

**As Introduced**

**136th General Assembly**

**Regular Session**

**2025-2026**

**H. B. No. 718**

**Representatives Brownlee, Salvo**

**Cosponsors: Representatives Brennan, Brent, Lett, Piccolantonio, Rader, Russo**

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To amend sections 107.56, 126.42, 340.04, 4743.09, 1  
4745.04, 4757.41, 4758.01, 4758.02, 4758.03, 2  
4758.10, 4758.11, 4758.12, 4758.13, 4758.15, 3  
4758.16, 4758.17, 4758.20, 4758.21, 4758.22, 4  
4758.221, 4758.23, 4758.24, 4758.25, 4758.26, 5  
4758.27, 4758.28, 4758.29, 4758.30, 4758.31, 6  
4758.32, 4758.35, 4758.36, 4758.39, 4758.40, 7  
4758.41, 4758.42, 4758.43, 4758.44, 4758.45, 8  
4758.46, 4758.47, 4758.48, 4758.51, 4758.54, 9  
4758.55, 4758.56, 4758.57, 4758.59, 4758.62, 10  
4758.63, 4758.64, 4758.70, 4758.72, 4776.01, 11  
4776.20, 5119.94, and 5122.15; to enact sections 12  
4758.011, 4758.38, 4758.49, 4758.491, 4758.65, 13  
4758.651, 4758.66, and 4758.661; and to repeal 14  
section 4758.52 of the Revised Code to change 15  
the name of the Chemical Dependency 16  
Professionals Board to the Behavioral Health 17  
Professionals Board, to require the Board to 18  
certify peer supporters and qualified mental 19  
health professionals, and to make other changes 20  
to the laws governing the Board and the 21  
professionals it regulates. 22

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

**Section 1.** That sections 107.56, 126.42, 340.04, 4743.09, 23  
4745.04, 4757.41, 4758.01, 4758.02, 4758.03, 4758.10, 4758.11, 24  
4758.12, 4758.13, 4758.15, 4758.16, 4758.17, 4758.20, 4758.21, 25  
4758.22, 4758.221, 4758.23, 4758.24, 4758.25, 4758.26, 4758.27, 26  
4758.28, 4758.29, 4758.30, 4758.31, 4758.32, 4758.35, 4758.36, 27  
4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 4758.44, 4758.45, 28  
4758.46, 4758.47, 4758.48, 4758.51, 4758.54, 4758.55, 4758.56, 29  
4758.57, 4758.59, 4758.62, 4758.63, 4758.64, 4758.70, 4758.72, 30  
4776.01, 4776.20, 5119.94, and 5122.15 be amended and sections 31  
4758.011, 4758.38, 4758.49, 4758.491, 4758.65, 4758.651, 32  
4758.66, and 4758.661 of the Revised Code be enacted to read as 33  
follows: 34

**Sec. 107.56.** (A) As used in this section, "board or 35  
commission" means any of the following: 36

- (1) The accountancy board; 37
- (2) The architects board; 38
- (3) The state cosmetology and barber board; 39
- (4) The board of embalmers and funeral directors; 40
- (5) The board of executives of long-term services and 41  
supports; 42
- (6) The crematory review board; 43
- (7) The motor vehicle dealers board; 44
- (8) The motor vehicle repair board; 45
- (9) The motor vehicle salvage dealer's licensing board; 46
- (10) The Ohio athletic commission; 47
- (11) The Ohio construction industry licensing board; 48

(12) The Ohio landscape architects board;	49
(13) The Ohio real estate commission;	50
(14) The real estate appraiser board;	51
(15) The state auctioneers commission;	52
(16) The state speech and hearing professionals board;	53
(17) The state board of education;	54
(18) The state board of emergency medical, fire, and transportation services;	55 56
(19) The board of nursing;	57
(20) The state board of pharmacy;	58
(21) The state board of registration for professional engineers and surveyors;	59 60
(22) The state board of psychology;	61
(23) The state chiropractic board;	62
(24) The state dental board;	63
(25) The state medical board;	64
(26) The state veterinary medical licensing board;	65
(27) The state vision professionals board;	66
(28) The counselor, social worker, and marriage and family therapist board;	67 68
(29) The <del>chemical dependency</del> <u>behavioral health</u> professionals board;	69 70
(30) The Ohio occupational therapy, physical therapy, and athletic trainers board;	71 72

(31) Any other multi-member body created under state law 73  
that licenses or otherwise regulates an occupation or industry 74  
to which one or more members of the body belongs. 75

(B) The common sense initiative office shall review an 76  
action taken or proposed by a board or commission that is 77  
subject to review under this section and that is referred to the 78  
office pursuant to division (C) of this section. 79

(1) The following actions are subject to review under this 80  
section: 81

(a) Any action that directly or indirectly has an effect 82  
of any of the following: 83

(i) Fixing prices, limiting price competition, or 84  
increasing prices in this state for the goods or services that 85  
are provided by the occupation or industry regulated by the 86  
board or commission; 87

(ii) Dividing, allocating, or assigning customers, 88  
potential customers, or geographic markets in this state among 89  
members of the occupation or industry regulated by the board or 90  
commission; 91

(iii) Excluding present or potential competitors from the 92  
occupation or industry regulated by the board or commission; 93

(iv) Limiting the output or supply in this state of any 94  
good or service provided by the members of the occupation or 95  
industry regulated by the board or commission. 96

(b) Any other activity that could be subject to state or 97  
federal antitrust law if the action were undertaken by a private 98  
person or combination of private persons. 99

(2) Except as provided in division (H) of this section, 100

the following actions are not subject to review under this section: 101  
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(a) Denying an application to obtain a license because the applicant has violated or has not complied with the Ohio Revised Code or the Ohio Administrative Code; 103  
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(b) Taking disciplinary action against an individual or corporation that is licensed by a board or commission for violations of the Ohio Revised Code or the Ohio Administrative Code. 106  
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(C) (1) The following persons or entities may refer an action to the office for review under this section: 110  
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(a) A board or commission that has taken or is proposing to take an action; 112  
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(b) A person who is affected by an action taken by a board or commission or is likely to be affected by an action proposed by a board or commission; 114  
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(c) A person who has been granted a stay pursuant to division (G) of this section. 117  
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(2) A board or commission or person who refers an action to the office shall prepare a brief statement explaining the action and its consistency or inconsistency with state or federal antitrust law and file the statement with the office. If the action is in writing, the board or commission or person shall attach a copy of it to the statement. The person shall transmit a copy of the statement to the board or commission. 119  
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(3) The referral of an action by a board or commission for review by the office does not constitute an admission that the action violates any state or federal law. 126  
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(4) A person who is affected by an action taken by a board 129  
or commission or is likely to be affected by an action proposed 130  
by a board or commission shall refer the action to the office 131  
for review within thirty days after receiving notice of the 132  
action or proposed action. 133

(5) If an ongoing action or an action proposed by a board 134  
or commission is referred to the office for review under this 135  
section, the board or commission shall cease the ongoing action 136  
or not take the proposed action until the office has approved of 137  
the action pursuant to division (E) of this section and prepared 138  
and transmitted the memorandum required under division (F) of 139  
this section. 140

(D) The office shall determine whether an action referred 141  
to the office under this section is supported by, and consistent 142  
with, a clearly articulated state policy as expressed in the 143  
statutes creating the board or commission or the statutes and 144  
rules setting forth the board's or commission's powers, 145  
authority, and duties. If the office finds this to be the case, 146  
the office shall determine whether the clearly articulated state 147  
policy is merely a pretext by which the board or commission 148  
enables the members of an occupation or industry the board or 149  
commission regulates to engage in anticompetitive conduct that 150  
could be subject to state or federal antitrust law if the action 151  
were taken by a private person or combination of private 152  
persons. 153

(E) After making the determinations required under 154  
division (D) of this section, the office shall take one of the 155  
following actions: 156

(1) Approve the board or commission action if the office 157  
determines that the action is pursuant to a clearly articulated 158

state policy and that the policy is not a pretext as described 159  
in division (D) of this section. If the office approves the 160  
board's or commission's action, the board or commission may 161  
proceed to take or may continue the action. 162

(2) Disapprove the board or commission action if the 163  
office determines that the action is not pursuant to a clearly 164  
articulated state policy or that if it is pursuant to a clearly 165  
articulated state policy, that policy is a pretext as described 166  
in division (D) of this section. If the office disapproves the 167  
board's or commission's action, the action is void. 168

(F) The office shall prepare a memorandum that explains 169  
the office's approval or disapproval. The office shall transmit 170  
a copy of the memorandum to the person and the board or 171  
commission or to the board or commission if only the board or 172  
commission is involved. The office shall post the memorandum on 173  
the web site maintained by the office. 174

(G) (1) A person having standing to commence and prosecute 175  
a state or federal antitrust action against a board or 176  
commission shall exhaust the remedies provided by this section 177  
before commencing such an action. This division shall not apply 178  
to the attorney general, a county prosecuting attorney, or any 179  
assistant prosecutor designated to assist a county prosecuting 180  
attorney. 181

(2) The state, a board or commission, or a member of a 182  
board or commission in the member's official capacity, may 183  
request a stay of any lawsuit alleging that a board or 184  
commission engaged in anticompetitive conduct by taking an 185  
action described in division (B) (1) or (2) of this section that 186  
has not been previously reviewed by the office under this 187  
section. If the lawsuit was initiated by a person other than the 188

attorney general, a county prosecuting attorney, or any 189  
assistant prosecutor designated to assist a county prosecuting 190  
attorney, the court shall grant the request. If the lawsuit was 191  
initiated by the attorney general, a county prosecuting 192  
attorney, or any assistant prosecutor designated to assist a 193  
county prosecuting attorney, the court shall deny the request. 194  
Any stay granted under this division will continue in effect 195  
until the office has prepared and transmitted the memorandum 196  
required under division (F) of this section. 197

(H) The office shall review any action referred to the 198  
office by a party who has been granted a stay pursuant to 199  
division (G) of this section. 200

(I) Notwithstanding any provision of this section to the 201  
contrary, an action taken by a board or commission is not 202  
subject to review under this section if the members of the board 203  
or commission who are members of the occupation or industry 204  
affected by the action are prohibited by statute from hearing, 205  
considering, deciding, or otherwise participating in the action. 206

(J) The office shall adopt rules under Chapter 119. of the 207  
Revised Code that are necessary for the implementation and 208  
administration of this section. 209

**Sec. 126.42.** (A) Notwithstanding any provision of law to 210  
the contrary, the office of budget and management shall perform 211  
routine support for the following boards and commissions: 212

(1) Architects board; 213

(2) State chiropractic board; 214

(3) State cosmetology and barber board; 215

(4) Accountancy board; 216

(5) State dental board;	217
(6) Ohio occupational therapy, physical therapy, and athletic trainers board;	218 219
(7) State board of registration for professional engineers and surveyors;	220 221
(8) Board of embalmers and funeral directors;	222
(9) State board of psychology;	223
(10) Counselor, social worker, and marriage and family therapist board;	224 225
(11) State veterinary medical licensing board;	226
(12) Commission on Hispanic-Latino affairs;	227
(13) Commission on African-Americans;	228
(14) <del>Chemical dependency</del> Behavioral health professionals board;	229 230
(15) State vision professionals board;	231
(16) State speech and hearing professionals board;	232
(17) New African immigrants commission.	233
(B) (1) For purposes of this section, the office of budget and management shall perform the following routine support services for the boards and commissions named in division (A) of this section unless the controlling board exempts a board or commission from this requirement on the recommendation of the office of budget and management:	234 235 236 237 238 239
(a) Preparing and processing payroll and other personnel documents;	240 241

(b) Preparing and processing vouchers, purchase orders,	242
encumbrances, and other accounting documents;	243
(c) Maintaining ledgers of accounts and balances;	244
(d) Preparing and monitoring budgets and allotment plans	245
in consultation with the boards and commissions;	246
(e) Routine human resources and personnel services;	247
(f) Other routine support services that the director of	248
budget and management considers appropriate to achieve	249
efficiency.	250
(2) In addition to the routine support services listed in	251
division (B) (1) of this section, the office of budget and	252
management may perform other services which a board or	253
commission named in division (A) of this section delegates to	254
the office and the office accepts.	255
(3) The office of budget and management may perform	256
routine support services for any board or commission not named	257
in division (A) of this section at the request of the board or	258
commission.	259
(C) The office of budget and management shall determine	260
the fees to be charged to the boards and commissions, which	261
shall be in proportion to the services performed for each board	262
or commission.	263
<b>Sec. 340.04.</b> Each board of alcohol, drug addiction, and	264
mental health services shall employ a <del>qualified</del> mental health_	265
<u>professional</u> or addiction services professional with experience	266
in administration or a professional administrator with	267
experience in mental health services or addiction services to	268
serve as executive director of the board and shall prescribe the	269

director's duties. 270

The board shall fix the compensation of the executive 271  
director. In addition to such compensation, the director shall 272  
be reimbursed for actual and necessary expenses incurred in the 273  
performance of the director's official duties. The board, by 274  
majority vote of the full membership, may remove the director 275  
for cause at any time, contingent upon any written contract 276  
between the board and the executive director, upon written 277  
charges, after an opportunity has been afforded the director for 278  
a hearing before the board on request. 279

The board may delegate to its executive director the 280  
authority to act in its behalf in the performance of its 281  
administrative duties. 282

As used in this section, "mental health professional" and 283  
"addiction services professional" mean an individual who is 284  
qualified to work with persons with mental illnesses or persons 285  
receiving addiction services, respectively, pursuant to 286  
standards established by the director of behavioral health under 287  
Chapter 5119. of the Revised Code. 288

**Sec. 4743.09.** (A) As used in this section: 289

(1) "Durable medical equipment" means a type of equipment, 290  
such as a remote monitoring device utilized by a physician, 291  
physician assistant, or advanced practice registered nurse in 292  
accordance with this section, that can withstand repeated use, 293  
is primarily and customarily used to serve a medical purpose, 294  
and generally is not useful to a person in the absence of 295  
illness or injury and, in addition, includes repair and 296  
replacement parts for the equipment. 297

(2) "Facility fee" means any fee charged or billed for 298

telehealth services provided in a facility that is intended to	299
compensate the facility for its operational expenses and is	300
separate and distinct from a professional fee.	301
(3) "Health care professional" means:	302
(a) An advanced practice registered nurse, as defined in	303
section 4723.01 of the Revised Code;	304
(b) An optometrist licensed under Chapter 4725. of the	305
Revised Code to practice optometry;	306
(c) A pharmacist licensed under Chapter 4729. of the	307
Revised Code;	308
(d) A physician assistant licensed under Chapter 4730. of	309
the Revised Code;	310
(e) A physician licensed under Chapter 4731. of the	311
Revised Code to practice medicine and surgery, osteopathic	312
medicine and surgery, or podiatric medicine and surgery;	313
(f) A psychologist, independent school psychologist, or	314
school psychologist licensed under Chapter 4732. of the Revised	315
Code;	316
(g) A chiropractor licensed under Chapter 4734. of the	317
Revised Code;	318
(h) An audiologist or speech-language pathologist licensed	319
under Chapter 4753. of the Revised Code;	320
(i) An occupational therapist or physical therapist	321
licensed under Chapter 4755. of the Revised Code;	322
(j) An occupational therapy assistant or physical	323
therapist assistant licensed under Chapter 4755. of the Revised	324
Code;	325

(k) A professional clinical counselor, independent social worker, independent marriage and family therapist, art therapist, or music therapist licensed under Chapter 4757. of the Revised Code;	326 327 328 329
(l) An independent chemical dependency counselor licensed under Chapter 4758. of the Revised Code;	330 331
(m) A dietitian licensed under Chapter 4759. of the Revised Code;	332 333
(n) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	334 335
(o) A genetic counselor licensed under Chapter 4778. of the Revised Code;	336 337
(p) A certified Ohio behavior analyst certified under Chapter 4783. of the Revised Code;	338 339
(q) A certified mental health assistant licensed under Chapter 4772. of the Revised Code.	340 341
(4) "Health care professional licensing board" means any of the following:	342 343
(a) The board of nursing;	344
(b) The state vision professionals board;	345
(c) The state board of pharmacy;	346
(d) The state medical board;	347
(e) The state board of psychology;	348
(f) The state chiropractic board;	349
(g) The state speech and hearing professionals board;	350

(h) The Ohio occupational therapy, physical therapy, and athletic trainers board;	351 352
(i) The counselor, social worker, and marriage and family therapist board;	353 354
(j) The <del>chemical dependency</del> <u>behavioral health</u> professionals board.	355 356
(5) "Health plan issuer" has the same meaning as in section 3922.01 of the Revised Code.	357 358
(6) "Telehealth services" means health care services provided through the use of information and communication technology by a health care professional, within the professional's scope of practice, who is located at a site other than the site where either of the following is located:	359 360 361 362 363
(a) The patient receiving the services;	364
(b) Another health care professional with whom the provider of the services is consulting regarding the patient.	365 366
(B) (1) Each health care professional licensing board shall permit a health care professional under its jurisdiction to provide the professional's services as telehealth services in accordance with this section. Subject to division (B) (2) of this section, a board may adopt any rules it considers necessary to implement this section. All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. Any such rules adopted by a board are not subject to the requirements of division (F) of section 121.95 of the Revised Code.	367 368 369 370 371 372 373 374 375 376
(2) (a) Except as provided in division (B) (2) (b) of this section, the rules adopted by a health care professional	377 378

licensing board under this section shall establish a standard of 379  
care for telehealth services that is equal to the standard of 380  
care for in-person services. 381

(b) Subject to division (B)(2)(c) of this section, a board 382  
may require an initial in-person visit prior to prescribing a 383  
schedule II controlled substance to a new patient, equivalent to 384  
applicable state and federal requirements. 385

(c)(i) A board shall not require an initial in-person 386  
visit for a new patient whose medical record indicates that the 387  
patient is receiving hospice or palliative care, who is 388  
receiving medication-assisted treatment or any other medication 389  
for opioid-use disorder, who is a patient with a mental health 390  
condition, or who, as determined by the clinical judgment of a 391  
health care professional, is in an emergency situation. 392

(ii) Notwithstanding division ~~(B)~~(C) of section 3796.01 of 393  
the Revised Code, medical marijuana shall not be considered a 394  
schedule II controlled substance. 395

(C) With respect to the provision of telehealth services, 396  
all of the following apply: 397

(1) A health care professional may use synchronous or 398  
asynchronous technology to provide telehealth services to a 399  
patient during an initial visit if the appropriate standard of 400  
care for an initial visit is satisfied. 401

(2) A health care professional may deny a patient 402  
telehealth services and, instead, require the patient to undergo 403  
an in-person visit. 404

(3) When providing telehealth services in accordance with 405  
this section, a health care professional shall comply with all 406  
requirements under state and federal law regarding the 407

protection of patient information. A health care professional 408  
shall ensure that any username or password information and any 409  
electronic communications between the professional and a patient 410  
are securely transmitted and stored. 411

(4) A health care professional may use synchronous or 412  
asynchronous technology to provide telehealth services to a 413  
patient during an annual visit if the appropriate standard of 414  
care for an annual visit is satisfied. 415

(5) In the case of a health care professional who is a 416  
physician, physician assistant, or advanced practice registered 417  
nurse, both of the following apply: 418

(a) The professional may provide telehealth services to a 419  
patient located outside of this state if permitted by the laws 420  
of the state in which the patient is located. 421

