

As Reported by the House Community Revitalization Committee

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H. B. No. 718

Representatives Brownlee, Salvo

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

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 chemical dependency <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	101
section:	102
(a) Denying an application to obtain a license because the	103
applicant has violated or has not complied with the Ohio Revised	104
Code or the Ohio Administrative Code;	105
(b) Taking disciplinary action against an individual or	106
corporation that is licensed by a board or commission for	107
violations of the Ohio Revised Code or the Ohio Administrative	108
Code.	109
(C) (1) The following persons or entities may refer an	110
action to the office for review under this section:	111
(a) A board or commission that has taken or is proposing	112
to take an action;	113
(b) A person who is affected by an action taken by a board	114
or commission or is likely to be affected by an action proposed	115
by a board or commission;	116
(c) A person who has been granted a stay pursuant to	117
division (G) of this section.	118
(2) A board or commission or person who refers an action	119
to the office shall prepare a brief statement explaining the	120
action and its consistency or inconsistency with state or	121
federal antitrust law and file the statement with the office. If	122
the action is in writing, the board or commission or person	123
shall attach a copy of it to the statement. The person shall	124
transmit a copy of the statement to the board or commission.	125
(3) The referral of an action by a board or commission for	126
review by the office does not constitute an admission that the	127
action violates any state or federal law.	128

(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) Chemical dependency <u>Behavioral health professionals</u> 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
Sec. 340.04. Each board of alcohol, drug addiction, and	264
mental health services shall employ a qualified 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 chemical dependency <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 chemical dependency <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 medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, the state medical board shall permit the person to satisfy not more than ten hours of the person's continuing education requirement by providing health care services as a volunteer. The board shall permit a licensee to earn continuing education credits at the rate of one credit hour for every five hours spent providing health care services as a volunteer.

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

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

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

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

(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 ~~held~~ 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
(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	1015 1016 1017

