 4755.40 to 4755.53 of the Revised Code, 2035  
another chapter of the Revised Code, or rules of the Ohio 2036  
occupational therapy, physical therapy, and athletic trainers 2037  
board adopted pursuant to sections 4755.40 to 4755.53 of the 2038  
Revised Code. 2039

(B) A corporation, limited liability company, partnership, 2040  
or professional association described in division (A) of this 2041  
section may be formed for the purpose of providing a combination 2042  
of the professional services of the following individuals who 2043  
are licensed, certificated, or otherwise legally authorized to 2044  
practice their respective professions: 2045

(1) Optometrists who are authorized to practice optometry 2046  
under Chapter 4725. of the Revised Code; 2047

(2) Chiropractors who are authorized to practice 2048

chiropractic or acupuncture under Chapter 4734. of the Revised Code;	2049 2050
(3) Psychologists who are authorized to practice psychology under Chapter 4732. of the Revised Code;	2051 2052
(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;	2053 2054 2055 2056
(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;	2057 2058
(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;	2059 2060 2061
(7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;	2062 2063 2064
(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;	2065 2066
(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;	2067 2068 2069 2070
(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;	2071 2072 2073 2074 2075
<u>(11) Art therapists who are authorized to practice art</u>	2076

therapy under Chapter 4785. of the Revised Code. 2077

This division shall apply notwithstanding a provision of a 2078  
code of ethics applicable to a physical therapist that prohibits 2079  
a physical therapist from engaging in the practice of physical 2080  
therapy in combination with a person who is licensed, 2081  
certificated, or otherwise legally authorized to practice 2082  
optometry, chiropractic, acupuncture through the state 2083  
chiropractic board, psychology, nursing, pharmacy, occupational 2084  
therapy, mechanotherapy, medicine and surgery, osteopathic 2085  
medicine and surgery, podiatric medicine and surgery, 2086  
professional counseling, social work, ~~or~~ marriage and family 2087  
therapy, or art therapy, but who is not also licensed, 2088  
certificated, or otherwise legally authorized to engage in the 2089  
practice of physical therapy. 2090

**Sec. 4757.37.** (A) An individual whom the counselor, social 2091  
worker, and marriage and family therapist board licenses, 2092  
certificates, or otherwise legally authorizes to engage in the 2093  
practice of professional counseling, social work, or marriage 2094  
and family therapy may render the professional services of a 2095  
licensed professional clinical counselor, licensed professional 2096  
counselor, independent social worker, social worker, independent 2097  
marriage and family therapist, or marriage and family therapist 2098  
within this state through a corporation formed under division 2099  
(B) of section 1701.03 of the Revised Code, a limited liability 2100  
company formed under Chapter 1705. of the Revised Code, a 2101  
partnership, or a professional association formed under Chapter 2102  
1785. of the Revised Code. This division does not preclude such 2103  
an individual from rendering professional services as a licensed 2104  
professional clinical counselor, licensed professional 2105  
counselor, independent social worker, social worker, independent 2106  
marriage and family therapist, or marriage and family therapist 2107

through another form of business entity, including, but not 2108  
limited to, a nonprofit corporation or foundation, or in another 2109  
manner that is authorized by or in accordance with this chapter, 2110  
another chapter of the Revised Code, or rules of the counselor, 2111  
social worker, and marriage and family therapist board adopted 2112  
pursuant to this chapter. 2113

(B) A corporation, limited liability company, partnership, 2114  
or professional association described in division (A) of this 2115  
section may be formed for the purpose of providing a combination 2116  
of the professional services of the following individuals who 2117  
are licensed, certificated, or otherwise legally authorized to 2118  
practice their respective professions: 2119

(1) Optometrists who are authorized to practice optometry 2120  
under Chapter 4725. of the Revised Code; 2121

(2) Chiropractors who are authorized to practice 2122  
chiropractic or acupuncture under Chapter 4734. of the Revised 2123  
Code; 2124

(3) Psychologists who are authorized to practice 2125  
psychology under Chapter 4732. of the Revised Code; 2126

(4) Registered or licensed practical nurses who are 2127  
authorized to practice nursing as registered nurses or as 2128  
licensed practical nurses under Chapter 4723. of the Revised 2129  
Code; 2130

(5) Pharmacists who are authorized to practice pharmacy 2131  
under Chapter 4729. of the Revised Code; 2132

(6) Physical therapists who are authorized to practice 2133  
physical therapy under sections 4755.40 to 4755.56 of the 2134  
Revised Code; 2135

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

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

(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;

(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 this chapter;

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

This division applies notwithstanding a provision of a code of ethics applicable to an individual who is a licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist that prohibits the individual from engaging in the individual's practice in combination with a person who is licensed, certificated, or otherwise legally authorized to practice optometry, chiropractic, acupuncture through the state chiropractic board, psychology, nursing, pharmacy, physical therapy, occupational therapy, mechanotherapy, medicine and surgery, osteopathic medicine and surgery, ~~or~~ podiatric medicine and surgery, or art therapy, but who is not also licensed,

certificated, or otherwise legally authorized to engage in the 2165  
practice of professional counseling, social work, or marriage 2166  
and family therapy. 2167

**Sec. 4776.01.** As used in this chapter: 2168

(A) "License" means an authorization evidenced by a 2169  
license, certificate, registration, permit, card, or other 2170  
authority that is issued or conferred by a licensing agency to a 2171  
licensee or to an applicant for an initial license by which the 2172  
licensee or initial license applicant has or claims the 2173  
privilege to engage in a profession, occupation, or occupational 2174  
activity, or, except in the case of the state dental board, to 2175  
have control of and operate certain specific equipment, 2176  
machinery, or premises, over which the licensing agency has 2177  
jurisdiction. 2178

(B) Except as provided in section 4776.20 of the Revised 2179  
Code, "licensee" means the person to whom the license is issued 2180  
by a licensing agency. "Licensee" includes a person who, for 2181  
purposes of section 3796.13 of the Revised Code, has complied 2182  
with sections 4776.01 to 4776.04 of the Revised Code and has 2183  
been determined by the department of commerce or state board of 2184  
pharmacy, as the applicable licensing agency, to meet the 2185  
requirements for employment. 2186

(C) Except as provided in section 4776.20 of the Revised 2187  
Code, "licensing agency" means any of the following: 2188

(1) The board authorized by Chapters 4701., 4717., 4725., 2189  
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4751., 2190  
4753., 4755., 4757., 4759., 4760., 4761., 4762., 4774., 4778., 2191  
4779., ~~and 4783., 4785., and 4787.~~ of the Revised Code to issue 2192  
a license to engage in a specific profession, occupation, or 2193

occupational activity, or to have charge of and operate certain	2194
specific equipment, machinery, or premises.	2195
(2) The state dental board, relative to its authority to	2196
issue a license pursuant to section 4715.12, 4715.16, 4715.21,	2197
or 4715.27 of the Revised Code;	2198
(3) The department of commerce or state board of pharmacy,	2199
relative to its authority under Chapter 3796. of the Revised	2200
Code and any rules adopted under that chapter with respect to a	2201
person who is subject to section 3796.13 of the Revised Code;	2202
(4) The director of agriculture, relative to the	2203
director's authority to issue licenses under Chapter 928. of the	2204
Revised Code.	2205
(D) "Applicant for an initial license" includes persons	2206
seeking a license for the first time and persons seeking a	2207
license by reciprocity, endorsement, or similar manner of a	2208
license issued in another state. "Applicant for an initial	2209
license" also includes a person who, for purposes of section	2210
3796.13 of the Revised Code, is required to comply with sections	2211
4776.01 to 4776.04 of the Revised Code.	2212
(E) "Applicant for a restored license" includes persons	2213
seeking restoration of a license under section 4730.14, 4730.28,	2214
4731.222, 4731.281, 4759.062, 4759.063, 4760.06, 4760.061,	2215
4761.06, 4761.061, 4762.06, 4762.061, 4774.06, 4774.061,	2216
4778.07, or 4778.071 of the Revised Code. "Applicant for a	2217
restored license" does not include a person seeking restoration	2218
of a license under section 4751.33 of the Revised Code.	2219
(F) "Criminal records check" has the same meaning as in	2220
section 109.572 of the Revised Code.	2221
<b>Sec. 4776.20.</b> (A) As used in this section:	2222

