

**As Introduced**

**134th General Assembly**

**Regular Session**

**2021-2022**

**H. B. No. 359**

**Representatives Russo, Callender**

**Cosponsors: Representatives Miranda, O'Brien, Skindell, Smith, K., Weinstein**



**A BILL**

To amend sections 109.572, 1701.03, 1785.01, 1785.02, 1785.03, 1785.08, 4723.16, 4725.33, 4729.161, 4731.07, 4731.224, 4731.226, 4731.24, 4731.25, 4731.65, 4732.28, 4734.17, 4743.05, 4755.111, 4755.471, 4757.37, 4776.01, and 4776.20 and to enact sections 4785.01, 4785.02, 4785.03, 4785.04, 4785.05, 4785.06, 4785.07, 4785.08, 4785.09, 4785.10, 4785.11, 4785.12, 4785.99, 4787.01, 4787.02, 4787.03, 4787.04, 4787.05, 4787.06, 4787.07, 4787.08, 4787.09, 4787.10, 4787.11, 4787.12, 4787.13, 4787.14, 4787.15, and 4787.99 of the Revised Code to license and regulate art therapists and music therapists.

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

**Section 1.** That sections 109.572, 1701.03, 1785.01, 1785.02, 1785.03, 1785.08, 4723.16, 4725.33, 4729.161, 4731.07, 4731.224, 4731.226, 4731.24, 4731.25, 4731.65, 4732.28, 4734.17, 4743.05, 4755.111, 4755.471, 4757.37, 4776.01, and 4776.20 be amended and sections 4785.01, 4785.02, 4785.03, 4785.04,

4785.05, 4785.06, 4785.07, 4785.08, 4785.09, 4785.10, 4785.11, 20  
4785.12, 4785.99, 4787.01, 4787.02, 4787.03, 4787.04, 4787.05, 21  
4787.06, 4787.07, 4787.08, 4787.09, 4787.10, 4787.11, 4787.12, 22  
4787.13, 4787.14, 4787.15, and 4787.99 of the Revised Code be 23  
enacted to read as follows: 24

**Sec. 109.572.** (A) (1) Upon receipt of a request pursuant to 25  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 26  
Code, a completed form prescribed pursuant to division (C) (1) of 27  
this section, and a set of fingerprint impressions obtained in 28  
the manner described in division (C) (2) of this section, the 29  
superintendent of the bureau of criminal identification and 30  
investigation shall conduct a criminal records check in the 31  
manner described in division (B) of this section to determine 32  
whether any information exists that indicates that the person 33  
who is the subject of the request previously has been convicted 34  
of or pleaded guilty to any of the following: 35

(a) A violation of section 2903.01, 2903.02, 2903.03, 36  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 37  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 38  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 39  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 40  
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 41  
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 42  
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 43  
sexual penetration in violation of former section 2907.12 of the 44  
Revised Code, a violation of section 2905.04 of the Revised Code 45  
as it existed prior to July 1, 1996, a violation of section 46  
2919.23 of the Revised Code that would have been a violation of 47  
section 2905.04 of the Revised Code as it existed prior to July 48  
1, 1996, had the violation been committed prior to that date, or 49  
a violation of section 2925.11 of the Revised Code that is not a 50

minor drug possession offense; 51

(b) A violation of an existing or former law of this 52  
state, any other state, or the United States that is 53  
substantially equivalent to any of the offenses listed in 54  
division (A) (1) (a) of this section; 55

(c) If the request is made pursuant to section 3319.39 of 56  
the Revised Code for an applicant who is a teacher, any offense 57  
specified under section 9.79 of the Revised Code or in section 58  
3319.31 of the Revised Code. 59

(2) On receipt of a request pursuant to section 3712.09 or 60  
3721.121 of the Revised Code, a completed form prescribed 61  
pursuant to division (C) (1) of this section, and a set of 62  
fingerprint impressions obtained in the manner described in 63  
division (C) (2) of this section, the superintendent of the 64  
bureau of criminal identification and investigation shall 65  
conduct a criminal records check with respect to any person who 66  
has applied for employment in a position for which a criminal 67  
records check is required by those sections. The superintendent 68  
shall conduct the criminal records check in the manner described 69  
in division (B) of this section to determine whether any 70  
information exists that indicates that the person who is the 71  
subject of the request previously has been convicted of or 72  
pleaded guilty to any of the following: 73

(a) A violation of section 2903.01, 2903.02, 2903.03, 74  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 75  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 76  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 77  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 78  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 79  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 80

2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 81  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 82

(b) An existing or former law of this state, any other 83  
state, or the United States that is substantially equivalent to 84  
any of the offenses listed in division (A)(2)(a) of this 85  
section. 86

(3) On receipt of a request pursuant to section 173.27, 87  
173.38, 173.381, 3701.881, 5119.34, 5164.34, 5164.341, 5164.342, 88  
or 5123.081 of the Revised Code, a completed form prescribed 89  
pursuant to division (C)(1) of this section, and a set of 90  
fingerprint impressions obtained in the manner described in 91  
division (C)(2) of this section, the superintendent of the 92  
bureau of criminal identification and investigation shall 93  
conduct a criminal records check of the person for whom the 94  
request is made. The superintendent shall conduct the criminal 95  
records check in the manner described in division (B) of this 96  
section to determine whether any information exists that 97  
indicates that the person who is the subject of the request 98  
previously has been convicted of, has pleaded guilty to, or 99  
(except in the case of a request pursuant to section 5164.34, 100  
5164.341, or 5164.342 of the Revised Code) has been found 101  
eligible for intervention in lieu of conviction for any of the 102  
following, regardless of the date of the conviction, the date of 103  
entry of the guilty plea, or (except in the case of a request 104  
pursuant to section 5164.34, 5164.341, or 5164.342 of the 105  
Revised Code) the date the person was found eligible for 106  
intervention in lieu of conviction: 107

(a) A violation of section 959.13, 959.131, 2903.01, 108  
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 109  
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 110

|  |     |
|--|-----|
| 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33,   | 111 |
| 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08,   | 112 |
| 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31,   | 113 |
| 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02,         | 114 |
| 2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02,   | 115 |
| 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05,   | 116 |
| 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42,   | 117 |
| 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48,  | 118 |
| 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12,   | 119 |
| 2919.121, 2919.123, 2919.124, 2919.22, 2919.23, 2919.24,         | 120 |
| 2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24,   | 121 |
| 2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12,  | 122 |
| 2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21,        | 123 |
| 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05,  | 124 |
| 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.141, 2925.22,  | 125 |
| 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11 | 126 |
| of the Revised Code;   | 127 |
| (b) Felonious sexual penetration in violation of former          | 128 |
| section 2907.12 of the Revised Code;                             | 129 |
| (c) A violation of section 2905.04 of the Revised Code as        | 130 |
| it existed prior to July 1, 1996;                                | 131 |
| (d) A violation of section 2923.01, 2923.02, or 2923.03 of       | 132 |
| the Revised Code when the underlying offense that is the object  | 133 |
| of the conspiracy, attempt, or complicity is one of the offenses | 134 |
| listed in divisions (A) (3) (a) to (c) of this section;          | 135 |
| (e) A violation of an existing or former municipal               | 136 |
| ordinance or law of this state, any other state, or the United   | 137 |
| States that is substantially equivalent to any of the offenses   | 138 |
| listed in divisions (A) (3) (a) to (d) of this section.          | 139 |

(4) On receipt of a request pursuant to section 2151.86 or 140  
2151.904 of the Revised Code, a completed form prescribed 141  
pursuant to division (C)(1) of this section, and a set of 142  
fingerprint impressions obtained in the manner described in 143  
division (C)(2) of this section, the superintendent of the 144  
bureau of criminal identification and investigation shall 145  
conduct a criminal records check in the manner described in 146  
division (B) of this section to determine whether any 147  
information exists that indicates that the person who is the 148  
subject of the request previously has been convicted of or 149  
pleaded guilty to any of the following: 150

(a) A violation of section 959.13, 2903.01, 2903.02, 151  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 152  
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 153  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 154  
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 155  
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 156  
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 157  
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 158  
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 159  
2927.12, or 3716.11 of the Revised Code, a violation of section 160  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 161  
a violation of section 2919.23 of the Revised Code that would 162  
have been a violation of section 2905.04 of the Revised Code as 163  
it existed prior to July 1, 1996, had the violation been 164  
committed prior to that date, a violation of section 2925.11 of 165  
the Revised Code that is not a minor drug possession offense, 166  
two or more OVI or OVUAC violations committed within the three 167  
years immediately preceding the submission of the application or 168  
petition that is the basis of the request, or felonious sexual 169  
penetration in violation of former section 2907.12 of the 170