(b) The professional may provide telehealth services 422  
through the use of medical devices that enable remote 423  
monitoring, including such activities as monitoring a patient's 424  
blood pressure, heart rate, or glucose level. 425

(D) When a patient has consented to receiving telehealth 426  
services, the health care professional who provides those 427  
services is not liable in damages under any claim made on the 428  
basis that the services do not meet the same standard of care 429  
that would apply if the services were provided in-person. 430

(E) (1) A health care professional providing telehealth 431  
services shall not charge a patient or a health plan issuer 432  
covering telehealth services under section 3902.30 of the 433  
Revised Code any of the following: a facility fee, an 434  
origination fee, or any fee associated with the cost of the 435  
equipment used at the provider site to provide telehealth 436

services. 437

A health care professional providing telehealth services 438  
may charge a health plan issuer for durable medical equipment 439  
used at a patient or client site. 440

(2) A health care professional may negotiate with a health 441  
plan issuer to establish a reimbursement rate for fees 442  
associated with the administrative costs incurred in providing 443  
telehealth services as long as a patient is not responsible for 444  
any portion of the fee. 445

(3) A health care professional providing telehealth 446  
services shall obtain a patient's consent before billing for the 447  
cost of providing the services, but the requirement to do so 448  
applies only once. 449

(F) Nothing in this section limits or otherwise affects 450  
any other provision of the Revised Code that requires a health 451  
care professional who is not a physician to practice under the 452  
supervision of, in collaboration with, in consultation with, or 453  
pursuant to the referral of another health care professional. 454

(G) It is the intent of the general assembly, through the 455  
amendments to this section, to expand access to and investment 456  
in telehealth services in this state in congruence with the 457  
expansion and investment in telehealth services made during the 458  
COVID-19 pandemic. 459

**Sec. 4745.04.** (A) As used in this section: 460

(1) "Indigent and uninsured person" and "volunteer" have 461  
the same meanings as in section 2305.234 of the Revised Code. 462

(2) "Licensing agency that licenses health care 463  
professionals" means all of the following: 464

(a) The state dental board established under Chapter 4715. of the Revised Code;	465 466
(b) The board of nursing established under Chapter 4723. of the Revised Code;	467 468
(c) The state vision professionals board established under Chapter 4725. of the Revised Code;	469 470
(d) The state board of pharmacy established under Chapter 4729. of the Revised Code;	471 472
(e) The state medical board established under Chapter 4731. of the Revised Code;	473 474
(f) The state board of psychology established under Chapter 4732. of the Revised Code;	475 476
(g) The state chiropractic board established under Chapter 4734. of the Revised Code;	477 478
(h) The Ohio occupational therapy, physical therapy, and athletic trainers board established under Chapter 4755. of the Revised Code;	479 480 481
(i) The counselor, social worker, and marriage and family therapist board established under Chapter 4757. of the Revised Code;	482 483 484
(j) The <del>chemical dependency</del> <u>behavioral health</u> professionals board established under Chapter 4758. of the Revised Code;	485 486 487
(k) The state board of emergency medical services established under Chapter 4765. of the Revised Code;	488 489
(l) The state speech and hearing professionals board established under Chapter 4744. of the Revised Code;	490 491

(m) Any other licensing agency that considers its licensees to be health care professionals.	492 493
(B) Notwithstanding any provision of the Revised Code to the contrary, a licensing agency that licenses health care professionals shall apply toward the satisfaction of a portion of a licensee's continuing education requirement the provision of health care services if all of the following apply:	494 495 496 497 498
(1) The licensing agency that licenses health care professionals requires a licensee to complete continuing education as a condition of having a license renewed by the agency.	499 500 501 502
(2) The licensee provides the health care services to an indigent and uninsured person.	503 504
(3) The licensee provides the health care services as a volunteer.	505 506
(4) The licensee satisfies the requirements of section 2305.234 of the Revised Code to qualify for the immunity from liability granted under that section.	507 508 509
(5) The health care services provided are within the scope of authority of the licensee renewing the license.	510 511
(C) (1) Except as provided in division (C) (2) of this section, a licensing agency that licenses health care professionals shall permit a licensee to satisfy up to one-third of the licensee's continuing education requirement by providing health care services as a volunteer. A licensing agency that licenses health care professionals shall permit a licensee to earn continuing education credits at the rate of one credit hour for each sixty minutes spent providing health care services as a volunteer.	512 513 514 515 516 517 518 519 520

(2) In the case of a person holding a license to practice 521  
medicine and surgery, osteopathic medicine and surgery, or 522  
podiatric medicine and surgery, the state medical board shall 523  
permit the person to satisfy not more than ten hours of the 524  
person's continuing education requirement by providing health 525  
care services as a volunteer. The board shall permit a licensee 526  
to earn continuing education credits at the rate of one credit 527  
hour for every five hours spent providing health care services 528  
as a volunteer. 529

(D) A licensing agency that licenses health care 530  
professionals shall adopt rules as necessary to implement this 531  
section. The rules shall be adopted in accordance with Chapter 532  
119. of the Revised Code. 533

(E) Continuing education credit received under this 534  
section for providing health care services is not compensation 535  
or any other form of remuneration for purposes of section 536  
2305.234 of the Revised Code and does not make the provider of 537  
those services ineligible for the immunity from liability 538  
granted under that section. 539

**Sec. 4757.41.** (A) This chapter shall not apply to the 540  
following: 541

(1) A person certified by the state board of education 542  
under Chapter 3319. of the Revised Code while performing any 543  
services within the person's scope of employment by a board of 544  
education or by a private school meeting the standards 545  
prescribed by the director of education and workforce under 546  
division (D) of section 3301.07 of the Revised Code or in a 547  
program operated under Chapter 5126. of the Revised Code for 548  
training individuals with developmental disabilities; 549

(2) Psychologists, independent school psychologists, or 550  
school psychologists licensed under Chapter 4732. of the Revised 551  
Code; 552

(3) Members of other professions licensed, certified, or 553  
registered by this state while performing services within the 554  
recognized scope, standards, and ethics of their respective 555  
professions; 556

(4) Rabbis, priests, Christian science practitioners, 557  
clergy, or members of religious orders and other individuals 558  
participating with them in pastoral counseling when the 559  
counseling activities are within the scope of the performance of 560  
their regular or specialized ministerial duties and are 561  
performed under the auspices or sponsorship of an established 562  
and legally cognizable church, denomination, or sect or an 563  
integrated auxiliary of a church as defined in federal tax 564  
regulations, paragraph (g) (5) of 26 C.F.R. 1.6033-2 (1995), and 565  
when the individual rendering the service remains accountable to 566  
the established authority of that church, denomination, sect, or 567  
integrated auxiliary; 568

(5) Any person who is not licensed under this chapter as a 569  
licensed professional clinical counselor, licensed professional 570  
counselor, independent social worker, or social worker and is 571  
employed in the civil service as defined in section 124.01 of 572  
the Revised Code while engaging in professional counseling or 573  
social work as a civil service employee, if on July 10, 2014, 574  
the person has at least two years of service in that capacity; 575

(6) A student in an accredited educational institution 576  
while carrying out activities that are part of the student's 577  
prescribed course of study if the activities are supervised as 578  
required by the educational institution and if the student does 579

not hold herself or himself out as a person licensed or 580  
registered under this chapter; 581

(7) An individual who holds a license or certificate under 582  
Chapter 4758. of the Revised Code who is acting within the scope 583  
of the individual's license or certificate as a member of the 584  
profession of ~~chemical dependency~~ substance use disorder 585  
~~counseling or~~, prevention services, or peer support services or 586  
who is providing services under that chapter as a qualified 587  
mental health assistant, qualified mental health specialist, or 588  
qualified mental health practitioner; 589

(8) Any person employed by the American red cross while 590  
engaging in activities relating to services for military 591  
families and veterans and disaster relief, as described in the 592  
"American National Red Cross Act," 33 Stat. 599 (1905), 36 593  
U.S.C.A. 1, as amended; 594

(9) Members of labor organizations who hold union 595  
counselor certificates while performing services in their 596  
official capacity as union counselors; 597

(10) Any person employed in a hospital as defined in 598  
section 3727.01 of the Revised Code or in a nursing home as 599  
defined in section 3721.01 of the Revised Code while providing 600  
as a hospital employee or nursing home employee, respectively, 601  
social services other than counseling and the use of 602  
psychosocial interventions and social psychotherapy; 603

(11) A vocational rehabilitation professional who is 604  
providing rehabilitation services to individuals under section 605  
3304.17 of the Revised Code, or holds certification by the 606  
commission on rehabilitation counselor certification and is 607  
providing rehabilitation counseling services consistent with the 608

commission's standards; 609

(12) A caseworker not licensed under this chapter as an 610  
independent social worker or social worker who is employed by a 611  
public children services agency under section 5153.112 of the 612  
Revised Code; 613

(13) A person completing supervised experience to qualify 614  
for a license as an art therapist or music therapist, provided 615  
that experience is completed under the supervision of a licensed 616  
art therapist or music therapist, as applicable. 617

(B) Divisions (A) (5) and (10) of this section do not 618  
prevent a person described in those divisions from obtaining a 619  
license or certificate of registration under this chapter. 620

(C) Except as provided in divisions (A) and (D) of this 621  
section, no employee in the service of the state, including 622  
public employees as defined by Chapter 4117. of the Revised 623  
Code, shall engage in the practice of professional counseling, 624  
social work, or marriage and family therapy without the 625  
appropriate license issued by the board. Failure to comply with 626  
this division constitutes nonfeasance under section 124.34 of 627  
the Revised Code or just cause under a collective bargaining 628  
agreement. Nothing in this division restricts the director of 629  
administrative services from developing new classifications 630  
related to this division or from reassigning affected employees 631  
to appropriate classifications based on the employee's duties 632  
and qualifications. 633

(D) Except as provided in division (A) of this section, an 634  
employee who was engaged in the practice of professional 635  
counseling, social work, or marriage and family therapy in the 636  
service of the state prior to July 10, 2014, including public 637

employees as defined by Chapter 4117. of the Revised Code, shall 638  
comply with division (C) of this section within two years after 639  
July 10, 2014. Any such employee who fails to comply shall be 640  
removed from employment. 641

(E) Nothing in this chapter prevents a public children 642  
services agency from employing as a caseworker a person not 643  
licensed under this chapter as an independent social worker or 644  
social worker who has the qualifications specified in section 645  
5153.112 of the Revised Code. 646

**Sec. 4758.01.** As used in this chapter: 647

(A) "Accredited educational institution" means an 648  
educational institution accredited by an accrediting agency 649  
accepted by the department of higher education. 650

~~(B)(1) "Alcohol and other drug clinical counseling-~~ 651  
~~principles, methods, or procedures" means an approach to-~~ 652  
~~substance use disorder counseling that emphasizes the chemical-~~ 653  
~~dependency counselor's role in systematically assisting clients-~~ 654  
~~through all of the following:~~ 655

~~(a) Analyzing background and current information;~~ 656

~~(b) Exploring possible solutions;~~ 657

~~(c) Developing and providing a treatment plan;~~ 658

~~(d) In the case of an independent chemical dependency-~~ 659  
~~counselor-clinical supervisor, independent chemical dependency-~~ 660  
~~counselor, or chemical dependency counselor III only, diagnosing~~ 661  
~~chemical dependency conditions.~~ 662

~~(2) "Alcohol and other drug clinical counseling-~~ 663  
~~principles, methods, or procedures" includes counseling,~~ 664  
~~assessing, consulting, and referral as they relate to substance-~~ 665

~~use disorder conditions.~~ 666

~~(C)~~ (B) "Developmental disability" has the same meaning as 667  
in section 5123.01 of the Revised Code. 668

(C) "Family peer support services" means services that 669  
promote resiliency and recovery, self-determination, advocacy, 670  
well-being, and skill development for caregivers and families of 671  
individuals with a mental illness or substance use disorder, or 672  
both, and who may also have a co-occurring developmental 673  
disability. 674

(D) "Gambling disorder" means a persistent and recurring 675  
maladaptive gambling behavior that is classified in accepted 676  
nosologies, including the diagnostic and statistical manual of 677  
mental disorders and the international classification of 678  
diseases, ~~and in editions of those nosologies published after~~ 679  
~~September 15, 2014.~~ 680

~~(D)~~ (E) "Mental, emotional, and behavioral conditions" 681  
means mental, emotional, or behavioral symptoms or disorders, 682  
excluding substance use disorder conditions, that are classified 683  
in accepted nosologies, including the diagnostic and statistical 684  
manual of mental disorders and the international classification 685  
of diseases. 686

(F) "Peer recovery support services" means services that 687  
promote resiliency and recovery, self-determination, advocacy, 688  
well-being, and skill development for individuals with a mental 689  
illness or substance use disorder, or both, and who may also 690  
have a co-occurring developmental disability, or the caregivers 691  
or families of the foregoing. 692

(G) "Peer supporter" includes a peer recovery supporter, a 693  
youth peer supporter, or a family peer supporter certified under 694

this chapter. 695

(H) "Peer support services" means services that promote 696  
resiliency and recovery, self-determination, advocacy, well- 697  
being, and skill development for individuals, caregivers of, and 698  
families of individuals with a mental illness or substance use 699  
disorder, or both, and who may also have a co-occurring 700  
developmental disability. 701

(I) "Prevention services" means a comprehensive, multi- 702  
system set of individual and environmental approaches that 703  
maximizes physical health, promotes safety, and precludes 704  
services that are a planned sequence of culturally relevant and 705  
evidence-based strategies designed to reduce the likelihood of, 706  
or delay the onset of, mental, emotional, and behavioral health- 707  
disorders conditions. 708

~~(E)~~ (J) "Psychiatrist" has the same meaning as in section 709  
5122.01 of the Revised Code. 710

(K) Unless the context provides otherwise, "scope of 711  
practice" means the services, methods, and techniques in which 712  
and the areas for which a person who holds a license, 713  
certificate, or endorsement under this chapter is trained and 714  
qualified. 715

~~(F)~~ (L) "Substance abuse professional" has the same meaning 716  
as in 49 C.F.R. 40.3. 717

~~(G)~~ (M) "Substance use disorder clinical counseling 718  
principles, methods, or procedures" means counseling, assessing, 719  
treatment planning, crisis intervention, and referral as they 720  
relate to substance use disorder conditions. 721

(N) "Substance use disorder conditions" means those 722  
conditions relating to the abuse of or dependency on alcohol or 723

other drugs that are classified in accepted nosologies, 724  
including the diagnostic and statistical manual of mental 725  
disorders and the international classification of diseases, ~~and~~ 726  
~~in editions of those nosologies published after December 23,~~ 727  
2002. 728

~~(H)~~ (O) "Substance use disorder counseling" means rendering 729  
or offering to render to individuals, groups, or the public a 730  
counseling service involving the application of ~~alcohol and~~ 731  
~~other drug~~ substance use disorder clinical counseling 732  
principles, methods, or procedures ~~to assist individuals who are~~ 733  
~~abusing or dependent on alcohol or other drugs.~~ 734

~~(I)~~ (P) "United States department of transportation drug 735  
and alcohol testing program" means a transportation workplace 736  
drug and alcohol testing program governed by 49 C.F.R. part 40. 737

(Q) "Youth peer support services" means services that 738  
promote resiliency and recovery, self-determination, advocacy, 739  
well-being, and skill development for individuals, primarily 740  
those who are not more than thirty years of age, with a mental 741  
illness or substance use disorder, or both, and who may also 742  
have a co-occurring developmental disability, as well as the 743  
individuals' caregivers or families. 744

**Sec. 4758.011.** Whenever the term "chemical dependency 745  
professionals board" is used, referred to, or designated in any 746  
statute, rule, contract, grant, or other document, the use, 747  
reference, or designation shall be construed to mean the 748  
behavioral health professionals board. 749

**Sec. 4758.02.** Except as provided in section 4758.03 of the 750  
Revised Code, no person shall do any of the following: 751

(A) Engage in or represent to the public that the person 752

engages in substance use disorder counseling for a fee, salary, 753  
or other consideration unless the person holds a valid 754  
independent chemical dependency counselor-clinical supervisor 755  
license, independent chemical dependency counselor license, 756  
chemical dependency counselor III license, chemical dependency 757  
counselor II license, or chemical dependency counselor assistant 758  
certificate issued under this chapter; 759

(B) Use the title "licensed independent chemical 760  
dependency counselor-clinical supervisor," "LICDC-CS," "licensed 761  
independent chemical dependency counselor," "LICDC," "licensed 762  
chemical dependency counselor III," "LCDC III," "licensed 763  
chemical dependency counselor II," "LCDC II," "chemical 764  
dependency counselor assistant," "CDCA," or any other title or 765  
description incorporating the words "chemical dependency 766  
counselor" or any other initials used to identify persons acting 767  
in those capacities unless currently authorized under this 768  
chapter to act in the capacity indicated by the title or 769  
initials; 770

(C) Represent to the public that the person holds a 771  
gambling disorder endorsement unless the person holds a valid 772  
gambling disorder endorsement issued under this chapter; 773

(D) Represent to the public that the person is a 774  
registered applicant unless the person holds a valid registered 775  
applicant certificate issued under this chapter; 776

(E) Use the title "certified prevention consultant," 777  
"CPC," "certified prevention specialist," "CPS," "certified 778  
prevention specialist assistant," "CPSA," "registered 779  
applicant," "RA," or any other title, description, or initials 780  
used to identify persons acting in those capacities unless 781  
currently authorized under this chapter to act in the capacity 782

indicated by the title or initials; 783

(F) Beginning one year after the effective date of this 784  
amendment, engage in or represent to the public that the person 785  
engages in the provision of peer recovery support services, 786  
youth peer support services, or family peer support services for 787  
a fee, salary, or other consideration unless the person holds a 788  
valid peer recovery supporter certificate, youth peer supporter 789  
certificate, or family peer supporter certificate issued under 790  
this chapter; 791

(G) Beginning one year after the effective date of this 792  
amendment, use the title "certified peer supporter," "certified 793  
peer recovery supporter," "certified youth peer supporter," 794  
"certified family peer supporter," "licensed peer supporter," 795  
"licensed peer recovery supporter," "licensed youth peer 796  
supporter," "licensed family peer supporter," "peer supporter," 797  
or any other title or initials used to identify persons acting 798  
in those capacities unless currently authorized under this 799  
chapter to act in the capacity indicated by the title or 800  
initials; 801

(H) Beginning one year after the effective date of this 802  
amendment, represent to the public that the person holds a peer 803  
support supervisor endorsement unless the person holds a valid 804  
peer support supervisor endorsement issued under this chapter; 805

(I) Beginning one year after the effective date of this 806  
amendment, use the title "qualified mental health assistant," 807  
"QMHA," "qualified mental health specialist," "QMHS," "qualified 808  
mental health practitioner," "QMHP," or any other title or 809  
initials used to identify persons acting in those capacities 810  
unless currently authorized under this chapter to act in the 811  
capacity indicated by the title or initials. 812

**Sec. 4758.03.** Section 4758.02 of the Revised Code does not 813  
apply to any of the following: 814

(A) An individual who holds a valid license, registration, 815  
certificate, or credentials issued under another chapter of the 816  
Revised Code while performing services within the recognized 817  
scope, standards, and ethics of the individual's profession; 818

