

**As Reported by the Senate Health and Human Services Committee**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 230**

**Representative Sprague**

**Cosponsors: Representatives Fedor, Anielski, Blessing, Buchy, Burkley, Craig, Dever, Green, Grossman, Hackett, Hambley, Johnson, T., O'Brien, M., O'Brien, S., Phillips, Rogers, Sheehy, Strahorn, Sykes, Thompson, Speaker Rosenberger  
Senators Hite, Brown**

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**A BILL**

To amend sections 2305.234, 4757.41, 4758.01, 1  
4758.02, 4758.10, 4758.13, 4758.20, 4758.21, 2  
4758.22, 4758.23, 4758.30, 4758.31, 4758.36, 3  
4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 4  
4758.44, 4758.45, 4758.46, 4758.60, and 4758.61 5  
of the Revised Code regarding the practices of 6  
chemical dependency counseling and prevention 7  
services. 8

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

**Section 1.** That sections 2305.234, 4757.41, 4758.01, 9  
4758.02, 4758.10, 4758.13, 4758.20, 4758.21, 4758.22, 4758.23, 10  
4758.30, 4758.31, 4758.36, 4758.39, 4758.40, 4758.41, 4758.42, 11  
4758.43, 4758.44, 4758.45, 4758.46, 4758.60, and 4758.61 of the 12  
Revised Code be amended to read as follows: 13

**Sec. 2305.234.** (A) As used in this section: 14

(1) "Chiropractic claim," "medical claim," and "optometric 15  
claim" have the same meanings as in section 2305.113 of the 16

Revised Code.	17
(2) "Dental claim" has the same meaning as in section 2305.113 of the Revised Code, except that it does not include any claim arising out of a dental operation or any derivative claim for relief that arises out of a dental operation.	18 19 20 21
(3) "Governmental health care program" has the same meaning as in section 4731.65 of the Revised Code.	22 23
(4) "Health care facility or location" means a hospital, clinic, ambulatory surgical facility, office of a health care professional or associated group of health care professionals, training institution for health care professionals, a free clinic or other nonprofit shelter or health care facility as those terms are defined in section 3701.071 of the Revised Code, or any other place where medical, dental, or other health-related diagnosis, care, or treatment is provided to a person.	24 25 26 27 28 29 30 31
(5) "Health care professional" means any of the following who provide medical, dental, or other health-related diagnosis, care, or treatment:	32 33 34
(a) Physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	35 36 37
(b) Registered nurses and licensed practical nurses licensed under Chapter 4723. of the Revised Code and individuals who hold a certificate of authority issued under that chapter that authorizes the practice of nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner;	38 39 40 41 42 43
(c) Physician assistants authorized to practice under Chapter 4730. of the Revised Code;	44 45

(d) Dentists and dental hygienists licensed under Chapter 4715. of the Revised Code;	46 47
(e) Physical therapists, physical therapist assistants, occupational therapists, occupational therapy assistants, and athletic trainers licensed under Chapter 4755. of the Revised Code;	48 49 50 51
(f) Chiropractors licensed under Chapter 4734. of the Revised Code;	52 53
(g) Optometrists licensed under Chapter 4725. of the Revised Code;	54 55
(h) Podiatrists authorized under Chapter 4731. of the Revised Code to practice podiatry;	56 57
(i) Dietitians licensed under Chapter 4759. of the Revised Code;	58 59
(j) Pharmacists licensed under Chapter 4729. of the Revised Code;	60 61
(k) Emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic, certified under Chapter 4765. of the Revised Code;	62 63 64
(l) Respiratory care professionals licensed under Chapter 4761. of the Revised Code;	65 66
(m) Speech-language pathologists and audiologists licensed under Chapter 4753. of the Revised Code;	67 68
(n) Licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, and marriage and family therapists, licensed under Chapter 4757. of	69 70 71 72

the Revised Code;	73
(o) Psychologists licensed under Chapter 4732. of the Revised Code;	74 75
(p) <del>Individuals</del> <u>Independent chemical dependency counselors-clinical supervisors, independent chemical dependency counselors, chemical dependency counselors III, and chemical dependency counselors II,</u> licensed <del>or certified</del> under Chapter 4758. of the Revised Code <del>who are acting within the scope of their license or certificate as members of the profession of chemical dependency counseling or alcohol and other drug prevention services,</del> <u>and chemical dependency counselor assistants, prevention consultants, prevention specialists, prevention specialist assistants, and registered applicants,</u> <u>certified under that chapter.</u>	76 77 78 79 80 81 82 83 84 85 86
(6) "Health care worker" means a person other than a health care professional who provides medical, dental, or other health-related care or treatment under the direction of a health care professional with the authority to direct that individual's activities, including medical technicians, medical assistants, dental assistants, orderlies, aides, and individuals acting in similar capacities.	87 88 89 90 91 92 93
(7) "Indigent and uninsured person" means a person who meets both of the following requirements:	94 95
(a) Relative to being indigent, the person's income is not greater than two hundred per cent of the federal poverty line, as defined by the United States office of management and budget and revised in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, except in any case in which division (A) (7) (b)	96 97 98 99 100 101

(iii) of this section includes a person whose income is greater 102  
than two hundred per cent of the federal poverty line. 103

(b) Relative to being uninsured, one of the following 104  
applies: 105

(i) The person is not a policyholder, certificate holder, 106  
insured, contract holder, subscriber, enrollee, member, 107  
beneficiary, or other covered individual under a health 108  
insurance or health care policy, contract, or plan. 109

(ii) The person is a policyholder, certificate holder, 110  
insured, contract holder, subscriber, enrollee, member, 111  
beneficiary, or other covered individual under a health 112  
insurance or health care policy, contract, or plan, but the 113  
insurer, policy, contract, or plan denies coverage or is the 114  
subject of insolvency or bankruptcy proceedings in any 115  
jurisdiction. 116

(iii) Until June 30, 2019, the person is eligible for the 117  
medicaid program or is a medicaid recipient. 118

(iv) Except as provided in division (A) (7) (b) (iii) of 119  
this section, the person is not eligible for or a recipient, 120  
enrollee, or beneficiary of any governmental health care 121  
program. 122

(8) "Nonprofit health care referral organization" means an 123  
entity that is not operated for profit and refers patients to, 124  
or arranges for the provision of, health-related diagnosis, 125  
care, or treatment by a health care professional or health care 126  
worker. 127

(9) "Operation" means any procedure that involves cutting 128  
or otherwise infiltrating human tissue by mechanical means, 129  
including surgery, laser surgery, ionizing radiation, 130

therapeutic ultrasound, or the removal of intraocular foreign 131  
bodies. "Operation" does not include the administration of 132  
medication by injection, unless the injection is administered in 133  
conjunction with a procedure infiltrating human tissue by 134  
mechanical means other than the administration of medicine by 135  
injection. "Operation" does not include routine dental 136  
restorative procedures, the scaling of teeth, or extractions of 137  
teeth that are not impacted. 138

(10) "Tort action" means a civil action for damages for 139  
injury, death, or loss to person or property other than a civil 140  
action for damages for a breach of contract or another agreement 141  
between persons or government entities. 142

(11) "Volunteer" means an individual who provides any 143  
medical, dental, or other health-care related diagnosis, care, 144  
or treatment without the expectation of receiving and without 145  
receipt of any compensation or other form of remuneration from 146  
an indigent and uninsured person, another person on behalf of an 147  
indigent and uninsured person, any health care facility or 148  
location, any nonprofit health care referral organization, or 149  
any other person or government entity. 150

(12) "Community control sanction" has the same meaning as 151  
in section 2929.01 of the Revised Code. 152

(13) "Deep sedation" means a drug-induced depression of 153  
consciousness during which a patient cannot be easily aroused 154  
but responds purposefully following repeated or painful 155  
stimulation, a patient's ability to independently maintain 156  
ventilatory function may be impaired, a patient may require 157  
assistance in maintaining a patent airway and spontaneous 158  
ventilation may be inadequate, and cardiovascular function is 159  
usually maintained. 160

(14) "General anesthesia" means a drug-induced loss of consciousness during which a patient is not arousable, even by painful stimulation, the ability to independently maintain ventilatory function is often impaired, a patient often requires assistance in maintaining a patent airway, positive pressure ventilation may be required because of depressed spontaneous ventilation or drug-induced depression of neuromuscular function, and cardiovascular function may be impaired.