|  |     |
|--|-----|
| Revised Code;  | 171 |
| (b) A violation of an existing or former law of this             | 172 |
| state, any other state, or the United States that is             | 173 |
| substantially equivalent to any of the offenses listed in        | 174 |
| division (A) (4) (a) of this section.                            | 175 |
| (5) Upon receipt of a request pursuant to section 5104.013       | 176 |
| of the Revised Code, a completed form prescribed pursuant to     | 177 |
| division (C) (1) of this section, and a set of fingerprint       | 178 |
| impressions obtained in the manner described in division (C) (2) | 179 |
| of this section, the superintendent of the bureau of criminal    | 180 |
| identification and investigation shall conduct a criminal        | 181 |
| records check in the manner described in division (B) of this    | 182 |
| section to determine whether any information exists that         | 183 |
| indicates that the person who is the subject of the request has  | 184 |
| been convicted of or pleaded guilty to any of the following:     | 185 |
| (a) A violation of section 2151.421, 2903.01, 2903.02,           | 186 |
| 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21,   | 187 |
| 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32,   | 188 |
| 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08,   | 189 |
| 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25,   | 190 |
| 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02,         | 191 |
| 2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12,   | 192 |
| 2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11,  | 193 |
| 2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41,   | 194 |
| 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47,  | 195 |
| 2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12,   | 196 |
| 2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, | 197 |
| 2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13,   | 198 |
| 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or        | 199 |
| 3716.11 of the Revised Code, felonious sexual penetration in     | 200 |

violation of former section 2907.12 of the Revised Code, a 201  
violation of section 2905.04 of the Revised Code as it existed 202  
prior to July 1, 1996, a violation of section 2919.23 of the 203  
Revised Code that would have been a violation of section 2905.04 204  
of the Revised Code as it existed prior to July 1, 1996, had the 205  
violation been committed prior to that date, a violation of 206  
section 2925.11 of the Revised Code that is not a minor drug 207  
possession offense, a violation of section 2923.02 or 2923.03 of 208  
the Revised Code that relates to a crime specified in this 209  
division, or a second violation of section 4511.19 of the 210  
Revised Code within five years of the date of application for 211  
licensure or certification. 212

(b) A violation of an existing or former law of this 213  
state, any other state, or the United States that is 214  
substantially equivalent to any of the offenses or violations 215  
described in division (A) (5) (a) of this section. 216

(6) Upon receipt of a request pursuant to section 5153.111 217  
of the Revised Code, a completed form prescribed pursuant to 218  
division (C) (1) of this section, and a set of fingerprint 219  
impressions obtained in the manner described in division (C) (2) 220  
of this section, the superintendent of the bureau of criminal 221  
identification and investigation shall conduct a criminal 222  
records check in the manner described in division (B) of this 223  
section to determine whether any information exists that 224  
indicates that the person who is the subject of the request 225  
previously has been convicted of or pleaded guilty to any of the 226  
following: 227

(a) A violation of section 2903.01, 2903.02, 2903.03, 228  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 229  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 230



|  |     |
|--|-----|
| 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23,   | 231 |
| 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323,         | 232 |
| 2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12,   | 233 |
| 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02,  | 234 |
| 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised    | 235 |
| Code, felonious sexual penetration in violation of former        | 236 |
| section 2907.12 of the Revised Code, a violation of section      | 237 |
| 2905.04 of the Revised Code as it existed prior to July 1, 1996, | 238 |
| a violation of section 2919.23 of the Revised Code that would    | 239 |
| have been a violation of section 2905.04 of the Revised Code as  | 240 |
| it existed prior to July 1, 1996, had the violation been         | 241 |
| committed prior to that date, or a violation of section 2925.11  | 242 |
| of the Revised Code that is not a minor drug possession offense; | 243 |
| <br>   |     |
| (b) A violation of an existing or former law of this             | 244 |
| state, any other state, or the United States that is             | 245 |
| substantially equivalent to any of the offenses listed in        | 246 |
| division (A) (6) (a) of this section.                            | 247 |
| <br>   |     |
| (7) On receipt of a request for a criminal records check         | 248 |
| from an individual pursuant to section 4749.03 or 4749.06 of the | 249 |
| Revised Code, accompanied by a completed copy of the form        | 250 |
| prescribed in division (C) (1) of this section and a set of      | 251 |
| fingerprint impressions obtained in a manner described in        | 252 |
| division (C) (2) of this section, the superintendent of the      | 253 |
| bureau of criminal identification and investigation shall        | 254 |
| conduct a criminal records check in the manner described in      | 255 |
| division (B) of this section to determine whether any            | 256 |
| information exists indicating that the person who is the subject | 257 |
| of the request has been convicted of or pleaded guilty to any    | 258 |
| criminal offense in this state or in any other state. If the     | 259 |
| individual indicates that a firearm will be carried in the       | 260 |
| course of business, the superintendent shall require information | 261 |

from the federal bureau of investigation as described in 262  
division (B) (2) of this section. Subject to division (F) of this 263  
section, the superintendent shall report the findings of the 264  
criminal records check and any information the federal bureau of 265  
investigation provides to the director of public safety. 266

(8) On receipt of a request pursuant to section 1321.37, 267  
1321.53, or 4763.05 of the Revised Code, a completed form 268  
prescribed pursuant to division (C) (1) of this section, and a 269  
set of fingerprint impressions obtained in the manner described 270  
in division (C) (2) of this section, the superintendent of the 271  
bureau of criminal identification and investigation shall 272  
conduct a criminal records check with respect to any person who 273  
has applied for a license, permit, or certification from the 274  
department of commerce or a division in the department. The 275  
superintendent shall conduct the criminal records check in the 276  
manner described in division (B) of this section to determine 277  
whether any information exists that indicates that the person 278  
who is the subject of the request previously has been convicted 279  
of or pleaded guilty to any criminal offense in this state, any 280  
other state, or the United States. 281

(9) On receipt of a request for a criminal records check 282  
from the treasurer of state under section 113.041 of the Revised 283  
Code or from an individual under section 928.03, 4701.08, 284  
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 285  
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 286  
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 287  
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.202, 288  
4751.21, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 289  
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 290  
4776.021, 4778.04, 4778.07, 4779.091, ~~or 4783.04~~, or 4787.05 of 291  
the Revised Code, accompanied by a completed form prescribed 292

under division (C) (1) of this section and a set of fingerprint 293  
impressions obtained in the manner described in division (C) (2) 294  
of this section, the superintendent of the bureau of criminal 295  
identification and investigation shall conduct a criminal 296  
records check in the manner described in division (B) of this 297  
section to determine whether any information exists that 298  
indicates that the person who is the subject of the request has 299  
been convicted of or pleaded guilty to any criminal offense in 300  
this state or any other state. Subject to division (F) of this 301  
section, the superintendent shall send the results of a check 302  
requested under section 113.041 of the Revised Code to the 303  
treasurer of state and shall send the results of a check 304  
requested under any of the other listed sections to the 305  
licensing board specified by the individual in the request. 306

(10) On receipt of a request pursuant to section 124.74, 307  
718.131, 1121.23, 1315.141, 1733.47, 1761.26, or 5123.169 of the 308  
Revised Code, a completed form prescribed pursuant to division 309  
(C) (1) of this section, and a set of fingerprint impressions 310  
obtained in the manner described in division (C) (2) of this 311  
section, the superintendent of the bureau of criminal 312  
identification and investigation shall conduct a criminal 313  
records check in the manner described in division (B) of this 314  
section to determine whether any information exists that 315  
indicates that the person who is the subject of the request 316  
previously has been convicted of or pleaded guilty to any 317  
criminal offense under any existing or former law of this state, 318  
any other state, or the United States. 319

(11) On receipt of a request for a criminal records check 320  
from an appointing or licensing authority under section 3772.07 321  
of the Revised Code, a completed form prescribed under division 322  
(C) (1) of this section, and a set of fingerprint impressions 323

obtained in the manner prescribed in division (C)(2) of this 324  
section, the superintendent of the bureau of criminal 325  
identification and investigation shall conduct a criminal 326  
records check in the manner described in division (B) of this 327  
section to determine whether any information exists that 328  
indicates that the person who is the subject of the request 329  
previously has been convicted of or pleaded guilty or no contest 330  
to any offense under any existing or former law of this state, 331  
any other state, or the United States that is a disqualifying 332  
offense as defined in section 3772.07 of the Revised Code or 333  
substantially equivalent to such an offense. 334

(12) On receipt of a request pursuant to section 2151.33 335  
or 2151.412 of the Revised Code, a completed form prescribed 336  
pursuant to division (C)(1) of this section, and a set of 337  
fingerprint impressions obtained in the manner described in 338  
division (C)(2) of this section, the superintendent of the 339  
bureau of criminal identification and investigation shall 340  
conduct a criminal records check with respect to any person for 341  
whom a criminal records check is required under that section. 342  
The superintendent shall conduct the criminal records check in 343  
the manner described in division (B) of this section to 344  
determine whether any information exists that indicates that the 345  
person who is the subject of the request previously has been 346  
convicted of or pleaded guilty to any of the following: 347

(a) A violation of section 2903.01, 2903.02, 2903.03, 348  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 349  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 350  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 351  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 352  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 353  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 354

2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 355  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 356

(b) An existing or former law of this state, any other 357  
state, or the United States that is substantially equivalent to 358  
any of the offenses listed in division (A)(12)(a) of this 359  
section. 360

(13) On receipt of a request pursuant to section 3796.12 361  
of the Revised Code, a completed form prescribed pursuant to 362  
division (C)(1) of this section, and a set of fingerprint 363  
impressions obtained in a manner described in division (C)(2) of 364  
this section, the superintendent of the bureau of criminal 365  
identification and investigation shall conduct a criminal 366  
records check in the manner described in division (B) of this 367  
section to determine whether any information exists that 368  
indicates that the person who is the subject of the request 369  
previously has been convicted of or pleaded guilty to the 370  
following: 371