(1) "Licensing agency" means, in addition to each board 2223  
identified in division (C) of section 4776.01 of the Revised 2224  
Code, the board or other government entity authorized to issue a 2225  
license under Chapters 4703., 4707., 4709., 4712., 4713., 4719., 2226  
4723., 4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740., 2227  
4742., 4747., 4749., 4752., 4753., 4758., 4759., 4763., 4764., 2228  
4765., 4766., 4771., 4773., ~~and 4781., 4785., and 4787.~~ of the 2229  
Revised Code. "Licensing agency" includes an administrative 2230  
officer that has authority to issue a license. 2231

(2) "Licensee" means, in addition to a licensee as 2232  
described in division (B) of section 4776.01 of the Revised 2233  
Code, the person to whom a license is issued by the board or 2234  
other government entity authorized to issue a license under 2235  
Chapters 4703., 4707., 4709., 4712., 4713., 4719., 4723., 4727., 2236  
4728., 4733., 4735., 4736., 4737., 4738., 4740., 4742., 4747., 2237  
4749., 4751., 4752., 4753., 4758., 4759., 4763., 4764., 4765., 2238  
4766., 4771., 4773., ~~and 4781., 4785., and 4787.~~ of the Revised 2239  
Code. 2240

(3) "Prosecutor" has the same meaning as in section 2241  
2935.01 of the Revised Code. 2242

(B) On a licensee's conviction of, plea of guilty to, 2243  
judicial finding of guilt of, or judicial finding of guilt 2244  
resulting from a plea of no contest to the offense of 2245  
trafficking in persons in violation of section 2905.32 of the 2246  
Revised Code, the prosecutor in the case shall promptly notify 2247  
the licensing agency of the conviction, plea, or finding and 2248  
provide the licensee's name and residential address. On receipt 2249  
of this notification, the licensing agency shall immediately 2250  
suspend the licensee's license. 2251

(C) If there is a conviction of, plea of guilty to, 2252

judicial finding of guilt of, or judicial finding of guilt 2253  
resulting from a plea of no contest to the offense of 2254  
trafficking in persons in violation of section 2905.32 of the 2255  
Revised Code and all or part of the violation occurred on the 2256  
premises of a facility that is licensed by a licensing agency, 2257  
the prosecutor in the case shall promptly notify the licensing 2258  
agency of the conviction, plea, or finding and provide the 2259  
facility's name and address and the offender's name and 2260  
residential address. On receipt of this notification, the 2261  
licensing agency shall immediately suspend the facility's 2262  
license. 2263

(D) Notwithstanding any provision of the Revised Code to 2264  
the contrary, the suspension of a license under division (B) or 2265  
(C) of this section shall be implemented by a licensing agency 2266  
without a prior hearing. After the suspension, the licensing 2267  
agency shall give written notice to the subject of the 2268  
suspension of the right to request a hearing under Chapter 119. 2269  
of the Revised Code. After a hearing is held, the licensing 2270  
agency shall either revoke or permanently revoke the license of 2271  
the subject of the suspension, unless it determines that the 2272  
license holder has not been convicted of, pleaded guilty to, 2273  
been found guilty of, or been found guilty based on a plea of no 2274  
contest to the offense of trafficking in persons in violation of 2275  
section 2905.32 of the Revised Code. 2276

**Sec. 4785.01.** As used in this chapter: 2277

(A) (1) "Art therapy" means the integrated use of 2278  
psychotherapeutic principles and methods with art media and the 2279  
creative process to assist individuals, families, or groups in 2280  
doing any of the following: 2281

(a) Improving cognitive and sensory-motor functions; 2282

<u>(b) Increasing self-awareness and self-esteem;</u>	2283
<u>(c) Coping with grief and traumatic experiences;</u>	2284
<u>(d) Enhancing cognitive abilities;</u>	2285
<u>(e) Resolving conflicts and distress;</u>	2286
<u>(f) Enhancing social functioning;</u>	2287
<u>(g) Identifying and assessing clients' needs to implement</u>	2288
<u>therapeutic intervention to meet developmental, behavioral,</u>	2289
<u>mental, and emotional needs.</u>	2290
<u>(2) "Art therapy" includes therapeutic intervention to</u>	2291
<u>facilitate alternative modes of receptive and expressive</u>	2292
<u>communication and evaluation and assessment to define and</u>	2293
<u>implement art-based treatment plans to address cognitive,</u>	2294
<u>behavioral, developmental, and emotional needs.</u>	2295
<u>(B) "Practice of art therapy" means the rendering or</u>	2296
<u>offering to render art therapy in the prevention or treatment of</u>	2297
<u>cognitive, developmental, emotional, or behavioral disabilities</u>	2298
<u>or conditions.</u>	2299
<u>(C) "Licensee" means a person who is licensed to practice</u>	2300
<u>art therapy under this chapter.</u>	2301
<u>(D) "Client" means a person who receives art therapy from</u>	2302
<u>a licensee.</u>	2303
<b>Sec. 4785.02.</b> <u>(A) No person shall recklessly engage in the</u>	2304
<u>practice of art therapy or use the title "art therapist" or a</u>	2305
<u>similar title unless the person is licensed under this chapter.</u>	2306
<u>(B) This chapter does not apply to any of the following</u>	2307
<u>persons:</u>	2308
<u>(1) A student who engages in the supervised practice of</u>	2309

art therapy as part of an art therapy program at an accredited 2310  
educational institution, if the person does not represent the 2311  
person's self as an art therapist; 2312

(2) A person who holds a professional license in this 2313  
state, or an employee who is supervised by a person who holds a 2314  
professional license in this state, who engages in the practice 2315  
of art therapy in a manner that is incidental to the practice of 2316  
the person's or employee's profession, if the person does not 2317  
represent the person's or employee's self as an art therapist; 2318

(3) A person who engages in the practice of art therapy as 2319  
part of the postgraduate supervised clinical experience 2320  
described in division (B) (4) of section 4785.06 of the Revised 2321  
Code. 2322

**Sec. 4785.03.** The counselor, social worker, and marriage 2323  
and family therapist board shall adopt rules in accordance with 2324  
Chapter 119. of the Revised Code to implement and administer 2325  
this chapter, including a rule that concerns the intervention 2326  
for and treatment of any impaired person holding a license 2327  
issued under the chapter. 2328

**Sec. 4785.04.** The counselor, social worker, and marriage 2329  
and family therapist board shall keep a register of applicants 2330  
for licenses issued under this chapter. The register shall show 2331  
the name of the applicant and whether the applicant was granted 2332  
or refused a license. 2333

The board shall develop and publish on its internet web 2334  
site a directory containing the names of, and contact 2335  
information for, all persons who hold current, valid licenses 2336  
issued by the board under this chapter. 2337