(B) An individual who is a rabbi, priest, Christian 819  
Science practitioner, clergy, or member of a religious order and 820  
other individuals participating with them in pastoral counseling 821  
when the substance use disorder counseling activities are within 822  
the scope of the performance of their regular or specialized 823  
ministerial duties and are performed under the auspices or 824  
sponsorship of an established and legally cognizable church, 825  
denomination, or sect or, as defined in 26 C.F.R. 1.6033-2(h), 826  
~~an integrated auxiliary of a church as defined in paragraph (h)~~ 827  
~~of 26 Code of Federal Regulations 1.6033-2 (2000) as amended,~~ 828  
and the individual rendering the service remains accountable to 829  
the established authority of that church, denomination, sect, or 830  
integrated auxiliary; 831

(C) A student in an accredited educational institution 832  
while carrying out activities that are part of the student's 833  
prescribed course of study if the activities are supervised as 834  
required by the educational institution and the student is not 835  
represented as an individual who holds a license ~~or,~~ 836  
certificate, or endorsement issued under this chapter. 837

**Sec. 4758.10.** (A) There is ~~hereby created the chemical-~~ 838  
~~dependency~~ behavioral health professionals board. 839

(B) The governor shall appoint all of the following voting 840  
members of the board with the advice and consent of the senate: 841

- (1) Four individuals who hold a valid independent chemical dependency counselor-clinical supervisor license or independent chemical dependency counselor license issued under this chapter, ~~including~~ at least two of whom have received ~~at least~~ a master's degree or higher in a field related to substance use disorder counseling from an accredited educational institution and at least two of whom are also licensed as an independent social worker, professional clinical counselor, or independent marriage and family therapist under Chapter 4757. of the Revised Code; 842-850
- (2) ~~Two individuals~~ One individual who ~~hold~~ holds a valid chemical dependency counselor III license issued under this chapter; 851-853
- (3) One individual who holds a valid chemical dependency counselor ~~II license~~ assistant certificate issued under this chapter; 854-856
- (4) Two individuals who hold a valid prevention consultant certificate or prevention specialist certificate issued under this chapter; 857-859
- (5) One individual who ~~is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery and has experience practicing in a field related to chemical dependency counseling~~ holds a valid peer recovery supporter certificate, youth peer supporter certificate, or family peer supporter certificate issued under this chapter; 860-866
- (6) Two individuals who hold a qualified mental health assistant certificate, qualified mental health specialist certificate, or qualified mental health practitioner certificate issued under this chapter; 867-870

(7) Two individuals who represent the public and have not 871  
practiced or provided substance use disorder counseling~~or~~, 872  
prevention services, or peer support services, have not 873  
practiced as a qualified mental health assistant, a qualified 874  
mental health specialist, or a qualified mental health 875  
practitioner, and have not been involved in the delivery of 876  
substance use disorder counseling~~services or~~, prevention 877  
services, peer support services, or services provided by a 878  
qualified mental health assistant, qualified mental health 879  
specialist, or qualified mental health practitioner. At least 880  
one of these individuals shall be at least fifty years of age. 881  
During their terms, the public members shall not practice or 882  
provide substance use disorder counseling~~or~~, prevention 883  
services, or peer support services, practice as a qualified 884  
mental health assistant, qualified mental health specialist, or 885  
qualified mental health practitioner, or be involved in the 886  
delivery of substance use disorder counseling ~~services or~~, 887  
prevention services, peer support services, or services provided 888  
by a qualified mental health assistant, qualified mental health 889  
specialist, or qualified mental health practitioner. 890

(C) The director of ~~mental behavioral health and addiction~~ 891  
~~services~~ shall appoint an individual who represents the 892  
department of ~~mental behavioral health and addiction services~~ to 893  
serve as an ex officio member of the ~~chemical dependency~~ 894  
~~professionals board.~~ 895

(D) Not more than one-half of the voting members of the 896  
board may be members of the same political party. 897

**Sec. 4758.11.** ~~Of the initial appointees to the chemical~~ 898  
~~dependency professionals board appointed by the governor under~~ 899  
~~division (B) of section 4758.10 of the Revised Code, four shall~~ 900

~~be appointed for terms ending one year after December 23, 2002,~~ 901  
~~four shall be appointed for terms ending two years after~~ 902  
~~December 23, 2002, and four shall be appointed for terms ending~~ 903  
~~three years after December 23, 2002. After the initial~~ 904  
~~appointments, terms~~ Terms of office of members of the behavioral 905  
health professional board appointed by the governor under 906  
section 4758.10 of the Revised Code shall be three years, with 907  
each term ending on the same day of the same month of the year 908  
as the term it succeeds. 909

A voting member of the board shall hold office from the 910  
date of appointment until the end of the term for which the 911  
member was appointed. A voting member appointed to fill a 912  
vacancy occurring prior to the expiration of the term for which 913  
the member's predecessor was appointed shall hold office for the 914  
remainder of that term. A voting member shall continue in office 915  
after the expiration date of the member's term until the 916  
member's successor takes office or until a period of sixty days 917  
has elapsed, whichever occurs first. Voting members may be 918  
reappointed, except that an individual who has held office for 919  
two consecutive full terms shall not be reappointed sooner than 920  
one year after the expiration of the second full term. 921

The ex officio member of the board appointed by the 922  
director of ~~mental behavioral health and addiction services~~ 923  
under division (C) of section 4758.10 of the Revised Code shall 924  
serve at the pleasure of the director. 925

**Sec. 4758.12.** The voting members of the ~~chemical~~ 926  
~~dependency~~ behavioral health professionals board shall receive 927  
an amount fixed under division (J) of section 124.15 of the 928  
Revised Code for each day employed in the discharge of their 929  
official duties as board members and shall be reimbursed for 930

their necessary and actual expenses incurred in the performance 931  
of their official duties. 932

**Sec. 4758.13.** The ~~chemical dependency~~ behavioral health 933  
professionals board shall meet to discuss matters relating to 934  
the administration and operation of the board and the regulation 935  
of the practices or provision of substance use disorder 936  
~~counseling and, peer support services, prevention services, and~~ 937  
services provided by qualified mental health assistants, 938  
qualified mental health specialists, and qualified mental health 939  
practitioners. The board shall hold at least one regular meeting 940  
every three months. Additional meetings may be held at such 941  
times as the board determines, on the call of the chairperson, 942  
or on the written request to the executive director of three or 943  
more voting board members. If three or more voting members 944  
request a meeting, the executive director shall call a meeting, 945  
which shall be held not later than seven days after the request 946  
is received. 947

~~Seven-Eight~~ voting members of the board constitute a 948  
quorum to conduct business. Except as provided in section 949  
4758.32 of the Revised Code, no action shall be taken without 950  
the concurrence of at least a quorum. 951

At its first meeting each year, the board shall elect a 952  
chairperson from among its voting members. No member shall serve 953  
more than two consecutive terms as chairperson. 954

The board shall keep any records and minutes necessary to 955  
fulfill the duties established by this chapter and rules adopted 956  
under it. 957

**Sec. 4758.15.** The ~~chemical dependency~~ behavioral health 958  
professionals board shall employ an executive director. The 959

board may employ and prescribe the powers and duties of 960  
employees and consultants as are necessary for it to carry out 961  
the board's duties under this chapter and the rules adopted 962  
under it. 963

**Sec. 4758.16.** The ~~chemical dependency~~ behavioral health 964  
professionals board shall not discriminate against any licensee, 965  
certificate holder, endorsement holder, or applicant for a 966  
license, certificate, or endorsement under this chapter because 967  
of the individual's race, color, religion, gender, national 968  
origin, disability as defined in section 4112.01 of the Revised 969  
Code, or age. The board shall afford a hearing to any individual 970  
who files with the board a statement alleging discrimination 971  
based on any of those reasons. 972

**Sec. 4758.17.** The ~~chemical dependency~~ behavioral health 973  
professionals board shall adopt a seal to authenticate its 974  
records and proceedings. 975

A statement, signed by the executive director of the board 976  
to which is affixed the official seal of the board, to the 977  
effect that an individual specified in the statement does not 978  
currently hold a license ~~or~~ certificate, or endorsement under 979  
this chapter or that a license ~~or~~ certificate, or endorsement 980  
issued by the board under this chapter has been revoked or 981  
suspended, shall be received as prima-facie evidence of a record 982  
of the board in any court or before any officer of the state. 983

**Sec. 4758.20.** (A) The ~~chemical dependency~~ behavioral 984  
health professionals board shall adopt rules to establish, 985  
specify, or provide for all of the following: 986

(1) Fees for the purposes authorized by section 4758.21 of 987  
the Revised Code; 988

(2) If the board, pursuant to section 4758.221 of the Revised Code, elects to administer examinations for individuals seeking to act as substance abuse professionals in a United States department of transportation drug and alcohol testing program, the board's administration of the examinations;	989 990 991 992 993
(3) For the purpose of section 4758.23 of the Revised Code, codes of ethical practice and professional conduct for individuals who hold a license, certificate, or endorsement issued under this chapter;	994 995 996 997
(4) For the purpose of section 4758.24 of the Revised Code, all of the following:	998 999
(a) The documents that an individual seeking such a license, certificate, or endorsement must submit to the board;	1000 1001
(b) Requirements to obtain the license, certificate, or endorsement that are in addition to the requirements established under sections <u>4758.38, 4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 4758.44, 4758.45, 4758.46, 4758.47, and 4758.48, 4758.49, and 4758.491</u> of the Revised Code. The additional requirements may include internships and practicums.	1002 1003 1004 1005 1006 1007
(c) <u>The As provided by section 4776.03 of the Revised Code, requirements for criminal records checks of individuals seeking an initial license, certificate, or endorsement.</u>	1008 1009 1010
<u>(5) For the purpose of division (B)(1) of section 4758.27 of the Revised Code, the period of time that an individual whose registered applicant certificate has expired must wait before applying for a new registered applicant certificate.;</u>	1011 1012 1013 1014
<del>(5)(6) For the purpose of section 4758.28 of the Revised Code, requirements for approval of continuing education courses of study for individuals who hold a license, certificate, or</del>	1015 1016 1017

~~endorsement issued under this chapter~~programs; 1018

~~(6)~~(7) For the purpose of determining the amount of a 1019  
fine to be imposed under section 4758.30 of the Revised Code, a 1020  
graduated system of fines based on the scope and severity of 1021  
violations and the history of compliance, not to exceed five 1022  
hundred dollars per incident; 1023

(8) For the purpose of section 4758.30 of the Revised 1024  
Code, both of the following: 1025

(a) The intervention for and treatment of an individual 1026  
holding a license, certificate, or endorsement issued under this 1027  
chapter whose abilities to practice are impaired due to abuse of 1028  
or dependency on alcohol or other drugs or other physical or 1029  
mental condition; 1030

(b) Requirements governing reinstatement of a suspended or 1031  
revoked license, certificate, or endorsement, including 1032  
requirements for determining the amount of time an individual 1033  
must wait to apply for reinstatement. 1034

~~(7)~~(9) For the purpose of section 4758.31 of the Revised 1035  
Code, methods of ensuring that all records the board holds 1036  
pertaining to an investigation remain confidential~~during the~~ 1037  
~~investigation;~~ 1038

~~(8)~~(10) Criteria for employees of the board to follow when 1039  
performing their duties under division (B) of section 4758.35 of 1040  
the Revised Code; 1041

~~(9)~~(11) For the purpose of section 4758.38 of the Revised 1042  
Code, all of the following: 1043

(a) The equivalent of a high school diploma acceptable for 1044  
certification; 1045

(b) Standards for work experience in core mental health functions required for an associate degree holder in a mental health-related field to be certified as a qualified mental health practitioner; 1046  
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(c) Standards for training in mental health content areas; 1050

(d) Additional mental health-related degrees that qualify an individual for certification as a qualified mental health specialist or a qualified mental health practitioner. 1051  
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(12) For the purpose of division (A) of section 4758.39, division (A) of section 4758.40, and division ~~(A)~~ (A) (1) of section 4758.41 of the Revised Code, course requirements for a degree in a behavioral science or nursing that may include specific content areas and minimum hours for course requirements; 1054  
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~~(10)~~ (13) For the purpose of division (A) (2) of section 4758.41 of the Revised Code, requirements for a course of study in substance use disorders and a specialized substance use disorder internship or practicum; 1060  
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(14) For the purpose of division (B) of section 4758.39 of the Revised Code, the number of hours of compensated work or supervised internship experience that an individual must have and the number of those hours that must be in clinical supervisory experience; 1064  
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~~(11)~~ (15) For the purpose of division (C) of section 4758.39, division (C) of section 4758.40, division (C) of section 4758.41, and division (A) (3) of section 4758.42 of the Revised Code, both of the following: 1069  
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(a) The number of hours of training in substance use disorders an individual must have; 1073  
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(b) Training requirements for substance use disorders that 1075  
shall, at a minimum, include qualifications for the individuals 1076  
who provide the training and the content areas covered in the 1077  
training. 1078

~~(12)~~(16) For the purpose of division (B) of section 1079  
4758.40, division (B) of section 4758.41, and division (A) (2) of 1080  
section 4758.42 of the Revised Code, the number of hours of 1081  
compensated work or supervised internship experience that an 1082  
individual must have; 1083

~~(13) For the purpose of division (A) of section 4758.41 of~~ 1084  
~~the Revised Code, course requirements for a degree in a~~ 1085  
~~behavioral science or nursing;~~ 1086

~~(14)~~(17) For the purpose of section 4758.42 of the 1087  
Revised Code, both of the following: 1088

(a) Education requirements for substance use disorders; 1089

(b) Requirements for programs that provide practicum 1090  
experience in substance use disorders. 1091

~~(15)~~(18) For the purpose of section 4758.43 of the Revised 1092  
Code, both of the following: 1093

(a) The number of hours of training or education in 1094  
substance use disorder counseling that an individual must have; 1095

~~(b) Training requirements for substance use disorder~~ 1096  
~~counseling that shall, at a minimum, include qualifications for~~ 1097  
~~the individuals who provide the training and the content areas~~ 1098  
~~covered in the training.~~ Requirements for obtaining a chemical 1099  
dependency counselor preliminary certificate. 1100

~~(16)~~(19) For the purpose of section 4758.44 of the Revised 1101  
Code, ~~both~~ all of the following: 1102

(a) The number of hours of compensated work experience in prevention services that an individual must have and the number of those hours that must be in administering or supervising the services;

(b) The field of study in which an individual must obtain ~~at least a~~ bachelor's degree or higher;

(c) The number of hours of administrative or supervisory education that an individual must have.

~~(17)~~ (20) For the purpose of division (C) of section 4758.44, division (C) of section 4758.45, and division (D) of section 4758.46 of the Revised Code, both of the following:

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

(b) Requirements for prevention-related education.

~~(18) For the purpose of division (D) of section 4758.44 of the Revised Code, the number of hours of administrative or supervisory education that an individual must have;~~

~~(19)~~ (21) For the purpose of section 4758.45 of the Revised Code, both of the following:

(a) The number of hours of compensated or volunteer work, field placement, intern, or practicum experience in prevention services that an individual must have and the number of those hours that must be in planning or delivering the services;

(b) The field of study in which an individual must obtain ~~at least an~~ associate's degree or higher.

~~(20)~~ (22) For the purpose of division (C) of section 4758.46 of the Revised Code, the number of hours of compensated

or volunteer work, field placement, intern, or practicum 1130  
experience in prevention services that an individual must have; 1131

~~(21)~~(23) Standards for the one hundred hours of 1132  
compensated work or supervised internship in gambling disorder 1133  
direct clinical experience required by division ~~(B) (2)~~(A) (2) (b) 1134  
of section 4758.48 of the Revised Code; 1135

~~(22)~~(24) For the purpose of section 4758.49 of the Revised 1136  
Code, both of the following: 1137

(a) The equivalent of a high school diploma acceptable for 1138  
certification; 1139

(b) Standards and number of required hours for the 1140  
competency-based peer services training. 1141

(25) For the purpose of section 4758.491 of the Revised 1142  
Code, both of the following: 1143

(a) The number of hours of online learning that an 1144  
individual is required to complete; 1145

(b) Standards for the supervising peers training program 1146  
that an individual is required to complete. 1147

(26) For the purpose of section 4758.51 of the Revised 1148  
Code, both of the following: 1149

(a) Continuing education requirements for individuals who 1150  
hold a license, certificate, or endorsement issued under this 1151  
chapter; 1152

(b) The number of hours of continuing education that an 1153  
individual must complete to have an expired license, 1154  
certificate, or endorsement restored under section 4758.26 of 1155  
the Revised Code. 1156

~~(23) For the purpose of divisions (A) and (B) of section 4758.52 of the Revised Code, training requirements for substance use disorder counseling;~~ 1157  
1158  
1159

~~(24)~~(27) The duties, which may differ, of all of the following: 1160  
1161

(a) An independent chemical dependency counselor-clinical supervisor licensed under this chapter who supervises a chemical dependency counselor III under section 4758.56 of the Revised Code; 1162  
1163  
1164  
1165

(b) An independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, or chemical dependency counselor III licensed under this chapter who supervises a chemical dependency counselor assistant under section 4758.59 of the Revised Code; 1166  
1167  
1168  
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1170

(c) A prevention consultant or prevention specialist certified under this chapter who supervises a prevention specialist assistant or registered applicant under section 4758.61 of the Revised Code; 1171  
1172  
1173  
1174

(d) A qualified mental health assistant, qualified mental health specialist, or qualified mental health practitioner under section 4758.66 of the Revised Code. 1175  
1176  
1177

~~(25)~~(28) The duties of an independent chemical dependency counselor licensed under this chapter who holds ~~the~~ a gambling disorder endorsement who supervises a chemical dependency counselor III with ~~the~~ a gambling disorder endorsement under section 4758.62 of the Revised Code; 1178  
1179  
1180  
1181  
1182

~~(26)~~(29) For the purpose of section 4758.65 of the Revised Code, both of the following: 1183  
1184

<u>(a) Any additional competencies that may be promoted by a peer supporter;</u>	1185
	1186
<u>(b) Any additional tasks within a peer supporter's scope of practice.</u>	1187
	1188
<u>(30) For the purposes of section 4758.651 of the Revised Code, training requirements for supervisors of peer supporters who do not hold a peer support supervisor endorsement issued under this chapter;</u>	1189
	1190
	1191
	1192
<u>(31) Anything else the board considers necessary to administer this chapter.</u>	1193
	1194
(B) All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code and any applicable federal laws and regulations.	1195
	1196
	1197
(C) When it adopts rules under this section, the board may consider standards established by any national association or other organization representing the interests of those involved in substance use disorder counseling <del> or</del> , <u>prevention services, peer support services, or services provided by a qualified mental health assistant, qualified mental health specialist, or qualified mental health practitioner.</u>	1198
	1199
	1200
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	1204
<b>Sec. 4758.21.</b> (A) In accordance with rules adopted under section 4758.20 of the Revised Code and subject to division (B) of this section, the <del>chemical dependency</del> <u>behavioral health</u> professionals board shall establish, and may from time to time adjust, fees to be charged for the following:	1205
	1206
	1207
	1208
	1209
(1) Admitting an individual to an examination administered pursuant to section 4758.22 of the Revised Code;	1210
	1211
(2) Issuing an <del>initial</del> independent chemical dependency	1212

counselor-clinical supervisor license, independent chemical	1213
dependency counselor license, chemical dependency counselor III	1214
license, chemical dependency counselor II license, chemical	1215
dependency counselor assistant certificate, <u>peer recovery</u>	1216
<u>supporter certificate, youth peer supporter certificate, family</u>	1217
<u>peer supporter certificate, qualified mental health assistant</u>	1218
<u>certificate, qualified mental health specialist certificate,</u>	1219
<u>qualified mental health practitioner certificate, prevention</u>	1220
consultant certificate, prevention specialist certificate,	1221
prevention specialist assistant certificate, or registered	1222
applicant certificate;	1223
(3) Issuing <del>an initial</del> <u>a</u> gambling disorder endorsement;	1224
(4) <u>Issuing a peer support supervisor endorsement;</u>	1225
(5) <u>Renewing an independent chemical dependency counselor-</u>	1226
<u>clinical supervisor license, independent chemical dependency</u>	1227
<u>counselor license, chemical dependency counselor III license,</u>	1228
<u>chemical dependency counselor II license, chemical dependency</u>	1229
<u>counselor assistant certificate, <u>peer recovery supporter</u></u>	1230
<u>certificate, youth peer supporter certificate, family peer</u>	1231
<u>supporter certificate, qualified mental health assistant</u>	1232
<u>certificate, qualified mental health specialist certificate,</u>	1233
<u>qualified mental health practitioner certificate, prevention</u>	1234
consultant certificate, prevention specialist certificate, or	1235
prevention specialist assistant certificate;	1236
<del>(5)</del> <u>(6)</u> Renewing a gambling disorder endorsement;	1237
<del>(6)</del> <u>(7)</u> <u>Renewing a peer support supervisor endorsement;</u>	1238
(8) <u>Approving <del>continuing</del> education <del>courses</del> <u>programs</u> under</u>	1239
section 4758.28 of the Revised Code, <u>except for any online</u>	1240
<u>learning courses administered by the department of behavioral</u>	1241

health for the purposes of section 4758.49 of the Revised Code; 1242

~~(7)~~(9) Doing anything else the board determines necessary 1243  
to administer this chapter. 1244