(a) A disqualifying offense as specified in rules adopted 372  
under section 9.79 and division (B)(2)(b) of section 3796.03 of 373  
the Revised Code if the person who is the subject of the request 374  
is an administrator or other person responsible for the daily 375  
operation of, or an owner or prospective owner, officer or 376  
prospective officer, or board member or prospective board member 377  
of, an entity seeking a license from the department of commerce 378  
under Chapter 3796. of the Revised Code; 379

(b) A disqualifying offense as specified in rules adopted 380  
under section 9.79 and division (B)(2)(b) of section 3796.04 of 381  
the Revised Code if the person who is the subject of the request 382  
is an administrator or other person responsible for the daily 383  
operation of, or an owner or prospective owner, officer or 384

prospective officer, or board member or prospective board member 385  
of, an entity seeking a license from the state board of pharmacy 386  
under Chapter 3796. of the Revised Code. 387

(14) On receipt of a request required by section 3796.13 388  
of the Revised Code, a completed form prescribed pursuant to 389  
division (C) (1) of this section, and a set of fingerprint 390  
impressions obtained in a manner described in division (C) (2) of 391  
this section, the superintendent of the bureau of criminal 392  
identification and investigation shall conduct a criminal 393  
records check in the manner described in division (B) of this 394  
section to determine whether any information exists that 395  
indicates that the person who is the subject of the request 396  
previously has been convicted of or pleaded guilty to the 397  
following: 398

(a) A disqualifying offense as specified in rules adopted 399  
under division (B) (8) (a) of section 3796.03 of the Revised Code 400  
if the person who is the subject of the request is seeking 401  
employment with an entity licensed by the department of commerce 402  
under Chapter 3796. of the Revised Code; 403

(b) A disqualifying offense as specified in rules adopted 404  
under division (B) (14) (a) of section 3796.04 of the Revised Code 405  
if the person who is the subject of the request is seeking 406  
employment with an entity licensed by the state board of 407  
pharmacy under Chapter 3796. of the Revised Code. 408

(15) On receipt of a request pursuant to section 4768.06 409  
of the Revised Code, a completed form prescribed under division 410  
(C) (1) of this section, and a set of fingerprint impressions 411  
obtained in the manner described in division (C) (2) of this 412  
section, the superintendent of the bureau of criminal 413  
identification and investigation shall conduct a criminal 414

records check in the manner described in division (B) of this 415  
section to determine whether any information exists indicating 416  
that the person who is the subject of the request has been 417  
convicted of or pleaded guilty to any criminal offense in this 418  
state or in any other state. 419

(16) On receipt of a request pursuant to division (B) of 420  
section 4764.07 or division (A) of section 4735.143 of the 421  
Revised Code, a completed form prescribed under division (C) (1) 422  
of this section, and a set of fingerprint impressions obtained 423  
in the manner described in division (C) (2) of this section, the 424  
superintendent of the bureau of criminal identification and 425  
investigation shall conduct a criminal records check in the 426  
manner described in division (B) of this section to determine 427  
whether any information exists indicating that the person who is 428  
the subject of the request has been convicted of or pleaded 429  
guilty to any criminal offense in any state or the United 430  
States. 431

(17) On receipt of a request for a criminal records check 432  
under section 147.022 of the Revised Code, a completed form 433  
prescribed under division (C) (1) of this section, and a set of 434  
fingerprint impressions obtained in the manner prescribed in 435  
division (C) (2) of this section, the superintendent of the 436  
bureau of criminal identification and investigation shall 437  
conduct a criminal records check in the manner described in 438  
division (B) of this section to determine whether any 439  
information exists that indicates that the person who is the 440  
subject of the request previously has been convicted of or 441  
pleaded guilty or no contest to any criminal offense under any 442  
existing or former law of this state, any other state, or the 443  
United States. 444

(B) Subject to division (F) of this section, the 445  
superintendent shall conduct any criminal records check to be 446  
conducted under this section as follows: 447

(1) The superintendent shall review or cause to be 448  
reviewed any relevant information gathered and compiled by the 449  
bureau under division (A) of section 109.57 of the Revised Code 450  
that relates to the person who is the subject of the criminal 451  
records check, including, if the criminal records check was 452  
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 453  
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 454  
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 455  
3712.09, 3721.121, 3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 456  
4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 457  
5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 458  
5153.111 of the Revised Code, any relevant information contained 459  
in records that have been sealed under section 2953.32 of the 460  
Revised Code; 461

(2) If the request received by the superintendent asks for 462  
information from the federal bureau of investigation, the 463  
superintendent shall request from the federal bureau of 464  
investigation any information it has with respect to the person 465  
who is the subject of the criminal records check, including 466  
fingerprint-based checks of national crime information databases 467  
as described in 42 U.S.C. 671 if the request is made pursuant to 468  
section 2151.86 or 5104.013 of the Revised Code or if any other 469  
Revised Code section requires fingerprint-based checks of that 470  
nature, and shall review or cause to be reviewed any information 471  
the superintendent receives from that bureau. If a request under 472  
section 3319.39 of the Revised Code asks only for information 473  
from the federal bureau of investigation, the superintendent 474  
shall not conduct the review prescribed by division (B) (1) of 475



this section. 476

(3) The superintendent or the superintendent's designee 477  
may request criminal history records from other states or the 478  
federal government pursuant to the national crime prevention and 479  
privacy compact set forth in section 109.571 of the Revised 480  
Code. 481

(4) The superintendent shall include in the results of the 482  
criminal records check a list or description of the offenses 483  
listed or described in division (A) (1), (2), (3), (4), (5), (6), 484  
(7), (8), (9), (10), (11), (12), (13), (14), (15), (16), or (17) 485  
of this section, whichever division requires the superintendent 486  
to conduct the criminal records check. The superintendent shall 487  
exclude from the results any information the dissemination of 488  
which is prohibited by federal law. 489

(5) The superintendent shall send the results of the 490  
criminal records check to the person to whom it is to be sent 491  
not later than the following number of days after the date the 492  
superintendent receives the request for the criminal records 493  
check, the completed form prescribed under division (C) (1) of 494  
this section, and the set of fingerprint impressions obtained in 495  
the manner described in division (C) (2) of this section: 496

(a) If the superintendent is required by division (A) of 497  
this section (other than division (A) (3) of this section) to 498  
conduct the criminal records check, thirty; 499

(b) If the superintendent is required by division (A) (3) 500  
of this section to conduct the criminal records check, sixty. 501

(C) (1) The superintendent shall prescribe a form to obtain 502  
the information necessary to conduct a criminal records check 503  
from any person for whom a criminal records check is to be 504

conducted under this section. The form that the superintendent 505  
prescribes pursuant to this division may be in a tangible 506  
format, in an electronic format, or in both tangible and 507  
electronic formats. 508

(2) The superintendent shall prescribe standard impression 509  
sheets to obtain the fingerprint impressions of any person for 510  
whom a criminal records check is to be conducted under this 511  
section. Any person for whom a records check is to be conducted 512  
under this section shall obtain the fingerprint impressions at a 513  
county sheriff's office, municipal police department, or any 514  
other entity with the ability to make fingerprint impressions on 515  
the standard impression sheets prescribed by the superintendent. 516  
The office, department, or entity may charge the person a 517  
reasonable fee for making the impressions. The standard 518  
impression sheets the superintendent prescribes pursuant to this 519  
division may be in a tangible format, in an electronic format, 520  
or in both tangible and electronic formats. 521

(3) Subject to division (D) of this section, the 522  
superintendent shall prescribe and charge a reasonable fee for 523  
providing a criminal records check under this section. The 524  
person requesting the criminal records check shall pay the fee 525  
prescribed pursuant to this division. In the case of a request 526  
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 527  
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 528  
fee shall be paid in the manner specified in that section. 529

(4) The superintendent of the bureau of criminal 530  
identification and investigation may prescribe methods of 531  
forwarding fingerprint impressions and information necessary to 532  
conduct a criminal records check, which methods shall include, 533  
but not be limited to, an electronic method. 534

(D) The results of a criminal records check conducted 535  
under this section, other than a criminal records check 536  
specified in division (A) (7) of this section, are valid for the 537  
person who is the subject of the criminal records check for a 538  
period of one year from the date upon which the superintendent 539  
completes the criminal records check. If during that period the 540  
superintendent receives another request for a criminal records 541  
check to be conducted under this section for that person, the 542  
superintendent shall provide the results from the previous 543  
criminal records check of the person at a lower fee than the fee 544  
prescribed for the initial criminal records check. 545

(E) When the superintendent receives a request for 546  
information from a registered private provider, the 547  
superintendent shall proceed as if the request was received from 548  
a school district board of education under section 3319.39 of 549  
the Revised Code. The superintendent shall apply division (A) (1) 550  
(c) of this section to any such request for an applicant who is 551  
a teacher. 552

(F) (1) Subject to division (F) (2) of this section, all 553  
information regarding the results of a criminal records check 554  
conducted under this section that the superintendent reports or 555  
sends under division (A) (7) or (9) of this section to the 556  
director of public safety, the treasurer of state, or the 557  
person, board, or entity that made the request for the criminal 558  
records check shall relate to the conviction of the subject 559  
person, or the subject person's plea of guilty to, a criminal 560  
offense. 561

(2) Division (F) (1) of this section does not limit, 562  
restrict, or preclude the superintendent's release of 563  
information that relates to the arrest of a person who is 564

eighteen years of age or older, to an adjudication of a child as 565  
a delinquent child, or to a criminal conviction of a person 566  
under eighteen years of age in circumstances in which a release 567  
of that nature is authorized under division (E) (2), (3), or (4) 568  
of section 109.57 of the Revised Code pursuant to a rule adopted 569  
under division (E) (1) of that section. 570

