

**As Introduced**

**134th General Assembly**

**Regular Session**

**2021-2022**

**H. B. No. 545**

**Representatives Abrams, Baldrige**

**Cosponsors: Representatives LaRe, Seitz, Miller, K., Young, T., Jones, White,  
Ghanbari, Gross, Richardson, Miller, A.**

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**A BILL**

To amend section 4735.05 and to enact section 1  
2317.023 of the Revised Code to generally allow 2  
for privileged testimonial communications 3  
between a peer support team member and an 4  
individual receiving peer support services or 5  
advice from the team member. 6

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

**Section 1.** That section 4735.05 be amended and section 7  
2317.023 of the Revised Code be enacted to read as follows: 8

**Sec. 2317.023.** (A) As used in this section: 9

(1) "Corrections officer" means a person employed by a 10  
public or private place used for the confinement of a person 11  
charged with or convicted of any crime in this state or another 12  
state or under the laws of the United States or alleged or found 13  
to be a delinquent child or unruly child in this state or 14  
another state or under the laws of the United States. 15

(2) "Emergency medical worker" means a first responder, 16  
emergency medical technician-basic, emergency medical 17

technician-intermediate, or emergency medical technician- 18  
paramedic, certified under Chapter 4765. of the Revised Code, 19  
whether paid or volunteer. 20

(3) "Firefighter" means a firefighter, whether paid or 21  
volunteer, of a lawfully constituted fire department. 22

(4) "Peace officer" has the same meaning as in section 23  
2935.01 of the Revised Code. 24

(5) "Peer support services" means consultation, risk 25  
assessment, referral, or on-site intervention services provided 26  
by a peer support team member to an individual experiencing 27  
psychological or physical symptoms caused by exposure to acute 28  
or chronic high stress incidents in the course of the 29  
individual's employment. "Peer support services" includes both 30  
of the following: 31

(a) Providing knowledge and experience or emotional, 32  
social, or practical support to peers; 33

(b) Helping a peer navigate available resources, including 34  
the mental health system. 35

(6) "Peer support team member" means an individual who 36  
satisfies all of the following: 37

(a) The individual is one of the following: 38

(i) A peace officer, firefighter, emergency medical 39  
worker, or corrections officer; 40

(ii) A dispatcher for peace officers, firefighters, or 41  
emergency medical workers; 42

(iii) A civilian employee of an entity that employs peace 43  
officers, firefighters, emergency medical workers, or 44

corrections officers; 45

(iv) A retired peace officer, firefighter, emergency 46  
medical worker, or corrections officer acting with the approval 47  
of the retired employee's former employer or the approval of the 48  
employer appointing the peer support team; 49

(v) A retired dispatcher for peace officers, firefighters, 50  
or emergency medical workers acting with the approval of the 51  
retired dispatcher's former employer or the approval of the 52  
employer appointing the peer support team. 53

(b) The individual has received not less than sixteen 54  
hours of basic peer support training. 55

(c) The individual, as part of a peer support team, 56  
provides peer support services to individuals with similar life 57  
experiences. 58

(7) "Peer support team" means an organized group that has 59  
been appointed by any of the following entities to provide peer 60  
support services to an employee or member: 61

(a) An employer; 62

(b) A labor organization as defined in section 3517.01 of 63  
the Revised Code; 64

(c) A charitable organization consisting of current or 65  
former peace officers, firefighters, emergency medical workers, 66  
or dispatchers of peace officers, firefighters, or emergency 67  
medical workers. 68

(B) Except as provided in division (C) of this section, a 69  
peer support team member shall not testify concerning either of 70  
the following: 71

(1) A communication received from an individual who 72  
receives peer support services from the peer support team 73  
member; 74

(2) The peer support team member's advice to the 75  
individual. 76

(C) The testimonial privilege established under division 77  
(B) of this section does not apply if any of the following are 78  
true: 79

(1) The communication or advice indicates clear and 80  
present danger to the individual who receives peer support 81  
services or to other persons. 82

(2) The individual who received peer support services 83  
expressly consents to the testimony. 84

(3) If the individual who received peer support services 85  
is deceased, the surviving spouse or the executor or 86  
administrator of the estate of the deceased individual expressly 87  
consents. 88

(4) The individual who received peer support services 89  
voluntarily testifies, in which case the peer support team 90  
member may be compelled to testify on the same subject. 91

(5) The court in camera determines that the information 92  
communicated by the individual who received peer support 93  
services is not germane to the relationship between the 94  
individual and the peer support team member. 95

(6) The communication or advice pertains or is related to 96  
any criminal act. 97

(D) For purposes of division (C) (1) of this section, 98  
indications of past or present abuse or neglect of a child 99

<u>constitute a clear and present danger.</u>	100
<u>(E) To receive the testimonial privilege established under</u>	101
<u>division (B) of this section, a peer support team member must</u>	102
<u>complete not less than eight hours of basic peer support</u>	103
<u>training every two years.</u>	104
<u>(F) An employer or organization that appoints a peer</u>	105
<u>support team may designate any of the following individuals as</u>	106
<u>an advisor to ensure team members are appropriately trained and</u>	107
<u>are providing proper peer support services:</u>	108
<u>(1) An individual licensed to practice medicine and</u>	109
<u>surgery or osteopathic medicine and surgery by the state medical</u>	110
<u>board, including such an individual who has satisfactorily</u>	111
<u>completed a residency training program in psychiatry;</u>	112
<u>(2) An individual licensed under Chapter 4732. of the</u>	113
<u>Revised Code to practice psychology;</u>	114
<u>(3) A clinical nurse specialist as defined in section</u>	115
<u>4723.01 of the Revised Code who holds a psychiatric-mental</u>	116
<u>health credential issued by the American nurses credentialing</u>	117
<u>center or a successor organization;</u>	118
<u>(4) A certified nurse practitioner as defined in section</u>	119
<u>4723.01 of the Revised Code who holds a psychiatric-mental</u>	120
<u>health credential issued by the American nurses credentialing</u>	121
<u>center or a successor organization;</u>	122
<u>(5) A licensed professional clinical counselor or licensed</u>	123
<u>professional counselor authorized to practice under Chapter</u>	124
<u>4757. of the Revised Code.</u>	125
<b>Sec. 4735.05.</b> (A) The Ohio real estate commission is a	126
part of the department of commerce for administrative purposes.	127