(B) (1) Subject to divisions (F) and (G) (3) of this section, a health care professional who is a volunteer and complies with division (B) (2) of this section is not liable in damages to any person or government entity in a tort or other civil action, including an action on a medical, dental, chiropractic, optometric, or other health-related claim, for injury, death, or loss to person or property that allegedly arises from an action or omission of the volunteer in the provision to an indigent and uninsured person of medical, dental, or other health-related diagnosis, care, or treatment, including the provision of samples of medicine and other medical products, unless the action or omission constitutes willful or wanton misconduct.

(2) To qualify for the immunity described in division (B) (1) of this section, a health care professional shall do all of the following prior to providing diagnosis, care, or treatment:

(a) Determine, in good faith, that the indigent and uninsured person is mentally capable of giving informed consent to the provision of the diagnosis, care, or treatment and is not subject to duress or under undue influence;

(b) Inform the person of the provisions of this section, including notifying the person that, by giving informed consent

to the provision of the diagnosis, care, or treatment, the 191  
person cannot hold the health care professional liable for 192  
damages in a tort or other civil action, including an action on 193  
a medical, dental, chiropractic, optometric, or other health- 194  
related claim, unless the action or omission of the health care 195  
professional constitutes willful or wanton misconduct; 196

(c) Obtain the informed consent of the person and a 197  
written waiver, signed by the person or by another individual on 198  
behalf of and in the presence of the person, that states that 199  
the person is mentally competent to give informed consent and, 200  
without being subject to duress or under undue influence, gives 201  
informed consent to the provision of the diagnosis, care, or 202  
treatment subject to the provisions of this section. A written 203  
waiver under division (B) (2) (c) of this section shall state 204  
clearly and in conspicuous type that the person or other 205  
individual who signs the waiver is signing it with full 206  
knowledge that, by giving informed consent to the provision of 207  
the diagnosis, care, or treatment, the person cannot bring a 208  
tort or other civil action, including an action on a medical, 209  
dental, chiropractic, optometric, or other health-related claim, 210  
against the health care professional unless the action or 211  
omission of the health care professional constitutes willful or 212  
wanton misconduct. 213

(3) A physician or podiatrist who is not covered by 214  
medical malpractice insurance, but complies with division (B) (2) 215  
of this section, is not required to comply with division (A) of 216  
section 4731.143 of the Revised Code. 217

(C) Subject to divisions (F) and (G) (3) of this section, 218  
health care workers who are volunteers are not liable in damages 219  
to any person or government entity in a tort or other civil 220



action, including an action upon a medical, dental, 221  
chiropractic, optometric, or other health-related claim, for 222  
injury, death, or loss to person or property that allegedly 223  
arises from an action or omission of the health care worker in 224  
the provision to an indigent and uninsured person of medical, 225  
dental, or other health-related diagnosis, care, or treatment, 226  
unless the action or omission constitutes willful or wanton 227  
misconduct. 228

(D) Subject to divisions (F) and (G) (3) of this section, a 229  
nonprofit health care referral organization is not liable in 230  
damages to any person or government entity in a tort or other 231  
civil action, including an action on a medical, dental, 232  
chiropractic, optometric, or other health-related claim, for 233  
injury, death, or loss to person or property that allegedly 234  
arises from an action or omission of the nonprofit health care 235  
referral organization in referring indigent and uninsured 236  
persons to, or arranging for the provision of, medical, dental, 237  
or other health-related diagnosis, care, or treatment by a 238  
health care professional described in division (B) (1) of this 239  
section or a health care worker described in division (C) of 240  
this section, unless the action or omission constitutes willful 241  
or wanton misconduct. 242

(E) Subject to divisions (F) and (G) (3) of this section 243  
and to the extent that the registration requirements of section 244  
3701.071 of the Revised Code apply, a health care facility or 245  
location associated with a health care professional described in 246  
division (B) (1) of this section, a health care worker described 247  
in division (C) of this section, or a nonprofit health care 248  
referral organization described in division (D) of this section 249  
is not liable in damages to any person or government entity in a 250  
tort or other civil action, including an action on a medical, 251

dental, chiropractic, optometric, or other health-related claim, 252  
for injury, death, or loss to person or property that allegedly 253  
arises from an action or omission of the health care 254  
professional or worker or nonprofit health care referral 255  
organization relative to the medical, dental, or other health- 256  
related diagnosis, care, or treatment provided to an indigent 257  
and uninsured person on behalf of or at the health care facility 258  
or location, unless the action or omission constitutes willful 259  
or wanton misconduct. 260

(F) (1) Except as provided in division (F) (2) of this 261  
section, the immunities provided by divisions (B), (C), (D), and 262  
(E) of this section are not available to a health care 263  
professional, health care worker, nonprofit health care referral 264  
organization, or health care facility or location if, at the 265  
time of an alleged injury, death, or loss to person or property, 266  
the health care professionals or health care workers involved 267  
are providing one of the following: 268

(a) Any medical, dental, or other health-related 269  
diagnosis, care, or treatment pursuant to a community service 270  
work order entered by a court under division (B) of section 271  
2951.02 of the Revised Code or imposed by a court as a community 272  
control sanction; 273

(b) Performance of an operation to which any one of the 274  
following applies: 275

(i) The operation requires the administration of deep 276  
sedation or general anesthesia. 277

(ii) The operation is a procedure that is not typically 278  
performed in an office. 279

(iii) The individual involved is a health care 280

professional, and the operation is beyond the scope of practice 281  
or the education, training, and competence, as applicable, of 282  
the health care professional. 283

(c) Delivery of a baby or any other purposeful termination 284  
of a human pregnancy. 285

(2) Division (F)(1) of this section does not apply when a 286  
health care professional or health care worker provides medical, 287  
dental, or other health-related diagnosis, care, or treatment 288  
that is necessary to preserve the life of a person in a medical 289  
emergency. 290

(G)(1) This section does not create a new cause of action 291  
or substantive legal right against a health care professional, 292  
health care worker, nonprofit health care referral organization, 293  
or health care facility or location. 294

(2) This section does not affect any immunities from civil 295  
liability or defenses established by another section of the 296  
Revised Code or available at common law to which a health care 297  
professional, health care worker, nonprofit health care referral 298  
organization, or health care facility or location may be 299  
entitled in connection with the provision of emergency or other 300  
medical, dental, or other health-related diagnosis, care, or 301  
treatment. 302

(3) This section does not grant an immunity from tort or 303  
other civil liability to a health care professional, health care 304  
worker, nonprofit health care referral organization, or health 305  
care facility or location for actions that are outside the scope 306  
of authority of health care professionals or health care 307  
workers. 308

In the case of the diagnosis, care, or treatment of an 309

indigent and uninsured person who is eligible for the medicaid 310  
program or is a medicaid recipient, this section grants an 311  
immunity from tort or other civil liability only if the person's 312  
diagnosis, care, or treatment is provided in a free clinic, as 313  
defined in section 3701.071 of the Revised Code. 314

(4) This section does not affect any legal responsibility 315  
of a health care professional, health care worker, or nonprofit 316  
health care referral organization to comply with any applicable 317  
law of this state or rule of an agency of this state. 318

(5) This section does not affect any legal responsibility 319  
of a health care facility or location to comply with any 320  
applicable law of this state, rule of an agency of this state, 321  
or local code, ordinance, or regulation that pertains to or 322  
regulates building, housing, air pollution, water pollution, 323  
sanitation, health, fire, zoning, or safety. 324