(G) As used in this section: 571

(1) "Criminal records check" means any criminal records 572  
check conducted by the superintendent of the bureau of criminal 573  
identification and investigation in accordance with division (B) 574  
of this section. 575

(2) "Minor drug possession offense" has the same meaning 576  
as in section 2925.01 of the Revised Code. 577

(3) "OVI or OVUAC violation" means a violation of section 578  
4511.19 of the Revised Code or a violation of an existing or 579  
former law of this state, any other state, or the United States 580  
that is substantially equivalent to section 4511.19 of the 581  
Revised Code. 582

(4) "Registered private provider" means a nonpublic school 583  
or entity registered with the superintendent of public 584  
instruction under section 3310.41 of the Revised Code to 585  
participate in the autism scholarship program or section 3310.58 586  
of the Revised Code to participate in the Jon Peterson special 587  
needs scholarship program. 588

**Sec. 1701.03.** (A) (1) A corporation may be formed under 589  
this chapter for any purpose or combination of purposes for 590  
which individuals lawfully may associate themselves, except 591  
that, if the Revised Code contains special provisions pertaining 592  
to the formation of any designated type of corporation other 593

than a professional association, as defined in section 1785.01 594  
of the Revised Code, a corporation of that type shall be formed 595  
in accordance with the special provisions. 596

(2) The purpose for which a corporation is formed may 597  
include a beneficial purpose. Except to the extent that the 598  
articles otherwise provide, both of the following apply: 599

(a) Having a beneficial purpose does not prevent a 600  
corporation from seeking any of the other purposes for which the 601  
corporation is formed, including operation of the corporation 602  
for pecuniary gain or profit and distribution of net earnings. 603

(b) No particular purpose of a corporation has priority 604  
over any other purpose of the corporation. 605

(3) A corporation that does not have a beneficial purpose 606  
is not required to operate exclusively for profit or 607  
distribution of net earnings of the corporation in all 608  
instances. 609

(4) To be effective, a beneficial purpose shall be 610  
expressly provided in the articles. A statement of purpose in 611  
the articles that includes any purpose or combination of 612  
purposes for which individuals lawfully may associate 613  
themselves, without the express provision of a beneficial 614  
purpose, does not establish a beneficial purpose as a purpose of 615  
the corporation. 616

(5) A corporation that meets both of the following shall 617  
not amend its articles of incorporation to include a beneficial 618  
purpose: 619

(a) The corporation has issued and has outstanding shares 620  
listed on a national securities exchange or regularly quoted in 621  
an over-the-counter market by one or more members of a national 622

or affiliated securities association. 623

(b) The initial articles of the corporation did not 624  
include a beneficial purpose. 625

(B) On and after July 1, 1994, a corporation may be formed 626  
under this chapter for the purpose of carrying on the practice 627  
of any profession, including, but not limited to, a corporation 628  
for the purpose of providing public accounting or certified 629  
public accounting services, a corporation for the erection, 630  
owning, and conducting of a sanitarium for receiving and caring 631  
for patients, medical and hygienic treatment of patients, and 632  
instruction of nurses in the treatment of disease and in 633  
hygiene, a corporation for the purpose of providing 634  
architectural, landscape architectural, professional 635  
engineering, or surveying services or any combination of those 636  
types of services, and a corporation for the purpose of 637  
providing a combination of the professional services, as defined 638  
in section 1785.01 of the Revised Code, of optometrists 639  
authorized under Chapter 4725. of the Revised Code, 640  
chiropractors authorized under Chapter 4734. of the Revised Code 641  
to practice chiropractic or acupuncture, psychologists 642  
authorized under Chapter 4732. of the Revised Code, registered 643  
or licensed practical nurses authorized under Chapter 4723. of 644  
the Revised Code, pharmacists authorized under Chapter 4729. of 645  
the Revised Code, physical therapists authorized under sections 646  
4755.40 to 4755.56 of the Revised Code, occupational therapists 647  
authorized under sections 4755.04 to 4755.13 of the Revised 648  
Code, mechanotherapists authorized under section 4731.151 of the 649  
Revised Code, doctors of medicine and surgery, osteopathic 650  
medicine and surgery, or podiatric medicine and surgery 651  
authorized under Chapter 4731. of the Revised Code, ~~and~~-licensed 652  
professional clinical counselors, licensed professional 653

counselors, independent social workers, social workers, 654  
independent marriage and family therapists, or marriage and 655  
family therapists authorized under Chapter 4757. of the Revised 656  
Code, and art therapists authorized under Chapter 4785. of the 657  
Revised Code. 658

This chapter does not restrict, limit, or otherwise affect 659  
the authority or responsibilities of any agency, board, 660  
commission, department, office, or other entity to license, 661  
register, and otherwise regulate the professional conduct of 662  
individuals or organizations of any kind rendering professional 663  
services, as defined in section 1785.01 of the Revised Code, in 664  
this state or to regulate the practice of any profession that is 665  
within the jurisdiction of the agency, board, commission, 666  
department, office, or other entity, notwithstanding that an 667  
individual is a director, officer, employee, or other agent of a 668  
corporation formed under this chapter and is rendering 669  
professional services or engaging in the practice of a 670  
profession through a corporation formed under this chapter or 671  
that the organization is a corporation formed under this 672  
chapter. 673

(C) Nothing in division (A) or (B) of this section 674  
precludes the organization of a professional association in 675  
accordance with this chapter and Chapter 1785. of the Revised 676  
Code or the formation of a limited liability company under 677  
Chapter 1705. or 1706. of the Revised Code with respect to a 678  
trade, occupation, or profession. 679

(D) No corporation formed for the purpose of providing a 680  
combination of the professional services, as defined in section 681  
1785.01 of the Revised Code, of optometrists authorized under 682  
Chapter 4725. of the Revised Code, chiropractors authorized 683

under Chapter 4734. of the Revised Code to practice chiropractic 684  
or acupuncture, psychologists authorized under Chapter 4732. of 685  
the Revised Code, registered or licensed practical nurses 686  
authorized under Chapter 4723. of the Revised Code, pharmacists 687  
authorized under Chapter 4729. of the Revised Code, physical 688  
therapists authorized under sections 4755.40 to 4755.56 of the 689  
Revised Code, occupational therapists authorized under sections 690  
4755.04 to 4755.13 of the Revised Code, mechanotherapists 691  
authorized under section 4731.151 of the Revised Code, doctors 692  
of medicine and surgery, osteopathic medicine and surgery, or 693  
podiatric medicine and surgery authorized under Chapter 4731. of 694  
the Revised Code, ~~and~~ licensed professional clinical counselors, 695  
licensed professional counselors, independent social workers, 696  
social workers, independent marriage and family therapists, or 697  
marriage and family therapists authorized under Chapter 4757. of 698  
the Revised Code, and art therapists authorized under Chapter 699  
4785. of the Revised Code shall control the professional 700  
clinical judgment exercised within accepted and prevailing 701  
standards of practice of a licensed, certificated, or otherwise 702  
legally authorized optometrist, chiropractor, chiropractor 703  
practicing acupuncture through the state chiropractic board, 704  
psychologist, nurse, pharmacist, physical therapist, 705  
occupational therapist, mechanotherapist, doctor of medicine and 706  
surgery, osteopathic medicine and surgery, or podiatric medicine 707  
and surgery, licensed professional clinical counselor, licensed 708  
professional counselor, independent social worker, social 709  
worker, independent marriage and family therapist, ~~or~~ marriage 710  
and family therapist, or art therapist in rendering care, 711  
treatment, or professional advice to an individual patient. 712

This division does not prevent a hospital, as defined in 713  
section 3727.01 of the Revised Code, insurer, as defined in 714



section 3999.36 of the Revised Code, or intermediary 715  
organization, as defined in section 1751.01 of the Revised Code, 716  
from entering into a contract with a corporation described in 717  
this division that includes a provision requiring utilization 718  
review, quality assurance, peer review, or other performance or 719  
quality standards. Those activities shall not be construed as 720  
controlling the professional clinical judgment of an individual 721  
practitioner listed in this division. 722

**Sec. 1785.01.** As used in this chapter: 723

(A) "Professional service" means any type of professional 724  
service that may be performed only pursuant to a license, 725  
certificate, or other legal authorization issued pursuant to 726  
Chapter 4701., 4703., 4705., 4715., 4723., 4725., 4729., 4730., 727  
4731., 4732., 4733., 4734., 4741., 4755., ~~or 4757.~~, or 4785. of 728  
the Revised Code to certified public accountants, licensed 729  
public accountants, architects, attorneys, dentists, nurses, 730  
optometrists, pharmacists, physician assistants, doctors of 731  
medicine and surgery, doctors of osteopathic medicine and 732  
surgery, doctors of podiatric medicine and surgery, 733  
practitioners of the limited branches of medicine specified in 734  
section 4731.15 of the Revised Code, mechanotherapists, 735  
psychologists, professional engineers, chiropractors, 736  
chiropractors practicing acupuncture through the state 737  
chiropractic board, veterinarians, physical therapists, 738  
occupational therapists, licensed professional clinical 739  
counselors, licensed professional counselors, independent social 740  
workers, social workers, independent marriage and family 741  
therapists, ~~and marriage and family therapists,~~ and art 742  
therapists. 743