**Sec. 4785.05.** (A) The buckeye art therapy association or 2338

its successor organization shall provide the counselor, social 2339  
worker, and marriage and family therapist board with expertise 2340  
and assistance in carrying out the board's duties pursuant to 2341  
this chapter. The association or its successor organization 2342  
shall review and submit to the board recommendations on all of 2343  
the following: 2344

(1) Requirements and procedures for issuing licenses under 2345  
this chapter; 2346

(2) Rules pertaining to the practice of art therapy and 2347  
the administration and enforcement of this chapter; 2348

(3) Standards for the ethical practice of art therapy that 2349  
shall include, as the association or its successor organization 2350  
finds appropriate, the code of ethics, conduct, and disciplinary 2351  
procedures adopted by the art therapy credentials board, its 2352  
successor organization, or an equivalent organization recognized 2353  
by the counselor, social worker, and marriage and family 2354  
therapist board; 2355

(4) Standards and procedures for compliance with 2356  
continuing education requirements and approval of providers of 2357  
continuing education; 2358

(5) Fees required for issuance and renewal of licenses 2359  
under this chapter; 2360

(6) Any other issue the board considers necessary for the 2361  
administration and enforcement of this chapter. 2362

(B) The board shall take into consideration all 2363  
recommendations submitted by the association or its successor 2364  
organization before adopting any rule under section 4785.03 of 2365  
the Revised Code. Not later than ninety days after receiving a 2366  
recommendation from the association or its successor 2367

organization, the board shall approve or disapprove the 2368  
recommendation and notify the association or its successor 2369  
organization of its decision. If a recommendation is 2370  
disapproved, the board shall inform the association or its 2371  
successor organization of its reasons for making that decision. 2372  
The association or its successor organization may resubmit the 2373  
recommendation after addressing the concerns expressed by the 2374  
board and modifying the disapproved recommendation accordingly. 2375  
Not later than ninety days after receiving a resubmitted 2376  
recommendation, the board shall approve or disapprove the 2377  
recommendation. There is no limit on the number of times the 2378  
association or its successor organization may resubmit a 2379  
recommendation for consideration by the board. 2380

**Sec. 4785.06.** (A) A person seeking a license to practice 2381  
art therapy under this chapter shall submit to the counselor, 2382  
social worker, and marriage and family therapist board a 2383  
completed application on a form prescribed by the counselor, 2384  
social worker, and marriage and family therapist board and an 2385  
application fee in an amount to be determined by the board in 2386  
rules adopted pursuant to section 4785.03 of the Revised Code. 2387  
The board may prorate the application fee for an initial 2388  
license. 2389

The application shall include information the counselor, 2390  
social worker, and marriage and family therapist board considers 2391  
necessary to process the application, including evidence 2392  
satisfactory to the counselor, social worker, and marriage and 2393  
family therapist board that the applicant meets the requirements 2394  
specified in division (B) of this section. No part of the 2395  
application fee shall be returned to the applicant or applied to 2396  
another application. 2397

<u>(B) To be eligible for a license to practice art therapy</u>	2398
<u>under this chapter, an applicant shall demonstrate to the</u>	2399
<u>counselor, social worker, and marriage and family therapist</u>	2400
<u>board that the applicant meets all of the following</u>	2401
<u>requirements:</u>	2402
<u>(1) The applicant is at least eighteen years of age.</u>	2403
<u>(2) The applicant is of good moral character.</u>	2404
<u>(3) The applicant has attained a master's degree or higher</u>	2405
<u>degree from a graduate program in art therapy that one of the</u>	2406
<u>following applies to at the time the degree was conferred:</u>	2407
<u>(a) The program is approved by the American art therapy</u>	2408
<u>association or its successor organization.</u>	2409
<u>(b) The program is accredited by the commission on</u>	2410
<u>accreditation of allied health education programs or its</u>	2411
<u>successor organization.</u>	2412
<u>(c) The counselor, social worker, and marriage and family</u>	2413
<u>therapist board considers the program to be substantially</u>	2414
<u>equivalent to a program approved or accredited under division</u>	2415
<u>(B) (3) (a) or (b) of this section.</u>	2416
<u>(4) The applicant has completed at least two years of</u>	2417
<u>postgraduate supervised clinical experience in the practice of</u>	2418
<u>art therapy that meets the posteducation supervised art therapy</u>	2419
<u>experience requirements that the art therapy credentials board,</u>	2420
<u>its successor organization, or an equivalent organization</u>	2421
<u>recognized by the counselor, social worker, and marriage and</u>	2422
<u>family therapist board required for an individual to become a</u>	2423
<u>registered art therapist at the time the experience was</u>	2424
<u>completed.</u>	2425

(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. 2426  
2427  
2428  
2429  
2430

(6) The applicant complies with sections 4776.01 to 4776.04 of the Revised Code. 2431  
2432

(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. 2433  
2434  
2435  
2436

(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. 2437  
2438  
2439  
2440  
2441

(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 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. 2442  
2443  
2444  
2445  
2446  
2447  
2448  
2449

(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 2450  
2451  
2452  
2453  
2454

the Revised Code, the applicant files an application with the 2455  
board that includes evidence satisfactory to the board that the 2456  
applicant meets all of the following requirements: 2457

(1) The applicant holds a credential in good standing with 2458  
the art therapy credentials board, its successor organization, 2459  
or an equivalent organization recognized by the counselor, 2460  
social worker, and marriage and family therapist board. 2461

(2) The applicant has practiced art therapy for at least 2462  
five years. 2463

(3) The applicant complies with sections 4776.01 to 2464  
4776.04 of the Revised Code. 2465

(4) The applicant satisfies any additional requirements 2466  
established by the counselor, social worker, and marriage and 2467  
family therapist board in rules adopted under section 4785.03 of 2468  
the Revised Code. 2469

**Sec. 4785.07.** (A) A license issued under section 4785.06 2470  
of the Revised Code shall expire biennially and may be renewed 2471  
in accordance with this section. A licensee seeking to renew a 2472  
license to practice art therapy shall, on or before the thirty- 2473  
first day of January of each even-numbered year, apply for 2474  
renewal of the license. The counselor, social worker, and 2475  
marriage and family therapist board may establish a different 2476  
expiration date for an initial license. The board shall provide 2477  
renewal notices at least one month before the expiration date. 2478

(B) A licensee shall submit a renewal application to the 2479  
counselor, social worker, and marriage and family therapist 2480  
board in a manner prescribed by the board and a renewal fee in 2481  
an amount to be determined by the board in rules adopted 2482  
pursuant to section 4785.03 of the Revised Code. 2483

(C) To be eligible for renewal, a licensee shall certify 2484  
to the board that the licensee has done all of the following: 2485

(1) Maintained board certification with the art therapy 2486  
credentials board, its successor organization, or an equivalent 2487  
organization recognized by the counselor, social worker, and 2488  
marriage and family therapist board; 2489

(2) Completed at least forty hours of the continuing 2490  
education that is required to maintain board certification with 2491  
the art therapy credentials board, its successor organization, 2492  
or an equivalent organization recognized by the counselor, 2493  
social worker, and marriage and family therapist board; 2494

(3) Report any criminal offense to which the applicant has 2495  
pleaded guilty, of which the licensee has been found guilty, or 2496  
for which the applicant has been found eligible for intervention 2497  
in lieu of conviction, since last signing an application for a 2498  
license under this chapter. 2499

(D) If a licensee submits a renewal application that the 2500  
counselor, social worker, and marriage and family therapist 2501  
board considers to be complete and qualifies for renewal 2502  
pursuant to division (C) of this section, the board shall issue 2503  
to the licensee a renewed license to practice art therapy. 2504