**Sec. 4757.41.** (A) This chapter shall not apply to the 325  
following: 326

(1) A person certified by the state board of education 327  
under Chapter 3319. of the Revised Code while performing any 328  
services within the person's scope of employment by a board of 329  
education or by a private school meeting the standards 330  
prescribed by the state board of education under division (D) of 331  
section 3301.07 of the Revised Code or in a program operated 332  
under Chapter 5126. of the Revised Code for training individuals 333  
with mental retardation or other developmental disabilities; 334

(2) Psychologists or school psychologists licensed under 335  
Chapter 4732. of the Revised Code; 336

(3) Members of other professions licensed, certified, or 337  
registered by this state while performing services within the 338

recognized scope, standards, and ethics of their respective 339  
professions; 340

(4) Rabbis, priests, Christian science practitioners, 341  
clergy, or members of religious orders and other individuals 342  
participating with them in pastoral counseling when the 343  
counseling activities are within the scope of the performance of 344  
their regular or specialized ministerial duties and are 345  
performed under the auspices or sponsorship of an established 346  
and legally cognizable church, denomination, or sect or an 347  
integrated auxiliary of a church as defined in federal tax 348  
regulations, paragraph (g) (5) of 26 C.F.R. 1.6033-2 (1995), and 349  
when the individual rendering the service remains accountable to 350  
the established authority of that church, denomination, sect, or 351  
integrated auxiliary; 352

(5) Any person who is not licensed under this chapter as a 353  
licensed professional clinical counselor, licensed professional 354  
counselor, independent social worker, or social worker and is 355  
employed in the civil service as defined in section 124.01 of 356  
the Revised Code while engaging in professional counseling or 357  
social work as a civil service employee, if on ~~the effective~~ 358  
~~date of this amendment~~ July 10, 2014, the person has at least 359  
two years of service in that capacity; 360

(6) A student in an accredited educational institution 361  
while carrying out activities that are part of the student's 362  
prescribed course of study if the activities are supervised as 363  
required by the educational institution and if the student does 364  
not hold herself or himself out as a person licensed or 365  
registered under this chapter; 366

(7) ~~Individuals~~ An individual who ~~hold~~ holds a license or 367  
certificate under Chapter 4758. of the Revised Code who ~~are~~ is 368

acting within the scope of ~~their~~ the individual's license or 369  
certificate as ~~members~~ a member of the profession of chemical 370  
dependency counseling or ~~alcohol and other drug~~ prevention 371  
services; 372

(8) Any person employed by the American red cross while 373  
engaging in activities relating to services for military 374  
families and veterans and disaster relief, as described in the 375  
"American National Red Cross Act," 33 Stat. 599 (1905), 36 376  
U.S.C.A. 1, as amended; 377

(9) Members of labor organizations who hold union 378  
counselor certificates while performing services in their 379  
official capacity as union counselors; 380

(10) Any person employed in a hospital as defined in 381  
section 3727.01 of the Revised Code or in a nursing home as 382  
defined in section 3721.01 of the Revised Code while providing 383  
as a hospital employee or nursing home employee, respectively, 384  
social services other than counseling and the use of 385  
psychosocial interventions and social psychotherapy; 386

(11) A vocational rehabilitation professional who is 387  
providing rehabilitation services to individuals under section 388  
3304.17 of the Revised Code, or holds certification by the 389  
commission on rehabilitation counselor certification and is 390  
providing rehabilitation counseling services consistent with the 391  
commission's standards; 392

(12) A caseworker not licensed under this chapter as an 393  
independent social worker or social worker who is employed by a 394  
public children services agency under section 5153.112 of the 395  
Revised Code. 396

(B) Divisions (A) (5) and (10) of this section do not 397

prevent a person described in those divisions from obtaining a 398  
license or certificate of registration under this chapter. 399

(C) Except as provided in divisions (A) and (D) of this 400  
section, no employee in the service of the state, including 401  
public employees as defined by Chapter 4117. of the Revised 402  
Code, shall engage in the practice of professional counseling, 403  
social work, or marriage and family therapy without the 404  
appropriate license issued by the board. Failure to comply with 405  
this division constitutes nonfeasance under section 124.34 of 406  
the Revised Code or just cause under a collective bargaining 407  
agreement. Nothing in this division restricts the director of 408  
administrative services from developing new classifications 409  
related to this division or from reassigning affected employees 410  
to appropriate classifications based on the employee's duties 411  
and qualifications. 412

(D) Except as provided in division (A) of this section, an 413  
employee who was engaged in the practice of professional 414  
counseling, social work, or marriage and family therapy in the 415  
service of the state prior to ~~the effective date of this~~ 416  
~~amendment~~ July 10, 2014, including public employees as defined 417  
by Chapter 4117. of the Revised Code, shall comply with division 418  
(C) of this section within two years after ~~the effective date of~~ 419  
~~this amendment~~ July 10, 2014. Any such employee who fails to 420  
comply shall be removed from employment. 421

(E) Nothing in this chapter prevents a public children 422  
services agency from employing as a caseworker a person not 423  
licensed under this chapter as an independent social worker or 424  
social worker who has the qualifications specified in section 425  
5153.112 of the Revised Code. 426

**Sec. 4758.01.** As used in this chapter: 427

(A) "Accredited educational institution" means an educational institution accredited by an accrediting agency accepted by the Ohio board of regents.

(B) (1) "Alcohol and other drug clinical counseling principles, methods, or procedures" means an approach to chemical dependency counseling that emphasizes the chemical dependency counselor's role in systematically assisting clients through all of the following:

(a) Analyzing background and current information;

(b) Exploring possible solutions;

(c) Developing and providing a treatment plan;

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

(2) "Alcohol and other drug clinical counseling principles, methods, or procedures" includes counseling, assessing, consulting, and referral as they relate to chemical dependency conditions.

~~(C) "Alcohol and other drug prevention services" means a planned process of strategies and activities designed to preclude the onset of the use of alcohol and other drugs, reduce problematic use of alcohol and other drugs, or both.~~

~~(D)~~ "Chemical dependency conditions" means those conditions relating to the abuse of or dependency on alcohol or other drugs that are classified in accepted nosologies, including the diagnostic and statistical manual of mental disorders and the international classification of diseases, and



in editions of those nosologies published after December 23, 456  
2002. 457

~~(E)~~ (D) "Chemical dependency counseling" means rendering 458  
or offering to render to individuals, groups, or the public a 459  
counseling service involving the application of alcohol and 460  
other drug clinical counseling principles, methods, or 461  
procedures to assist individuals who are abusing or dependent on 462  
alcohol or other drugs. 463

~~(F)~~ (E) "Gambling disorder" means a persistent and 464  
recurring maladaptive gambling behavior that is classified in 465  
accepted nosologies, including the diagnostic and statistical 466  
manual of mental disorders and the international classification 467  
of diseases, and in editions of those nosologies published after 468  
~~the effective date of this section~~ September 15, 2014. 469

(F) "Prevention services" means a comprehensive, multi- 470  
system set of individual and environmental approaches that 471  
maximizes physical health, promotes safety, and precludes the 472  
onset of behavioral health disorders. 473

(G) Unless the context provides otherwise, "scope of 474  
practice" means the services, methods, and techniques in which 475  
and the areas for which a person who holds a license, 476  
certificate, or endorsement under this chapter is trained and 477  
qualified. 478

(H) "Substance abuse professional" has the same meaning as 479  
in 49 C.F.R. 40.3. 480

(I) "U.S. department of transportation drug and alcohol 481  
testing program" means a transportation workplace drug and 482  
alcohol testing program governed by 49 C.F.R. part 40. 483

**Sec. 4758.02.** (A) Except as provided in section 4758.03 of 484

the Revised Code, no person shall do any of the following: 485

(1) Engage in or represent to the public that the person 486  
engages in chemical dependency counseling for a fee, salary, or 487  
other consideration unless the person holds a valid independent 488  
chemical dependency counselor-clinical supervisor license, 489  
independent chemical dependency counselor license, chemical 490  
dependency counselor III license, chemical dependency counselor 491  
II license, or chemical dependency counselor assistant 492  
certificate issued under this chapter; 493