(B) "Professional association" means an association 744

organized under this chapter for the sole purpose of rendering 745  
one of the professional services authorized under Chapter 4701., 746  
4703., 4705., 4715., 4723., 4725., 4729., 4730., 4731., 4732., 747  
4733., 4734., 4741., 4755., ~~or 4757.~~ or 4785. of the Revised 748  
Code, a combination of the professional services authorized 749  
under Chapters 4703. and 4733. of the Revised Code, or a 750  
combination of the professional services of optometrists 751  
authorized under Chapter 4725. of the Revised Code, 752  
chiropractors authorized under Chapter 4734. of the Revised Code 753  
to practice chiropractic or acupuncture, psychologists 754  
authorized under Chapter 4732. of the Revised Code, registered 755  
or licensed practical nurses authorized under Chapter 4723. of 756  
the Revised Code, pharmacists authorized under Chapter 4729. of 757  
the Revised Code, physical therapists authorized under sections 758  
4755.40 to 4755.56 of the Revised Code, occupational therapists 759  
authorized under sections 4755.04 to 4755.13 of the Revised 760  
Code, mechanotherapists authorized under section 4731.151 of the 761  
Revised Code, doctors of medicine and surgery, osteopathic 762  
medicine and surgery, or podiatric medicine and surgery 763  
authorized under Chapter 4731. of the Revised Code, ~~and~~ licensed 764  
professional clinical counselors, licensed professional 765  
counselors, independent social workers, social workers, 766  
independent marriage and family therapists, or marriage and 767  
family therapists authorized under Chapter 4757. of the Revised 768  
Code, and art therapists authorized under Chapter 4785. of the 769  
Revised Code. 770

**Sec. 1785.02.** An individual or group of individuals each 771  
of whom is licensed, certificated, or otherwise legally 772  
authorized to render within this state the same kind of 773  
professional service, a group of individuals each of whom is 774  
licensed, certificated, or otherwise legally authorized to 775

render within this state the professional service authorized 776  
under Chapter 4703. or 4733. of the Revised Code, or a group of 777  
individuals each of whom is licensed, certificated, or otherwise 778  
legally authorized to render within this state the professional 779  
service of optometrists authorized under Chapter 4725. of the 780  
Revised Code, chiropractors authorized under Chapter 4734. of 781  
the Revised Code to practice chiropractic or acupuncture, 782  
psychologists authorized under Chapter 4732. of the Revised 783  
Code, registered or licensed practical nurses authorized under 784  
Chapter 4723. of the Revised Code, pharmacists authorized under 785  
Chapter 4729. of the Revised Code, physical therapists 786  
authorized under sections 4755.40 to 4755.56 of the Revised 787  
Code, occupational therapists authorized under sections 4755.04 788  
to 4755.13 of the Revised Code, mechanotherapists authorized 789  
under section 4731.151 of the Revised Code, doctors of medicine 790  
and surgery, osteopathic medicine and surgery, or podiatric 791  
medicine and surgery authorized under Chapter 4731. of the 792  
Revised Code, ~~ex~~-licensed professional clinical counselors, 793  
licensed professional counselors, independent social workers, 794  
social workers, independent marriage and family therapists, or 795  
marriage and family therapists authorized under Chapter 4757. of 796  
the Revised Code, or art therapists authorized under Chapter 797  
4785. of the Revised Code may organize and become a shareholder 798  
or shareholders of a professional association. Any group of 799  
individuals described in this section who may be rendering one 800  
of the professional services as an organization created 801  
otherwise than pursuant to this chapter may incorporate under 802  
and pursuant to this chapter by amending the agreement 803  
establishing the organization in a manner that the agreement as 804  
amended constitutes articles of incorporation prepared and filed 805  
in the manner prescribed in section 1785.08 of the Revised Code 806  
and by otherwise complying with the applicable requirements of 807

this chapter. 808

**Sec. 1785.03.** A professional association may render a 809  
particular professional service only through officers, 810  
employees, and agents who are themselves duly licensed, 811  
certificated, or otherwise legally authorized to render the 812  
professional service within this state. As used in this section, 813  
"employee" does not include clerks, bookkeepers, technicians, or 814  
other individuals who are not usually and ordinarily considered 815  
by custom and practice to be rendering a particular professional 816  
service for which a license, certificate, or other legal 817  
authorization is required and does not include any other person 818  
who performs all of that person's employment under the direct 819  
supervision and control of an officer, agent, or employee who 820  
renders a particular professional service to the public on 821  
behalf of the professional association. 822

No professional association formed for the purpose of 823  
providing a combination of the professional services, as defined 824  
in section 1785.01 of the Revised Code, of optometrists 825  
authorized under Chapter 4725. of the Revised Code, 826  
chiropractors authorized under Chapter 4734. of the Revised Code 827  
to practice chiropractic or acupuncture, psychologists 828  
authorized under Chapter 4732. of the Revised Code, registered 829  
or licensed practical nurses authorized under Chapter 4723. of 830  
the Revised Code, pharmacists authorized under Chapter 4729. of 831  
the Revised Code, physical therapists authorized under sections 832  
4755.40 to 4755.56 of the Revised Code, occupational therapists 833  
authorized under sections 4755.04 to 4755.13 of the Revised 834  
Code, mechanotherapists authorized under section 4731.151 of the 835  
Revised Code, doctors of medicine and surgery, osteopathic 836  
medicine and surgery, or podiatric medicine and surgery 837  
authorized under Chapter 4731. of the Revised Code, ~~and~~-licensed 838

professional clinical counselors, licensed professional 839  
counselors, independent social workers, social workers, 840  
independent marriage and family therapists, or marriage and 841  
family therapists authorized under Chapter 4757. of the Revised 842  
Code, and art therapists authorized under Chapter 4785. of the 843  
Revised Code shall control the professional clinical judgment 844  
exercised within accepted and prevailing standards of practice 845  
of a licensed, certificated, or otherwise legally authorized 846  
optometrist, chiropractor, chiropractor practicing acupuncture 847  
through the state chiropractic board, psychologist, nurse, 848  
pharmacist, physical therapist, occupational therapist, 849  
mechanotherapist, doctor of medicine and surgery, osteopathic 850  
medicine and surgery, or podiatric medicine and surgery, 851  
licensed professional clinical counselor, licensed professional 852  
counselor, independent social worker, social worker, independent 853  
marriage and family therapist, ~~or~~ marriage and family therapist, 854  
or art therapist in rendering care, treatment, or professional 855  
advice to an individual patient. 856

This division does not prevent a hospital, as defined in 857  
section 3727.01 of the Revised Code, insurer, as defined in 858  
section 3999.36 of the Revised Code, or intermediary 859  
organization, as defined in section 1751.01 of the Revised Code, 860  
from entering into a contract with a professional association 861  
described in this division that includes a provision requiring 862  
utilization review, quality assurance, peer review, or other 863  
performance or quality standards. Those activities shall not be 864  
construed as controlling the professional clinical judgment of 865  
an individual practitioner listed in this division. 866

**Sec. 1785.08.** Chapter 1701. of the Revised Code applies to 867  
professional associations, including their organization and the 868  
manner of filing articles of incorporation, except that the 869

requirements of division (A) of section 1701.06 of the Revised Code do not apply to professional associations. If any provision of this chapter conflicts with any provision of Chapter 1701. of the Revised Code, the provisions of this chapter shall take precedence. A professional association for the practice of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery or for the combined practice of optometry, chiropractic, acupuncture through the state chiropractic board, psychology, nursing, pharmacy, physical therapy, mechanotherapy, medicine and surgery, osteopathic medicine and surgery, ~~or~~ podiatric medicine and surgery, or art therapy may provide in its articles of incorporation or bylaws that its directors may have terms of office not exceeding six years.

**Sec. 4723.16.** (A) An individual whom the board of nursing licenses or otherwise legally authorizes to engage in the practice of nursing as a registered nurse, advanced practice registered nurse, or licensed practical nurse may render the professional services of a registered, advanced practice registered, or licensed practical nurse within this state through a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited liability company formed under Chapter 1705. or 1706. of the Revised Code, a partnership, or a professional association formed under Chapter 1785. of the Revised Code. This division does not preclude an individual of that nature from rendering professional services as a registered, advanced practice registered, or licensed practical nurse through another form of business entity, including, but not limited to, a nonprofit corporation or foundation, or in another manner that is authorized by or in accordance with this chapter, another chapter of the Revised Code, or rules of the

|  |  |
|--|--|
| board of nursing adopted pursuant to this chapter.   | 901                                    |
| (B) A corporation, limited liability company, partnership,<br>or professional association described in division (A) of this<br>section may be formed for the purpose of providing a combination<br>of the professional services of the following individuals who<br>are licensed, certificated, or otherwise legally authorized to<br>practice their respective professions: | 902<br>903<br>904<br>905<br>906<br>907 |
| (1) Optometrists who are authorized to practice optometry<br>under Chapter 4725. of the Revised Code;  | 908<br>909                             |
| (2) Chiropractors who are authorized to practice<br>chiropractic or acupuncture under Chapter 4734. of the Revised<br>Code;  | 910<br>911<br>912                      |
| (3) Psychologists who are authorized to practice<br>psychology under Chapter 4732. of the Revised Code;  | 913<br>914                             |
| (4) Registered, advanced practice registered, or licensed<br>practical nurses who are authorized to practice nursing as<br>registered nurses, advanced practice registered nurses, or<br>licensed practical nurses under this chapter;   | 915<br>916<br>917<br>918               |
| (5) Pharmacists who are authorized to practice pharmacy<br>under Chapter 4729. of the Revised Code;  | 919<br>920                             |
| (6) Physical therapists who are authorized to practice<br>physical therapy under sections 4755.40 to 4755.56 of the<br>Revised Code;   | 921<br>922<br>923                      |
| (7) Occupational therapists who are licensed to practice<br>occupational therapy under sections 4755.04 to 4755.13 of the<br>Revised Code;   | 924<br>925<br>926                      |
| (8) Mechanotherapists who are authorized to practice<br>mechanotherapy under section 4731.151 of the Revised Code;   | 927<br>928                             |

(9) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are licensed, certificated, or otherwise legally authorized for their respective practices under Chapter 4731. of the Revised Code;

(10) Licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, or marriage and family therapists who are authorized for their respective practices under Chapter 4757. of the Revised Code;

(11) Art therapists who are authorized to practice art therapy under Chapter 4785. of the Revised Code.