(E) The counselor, social worker, and marriage and family 2505  
therapist board may require a random sample of licensees to 2506  
submit materials documenting that the licensee has complied with 2507  
divisions (C) (1) and (2) of this section. If the board finds 2508  
through the random sample or any other means that a licensee has 2509  
not complied with those divisions, the board may refuse to renew 2510  
the licensee's license or may take any other action the board 2511  
may take under this chapter. 2512

Sec. 4785.08. (A) A license to practice art therapy that 2513  
is not renewed on or before its expiration date is automatically 2514  
suspended on its expiration date. The continued practice of art 2515  
therapy after suspension of a license shall be considered a 2516  
violation of division (A) of section 4785.02 of the Revised 2517  
Code. 2518

(B) If a license has been suspended pursuant to division 2519  
(A) of this section, the counselor, social worker, and marriage 2520  
and family therapist board shall reinstate the license if the 2521  
person qualifies for renewal pursuant to section 4785.07 of the 2522  
Revised Code and pays a monetary penalty to be established by 2523  
the board. 2524

(C) If a license has been suspended pursuant to division 2525  
(A) of this section for more than two years, the board may 2526  
impose terms and conditions for reinstatement in addition to 2527  
those specified in division (B) of this section, including the 2528  
following: 2529

(1) Requiring the applicant to pass an oral or written 2530  
examination, or both, to determine the applicant's fitness to 2531  
resume the practice of art therapy; 2532

(2) Requiring the applicant to obtain additional training 2533  
and to pass an examination on completion of the training; 2534

(3) Restricting or limiting the extent, scope, or type of 2535  
practice in which an applicant may engage. 2536

Sec. 4785.09. (A) A licensee may treat affective, 2537  
behavioral, and cognitive disorders or problems specified in the 2538  
edition of the diagnostic and statistical manual of mental 2539  
disorders published by the American psychiatric association 2540  
designated by the counselor, social worker, and marriage and 2541

family therapist board in rules adopted under section 4785.03 of 2542  
the Revised Code. 2543

(B) A license issued under this chapter does not authorize 2544  
the licensee to do either of the following: 2545

(1) Administer or prescribe drugs; 2546

(2) Perform psychological testing intended to measure or 2547  
diagnose serious mental illness. 2548

**Sec. 4785.10.** (A) As used in this section: 2549

(1) "Willfully betraying a professional confidence" and 2550  
"false, fraudulent, deceptive, or misleading statement" have the 2551  
same meanings as in section 4731.22 of the Revised Code. 2552

(2) "Privileged communication" means any information 2553  
obtained through the practice of art therapy, including client 2554  
records, artwork, verbal or artistic expressions, assessment 2555  
results, or assessment interpretations. 2556

(B) The counselor, social worker, and marriage and family 2557  
therapist board, by an affirmative vote of a majority of the 2558  
members, may limit, revoke, suspend, or refuse to grant a 2559  
license to practice art therapy to a person found by the board 2560  
to have committed fraud, misrepresentation, or deception in 2561  
applying for or securing the license. 2562

(C) The board, by an affirmative vote of a majority of the 2563  
members, shall, to the extent permitted by law, limit, revoke, 2564  
suspend, or refuse to issue, renew, or reinstate a license, or 2565  
reprimand or place on probation a licensee for any of the 2566  
following reasons: 2567

(1) Failure to comply with the requirements of this 2568  
chapter or any rules adopted by the board; 2569

- (2) Permitting the licensee's name or license to be used 2570  
by another person; 2571
- (3) Failure to employ acceptable scientific methods in the 2572  
selection of modalities for treatment provided under a license 2573  
to practice art therapy; 2574
- (4) A plea of guilty to, a judicial finding of guilt of, 2575  
or a judicial finding of eligibility for intervention in lieu of 2576  
conviction for, a violation of any federal or state law 2577  
regulating the possession, distribution, or use of any drug; 2578
- (5) Willfully betraying a professional confidence; 2579
- (6) Making a false, fraudulent, deceptive, or misleading 2580  
statement in the solicitation of or advertising for clients; in 2581  
relation to the practice of art therapy; or in securing or 2582  
attempting to secure any license or certificate to practice 2583  
issued by the board; 2584
- (7) A departure from, or the failure to conform to, 2585  
minimal standards of care of similar practitioners under the 2586  
same or similar circumstances, whether or not actual injury to a 2587  
client is established; 2588
- (8) Representing, with the purpose of obtaining 2589  
compensation or other advantage as personal gain or for any 2590  
other person, that an incurable disease or injury, or other 2591  
incurable condition, can be permanently cured; 2592
- (9) The obtaining of, or attempting to obtain, money or 2593  
anything of value by fraudulent misrepresentations in the course 2594  
of the practice of art therapy; 2595
- (10) A plea of guilty to, a judicial finding of guilt of, 2596  
or a judicial finding of eligibility for intervention in lieu of 2597

<u>conviction for, a felony;</u>	2598
<u>(11) Commission of an act that constitutes a felony in</u>	2599
<u>this state, regardless of the jurisdiction in which the act was</u>	2600
<u>committed;</u>	2601
<u>(12) A plea of guilty to, a judicial finding of guilt of,</u>	2602
<u>or a judicial finding of eligibility for intervention in lieu of</u>	2603
<u>conviction for, a misdemeanor committed in the course of the</u>	2604
<u>practice of art therapy;</u>	2605
<u>(13) Commission of an act in the course of the practice of</u>	2606
<u>art therapy that constitutes a misdemeanor in this state,</u>	2607
<u>regardless of the jurisdiction in which the act was committed;</u>	2608
<u>(14) A plea of guilty to, a judicial finding of guilt of,</u>	2609
<u>or a judicial finding of eligibility for intervention in lieu of</u>	2610
<u>conviction for, a misdemeanor involving moral turpitude;</u>	2611
<u>(15) Commission of an act involving moral turpitude that</u>	2612
<u>constitutes a misdemeanor in this state, regardless of the</u>	2613
<u>jurisdiction in which the act was committed;</u>	2614
<u>(16) Violation of the conditions of limitation placed by</u>	2615
<u>the board on a license to practice art therapy;</u>	2616
<u>(17) Failure to pay license renewal fees required by this</u>	2617
<u>chapter;</u>	2618
<u>(18) Inability to practice art therapy according to</u>	2619
<u>acceptable and prevailing standards of care by reason of mental</u>	2620
<u>illness or physical illness, including physical deterioration</u>	2621
<u>that adversely affects cognitive, motor, or perceptive skills;</u>	2622
<u>(19) Impairment of ability to practice art therapy</u>	2623
<u>according to acceptable and prevailing standards of care because</u>	2624
<u>of habitual or excessive use or abuse of drugs, alcohol, or</u>	2625

<u>other substances that impair the ability to practice;</u>	2626
<u>(20) Failure to maintain the confidentiality of privileged</u>	2627
<u>communications without the written consent of a client or a</u>	2628
<u>client's parent or guardian, as applicable, unless otherwise</u>	2629
<u>required by law, court order, or necessity to protect public</u>	2630
<u>health and safety;</u>	2631
<u>(21) Failure to comply with the continuing education</u>	2632
<u>requirements necessary to renew a license to practice art</u>	2633
<u>therapy;</u>	2634
<u>(22) Failure to comply with any standards for the ethical</u>	2635
<u>practice of art therapy that the board adopts under section</u>	2636
<u>4785.03 of the Revised Code;</u>	2637
<u>(23) Failure to cooperate in an investigation conducted by</u>	2638
<u>the board under division (E) of this section, including failure</u>	2639
<u>to comply with a subpoena or order issued by the board or</u>	2640
<u>failure to answer truthfully a question presented by the board</u>	2641
<u>in an investigative interview.</u>	2642
<u>(D) Disciplinary actions taken by the board under</u>	2643
<u>divisions (B) and (C) of this section shall be taken pursuant to</u>	2644
<u>an adjudication under Chapter 119. of the Revised Code, except</u>	2645
<u>that in lieu of an adjudication, the board may enter into a</u>	2646
<u>consent agreement with a person to resolve an allegation of a</u>	2647
<u>violation of this chapter or any rule adopted under it. A</u>	2648
<u>consent agreement, when ratified by an affirmative vote of a</u>	2649
<u>majority of the members of the board, shall constitute the</u>	2650
<u>findings and order of the board with respect to the matter</u>	2651
<u>addressed in the agreement. If the board refuses to ratify a</u>	2652
<u>consent agreement, the admissions and findings contained in the</u>	2653
<u>consent agreement are of no force or effect.</u>	2654

