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Sub. H. B. No. 33

Representatives Lanese, Carruthers

Cosponsors: Representatives Riedel, LaTourette, Carfagna, Lang, Plummer, Leland, Crossman, Galonski, Rogers, Smith, T., West, Abrams, Baldrige, Clites, Cupp, Cutrona, Edwards, Fraizer, Greenspan, Grendell, Hicks-Hudson, Hoops, LaRe, Liston, Miller, J., O'Brien, Patterson, Perales, Robinson, Roemer, Russo, Sheehy, Stein, Stephens, Weinstein

A BILL

To amend sections 959.99, 2151.421, 4741.22, and 1
4757.36 and to enact sections 959.07, 959.08, 2
959.09, 959.10, and 5101.93 of the Revised Code 3
to establish animal abuse reporting 4
requirements. 5

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

Section 1. That sections 959.99, 2151.421, 4741.22, and 6
4757.36 be amended and sections 959.07, 959.08, 959.09, 959.10, 7
and 5101.93 of the Revised Code be enacted to read as follows: 8

Sec. 959.07. (A) As used in sections 959.07 to 959.10 of 9
the Revised Code: 10

(1) "Companion animal" has the same meaning as in section 11
959.131 of the Revised Code. 12

(2) "Licensed veterinarian" has the same meaning as in 13
section 4741.01 of the Revised Code. 14

(3) "Protective services" has the same meaning as in 15
section 5101.60 of the Revised Code. 16

(4) "Officer" has the same meaning as in section 959.132 17
of the Revised Code. 18

(5) "Social service professional" means an employee or 19
agent of a public children services agency or an employee or 20
agent of a county department of job and family services with 21
responsibility for protective services. 22

(6) "Older adult" means any person sixty years of age or 23
older within this state who is handicapped by the infirmities of 24
aging or who has a physical or mental impairment which prevents 25
the person from providing for the person's own care or 26
protection, and who resides in an independent living 27
arrangement. 28

(7) "Violation involving a companion animal" means any 29
violation of section 959.01, 959.02, 959.03, 959.13, 959.131, 30
959.15, 959.16, or 959.21 of the Revised Code involving a 31
companion animal. 32

(B)(1) No person listed in division (B)(2) of this section 33
shall fail to immediately report a violation involving a 34
companion animal to an officer who is not a dog warden or deputy 35
dog warden when that person has knowledge or reasonable cause to 36
suspect that such a violation has occurred or is occurring. 37

(2) Division (B)(1) of this section applies to all of the 38
following operating in an official or professional capacity: 39

(a) A licensed veterinarian; 40

(b) A social service professional; 41

(c) A person licensed under Chapter 4757. of the Revised 42

Code. 43

Sec. 959.08. No officer, dog warden, or deputy dog warden 44
operating in an official or professional capacity, shall fail to 45
immediately report a violation involving a companion animal to 46
an appropriate social service professional when all of the 47
following apply: 48

(A) The officer, dog warden, or deputy dog warden has 49
knowledge or reasonable cause to suspect that a violation 50
involving a companion animal has occurred or is occurring; 51

(B) The officer, dog warden, or deputy dog warden has 52
knowledge or reasonable cause to suspect that a child or older 53
adult resides with the alleged violator; 54

(C) The officer, dog warden, or deputy dog warden suspects 55
that the violation involving a companion animal may have an 56
impact on the child or older adult residing with the alleged 57
violator. 58

Sec. 959.09. (A) (1) Except as otherwise provided in 59
division (A) (2) of this section, a person required to make a 60
report under section 959.07 or 959.08 of the Revised Code may do 61
so orally or in writing and shall include all of the following 62
in the report: 63

(a) If known, the name and description of the companion 64
animal involved; 65

(b) The address and telephone number of the owner or other 66
person responsible for care of the companion animal, if known; 67

(c) The nature and extent of the suspected abuse; 68

(d) Any other information that the person making the 69
report believes may be useful in establishing the existence of 70

the suspected violation involving a companion animal or the 71
identity of the person causing the violation involving a 72
companion animal. 73

(2) An officer, dog warden, or deputy dog warden required 74
to make a report under section 959.08 of the Revised Code may 75
exclude any information from the report that is confidential or 76
that the officer, dog warden, or deputy dog warden reasonably 77
believes could jeopardize a pending criminal investigation. 78

(B) A person required to make a report under section 79
959.07 or 959.08 of the Revised Code is immune from civil or 80
criminal liability in connection with making that report if the 81
person acted in good faith when making the report. 82

(C) No person required to make a report under section 83
959.07 or 959.08 of the Revised Code shall knowingly make a 84
false report. 85

(D) (1) A court shall award reasonable attorney's fees and 86
costs to the prevailing party in any civil or criminal action or 87
proceeding in which it is alleged and proved that participation 88
in the making of a report under section 959.07 or 959.08 of the 89
Revised Code was not in good faith. 90

(2) A court may award reasonable attorney's fees and costs 91
to the party against whom a civil action or proceeding is 92
brought in which it is alleged that participation in the making 93
of a report under section 959.07 or 959.08 of the Revised Code 94
was not in good faith if the action or proceeding is voluntarily 95
dismissed. 96

Sec. 959.10. The entity with responsibility for employment 97
oversight of an officer, dog warden, or deputy dog warden shall 98
issue that individual a confidential written warning if the 99

entity discovers that the individual has violated section 959.08 100
of the Revised Code. The entity shall include in the warning an 101
explanation of the violation and the reporting requirement. 102

Sec. 959.99. (A) Whoever violates section 959.18 or 959.19 103
of the Revised Code is guilty of a minor misdemeanor. 104

(B) Except as otherwise provided in this division, whoever 105
violates section 959.02 of the Revised Code is guilty of a 106
misdemeanor of the second degree. If the value of the animal 107
killed or the injury done amounts to three hundred dollars or 108
more, whoever violates section 959.02 of the Revised Code is 109
guilty of a misdemeanor of the first degree. 110

(C) Whoever violates section 959.03, 959.06, division (C) 111
of section 959.09, 959.12, or 959.17 or division (A) of section 112
959.15 of the Revised Code is guilty of a misdemeanor of the 113
fourth degree. 114

(D) Whoever violates division (A) of section 959.13 or 115
section 959.21 of the Revised Code is guilty of a misdemeanor of 116
the second degree. In addition, the court may order the offender 117
to forfeit the animal or livestock and may provide for its 118
disposition, including, but not limited to, the sale of the 119
animal or livestock. If an animal or livestock is forfeited and 120
sold pursuant to this division, the proceeds from the sale first 121
shall be applied to pay the expenses incurred with regard to the 122
care of the animal from the time it was taken from the custody 123
of the former owner. The balance of the proceeds from the sale, 124
if any, shall be paid to the former owner of the animal. 125