This division shall apply notwithstanding a provision of a code of ethics applicable to a nurse that prohibits a registered, advanced practice registered, or licensed practical nurse from engaging in the practice of nursing as a registered nurse, advanced practice registered nurse, or licensed practical nurse in combination with a person who is licensed, certificated, or otherwise legally authorized to practice optometry, chiropractic, acupuncture through the state chiropractic board, psychology, pharmacy, physical therapy, occupational therapy, mechanotherapy, medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, professional counseling, social work, ~~or~~ marriage and family therapy, or art therapy, but who is not also licensed, certificated, or otherwise legally authorized to engage in the practice of nursing as a registered nurse, advanced practice registered nurse, or licensed practical nurse.

**Sec. 4725.33.** (A) An individual whom the state vision professionals board licenses to engage in the practice of optometry may render the professional services of an optometrist



within this state through a corporation formed under division 959  
(B) of section 1701.03 of the Revised Code, a limited liability 960  
company formed under Chapter 1705. or 1706. of the Revised Code, 961  
a partnership, or a professional association formed under 962  
Chapter 1785. of the Revised Code. This division does not 963  
preclude an optometrist from rendering professional services as 964  
an optometrist through another form of business entity, 965  
including, but not limited to, a nonprofit corporation or 966  
foundation, or in another manner that is authorized by or in 967  
accordance with this chapter, another chapter of the Revised 968  
Code, or rules of the state vision professionals board adopted 969  
pursuant to this chapter. 970

(B) A corporation, limited liability company, partnership, 971  
or professional association described in division (A) of this 972  
section may be formed for the purpose of providing a combination 973  
of the professional services of the following individuals who 974  
are licensed, certificated, or otherwise legally authorized to 975  
practice their respective professions: 976

(1) Optometrists who are authorized to practice optometry 977  
under Chapter 4725. of the Revised Code; 978

(2) Chiropractors who are authorized to practice 979  
chiropractic or acupuncture under Chapter 4734. of the Revised 980  
Code; 981

(3) Psychologists who are authorized to practice 982  
psychology under Chapter 4732. of the Revised Code; 983

(4) Registered or licensed practical nurses who are 984  
authorized to practice nursing as registered nurses or as 985  
licensed practical nurses under Chapter 4723. of the Revised 986  
Code; 987

|   |  |
|---|--|
| (5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;  | 988<br>989   |
| (6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;  | 990<br>991<br>992  |
| (7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;  | 993<br>994<br>995  |
| (8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;   | 996<br>997   |
| (9) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under Chapter 4731. of the Revised Code;   | 998<br>999<br>1000<br>1001                                   |
| (10) Licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, or marriage and family therapists who are authorized for their respective practices under Chapter 4757. of the Revised Code;  | 1002<br>1003<br>1004<br>1005<br>1006                         |
| <u>(11) Art therapists who are authorized to practice art therapy under Chapter 4785. of the Revised Code.</u>  | 1007<br>1008   |
| This division shall apply notwithstanding a provision of a code of ethics applicable to an optometrist that prohibits an optometrist from engaging in the practice of optometry in combination with a person who is licensed, certificated, or otherwise legally authorized to practice chiropractic, acupuncture through the state chiropractic board, psychology, nursing, pharmacy, physical therapy, occupational therapy, mechanotherapy, medicine and surgery, osteopathic medicine and | 1009<br>1010<br>1011<br>1012<br>1013<br>1014<br>1015<br>1016 |

surgery, podiatric medicine and surgery, professional 1017  
counseling, social work, ~~or~~ marriage and family therapy, or art 1018  
therapy, but who is not also licensed, certificated, or 1019  
otherwise legally authorized to engage in the practice of 1020  
optometry. 1021

**Sec. 4729.161.** (A) An individual registered with the state 1022  
board of pharmacy to engage in the practice of pharmacy may 1023  
render the professional services of a pharmacist within this 1024  
state through a corporation formed under division (B) of section 1025  
1701.03 of the Revised Code, a limited liability company formed 1026  
under Chapter 1705. or 1706. of the Revised Code, a partnership, 1027  
or a professional association formed under Chapter 1785. of the 1028  
Revised Code. This division does not preclude an individual of 1029  
that nature from rendering professional services as a pharmacist 1030  
through another form of business entity, including, but not 1031  
limited to, a nonprofit corporation or foundation, or in another 1032  
manner that is authorized by or in accordance with this chapter, 1033  
another chapter of the Revised Code, or rules of the state board 1034  
of pharmacy adopted pursuant to this chapter. 1035

(B) A corporation, limited liability company, partnership, 1036  
or professional association described in division (A) of this 1037  
section may be formed for the purpose of providing a combination 1038  
of the professional services of the following individuals who 1039  
are licensed, certificated, or otherwise legally authorized to 1040  
practice their respective professions: 1041

(1) Optometrists who are authorized to practice optometry 1042  
under Chapter 4725. of the Revised Code; 1043

(2) Chiropractors who are authorized to practice 1044  
chiropractic or acupuncture under Chapter 4734. of the Revised 1045  
Code; 1046

|  |                                      |
|--|--------------------------------------|
| (3) Psychologists who are authorized to practice psychology under Chapter 4732. of the Revised Code;   | 1047<br>1048                         |
| (4) Registered or licensed practical nurses who are authorized to practice nursing as registered nurses or as licensed practical nurses under Chapter 4723. of the Revised Code;   | 1049<br>1050<br>1051<br>1052         |
| (5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;   | 1053<br>1054                         |
| (6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;   | 1055<br>1056<br>1057                 |
| (7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;   | 1058<br>1059<br>1060                 |
| (8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;  | 1061<br>1062                         |
| (9) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under Chapter 4731. of the Revised Code;  | 1063<br>1064<br>1065<br>1066         |
| (10) Licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, or marriage and family therapists who are authorized for their respective practices under Chapter 4757. of the Revised Code; | 1067<br>1068<br>1069<br>1070<br>1071 |
| <u>(11) Art therapists who are authorized to practice art therapy under Chapter 4785. of the Revised Code.</u>   | 1072<br>1073                         |
| This division shall apply notwithstanding a provision of a   | 1074                                 |

code of ethics applicable to a pharmacist that prohibits a 1075  
pharmacist from engaging in the practice of pharmacy in 1076  
combination with a person who is licensed, certificated, or 1077  
otherwise legally authorized to practice optometry, 1078  
chiropractic, acupuncture through the state chiropractic board, 1079  
psychology, nursing, physical therapy, occupational therapy, 1080  
mechanotherapy, medicine and surgery, osteopathic medicine and 1081  
surgery, podiatric medicine and surgery, professional 1082  
counseling, social work, ~~or~~ marriage and family therapy, or art 1083  
therapy, but who is not also licensed, certificated, or 1084  
otherwise legally authorized to engage in the practice of 1085  
pharmacy. 1086

**Sec. 4731.07.** (A) The state medical board shall keep a 1087  
record of its proceedings. The minutes of a meeting of the board 1088  
shall, on approval by the board, constitute an official record 1089  
of its proceedings. 1090

(B) The board shall keep a register of applicants for 1091  
licenses and certificates issued under this chapter; licenses 1092  
issued under Chapters 4730., 4760., 4762., 4774., and 4778.; ~~and~~ 1093  
licenses and limited permits issued under Chapters 4759. and 1094  
4761. of the Revised Code; and applicants for licenses, licenses 1095  
issued, and licenses suspended or revoked under Chapter 4787. of 1096  
the Revised Code. The register shall show the name of the 1097  
applicant and whether the applicant was granted or refused the 1098  
license, certificate, or limited permit being sought. 1099

With respect to applicants to practice medicine and 1100  
surgery or osteopathic medicine and surgery, the register shall 1101  
show the name of the institution that granted the applicant the 1102  
degree of doctor of medicine or osteopathic medicine. With 1103  
respect to applicants to practice respiratory care, the register 1104

shall show the addresses of the person's last known place of 1105  
business and residence, the effective date and identification 1106  
number of the license or limited permit, and, if applicable, the 1107  
name and location of the institution that granted the person's 1108  
degree or certificate of completion of respiratory care 1109  
educational requirements and the date the degree or certificate 1110  
of completion was issued. 1111

(C) The books and records of the board shall be prima- 1112  
facie evidence of matters therein contained. 1113