(E) The board shall investigate evidence that appears to 2655  
show that a person has violated any provision of this chapter or 2656  
any rule adopted under it. Any person may report to the board in 2657  
a signed writing any information that the person may have that 2658  
appears to show a violation of any provision of this chapter or 2659  
any rule adopted under it. Investigations of alleged violations 2660  
of this chapter or any rule adopted under it shall be conducted 2661  
by the board in the same manner as the board conducts 2662  
investigations under section 4757.38 of the Revised Code. 2663

(F) Notwithstanding any provision of the Revised Code to 2664  
the contrary, all of the following apply: 2665

(1) The surrender of a license issued under this chapter 2666  
is not effective until accepted by the board. A telephone 2667  
conference call may be used for acceptance of the surrender of a 2668  
person's license to practice art therapy. The telephone 2669  
conference call shall be considered a special meeting under 2670  
division (F) of section 121.22 of the Revised Code. 2671

Reinstatement of a license to practice art therapy surrendered 2672  
to the board requires an affirmative vote of a majority of the 2673  
members of the board. 2674

(2) An application for a license to practice art therapy 2675  
under this chapter may not be withdrawn without approval of the 2676  
board. 2677

(3) Failure of a person to renew a license to practice art 2678  
therapy in accordance with section 4785.07 of the Revised Code 2679  
does not remove or limit the board's jurisdiction to take any 2680  
disciplinary action under this section against the person. 2681

**Sec. 4785.11.** (A) If a licensee violates any provision of 2682  
this chapter or any rule adopted under it, the counselor, social 2683

worker, and marriage and family therapist board may, pursuant to 2684  
an adjudication under Chapter 119. of the Revised Code and an 2685  
affirmative vote of a majority of its members, impose a civil 2686  
penalty. The amount of the civil penalty shall be determined by 2687  
the board in accordance with the guidelines adopted under 2688  
division (B) of this section. 2689

(B) The board shall adopt and may amend guidelines 2690  
regarding the amounts of civil penalties to be imposed under 2691  
this section. Adoption or amendment of the guidelines requires 2692  
the approval of a majority of the board members. 2693

(C) Amounts received from payment of civil penalties 2694  
imposed under this section shall be deposited by the board in 2695  
the state treasury to the credit of the occupational licensing 2696  
and regulatory fund. Amounts received from payment of civil 2697  
penalties imposed for violations of division (C)(19) of section 2698  
4785.10 of the Revised Code shall be used by the board solely 2699  
for investigations, enforcement, and compliance monitoring. 2700

**Sec. 4785.12.** On receipt of a notice pursuant to section 2701  
3123.43 of the Revised Code, the counselor, social worker, and 2702  
marriage and family therapist board shall comply with sections 2703  
3123.41 to 3123.50 of the Revised Code and any applicable rules 2704  
adopted under section 3123.63 of the Revised Code with respect 2705  
to a license to practice art therapy issued under this chapter. 2706

**Sec. 4785.13.** The counselor, social worker, and marriage 2707  
and family therapist board shall comply with section 4776.20 of 2708  
the Revised Code. 2709

**Sec. 4785.14.** (A) A licensee may practice art therapy 2710  
within this state through a corporation formed under division 2711  
(B) of section 1701.03 of the Revised Code, a limited liability 2712

company formed under Chapter 1705. of the Revised Code, a 2713  
partnership, or a professional association formed under Chapter 2714  
1785. of the Revised Code. This division does not preclude a 2715  
licensee from practicing art therapy through another form of 2716  
business entity, including a nonprofit corporation or 2717  
foundation, or in another manner that is authorized by or in 2718  
accordance with this chapter, another chapter of the Revised 2719  
Code, or rules of the counselor, social worker, and marriage and 2720  
family therapist board adopted pursuant to this chapter. 2721

(B) A corporation, limited liability company, partnership, 2722  
or professional association described in division (A) of this 2723  
section may be formed for the purpose of providing a combination 2724  
of the professional services of the following individuals who 2725  
are licensed, certificated, or otherwise legally authorized to 2726  
practice their respective professions: 2727

(1) Optometrists who are authorized to practice optometry 2728  
under Chapter 4725. of the Revised Code; 2729

(2) Chiropractors who are authorized to practice 2730  
chiropractic or acupuncture under Chapter 4734. of the Revised 2731  
Code; 2732

(3) Psychologists who are authorized to practice 2733  
psychology under Chapter 4732. of the Revised Code; 2734

(4) Registered or licensed practical nurses who are 2735  
authorized to practice nursing as registered nurses or as 2736  
licensed practical nurses under Chapter 4723. of the Revised 2737  
Code; 2738

(5) Pharmacists who are authorized to practice pharmacy 2739  
under Chapter 4729. of the Revised Code; 2740

(6) Physical therapists who are authorized to practice 2741

<u>physical therapy under sections 4755.40 to 4755.56 of the</u>	2742
<u>Revised Code;</u>	2743
<u>(7) Occupational therapists who are authorized to practice</u>	2744
<u>occupational therapy under sections 4755.04 to 4755.13 of the</u>	2745
<u>Revised Code;</u>	2746
<u>(8) Mechanotherapists who are authorized to practice</u>	2747
<u>mechanotherapy under section 4731.151 of the Revised Code;</u>	2748
<u>(9) Doctors of medicine and surgery, osteopathic medicine</u>	2749
<u>and surgery, or podiatric medicine and surgery who are</u>	2750
<u>authorized for their respective practices under Chapter 4731. of</u>	2751
<u>the Revised Code;</u>	2752
<u>(10) Licensed professional clinical counselors, licensed</u>	2753
<u>professional counselors, independent social workers, social</u>	2754
<u>workers, independent marriage and family therapists, or marriage</u>	2755
<u>and family therapists who are authorized for their respective</u>	2756
<u>practices under Chapter 4757. of the Revised Code;</u>	2757
<u>(11) Art therapists who are authorized to practice art</u>	2758
<u>therapy under this chapter.</u>	2759
<u>This division shall apply notwithstanding a provision of a</u>	2760
<u>code of ethics applicable to a licensee that prohibits the</u>	2761
<u>individual from engaging in the practice of art therapy in</u>	2762
<u>combination with a person who is licensed, certificated, or</u>	2763
<u>otherwise legally authorized to engage in the practice of</u>	2764
<u>optometry, chiropractic, acupuncture through the state</u>	2765
<u>chiropractic board, psychology, nursing, pharmacy, physical</u>	2766
<u>therapy, occupational therapy, mechanotherapy, medicine and</u>	2767
<u>surgery, osteopathic medicine and surgery, podiatric medicine</u>	2768
<u>and surgery, professional counseling, social work, or marriage</u>	2769
<u>and family therapy, but who is not also licensed to engage in</u>	2770

the practice of art therapy. 2771

Sec. 4785.99. Whoever violates division (A) of section 2772  
4785.02 of the Revised Code is guilty of a felony of the fifth 2773  
degree on a first offense; on each subsequent offense, such 2774  
person is guilty of a felony of the fourth degree. 2775