(2) Use the title "licensed independent chemical 494  
dependency counselor-clinical supervisor," "LICDC-CS," "licensed 495  
independent chemical dependency counselor," "LICDC," "licensed 496  
chemical dependency counselor III," "LCDC III," "licensed 497  
chemical dependency counselor II," "LCDC II," "chemical 498  
dependency counselor assistant," "CDCA," or any other title or 499  
description incorporating the word "chemical dependency 500  
counselor" or any other initials used to identify persons acting 501  
in those capacities unless currently authorized under this 502  
chapter to act in the capacity indicated by the title or 503  
initials; 504

(3) Represent to the public that the person holds a 505  
gambling disorder endorsement unless the person holds a valid 506  
gambling disorder endorsement issued under this chapter; 507

(4) Represent to the public that the person is a 508  
registered applicant unless the person holds a valid registered 509  
applicant certificate issued under this chapter; 510

(5) Use the title "certified prevention ~~specialist~~ 511  
~~consultant~~," "CPS-~~I~~CPC," "certified prevention specialist-~~I~~," 512  
"CPS-~~I~~," "certified prevention specialist assistant," "CPSA," 513

"registered applicant," "RA," or any other title, description, 514  
or initials used to identify persons acting in those capacities 515  
unless currently authorized under this chapter to act in the 516  
capacity indicated by the title or initials. 517

(B) No person shall engage in or represent to the public 518  
that the person engages in chemical dependency counseling as a 519  
chemical dependency counselor I. 520

**Sec. 4758.10.** (A) There is hereby created the chemical 521  
dependency professionals board. 522

(B) The governor shall appoint all of the following voting 523  
members of the board with the advice and consent of the senate: 524

(1) Four individuals who hold a valid independent chemical 525  
dependency counselor-clinical supervisor license or independent 526  
chemical dependency counselor license issued under this chapter, 527  
including at least two of whom have received at least a master's 528  
degree in a field related to chemical dependency counseling from 529  
an accredited educational institution; 530

(2) Two individuals who hold a valid chemical dependency 531  
counselor III license issued under this chapter; 532

(3) One individual who holds a valid chemical dependency 533  
counselor II license issued under this chapter; 534

(4) Two individuals who hold a valid prevention ~~specialist~~ 535  
~~consultant~~ certificate or prevention specialist ~~certificate~~ 536  
issued under this chapter; 537

(5) One individual who is authorized under Chapter 4731. 538  
of the Revised Code to practice medicine and surgery or 539  
osteopathic medicine and surgery and has experience practicing 540  
in a field related to chemical dependency counseling; 541

(6) Two individuals who represent the public and have not  
practiced chemical dependency counseling or ~~alcohol and other~~  
~~drug~~ prevention services and have not been involved in the  
delivery of chemical dependency counseling services or ~~alcohol~~  
~~and other drug~~ prevention services. At least one of these  
individuals shall be at least fifty years of age. During their  
terms, the public members shall not practice chemical dependency  
counseling or ~~alcohol and other drug~~ prevention services or be  
involved in the delivery of chemical dependency counseling  
services or ~~alcohol and other drug~~ prevention services.

(C) Not later than ninety days after December 23, 2002,  
the director of mental health and addiction services shall  
appoint an individual who represents the department of mental  
health and addiction services to serve as an ex officio member  
of the chemical dependency professionals board.

(D) Not more than one-half of the voting members of the  
board may be of the same gender or members of the same political  
party. At least two voting members of the board shall be of  
African, Native American, Hispanic, or Asian descent.

**Sec. 4758.13.** The chemical dependency professionals board  
shall meet to discuss matters relating to the administration and  
operation of the board and the regulation of the practices of  
chemical dependency counseling and ~~alcohol and other drug~~  
prevention services. The board shall hold at least one regular  
meeting every three months. Additional meetings may be held at  
such times as the board determines, on the call of the  
chairperson, or on the written request to the executive director  
of three or more voting board members. If three or more voting  
members request a meeting, the executive director shall call a  
meeting, which shall be held not later than seven days after the

request is received. 572

Seven voting members of the board constitute a quorum to 573  
conduct business. Except as provided in section 4758.32 of the 574  
Revised Code, no action shall be taken without the concurrence 575  
of at least a quorum. 576

At its first meeting each year, the board shall elect a 577  
chairperson from among its voting members. No member shall serve 578  
more than two consecutive terms as chairperson. 579

The board shall keep any records and minutes necessary to 580  
fulfill the duties established by this chapter and rules adopted 581  
under it. 582

**Sec. 4758.20.** (A) The chemical dependency professionals 583  
board shall adopt rules to establish, specify, or provide for 584  
all of the following: 585

(1) Fees for the purposes authorized by section 4758.21 of 586  
the Revised Code; 587

(2) If the board, pursuant to section 4758.221 of the 588  
Revised Code, elects to administer examinations for individuals 589  
seeking to act as substance abuse professionals in a U.S. 590  
department of transportation drug and alcohol testing program, 591  
the board's administration of the examinations; 592

(3) For the purpose of section 4758.23 of the Revised 593  
Code, codes of ethical practice and professional conduct for 594  
individuals who hold a license, certificate, or endorsement 595  
issued under this chapter; 596

(4) For the purpose of section 4758.24 of the Revised 597  
Code, all of the following: 598

(a) Good moral character requirements for an individual 599

who seeks or holds a license, certificate, or endorsement issued 600  
under this chapter; 601

(b) The documents that an individual seeking such a 602  
license, certificate, or endorsement must submit to the board; 603

(c) Requirements to obtain the license, certificate, or 604  
endorsement that are in addition to the requirements established 605  
under sections 4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 606  
4758.44, 4758.45, 4758.46, 4758.47, and 4758.48 of the Revised 607  
Code. The additional requirements may include preceptorships. 608

(d) The period of time that an individual whose registered 609  
applicant certificate has expired must wait before applying for 610  
a new registered applicant certificate. 611

(5) For the purpose of section 4758.28 of the Revised 612  
Code, requirements for approval of continuing education courses 613  
of study for individuals who hold a license, certificate, or 614  
endorsement issued under this chapter; 615

(6) For the purpose of section 4758.30 of the Revised 616  
Code, the intervention for and treatment of an individual 617  
holding a license, certificate, or endorsement issued under this 618  
chapter whose abilities to practice are impaired due to abuse of 619  
or dependency on alcohol or other drugs or other physical or 620  
mental condition; 621

(7) Requirements governing reinstatement of a suspended or 622  
revoked license, certificate, or endorsement under division (B) 623  
of section 4758.30 of the Revised Code, including requirements 624  
for determining the amount of time an individual must wait to 625  
apply for reinstatement; 626

(8) For the purpose of section 4758.31 of the Revised 627  
Code, methods of ensuring that all records the board holds 628

pertaining to an investigation remain confidential during the investigation; 629  
630

(9) Criteria for employees of the board to follow when performing their duties under division (B) of section 4758.35 of the Revised Code; 631  
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633

(10) For the purpose of division (A) (1) of section 4758.39 and division (A) (1) of section 4758.40 of the Revised Code, course requirements for a degree in a behavioral science or nursing that shall, at a minimum, include at least forty semester hours in all of the following courses: 634  
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(a) Theories of counseling and psychotherapy; 639

(b) Counseling procedures; 640

(c) Group process and techniques; 641

(d) Relationship therapy; 642

(e) Research methods and statistics; 643

(f) Fundamentals of assessment and diagnosis, including measurement and appraisal; 644  
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(g) Psychopathology; 646

(h) Human development; 647

(i) Cultural competence in counseling; 648

(j) Ethics. 649

(11) For the purpose of division (A) (2) 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; 650  
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(12) For the purpose of division (A) (3) of section 4758.39, division (A) (3) of section 4758.40, division (A) (3) of section 4758.41, and division (A) (3) of section 4758.42 of the Revised Code, both of the following:

(a) The number of hours of training in chemical dependency an individual must have;

(b) Training requirements for chemical dependency that shall, at a minimum, include qualifications for the individuals who provide the training and ~~instruction in all of the following courses:~~

~~(a) Theories of addiction;~~

~~(b) Counseling procedures and strategies with addicted populations;~~

~~(c) Group process and techniques working with addicted populations;~~

~~(d) Assessment and diagnosis of addiction;~~

~~(e) Relationship counseling with addicted populations;~~

~~(f) Pharmacology;~~

~~(g) Prevention strategies;~~

~~(h) Treatment planning;~~

~~(i) Legal and ethical issues~~ the content areas covered in the training.