**Sec. 4731.224.** (A) Within sixty days after the imposition 1114  
of any formal disciplinary action taken by any health care 1115  
facility, including a hospital, health care facility operated by 1116  
a health insuring corporation, ambulatory surgical center, or 1117  
similar facility, against any individual holding a valid license 1118  
or certificate to practice issued pursuant to this chapter, the 1119  
chief administrator or executive officer of the facility shall 1120  
report to the state medical board the name of the individual, 1121  
the action taken by the facility, and a summary of the 1122  
underlying facts leading to the action taken. Upon request, the 1123  
board shall be provided certified copies of the patient records 1124  
that were the basis for the facility's action. Prior to release 1125  
to the board, the summary shall be approved by the peer review 1126  
committee that reviewed the case or by the governing board of 1127  
the facility. As used in this division, "formal disciplinary 1128  
action" means any action resulting in the revocation, 1129  
restriction, reduction, or termination of clinical privileges 1130  
for violations of professional ethics, or for reasons of medical 1131  
incompetence or medical malpractice. "Formal disciplinary 1132  
action" includes a summary action, an action that takes effect 1133  
notwithstanding any appeal rights that may exist, and an action 1134  
that results in an individual surrendering clinical privileges 1135

while under investigation and during proceedings regarding the 1136  
action being taken or in return for not being investigated or 1137  
having proceedings held. "Formal disciplinary action" does not 1138  
include any action taken for the sole reason of failure to 1139  
maintain records on a timely basis or failure to attend staff or 1140  
section meetings. 1141

The filing or nonfiling of a report with the board, 1142  
investigation by the board, or any disciplinary action taken by 1143  
the board, shall not preclude any action by a health care 1144  
facility to suspend, restrict, or revoke the individual's 1145  
clinical privileges. 1146

In the absence of fraud or bad faith, no individual or 1147  
entity that provides patient records to the board shall be 1148  
liable in damages to any person as a result of providing the 1149  
records. 1150

(B) (1) Except as provided in division (B) (2) of this 1151  
section, if any individual authorized to practice under this 1152  
chapter or any professional association or society of such 1153  
individuals believes that a violation of any provision of this 1154  
chapter, Chapter 4730., 4759., 4760., 4761., 4762., 4774., ~~or~~ 1155  
4778., or 4787. of the Revised Code, or any rule of the board 1156  
has occurred, the individual, association, or society shall 1157  
report to the board the information upon which the belief is 1158  
based. 1159

(2) If any individual authorized to practice under this 1160  
chapter or any professional association or society of such 1161  
individuals believes that a violation of division (B) (26) of 1162  
section 4731.22 of the Revised Code has occurred, the 1163  
individual, association, or society shall report the information 1164  
upon which the belief is based to the monitoring organization 1165

conducting the program established by the board under section 1166  
4731.251 of the Revised Code. If any such report is made to the 1167  
board, it shall be referred to the monitoring organization 1168  
unless the board is aware that the individual who is the subject 1169  
of the report does not meet the program eligibility requirements 1170  
of section 4731.252 of the Revised Code. 1171

(C) Any professional association or society composed 1172  
primarily of doctors of medicine and surgery, doctors of 1173  
osteopathic medicine and surgery, doctors of podiatric medicine 1174  
and surgery, or practitioners of limited branches of medicine 1175  
that suspends or revokes an individual's membership for 1176  
violations of professional ethics, or for reasons of 1177  
professional incompetence or professional malpractice, within 1178  
sixty days after a final decision shall report to the board, on 1179  
forms prescribed and provided by the board, the name of the 1180  
individual, the action taken by the professional organization, 1181  
and a summary of the underlying facts leading to the action 1182  
taken. 1183

The filing of a report with the board or decision not to 1184  
file a report, investigation by the board, or any disciplinary 1185  
action taken by the board, does not preclude a professional 1186  
organization from taking disciplinary action against an 1187  
individual. 1188

(D) Any insurer providing professional liability insurance 1189  
to an individual authorized to practice under this chapter, or 1190  
any other entity that seeks to indemnify the professional 1191  
liability of such an individual, shall notify the board within 1192  
thirty days after the final disposition of any written claim for 1193  
damages where such disposition results in a payment exceeding 1194  
twenty-five thousand dollars. The notice shall contain the 1195



|  |  |
|--|--|
| following information:   | 1196   |
| (1) The name and address of the person submitting the notification;  | 1197<br>1198   |
| (2) The name and address of the insured who is the subject of the claim;   | 1199<br>1200   |
| (3) The name of the person filing the written claim;   | 1201   |
| (4) The date of final disposition;   | 1202   |
| (5) If applicable, the identity of the court in which the final disposition of the claim took place.   | 1203<br>1204   |
| (E) The board may investigate possible violations of this chapter or the rules adopted under it that are brought to its attention as a result of the reporting requirements of this section, except that the board shall conduct an investigation if a possible violation involves repeated malpractice. As used in this division, "repeated malpractice" means three or more claims for medical malpractice within the previous five-year period, each resulting in a judgment or settlement in excess of twenty-five thousand dollars in favor of the claimant, and each involving negligent conduct by the practicing individual. | 1205<br>1206<br>1207<br>1208<br>1209<br>1210<br>1211<br>1212<br>1213<br>1214 |
| (F) All summaries, reports, and records received and maintained by the board pursuant to this section shall be held in confidence and shall not be subject to discovery or introduction in evidence in any federal or state civil action involving a health care professional or facility arising out of matters that are the subject of the reporting required by this section. The board may use the information obtained only as the basis for an investigation, as evidence in a disciplinary hearing against an individual whose practice is regulated under this chapter, or in any subsequent trial or appeal of a board      | 1215<br>1216<br>1217<br>1218<br>1219<br>1220<br>1221<br>1222<br>1223<br>1224 |

action or order. 1225

The board may disclose the summaries and reports it 1226  
receives under this section only to health care facility 1227  
committees within or outside this state that are involved in 1228  
credentialing or recredentialing the individual or in reviewing 1229  
the individual's clinical privileges. The board shall indicate 1230  
whether or not the information has been verified. Information 1231  
transmitted by the board shall be subject to the same 1232  
confidentiality provisions as when maintained by the board. 1233

(G) Except for reports filed by an individual pursuant to 1234  
division (B) of this section, the board shall send a copy of any 1235  
reports or summaries it receives pursuant to this section to the 1236  
individual who is the subject of the reports or summaries. The 1237  
individual shall have the right to file a statement with the 1238  
board concerning the correctness or relevance of the 1239  
information. The statement shall at all times accompany that 1240  
part of the record in contention. 1241

(H) An individual or entity that, pursuant to this 1242  
section, reports to the board, reports to the monitoring 1243  
organization described in section 4731.251 of the Revised Code, 1244  
or refers an impaired practitioner to a treatment provider 1245  
approved by the board under section 4731.25 of the Revised Code 1246  
shall not be subject to suit for civil damages as a result of 1247  
the report, referral, or provision of the information. 1248

(I) In the absence of fraud or bad faith, no professional 1249  
association or society of individuals authorized to practice 1250  
under this chapter that sponsors a committee or program to 1251  
provide peer assistance to practitioners with substance abuse 1252  
problems, no representative or agent of such a committee or 1253  
program, no representative or agent of the monitoring 1254

organization described in section 4731.251 of the Revised Code, 1255  
and no member of the state medical board shall be held liable in 1256  
damages to any person by reason of actions taken to refer a 1257  
practitioner to a treatment provider approved under section 1258  
4731.25 of the Revised Code for examination or treatment. 1259

**Sec. 4731.226.** (A) (1) An individual whom the state medical 1260  
board licenses, certificates, or otherwise legally authorizes to 1261  
engage in the practice of medicine and surgery, osteopathic 1262  
medicine and surgery, or podiatric medicine and surgery may 1263  
render the professional services of a doctor of medicine and 1264  
surgery, osteopathic medicine and surgery, or podiatric medicine 1265  
and surgery within this state through a corporation formed under 1266  
division (B) of section 1701.03 of the Revised Code, a limited 1267  
liability company formed under Chapter 1705. or 1706. of the 1268  
Revised Code, a partnership, or a professional association 1269  
formed under Chapter 1785. of the Revised Code. Division (A) (1) 1270  
of this section does not preclude an individual of that nature 1271  
from rendering professional services as a doctor of medicine and 1272  
surgery, osteopathic medicine and surgery, or podiatric medicine 1273  
and surgery through another form of business entity, including, 1274  
but not limited to, a nonprofit corporation or foundation, or in 1275  
another manner that is authorized by or in accordance with this 1276  
chapter, another chapter of the Revised Code, or rules of the 1277  
state medical board adopted pursuant to this chapter. 1278

(2) An individual whom the state medical board authorizes 1279  
to engage in the practice of mechanotherapy may render the 1280  
professional services of a mechanotherapist within this state 1281  
through a corporation formed under division (B) of section 1282  
1701.03 of the Revised Code, a limited liability company formed 1283  
under Chapter 1705. or 1706. of the Revised Code, a partnership, 1284  
or a professional association formed under Chapter 1785. of the 1285

Revised Code. Division (A) (2) of this section does not preclude 1286  
an individual of that nature from rendering professional 1287  
services as a mechanotherapist through another form of business 1288  
entity, including, but not limited to, a nonprofit corporation 1289  
or foundation, or in another manner that is authorized by or in 1290  
accordance with this chapter, another chapter of the Revised 1291  
Code, or rules of the state medical board adopted pursuant to 1292  
this chapter. 1293