Sec. 4787.01. As used in this chapter: 2776

(A) "Client" means a person who receives music therapy 2777  
services. 2778

(B) "Licensee" means a music therapist who is licensed to 2779  
practice music therapy pursuant to this chapter. 2780

(C) "Music therapy" means the clinical use of music 2781  
interventions by a person to accomplish individualized goals 2782  
within a therapeutic relationship through an individualized 2783  
music therapy treatment plan developed for a client. 2784

(D) "Music therapy services" means the services a licensee 2785  
is authorized to provide pursuant to section 4787.09 of the 2786  
Revised Code to achieve the goals of music therapy. 2787

Sec. 4787.02. (A) No person shall knowingly provide music 2788  
therapy services or use the title "music therapist" or a similar 2789  
title unless the person holds a license issued under this 2790  
chapter that is in good standing. 2791

(B) This chapter does not apply to any of the following 2792  
persons: 2793

(1) A person performing services or participating in 2794  
activities as an integral part of a program of study in an 2795  
accredited music therapy program, if the person does not 2796  
represent the person's self as a music therapist; 2797

(2) A person who holds a professional license in this 2798  
state or an employee who is supervised by a person who holds a 2799  
professional license in this state who is performing services, 2800  
including the use of music in the services, that are incidental 2801  
to the practice of the person's profession, if the person does 2802  
not represent the person's self as a music therapist; 2803

(3) Any person whose training and national certification 2804  
attests to the person's preparation and ability to practice the 2805  
person's certified profession or occupation, if the person does 2806  
not represent the person's self as a music therapist; 2807

(4) Any person who practices music therapy under the 2808  
supervision of a licensee, if the person does not represent the 2809  
person's self as a music therapist. 2810

**Sec. 4787.03.** (A) The state medical board may adopt rules 2811  
as the board considers necessary to carry out this chapter. The 2812  
rules may include requirements for continuing education for 2813  
music therapists in addition to those required under section 2814  
4787.07 of the Revised Code. 2815

(B) The board shall enforce this chapter and any rules 2816  
adopted pursuant to it. 2817

(C) The board, on request and payment of a fee established 2818  
by the board, shall provide a copy of the list maintained 2819  
pursuant to section 4731.07 of the Revised Code, as it pertains 2820  
to this chapter. Any fee charged by the board for providing the 2821  
copy shall not exceed the actual cost incurred by the board to 2822  
make the copy. 2823

**Sec. 4787.04.** (A) There is hereby created within the state 2824  
medical board the music therapy advisory committee consisting of 2825  
five persons familiar with the practice of music therapy. The 2826

committee shall provide the board with expertise and assistance 2827  
in carrying out its duties pursuant to this chapter. 2828

The committee shall consist of the following members: 2829

(1) Three members who are licensed under this chapter to 2830  
practice as music therapists in this state; 2831

(2) One member who is a licensed health care professional 2832  
who is not a licensee; 2833

(3) One member who is a consumer. 2834

(B) Not later than ninety days after the effective date of 2835  
this section, the board shall make initial appointments to the 2836  
committee. The board shall appoint two members to terms ending 2837  
one year after the effective date of this section, one member to 2838  
a term ending two years after the effective date of this 2839  
section, one member to a term ending three years after the 2840  
effective date of this section, and one member to a term ending 2841  
four years after the effective date of this section. Thereafter, 2842  
terms of office for all members are four years, with each term 2843  
ending on the same day of the same month as did the term that it 2844  
succeeds. Each member shall hold office from the date of 2845  
appointment until the end of the term for which the member was 2846  
appointed. Members may be reappointed. 2847

Vacancies shall be filled in the same manner as original 2848  
appointments. Any member appointed to fill a vacancy occurring 2849  
before the expiration of the term for which the member's 2850  
predecessor was appointed shall hold office for the remainder of 2851  
the term. Any member shall continue in office subsequent to the 2852  
expiration date of the member's term until a successor takes 2853  
office, or until a period of sixty days has elapsed, whichever 2854  
occurs first. 2855

(C) Members of the committee shall serve without 2856  
compensation and shall not be reimbursed for expenses. 2857

(D) The committee shall meet at least once per year or as 2858  
otherwise called by the board. 2859

(E) The board shall consult with the committee before 2860  
changing fees established under this chapter. The board shall 2861  
seek the advice of the committee for issues related to music 2862  
therapy. 2863

(F) The committee is not subject to sections 101.82 to 2864  
101.87 of the Revised Code. 2865

(G) The committee shall provide to the board an analysis 2866  
of disciplinary actions taken against license applicants and 2867  
licensees, appeals and denials, and revocation of licenses at 2868  
least once per year. 2869

(H) The committee may facilitate the development of 2870  
materials that the state medical board may utilize to educate 2871  
the public concerning music therapist licensure, the benefits of 2872  
music therapy, and utilization of music therapy by individuals 2873  
and in facilities or institutional settings. The committee may 2874  
act as a facilitator of statewide dissemination of information 2875  
between music therapists, the American music therapy association 2876  
or its successor organization, the certification board for music 2877  
therapists or its successor organization, and the state medical 2878  
board. 2879

**Sec. 4787.05.** (A) A person seeking a license to practice 2880  
as a music therapist under this chapter shall do both of the 2881  
following: 2882

(1) Submit all of the following to the state medical 2883  
board: 2884

<u>(a) A completed application on a form provided by the</u>	2885
<u>state medical board;</u>	2886
<u>(b) An application fee of one hundred fifty dollars or a</u>	2887
<u>higher amount established by the board;</u>	2888
<u>(c) Proof that the person is at least eighteen years of</u>	2889
<u>age;</u>	2890
<u>(d) Proof that the person has successfully completed an</u>	2891
<u>academic program with a bachelor's or higher degree in music</u>	2892
<u>therapy approved by the American music therapy association or</u>	2893
<u>its successor organization;</u>	2894
<u>(e) Proof that the person has done both of the following:</u>	2895
<u>(i) Has passed the examination for board certification by</u>	2896
<u>the certification board for music therapists or its successor</u>	2897
<u>organization or obtained certification as a music therapist by</u>	2898
<u>that board on January 1, 1985;</u>	2899
<u>(ii) Is currently certified as a music therapist by the</u>	2900
<u>certification board for music therapists or its successor</u>	2901
<u>organization.</u>	2902
<u>(f) Proof that the person has successfully completed a</u>	2903
<u>minimum of one thousand two hundred hours of clinical training,</u>	2904
<u>with at least one hundred eighty hours in preinternship</u>	2905
<u>experience and at least nine hundred hours in internship</u>	2906
<u>experience, if the internship is approved by the American music</u>	2907
<u>therapy association or its successor organization, an academic</u>	2908
<u>institution, or both.</u>	2909
<u>(2) Comply with sections 4776.01 to 4776.04 of the Revised</u>	2910
<u>Code.</u>	2911
<u>(B) The state medical board shall not grant to a person a</u>	2912

license to practice as a music therapist unless the board, in 2913  
its discretion, decides that the results of the criminal records 2914  
check do not make the person ineligible for a license pursuant 2915  
to section 4787.11 of the Revised Code. 2916