(E) (1) Whoever violates division (B) of section 959.131 of 126
the Revised Code is guilty of a misdemeanor of the first degree 127
on a first offense and a felony of the fifth degree on each 128

subsequent offense.	129
(2) Whoever violates division (C) of section 959.131 of the Revised Code is guilty of a felony of the fifth degree.	130 131
(3) Whoever violates section 959.01 of the Revised Code or division (D) of section 959.131 of the Revised Code is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.	132 133 134 135
(4) Whoever violates division (E) of section 959.131 of the Revised Code is guilty of a felony of the fifth degree.	136 137
(5) Whoever violates division (F) of section 959.131 of the Revised Code is guilty of a misdemeanor of the first degree.	138 139
(6) (a) A court may order a person who is convicted of or pleads guilty to a violation of section 959.131 of the Revised Code to forfeit to an impounding agency, as defined in section 959.132 of the Revised Code, any or all of the companion animals in that person's ownership or care. The court also may prohibit or place limitations on the person's ability to own or care for any companion animals for a specified or indefinite period of time.	140 141 142 143 144 145 146 147
(b) A court may order a person who is convicted of or pleads guilty to a violation of section 959.131 of the Revised Code to reimburse an impounding agency for the reasonably necessary costs incurred by the agency for the care of a companion animal that the agency impounded as a result of the investigation or prosecution of the violation, provided that the costs were not otherwise paid under section 959.132 of the Revised Code.	148 149 150 151 152 153 154 155
(7) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation of section 959.131	156 157

or 959.21 of the Revised Code suffers from a mental or emotional disorder that contributed to the violation, the court may impose as a community control sanction or as a condition of probation a requirement that the offender undergo psychological evaluation or counseling. The court shall order the offender to pay the costs of the evaluation or counseling.

(F) Whoever violates section 959.14 of the Revised Code is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.

(G) Whoever violates section 959.05 or 959.20 of the Revised Code is guilty of a misdemeanor of the first degree.

(H) Whoever violates section 959.16 of the Revised Code is guilty of a felony of the fourth degree for a first offense and a felony of the third degree on each subsequent offense.

(I) Whoever violates division (B) or (C) of section 959.15 of the Revised Code is guilty of a felony and shall be fined not more than ten thousand dollars.

Sec. 2151.421. (A) (1) (a) No person described in division (A) (1) (b) of this section who is acting in an official or professional capacity and knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in a similar position to suspect, that a child under eighteen years of age, or a person under twenty-one years of age with a developmental disability or physical impairment, has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child shall fail to immediately report that knowledge or reasonable cause to suspect

to the entity or persons specified in this division. Except as 187
otherwise provided in this division or section 5120.173 of the 188
Revised Code, the person making the report shall make it to the 189
public children services agency or a peace officer in the county 190
in which the child resides or in which the abuse or neglect is 191
occurring or has occurred. If the person making the report is a 192
peace officer, the officer shall make it to the public children 193
services agency in the county in which the child resides or in 194
which the abuse or neglect is occurring or has occurred. In the 195
circumstances described in section 5120.173 of the Revised Code, 196
the person making the report shall make it to the entity 197
specified in that section. 198

(b) Division (A) (1) (a) of this section applies to any 199
person who is an attorney; health care professional; 200
practitioner of a limited branch of medicine as specified in 201
section 4731.15 of the Revised Code; licensed school 202
psychologist; independent marriage and family therapist or 203
marriage and family therapist; coroner; administrator or 204
employee of a child day-care center; administrator or employee 205
of a residential camp, child day camp, or private, nonprofit 206
therapeutic wilderness camp; administrator or employee of a 207
certified child care agency or other public or private children 208
services agency; school teacher; school employee; school 209
authority; peace officer; agent of a county humane society; dog 210
warden, deputy dog warden, or other person appointed to act as 211
an animal control officer for a municipal corporation or 212
township in accordance with state law, an ordinance, or a 213
resolution; person, other than a cleric, rendering spiritual 214
treatment through prayer in accordance with the tenets of a 215
well-recognized religion; employee of a county department of job 216
and family services who is a professional and who works with 217

children and families; superintendent or regional administrator 218
employed by the department of youth services; superintendent, 219
board member, or employee of a county board of developmental 220
disabilities; investigative agent contracted with by a county 221
board of developmental disabilities; employee of the department 222
of developmental disabilities; employee of a facility or home 223
that provides respite care in accordance with section 5123.171 224
of the Revised Code; employee of an entity that provides 225
homemaker services; a person performing the duties of an 226
assessor pursuant to Chapter 3107. or 5103. of the Revised Code; 227
third party employed by a public children services agency to 228
assist in providing child or family related services; court 229
appointed special advocate; or guardian ad litem. 230

(c) If two or more health care professionals, after 231
providing health care services to a child, determine or suspect 232
that the child has been or is being abused or neglected, the 233
health care professionals may designate one of the health care 234
professionals to report the abuse or neglect. A single report 235
made under this division shall meet the reporting requirements 236
of division (A) (1) of this section. 237

(2) Except as provided in division (A) (3) of this section, 238
an attorney or a physician is not required to make a report 239
pursuant to division (A) (1) of this section concerning any 240
communication the attorney or physician receives from a client 241
or patient in an attorney-client or physician-patient 242
relationship, if, in accordance with division (A) or (B) of 243
section 2317.02 of the Revised Code, the attorney or physician 244
could not testify with respect to that communication in a civil 245
or criminal proceeding. 246

(3) The client or patient in an attorney-client or 247

physician-patient relationship described in division (A) (2) of 248
this section is deemed to have waived any testimonial privilege 249
under division (A) or (B) of section 2317.02 of the Revised Code 250
with respect to any communication the attorney or physician 251
receives from the client or patient in that attorney-client or 252
physician-patient relationship, and the attorney or physician 253
shall make a report pursuant to division (A) (1) of this section 254
with respect to that communication, if all of the following 255
apply: 256

(a) The client or patient, at the time of the 257
communication, is a child under eighteen years of age or is a 258
person under twenty-one years of age with a developmental 259
disability or physical impairment. 260

(b) The attorney or physician knows, or has reasonable 261
cause to suspect based on facts that would cause a reasonable 262
person in similar position to suspect that the client or patient 263
has suffered or faces a threat of suffering any physical or 264
mental wound, injury, disability, or condition of a nature that 265
reasonably indicates abuse or neglect of the client or patient. 266

(c) The abuse or neglect does not arise out of the 267
client's or patient's attempt to have an abortion without the 268
notification of her parents, guardian, or custodian in 269
accordance with section 2151.85 of the Revised Code. 270