~~(12)~~ (13) For the purpose of division (A) (2) of section 4758.40, division (A) (2) of section 4758.41, and division (A) (2) of section 4758.42 of the Revised Code, the number of hours of compensated work or supervised internship experience that an individual must have;



(14) For the purpose of division (B) (2) (b) of section 4758.40 and division (B) (2) of section 4758.41 of the Revised Code, requirements for the forty clock hours of training on the version of the diagnostic and statistical manual of mental disorders that is current at the time of the training, including the number of the clock hours that must be on substance-related disorders, the number of the clock hours that must be on chemical dependency conditions, and the number of the clock hours that must be on awareness of other mental and emotional disorders;

~~(13)~~ (15) For the purpose of division (A) (1) of section 4758.41 of the Revised Code, course requirements for a degree in a behavioral science or nursing;

~~(14)~~ (16) For the purpose of division (A) of section 4758.43 of the Revised Code, both of the following:

(a) The number of hours of training in chemical dependency counseling that an individual must have;

(b) Training requirements for chemical dependency counseling that shall, at a minimum, include qualifications for the individuals who provide the training and ~~instruction in one or more of the courses listed in division (A) (10) of this section as selected by the individual seeking the chemical dependency counselor assistant certificate;~~ the content areas covered in the training.

(17) For the purpose of division (A) (1) of section 4758.44 of the Revised Code, 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;

(18) For the purpose of division (A) (2) of section 4758.44 of the Revised Code, the field of study in which an individual must obtain at least a bachelor's degree;

~~(16)~~ (19) For the purpose of division (A) (3) of section 4758.44, division (A) (3) 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;

~~(17)~~ (20) For the purpose of division (A) (4) of section 4758.44 of the Revised Code, the number of hours of administrative or supervisory education that an individual must have;

~~(18)~~ (21) For the purpose of division (A) (1) of section 4758.45 of the Revised Code, 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;

(22) For the purpose of division (A) (2) of section 4758.45 of the Revised Code, the field of study in which an individual must obtain at least an associate's degree;

(23) 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 experience in prevention services that an individual must have;

(24) Standards for the one hundred hours of compensated work or supervised internship in gambling disorder direct

clinical experience required by division (B) (2) of section 739  
4758.48 of the Revised Code; 740

~~(20)~~ (25) For the purpose of section 4758.51 of the 741  
Revised Code, continuing education requirements for individuals 742  
who hold a license, certificate, or endorsement issued under 743  
this chapter; 744

~~(21)~~ (26) For the purpose of section 4758.51 of the 745  
Revised Code, the number of hours of continuing education that 746  
an individual must complete to have an expired license, 747  
certificate, or endorsement restored under section 4758.26 of 748  
the Revised Code; 749

~~(22)~~ (27) For the purpose of divisions (A) and (B) of 750  
section 4758.52 of the Revised Code, training requirements for 751  
chemical dependency counseling; 752

~~(23)~~ (28) The duties, which may differ, of all of the 753  
following: 754

(a) An independent chemical dependency counselor-clinical 755  
supervisor licensed under this chapter who supervises a chemical 756  
dependency counselor III under section 4758.56 of the Revised 757  
Code; 758

(b) An independent chemical dependency counselor-clinical 759  
supervisor, independent chemical dependency counselor, or 760  
chemical dependency counselor III licensed under this chapter 761  
who supervises a chemical dependency counselor assistant under 762  
section 4758.59 of the Revised Code; 763

(c) A prevention ~~specialist II~~ consultant or prevention 764  
specialist ~~I~~ certified under this chapter or independent 765  
chemical dependency counselor-clinical supervisor, independent 766  
chemical dependency counselor, or chemical dependency counselor 767

III licensed under this chapter who supervises a prevention 768  
specialist assistant or registered applicant under section 769  
4758.61 of the Revised Code. 770

~~(24)~~ (29) The duties of an independent chemical dependency 771  
counselor licensed under this chapter who holds the gambling 772  
disorder endorsement who supervises a chemical dependency 773  
counselor III with the gambling disorder endorsement under 774  
section 4758.62 of the Revised Code. 775

~~(25)~~ (30) Anything else necessary to administer this 776  
chapter. 777

(B) All rules adopted under this section shall be adopted 778  
in accordance with Chapter 119. of the Revised Code and any 779  
applicable federal laws and regulations. 780

(C) When it adopts rules under this section, the board may 781  
consider standards established by any national association or 782  
other organization representing the interests of those involved 783  
in chemical dependency counseling or ~~alcohol and other drug~~ 784  
prevention services. 785

**Sec. 4758.21.** (A) In accordance with rules adopted under 786  
section 4758.20 of the Revised Code and subject to division (B) 787  
of this section, the chemical dependency professionals board 788  
shall establish, and may from time to time adjust, fees to be 789  
charged for the following: 790

(1) Admitting an individual to an examination administered 791  
pursuant to section 4758.22 of the Revised Code; 792

(2) Issuing an initial independent chemical dependency 793  
counselor-clinical supervisor license, independent chemical 794  
dependency counselor license, chemical dependency counselor III 795  
license, chemical dependency counselor II license, chemical 796

dependency counselor assistant certificate, prevention	797
<del>specialist II consultant</del> certificate, prevention specialist <del>I</del> -	798
certificate, prevention specialist assistant certificate, or	799
registered applicant certificate;	800
(3) Issuing an initial gambling disorder endorsement;	801
(4) Renewing an independent chemical dependency counselor-	802
clinical supervisor license, independent chemical dependency	803
counselor license, chemical dependency counselor III license,	804
chemical dependency counselor II license, chemical dependency	805
counselor assistant certificate, prevention <del>specialist II</del> -	806
<u>consultant</u> certificate, prevention specialist <del>I</del> -certificate, or	807
prevention specialist assistant certificate;	808
(5) Renewing a gambling disorder endorsement;	809
(6) Approving continuing education courses under section	810
4758.28 of the Revised Code;	811
(7) Doing anything else the board determines necessary to	812
administer this chapter.	813
(B) The fees established under division (A) of this	814
section are nonrefundable. They shall be in amounts sufficient	815
to cover the necessary expenses of the board in administering	816
this chapter and rules adopted under it. The fees for a license,	817
certificate, or endorsement and the renewal of a license,	818
certificate, or endorsement may differ for the various types of	819
licenses, certificates, or endorsements, but shall not exceed	820
one hundred seventy-five dollars each, unless the board	821
determines that amounts in excess of one hundred seventy-five	822
dollars are needed to cover its necessary expenses in	823
administering this chapter and rules adopted under it and the	824
amounts in excess of one hundred seventy-five dollars are	825

approved by the controlling board. 826

(C) All vouchers of the board shall be approved by the 827  
chairperson or executive director of the board, or both, as 828  
authorized by the board. 829

**Sec. 4758.22.** The chemical dependency professionals board 830  
shall prepare, cause to be prepared, or procure the use of, and 831  
grade, cause to be graded, or procure the grading of, 832  
examinations to determine the competence of individuals seeking 833  
an independent chemical dependency counselor-clinical supervisor 834  
license, independent chemical dependency counselor license, 835  
chemical dependency counselor III license, chemical dependency 836  
counselor II license, prevention ~~specialist II~~ consultant 837  
certificate, or prevention specialist ~~I~~-certificate. The board 838  
may develop the examinations or use examinations prepared by 839  
state or national organizations that represent the interests of 840  
those involved in chemical dependency counseling or ~~alcohol and~~ 841  
~~other drug~~ prevention services. The board shall conduct 842  
examinations at least twice each year and shall determine the 843  
level of competence necessary for a passing score. 844