endorsement issued under this chapter <u>programs;</u>	1018
(6) <u>(7) For the purpose of determining the amount of a</u>	1019
<u>fine to be imposed under section 4758.30 of the Revised Code, a</u>	1020
<u>graduated system of fines based on the scope and severity of</u>	1021
<u>violations and the history of compliance, not to exceed five</u>	1022
<u>hundred dollars per incident;</u>	1023
<u>(8) For the purpose of section 4758.30 of the Revised</u>	1024
Code, both of the following:	1025
<u>(a) The intervention for and treatment of an individual</u>	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
<u>(b) Requirements governing reinstatement of a suspended or</u>	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) <u>(9) For the purpose of section 4758.31 of the Revised</u>	1035
Code, methods of ensuring that all records the board holds	1036
pertaining to an investigation remain confidential during the	1037
investigation;	1038
(8) <u>(10) Criteria for employees of the board to follow when</u>	1039
performing their duties under division (B) of section 4758.35 of	1040
the Revised Code;	1041
(9) <u>(11) For the purpose of section 4758.38 of the Revised</u>	1042
Code, all of the following:	1043
<u>(a) The equivalent of a high school diploma acceptable for</u>	1044
<u>certification;</u>	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
<u>(21)(23) Standards for the one hundred hours of</u>	1132
compensated work or supervised internship in gambling disorder	1133
direct clinical experience required by division (B) (2) <u>(A) (2) (b)</u>	1134
of section 4758.48 of the Revised Code;	1135
<u>(22)(24) For the purpose of section 4758.49 of the Revised</u>	1136
<u>Code, both of the following:</u>	1137
<u>(a) The equivalent of a high school diploma acceptable for</u>	1138
<u>certification;</u>	1139
<u>(b) Standards and number of required hours for the</u>	1140
<u>competency-based peer services training.</u>	1141
<u>(25) For the purpose of section 4758.491 of the Revised</u>	1142
<u>Code, both of the following:</u>	1143
<u>(a) The number of hours of online learning that an</u>	1144
<u>individual is required to complete;</u>	1145
<u>(b) Standards for the supervising peers training program</u>	1146
<u>that an individual is required to complete.</u>	1147
<u>(26) For the purpose of section 4758.51 of the Revised</u>	1148
<u>Code, both of the following:</u>	1149
<u>(a) Continuing education requirements for individuals who</u>	1150
<u>hold a license, certificate, or endorsement issued under this</u>	1151
<u>chapter;</u>	1152
<u>(b) The number of hours of continuing education that an</u>	1153
<u>individual must complete to have an expired license,</u>	1154
<u>certificate, or endorsement restored under section 4758.26 of</u>	1155
<u>the Revised Code.</u>	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
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1169
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(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</u>	1185
<u>peer supporter;</u>	1186
<u>(b) Any additional tasks within a peer supporter's scope</u>	1187
<u>of practice.</u>	1188
<u>(30) For the purposes of section 4758.651 of the Revised</u>	1189
<u>Code, training requirements for supervisors of peer supporters</u>	1190
<u>who do not hold a peer support supervisor endorsement issued</u>	1191
<u>under this chapter;</u>	1192
<u>(31) Anything else the board considers necessary to</u>	1193
<u>administer this chapter.</u>	1194
(B) All rules adopted under this section shall be adopted	1195
in accordance with Chapter 119. of the Revised Code and any	1196
applicable federal laws and regulations.	1197
(C) When it adopts rules under this section, the board may	1198
consider standards established by any national association or	1199
other organization representing the interests of those involved	1200
in substance use disorder counseling or , prevention services,	1201
<u>peer support services, or services provided by a qualified</u>	1202
<u>mental health assistant, qualified mental health specialist, or</u>	1203
<u>qualified mental health practitioner.</u>	1204
Sec. 4758.21. (A) In accordance with rules adopted under	1205
section 4758.20 of the Revised Code and subject to division (B)	1206
of this section, the chemical dependency <u>behavioral health</u>	1207
professionals board shall establish, and may from time to time	1208
adjust, fees to be charged for the following:	1209
(1) Admitting an individual to an examination administered	1210
pursuant to section 4758.22 of the Revised Code;	1211
(2) Issuing an initial 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 an initial <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
(5) <u>(6)</u> Renewing a gambling disorder endorsement;	1237
(6) <u>(7)</u> <u>Renewing a peer support supervisor endorsement;</u>	1238
(8) <u>Approving continuing education courses <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, <u>peer recovery supporter, youth</u>	1515
<u>peer supporter, family peer supporter, qualified mental health</u>	1516
<u>assistant, qualified mental health specialist, qualified mental</u>	1517
<u>health practitioner, prevention consultant, gambling disorder</u>	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, <u>peer recovery supporter, youth peer supporter, family</u>	1525
<u>peer supporter, qualified mental health assistant, qualified</u>	1526
<u>mental health specialist, qualified mental health practitioner,</u>	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
Sec. 4758.39. 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 at-	1767
least 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) Substance use disorder <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
Sec. 4758.41. 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 at least <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	1903
section 4758.22 of the Revised Code for the purpose of	1904
determining competence to practice as a chemical dependency	1905
counselor II.	1906
(B) To meet the requirements of this division, an	1907
individual must meet all of the following requirements:	1908
(1) Hold from an accredited educational institution an	1909
associate's or bachelor's degree in either of the following with	1910
a specialization in substance use disorder counseling:	1911
(a) A behavioral science;	1912
(b) Nursing.	1913
(2) Have a minimum of one hundred eighty hours of	1914
education in substance use disorders that meets the requirements	1915
specified in rules adopted under section 4758.20 of the Revised	1916
Code;	1917
(3) While holding a valid chemical dependency counselor	1918
assistant certificate, have successfully completed, over the	1919
course of not more than any two semesters, at least two hundred	1920
forty hours of supervised practicum experience in substance use	1921
disorder treatment through a program that meets all of the	1922
following requirements:	1923
(a) The program includes at least two hours per week of	1924
supervised practicum experience;	1925
(b) The program provides intensive outpatient treatment or	1926
a higher level of care, or another level of care if specified in	1927
rules adopted under section 4758.20 of the Revised Code;	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 chemical dependency <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
Sec. 4758.43. An individual seeking a chemical dependency counselor assistant certificate shall have <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 of training in related to substance use disorder counseling that meets the requirements specified in these rules;	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

<u>substance use disorder and has successfully navigated service</u>	2097
<u>systems for at least one year on behalf of the individual;</u>	2098
<u>(4) Complete at least the number of hours of competency-</u>	2099
<u>based peer services training, including training specific to</u>	2100
<u>family peer support services, specified in rules adopted under</u>	2101
<u>section 4758.20 of the Revised Code;</u>	2102
<u>(5) Pass one or more examinations administered pursuant to</u>	2103
<u>section 4758.22 of the Revised Code for the purpose of</u>	2104
<u>determining competence to practice as a family peer supporter;</u>	2105
<u>(6) Attest to having read and understood the code of</u>	2106
<u>ethical practice and professional conduct established under</u>	2107
<u>section 4758.23 of the Revised Code for family peer supporters.</u>	2108
<u>Sec. 4758.491.</u> <u>An individual seeking a peer support</u>	2109
<u>supervisor endorsement shall meet all of the following</u>	2110
<u>requirements:</u>	2111
<u>(A) Hold an active independent chemical dependency</u>	2112
<u>counselor, chemical dependency counselor III, or chemical</u>	2113
<u>dependency counselor II license, or peer recovery supporter,</u>	2114
<u>youth peer supporter, or family peer supporter certificate</u>	2115
<u>issued under this chapter;</u>	2116
<u>(B) Have provided services under either of the following</u>	2117
<u>for at least two years:</u>	2118
<u>(1) An active license or certification described in</u>	2119
<u>division (A) of this section;</u>	2120
<u>(2) A peer recovery supporter, youth peer supporter, or</u>	2121
<u>family peer supporter certificate issued by the department of</u>	2122
<u>behavioral health prior to one year after the effective date of</u>	2123
<u>this section.</u>	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
(D) Refer individuals with non-substance use disorder	2212
conditions to appropriate sources of help.	2213
Sec. 4758.56. (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 abuse of and dependency	2223
on alcohol and other drugs <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 ;	2228
(5) Refer individuals with non-substance use disorder	2229
conditions to appropriate sources of help.	2230
(B) A chemical dependency counselor III may not practice	2231
as an individual practitioner.	2232
Sec. 4758.57. (A) In addition to practicing substance use	2233
disorder counseling, an individual holding a valid chemical	2234
dependency counselor II license may do both of the following:	2235
(1) Perform <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 <u>perform</u> 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
Sec. 4758.62. 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
(D) Refer individuals with other gambling conditions to appropriate sources of help.	2289 2290
Sec. 4758.63. (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