(4) (a) No cleric and no person, other than a volunteer, 271
designated by any church, religious society, or faith acting as 272
a leader, official, or delegate on behalf of the church, 273
religious society, or faith who is acting in an official or 274
professional capacity, who knows, or has reasonable cause to 275
believe based on facts that would cause a reasonable person in a 276
similar position to believe, that a child under eighteen years 277

of age, or a person under twenty-one years of age with a 278
developmental disability or physical impairment, has suffered or 279
faces a threat of suffering any physical or mental wound, 280
injury, disability, or condition of a nature that reasonably 281
indicates abuse or neglect of the child, and who knows, or has 282
reasonable cause to believe based on facts that would cause a 283
reasonable person in a similar position to believe, that another 284
cleric or another person, other than a volunteer, designated by 285
a church, religious society, or faith acting as a leader, 286
official, or delegate on behalf of the church, religious 287
society, or faith caused, or poses the threat of causing, the 288
wound, injury, disability, or condition that reasonably 289
indicates abuse or neglect shall fail to immediately report that 290
knowledge or reasonable cause to believe to the entity or 291
persons specified in this division. Except as provided in 292
section 5120.173 of the Revised Code, the person making the 293
report shall make it to the public children services agency or a 294
peace officer in the county in which the child resides or in 295
which the abuse or neglect is occurring or has occurred. In the 296
circumstances described in section 5120.173 of the Revised Code, 297
the person making the report shall make it to the entity 298
specified in that section. 299

(b) Except as provided in division (A) (4) (c) of this 300
section, a cleric is not required to make a report pursuant to 301
division (A) (4) (a) of this section concerning any communication 302
the cleric receives from a penitent in a cleric-penitent 303
relationship, if, in accordance with division (C) of section 304
2317.02 of the Revised Code, the cleric could not testify with 305
respect to that communication in a civil or criminal proceeding. 306

(c) The penitent in a cleric-penitent relationship 307
described in division (A) (4) (b) of this section is deemed to 308

have waived any testimonial privilege under division (C) of 309
section 2317.02 of the Revised Code with respect to any 310
communication the cleric receives from the penitent in that 311
cleric-penitent relationship, and the cleric shall make a report 312
pursuant to division (A) (4) (a) of this section with respect to 313
that communication, if all of the following apply: 314

(i) The penitent, at the time of the communication, is a 315
child under eighteen years of age or is a person under twenty- 316
one years of age with a developmental disability or physical 317
impairment. 318

(ii) The cleric knows, or has reasonable cause to believe 319
based on facts that would cause a reasonable person in a similar 320
position to believe, as a result of the communication or any 321
observations made during that communication, the penitent has 322
suffered or faces a threat of suffering any physical or mental 323
wound, injury, disability, or condition of a nature that 324
reasonably indicates abuse or neglect of the penitent. 325

(iii) The abuse or neglect does not arise out of the 326
penitent's attempt to have an abortion performed upon a child 327
under eighteen years of age or upon a person under twenty-one 328
years of age with a developmental disability or physical 329
impairment without the notification of her parents, guardian, or 330
custodian in accordance with section 2151.85 of the Revised 331
Code. 332

(d) Divisions (A) (4) (a) and (c) of this section do not 333
apply in a cleric-penitent relationship when the disclosure of 334
any communication the cleric receives from the penitent is in 335
violation of the sacred trust. 336

(e) As used in divisions (A) (1) and (4) of this section, 337

"cleric" and "sacred trust" have the same meanings as in section 338
2317.02 of the Revised Code. 339

(B) Anyone who knows, or has reasonable cause to suspect 340
based on facts that would cause a reasonable person in similar 341
circumstances to suspect, that a child under eighteen years of 342
age, or a person under twenty-one years of age with a 343
developmental disability or physical impairment, has suffered or 344
faces a threat of suffering any physical or mental wound, 345
injury, disability, or other condition of a nature that 346
reasonably indicates abuse or neglect of the child may report or 347
cause reports to be made of that knowledge or reasonable cause 348
to suspect to the entity or persons specified in this division. 349
Except as provided in section 5120.173 of the Revised Code, a 350
person making a report or causing a report to be made under this 351
division shall make it or cause it to be made to the public 352
children services agency or to a peace officer. In the 353
circumstances described in section 5120.173 of the Revised Code, 354
a person making a report or causing a report to be made under 355
this division shall make it or cause it to be made to the entity 356
specified in that section. 357

(C) Any report made pursuant to division (A) or (B) of 358
this section shall be made forthwith either by telephone or in 359
person and shall be followed by a written report, if requested 360
by the receiving agency or officer. The written report shall 361
contain: 362

(1) The names and addresses of the child and the child's 363
parents or the person or persons having custody of the child, if 364
known; 365

(2) The child's age and the nature and extent of the 366
child's injuries, abuse, or neglect that is known or reasonably 367

suspected or believed, as applicable, to have occurred or of the 368
threat of injury, abuse, or neglect that is known or reasonably 369
suspected or believed, as applicable, to exist, including any 370
evidence of previous injuries, abuse, or neglect; 371

(3) Any other information, including, but not limited to, 372
results and reports of any medical examinations, tests, or 373
procedures performed under division (D) of this section, that 374
might be helpful in establishing the cause of the injury, abuse, 375
or neglect that is known or reasonably suspected or believed, as 376
applicable, to have occurred or of the threat of injury, abuse, 377
or neglect that is known or reasonably suspected or believed, as 378
applicable, to exist. 379

(D) (1) Any person, who is required by division (A) of this 380
section to report child abuse or child neglect that is known or 381
reasonably suspected or believed to have occurred, may take or 382
cause to be taken color photographs of areas of trauma visible 383
on a child and, if medically necessary for the purpose of 384
diagnosing or treating injuries that are suspected to have 385
occurred as a result of child abuse or child neglect, perform or 386
cause to be performed radiological examinations and any other 387
medical examinations of, and tests or procedures on, the child. 388

(2) The results and any available reports of examinations, 389
tests, or procedures made under division (D) (1) of this section 390
shall be included in a report made pursuant to division (A) of 391
this section. Any additional reports of examinations, tests, or 392
procedures that become available shall be provided to the public 393
children services agency, upon request. 394

(3) If a health care professional provides health care 395
services in a hospital, children's advocacy center, or emergency 396
medical facility to a child about whom a report has been made 397

under division (A) of this section, the health care professional 398
may take any steps that are reasonably necessary for the release 399
or discharge of the child to an appropriate environment. Before 400
the child's release or discharge, the health care professional 401
may obtain information, or consider information obtained, from 402
other entities or individuals that have knowledge about the 403
child. Nothing in division (D) (3) of this section shall be 404
construed to alter the responsibilities of any person under 405
sections 2151.27 and 2151.31 of the Revised Code. 406

(4) A health care professional may conduct medical 407
examinations, tests, or procedures on the siblings of a child 408
about whom a report has been made under division (A) of this 409
section and on other children who reside in the same home as the 410
child, if the professional determines that the examinations, 411
tests, or procedures are medically necessary to diagnose or 412
treat the siblings or other children in order to determine 413
whether reports under division (A) of this section are warranted 414
with respect to such siblings or other children. The results of 415
the examinations, tests, or procedures on the siblings and other 416
children may be included in a report made pursuant to division 417
(A) of this section. 418