An individual may not sit for an examination administered 845  
pursuant to this section unless the individual meets the 846  
requirements to obtain the license or certificate the individual 847  
seeks, other than the requirement to have passed the 848  
examination, and pays the fee established under section 4758.21 849  
of the Revised Code. An individual who is denied admission to 850  
the examination may appeal the denial in accordance with Chapter 851  
119. of the Revised Code. 852

**Sec. 4758.23.** (A) In rules adopted under section 4758.20 853  
of the Revised Code, the chemical dependency professionals board 854  
shall establish codes of ethical practice and professional 855

conduct for the following:	856
(1) Individuals who hold a valid independent chemical dependency counselor-clinical supervisor license, independent chemical dependency counselor license, chemical dependency counselor III license, chemical dependency counselor II license, or chemical dependency counselor assistant certificate issued under this chapter;	857 858 859 860 861 862
(2) Individuals who hold a valid prevention <del>specialist II</del> <u>consultant</u> certificate, prevention specialist <del>I</del> certificate, prevention specialist assistant certificate, or registered applicant certificate issued under this chapter;	863 864 865 866
(3) Individuals who hold a valid gambling disorder endorsement.	867 868
(B) The codes for individuals identified under division (A) (1) of this section shall define unprofessional conduct, which shall include engaging in a dual relationship with a client, former client, consumer, or former consumer; committing an act of sexual abuse, misconduct, or exploitation of a client, former client, consumer, or former consumer; and, except as permitted by law, violating client or consumer confidentiality.	869 870 871 872 873 874 875
(C) The codes for individuals identified under division (A) (1) of this section may be based on any codes of ethical practice and professional conduct developed by national associations or other organizations representing the interests of those involved in chemical dependency counseling. The codes for individuals identified under division (A) (2) of this section may be based on any codes of ethical practice and professional conduct developed by national associations or other organizations representing the interests of those involved in	876 877 878 879 880 881 882 883 884

~~alcohol and other drug~~ prevention services. The board may 885  
establish standards in the codes that are more stringent than 886  
those established by the national associations or other 887  
organizations. 888

**Sec. 4758.30.** (A) The chemical dependency professionals 889  
board, in accordance with Chapter 119. of the Revised Code, may 890  
refuse to issue a license, certificate, or endorsement applied 891  
for under this chapter; refuse to renew or restore a license, 892  
certificate, or endorsement issued under this chapter; suspend, 893  
revoke, or otherwise restrict a license, certificate, or 894  
endorsement issued under this chapter; or reprimand an 895  
individual holding a license, certificate, or endorsement issued 896  
under this chapter. These actions may be taken by the board 897  
regarding the applicant for a license, certificate, or 898  
endorsement or the individual holding a license, certificate, or 899  
endorsement for one or more of the following reasons: 900

(1) Violation of any provision of this chapter or rules 901  
adopted under it; 902

(2) Knowingly making a false statement on an application 903  
for a license, certificate, or endorsement or for renewal, 904  
restoration, or reinstatement of a license, certificate, or 905  
endorsement; 906

(3) Acceptance of a commission or rebate for referring an 907  
individual to a person who holds a license or certificate issued 908  
by, or who is registered with, an entity of state government, 909  
including persons practicing chemical dependency counseling, 910  
~~alcohol and other drug~~ prevention services, gambling disorder 911  
counseling, or fields related to chemical dependency counseling, 912  
~~gambling disorder counseling, or alcohol and other drug~~ 913  
prevention services, or gambling disorder counseling; 914



- (4) Conviction in this or any other state of any crime that is a felony in this state; 915  
916
- (5) Conviction in this or any other state of a misdemeanor committed in the course of practice as an independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, chemical dependency counselor III, chemical dependency counselor II, chemical dependency counselor assistant, prevention ~~specialist~~ consultant, gambling disorder endorsee, prevention specialist ~~I~~, prevention specialist assistant, or registered applicant; 917  
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- (6) Inability to practice as an independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, chemical dependency counselor III, chemical dependency counselor II, chemical dependency counselor assistant, gambling disorder endorsee, prevention ~~specialist~~ consultant, prevention specialist ~~I~~, prevention specialist assistant, or registered applicant due to abuse of or dependency on alcohol or other drugs or other physical or mental condition; 925  
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- (7) Practicing outside the individual's scope of practice; 933
- (8) Practicing without complying with the supervision requirements specified under section 4758.56, 4758.59, 4758.61, or 4758.62 of the Revised Code; 934  
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936
- (9) Violation of the code of ethical practice and professional conduct for chemical dependency counseling, ~~alcohol and other drug prevention services~~, or gambling disorder counseling ~~services~~ adopted by the board pursuant to section 4758.23 of the Revised Code; 937  
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- (10) Revocation of a license, certificate, or endorsement or voluntary surrender of a license, certificate, or endorsement 942  
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in another state or jurisdiction for an offense that would be a 944  
violation of this chapter. 945

(B) An individual whose license, certificate, or 946  
endorsement has been suspended or revoked under this section may 947  
apply to the board for reinstatement after an amount of time the 948  
board shall determine in accordance with rules adopted under 949  
section 4758.20 of the Revised Code. The board may accept or 950  
refuse an application for reinstatement. The board may require 951  
an examination for reinstatement of a license, certificate, or 952  
endorsement that has been suspended or revoked. 953

**Sec. 4758.31.** The chemical dependency professionals board 954  
shall investigate alleged violations of this chapter or the 955  
rules adopted under it and alleged irregularities in the 956  
delivery of chemical dependency counseling services, prevention 957  
services, or gambling disorder counseling services, ~~or alcohol-~~ 958  
~~and other drug prevention services~~ by individuals who hold a 959  
license, certificate, or endorsement issued under this chapter. 960  
As part of an investigation, the board may issue subpoenas, 961  
examine witnesses, and administer oaths. 962

The board may receive any information necessary to conduct 963  
an investigation under this section that has been obtained in 964  
accordance with federal laws and regulations. If the board is 965  
investigating the provision of chemical dependency counseling 966  
services or gambling disorder counseling services to a couple or 967  
group, it is not necessary for both members of the couple or all 968  
members of the group to consent to the release of information 969  
relevant to the investigation. 970

The board shall ensure, in accordance with rules adopted 971  
under section 4758.20 of the Revised Code, that all records it 972  
holds pertaining to an investigation remain confidential during 973

the investigation. After the investigation, the records are 974  
public records except as otherwise provided by federal or state 975  
law. 976

**Sec. 4758.36.** As part of the review process under division 977  
(C) of section 4758.35 of the Revised Code of an application 978  
submitted by an applicant ~~who has obtained the applicant's whose~~ 979  
~~education, or~~ experience in chemical dependency counseling, 980  
~~gambling disorder, or alcohol and other drug prevention~~ 981  
~~services, or gambling disorder counseling was obtained outside~~ 982  
the United States, or whose education and experience both were 983  
obtained outside the United States, the chemical dependency 984  
professionals board shall determine whether the applicant's 985  
command of the English language and education or experience meet 986  
the standards required by this chapter and rules adopted under 987  
it. 988

**Sec. 4758.39.** An individual seeking an independent 989  
chemical dependency counselor-clinical supervisor license shall 990  
meet the requirements of division (A) or (B) of this section. 991

(A) To meet the requirements of this division, an 992  
individual must meet all of the following requirements: 993

(1) Hold from an accredited educational institution at 994  
least a master's degree in either a behavioral science or 995  
nursing that meets the course requirements specified in rules 996  
adopted under section 4758.20 of the Revised Code; 997

(2) Have not less than ~~six thousand~~ the number of hours 998  
specified in rules adopted under section 4758.20 of the Revised 999  
Code of compensated work or supervised internship experience ~~(,)~~ 1000  
including at least ~~two thousand~~ the number of hours specified in 1001  
those rules of clinical supervisory experience ~~as part of the~~ 1002