(B) The fees established under division (A) of this 1245  
section are nonrefundable. They shall be in amounts sufficient 1246  
to cover the necessary expenses of the board in administering 1247  
this chapter and rules adopted under it. The fees for a license, 1248  
certificate, or endorsement and the renewal of a license, 1249  
certificate, or endorsement may differ for the various types of 1250  
licenses, certificates, or endorsements, but shall not exceed 1251  
one hundred seventy-five dollars each, unless the board 1252  
determines that amounts in excess of one hundred seventy-five 1253  
dollars are needed to cover its necessary expenses in 1254  
administering this chapter and rules adopted under it and the 1255  
amounts in excess of one hundred seventy-five dollars are 1256  
approved by the controlling board. 1257

(C) All vouchers of the board shall be approved by the 1258  
chairperson or executive director of the board, or both, as 1259  
authorized by the board. 1260

**Sec. 4758.22.** The ~~chemical dependency~~ behavioral health 1261  
professionals board shall prepare, cause to be prepared, or 1262  
procure the use of, and grade, cause to be graded, or procure 1263  
the grading of, examinations to determine the competence of 1264  
individuals seeking an independent chemical dependency 1265  
counselor-clinical supervisor license, independent chemical 1266  
dependency counselor license, chemical dependency counselor III 1267  
license, chemical dependency counselor II license, peer recovery 1268  
supporter certificate, youth peer supporter certificate, family 1269  
peer supporter certificate, prevention consultant certificate, 1270  
or prevention specialist certificate. The board may develop the 1271

examinations or use examinations prepared by state or national 1272  
organizations that represent the interests of those involved in 1273  
substance use disorder counseling ~~or,~~ prevention services, or 1274  
peer support services. The board shall conduct examinations at 1275  
least twice each year and shall determine the level of 1276  
competence necessary for a passing score. 1277

An individual may not sit for an examination administered 1278  
pursuant to this section unless the individual meets the 1279  
requirements to obtain the license or certificate the individual 1280  
seeks, other than the requirement to have passed the 1281  
examination, and pays the fee established under section 4758.21 1282  
of the Revised Code. An individual who is denied admission to 1283  
the examination may appeal the denial in accordance with Chapter 1284  
119. of the Revised Code. 1285

**Sec. 4758.221.** In accordance with rules adopted under 1286  
section 4758.20 of the Revised Code, the ~~chemical dependency~~ 1287  
behavioral health professionals board may administer 1288  
examinations for individuals seeking to act as substance abuse 1289  
professionals in a United States department of transportation 1290  
drug and alcohol testing program. If it elects to administer the 1291  
examinations, the board shall use examinations that 1292  
comprehensively cover all the elements of substance abuse 1293  
professional qualification training listed in 49 C.F.R. 1294  
40.281(c) (1) and are prepared by a nationally recognized 1295  
professional or training organization that represents the 1296  
interests of those involved in substance use disorder counseling 1297  
~~services~~. 1298

**Sec. 4758.23.** (A) In rules adopted under section 4758.20 1299  
of the Revised Code, the ~~chemical dependency~~behavioral health 1300  
professionals board shall establish codes of ethical practice 1301

and professional conduct for the following: 1302

(1) Individuals who hold a valid independent chemical 1303  
dependency counselor-clinical supervisor license, independent 1304  
chemical dependency counselor license, chemical dependency 1305  
counselor III license, chemical dependency counselor II license, 1306  
or chemical dependency counselor assistant certificate issued 1307  
under this chapter; 1308

(2) Individuals who hold a valid peer recovery supporter 1309  
certificate, youth peer supporter certificate, or family peer 1310  
supporter certificate issued under this chapter; 1311

(3) Individuals who hold a valid qualified mental health 1312  
assistant certificate, qualified mental health specialist 1313  
certificate, or qualified mental health practitioner certificate 1314  
issued under this chapter; 1315

(4) Individuals who hold a valid prevention consultant 1316  
certificate, prevention specialist certificate, prevention 1317  
specialist assistant certificate, or registered applicant 1318  
certificate issued under this chapter; 1319

~~(3)~~(5) Individuals who hold a valid peer support 1320  
supervisor endorsement; 1321

(6) Individuals who hold a valid gambling disorder 1322  
endorsement. 1323

(B) The codes for individuals identified under division 1324  
(A) of this section shall define unprofessional conduct, which 1325  
shall include engaging in multiple relationships with a client, 1326  
former client, consumer, or former consumer; committing an act 1327  
of sexual abuse, misconduct, or exploitation of a client, former 1328  
client, consumer, or former consumer; and, except as permitted 1329  
by law, violating client or consumer confidentiality. 1330

The codes for individuals identified under divisions (A) 1331  
(1) ~~and (2)~~ to (5) of this section may be based on any codes of 1332  
ethical practice and professional conduct developed by national 1333  
associations or other organizations representing the respective 1334  
interests of those ~~involved in substance use disorder counseling~~ 1335  
~~or prevention services~~ individuals. The board may establish 1336  
standards in the codes that are more stringent than those 1337  
established by the national associations or other organizations. 1338

**Sec. 4758.24.** (A) The ~~chemical dependency~~ behavioral 1339  
health professionals board shall issue a license, certificate, 1340  
or endorsement under this chapter to an individual who ~~meets~~ 1341  
does all of the following ~~requirements~~: 1342

(1) Submits a properly completed application and all other 1343  
documentation specified in rules adopted under section 4758.20 1344  
of the Revised Code; 1345

(2) Pays the fee established under section 4758.21 of the 1346  
Revised Code for the license, certificate, or endorsement that 1347  
the individual seeks; 1348

(3) Meets the requirements to obtain the license, 1349  
certificate, or endorsement that the individual seeks as 1350  
specified in section 4758.38, 4758.39, 4758.40, 4758.41, 1351  
4758.42, 4758.43, 4758.44, 4758.45, 4758.46, 4758.47, ~~or~~ 1352  
4758.48, 4758.49, or 4758.491 of the Revised Code; 1353

(4) Meets any additional requirements specified in rules 1354  
adopted under section 4758.20 of the Revised Code to obtain the 1355  
license, certificate, or endorsement that the individual seeks. 1356

(B) ~~The board shall not issue a new registered applicant~~ 1357  
~~certificate to an individual whose previous registered applicant~~ 1358  
~~certificate has been expired for less than the period of time~~ 1359

~~specified in rules adopted under section 4758.20 of the Revised Code.~~ 1360  
In addition to any other eligibility requirement set forth 1361  
in this chapter, each applicant for an initial license, 1362  
certificate, or endorsement issued under this chapter shall 1363  
comply with sections 4776.01 to 4776.04 of the Revised Code. The 1364  
board shall not grant a license, certificate, or endorsement to 1365  
an applicant for an initial license, certificate, or endorsement 1366  
issued under this chapter unless the applicant complies with 1367  
sections 4776.01 to 4776.04 of the Revised Code. 1368

**Sec. 4758.25.** (A) ~~The chemical dependency behavioral~~ 1369  
health professionals board shall issue a license, certificate, 1370  
or endorsement in accordance with Chapter 4796. of the Revised 1371  
Code to an applicant if either of the following applies: 1372

(1) The applicant holds a license, certificate, or 1373  
endorsement in another state. 1374

(2) The applicant has satisfactory work experience, a 1375  
government certification, or a private certification as 1376  
described in that chapter in a state that does not issue the 1377  
license, certificate, or endorsement for which the applicant is 1378  
applying. 1379

(B) A license or certificate obtained under this section 1380  
may be renewed or restored under section 4758.26 of the Revised 1381  
Code if the individual holding the license or certificate 1382  
satisfies the renewal or restoration requirements established by 1383  
that section. An individual holding a license or certificate 1384  
obtained under this section may obtain, under section 4758.24 of 1385  
the Revised Code, a different license or certificate available 1386  
under this chapter if the individual meets all of the 1387  
requirements as specified in that section for the license or 1388  
certificate the individual seeks. 1389

Sec. 4758.26. (A) Subject to section 4758.30 of the Revised Code, a license, certificate, or endorsement issued under this chapter expires the following period of time after it is issued:

(1) In the case of ~~an initial~~ a chemical dependency counselor assistant preliminary certificate or a registered applicant certificate, thirteen months;

(2) In the case of any other license, certificate, or endorsement, two years.

(B) Subject to section 4758.30 of the Revised Code and except as provided in section 4758.27 of the Revised Code, the ~~chemical dependency behavioral health~~ professionals board shall renew a license, certificate, or endorsement issued under this chapter in accordance with the standard renewal procedure established under Chapter 4745. of the Revised Code if the individual seeking the renewal pays the renewal fee established under section 4758.21 of the Revised Code and ~~does the following:~~

~~(1) In the case of an individual seeking renewal of an initial chemical dependency counselor assistant certificate, satisfies the additional training requirement established under section 4758.52 of the Revised Code;~~

~~(2) In the case of any other individual, satisfies the continuing education requirements established under section 4758.51 of the Revised Code.~~

(C) Subject to section 4758.30 of the Revised Code and except as provided in section 4758.27 of the Revised Code, a license, certificate, or endorsement issued under this chapter that has expired may be restored if the individual seeking the

restoration, not later than one year after the license, 1419  
certificate, or endorsement expires, applies for restoration of 1420  
the license, certificate, or endorsement. The board shall issue 1421  
a restored license, certificate, or endorsement to the 1422  
individual if the individual pays the renewal fee established 1423  
under section 4758.21 of the Revised Code and ~~does the~~ 1424  
~~following:~~ 1425

~~(1) In the case of an individual whose initial chemical~~ 1426  
~~dependency counselor assistant certificate expired, satisfies~~ 1427  
~~the additional training requirement established under section~~ 1428  
~~4758.52 of the Revised Code;~~ 1429

~~(2) In the case of any other individual,~~ satisfies the 1430  
continuing education requirements established under section 1431  
4758.51 of the Revised Code for restoring the license, 1432  
certificate, or endorsement. 1433

The board shall not require an individual to take an 1434  
examination as a condition of having an expired license, 1435  
certificate, or endorsement restored under this section. 1436

**Sec. 4758.27.** (A) The chemical dependency behavioral 1437  
health professionals board shall not renew or restore under 1438  
section 4758.26 of the Revised Code ~~a~~ any of the following: 1439

(1) A chemical dependency counselor assistant preliminary 1440  
certificate; 1441

(2) A registered applicant certificate; 1442

(3) A gambling disorder preliminary endorsement. 1443

(B) (1) Division (A) (2) of this section does not preclude 1444  
an individual whose registered applicant certificate has expired 1445  
from applying for a new registered applicant certificate, but 1446

the application may be submitted only after the period of time 1447  
specified in rules adopted under section 4758.20 of the Revised 1448  
Code has elapsed. 1449

(2) Division (A) (3) of this section does not preclude an 1450  
individual who received a gambling disorder preliminary 1451  
endorsement pursuant to division (B) of section 4758.48 of the 1452  
Revised Code from receiving a subsequent gambling disorder 1453  
endorsement as long as the eligibility requirements described in 1454  
that division have been satisfied. 1455

**Sec. 4758.28.** The ~~chemical dependency behavioral health~~ 1456  
professionals board shall approve, in accordance with rules 1457  
adopted under section 4758.20 of the Revised Code and subject to 1458  
payment of the fee established under section 4758.21 of the 1459  
Revised Code, ~~continuing education courses of study for~~ 1460  
~~individuals who hold~~ programs that may be completed to meet the 1461  
requirements to receive an initial license, certificate, or 1462  
endorsement issued under this chapter or to renew a license, 1463  
certificate, or endorsement issued under this chapter. Programs 1464  
that may be approved under this section include degree and 1465  
certificate training programs offered by accredited educational 1466  
institutions, other training programs selected by the board, and 1467  
continuing education courses. 1468

**Sec. 4758.29.** On receipt of a notice pursuant to section 1469  
3123.43 of the Revised Code, the ~~chemical dependency behavioral~~ 1470  
health professionals board shall comply with sections 3123.41 to 1471  
3123.50 of the Revised Code and any applicable rules adopted 1472  
under section 3123.63 of the Revised Code with respect to a 1473  
license, certificate, or endorsement issued pursuant to this 1474  
chapter. 1475

**Sec. 4758.30.** (A) The ~~chemical dependency behavioral~~ 1476

health professionals board, in accordance with Chapter 119. of 1477  
the Revised Code, may, except as provided in division (B) of 1478  
this section, refuse to issue a license, certificate, or 1479  
endorsement applied for under this chapter; refuse to renew or 1480  
restore a license, certificate, or endorsement issued under this 1481  
chapter; suspend, revoke, or otherwise restrict a license, 1482  
certificate, or endorsement issued under this chapter; ~~or~~ 1483  
reprimand an individual holding a license, certificate, or 1484  
endorsement issued under this chapter; or impose a fine, in an 1485  
amount determined in accordance with rules adopted under section 1486  
4758.20 of the Revised Code, against an individual holding a 1487  
license, certificate, or endorsement under this chapter. These 1488  
actions may be taken by the board regarding the applicant for a 1489  
license, certificate, or endorsement or the individual holding a 1490  
license, certificate, or endorsement for one or more of the 1491  
following reasons: 1492

(1) Violation of any provision of this chapter or rules 1493  
adopted under it; 1494

(2) Knowingly making a false statement on an application 1495  
for a license, certificate, or endorsement or for renewal, 1496  
restoration, or reinstatement of a license, certificate, or 1497  
endorsement; 1498

(3) Acceptance of a commission or rebate for referring an 1499  
individual to a person who holds a license or certificate issued 1500  
by, or who is registered with, an entity of state government, 1501  
including persons practicing or providing substance use disorder 1502  
counseling, peer support services, prevention services, or 1503  
gambling disorder counseling, practicing as a qualified mental 1504  
health assistant, qualified mental health specialist, or 1505  
qualified mental health practitioner, or practicing in fields 1506

related to any of the foregoing; 1507

(4) Conviction in this state or any other jurisdiction of 1508  
any crime that is a felony in this state; 1509

(5) Conviction in this state or any other jurisdiction of 1510  
a misdemeanor committed in the course of practice as an 1511  
independent chemical dependency counselor-clinical supervisor, 1512  
independent chemical dependency counselor, chemical dependency 1513  
counselor III, chemical dependency counselor II, chemical 1514  
dependency counselor assistant, peer recovery supporter, youth 1515  
peer supporter, family peer supporter, qualified mental health 1516  
assistant, qualified mental health specialist, qualified mental 1517  
health practitioner, prevention consultant, gambling disorder 1518  
endorsee, prevention specialist, prevention specialist 1519  
assistant, or registered applicant; 1520

(6) Inability to practice as an independent chemical 1521  
dependency counselor-clinical supervisor, independent chemical 1522  
dependency counselor, chemical dependency counselor III, 1523  
chemical dependency counselor II, chemical dependency counselor 1524  
assistant, peer recovery supporter, youth peer supporter, family 1525  
peer supporter, qualified mental health assistant, qualified 1526  
mental health specialist, qualified mental health practitioner, 1527  
gambling disorder endorsee, prevention consultant, prevention 1528  
specialist, prevention specialist assistant, or registered 1529  
applicant due to abuse of or dependency on alcohol or other 1530  
drugs or by reason of mental illness or physical illness, 1531  
including physical deterioration that adversely affects 1532  
cognitive, motor, or perceptive skills; 1533

(7) Practicing outside the individual's scope of practice; 1534

(8) Practicing without complying with the supervision 1535

requirements specified under section 4758.56, 4758.59, 4758.61,  
~~or~~ 4758.62, 4758.65, or 4758.66 of the Revised Code;

(9) Violation of the code of ethical practice and  
professional conduct for substance use disorder counseling, peer  
support services, prevention services, ~~or~~ gambling disorder  
counseling, or services provided by a qualified mental health  
assistant, qualified mental health specialist, or qualified  
mental health practitioner adopted by the board pursuant to  
section 4758.23 of the Revised Code;

(10) Revocation of a license, certificate, or endorsement  
or voluntary surrender of a license, certificate, or endorsement  
in another state or jurisdiction for an offense that would be a  
violation of this chapter.

(B) The board shall not refuse to issue a license,  
certificate, or endorsement to an applicant because of a  
criminal conviction unless the refusal is in accordance with  
section 9.79 of the Revised Code.