(5) Medical examinations, tests, or procedures conducted 419
under divisions (D) (1) and (4) of this section and decisions 420
regarding the release or discharge of a child under division (D) 421
(3) of this section do not constitute a law enforcement 422
investigation or activity. 423

(E) (1) When a peace officer receives a report made 424
pursuant to division (A) or (B) of this section, upon receipt of 425
the report, the peace officer who receives the report shall 426
refer the report to the appropriate public children services 427

agency, unless an arrest is made at the time of the report that 428
results in the appropriate public children services agency being 429
contacted concerning the possible abuse or neglect of a child or 430
the possible threat of abuse or neglect of a child. 431

(2) When a public children services agency receives a 432
report pursuant to this division or division (A) or (B) of this 433
section, upon receipt of the report, the public children 434
services agency shall do both of the following: 435

(a) Comply with section 2151.422 of the Revised Code; 436

(b) If the county served by the agency is also served by a 437
children's advocacy center and the report alleges sexual abuse 438
of a child or another type of abuse of a child that is specified 439
in the memorandum of understanding that creates the center as 440
being within the center's jurisdiction, comply regarding the 441
report with the protocol and procedures for referrals and 442
investigations, with the coordinating activities, and with the 443
authority or responsibility for performing or providing 444
functions, activities, and services stipulated in the 445
interagency agreement entered into under section 2151.428 of the 446
Revised Code relative to that center. 447

(F) No peace officer shall remove a child about whom a 448
report is made pursuant to this section from the child's 449
parents, stepparents, or guardian or any other persons having 450
custody of the child without consultation with the public 451
children services agency, unless, in the judgment of the 452
officer, and, if the report was made by physician, the 453
physician, immediate removal is considered essential to protect 454
the child from further abuse or neglect. The agency that must be 455
consulted shall be the agency conducting the investigation of 456
the report as determined pursuant to section 2151.422 of the 457

Revised Code. 458

(G) (1) Except as provided in section 2151.422 of the 459
Revised Code or in an interagency agreement entered into under 460
section 2151.428 of the Revised Code that applies to the 461
particular report, the public children services agency shall 462
investigate, within twenty-four hours, each report of child 463
abuse or child neglect that is known or reasonably suspected or 464
believed to have occurred and of a threat of child abuse or 465
child neglect that is known or reasonably suspected or believed 466
to exist that is referred to it under this section to determine 467
the circumstances surrounding the injuries, abuse, or neglect or 468
the threat of injury, abuse, or neglect, the cause of the 469
injuries, abuse, neglect, or threat, and the person or persons 470
responsible. The investigation shall be made in cooperation with 471
the law enforcement agency and in accordance with the memorandum 472
of understanding prepared under division (K) of this section. A 473
representative of the public children services agency shall, at 474
the time of initial contact with the person subject to the 475
investigation, inform the person of the specific complaints or 476
allegations made against the person. The information shall be 477
given in a manner that is consistent with division (I) (1) of 478
this section and protects the rights of the person making the 479
report under this section. 480

A failure to make the investigation in accordance with the 481
memorandum is not grounds for, and shall not result in, the 482
dismissal of any charges or complaint arising from the report or 483
the suppression of any evidence obtained as a result of the 484
report and does not give, and shall not be construed as giving, 485
any rights or any grounds for appeal or post-conviction relief 486
to any person. The public children services agency shall report 487
each case to the uniform statewide automated child welfare 488

information system that the department of job and family 489
services shall maintain in accordance with section 5101.13 of 490
the Revised Code. The public children services agency shall 491
submit a report of its investigation, in writing, to the law 492
enforcement agency. 493

(2) The public children services agency shall make any 494
recommendations to the county prosecuting attorney or city 495
director of law that it considers necessary to protect any 496
children that are brought to its attention. 497

(H) (1) (a) Except as provided in divisions (H) (1) (b) and 498
(I) (3) of this section, any person, health care professional, 499
hospital, institution, school, health department, or agency 500
shall be immune from any civil or criminal liability for injury, 501
death, or loss to person or property that otherwise might be 502
incurred or imposed as a result of any of the following: 503

(i) Participating in the making of reports pursuant to 504
division (A) of this section or in the making of reports in good 505
faith, pursuant to division (B) of this section; 506

(ii) Participating in medical examinations, tests, or 507
procedures under division (D) of this section; 508

(iii) Providing information used in a report made pursuant 509
to division (A) of this section or providing information in good 510
faith used in a report made pursuant to division (B) of this 511
section; 512

(iv) Participating in a judicial proceeding resulting from 513
a report made pursuant to division (A) of this section or 514
participating in good faith in a proceeding resulting from a 515
report made pursuant to division (B) of this section. 516

(b) Immunity under division (H) (1) (a) (ii) of this section 517

shall not apply when a health care provider has deviated from 518
the standard of care applicable to the provider's profession. 519

(c) Notwithstanding section 4731.22 of the Revised Code, 520
the physician-patient privilege shall not be a ground for 521
excluding evidence regarding a child's injuries, abuse, or 522
neglect, or the cause of the injuries, abuse, or neglect in any 523
judicial proceeding resulting from a report submitted pursuant 524
to this section. 525

(2) In any civil or criminal action or proceeding in which 526
it is alleged and proved that participation in the making of a 527
report under this section was not in good faith or participation 528
in a judicial proceeding resulting from a report made under this 529
section was not in good faith, the court shall award the 530
prevailing party reasonable attorney's fees and costs and, if a 531
civil action or proceeding is voluntarily dismissed, may award 532
reasonable attorney's fees and costs to the party against whom 533
the civil action or proceeding is brought. 534

(I) (1) Except as provided in divisions (I) (4) and (O) of 535
this section, a report made under this section is confidential. 536
The information provided in a report made pursuant to this 537
section and the name of the person who made the report shall not 538
be released for use, and shall not be used, as evidence in any 539
civil action or proceeding brought against the person who made 540
the report. Nothing in this division shall preclude the use of 541
reports of other incidents of known or suspected abuse or 542
neglect in a civil action or proceeding brought pursuant to 543
division (N) of this section against a person who is alleged to 544
have violated division (A) (1) of this section, provided that any 545
information in a report that would identify the child who is the 546
subject of the report or the maker of the report, if the maker 547

of the report is not the defendant or an agent or employee of 548
the defendant, has been redacted. In a criminal proceeding, the 549
report is admissible in evidence in accordance with the Rules of 550
Evidence and is subject to discovery in accordance with the 551
Rules of Criminal Procedure. 552

(2) (a) Except as provided in division (I) (2) (b) of this 553
section, no person shall permit or encourage the unauthorized 554
dissemination of the contents of any report made under this 555
section. 556

(b) A health care professional that obtains the same 557
information contained in a report made under this section from a 558
source other than the report may disseminate the information, if 559
its dissemination is otherwise permitted by law. 560

(3) A person who knowingly makes or causes another person 561
to make a false report under division (B) of this section that 562
alleges that any person has committed an act or omission that 563
resulted in a child being an abused child or a neglected child 564
is guilty of a violation of section 2921.14 of the Revised Code. 565