(C) Within sixty days after receiving the information 2917  
described in division (A) (1) of this section and receipt of 2918  
proof of compliance with division (A) (2) of this section, the 2919  
state medical board shall issue a license to practice as a music 2920  
therapist if the board determines that the person satisfies the 2921  
requirements of division (A) of this section. 2922

(D) The state medical board, subject to the approval of 2923  
the controlling board, may establish a fee in excess of the 2924  
amount prescribed in division (A) of this section, provided that 2925  
the amount of the increase does not exceed fifty per cent of 2926  
that fee, that no fee increase occurs before January 1, 2021, 2927  
and that the increase does not exceed the amount necessary for 2928  
the state medical board to implement this chapter. 2929

**Sec. 4787.06.** If a person who is licensed to practice as a 2930  
music therapist in another jurisdiction wishes to be licensed 2931  
under this chapter, the person shall comply with division (A) of 2932  
section 4787.05 of the Revised Code and shall include with the 2933  
person's application proof that the person's license issued in 2934  
the other jurisdiction is in good standing with that 2935  
jurisdiction. 2936

The state medical board shall review the person's 2937  
licensure history in that jurisdiction, and shall include in 2938  
that review a review of any misconduct or neglect in the 2939  
practice of music therapy in that jurisdiction on the part of 2940  
the person. The board shall issue a license to the person in 2941  
accordance with divisions (B) and (C) of section 4787.05 of the 2942

Revised Code, if, in addition to the requirements specified in 2943  
those divisions, the board determines that the person's license 2944  
issued in another jurisdiction is in good standing and that the 2945  
requirements for obtaining licensure in that jurisdiction are 2946  
equal to or greater than the requirements specified in section 2947  
4787.05 of the Revised Code. 2948

**Sec. 4787.07.** (A) A license to practice as a music 2949  
therapist issued under this chapter is valid for three years 2950  
beginning on the date the license is issued and may be renewed. 2951

(B) A person seeking to renew a license to practice as a 2952  
music therapist shall, before the license expires, apply for 2953  
renewal of the license. To be eligible for renewal, an applicant 2954  
shall submit all of the following to the state medical board: 2955

(1) A completed application for renewal on a form 2956  
prescribed by the board; 2957

(2) Proof that the licensee has continuously maintained 2958  
for the previous three years certification with, and is 2959  
currently certified as a music therapist by, the certification 2960  
board for music therapists or its successor organization; 2961

(3) Proof that the licensee has completed not less than 2962  
sixty hours of continuing education approved by the 2963  
certification board for music therapists or its successor 2964  
organization and any other continuing education requirements 2965  
established by the state medical board; 2966

(4) A fee in the amount of one hundred fifty dollars or 2967  
such other amount as prescribed by the state medical board. 2968

(C) A licensee shall notify the board in writing of any 2969  
change in address. 2970

(D) The state medical board shall send renewal notices at 2971  
least one month before the license expiration date. 2972

(E) The state medical board, subject to the approval of 2973  
the controlling board, may establish a fee in excess of the 2974  
amount prescribed in division (B) of this section, provided that 2975  
the amount of the increase does not exceed fifty per cent of 2976  
that fee, that no fee increase occurs before January 1, 2021, 2977  
and that the increase does not exceed the amount necessary for 2978  
the state medical board to implement this chapter. 2979

**Sec. 4787.08.** A license to practice as a music therapist 2980  
that is not renewed on or before its expiration date is 2981  
delinquent and shall be forfeited to the state medical board. 2982  
The board, within thirty days after the license becomes 2983  
delinquent, shall send a notice to the licensee by certified 2984  
mail, return receipt requested, to the address of the licensee 2985  
as indicated in the records of the board. The board shall inform 2986  
the licensee in the notice that the licensee's license is 2987  
forfeited and explain procedures for restoring the forfeited 2988  
license. 2989

A licensee may restore a forfeited license within one year 2990  
after the license becomes delinquent by complying with the 2991  
requirements of section 4787.07 of the Revised Code. The board 2992  
shall terminate a forfeited license that is not restored within 2993  
one year after the date it becomes delinquent. The board may 2994  
require a person whose license has been terminated to apply for 2995  
a new license under section 4787.05 of the Revised Code. 2996

On written request of a licensee, the board may place an 2997  
active license on inactive status subject to an inactive status 2998  
fee established by the board. The licensee, on request and 2999  
payment of the inactive license fee, may continue on inactive 3000

status for a period up to two years. A licensee may reactivate 3001  
an inactive license at any time during that two-year period by 3002  
making a written request to the board and by fulfilling 3003  
requirements established by the board. 3004

**Sec. 4787.09.** (A) A licensee shall do both of the 3005  
following: 3006

(1) Before providing music therapy services to a client 3007  
for a medical, developmental, or mental health condition, 3008  
collaborate with the client's physician, psychologist, primary 3009  
care provider, or mental health professional, as applicable, to 3010  
review the client's diagnosis, treatment needs, and treatment 3011  
plan; 3012

(2) During the provision of music therapy services to a 3013  
client, collaborate, as applicable, with the client's treatment 3014  
team. 3015

(B) Subject to division (C) of this section, a licensee 3016  
may do any of the following activities: 3017

(1) Accept referrals for music therapy services from 3018  
health care, social service, or education professionals, 3019  
clients, or caregivers of prospective clients; 3020

(2) Conduct a music therapy assessment of a client to 3021  
collect systematic, comprehensive, and accurate information 3022  
necessary to determine the appropriate type of music therapy 3023  
services to provide to the client; 3024

(3) Develop an individualized treatment plan for a client 3025  
that identifies the goals, objectives, and potential strategies 3026  
of the music therapy services appropriate for the client using 3027  
music interventions, which may include music improvisation, 3028  
receptive music listening, song writing, lyric discussion, music 3029

and imagery, music performance, learning through music, and 3030  
movement to music; 3031

(4) If applicable, carry out an individualized treatment 3032  
plan that is consistent with any other medical, developmental, 3033  
mental health, educational, or rehabilitative services being 3034  
provided to the client; 3035

(5) Evaluate the client's response to music therapy and 3036  
the individualized treatment plan and suggest modifications, as 3037  
appropriate; 3038

(6) Develop a plan for determining when the provision of 3039  
music therapy services is no longer needed in collaboration with 3040  
the client, any physician or other health care or education 3041  
provider of the client, any appropriate family member of the 3042  
client, and any other appropriate person on whom the client 3043  
relies for support; 3044

(7) Minimize any barriers so that the client may receive 3045  
music therapy services in the least restrictive environment; 3046

(8) Collaborate with and educate the client and the family 3047  
or caregiver of the client or any other appropriate person about 3048  
the needs of the client that are being addressed in music 3049  
therapy and the manner in which the music therapy addresses 3050  
those needs. 3051

(C) A licensee shall not do either of the following: 3052

(1) When providing educational services pursuant to 3053  
division (B) (4) of this section, replace speech and language 3054  
services typically provided to a child with a disability who has 3055  
been identified as having a speech or language impairment 3056  
pursuant to section 3323.03 of the Revised Code; 3057

(2) When providing rehabilitative services pursuant to 3058  
division (B) (4) of this section, replace the services provided 3059  
by a speech-language pathologist. 3060

(D) Nothing in this section shall be construed as 3061  
prohibiting a licensee from providing services to a client 3062  
diagnosed with a communication disorder. 3063

**Sec. 4787.10.** If any member of the state medical board or 3064  
the music therapy advisory committee becomes aware of any ground 3065  
for initiating disciplinary action against a licensee, the 3066  
member shall file a written complaint with the board. As soon as 3067  
practicable after receiving a complaint, the board shall conduct 3068  
an investigation of the complaint to determine whether the 3069  
allegations in the complaint merit the initiation of 3070  
disciplinary proceedings against the licensee. 3071