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

**Sec. 4758.31.** (A) The ~~chemical dependency behavioral~~  
health professionals board shall investigate alleged violations  
of this chapter or the rules adopted under it and alleged  
irregularities in the delivery of ~~substance use disorder~~

~~counseling services, prevention services, or gambling disorder~~ 1565  
~~counseling services~~ by individuals who hold a license, 1566  
certificate, or endorsement issued under this chapter. As part 1567  
of an investigation, the board may issue subpoenas, examine 1568  
witnesses, and administer oaths. 1569

(B) In addition to section 4758.06 of the Revised Code, 1570  
all of the following apply under this chapter with respect to 1571  
the confidentiality of information: 1572

(1) Information received by the board pursuant to a 1573  
complaint or an investigation is confidential and not subject to 1574  
discovery in any civil action, except that the board may 1575  
disclose information to law enforcement officers and government 1576  
entities for purposes of an investigation of either an 1577  
individual who holds a license, certificate, or endorsement 1578  
issued under this chapter or an individual or entity that may 1579  
have engaged in the unauthorized provision of substance use 1580  
disorder counseling, prevention services, peer support services, 1581  
or services provided by a qualified mental health assistant, 1582  
qualified mental health specialist, or qualified mental health 1583  
practitioner. No law enforcement officer or government entity 1584  
with knowledge of any information disclosed by the board 1585  
pursuant to this division shall divulge the information to any 1586  
other person or government entity except for the purpose of a 1587  
government investigation, a prosecution, or an adjudication by a 1588  
court or government entity. 1589

(2) If an investigation requires a review of patient 1590  
records, the investigation and proceeding shall be conducted in 1591  
such a manner as to protect patient confidentiality. 1592

(3) All adjudications and investigations of the board are 1593  
civil actions for the purposes of section 2305.252 of the 1594

Revised Code. 1595

(4) Any board activity that involves continued monitoring 1596  
of an individual as part of or following any disciplinary action 1597  
taken under section 4758.30 of the Revised Code shall be 1598  
conducted in a manner that maintains the individual's 1599  
confidentiality. Information received or maintained by the board 1600  
with respect to the board's monitoring activities is not subject 1601  
to discovery in any civil action and is confidential, except 1602  
that the board may disclose information to law enforcement 1603  
officers and government entities for purposes of an 1604  
investigation of an individual holding a license, certificate, 1605  
or endorsement issued under this chapter. 1606

(C) The board may receive any information necessary to 1607  
conduct an investigation under this section that has been 1608  
obtained in accordance with federal laws and regulations. If the 1609  
board is investigating the provision of ~~substance use disorder~~ 1610  
~~counseling services or gambling disorder counseling services to~~ 1611  
a couple or group, it is not necessary for both members of the 1612  
couple or all members of the group to consent to the release of 1613  
information relevant to the investigation. 1614

(D) The board shall ensure, in accordance with rules 1615  
adopted under section 4758.20 of the Revised Code, that all 1616  
records it holds pertaining to an investigation remain 1617  
confidential ~~during the investigation. After the investigation,~~ 1618  
~~the records are public records except as otherwise provided by~~ 1619  
~~federal or state law.~~ 1620

**Sec. 4758.32.** For any hearing it conducts under this 1621  
chapter, the ~~chemical dependency~~ behavioral health professionals 1622  
board may appoint one of its voting members to act on behalf of 1623  
the board. It is not necessary that the member be an attorney to 1624

be appointed. The board shall make the appointment in writing. 1625

A finding or order of a member appointed to act on behalf 1626  
of the board is a finding or order of the board when confirmed 1627  
by the board. 1628

**Sec. 4758.35.** (A) An individual seeking a license, 1629  
certificate, or endorsement issued under this chapter shall 1630  
submit an application to the ~~chemical-dependency behavioral~~ 1631  
health professionals board in a manner that the board shall 1632  
prescribe. Each application shall state that a false statement 1633  
made on the application is the crime of falsification under 1634  
section 2921.13 of the Revised Code. 1635

(B) The board shall require an individual or individuals 1636  
employed by the board under section 4758.15 of the Revised Code 1637  
to do both of the following in accordance with criteria 1638  
established by rules adopted under section 4758.20 of the 1639  
Revised Code: 1640

(1) Receive and review all applications submitted to the 1641  
board; 1642

(2) Submit to the board all applications that the 1643  
individual or individuals ~~recommend the board review,~~ based on 1644  
the criteria established in the rules, recommend for review by 1645  
the board. 1646

(C) The board shall review all applications submitted to 1647  
the board pursuant to division (B) (2) of this section. 1648

**Sec. 4758.36.** As part of the review process under division 1649  
(C) of section 4758.35 of the Revised Code of an application 1650  
submitted by an applicant whose education or experience in 1651  
substance use disorder counseling, peer support services, 1652  
prevention services, ~~or~~ gambling disorder counseling, or 1653

services provided by a qualified mental health assistant, 1654  
qualified mental health specialist, or qualified mental health 1655  
practitioner was obtained outside the United States, or whose 1656  
education and experience both were obtained outside the United 1657  
States, the ~~chemical dependency~~ behavioral health professionals 1658  
board shall determine whether the applicant's command of the 1659  
English language and education or experience meet the standards 1660  
required by this chapter and rules adopted under it. 1661

**Sec. 4758.38.** (A) An individual seeking a qualified mental 1662  
health assistant certificate shall meet all of the following 1663  
requirements: 1664

(1) Be at least eighteen years of age; 1665

(2) Hold a high school diploma or the equivalent of a high 1666  
school diploma as determined by the board in rules adopted under 1667  
section 4758.20 of the Revised Code, or a higher degree; 1668

(3) Complete at least forty hours of training in mental 1669  
health content areas in accordance with division (D) of this 1670  
section. 1671

(B) An individual seeking a qualified mental health 1672  
specialist certificate shall meet all of the following 1673  
requirements: 1674

(1) Be at least eighteen years of age; 1675

(2) Meet any of the following qualifications: 1676

(a) Hold a high school diploma or the equivalent of a high 1677  
school diploma as determined by the board in rules adopted under 1678  
section 4758.20 of the Revised Code, or a higher degree, have at 1679  
least one thousand five hundred hours of experience working with 1680  
mental health, and have held a certificate to practice as a 1681

<u>qualified mental health assistant for at least twelve months;</u>	1682
<u>(b) Hold an associate's degree in a mental health-related</u>	1683
<u>field that includes at least three hundred hours of field</u>	1684
<u>placement, intern, or practicum experience;</u>	1685
<u>(c) Hold a bachelor's degree or higher in a field</u>	1686
<u>unrelated to mental health and complete forty hours of training</u>	1687
<u>in mental health content areas in accordance with division (D)</u>	1688
<u>of this section;</u>	1689
<u>(d) Hold a bachelor's degree or higher in a mental health-</u>	1690
<u>related field.</u>	1691
<u>(C) An individual seeking a qualified mental health</u>	1692
<u>practitioner certificate shall meet all of the following</u>	1693
<u>requirements:</u>	1694
<u>(1) Be at least eighteen years of age;</u>	1695
<u>(2) Meet any of the following qualifications:</u>	1696
<u>(a) Hold a high school diploma or the equivalent of a high</u>	1697
<u>school diploma as determined by the board in rules adopted under</u>	1698
<u>section 4758.20 of the Revised Code, or a higher degree, have at</u>	1699
<u>least six thousand hours of experience working with mental</u>	1700
<u>health, and have held a certificate to practice as a qualified</u>	1701
<u>mental health specialist for at least four years;</u>	1702
<u>(b) Hold an associate's degree in a mental health-related</u>	1703
<u>field and have at least three thousand hours of experience</u>	1704
<u>working with mental health, including at least four hundred</u>	1705
<u>forty hours of work experience in core mental health functions</u>	1706
<u>in accordance with rules adopted under section 4758.20 of the</u>	1707
<u>Revised Code;</u>	1708
<u>(c) Hold a bachelor's degree or higher in a field</u>	1709

unrelated to mental health and have at least three thousand 1710  
hours of experience working with mental health, including at 1711  
least four hundred forty hours of work experience in core mental 1712  
health functions in accordance with rules adopted under section 1713  
4758.20 of the Revised Code; 1714

(d) Hold a bachelor's degree in a mental health-related 1715  
field and have at least one thousand five hundred hours of 1716  
experience working with mental health; 1717

(e) Hold a master's degree or higher in a mental health- 1718  
related field. 1719

(D) In accordance with rules adopted under section 4758.20 1720  
of the Revised Code, the board shall develop or approve training 1721  
in mental health content areas that includes all of the 1722  
following: 1723

(1) Basics of community mental health and integrated 1724  
systems of care; 1725

(2) Ethics and ethical behavior; 1726

(3) Mental, emotional, and behavioral conditions, 1727  
symptoms, and impact on functioning; 1728

(4) Practical skills, such as screening, assessment, 1729  
treatment, intervention planning, referral, and coordination of 1730  
care; 1731

(5) Basic social and interpersonal skills for psychosocial 1732  
interventions for individuals, families, and groups; 1733

(6) Crisis response, relapse prevention, and recovery 1734  
support; 1735

(7) Health care documentation and technical writing for 1736

<u>health care;</u>	1737
<u>(8) Understanding specialized populations across the</u>	1738
<u>lifespan;</u>	1739
<u>(9) Trauma-informed care.</u>	1740
<u>(E) For purposes of this section, mental health-related</u>	1741
<u>degrees include associate's degrees or higher in any of the</u>	1742
<u>following fields:</u>	1743
<u>(1) Psychology;</u>	1744
<u>(2) Counseling;</u>	1745
<u>(3) Sociology;</u>	1746
<u>(4) Psychiatric rehabilitation;</u>	1747
<u>(5) Behavioral science;</u>	1748
<u>(6) Health and human services;</u>	1749
<u>(7) Human services;</u>	1750
<u>(8) Public or community health;</u>	1751
<u>(9) Rehabilitation;</u>	1752
<u>(10) Vocational rehabilitation;</u>	1753
<u>(11) Neuroscience;</u>	1754
<u>(12) Cognitive science;</u>	1755
<u>(13) Education;</u>	1756
<u>(14) Child development;</u>	1757
<u>(15) Child and family studies;</u>	1758
<u>(16) Family development;</u>	1759

<u>(17) Gerontology;</u>	1760
<u>(18) Criminal justice;</u>	1761
<u>(19) Any other degree approved by the board in accordance</u>	1762
<u>with rules adopted under section 4758.20 of the Revised Code.</u>	1763
<b>Sec. 4758.39.</b> An individual seeking an independent	1764
chemical dependency counselor-clinical supervisor license shall	1765
meet all of the following requirements:	1766
(A) Hold from an accredited educational institution <del>at-</del>	1767
<del>least</del> a master's degree <u>or higher</u> in either a behavioral science	1768
or nursing that meets the course requirements specified in rules	1769
adopted under section 4758.20 of the Revised Code;	1770
(B) Have not less than the number of hours specified in	1771
rules adopted under section 4758.20 of the Revised Code of	1772
compensated work or supervised internship experience, including	1773
at least the number of hours specified in those rules of	1774
clinical supervisory experience, in any of the following, not	1775
less than twenty per cent of which are in substance use disorder	1776
counseling:	1777
(1) <del>Substance use disorder</del> <u>The provision of services in</u>	1778
<u>substance use disorder counseling within a scope of practice</u>	1779
<u>that the board considers appropriate for an individual seeking</u>	1780
<u>an independent chemical dependency counselor-clinical supervisor</u>	1781
<u>license;</u>	1782
(2) The practice of psychology, as defined in section	1783
4732.01 of the Revised Code;	1784
(3) The practice of professional counseling, the practice	1785
of social work, or the practice of marriage and family therapy,	1786
all as defined in section 4757.01 of the Revised Code.	1787

(C) Have a minimum of the number of hours specified in 1788  
rules adopted under section 4758.20 of the Revised Code of 1789  
training in substance use disorders that meets the requirements 1790  
specified in those rules; 1791

(D) Unless the individual holds a valid license, 1792  
registration, certificate, or credentials issued under another 1793  
chapter of the Revised Code that authorizes the individual to 1794  
engage in a profession whose scope of practice includes the 1795  
clinical supervision of substance use disorder counseling, 1796  
substance use disorder counseling, and diagnosing and treating 1797  
substance use disorder conditions, pass one or more examinations 1798  
administered pursuant to section 4758.22 of the Revised Code for 1799  
the purpose of determining competence to practice as an 1800  
independent chemical dependency counselor-clinical supervisor. 1801

**Sec. 4758.40.** An individual seeking an independent 1802  
chemical dependency counselor license shall meet all of the 1803  
following requirements: 1804

(A) Hold from an accredited educational institution ~~at-~~ 1805  
~~least~~ a master's degree or higher in a behavioral science or 1806  
nursing that meets the course requirements specified in rules 1807  
adopted under section 4758.20 of the Revised Code; 1808

(B) Have not less than the number of hours specified in 1809  
rules adopted under section 4758.20 of the Revised Code of 1810  
compensated work or supervised internship experience in any of 1811  
the following, not less than twenty per cent of which are in 1812  
substance use disorder counseling: 1813

(1) Substance use disorder The provision of services in 1814  
substance use disorder counseling within a scope of practice 1815  
that the board considers appropriate for an individual seeking 1816

<u>an independent chemical dependency counselor license;</u>	1817
(2) The practice of psychology, as defined in section 4732.01 of the Revised Code;	1818 1819
(3) The practice of professional counseling, the practice of social work, or the practice of marriage and family therapy, all as defined in section 4757.01 of the Revised Code.	1820 1821 1822
(C) Have a minimum of the number of hours specified in rules adopted under section 4758.20 of the Revised Code of training in substance use disorders that meets the requirements specified in those rules;	1823 1824 1825 1826
(D) Unless the individual holds a valid license, registration, certificate, or credentials issued under another chapter of the Revised Code that authorizes the individual to engage in a profession whose scope of practice includes substance use disorder counseling and diagnosing and treating substance use disorder conditions, pass one or more examinations administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as an independent chemical dependency counselor.	1827 1828 1829 1830 1831 1832 1833 1834 1835
<b>Sec. 4758.41.</b> An individual seeking a chemical dependency counselor III license shall meet all of the following requirements:	1836 1837 1838
(A) Hold from an accredited educational institution <del>at least</del> <u>at either of the following:</u>	1839 1840
(1) <u>A bachelor's degree or higher</u> in a behavioral science or nursing that meets the course requirements specified in rules adopted under section 4758.20 of the Revised Code;	1841 1842 1843
(2) <u>A bachelor's degree or higher in any field if the</u>	1844

individual also completes, from an accredited educational 1845  
institution, a specific course of study in substance use 1846  
disorders and a specialized substance use disorder internship or 1847  
practicum, both of which meet requirements specified in rules 1848  
adopted under section 4758.20 of the Revised Code. 1849

(B) Have not less than the number of hours specified in 1850  
rules adopted under section 4758.20 of the Revised Code of 1851  
compensated work or supervised internship experience in any of 1852  
the following, not less than twenty per cent of which are in 1853  
substance use disorder counseling: 1854

(1) ~~Substance use disorder~~ The provision of services in 1855  
substance use disorder counseling within a scope of practice 1856  
that the board considers appropriate for an individual seeking a 1857  
chemical dependency counselor III license; 1858

(2) The practice of psychology, as defined in section 1859  
4732.01 of the Revised Code; 1860

(3) The practice of professional counseling, the practice 1861  
of social work, or the practice of marriage and family therapy, 1862  
all as defined in section 4757.01 of the Revised Code. 1863

(C) Have a minimum of the number of hours specified in 1864  
rules adopted under section 4758.20 of the Revised Code of 1865  
training in substance use disorders that meets the requirements 1866  
specified in those rules; 1867

(D) Unless the individual holds a valid license, 1868  
registration, certificate, or credentials issued under another 1869  
chapter of the Revised Code that authorizes the individual to 1870  
engage in a profession whose scope of practice includes 1871  
substance use disorder counseling and diagnosing and treating 1872  
substance use disorder conditions, pass one or more examinations 1873

administered pursuant to section 4758.22 of the Revised Code for 1874  
the purpose of determining competence to practice as a chemical 1875  
dependency counselor III. 1876

**Sec. 4758.42.** An individual seeking a chemical dependency 1877  
counselor II license shall meet the requirements of division (A) 1878  
or (B) of this section. 1879

(A) To meet the requirements of this division, an 1880  
individual must meet all of the following requirements: 1881

(1) Hold from an accredited educational institution an 1882  
associate's degree in a behavioral science or nursing or a 1883  
bachelor's degree in any field; 1884

(2) Have not less than the number of hours specified in 1885  
rules adopted under section 4758.20 of the Revised Code of 1886  
compensated work or supervised internship experience in any of 1887  
the following, not less than twenty per cent of which are in 1888  
substance use disorder counseling: 1889

(a) ~~Substance use disorder~~ The provision of services in 1890  
substance use disorder counseling within a scope of practice 1891  
that the board considers appropriate for an individual seeking a 1892  
chemical dependency counselor II license; 1893

(b) The practice of psychology, as defined in section 1894  
4732.01 of the Revised Code; 1895

(c) The practice of professional counseling, the practice 1896  
of social work, or the practice of marriage and family therapy, 1897  
all as defined in section 4757.01 of the Revised Code. 1898

(3) Have a minimum of the number of hours specified in 1899  
rules adopted under section 4758.20 of the Revised Code of 1900  
training in substance use disorders that meets the requirements 1901

specified in those rules;	1902
(4) Pass one or more examinations administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as a chemical dependency counselor II.	1903 1904 1905 1906
(B) To meet the requirements of this division, an individual must meet all of the following requirements:	1907 1908
(1) Hold from an accredited educational institution an associate's or bachelor's degree in either of the following with a specialization in substance use disorder counseling:	1909 1910 1911
(a) A behavioral science;	1912
(b) Nursing.	1913
(2) Have a minimum of one hundred eighty hours of education in substance use disorders that meets the requirements specified in rules adopted under section 4758.20 of the Revised Code;	1914 1915 1916 1917
(3) While holding a valid chemical dependency counselor assistant certificate, have successfully completed, over the course of not more than any two semesters, at least two hundred forty hours of supervised practicum experience in substance use disorder treatment through a program that meets all of the following requirements:	1918 1919 1920 1921 1922 1923
(a) The program includes at least two hours per week of supervised practicum experience;	1924 1925
(b) The program provides intensive outpatient treatment or a higher level of care, or another level of care if specified in rules adopted under section 4758.20 of the Revised Code;	1926 1927 1928

(c) The program meets other requirements specified in rules adopted under that section.	1929 1930
(4) Have at least one thousand hours of compensated work experience as a chemical dependency counselor assistant;	1931 1932
(5) Provide to the <del>chemical dependency</del> <u>behavioral health</u> professionals board a written recommendation from an individual who supervised the individual's practice of substance use disorder counseling as a chemical dependency counselor assistant as required by division (B) of section 4758.59 of the Revised Code;	1933 1934 1935 1936 1937 1938
(6) Pass one or more examinations administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as a chemical dependency counselor II.	1939 1940 1941 1942
<b>Sec. 4758.43.</b> An individual seeking a chemical dependency counselor assistant certificate shall <del>have</del> <u>meet all of the following requirements:</u>	1943 1944 1945
<u>(A) Be at least eighteen years of age;</u>	1946
<u>(B) Hold a high school diploma, a certificate of high school equivalance, or a higher degree;</u>	1947 1948
<u>(C) Have at least the number of hours in training or education</u> specified in rules adopted under section 4758.20 of the Revised Code <del>of training in related to</del> substance use disorder counseling <del>that meets the requirements specified in these rules;</del>	1949 1950 1951 1952 1953
<u>(D) Obtain a chemical dependency counselor preliminary certificate in accordance with rules adopted under section 4758.20 of the Revised Code.</u>	1954 1955 1956

**Sec. 4758.44.** An individual seeking a prevention consultant certificate shall meet all of the following requirements:

(A) Have at least the number of hours specified in rules adopted under section 4758.20 of the Revised Code of compensated work experience in prevention services, including at least the number of hours specified in those rules of administering or supervising the services;

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

(C) Have at least the number of hours specified in rules adopted under section 4758.20 of the Revised Code of prevention-related education that meets the requirements specified in those rules;

(D) Have at least the number of hours specified in rules adopted under section 4758.20 of the Revised Code of administrative or supervisory education;

(E) Pass one or more examinations administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as a prevention consultant.