(4) If a report is made pursuant to division (A) or (B) of 566
this section and the child who is the subject of the report dies 567
for any reason at any time after the report is made, but before 568
the child attains eighteen years of age, the public children 569
services agency or peace officer to which the report was made or 570
referred, on the request of the child fatality review board or 571
the director of health pursuant to guidelines established under 572
section 3701.70 of the Revised Code, shall submit a summary 573
sheet of information providing a summary of the report to the 574
review board of the county in which the deceased child resided 575
at the time of death or to the director. On the request of the 576
review board or director, the agency or peace officer may, at 577

its discretion, make the report available to the review board or 578
director. If the county served by the public children services 579
agency is also served by a children's advocacy center and the 580
report of alleged sexual abuse of a child or another type of 581
abuse of a child is specified in the memorandum of understanding 582
that creates the center as being within the center's 583
jurisdiction, the agency or center shall perform the duties and 584
functions specified in this division in accordance with the 585
interagency agreement entered into under section 2151.428 of the 586
Revised Code relative to that advocacy center. 587

(5) A public children services agency shall advise a 588
person alleged to have inflicted abuse or neglect on a child who 589
is the subject of a report made pursuant to this section, 590
including a report alleging sexual abuse of a child or another 591
type of abuse of a child referred to a children's advocacy 592
center pursuant to an interagency agreement entered into under 593
section 2151.428 of the Revised Code, in writing of the 594
disposition of the investigation. The agency shall not provide 595
to the person any information that identifies the person who 596
made the report, statements of witnesses, or police or other 597
investigative reports. 598

(J) Any report that is required by this section, other 599
than a report that is made to the state highway patrol as 600
described in section 5120.173 of the Revised Code, shall result 601
in protective services and emergency supportive services being 602
made available by the public children services agency on behalf 603
of the children about whom the report is made, in an effort to 604
prevent further neglect or abuse, to enhance their welfare, and, 605
whenever possible, to preserve the family unit intact. The 606
agency required to provide the services shall be the agency 607
conducting the investigation of the report pursuant to section 608

2151.422 of the Revised Code. 609

(K) (1) Each public children services agency shall prepare 610
a memorandum of understanding that is signed by all of the 611
following: 612

(a) If there is only one juvenile judge in the county, the 613
juvenile judge of the county or the juvenile judge's 614
representative; 615

(b) If there is more than one juvenile judge in the 616
county, a juvenile judge or the juvenile judges' representative 617
selected by the juvenile judges or, if they are unable to do so 618
for any reason, the juvenile judge who is senior in point of 619
service or the senior juvenile judge's representative; 620

(c) The county peace officer; 621

(d) All chief municipal peace officers within the county; 622

(e) Other law enforcement officers handling child abuse 623
and neglect cases in the county; 624

(f) The prosecuting attorney of the county; 625

(g) If the public children services agency is not the 626
county department of job and family services, the county 627
department of job and family services; 628

(h) The county humane society; 629

(i) If the public children services agency participated in 630
the execution of a memorandum of understanding under section 631
2151.426 of the Revised Code establishing a children's advocacy 632
center, each participating member of the children's advocacy 633
center established by the memorandum. 634

(2) A memorandum of understanding shall set forth the 635

normal operating procedure to be employed by all concerned 636
officials in the execution of their respective responsibilities 637
under this section and division (C) of section 2919.21, division 638
(B) (1) of section 2919.22, division (B) of section 2919.23, and 639
section 2919.24 of the Revised Code and shall have as two of its 640
primary goals the elimination of all unnecessary interviews of 641
children who are the subject of reports made pursuant to 642
division (A) or (B) of this section and, when feasible, 643
providing for only one interview of a child who is the subject 644
of any report made pursuant to division (A) or (B) of this 645
section. A failure to follow the procedure set forth in the 646
memorandum by the concerned officials is not grounds for, and 647
shall not result in, the dismissal of any charges or complaint 648
arising from any reported case of abuse or neglect or the 649
suppression of any evidence obtained as a result of any reported 650
child abuse or child neglect and does not give, and shall not be 651
construed as giving, any rights or any grounds for appeal or 652
post-conviction relief to any person. 653

(3) A memorandum of understanding shall include all of the 654
following: 655

(a) The roles and responsibilities for handling emergency 656
and nonemergency cases of abuse and neglect; 657

(b) Standards and procedures to be used in handling and 658
coordinating investigations of reported cases of child abuse and 659
reported cases of child neglect, methods to be used in 660
interviewing the child who is the subject of the report and who 661
allegedly was abused or neglected, and standards and procedures 662
addressing the categories of persons who may interview the child 663
who is the subject of the report and who allegedly was abused or 664
neglected. 665

(4) If a public children services agency participated in 666
the execution of a memorandum of understanding under section 667
2151.426 of the Revised Code establishing a children's advocacy 668
center, the agency shall incorporate the contents of that 669
memorandum in the memorandum prepared pursuant to this section. 670

(5) The clerk of the court of common pleas in the county 671
may sign the memorandum of understanding prepared under division 672
(K) (1) of this section. If the clerk signs the memorandum of 673
understanding, the clerk shall execute all relevant 674
responsibilities as required of officials specified in the 675
memorandum. 676

(L) (1) Except as provided in division (L) (4) or (5) of 677
this section, a person who is required to make a report pursuant 678
to division (A) of this section may make a reasonable number of 679
requests of the public children services agency that receives or 680
is referred the report, or of the children's advocacy center 681
that is referred the report if the report is referred to a 682
children's advocacy center pursuant to an interagency agreement 683
entered into under section 2151.428 of the Revised Code, to be 684
provided with the following information: 685

(a) Whether the agency or center has initiated an 686
investigation of the report; 687

(b) Whether the agency or center is continuing to 688
investigate the report; 689

(c) Whether the agency or center is otherwise involved 690
with the child who is the subject of the report; 691

(d) The general status of the health and safety of the 692
child who is the subject of the report; 693

(e) Whether the report has resulted in the filing of a 694

complaint in juvenile court or of criminal charges in another 695
court. 696

(2) A person may request the information specified in 697
division (L)(1) of this section only if, at the time the report 698
is made, the person's name, address, and telephone number are 699
provided to the person who receives the report. 700

When a peace officer or employee of a public children 701
services agency receives a report pursuant to division (A) or 702
(B) of this section the recipient of the report shall inform the 703
person of the right to request the information described in 704
division (L)(1) of this section. The recipient of the report 705
shall include in the initial child abuse or child neglect report 706
that the person making the report was so informed and, if 707
provided at the time of the making of the report, shall include 708
the person's name, address, and telephone number in the report. 709

Each request is subject to verification of the identity of 710
the person making the report. If that person's identity is 711
verified, the agency shall provide the person with the 712
information described in division (L)(1) of this section a 713
reasonable number of times, except that the agency shall not 714
disclose any confidential information regarding the child who is 715
the subject of the report other than the information described 716
in those divisions. 717