**Sec. 4787.11.** (A) If, after an investigation conducted by 3072  
the state medical board and after notice and a hearing in 3073  
accordance with Chapter 119. of the Revised Code, the board 3074  
finds one or more grounds for taking disciplinary action as 3075  
described in division (C) of this section, the board may do any 3076  
of the following: 3077

(1) Place the licensee on probation for a specified period 3078  
or until further order of the board; 3079

(2) Administer to the applicant or licensee a public 3080  
reprimand; 3081

(3) Refuse to issue a license to an applicant or renew the 3082  
license of the licensee; 3083

(4) Suspend or revoke the license of the licensee; 3084

(5) Impose an administrative fine of not less than one 3085

hundred dollars nor more than one thousand dollars for each 3086  
violation; 3087

(6) Take any combination of the actions enumerated in 3088  
divisions (A) (1) to (5) of this section. 3089

(B) An order of the board may include any other terms, 3090  
provisions, or conditions as the board considers appropriate. An 3091  
order of the board and the findings of fact and conclusions of 3092  
law supporting that order are public records. The board shall 3093  
not issue a private reprimand. 3094

(C) The board may impose any of the disciplinary actions 3095  
described in division (A) of this section if a licensee or 3096  
applicant does any of the following: 3097

(1) Submits false, fraudulent, or misleading information 3098  
to the board or any agency of this state, any other state, or 3099  
the federal government; 3100

(2) Violates this chapter or any rule adopted pursuant to 3101  
it; 3102

(3) Is convicted of or pleads guilty to a disqualifying 3103  
offense or a crime of moral turpitude, as those terms are 3104  
defined in section 4776.10 of the Revised Code; 3105

(4) Is impaired in the licensee's or applicant's ability 3106  
to practice according to acceptable and prevailing standards of 3107  
care because of habitual or excessive use or abuse of drugs, 3108  
alcohol, or other substances that impair ability to practice; 3109

(5) Uses fraud or deception in applying for a license to 3110  
practice as a music therapist; 3111

(6) Fails to pay fees when due; 3112

<u>(7) Fails to provide requested information in a timely</u>	3113
<u>manner;</u>	3114
<u>(8) Is unable to, or fails to practice music therapy with</u>	3115
<u>reasonable skill and consistent with the welfare of clients,</u>	3116
<u>including negligence in the practice of music therapy,</u>	3117
<u>incapacity, and abuse of or engaging in sexual contact with a</u>	3118
<u>client;</u>	3119
<u>(9) Is subject to disciplinary action by another</u>	3120
<u>jurisdiction with respect to the licensee's or applicant's</u>	3121
<u>license to practice as a music therapist issued by that</u>	3122
<u>jurisdiction.</u>	3123
<u>Sec. 4787.12. On receipt of a notice pursuant to section</u>	3124
<u>3123.43 of the Revised Code, the state medical board shall</u>	3125
<u>comply with sections 3123.41 to 3123.50 of the Revised Code and</u>	3126
<u>any applicable rules adopted under section 3123.63 of the</u>	3127
<u>Revised Code with respect to a license to practice as a music</u>	3128
<u>therapist issued pursuant to this chapter.</u>	3129
<u>Sec. 4787.13. The state medical board shall comply with</u>	3130
<u>section 4776.20 of the Revised Code.</u>	3131
<u>Sec. 4787.14. If the state medical board determines that a</u>	3132
<u>person has violated or is about to violate any provision of this</u>	3133
<u>chapter or a rule adopted pursuant to it, the board may bring an</u>	3134
<u>action in a court of competent jurisdiction to enjoin the person</u>	3135
<u>from engaging in or continuing the violation.</u>	3136
<u>An injunction may be issued without proof of actual damage</u>	3137
<u>sustained by any person and does not prohibit the criminal</u>	3138
<u>prosecution and punishment of the person who commits the</u>	3139
<u>violation.</u>	3140
<u>Sec. 4787.15. Except as otherwise provided in this</u>	3141

section, a complaint filed with the state medical board and all 3142  
documents and other information filed with the complaint are 3143  
confidential and are not subject to section 149.43 of the 3144  
Revised Code, unless the person who is the subject of the 3145  
complaint submits a written statement to the board requesting 3146  
that the documents and information be made public records. 3147

The charging documents filed with the board to initiate 3148  
disciplinary action and information considered by the board when 3149  
determining whether to impose discipline against a licensee or 3150  
applicant are public records. An order that imposes discipline 3151  
and the findings of fact and conclusions of law supporting that 3152  
order are public records. 3153

Nothing in this section prohibits the board from 3154  
communicating or cooperating with or providing any documents or 3155  
other information to any other licensing board or any other 3156  
agency that is investigating a person, including a law 3157  
enforcement agency. 3158

**Sec. 4787.99.** Whoever violates division (A) of section 3159  
4787.02 of the Revised Code is guilty of a misdemeanor of the 3160  
fourth degree on a first offense; on each subsequent offense, 3161  
such person is guilty of a misdemeanor of the third degree. 3162

**Section 2.** That existing sections 109.572, 1701.03, 3163  
1705.03, 1705.04, 1705.53, 1785.01, 1785.02, 1785.03, 1785.08, 3164  
4723.16, 4725.33, 4729.161, 4731.07, 4731.224, 4731.226, 3165  
4731.24, 4731.25, 4731.65, 4732.28, 4734.17, 4743.05, 4755.111, 3166  
4755.471, 4757.37, 4776.01, and 4776.20 of the Revised Code are 3167  
hereby repealed. 3168

**Section 3.** Division (A) of section 4785.02 and division 3169  
(A) of section 4787.02 of the Revised Code, as enacted by this 3170

act, take effect one year after the effective date of this act. 3171

**Section 4.** Notwithstanding section 4787.04 of the Revised 3172  
Code, as enacted by this act, persons appointed to the Music 3173  
Therapy Advisory Committee need not be licensed as required 3174  
under that section during the first year after the effective 3175  
date of this section. 3176

**Section 5.** (A) As used in this section, "board-certified 3177  
music therapist" means a person who has completed the education 3178  
and clinical training requirements established by the American 3179  
Music Therapy Association, has passed the Certification Board 3180  
for Music Therapists certification examination or obtained 3181  
certification by that Board on January 1, 1985, and remains 3182  
actively certified by the Certification Board for Music 3183  
Therapists. 3184

(B) For a period of one year beginning on the effective 3185  
date of this section, the State Medical Board shall waive the 3186  
examination requirement under section 4787.05 of the Revised 3187  
Code, as enacted by this act, that a person must satisfy to 3188  
obtain a license to practice as a music therapist if the person 3189  
demonstrates to the Board that the person either is a board- 3190  
certified music therapist or is designated as a registered music 3191  
therapist, certified music therapist, or advanced certified 3192  
music therapist and in good standing with the National Music 3193  
Therapy Registry. 3194

**Section 6.** The General Assembly, applying the principle 3195  
stated in division (B) of section 1.52 of the Revised Code that 3196  
amendments are to be harmonized if reasonably capable of 3197  
simultaneous operation, finds that the following sections, 3198  
presented in this act as composites of the sections as amended 3199  
by the acts indicated, are the resulting versions of the 3200

sections in effect prior to the effective date of the sections	3201
as presented in this act:	3202
Section 109.572 of the Revised Code as amended by both	3203
H.B. 166 and S.B. 57 of the 133rd General Assembly.	3204
Section 4776.01 of the Revised Code as amended by both	3205
H.B. 166 and S.B. 57 of the 133rd General Assembly.	3206