~~compensated work or supervised internship)~~, in any of the 1003  
following, not less than ~~one thousand two hundred hours~~ twenty 1004  
per cent of which are in chemical dependency counseling: 1005

(a) Chemical dependency services, substance abuse 1006  
services, or both types of services; 1007

(b) The practice of psychology, as defined in section 1008  
4732.01 of the Revised Code; 1009

(c) The practice of professional counseling, the practice 1010  
of social work, or the practice of marriage and family therapy, 1011  
all as defined in section 4757.01 of the Revised Code. 1012

(3) Have a minimum of ~~one hundred eighty~~ the number of 1013  
hours specified in rules adopted under section 4758.20 of the 1014  
Revised Code of training in chemical dependency that meets the 1015  
requirements specified in those ~~rules adopted under section~~ 1016  
~~4758.20 of the Revised Code;~~ 1017

(4) Unless the individual holds a valid license, 1018  
registration, certificate, or credentials issued under another 1019  
chapter of the Revised Code that authorizes the individual to 1020  
engage in a profession whose scope of practice includes the 1021  
clinical supervision of chemical dependency counseling, chemical 1022  
dependency counseling, and diagnosing and treating chemical 1023  
dependency conditions, pass one or more examinations 1024  
administered pursuant to section 4758.22 of the Revised Code for 1025  
the purpose of determining competence to practice as an 1026  
independent chemical dependency counselor-clinical supervisor. 1027

(B) To meet the requirement of this division, an 1028  
individual must hold, ~~on the effective date of this section~~ 1029  
March 22, 2013, a valid independent chemical dependency 1030  
counselor license. 1031

**Sec. 4758.40.** An individual seeking an independent 1032  
chemical dependency counselor license shall meet the 1033  
requirements of division (A) or (B) of this section. 1034

(A) To meet the requirements of this division, an 1035  
individual must meet all of the following requirements: 1036

(1) Hold from an accredited educational institution at 1037  
least a master's degree in a behavioral science or nursing that 1038  
meets the course requirements specified in rules adopted under 1039  
section 4758.20 of the Revised Code; 1040

(2) Have not less than ~~two thousand~~ the number of hours 1041  
specified in rules adopted under section 4758.20 of the Revised 1042  
Code of compensated work or supervised internship experience in 1043  
any of the following, not less than ~~four hundred hours~~ twenty 1044  
per cent of which are in chemical dependency counseling: 1045

(a) Chemical dependency services, substance abuse 1046  
services, or both types of services; 1047

(b) The practice of psychology, as defined in section 1048  
4732.01 of the Revised Code; 1049

(c) The practice of professional counseling, the practice 1050  
of social work, or the practice of marriage and family therapy, 1051  
all as defined in section 4757.01 of the Revised Code. 1052

(3) Have a minimum of ~~one hundred eighty~~ the number of 1053  
hours specified in rules adopted under section 4758.20 of the 1054  
Revised Code of training in chemical dependency that meets the 1055  
requirements specified in ~~those rules adopted under section~~ 1056  
~~4758.20 of the Revised Code~~; 1057

(4) Unless the individual holds a valid license, 1058  
registration, certificate, or credentials issued under another 1059

chapter of the Revised Code that authorizes the individual to 1060  
engage in a profession whose scope of practice includes chemical 1061  
dependency counseling and diagnosing and treating chemical 1062  
dependency conditions, pass one or more examinations 1063  
administered pursuant to section 4758.22 of the Revised Code for 1064  
the purpose of determining competence to practice as an 1065  
independent chemical dependency counselor. 1066

(B) To meet the requirements of this division, an 1067  
individual must meet both of the following requirements: 1068

(1) Hold, on December 23, 2002, a certificate or 1069  
credentials that were accepted under former section 3793.07 of 1070  
the Revised Code as authority to practice as a certified 1071  
chemical dependency counselor III or certified chemical 1072  
dependency counselor III-E; 1073

(2) Meet one of the following requirements: 1074

(a) Hold the degree described in division (A) (1) of this 1075  
section; 1076

(b) Have held a chemical dependency counselor III, II, or 1077  
I certificate for at least eight consecutive years and have not 1078  
less than forty clock hours of training on the version of the 1079  
diagnostic and statistical manual of mental disorders that is 1080  
current at the time of the training. The training must meet the 1081  
requirements specified in rules adopted under section 4758.20 of 1082  
the Revised Code. An individual authorized under Chapter 4731. 1083  
of the Revised Code to practice medicine and surgery or 1084  
osteopathic medicine and surgery, a psychologist licensed under 1085  
Chapter 4732. of the Revised Code, or a licensed professional 1086  
clinical counselor or independent social worker licensed under 1087  
Chapter 4757. of the Revised Code may provide any portion of the 1088

training. An independent chemical dependency counselor licensed 1089  
under this chapter who holds the degree described in division 1090  
(A) (1) of this section may provide the portion of the training 1091  
on chemical dependency conditions. 1092

**Sec. 4758.41.** An individual seeking a chemical dependency 1093  
counselor III license shall meet the requirements of division 1094  
(A), (B), or (C) of this section. 1095

(A) To meet the requirements of this division, an 1096  
individual must meet all of the following requirements: 1097

(1) Hold from an accredited educational institution at 1098  
least a bachelor's degree in a behavioral science or nursing 1099  
that meets the course requirements specified in rules adopted 1100  
under section 4758.20 of the Revised Code; 1101

(2) Have not less than ~~two thousand~~ the number of hours 1102  
specified in rules adopted under section 4758.20 of the Revised 1103  
Code of compensated work or supervised internship experience in 1104  
any of the following, not less than ~~four hundred hours~~ twenty 1105  
per cent of which are in chemical dependency counseling: 1106

(a) Chemical dependency services, substance abuse 1107  
services, or both types of services; 1108

(b) The practice of psychology, as defined in section 1109  
4732.01 of the Revised Code; 1110

(c) The practice of professional counseling, the practice 1111  
of social work, or the practice of marriage and family therapy, 1112  
all as defined in section 4757.01 of the Revised Code. 1113

(3) Have a minimum of ~~one hundred eighty~~ the number of 1114  
hours specified in rules adopted under section 4758.20 of the 1115  
Revised Code of training in chemical dependency that meets the 1116

requirements specified in ~~those rules adopted under section~~ 1117  
~~4758.20 of the Revised Code;~~ 1118

(4) Unless the individual holds a valid license, 1119  
registration, certificate, or credentials issued under another 1120  
chapter of the Revised Code that authorizes the individual to 1121  
engage in a profession whose scope of practice includes chemical 1122  
dependency counseling and diagnosing and treating chemical 1123  
dependency conditions, pass one or more examinations 1124  
administered pursuant to section 4758.22 of the Revised Code for 1125  
the purpose of determining competence to practice as a chemical 1126  
dependency counselor III. 1127

(B) To meet the requirements of this division, an 1128  
individual must meet both of the following requirements: 1129

(1) Hold, on December 23, 2002, a certificate or 1130  
credentials that were accepted under former section 3793.07 of 1131  
the Revised Code as authority to practice as a certified 1132  
chemical dependency counselor III or certified chemical 1133  
dependency counselor III-E; 1134

(2) Have not less than forty clock hours of training on 1135  
the version of the diagnostic and statistical manual of mental 1136  
disorders that is current at the time of the training. The 1137  
training must meet the requirements specified in rules adopted 1138  
under section 4758.20 of the Revised Code. An individual 1139  
authorized under Chapter 4731. of the Revised Code to practice 1140  
medicine and surgery or osteopathic medicine and surgery, a 1141  
psychologist licensed under Chapter 4732. of the Revised Code, 1142  
or a licensed professional clinical counselor or independent 1143  
social worker licensed under Chapter 4757. of the Revised Code 1144  
may provide any portion of the training. An independent chemical 1145  
dependency counselor licensed under this chapter who holds the 1146



degree described in division (A) (1) of section 4758.40 of the Revised Code may provide the portion of the training on chemical dependency conditions.