(A) <u>(1)</u> Treat gambling disorder conditions;	2294
(B) <u>(2)</u> Diagnose gambling disorder conditions under supervision;	2295 2296
(C) <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
(D) <u>(4)</u> Supervise gambling disorder counseling under supervision; and	2301 2302
(E) Refer individuals with other gambling conditions to appropriate sources of help.	2303 2304
<u>(B)</u> The supervision required by divisions (B) <u>(A) (2)</u> and (D) <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
Sec. 4758.64. <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
<u>Sec. 4758.651.</u> For purposes of section 4758.65 of the	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</u>	2408
<u>this chapter may do all of the following:</u>	2409
<u>(a) Develop and provide solution-focused interventions and</u>	2410
<u>emotional and behavioral management drawn from evidence-based</u>	2411
<u>techniques that increase knowledge and understanding of an</u>	2412
<u>individual's mental, emotional, or behavioral condition to do</u>	2413
<u>all of the following:</u>	2414
<u>(i) Enhance acceptance, cooperation, and collaboration</u>	2415
<u>with treatment and treatment planning;</u>	2416
<u>(ii) Promote skill development, problem solving, positive</u>	2417
<u>coping mechanisms, conflict resolution, emotional and other</u>	2418
<u>behavioral regulation, and crisis management and stabilization;</u>	2419
<u>(iii) Restore daily functioning and social and</u>	2420
<u>interpersonal skills to increase connection to family and</u>	2421
<u>community, enhance personal relationships, establish support</u>	2422
<u>networks, increase community awareness, use community resources</u>	2423
<u>and other self-care requirements, and promote effective</u>	2424
<u>functioning in the individual's social environment, including</u>	2425
<u>home, work, and school, to enhance independent living.</u>	2426
<u>(b) Perform biopsychosocial assessments;</u>	2427
<u>(c) Perform the activities of qualified mental health</u>	2428
<u>specialists specified in division (B) (2) of this section.</u>	2429
<u>(C) Nothing in this section authorizes a qualified mental</u>	2430
<u>health assistant, qualified mental health specialist, or</u>	2431
<u>qualified mental health practitioner to do any of the following:</u>	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>Sec. 4758.661. (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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Sec. 4776.01. 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	2785
Rules of Civil Procedure are applicable.	2786
(B) Unless, upon completion of the hearing the court finds	2787
by clear and convincing evidence that the respondent is a person	2788
with a mental illness subject to court order, it shall order the	2789
respondent's discharge immediately.	2790
(C) If, upon completion of the hearing, the court finds by	2791
clear and convincing evidence that the respondent is a person	2792
with a mental illness subject to court order, the court shall	2793
order the respondent for a period not to exceed ninety days to	2794
any of the following:	2795
(1) A hospital operated by the department of behavioral	2796
health if the respondent is committed pursuant to section	2797
5139.08 of the Revised Code;	2798
(2) A nonpublic hospital;	2799
(3) The veterans' administration or other agency of the	2800
United States government;	2801
(4) A board of alcohol, drug addiction, and mental health	2802
services or services provider the board designates;	2803
(5) Receive private psychiatric or psychological care and	2804
treatment;	2805
(6) Any other suitable facility or person consistent with	2806
the diagnosis, prognosis, and treatment needs of the respondent.	2807
A jail or other local correctional facility is not a suitable	2808
facility.	2809
(D) Any order made pursuant to division (C) (2), (3), (5),	2810
or (6) of this section shall be conditioned upon the receipt by	2811
the court of consent by the hospital, facility, agency, or	2812

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
Section 8. 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