(3) A request made pursuant to division (L)(1) of this 718
section is not a substitute for any report required to be made 719
pursuant to division (A) of this section. 720

(4) If an agency other than the agency that received or 721
was referred the report is conducting the investigation of the 722
report pursuant to section 2151.422 of the Revised Code, the 723

agency conducting the investigation shall comply with the 724
requirements of division (L) of this section. 725

(5) A health care professional who made a report under 726
division (A) of this section, or on whose behalf such a report 727
was made as provided in division (A)(1)(c) of this section, may 728
authorize a person to obtain the information described in 729
division (L)(1) of this section if the person requesting the 730
information is associated with or acting on behalf of the health 731
care professional who provided health care services to the child 732
about whom the report was made. 733

(M) The director of job and family services shall adopt 734
rules in accordance with Chapter 119. of the Revised Code to 735
implement this section. The department of job and family 736
services may enter into a plan of cooperation with any other 737
governmental entity to aid in ensuring that children are 738
protected from abuse and neglect. The department shall make 739
recommendations to the attorney general that the department 740
determines are necessary to protect children from child abuse 741
and child neglect. 742

(N) Whoever violates division (A) of this section is 743
liable for compensatory and exemplary damages to the child who 744
would have been the subject of the report that was not made. A 745
person who brings a civil action or proceeding pursuant to this 746
division against a person who is alleged to have violated 747
division (A)(1) of this section may use in the action or 748
proceeding reports of other incidents of known or suspected 749
abuse or neglect, provided that any information in a report that 750
would identify the child who is the subject of the report or the 751
maker of the report, if the maker is not the defendant or an 752
agent or employee of the defendant, has been redacted. 753

(0) (1) As used in this division: 754

(a) "Out-of-home care" includes a nonchartered nonpublic 755
school if the alleged child abuse or child neglect, or alleged 756
threat of child abuse or child neglect, described in a report 757
received by a public children services agency allegedly occurred 758
in or involved the nonchartered nonpublic school and the alleged 759
perpetrator named in the report holds a certificate, permit, or 760
license issued by the state board of education under section 761
3301.071 or Chapter 3319. of the Revised Code. 762

(b) "Administrator, director, or other chief 763
administrative officer" means the superintendent of the school 764
district if the out-of-home care entity subject to a report made 765
pursuant to this section is a school operated by the district. 766

(2) No later than the end of the day following the day on 767
which a public children services agency receives a report of 768
alleged child abuse or child neglect, or a report of an alleged 769
threat of child abuse or child neglect, that allegedly occurred 770
in or involved an out-of-home care entity, the agency shall 771
provide written notice of the allegations contained in and the 772
person named as the alleged perpetrator in the report to the 773
administrator, director, or other chief administrative officer 774
of the out-of-home care entity that is the subject of the report 775
unless the administrator, director, or other chief 776
administrative officer is named as an alleged perpetrator in the 777
report. If the administrator, director, or other chief 778
administrative officer of an out-of-home care entity is named as 779
an alleged perpetrator in a report of alleged child abuse or 780
child neglect, or a report of an alleged threat of child abuse 781
or child neglect, that allegedly occurred in or involved the 782
out-of-home care entity, the agency shall provide the written 783

notice to the owner or governing board of the out-of-home care 784
entity that is the subject of the report. The agency shall not 785
provide witness statements or police or other investigative 786
reports. 787

(3) No later than three days after the day on which a 788
public children services agency that conducted the investigation 789
as determined pursuant to section 2151.422 of the Revised Code 790
makes a disposition of an investigation involving a report of 791
alleged child abuse or child neglect, or a report of an alleged 792
threat of child abuse or child neglect, that allegedly occurred 793
in or involved an out-of-home care entity, the agency shall send 794
written notice of the disposition of the investigation to the 795
administrator, director, or other chief administrative officer 796
and the owner or governing board of the out-of-home care entity. 797
The agency shall not provide witness statements or police or 798
other investigative reports. 799

(P) As used in this section: 800

(1) "Children's advocacy center" and "sexual abuse of a 801
child" have the same meanings as in section 2151.425 of the 802
Revised Code. 803

(2) "Health care professional" means an individual who 804
provides health-related services including a physician, hospital 805
intern or resident, dentist, podiatrist, registered nurse, 806
licensed practical nurse, visiting nurse, licensed psychologist, 807
speech pathologist, audiologist, person engaged in social work 808
or the practice of professional counseling, and employee of a 809
home health agency. "Health care professional" does not include 810
a practitioner of a limited branch of medicine as specified in 811
section 4731.15 of the Revised Code, licensed school 812
psychologist, independent marriage and family therapist or 813

marriage and family therapist, or coroner. 814

(3) "Investigation" means the public children services 815
agency's response to an accepted report of child abuse or 816
neglect through either an alternative response or a traditional 817
response. 818

(4) "Peace officer" means a sheriff, deputy sheriff, 819
constable, police officer of a township or joint police 820
district, marshal, deputy marshal, municipal police officer, or 821
a state highway patrol trooper. 822

Sec. 4741.22. (A) The state veterinary medical licensing 823
board may refuse to issue or renew a license, limited license, 824
registration, or temporary permit to or of any applicant who, 825
and may issue a reprimand to, suspend or revoke the license, 826
limited license, registration, or the temporary permit of, or 827
impose a civil penalty pursuant to this section upon any person 828
holding a license, limited license, or temporary permit to 829
practice veterinary medicine or any person registered as a 830
registered veterinary technician who: 831

(1) In the conduct of the person's practice does not 832
conform to the rules of the board or the standards of the 833
profession governing proper, humane, sanitary, and hygienic 834
methods to be used in the care and treatment of animals; 835

(2) Uses fraud, misrepresentation, or deception in any 836
application or examination for licensure, or any other 837
documentation created in the course of practicing veterinary 838
medicine; 839

(3) Is found to be physically or psychologically addicted 840
to alcohol or an illegal or controlled substance, as defined in 841
section 3719.01 of the Revised Code, to such a degree as to 842

render the person unfit to practice veterinary medicine;	843
(4) Directly or indirectly employs or lends the person's services to a solicitor for the purpose of obtaining patients;	844
	845
(5) Obtains a fee on the assurance that an incurable disease can be cured;	846
	847
(6) Advertises in a manner that violates section 4741.21 of the Revised Code;	848
	849
(7) Divides fees or charges or has any arrangement to share fees or charges with any other person, except on the basis of services performed;	850
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	852
(8) Sells any biologic containing living, dead, or sensitized organisms or products of those organisms, except in a manner that the board by rule has prescribed;	853
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(9) Is convicted of or pleads guilty to any felony or crime involving illegal or prescription drugs, or fails to report to the board within sixty days of the individual's conviction of, plea of guilty to, or treatment in lieu of conviction involving a felony, misdemeanor of the first degree, or offense involving illegal or prescription drugs;	856
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(10) Is convicted of any violation of section 959.13 of the Revised Code;	862
	863
(11) Swears falsely in any affidavit required to be made by the person in the course of the practice of veterinary medicine;	864
	865
	866
(12) Fails to report promptly to the proper official any known reportable disease;	867
	868
(13) Fails to report promptly vaccinations or the results	869