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

(1) Hold, on December 23, 2002, a certificate or credentials that were accepted under former section 3793.07 of the Revised Code as authority to practice as a certified chemical dependency counselor II;

(2) Meet the requirement of division (B) (2) of this section;

(3) Hold a bachelor's degree in a behavioral science.

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

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

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

(2) Have not less than ~~two thousand~~ the number of hours specified in rules adopted under section 4758.20 of the Revised Code of compensated work or supervised internship experience in any of the following, not less than ~~four hundred hours~~ twenty per cent of which are in chemical dependency counseling:

(a) Chemical dependency services, substance abuse services, or both types of services;

(b) The practice of psychology, as defined in section 1174  
4732.01 of the Revised Code; 1175

(c) The practice of professional counseling, the practice 1176  
of social work, or the practice of marriage and family therapy, 1177  
all as defined in section 4757.01 of the Revised Code. 1178

(3) Have a minimum of ~~one hundred eighty~~ the number of 1179  
hours specified in rules adopted under section 4758.20 of the 1180  
Revised Code of training in chemical dependency that meets the 1181  
requirements specified in those rules ~~adopted under section~~ 1182  
~~4758.20 of the Revised Code;~~ 1183

(4) Pass one or more examinations administered pursuant to 1184  
section 4758.22 of the Revised Code for the purpose of 1185  
determining competence to practice as a chemical dependency 1186  
counselor II. 1187

(B) To meet the requirement of this division, an 1188  
individual must hold, on December 23, 2002, a certificate or 1189  
credentials that were accepted under former section 3793.07 of 1190  
the Revised Code as authority to practice as a certified 1191  
chemical dependency counselor II. 1192

**Sec. 4758.43.** An individual seeking a chemical dependency 1193  
counselor assistant certificate shall meet either of the 1194  
following requirements: 1195

(A) Have at least ~~forty~~ the number of hours specified in 1196  
rules adopted under section 4758.20 of the Revised Code of 1197  
training in chemical dependency counseling that meets the 1198  
requirements specified in those rules ~~adopted under section~~ 1199  
~~4758.20 of the Revised Code;~~ 1200

(B) Hold, on December 23, 2002, a certificate or 1201  
credentials that were accepted under former section 3793.07 of 1202

the Revised Code as authority to practice as a registered 1203  
candidate. 1204

**Sec. 4758.44.** An individual seeking a prevention 1205  
~~specialist II consultant~~ certificate shall meet the requirements 1206  
of division (A) or (B) of this section. 1207

(A) To meet the requirements of this division, an 1208  
individual must meet all of the following requirements: 1209

(1) Have at least ~~six thousand~~ the number of hours 1210  
specified in rules adopted under section 4758.20 of the Revised 1211  
Code of compensated work experience in ~~alcohol and other drug~~ 1212  
prevention services, including at least ~~four thousand~~ the number 1213  
of hours specified in those rules of administering or 1214  
supervising the services; 1215

(2) Hold from an accredited educational institution at 1216  
least a bachelor's degree in a field of study specified in rules 1217  
adopted under section 4758.20 of the Revised Code; 1218

(3) Have at least ~~one hundred~~ the number of hours 1219  
specified in rules adopted under section 4758.20 of the Revised 1220  
Code of prevention-related education that meets the requirements 1221  
specified in ~~those rules adopted under section 4758.20 of the~~ 1222  
~~Revised Code~~; 1223

(4) Have at least the number of hours specified in rules 1224  
adopted under section 4758.20 of the Revised Code of 1225  
administrative or supervisory education ~~specified in rules~~ 1226  
~~adopted under section 4758.20 of the Revised Code~~; 1227

(5) Pass one or more examinations administered pursuant to 1228  
section 4758.22 of the Revised Code for the purpose of 1229  
determining competence to practice as a prevention ~~specialist II~~ 1230  
consultant. 1231

(B) To meet the requirement of this division, an individual must hold, on December 23, 2002, a certificate or credentials that were accepted under former section 3793.07 of the Revised Code as authority to practice as a certified prevention specialist II.

**Sec. 4758.45.** An individual seeking a prevention specialist ~~I~~-certificate shall meet the requirements of division (A) or (B) of this section.

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

(1) Have at least ~~two thousand~~ 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 ~~alcohol and other drug~~ prevention services, including at least ~~four hundred~~ the number of hours specified in those rules of planning or delivering the services;

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

(3) Have at least ~~one hundred~~ 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 ~~adopted under section 4758.20 of the Revised Code~~;

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

(B) To meet the requirement of this division, an individual must hold, on December 23, 2002, a certificate or

credentials that were accepted under former section 3793.07 of 1261  
the Revised Code as authority to practice as a certified 1262  
prevention specialist I. 1263

**Sec. 4758.46.** An individual seeking a prevention 1264  
specialist assistant certificate shall meet all of the following 1265  
requirements: 1266

(A) Be at least eighteen years of age; 1267

(B) Have at least a high school diploma or high school 1268  
equivalence diploma; 1269

(C) Have at least ~~one hundred~~ the number of hours 1270  
specified in rules adopted under section 4758.20 of the Revised 1271  
Code of compensated or volunteer work, field placement, intern, 1272  
or practicum experience in ~~alcohol and other drug~~ prevention 1273  
services; 1274

(D) Have at least ~~forty five~~ the number of hours 1275  
specified in rules adopted under section 4758.20 of the Revised 1276  
Code of prevention-related education that meets the requirements 1277  
specified in ~~those rules adopted under section 4758.20 of the~~ 1278  
~~Revised Code.~~ 1279

**Sec. 4758.60.** An individual who holds a valid prevention 1280  
~~specialist II consultant~~ certificate or prevention specialist I 1281  
certificate issued under this chapter may engage in the practice 1282  
of prevention services as specified in rules adopted under 1283  
section 4758.20 of the Revised Code. 1284

**Sec. 4758.61.** An individual who holds a valid prevention 1285  
specialist assistant certificate or registered applicant 1286  
certificate issued under this chapter may engage in the practice 1287  
of ~~alcohol and other drug~~ prevention services under the 1288  
supervision of any of the following: 1289

(A) A prevention <del>specialist II</del> <u>consultant</u> or prevention specialist <del>I</del> -certified under this chapter;	1290 1291
(B) An independent chemical dependency counselor-clinical supervisor, an independent chemical dependency counselor, or a chemical dependency counselor III licensed under this chapter;	1292 1293 1294
(C) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	1295 1296 1297
(D) A psychologist licensed under Chapter 4732. of the Revised Code;	1298 1299
(E) A registered nurse licensed under Chapter 4723. of the Revised Code;	1300 1301
(F) A licensed professional clinical counselor, a licensed professional counselor, an independent social worker, a social worker, an independent marriage and family therapist, or a marriage and family therapist licensed under Chapter 4757. of the Revised Code;	1302 1303 1304 1305 1306
(G) A school counselor licensed by the department of education pursuant to section 3319.22 of the Revised Code;	1307 1308
(H) A health education specialist certified by the national commission for health education credentialing;	1309 1310
(I) An individual authorized to practice as a certified nurse practitioner or clinical nurse specialist under Chapter 4723. of the Revised Code.	1311 1312 1313
<b>Section 2.</b> That existing sections 2305.234, 4757.41, 4758.01, 4758.02, 4758.10, 4758.13, 4758.20, 4758.21, 4758.22, 4758.23, 4758.30, 4758.31, 4758.36, 4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 4758.44, 4758.45, 4758.46, 4758.60, and	1314 1315 1316 1317

4758.61 of the Revised Code are hereby repealed. 1318

**Section 3.** (A) This act renames two of the certificates 1319  
issued by the Chemical Dependency Professionals Board as 1320  
follows: 1321

(1) A prevention specialist I certificate is renamed a 1322  
prevention specialist certificate; 1323

(2) A prevention specialist II certificate is renamed a 1324  
prevention consultant certificate. 1325

(B) A certificate described in division (A) of this 1326  
section that is valid on the effective date of this act 1327  
constitutes the renamed certificate and remains valid until its 1328  
expiration date, unless earlier suspended or revoked by the 1329  
Board. 1330