**Sec. 4758.45.** An individual seeking a prevention specialist certificate shall meet all of the following requirements:

(A) Have at least the number of hours specified in rules adopted under section 4758.20 of the Revised Code of compensated or volunteer work, field placement, intern, or practicum experience in prevention services, including at least the number

of hours specified in those rules of planning or delivering the 1986  
services; 1987

(B) Hold from an accredited educational institution ~~at-~~ 1988  
~~least~~ an associate's degree or higher in a field of study 1989  
specified in rules adopted under section 4758.20 of the Revised 1990  
Code; 1991

(C) Have at least the number of hours specified in rules 1992  
adopted under section 4758.20 of the Revised Code of prevention- 1993  
related education that meets the requirements specified in those 1994  
rules; 1995

(D) Pass one or more examinations administered pursuant to 1996  
section 4758.22 of the Revised Code for the purpose of 1997  
determining competence to practice as a prevention specialist. 1998

**Sec. 4758.46.** An individual seeking a prevention 1999  
specialist assistant certificate shall meet all of the following 2000  
requirements: 2001

(A) Be at least eighteen years of age; 2002

(B) Have ~~at least~~ a high school diploma ~~or~~, certificate 2003  
of high school equivalence, or a higher degree; 2004

(C) Have at least the number of hours specified in rules 2005  
adopted under section 4758.20 of the Revised Code of compensated 2006  
or volunteer work, field placement, intern, or practicum 2007  
experience in prevention services; 2008

(D) Have at least the number of hours specified in rules 2009  
adopted under section 4758.20 of the Revised Code of prevention- 2010  
related education that meets the requirements specified in those 2011  
rules. 2012

**Sec. 4758.47.** An individual seeking a registered applicant 2013

certificate shall meet all of the following requirements: 2014

(A) Be at least eighteen years of age; 2015

(B) Have ~~at least a high school diploma or~~, a certificate of high school equivalence, or a higher degree; 2016  
2017

(C) Submit to the ~~chemical dependency~~ behavioral health professionals board a professional development plan that is 2018  
2019  
acceptable to the board. 2020

**Sec. 4758.48.** (A) An individual is not eligible for a 2021  
gambling disorder endorsement ~~unless only if the individual~~ 2022  
~~meets the requirements of divisions (A) and (B) of this~~ 2023  
~~section.~~ both of the following conditions: 2024

~~(A)(1)~~ (1) The individual is an independent chemical 2025  
dependency counselor, chemical dependency counselor III, or 2026  
chemical dependency counselor II licensed under this chapter. 2027

~~(B)(2)~~ (2) Except as ~~otherwise provided in this division (B)~~ 2028  
of this section, the individual has completed both of the 2029  
following: 2030

~~(1)(a)~~ (a) A minimum of thirty hours of gambling disorder 2031  
training that meets the requirements prescribed in rules adopted 2032  
under section 4758.20 of the Revised Code; ~~and~~ 2033

~~(2)(b)~~ (b) A minimum of one hundred hours of compensated work 2034  
or supervised internship in gambling disorder direct clinical 2035  
experience. 2036

(B) An individual may be issued an initial gambling 2037  
~~disorder endorsement without having complied with division (B)~~ 2038  
~~(2) who has not satisfied the conditions described in division~~ 2039  
(A) (2) (b) of this section, but may be issued a gambling disorder 2040  
preliminary endorsement. To be eligible for a gambling disorder 2041

endorsement after the preliminary endorsement expires, the 2042  
individual shall ~~comply with division (B) (2) of this section~~ 2043  
~~before expiration~~ satisfy the conditions described in division 2044  
(A) (2) (b) of this section within the two-year period following 2045  
issuance of the ~~initial preliminary~~ endorsement. ~~An individual~~ 2046  
~~who fails to comply with this paragraph is not entitled to~~ 2047  
~~renewal of the initial endorsement.~~ 2048

Sec. 4758.49. (A) An individual seeking a peer recovery 2049  
supporter certificate shall meet all of the following 2050  
requirements: 2051

(1) Be at least eighteen years of age; 2052

(2) Hold a high school diploma or the equivalent of a high 2053  
school diploma as determined by the board in rules adopted under 2054  
section 4758.20 of the Revised Code, or a higher degree; 2055

(3) Attest that the individual has direct lived experience 2056  
with mental illness or substance use disorder and is in recovery 2057  
from a mental illness or substance use disorder; 2058

(4) Complete at least the number of hours of competency- 2059  
based peer services training specified in rules adopted under 2060  
section 4758.20 of the Revised Code; 2061

(5) Pass one or more examinations administered pursuant to 2062  
section 4758.22 of the Revised Code for the purpose of 2063  
determining competence to practice as a peer recovery supporter; 2064

(6) Attest to having read and understood the code of 2065  
ethical practice and professional conduct established under 2066  
section 4758.23 of the Revised Code for peer recovery 2067  
supporters. 2068

(B) An individual seeking a youth peer supporter 2069

<u>certificate shall meet all of the following requirements:</u>	2070
<u>(1) Be at least eighteen years of age but not more than</u>	2071
<u>thirty years of age;</u>	2072
<u>(2) Hold a high school diploma or the equivalent of a high</u>	2073
<u>school diploma as determined by the board in rules adopted under</u>	2074
<u>section 4758.20 of the Revised Code, or a higher degree;</u>	2075
<u>(3) Attest that the individual has direct lived experience</u>	2076
<u>with the behavioral health system and other child or youth</u>	2077
<u>services systems;</u>	2078
<u>(4) Complete at least the number of hours of competency-</u>	2079
<u>based peer services training, including training specific to</u>	2080
<u>youth peer support services, specified in rules adopted under</u>	2081
<u>section 4758.20 of the Revised Code;</u>	2082
<u>(5) Pass one or more examinations administered pursuant to</u>	2083
<u>section 4758.22 of the Revised Code for the purpose of</u>	2084
<u>determining competence to practice as a youth peer supporter;</u>	2085
<u>(6) Attest to having read and understood the code of</u>	2086
<u>ethical practice and professional conduct established under</u>	2087
<u>section 4758.23 of the Revised Code for youth peer supporters.</u>	2088
<u>(C) An individual seeking a family peer supporter</u>	2089
<u>certificate shall meet all of the following requirements:</u>	2090
<u>(1) Be at least twenty-one years of age;</u>	2091
<u>(2) Hold a high school diploma or the equivalent of a high</u>	2092
<u>school diploma as determined by the board in rules adopted under</u>	2093
<u>section 4758.20 of the Revised Code, or a higher degree;</u>	2094
<u>(3) Attest that the individual has direct lived experience</u>	2095
<u>as the caregiver of an individual with mental illness or</u>	2096

substance use disorder and has successfully navigated service 2097  
systems for at least one year on behalf of the individual; 2098

(4) Complete at least the number of hours of competency- 2099  
based peer services training, including training specific to 2100  
family peer support services, specified in rules adopted under 2101  
section 4758.20 of the Revised Code; 2102

(5) Pass one or more examinations administered pursuant to 2103  
section 4758.22 of the Revised Code for the purpose of 2104  
determining competence to practice as a family peer supporter; 2105

(6) Attest to having read and understood the code of 2106  
ethical practice and professional conduct established under 2107  
section 4758.23 of the Revised Code for family peer supporters. 2108

**Sec. 4758.491.** An individual seeking a peer support 2109  
supervisor endorsement shall meet all of the following 2110  
requirements: 2111

(A) Hold an active independent chemical dependency 2112  
counselor, chemical dependency counselor III, or chemical 2113  
dependency counselor II license, or peer recovery supporter, 2114  
youth peer supporter, or family peer supporter certificate 2115  
issued under this chapter; 2116

(B) Have provided services under either of the following 2117  
for at least two years: 2118

(1) An active license or certification described in 2119  
division (A) of this section; 2120

(2) A peer recovery supporter, youth peer supporter, or 2121  
family peer supporter certificate issued by the department of 2122  
behavioral health prior to one year after the effective date of 2123  
this section. 2124

(C) Complete the number of hours of online learning 2125  
specified in rules adopted under section 4758.20 of the Revised 2126  
Code; 2127

(D) Complete a supervising peers training program that 2128  
meets the standards established in rules adopted under section 2129  
4758.20 of the Revised Code. 2130

**Sec. 4758.51.** (A) Except as provided in division (C) of 2131  
this section and in accordance with rules adopted under section 2132  
4758.20 of the Revised Code, each individual who holds a 2133  
license, certificate, or endorsement issued under this chapter,~~—~~ 2134  
~~other than an initial chemical dependency counselor assistant—~~ 2135  
~~certificate,~~ that is permitted to be renewed shall complete 2136  
during the period that the license, certificate, or endorsement 2137  
is in effect not less than the following number of clock hours 2138  
of continuing education as a condition of receiving a renewed 2139  
license, certificate, or endorsement: 2140

(1) In the case of an individual holding a prevention 2141  
specialist assistant certificate, twenty; 2142

(2) In the case of an individual holding a gambling 2143  
disorder endorsement, six; 2144

(3) In the case of any other individual, thirty, including 2145  
three hours in ethics for qualified mental health assistants, 2146  
qualified mental health specialists, and qualified mental health 2147  
practitioners, except as follows: 2148

(a) If the individual is age sixty-five years or older, 2149  
twenty; 2150

(b) If the individual holds an international certificate 2151  
from the international certification and reciprocity consortium, 2152  
the number of clock hours required by the consortium. 2153

(B) Except as provided in division (C) of this section, an individual whose license, certificate, or endorsement issued under this chapter, ~~other than an initial chemical dependency counselor assistant certificate,~~ has expired and is permitted to be restored shall complete the number of hours of continuing education specified in rules adopted under section 4758.20 of the Revised Code as a condition of receiving a restored license, certificate, or endorsement.

(C) The ~~chemical dependency~~ behavioral health professionals board may waive the continuing education requirements established under this section for individuals who are unable to fulfill them because of military service, illness, residence outside the United States, or any other reason the board considers acceptable.

**Sec. 4758.54.** In addition to practicing substance use disorder counseling, an individual holding a valid independent chemical dependency counselor-clinical supervisor license may do all of the following:

(A) Diagnose and treat substance use disorder conditions;

(B) Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and education services as they relate to ~~abuse of and dependency on alcohol and other drugs~~ behavioral conditions related to substance use disorder;

(C) Provide clinical supervision of substance use disorder counseling;

~~(D) Refer individuals with non-substance use disorder conditions to appropriate sources of help.~~

**Sec. 4758.55.** In addition to practicing substance use

disorder counseling, an individual holding a valid independent 2183  
chemical dependency counselor license may do all of the 2184  
following: 2185

(A) Diagnose and treat substance use disorder conditions; 2186

(B) Perform treatment planning, assessment, crisis 2187  
intervention, individual and group counseling, case management, 2188  
and education services as they relate to ~~abuse of and dependency~~ 2189  
~~on alcohol and other drugs~~ behavioral conditions related to 2190  
substance use disorder; 2191

(C) Provide clinical supervision of substance use disorder 2192  
counseling under the supervision of any of the following: 2193

(1) An independent chemical dependency counselor-clinical 2194  
supervisor licensed under this chapter; 2195

(2) An individual authorized under Chapter 4731. of the 2196  
Revised Code to practice medicine and surgery or osteopathic 2197  
medicine and surgery; 2198

(3) A psychologist licensed under Chapter 4732. of the 2199  
Revised Code; 2200

(4) A registered nurse licensed under Chapter 4723. of the 2201  
Revised Code or licensed professional clinical counselor, 2202  
independent social worker, or independent marriage and family 2203  
therapist licensed under Chapter 4757. of the Revised Code if 2204  
such supervision is consistent with the scope of practice of the 2205  
registered nurse, licensed professional clinical counselor, 2206  
independent social worker, or independent marriage and family 2207  
therapist; 2208

(5) An individual authorized to practice as a certified 2209  
nurse practitioner or clinical nurse specialist under Chapter 2210

4723. of the Revised Code.	2211
<del>(D) Refer individuals with non-substance use disorder</del>	2212
<del>conditions to appropriate sources of help.</del>	2213
<b>Sec. 4758.56.</b> (A) In addition to practicing substance use	2214
disorder counseling, an individual holding a valid chemical	2215
dependency counselor III license may do all of the following:	2216
(1) Diagnose substance use disorder conditions under the	2217
supervision of any of the professionals listed in section	2218
4758.561 of the Revised Code;	2219
(2) Treat substance use disorder conditions;	2220
(3) Perform treatment planning, assessment, crisis	2221
intervention, individual and group counseling, case management,	2222
and education services as they relate to <del>abuse of and dependency</del>	2223
<del>on alcohol and other drugs</del> <u>behavioral conditions related to</u>	2224
<u>substance use disorder;</u>	2225
(4) Provide clinical supervision of substance use disorder	2226
counseling under the supervision of any of the professionals	2227
listed in section 4758.561 of the Revised Code <del>;</del>	2228
<del>(5) Refer individuals with non-substance use disorder</del>	2229
<del>conditions to appropriate sources of help.</del>	2230
(B) A chemical dependency counselor III may not practice	2231
as an individual practitioner.	2232
<b>Sec. 4758.57.</b> (A) In addition to practicing substance use	2233
disorder counseling, an individual holding a valid chemical	2234
dependency counselor II license may <del>do both of the following:</del>	2235
<del>(1) Perform</del> <u>perform</u> treatment planning, assessment, crisis	2236
intervention, individual and group counseling, case management,	2237

and education services as they relate to abuse of and dependency 2238  
on alcohol and other drugs; 2239

~~(2) Refer individuals with non-substance use disorder 2240  
conditions to appropriate sources of help. 2241~~

(B) A chemical dependency counselor II may not practice as 2242  
an individual practitioner. 2243

**Sec. 4758.59.** (A) Subject to division (B) of this section, 2244  
an individual holding a valid chemical dependency counselor 2245  
assistant certificate may ~~do both of the following in addition 2246  
to practicing chemical dependency counseling: 2247~~

~~(1) Perform perform treatment planning, assessment, crisis 2248  
intervention, individual and group counseling, case management, 2249  
and education services as they relate to abuse of or dependency 2250  
on alcohol and other drugs; 2251~~

~~(2) Refer individuals with non-substance use disorder 2252  
conditions to appropriate sources of help. 2253~~

(B) An individual holding a valid chemical dependency 2254  
counselor assistant certificate may practice substance use 2255  
disorder counseling and perform the tasks specified in division 2256  
(A) of this section only while under the supervision of any of 2257  
the following: 2258

(1) An independent chemical dependency counselor-clinical 2259  
supervisor, independent chemical dependency counselor, or 2260  
chemical dependency counselor III licensed under this chapter; 2261

(2) An individual authorized under Chapter 4731. of the 2262  
Revised Code to practice medicine and surgery or osteopathic 2263  
medicine and surgery; 2264

(3) A psychologist licensed under Chapter 4732. of the 2265

Revised Code;	2266
(4) A registered nurse licensed under Chapter 4723. of the Revised Code or licensed professional clinical counselor, independent social worker, or independent marriage and family therapist licensed under Chapter 4757. of the Revised Code if such supervision is consistent with the scope of practice of the registered nurse, licensed professional clinical counselor, independent social worker, or independent marriage and family therapist;	2267 2268 2269 2270 2271 2272 2273 2274
(5) An individual authorized to practice as a certified nurse practitioner or clinical nurse specialist under Chapter 4723. of the Revised Code.	2275 2276 2277
(C) A chemical dependency counselor assistant may not practice as an individual practitioner.	2278 2279
<b>Sec. 4758.62.</b> An individual who holds an independent chemical dependency counselor license and a gambling disorder endorsement may do all of the following:	2280 2281 2282
(A) Diagnose and treat gambling disorder conditions;	2283
(B) Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and educational services insofar as those functions relate to gambling disorders;	2284 2285 2286 2287
(C) Supervise gambling disorder counseling; and	2288
<del>(D) Refer individuals with other gambling conditions to appropriate sources of help.</del>	2289 2290
<b>Sec. 4758.63.</b> (A) An individual who holds a chemical dependency counselor III license and a gambling disorder endorsement may do all of the following:	2291 2292 2293

<del>(A)</del> <u>(1)</u> Treat gambling disorder conditions;	2294
<del>(B)</del> <u>(2)</u> Diagnose gambling disorder conditions under supervision;	2295 2296
<del>(C)</del> <u>(3)</u> Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and educational services insofar as those functions relate to gambling disorders;	2297 2298 2299 2300
<del>(D)</del> <u>(4)</u> Supervise gambling disorder counseling under supervision; <del>and</del>	2301 2302
<del>(E) Refer individuals with other gambling conditions to appropriate sources of help.</del>	2303 2304
<u>(B)</u> The supervision required by divisions <del>(B)</del> <u>(A) (2)</u> and <del>(D)</del> <u>(4)</u> of this section shall be provided by an independent chemical dependency counselor licensed under this chapter; an individual authorized to practice medicine and surgery or osteopathic medicine and surgery under Chapter 4731. of the Revised Code; a psychologist licensed under Chapter 4732. of the Revised Code; an individual authorized to practice as a certified nurse practitioner or clinical nurse specialist under Chapter 4723. of the Revised Code; a registered nurse licensed under Chapter 4723. of the Revised Code; or a professional clinical counselor, independent social worker, or independent marriage and family therapist licensed under Chapter 4757. of the Revised Code.	2305 2306 2307 2308 2309 2310 2311 2312 2313 2314 2315 2316 2317
<u>(C)</u> An individual holding a chemical dependency counselor III license <u>and a gambling disorder endorsement</u> shall not practice as an individual practitioner.	2318 2319 2320
<b>Sec. 4758.64.</b> <u>(A)</u> An individual who holds a chemical dependency counselor II license and a gambling disorder	2321 2322

endorsement may do ~~all~~ both of the following: 2323

~~(A)~~ (1) Treat gambling disorder conditions; 2324

~~(B)~~ (2) Perform treatment planning, assessment, crisis 2325  
intervention, individual and group counseling, case management, 2326  
and educational services insofar as those functions relate to 2327  
gambling disorders, ~~and~~ 2328

~~(C) Refer individuals with other gambling conditions to~~ 2329  
~~appropriate sources of help.~~ 2330

(B) An individual holding a chemical dependency counselor 2331  
II license and a gambling disorder endorsement shall not 2332  
practice as an individual practitioner. 2333

**Sec. 4758.65.** (A) The activities described in division (B) 2334  
of this section may be performed only under the supervision of 2335  
an individual described in section 4758.651 of the Revised Code. 2336

(B) (1) A peer supporter certified under this chapter may 2337  
work with the following populations: 2338

(a) In the case of a peer recovery supporter, individuals 2339  
with a mental illness or substance use disorder, or both, and 2340  
who may also have a co-occurring developmental disability, as 2341  
well as the individuals' caregivers or families; 2342

(b) In the case of a youth peer supporter, individuals, 2343  
primarily those who are not more than thirty years of age, with 2344  
a mental illness or substance use disorder, or both, and who may 2345  
also have a co-occurring developmental disability, as well as 2346  
the individuals' caregivers or families; 2347

(c) In the case of a family peer supporter, caregivers or 2348  
families of individuals with a mental illness or substance use 2349  
disorder, or both, and who may also have a co-occurring 2350