of tests when required to do so by law or rule;	870
(14) Has been adjudicated incompetent for the purpose of holding the license or permit by a court, as provided in Chapter 2111. of the Revised Code, and has not been restored to legal capacity for that purpose;	871 872 873 874
(15) Permits a person who is not a licensed veterinarian, a veterinary student, or a registered veterinary technician to engage in work or perform duties in violation of this chapter;	875 876 877
(16) Is guilty of gross incompetence or gross negligence;	878
(17) Has had a license to practice veterinary medicine or a license, registration, or certificate to engage in activities as a registered veterinary technician revoked, suspended, or acted against by disciplinary action by an agency similar to this board of another state, territory, or country or the District of Columbia;	879 880 881 882 883 884
(18) Is or has practiced with a revoked, suspended, inactive, expired, or terminated license or registration;	885 886
(19) Represents self as a specialist unless certified as a specialist by the board;	887 888
(20) In the person's capacity as a veterinarian or registered veterinary technician makes or files a report, health certificate, vaccination certificate, or other document that the person knows is false or negligently or intentionally fails to file a report or record required by any applicable state or federal law;	889 890 891 892 893 894
(21) Fails to use reasonable care in the administration of drugs or acceptable scientific methods in the selection of those drugs or other modalities for treatment of a disease or in	895 896 897

conduct of surgery;	898
(22) Makes available a dangerous drug, as defined in section 4729.01 of the Revised Code, to any person other than for the specific treatment of an animal patient;	899 900 901
(23) Refuses to permit a board investigator or the board's designee to inspect the person's business premises during regular business hours, except as provided in division (A) of section 4741.26 of the Revised Code;	902 903 904 905
(24) Violates any order of the board or fails to comply with a subpoena of the board;	906 907
(25) Fails to maintain medical records as required by rule of the board;	908 909
(26) Engages in cruelty to animals;	910
(27) Uses, prescribes, or sells any veterinary prescription drug or biologic, or prescribes any extra-label use of any over-the-counter drug or dangerous drug in the absence of a valid veterinary-client-patient relationship.	911 912 913 914
(B) Except as provided in division (D) <u>(E)</u> of this section, before the board may revoke, deny, refuse to renew, or suspend a license, registration, or temporary permit or otherwise discipline the holder of a license, registration, or temporary permit, the executive director shall file written charges with the board. The board shall conduct a hearing on the charges as provided in Chapter 119. of the Revised Code.	915 916 917 918 919 920 921
<u>(C) If (1) Except as otherwise provided in division (C) (2) of this section, if</u> the board, after a hearing conducted pursuant to Chapter 119. of the Revised Code, revokes, refuses to renew, or suspends a license, registration, or temporary	922 923 924 925

permit for a violation of this section, section 4741.23, 926
division (C) or (D) of section 4741.19, or division (B), (C), or 927
(D) of section 4741.21 of the Revised Code, the board may impose 928
a civil penalty upon the holder of the license, permit, or 929
registration of not less than one hundred dollars or more than 930
one thousand dollars. ~~In~~ 931

(2) Except as provided in division (D) of this section, 932
the board shall impose a civil penalty for a violation of 933
division (B)(1) of section 959.07 or division (C) of section 934
959.09 of the Revised Code by a licensed veterinarian as 935
follows: 936

(a) One hundred dollars for a second violation of division 937
(B)(1) of section 959.07 of the Revised Code or a first 938
violation of division (C) of section 959.09 of the Revised Code; 939

(b) Five hundred dollars for any subsequent violation of 940
division (B)(1) of section 959.07 or division (C) of section 941
959.09 of the Revised Code. 942

(3) In addition to the civil penalty and any other 943
penalties imposed pursuant to this chapter, the board may assess 944
any holder of a license, permit, or registration the costs of 945
the hearing conducted under this section if the board determines 946
that the holder has violated any provision for which the board 947
may impose a civil penalty under this section. 948

(D) For a first violation of division (B)(1) of section 949
959.07 of the Revised Code by a licensed veterinarian, the board 950
shall issue a confidential written warning to the licensed 951
veterinarian and shall not take any other disciplinary action 952
under this section. The board shall include in the warning an 953
explanation of the violation and the reporting requirement 954

specified under section 959.07 of the Revised Code. 955

(E) The executive director may recommend that the board 956
suspend an individual's certificate of license without a prior 957
hearing if the executive director determines both of the 958
following: 959

(1) There is clear and convincing evidence that division 960
(A) (3), (9), (14), (22), or (26) of this section applies to the 961
individual. 962

(2) The individual's continued practice presents a danger 963
of immediate and serious harm to the public. 964

The executive director shall prepare written allegations 965
for consideration by the board. The board, upon review of those 966
allegations and by an affirmative vote of not fewer than four of 967
its members, may suspend the certificate without a prior 968
hearing. A telephone conference call may be utilized for 969
reviewing the allegations and taking the vote on the suspension. 970

The board shall issue a written order of suspension by 971
certified mail or in person in accordance with section 119.07 of 972
the Revised Code. If the individual subject to the suspension 973
requests an adjudicatory hearing by the board, the date set for 974
the hearing shall be not later than fifteen days, but not 975
earlier than seven days after the individual requests the 976
hearing unless otherwise agreed to by both the board and the 977
individual. 978

A suspension imposed under this division shall remain in 979
effect, unless reversed on appeal, until a final adjudicative 980
order issued by the board under this section and Chapter 119. of 981
the Revised Code becomes effective. The board shall issue its 982
final adjudicative order not later than ninety days after 983

completion of its hearing. Failure to issue the order within 984
ninety days results in dissolution of the suspension order, but 985
does not invalidate any subsequent, final adjudicative order. 986

~~(E)~~ (F) A license or registration issued to an individual 987
under this chapter is automatically suspended upon that 988
individual's conviction of or plea of guilty to or upon a 989
judicial finding with regard to any of the following: aggravated 990
murder, murder, voluntary manslaughter, felonious assault, 991
kidnapping, rape, sexual battery, gross sexual imposition, 992
aggravated arson, aggravated robbery, or aggravated burglary. 993
The suspension shall remain in effect from the date of the 994
conviction, plea, or finding until an adjudication is held under 995
Chapter 119. of the Revised Code. If the board has knowledge 996
that an automatic suspension has occurred, it shall notify the 997
individual subject to the suspension. If the individual is 998
notified and either fails to request an adjudication within the 999
time periods established by Chapter 119. of the Revised Code or 1000
fails to participate in the adjudication, the board shall enter 1001
a final order permanently revoking the individual's license or 1002
registration. 1003