The director of commerce is ex officio the executive officer of 128  
the commission, or the director may designate any employee of 129  
the department as superintendent of real estate and professional 130  
licensing to act as executive officer of the commission. 131

The commission and the real estate appraiser board created 132  
pursuant to section 4763.02 of the Revised Code shall each 133  
submit to the director a list of three persons whom the 134  
commission and the board consider qualified to be superintendent 135  
within sixty days after the office of superintendent becomes 136  
vacant. The director shall appoint a superintendent from the 137  
lists submitted by the commission and the board, and the 138  
superintendent shall serve at the pleasure of the director. 139

(B) The superintendent, except as otherwise provided, 140  
shall do all of the following in regard to this chapter: 141

(1) Administer this chapter; 142

(2) Issue all orders necessary to implement this chapter; 143

(3) Investigate complaints concerning the violation of 144  
this chapter or the conduct of any licensee; 145

(4) Establish and maintain an investigation and audit 146  
section to investigate complaints and conduct inspections, 147  
audits, and other inquiries as in the judgment of the 148  
superintendent are appropriate to enforce this chapter. The 149  
investigators or auditors have the right to review and audit the 150  
business records of licensees and continuing education course 151  
providers during normal business hours. 152

(5) Appoint a hearing examiner for any proceeding 153  
involving disciplinary action under section 3123.47, 4735.052, 154  
or 4735.18 of the Revised Code; 155

(6) Administer the real estate recovery fund.	156
(C) The superintendent may do all of the following:	157
(1) In connection with investigations and audits under	158
division (B) of this section, subpoena witnesses as provided in	159
section 4735.04 of the Revised Code;	160
(2) Apply to the appropriate court to enjoin any violation	161
of this chapter. Upon a showing by the superintendent that any	162
person has violated or is about to violate any provision of this	163
chapter, the court shall grant an injunction, restraining order,	164
or other appropriate order.	165
(3) Recommend the appointment of an ancillary trustee who	166
is qualified as determined by the superintendent in any of the	167
following instances:	168
(a) Upon the death of a licensed broker, if there is no	169
other licensed broker within the brokerage, upon application by	170
any interested party, subject to the approval by the appropriate	171
probate court, to conclude the business transactions of the	172
deceased broker;	173
(b) Upon the revocation of a licensed broker, if there is	174
no other licensed broker within the brokerage, to conclude the	175
business transactions of the revoked broker;	176
(c) Upon the incapacitation, suspension, or incarceration	177
of a licensed broker, if there is no other licensed broker	178
within the brokerage, to continue the business transactions of	179
the brokerage for a period of time not to exceed the period of	180
incapacitation, suspension, or incarceration.	181
(4) In conjunction with the enforcement of this chapter,	182
when the superintendent of real estate has reasonable cause to	183

believe that an applicant or licensee has committed a criminal 184  
offense, the superintendent of real estate may request the 185  
superintendent of the bureau of criminal identification and 186  
investigation to conduct a criminal records check of the 187  
applicant or licensee. The superintendent of the bureau of 188  
criminal identification and investigation shall obtain 189  
information from the federal bureau of investigation as part of 190  
the criminal records check of the applicant or licensee. The 191  
superintendent of real estate may assess the applicant or 192  
licensee a fee equal to the fee assessed for the criminal 193  
records check. 194

(5) In conjunction with the enforcement of this chapter, 195  
issue advisory letters in lieu of initiating disciplinary action 196  
under section 4735.051 or 4735.052 of the Revised Code or 197  
issuing a citation under section 4735.16 or 4735.181 of the 198  
Revised Code. 199

(D) All information that is obtained by investigators and 200  
auditors performing investigations or conducting inspections, 201  
audits, and other inquiries pursuant to division (B)(4) of this 202  
section, from licensees, complainants, or other persons, and all 203  
reports, documents, and other work products that arise from that 204  
information and that are prepared by the investigators, 205  
auditors, or other personnel of the department, shall be held in 206  
confidence by the superintendent, the investigators and 207  
auditors, and other personnel of the department. Notwithstanding 208  
~~division (D) of section 2317.023~~ any provision of the Revised 209  
Code to the contrary, all information obtained by investigators 210  
or auditors from an informal mediation meeting held pursuant to 211  
section 4735.051 of the Revised Code, including but not limited 212  
to the agreement to mediate and the accommodation agreement, 213  
shall be held in confidence by the superintendent, 214

investigators, auditors, and other personnel of the department.	215
(E) This section does not prevent the division of real	216
estate and professional licensing from releasing information	217
relating to licensees to the superintendent of financial	218
institutions for purposes relating to the administration of	219
Chapter 1322. of the Revised Code, to the superintendent of	220
insurance for purposes relating to the administration of Chapter	221
3953. of the Revised Code, to the attorney general, or to local	222
law enforcement agencies and local prosecutors. Information	223
released by the division pursuant to this section remains	224
confidential.	225
<b>Section 2.</b> That existing section 4735.05 of the Revised	226
Code is hereby repealed.	227