<u>developmental disability.</u>	2351
<u>(2) A peer supporter certified under this chapter may</u>	2352
<u>promote any of the following competencies for the populations</u>	2353
<u>within the peer supporter's scope of practice as specified in</u>	2354
<u>division (B) (1) of this section:</u>	2355
<u>(a) Resiliency and recovery;</u>	2356
<u>(b) Self-determination;</u>	2357
<u>(c) Advocacy;</u>	2358
<u>(d) Well-being;</u>	2359
<u>(e) Skill development;</u>	2360
<u>(f) Any other competencies specified in rules adopted</u>	2361
<u>pursuant to section 4758.20 of the Revised Code.</u>	2362
<u>(3) A peer supporter may perform any other tasks within</u>	2363
<u>the peer supporter's scope of practice as established in rules</u>	2364
<u>adopted pursuant to section 4758.20 of the Revised Code.</u>	2365
<u>(C) A peer supporter may not practice as an individual</u>	2366
<u>practitioner.</u>	2367
<b>Sec. 4758.651.</b> <u>For purposes of section 4758.65 of the</u>	2368
<u>Revised Code, any of the following may supervise a peer</u>	2369
<u>supporter certified under this chapter:</u>	2370
<u>(A) A peer recovery supporter, youth peer supporter, or</u>	2371
<u>family peer supporter certified under this chapter who holds a</u>	2372
<u>peer support supervisor endorsement issued under this chapter;</u>	2373
<u>(B) A chemical dependency counselor II, chemical</u>	2374
<u>dependency counselor III, or independent chemical dependency</u>	2375
<u>counselor licensed under this chapter who holds a peer support</u>	2376
<u>supervisor endorsement issued under this chapter;</u>	2377

(C) Any of the following who has completed the training 2378  
requirements specified in rules adopted under section 4758.20 of 2379  
the Revised Code to supervise peer supporters without holding a 2380  
peer support supervisor endorsement issued under this chapter: 2381

(1) A social worker, independent social worker, 2382  
professional counselor, professional clinical counselor, 2383  
marriage and family therapist, or independent marriage and 2384  
family therapist licensed under Chapter 4757. of the Revised 2385  
Code, if such supervision is consistent with the scope of 2386  
practice of the social worker, independent social worker, 2387  
professional counselor, professional clinical counselor, 2388  
marriage and family therapist, or independent marriage and 2389  
family therapist; 2390

(2) A psychologist licensed under Chapter 4732. of the 2391  
Revised Code; 2392

(3) A psychiatrist. 2393

**Sec. 4758.66.** (A) The activities described in division (B) 2394  
of this section may be performed only under the supervision of 2395  
an individual described in section 4758.661 of the Revised Code. 2396

(B) (1) A qualified mental health assistant certified under 2397  
this chapter may perform psychosocial interventions, case 2398  
management, psychoeducational services, care coordination, and 2399  
crisis intervention with an individual, with a family, or in a 2400  
group setting. 2401

(2) A qualified mental health specialist certified under 2402  
this chapter may perform treatment and intervention planning, 2403  
assessment, and evaluation with an individual, with a family, or 2404  
in a group setting, in addition to the activities of qualified 2405  
mental health assistants specified in division (B) (1) of this 2406

<u>section.</u>	2407
<u>(3) A qualified mental health practitioner certified under this chapter may do all of the following:</u>	2408 2409
<u>(a) Develop and provide solution-focused interventions and emotional and behavioral management drawn from evidence-based techniques that increase knowledge and understanding of an individual's mental, emotional, or behavioral condition to do all of the following:</u>	2410 2411 2412 2413 2414
<u>(i) Enhance acceptance, cooperation, and collaboration with treatment and treatment planning;</u>	2415 2416
<u>(ii) Promote skill development, problem solving, positive coping mechanisms, conflict resolution, emotional and other behavioral regulation, and crisis management and stabilization;</u>	2417 2418 2419
<u>(iii) Restore daily functioning and social and interpersonal skills to increase connection to family and community, enhance personal relationships, establish support networks, increase community awareness, use community resources and other self-care requirements, and promote effective functioning in the individual's social environment, including home, work, and school, to enhance independent living.</u>	2420 2421 2422 2423 2424 2425 2426
<u>(b) Perform biopsychosocial assessments;</u>	2427
<u>(c) Perform the activities of qualified mental health specialists specified in division (B) (2) of this section.</u>	2428 2429
<u>(C) Nothing in this section authorizes a qualified mental health assistant, qualified mental health specialist, or qualified mental health practitioner to do any of the following:</u>	2430 2431 2432
<u>(1) Diagnose mental, emotional, and behavioral conditions;</u>	2433

<u>(2) Diagnose substance use disorder conditions;</u>	2434
<u>(3) Authorize a treatment plan.</u>	2435
<u>(D) An individual certified as a qualified mental health assistant, qualified mental health specialist, or qualified mental health practitioner under this chapter shall refer individuals with conditions outside of the professional's competency to appropriate sources of care.</u>	2436 2437 2438 2439 2440
<u><b>Sec. 4758.661.</b> (A) For purposes of section 4758.66 of the Revised Code, any of the following may supervise a qualified mental health assistant, qualified mental health specialist, or qualified mental health practitioner certified under this chapter:</u>	2441 2442 2443 2444 2445
<u>(1) A social worker, independent social worker, professional counselor, professional clinical counselor, marriage and family therapist, or independent marriage and family therapist licensed under Chapter 4757. of the Revised Code, if such supervision is consistent with the scope of practice of the social worker, independent social worker, professional counselor, professional clinical counselor, marriage and family therapist, or independent marriage and family therapist;</u>	2446 2447 2448 2449 2450 2451 2452 2453 2454
<u>(2) A psychologist licensed under Chapter 4732. of the Revised Code;</u>	2455 2456
<u>(3) A physician licensed to practice medicine and surgery or osteopathic medicine and surgery under Chapter 4731. of the Revised Code, including a psychiatrist;</u>	2457 2458 2459
<u>(4) A physician assistant licensed under Chapter 4730. of the Revised Code;</u>	2460 2461

(5) A certified nurse practitioner licensed under Chapter 4723. of the Revised Code who is certified as a psychiatric-mental health nurse practitioner by a national certifying organization approved by the board of nursing under section 4723.46 of the Revised Code; 2462  
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(6) A clinical nurse specialist licensed under Chapter 4723. of the Revised Code who is certified as a psychiatric-mental health clinical nurse specialist by a national certifying organization approved under section 4723.46 of the Revised Code. 2467  
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(B) A qualified mental health practitioner certified under this chapter may supervise a qualified mental health assistant or a qualified mental health specialist certified under this chapter. 2471  
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**Sec. 4758.70.** (A) Except to the extent of providing services authorized by this chapter, this chapter does not authorize any individual to engage in either of the following: 2475  
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~~(A)~~ (1) The practice of psychology as defined in section 4732.01 of the Revised Code; 2478  
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~~(B)~~ (2) The practice of professional counseling, practice of social work, or practice of marriage and family therapy, as those terms are defined in section 4757.01 of the Revised Code. 2480  
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(B) Peer recovery supporters, youth peer supporters, or family peer supporters certified under this chapter are not authorized to engage in the practice of substance use disorder counseling or prevention services. 2483  
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**Sec. 4758.72.** The ~~chemical dependency~~ behavioral health professionals board shall comply with section 4776.20 of the Revised Code. 2487  
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<b>Sec. 4776.01.</b> As used in this chapter:	2490
(A) "License" means an authorization evidenced by a	2491
license, certificate, registration, permit, card, or other	2492
authority that is issued or conferred by a licensing agency to a	2493
licensee or to an applicant for an initial license by which the	2494
licensee or initial license applicant has or claims the	2495
privilege to engage in a profession, occupation, or occupational	2496
activity, or, except in the case of the state dental board, to	2497
have control of and operate certain specific equipment,	2498
machinery, or premises, over which the licensing agency has	2499
jurisdiction.	2500
(B) Except as provided in section 4776.20 of the Revised	2501
Code, "licensee" means the person to whom the license is issued	2502
by a licensing agency. "Licensee" includes a person who, for	2503
purposes of section 3796.13 of the Revised Code, has complied	2504
with sections 4776.01 to 4776.04 of the Revised Code and has	2505
been determined by the division of cannabis control, as the	2506
applicable licensing agency, to meet the requirements for	2507
employment.	2508
(C) Except as provided in section 4776.20 of the Revised	2509
Code, "licensing agency" means any of the following:	2510
(1) The board authorized by Chapters 4701., 4717., 4725.,	2511
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4751.,	2512
4753., 4755., 4757., <u>4758.</u> , 4759., 4760., 4761., 4762., 4772.,	2513
4774., 4778., 4779., and 4783. of the Revised Code to issue a	2514
license to engage in a specific profession, occupation, or	2515
occupational activity, or to have charge of and operate certain	2516
specific equipment, machinery, or premises.	2517
(2) The state dental board, relative to its authority to	2518

issue a license pursuant to section 4715.12, 4715.16, 4715.21,  
or 4715.27 of the Revised Code;

(3) The division of marijuana control, relative to its  
authority under Chapter 3796. of the Revised Code and any rules  
adopted under that chapter with respect to a person who is  
subject to section 3796.13 of the Revised Code;

(4) The director of agriculture, relative to the  
director's authority to issue licenses under Chapter 928. of the  
Revised Code.

(D) "Applicant for an initial license" includes persons  
seeking a license for the first time and persons seeking a  
license by reciprocity, endorsement, or similar manner of a  
license issued in another state. "Applicant for an initial  
license" also includes a person who, for purposes of section  
3796.13 of the Revised Code, is required to comply with sections  
4776.01 to 4776.04 of the Revised Code.

(E) "Applicant for a restored license" includes persons  
seeking restoration of a license under section 4730.14, 4730.28,  
4731.222, 4731.281, 4759.062, 4759.063, 4760.06, 4760.061,  
4761.06, 4761.061, 4762.06, 4762.061, 4772.08, 4772.082,  
4774.06, 4774.061, 4778.07, or 4778.071 of the Revised Code.  
"Applicant for a restored license" does not include a person  
seeking restoration of a license under section 4751.33 of the  
Revised Code.

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

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

(1) "Licensing agency" means, in addition to each board or  
other government entity identified in division (C) of section

4776.01 of the Revised Code, the board or other government 2548  
entity authorized to issue a license under Chapters 3776., 2549  
4703., 4707., 4709., 4712., 4713., 4719., 4723., 4727., 4728., 2550  
4733., 4735., 4737., 4738., ~~4740., 4747., 4749.~~, 4752., ~~4753.,~~ 2551  
~~4758., 4759.,~~ 4763., 4764., 4765., 4766., 4771., 4773., and 2552  
4781. of the Revised Code. "Licensing agency" includes an 2553  
administrative officer that has authority to issue a license. 2554

(2) "Licensee" means, in addition to a licensee as 2555  
described in division (B) of section 4776.01 of the Revised 2556  
Code, the person to whom a license is issued by the board or 2557  
other government entity authorized to issue a license under 2558  
Chapters 3776., 4703., 4707., 4709., 4712., 4713., 4719., 4723., 2559  
4727., 4728., 4733., 4735., 4737., 4738., ~~4740., 4747., 4749.~~, 2560  
~~4751., 4752., 4753., 4758., 4759.,~~ 4763., 4764., 4765., 4766., 2561  
4771., 4773., and 4781. of the Revised Code. 2562

(3) "Prosecutor" has the same meaning as in section 2563  
2935.01 of the Revised Code. 2564

(B) On a licensee's conviction of, plea of guilty to, 2565  
judicial finding of guilt of, or judicial finding of guilt 2566  
resulting from a plea of no contest to the offense of 2567  
trafficking in persons in violation of section 2905.32 of the 2568  
Revised Code, the prosecutor in the case shall promptly notify 2569  
the licensing agency of the conviction, plea, or finding and 2570  
provide the licensee's name and residential address. On receipt 2571  
of this notification, the licensing agency shall immediately 2572  
suspend the licensee's license. 2573

(C) If there is a conviction of, plea of guilty to, 2574  
judicial finding of guilt of, or judicial finding of guilt 2575  
resulting from a plea of no contest to the offense of 2576  
trafficking in persons in violation of section 2905.32 of the 2577

Revised Code and all or part of the violation occurred on the 2578  
premises of a facility that is licensed by a licensing agency, 2579  
the prosecutor in the case shall promptly notify the licensing 2580  
agency of the conviction, plea, or finding and provide the 2581  
facility's name and address and the offender's name and 2582  
residential address. On receipt of this notification, the 2583  
licensing agency shall immediately suspend the facility's 2584  
license. 2585

(D) Notwithstanding any provision of the Revised Code to 2586  
the contrary, the suspension of a license under division (B) or 2587  
(C) of this section shall be implemented by a licensing agency 2588  
without a prior hearing. After the suspension, the licensing 2589  
agency shall give written notice to the subject of the 2590  
suspension of the right to request a hearing under Chapter 119. 2591  
of the Revised Code. After a hearing is held, the licensing 2592  
agency shall either revoke or permanently revoke the license of 2593  
the subject of the suspension, unless it determines that the 2594  
license holder has not been convicted of, pleaded guilty to, 2595  
been found guilty of, or been found guilty based on a plea of no 2596  
contest to the offense of trafficking in persons in violation of 2597  
section 2905.32 of the Revised Code. 2598

**Sec. 5119.94.** (A) Upon receipt of a petition filed under 2599  
section 5119.93 of the Revised Code, the probate court shall 2600  
examine the petitioner under oath as to the contents of the 2601  
petition. 2602

(B) If, after reviewing the allegations contained in the 2603  
petition and examining the petitioner under oath, it appears to 2604  
the probate court that there is probable cause to believe the 2605  
respondent may reasonably benefit from treatment, the court 2606  
shall do all of the following: 2607

(1) Schedule a hearing to be held within seven days to determine if there is clear and convincing evidence that the respondent may reasonably benefit from treatment for alcohol and other drug abuse;

(2) Notify the respondent, the legal guardian, if any and if known, and the spouse, parents, or nearest relative or friend of the respondent concerning the allegations and contents of the petition and of the date and purpose of the hearing;

(3) Notify the respondent that the respondent may retain counsel and, if the person is unable to obtain an attorney, that the respondent may be represented by court-appointed counsel at public expense if the person is indigent. Upon the appointment of an attorney to represent an indigent respondent, the court shall notify the respondent of the name, address, and telephone number of the attorney appointed to represent the respondent.

(4) Notify the respondent that the court shall cause the respondent to be examined not later than twenty-four hours before the hearing date by a physician for the purpose of a physical examination and by a qualified health professional for the purpose of a drug and alcohol addiction assessment and diagnosis. In addition, the court shall notify the respondent that the respondent may have an independent expert evaluation of the person's physical and mental condition conducted at the respondent's own expense.

(5) Cause the respondent to be examined not later than twenty-four hours before the hearing date by a qualified health professional for the purpose of a drug and alcohol addiction assessment and diagnosis;

(6) Conduct the hearing.

(C) The qualified health professional who examines the respondent pursuant to division (B)(5) of this section or who is obtained by the respondent at the respondent's own expense shall certify the professional's findings to the court within twenty-four hours of the examination. The findings of each qualified health professional shall include a recommendation for treatment if the qualified health professional determines that treatment is necessary.

(D)(1) If upon completion of the hearing held under this section the probate court finds by clear and convincing evidence that the respondent may reasonably benefit from treatment, the court shall order the treatment after considering the qualified health professionals' recommendations for treatment that have been submitted to the court under division (C) of this section. Evidence that the respondent has overdosed and been revived one or more times by an opioid antagonist, overdosed in a vehicle, or overdosed in the presence of a minor is sufficient to satisfy this evidentiary requirement. If the court orders the treatment under this division, the order shall specify the type of treatment to be provided, the type of required aftercare, and the duration of the required aftercare which shall be at least three months and shall not exceed six months, and the court shall order the treatment to be provided through a community addiction services provider or by an individual licensed or certified by the state medical board under Chapter 4731. of the Revised Code, the ~~chemical dependency~~ behavioral health professionals board under Chapter 4758. of the Revised Code, the counselor, social worker, and marriage and family therapist board under Chapter 4757. of the Revised Code, or a similar board of another state authorized to provide substance abuse treatment. In addition, the court also may order that the

respondent submit to periodic examinations by a ~~qualified~~ an 2668  
appropriate mental health professional to determine if the 2669  
treatment remains necessary. 2670

(2) (a) Failure of a respondent to undergo and complete any 2671  
treatment ordered pursuant to this division is contempt of 2672  
court. Any community addiction services provider or person 2673  
providing treatment under this division shall notify the probate 2674  
court of a respondent's failure to undergo or complete the 2675  
ordered treatment. 2676

(b) In addition to and separate from the sanction 2677  
specified in division (D) (2) (a) of this section, if a respondent 2678  
fails to undergo and complete any treatment ordered pursuant to 2679  
this section, the court may issue a summons. The summons shall 2680  
be directed to the respondent and shall command the respondent 2681  
to appear at a time and place specified in the summons. If a 2682  
respondent who has been summoned under this division fails to 2683  
appear at the specified time and place, the court may order a 2684  
peace officer, as defined in section 2935.01 of the Revised 2685  
Code, to transport the respondent to a place described in 2686  
division (D) (1) of this section for treatment. The peace 2687  
officer, with the approval of the officer's agency, may provide 2688  
for the transportation of the respondent by a private entity. 2689  
The transportation costs of the peace officer or the private 2690  
entity shall be included within the costs of treatment. 2691

(E) If, at any time after a petition is filed under 2692  
section 5119.93 of the Revised Code, the probate court finds 2693  
that there is not probable cause to continue treatment or if the 2694  
petitioner withdraws the petition, then the court shall dismiss 2695  
the proceedings against the respondent. 2696

**Sec. 5122.15.** (A) Full hearings shall be conducted in a 2697

manner consistent with this chapter and with due process of law. 2698  
The hearings shall be conducted by a judge of the probate court 2699  
or a referee designated by a judge of the probate court and may 2700  
be conducted in or out of the county in which the respondent is 2701  
held. Any referee designated under this division shall be an 2702  
attorney. 2703

(1) With the consent of the respondent, the following 2704  
shall be made available to counsel for the respondent: 2705

(a) All relevant documents, information, and evidence in 2706  
the custody or control of the state or prosecutor; 2707

(b) All relevant documents, information, and evidence in 2708  
the custody or control of the hospital in which the respondent 2709  
currently is held, or in which the respondent has been held 2710  
pursuant to this chapter; 2711

(c) All relevant documents, information, and evidence in 2712  
the custody or control of any hospital, facility, or person not 2713  
included in division (A) (1) (a) or (b) of this section. 2714

(2) The respondent has the right to attend the hearing and 2715  
to be represented by counsel of the respondent's choice. The 2716  
right to attend the hearing may be waived only by the respondent 2717  
or counsel for the respondent after consultation with the 2718  
respondent. 2719

(3) If the respondent is not represented by counsel, is 2720  
absent from the hearing, and has not validly waived the right to 2721  
counsel, the court shall appoint counsel immediately to 2722  
represent the respondent at the hearing, reserving the right to 2723  
tax costs of appointed counsel to the respondent, unless it is 2724  
shown that the respondent is indigent. If the court appoints 2725  
counsel, or if the court determines that the evidence relevant 2726

to the respondent's absence does not justify the absence, the 2727  
court shall continue the case. 2728

(4) The respondent shall be informed that the respondent 2729  
may retain counsel and have independent expert evaluation. If 2730  
the respondent is unable to obtain an attorney, the respondent 2731  
shall be represented by court-appointed counsel. If the 2732  
respondent is indigent, court-appointed counsel and independent 2733  
expert evaluation shall be provided as an expense under section 2734  
5122.43 of the Revised Code. 2735

(5) The hearing shall be closed to the public, unless 2736  
counsel for the respondent, with the permission of the 2737  
respondent, requests that the hearing be open to the public. 2738

(6) If the hearing is closed to the public, the court, for 2739  
good cause shown, may admit persons who have a legitimate 2740  
interest in the proceedings. If the respondent, the respondent's 2741  
counsel, or the designee of the director or of the chief 2742  
clinical officer objects to the admission of any person, the 2743  
court shall hear the objection and any opposing argument and 2744  
shall rule upon the admission of the person to the hearing. 2745

(7) The affiant under section 5122.11 of the Revised Code 2746  
shall be subject to subpoena by either party. 2747

(8) The court shall examine the sufficiency of all 2748  
documents filed and shall inform the respondent, if present, and 2749  
the respondent's counsel of the nature and content of the 2750  
documents and the reason for which the respondent is being 2751  
detained, or for which the respondent's placement is being 2752  
sought. 2753

(9) The court shall receive only reliable, competent, and 2754  
material evidence. 2755

(10) Unless proceedings are initiated pursuant to section 2756  
5120.17 or 5139.08 of the Revised Code, an attorney that the 2757  
board designates shall present the case demonstrating that the 2758  
respondent is a person with a mental illness subject to court 2759  
order. The attorney shall offer evidence of the diagnosis, 2760  
prognosis, record of treatment, if any, and less restrictive 2761  
treatment plans, if any. In proceedings pursuant to section 2762  
5120.17 or 5139.08 of the Revised Code, the attorney general 2763  
shall designate an attorney who shall present the case 2764  
demonstrating that the respondent is a person with a mental 2765  
illness subject to court order. The attorney shall offer 2766  
evidence of the diagnosis, prognosis, record of treatment, if 2767  
any, and less restrictive treatment plans, if any. 2768

(11) The respondent or the respondent's counsel has the 2769  
right to subpoena witnesses and documents and to examine and 2770  
cross-examine witnesses. 2771

(12) The respondent has the right, but shall not be 2772  
compelled, to testify, and shall be so advised by the court. 2773

(13) On motion of the respondent or the respondent's 2774  
counsel for good cause shown, or on the court's own motion, the 2775  
court may order a continuance of the hearing. 2776

(14) If the respondent is represented by counsel and the 2777  
respondent's counsel requests a transcript and record, or if the 2778  
respondent is not represented by counsel, the court shall make 2779  
and maintain a full transcript and record of the proceeding. If 2780  
the respondent is indigent and the transcript and record is 2781  
made, a copy shall be provided to the respondent upon request 2782  
and be treated as an expense under section 5122.43 of the 2783  
Revised Code. 2784

(15) To the extent not inconsistent with this chapter, the Rules of Civil Procedure are applicable.