Sec. 4757.36. (A) The appropriate professional standards 1004
committee of the counselor, social worker, and marriage and 1005
family therapist board may, in accordance with Chapter 119. of 1006
the Revised Code, take any action specified in division (B) of 1007
this section for any reason described in division (C) of this 1008
section against an individual who has applied for or holds a 1009
license issued under this chapter; a master's level counselor 1010
trainee, social worker trainee, or marriage and family therapist 1011
trainee; or an individual or entity that is registered, or has 1012
applied for registration, in accordance with rules adopted under 1013
section 4757.33 of the Revised Code to provide continuing 1014

education programs approved by the board. 1015

(B) In its imposition of sanctions against an individual 1016
or entity specified in division (A) of this section, the board 1017
may do any of the following: 1018

(1) Refuse to issue or refuse to renew a license or 1019
certificate of registration; 1020

(2) Suspend, revoke, or otherwise restrict a license or 1021
certificate of registration; 1022

(3) Reprimand an individual holding a license or 1023
certificate of registration; 1024

(4) ~~Impose~~ Except as otherwise provided in division (I) of 1025
this section, impose a fine in accordance with the graduated 1026
system of fines established by the board in rules adopted under 1027
section 4757.10 of the Revised Code; 1028

(5) Require an individual holding a license or certificate 1029
of registration to take corrective action courses. 1030

(C) The appropriate professional standards committee of 1031
the board may take an action specified in division (B) of this 1032
section for any of the following reasons: 1033

(1) Commission of an act that violates any provision of 1034
this chapter or rules adopted under it; 1035

(2) Knowingly making a false statement on an application 1036
for licensure or registration, or for renewal of a license or 1037
certificate of registration; 1038

(3) Accepting a commission or rebate for referring persons 1039
to any professionals licensed, certified, or registered by any 1040
court or board, commission, department, division, or other 1041

agency of the state, including, but not limited to, individuals 1042
practicing counseling, social work, or marriage and family 1043
therapy or practicing in fields related to counseling, social 1044
work, or marriage and family therapy; 1045

(4) A failure to comply with section 4757.13 of the 1046
Revised Code; 1047

(5) A conviction in this or any other state of a crime 1048
that is a felony in this state; 1049

(6) A failure to perform properly as a licensed 1050
professional clinical counselor, licensed professional 1051
counselor, independent marriage and family therapist, marriage 1052
and family therapist, social work assistant, social worker, or 1053
independent social worker due to the use of alcohol or other 1054
drugs or any other physical or mental condition; 1055

(7) A conviction in this state or in any other state of a 1056
misdemeanor committed in the course of practice as a licensed 1057
professional clinical counselor, licensed professional 1058
counselor, independent marriage and family therapist, marriage 1059
and family therapist, social work assistant, social worker, or 1060
independent social worker; 1061

(8) Practicing outside the scope of practice applicable to 1062
that person; 1063

(9) Practicing in violation of the supervision 1064
requirements specified under sections 4757.21 and 4757.26, and 1065
division (E) of section 4757.30, of the Revised Code; 1066

(10) A violation of the person's code of ethical practice 1067
adopted by rule of the board pursuant to section 4757.11 of the 1068
Revised Code; 1069

(11) Revocation or suspension of a license or certificate 1070
of registration, other disciplinary action against a license 1071
holder or registration, or the voluntary surrender of a license 1072
or certificate of registration in another state or jurisdiction 1073
for an offense that would be a violation of this chapter; 1074

(12) Commission of a second or subsequent violation of 1075
division (B) (1) of section 959.07 or any violation of division 1076
(C) of section 959.09 of the Revised Code. 1077

(D) A disciplinary action under division (B) of this 1078
section shall be taken pursuant to an adjudication under Chapter 1079
119. of the Revised Code, except that in lieu of an 1080
adjudication, the appropriate professional standards committee 1081
may enter into a consent agreement with an individual or entity 1082
specified in division (A) of this section to resolve an 1083
allegation of a violation of this chapter or any rule adopted 1084
under it. A consent agreement, when ratified by the appropriate 1085
professional standards committee, constitutes the findings and 1086
order of the board with respect to the matter addressed in the 1087
agreement. If a committee refuses to ratify a consent agreement, 1088
the admissions and findings contained in the consent agreement 1089
are of no force or effect. 1090

(E) In any instance in which a professional standards 1091
committee of the board is required by Chapter 119. of the 1092
Revised Code to give notice of the opportunity for a hearing and 1093
the individual or entity subject to the notice does not timely 1094
request a hearing in accordance with section 119.07 of the 1095
Revised Code, the committee may adopt a final order that 1096
contains the board's findings. In that final order, the 1097
committee may order any of the sanctions identified in division 1098
(B) of this section. 1099

(F) One year or more after the date of suspension or 1100
revocation of a license or certificate of registration under 1101
this section, application may be made to the appropriate 1102
professional standards committee for reinstatement. The 1103
committee may approve or deny an application for reinstatement. 1104
If a license has been suspended or revoked, the committee may 1105
require an examination for reinstatement. 1106

(G) On request of the board, the attorney general shall 1107
bring and prosecute to judgment a civil action to collect any 1108
fine imposed under division (B) (4) of this section that remains 1109
unpaid. 1110

(H) All fines collected under division (B) (4) of this 1111
section shall be deposited into the state treasury to the credit 1112
of the occupational licensing and regulatory fund. 1113

(I) A board shall impose a fine under division (B) (4) of 1114
this section for a violation specified in division (C) (12) of 1115
this section as follows: 1116

(1) One hundred dollars for a second violation of division 1117
(B) (1) of section 959.07 of the Revised Code or a first 1118
violation of division (C) of section 959.09 of the Revised Code; 1119

(2) Five hundred dollars for any subsequent violation of 1120
division (B) (1) of section 959.07 or division (C) of section 1121
959.09 of the Revised Code. 1122

(J) Notwithstanding any provision of this section to the 1123
contrary, for a first violation of division (B) (1) of section 1124
959.07 of the Revised Code, the board shall issue a confidential 1125
written warning and shall not take any other disciplinary action 1126
under this section. The board shall include in the warning an 1127
explanation of the violation and the reporting requirement 1128

specified under section 959.07 of the Revised Code. 1129

Sec. 5101.93. (A) As used in this section, "social service professional" has the same meaning as in section 959.07 of the Revised Code. 1130
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(B) For a first or subsequent violation of division (B) (1) of section 959.07 of the Revised Code by a social service professional, the entity with responsibility for employment oversight of that social service professional, as applicable, shall at minimum issue a confidential written warning to the violator. The entity shall include in the warning an explanation of the violation and the reporting requirement specified in section 959.07 of the Revised Code. 1133
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Section 2. That existing sections 959.99, 2151.421, 4741.22, and 4757.36 of the Revised Code are hereby repealed. 1141
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Section 3. Section 959.99 of the Revised Code is presented in this act as a composite of the section as amended by both Sub. H.B. 60 and Sub. S.B. 331 of the 131st General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act. 1143
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