(B) Unless, upon completion of the hearing the court finds by clear and convincing evidence that the respondent is a person with a mental illness subject to court order, it shall order the respondent's discharge immediately.

(C) If, upon completion of the hearing, the court finds by clear and convincing evidence that the respondent is a person with a mental illness subject to court order, the court shall order the respondent for a period not to exceed ninety days to any of the following:

(1) A hospital operated by the department of behavioral health if the respondent is committed pursuant to section 5139.08 of the Revised Code;

(2) A nonpublic hospital;

(3) The veterans' administration or other agency of the United States government;

(4) A board of alcohol, drug addiction, and mental health services or services provider the board designates;

(5) Receive private psychiatric or psychological care and treatment;

(6) Any other suitable facility or person consistent with the diagnosis, prognosis, and treatment needs of the respondent. A jail or other local correctional facility is not a suitable facility.

(D) Any order made pursuant to division (C) (2), (3), (5), or (6) of this section shall be conditioned upon the receipt by the court of consent by the hospital, facility, agency, or

person to accept the respondent and may include a requirement 2813  
that a person or entity described in division (C) (2), (3), (5), 2814  
or (6) of this section inform the board of alcohol, drug 2815  
addiction, and mental health services or community mental health 2816  
services provider the board designates about the progress of the 2817  
respondent with the treatment plan. 2818

(E) In determining the entity or person to which the 2819  
respondent is to be committed under division (C) of this 2820  
section, the court shall consider all of the following: 2821

(1) The respondent's diagnosis and prognosis made by a 2822  
psychiatrist, licensed clinical psychologist, clinical nurse 2823  
specialist who is certified as a psychiatric-mental health 2824  
clinical nurse specialist by the American nurses credentialing 2825  
center, or certified nurse practitioner who is certified as a 2826  
psychiatric-mental health nurse practitioner by the American 2827  
nurses credentialing center; 2828

(2) The respondent's preferences; 2829

(3) The respondent's projected treatment plan. 2830

The court shall order the implementation of the least 2831  
restrictive alternative available and consistent with treatment 2832  
goals. If the court determines that the least restrictive 2833  
alternative available that is consistent with treatment goals is 2834  
inpatient hospitalization, the court's order shall so state. 2835

(F) During the ninety-day period the entity or person 2836  
shall examine and treat the respondent. If the respondent is 2837  
receiving treatment in an outpatient setting, or receives 2838  
treatment in an outpatient setting during a subsequent period of 2839  
continued commitment under division (H) of this section, the 2840  
entity or person to whom the respondent is committed shall 2841

determine the appropriate outpatient treatment for the 2842  
respondent. If, at any time prior to the expiration of the 2843  
ninety-day period, it is determined by the entity or person that 2844  
the respondent's treatment needs could be equally well met in an 2845  
available and appropriate less restrictive setting, both of the 2846  
following apply: 2847

(1) The respondent shall be released from the care of the 2848  
entity or person immediately and shall be referred to the court 2849  
together with a report of the findings and recommendations of 2850  
the entity or person; 2851

(2) The entity or person shall notify the respondent's 2852  
counsel or the attorney designated by a board of alcohol, drug 2853  
addiction, and mental health services or, if the respondent was 2854  
committed to a board or a services provider designated by the 2855  
board, it shall place the respondent in the least restrictive 2856  
setting available consistent with treatment goals and notify the 2857  
court and the respondent's counsel of the placement. 2858

The court shall dismiss the case or order placement in the 2859  
least restrictive setting. 2860

(G) (1) Except as provided in division (G) (2) of this 2861  
section, any person for whom proceedings for treatment have been 2862  
commenced pursuant to section 5122.11 of the Revised Code, may 2863  
apply at any time for voluntary admission or treatment to the 2864  
entity or person to which the person was committed. Upon 2865  
admission as a voluntary patient the chief clinical officer of 2866  
the entity or the person immediately shall notify the court, the 2867  
patient's counsel, and the attorney designated by the board, if 2868  
the attorney has entered the proceedings, in writing of that 2869  
fact, and, upon receipt of the notice, the court shall dismiss 2870  
the case. 2871

(2) A person who is found incompetent to stand trial or 2872  
not guilty by reason of insanity and who is committed pursuant 2873  
to section 2945.39, 2945.40, 2945.401, or 2945.402 of the 2874  
Revised Code shall not voluntarily commit the person pursuant to 2875  
this section until after the final termination of the 2876  
commitment, as described in division (J) of section 2945.401 of 2877  
the Revised Code. 2878

(H) If, at the end of the first ninety-day period or any 2879  
subsequent period of continued commitment, there has been no 2880  
disposition of the case, either by discharge or voluntary 2881  
admission or treatment, the entity or person shall discharge the 2882  
patient immediately, unless at least ten days before the 2883  
expiration of the period the attorney the board designates or 2884  
the prosecutor files with the court an application for continued 2885  
commitment. The application of the attorney or the prosecutor 2886  
shall include a written report containing the diagnosis, 2887  
prognosis, past treatment, a list of alternative treatment 2888  
settings and plans, and identification of the treatment setting 2889  
that is the least restrictive consistent with treatment needs. 2890  
The attorney the board designates or the prosecutor shall file 2891  
the written report at least three days prior to the full 2892  
hearing. A copy of the application and written report shall be 2893  
provided to the respondent's counsel immediately. 2894

The court shall hold a full hearing on applications for 2895  
continued commitment at the expiration of the first ninety-day 2896  
period and at least every two years after the expiration of the 2897  
first ninety-day period. 2898

Hearings following any application for continued 2899  
commitment are mandatory and may not be waived. 2900

For a respondent who is ordered to receive treatment in an 2901

outpatient setting, if at any time after the first ninety-day 2902  
period the entity or person to whom the respondent was ordered 2903  
determines that the respondent has demonstrated voluntary 2904  
consent for treatment, that entity or person shall immediately 2905  
notify the respondent, the respondent's counsel, the attorney 2906  
designated by the board, and the court. The entity or person 2907  
shall submit to the court a report of the findings and 2908  
recommendations. The court may dismiss the case upon review of 2909  
the facts. 2910

Upon request of a person who is involuntarily committed 2911  
under this section, or the person's counsel, that is made more 2912  
than one hundred eighty days after the person's last full 2913  
hearing, mandatory or requested, the court shall hold a full 2914  
hearing on the person's continued commitment. Upon the 2915  
application of a person involuntarily committed under this 2916  
section, supported by an affidavit of a psychiatrist or licensed 2917  
clinical psychologist, alleging that the person no longer is a 2918  
person with a mental illness subject to court order, the court 2919  
for good cause shown may hold a full hearing on the person's 2920  
continued commitment prior to the expiration of one hundred 2921  
eighty days after the person's last full hearing. Section 2922  
5122.12 of the Revised Code applies to all hearings on continued 2923  
commitment. 2924

If the court, after a hearing for continued commitment 2925  
finds by clear and convincing evidence that the respondent is a 2926  
person with a mental illness subject to court order, the court 2927  
may order continued commitment at places or to persons specified 2928  
in division (C) of this section. 2929

(I) Unless the admission is pursuant to section 5120.17 or 2930  
5139.08 of the Revised Code, the chief clinical officer of the 2931

entity admitting a respondent pursuant to a judicial proceeding, 2932  
within ten working days of the admission, shall make a report of 2933  
the admission to the board of alcohol, drug addiction, and 2934  
mental health services serving the respondent's county of 2935  
residence. 2936

(J) A referee appointed by the court may make all orders 2937  
that a judge may make under this section and sections 5122.11 2938  
and 5122.141 of the Revised Code, except an order of contempt of 2939  
court. The orders of a referee take effect immediately. Within 2940  
fourteen days of the making of an order by a referee, a party 2941  
may file written objections to the order with the court. The 2942  
filed objections shall be considered a motion, shall be 2943  
specific, and shall state their grounds with particularity. 2944  
Within ten days of the filing of the objections, a judge of the 2945  
court shall hold a hearing on the objections and may hear and 2946  
consider any testimony or other evidence relating to the 2947  
respondent's mental condition. At the conclusion of the hearing, 2948  
the judge may ratify, rescind, or modify the referee's order. 2949

(K) An order of the court under division (C), (H), or (J) 2950  
of this section is a final order. 2951

(L) Before a board, or a services provider the board 2952  
designates, may place an unconsenting respondent in an inpatient 2953  
setting from a less restrictive placement, the board or services 2954  
provider shall do all of the following: 2955

(1) Determine that the respondent is in immediate need of 2956  
treatment in an inpatient setting because the respondent 2957  
represents a substantial risk of physical harm to the respondent 2958  
or others if allowed to remain in a less restrictive setting; 2959

(2) On the day of placement in the inpatient setting or on 2960

the next court day, file with the court a motion for transfer to 2961  
an inpatient setting or communicate to the court by telephone 2962  
that the required motion has been mailed; 2963

(3) Ensure that every reasonable and appropriate effort is 2964  
made to take the respondent to the inpatient setting in the 2965  
least conspicuous manner possible; 2966

(4) Immediately notify the board's designated attorney and 2967  
the respondent's attorney. 2968

At the respondent's request, the court shall hold a 2969  
hearing on the motion and make a determination pursuant to 2970  
division (E) of this section within five days of the placement. 2971

(M) Before a board, or a services provider the board 2972  
designates, may move a respondent from one residential placement 2973  
to another, the board or services provider shall consult with 2974  
the respondent about the placement. If the respondent objects to 2975  
the placement, the proposed placement and the need for it shall 2976  
be reviewed by ~~a qualified~~ an appropriate mental health 2977  
professional who otherwise is not involved in the treatment of 2978  
the respondent. 2979

(N) The entity or person to whom the respondent was 2980  
ordered for treatment in an outpatient setting may submit a 2981  
report to the court indicating that the respondent has either 2982  
failed to comply with the treatment plan or begun to demonstrate 2983  
signs of decompensation that may be grounds for hospitalization. 2984  
On receipt of the report, the court shall promptly schedule a 2985  
hearing to review the case. The court shall conduct the hearing 2986  
in a manner consistent with this chapter and due process of law. 2987  
The board shall receive notice of the hearing and the board and 2988  
entity or person treating the respondent shall submit a report 2989

to the court with a plan for appropriate alternative treatment, 2990  
if any, or recommend that the court discontinue the court- 2991  
ordered treatment. The court shall consider available and 2992  
appropriate alternative placements but shall not impose criminal 2993  
sanctions that result in confinement in a jail or other local 2994  
correctional facility based on the respondent's failure to 2995  
comply with the treatment plan. The court may not order the 2996  
respondent to a more restrictive placement unless the criteria 2997  
specified in division (L) of this section are met and may not 2998  
order the respondent to an inpatient setting unless the court 2999  
determines by clear and convincing evidence presented by the 3000  
board that the respondent meets the criteria specified in 3001  
divisions (A) and (B) (1), (2), (3), or (4) of section 5122.01 of 3002  
the Revised Code. 3003

**Section 2.** That existing sections 107.56, 126.42, 340.04, 3004  
4743.09, 4745.04, 4757.41, 4758.01, 4758.02, 4758.03, 4758.10, 3005  
4758.11, 4758.12, 4758.13, 4758.15, 4758.16, 4758.17, 4758.20, 3006  
4758.21, 4758.22, 4758.221, 4758.23, 4758.24, 4758.25, 4758.26, 3007  
4758.27, 4758.28, 4758.29, 4758.30, 4758.31, 4758.32, 4758.35, 3008  
4758.36, 4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 4758.44, 3009  
4758.45, 4758.46, 4758.47, 4758.48, 4758.51, 4758.54, 4758.55, 3010  
4758.56, 4758.57, 4758.59, 4758.62, 4758.63, 4758.64, 4758.70, 3011  
4758.72, 4776.01, 4776.20, 5119.94, and 5122.15 of the Revised 3012  
Code are hereby repealed. 3013

**Section 3.** That section 4758.52 of the Revised Code is 3014  
hereby repealed. 3015

**Section 4.** (A) The Behavioral Health Professionals Board 3016  
shall collaborate with the Department of Medicaid to do the 3017  
following: 3018

(1) Create a system to evaluate the qualifications and 3019

experience of individuals providing services through Medicaid as 3020  
Qualified Mental Health Specialists or Qualified Mental Health 3021  
Specialists +3, as of the effective date of this section, and 3022  
conduct evaluations according to the system created; 3023

(2) Based on the evaluations conducted pursuant to 3024  
division (A)(1) of this section, determine if each individual is 3025  
most appropriately certified as a qualified mental health 3026  
assistant, qualified mental health specialist, or qualified 3027  
mental health practitioner and, at the Board's discretion, issue 3028  
the corresponding certifications under Chapter 4758. of the 3029  
Revised Code. 3030

(B) Once certified pursuant to division (A) of this 3031  
section, qualified mental health assistants, qualified mental 3032  
health specialists, and qualified mental health practitioners 3033  
formerly providing services through Medicaid as Qualified Mental 3034  
Health Specialists or Qualified Mental Health Specialists +3 are 3035  
subject to all conditions placed on qualified mental health 3036  
assistants, qualified mental health specialists, or qualified 3037  
mental health practitioners under Chapter 4758. of the Revised 3038  
Code, excluding the eligibility conditions established by 3039  
section 4758.38 of the Revised Code, and may perform services 3040  
within the scope, standards, and ethics of the certificates they 3041  
receive from the Board. 3042

**Section 5.** (A) Beginning one year after the effective date 3043  
of this section, an individual who holds, on the effective date 3044  
of this section, a valid certificate that is accepted under 3045  
rules adopted pursuant to section 5119.36 of the Revised Code as 3046  
authority to practice as a peer recovery supporter, youth peer 3047  
supporter, or family peer supporter, may apply to the Behavioral 3048  
Health Professionals Board to continue practicing as a peer 3049

supporter under the certificate issued by the Department of Behavioral Health. 3050  
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(B) At the Board's discretion and notwithstanding section 4758.02 of the Revised Code, the Board may allow an individual to continue practicing as a peer recovery supporter, youth peer supporter, or family peer supporter until a date the Board specifies. The date the Board specifies shall not be later than the date that is one year after the effective date of the Board's initial rules regarding peer recovery supporters, youth peer supporters, or family peer supporters adopted under section 4758.20 of the Revised Code. 3052  
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(C) An individual who is permitted to continue practicing under a certificate issued by the Department of Behavioral Health under this section may perform services within the scope, standards, and ethics of the certificate issued by the Department until the date specified by the Board. 3061  
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**Section 6.** (A) Notwithstanding any conflicting provisions of sections 4758.10, 4758.11, and 4758.13 of the Revised Code, as amended by this act, both of the following apply regarding the positions on the Behavioral Health Professionals Board that are to be held by a peer recovery supporter, youth peer supporter, family peer supporter, qualified mental health assistant, qualified mental health specialist, or qualified mental health practitioner certified by the Board: 3066  
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(1) The Governor may delay filling the positions until the Board's certification of such individuals has been initiated or may choose to fill the position before that time by appointing an individual who otherwise meets the same qualifications. 3074  
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(2) If the Governor delays filling the position on the 3078

Board as described in division (A) (1) of this section, the Board 3079  
shall operate by making corresponding adjustments to the 3080  
required number of members who must be present to constitute a 3081  
quorum. 3082

(B) Notwithstanding any conflicting provisions of sections 3083  
4758.10 and 4758.11 of the Revised Code, as amended by this act, 3084  
both of the following apply: 3085

(1) Each member of the Behavioral Health Professionals 3086  
Board holding a position on the Board on the effective date of 3087  
this section shall be permitted to continue in office until the 3088  
end of the term for which the member was appointed. 3089

(2) The Governor may appoint a former Board member whose 3090  
position was eliminated by this act to a different position on 3091  
the Board, if that former member meets the qualifications 3092  
established in section 4758.10 of the Revised Code, as amended 3093  
by this act, for the different position. 3094

**Section 7.** (A) The Behavioral Health Professionals Board 3095  
shall establish a working group to make recommendations for and 3096  
to review the Board's initial rules regarding the duties of 3097  
qualified mental health assistants, qualified mental health 3098  
specialists, and qualified mental health practitioners. The 3099  
working group shall consist of representatives of the following 3100  
entities, designated by the Executive Director of the Board: 3101

(1) The Behavioral Health Professionals Board; 3102

(2) The Department of Behavioral Health; 3103

(3) The Department of Medicaid; 3104

(4) The Counselor, Social Worker, and Marriage and Family 3105  
Therapist Board; 3106

(5) Other interested parties.	3107
(B) The working group shall cease to exist at the	3108
discretion of the Executive Director of the Board or two years	3109
after the effective date of this section, whichever comes first.	3110
<b>Section 8.</b> Section 4758.46 of the Revised Code is	3111
presented in this act as a composite of the section as amended	3112
by both H.B. 113 and H.B. 230 of the 131st General Assembly. The	3113
General Assembly, applying the principle stated in division (B)	3114
of section 1.52 of the Revised Code that amendments are to be	3115
harmonized if reasonably capable of simultaneous operation,	3116
finds that the composite is the resulting version of the section	3117
in effect prior to the effective date of the section as	3118
presented in this act.	3119