(B) A corporation, limited liability company, partnership, 1294  
or professional association described in division (A) of this 1295  
section may be formed for the purpose of providing a combination 1296  
of the professional services of the following individuals who 1297  
are licensed, certificated, or otherwise legally authorized to 1298  
practice their respective professions: 1299

(1) Optometrists who are authorized to practice optometry 1300  
under Chapter 4725. of the Revised Code; 1301

(2) Chiropractors who are authorized to practice 1302  
chiropractic or acupuncture under Chapter 4734. of the Revised 1303  
Code; 1304

(3) Psychologists who are authorized to practice 1305  
psychology under Chapter 4732. of the Revised Code; 1306

(4) Registered or licensed practical nurses who are 1307  
authorized to practice nursing as registered nurses or as 1308  
licensed practical nurses under Chapter 4723. of the Revised 1309  
Code; 1310

(5) Pharmacists who are authorized to practice pharmacy 1311  
under Chapter 4729. of the Revised Code; 1312

(6) Physical therapists who are authorized to practice 1313  
physical therapy under sections 4755.40 to 4755.56 of the 1314

|   |  |
|---|--|
| Revised Code;   | 1315   |
| (7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;  | 1316<br>1317<br>1318   |
| (8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;   | 1319<br>1320   |
| (9) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under this chapter;  | 1321<br>1322<br>1323   |
| (10) Licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, or marriage and family therapists who are authorized for their respective practices under Chapter 4757. of the Revised Code;  | 1324<br>1325<br>1326<br>1327<br>1328                                 |
| <u>(11) Art therapists who are authorized to practice art therapy under Chapter 4785. of the Revised Code.</u>  | 1329<br>1330   |
| (C) Division (B) of this section shall apply notwithstanding a provision of a code of ethics described in division (B)(18) of section 4731.22 of the Revised Code that prohibits either of the following:   | 1331<br>1332<br>1333<br>1334   |
| (1) A doctor of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery from engaging in the doctor's authorized practice in combination with a person who is licensed, certificated, or otherwise legally authorized to engage in the practice of optometry, chiropractic, acupuncture through the state chiropractic board, psychology, nursing, pharmacy, physical therapy, occupational therapy, mechanotherapy, professional counseling, social work, <del>or</del> marriage and family therapy, <u>or art therapy</u> , but who is not also | 1335<br>1336<br>1337<br>1338<br>1339<br>1340<br>1341<br>1342<br>1343 |

licensed, certificated, or otherwise legally authorized to 1344  
practice medicine and surgery, osteopathic medicine and surgery, 1345  
or podiatric medicine and surgery. 1346

(2) A mechanotherapist from engaging in the practice of 1347  
mechanotherapy in combination with a person who is licensed, 1348  
certificated, or otherwise legally authorized to engage in the 1349  
practice of optometry, chiropractic, acupuncture through the 1350  
state chiropractic board, psychology, nursing, pharmacy, 1351  
physical therapy, occupational therapy, medicine and surgery, 1352  
osteopathic medicine and surgery, podiatric medicine and 1353  
surgery, professional counseling, social work, ~~or~~ marriage and 1354  
family therapy, or art therapy, but who is not also licensed, 1355  
certificated, or otherwise legally authorized to engage in the 1356  
practice of mechanotherapy. 1357

**Sec. 4731.24.** Except as provided in sections 4731.281 and 1358  
4731.40 of the Revised Code, all receipts of the state medical 1359  
board, from any source, shall be deposited in the state 1360  
treasury. The funds shall be deposited to the credit of the 1361  
state medical board operating fund, which is hereby created. 1362  
Except as provided in sections 4730.252, 4731.225, 4731.24, 1363  
4759.071, 4760.133, 4761.091, 4762.133, 4774.133, and 4778.141 1364  
of the Revised Code, all funds deposited into the state treasury 1365  
under this section shall be used solely for the administration 1366  
and enforcement of this chapter and Chapters 4730., 4759., 1367  
4760., 4761., 4762., 4774., ~~and 4778.~~ and 4787. of the Revised 1368  
Code by the board. 1369

**Sec. 4731.25.** The state medical board, in accordance with 1370  
Chapter 119. of the Revised Code, shall adopt and may amend and 1371  
rescind rules establishing standards for approval of physicians 1372  
and facilities as treatment providers for practitioners 1373

suffering or showing evidence of suffering impairment as 1374  
described in division (B) (5) of section 4730.25, division (B) 1375  
(26) of section 4731.22, division (A) (18) of section 4759.07, 1376  
division (B) (6) of section 4760.13, division (A) (18) of section 1377  
4761.09, division (B) (6) of section 4762.13, division (B) (6) of 1378  
section 4774.13, ~~or~~ division (B) (6) of section 4778.14, or 1379  
division (C) (4) of section 4787.11 of the Revised Code. The 1380  
rules shall include standards for both inpatient and outpatient 1381  
treatment and for care and monitoring that continues after 1382  
treatment. The rules shall provide that in order to be approved, 1383  
a treatment provider must have the capability of making an 1384  
initial examination to determine what type of treatment an 1385  
impaired practitioner requires. Subject to the rules, the board 1386  
shall review and approve treatment providers on a regular basis. 1387  
The board, at its discretion, may withdraw or deny approval 1388  
subject to the rules. 1389

An approved impaired practitioner treatment provider shall 1390  
do all of the following: 1391

(A) Report to the board the name of any practitioner 1392  
suffering or showing evidence of suffering impairment who fails 1393  
to comply within one week with a referral for examination; 1394

(B) Report to the board the name of any impaired 1395  
practitioner who fails to enter treatment within forty-eight 1396  
hours following the provider's determination that the 1397  
practitioner needs treatment; 1398

(C) Require every practitioner who enters treatment to 1399  
agree to a treatment contract establishing the terms of 1400  
treatment and aftercare, including any required supervision or 1401  
restrictions of practice during treatment or aftercare; 1402

(D) Require a practitioner to suspend practice upon entry 1403  
into any required inpatient treatment; 1404

(E) Report to the board any failure by an impaired 1405  
practitioner to comply with the terms of the treatment contract 1406  
during inpatient or outpatient treatment or aftercare; 1407

(F) Report to the board the resumption of practice of any 1408  
impaired practitioner before the treatment provider has made a 1409  
clear determination that the practitioner is capable of 1410  
practicing according to acceptable and prevailing standards of 1411  
care; 1412

(G) Require a practitioner who resumes practice after 1413  
completion of treatment to comply with an aftercare contract 1414  
that meets the requirements of rules adopted by the board for 1415  
approval of treatment providers; 1416

(H) Report the identity of any practitioner practicing 1417  
under the terms of an aftercare contract to hospital 1418  
administrators, medical chiefs of staff, and chairpersons of 1419  
impaired practitioner committees of all health care institutions 1420  
at which the practitioner holds clinical privileges or otherwise 1421  
practices. If the practitioner does not hold clinical privileges 1422  
at any health care institution, the treatment provider shall 1423  
report the practitioner's identity to the impaired practitioner 1424  
committee of the county medical society, osteopathic academy, or 1425  
podiatric medical association in every county in which the 1426  
practitioner practices. If there are no impaired practitioner 1427  
committees in the county, the treatment provider shall report 1428  
the practitioner's identity to the president or other designated 1429  
member of the county medical society, osteopathic academy, or 1430  
podiatric medical association. 1431



(I) Report to the board the identity of any practitioner 1432  
who suffers a relapse at any time during or following aftercare. 1433

Any individual authorized to practice under this chapter 1434  
who enters into treatment by an approved treatment provider 1435  
shall be deemed to have waived any confidentiality requirements 1436  
that would otherwise prevent the treatment provider from making 1437  
reports required under this section. 1438

In the absence of fraud or bad faith, no person or 1439  
organization that conducts an approved impaired practitioner 1440  
treatment program, no member of such an organization, and no 1441  
employee, representative, or agent of the treatment provider 1442  
shall be held liable in damages to any person by reason of 1443  
actions taken or recommendations made by the treatment provider 1444  
or its employees, representatives, or agents. 1445

**Sec. 4731.65.** As used in sections 4731.65 to 4731.71 of 1446  
the Revised Code: 1447

(A) (1) "Clinical laboratory services" means either of the 1448  
following: 1449

(a) Any examination of materials derived from the human 1450  
body for the purpose of providing information for the diagnosis, 1451  
prevention, or treatment of any disease or impairment or for the 1452  
assessment of health; 1453

(b) Procedures to determine, measure, or otherwise 1454  
describe the presence or absence of various substances or 1455  
organisms in the body. 1456

(2) "Clinical laboratory services" does not include the 1457  
mere collection or preparation of specimens. 1458

(B) "Designated health services" means any of the 1459

|  |      |
|--|------|
| following:   | 1460 |
| (1) Clinical laboratory services;  | 1461 |
| (2) Home health care services;   | 1462 |
| (3) Outpatient prescription drugs.   | 1463 |
| (C) "Fair market value" means the value in arms-length transactions, consistent with general market value and:   | 1464 |
| (1) With respect to rentals or leases, the value of rental property for general commercial purposes, not taking into account its intended use;   | 1465 |
| (2) With respect to a lease of space, not adjusted to reflect the additional value the prospective lessee or lessor would attribute to the proximity or convenience to the lessor if the lessor is a potential source of referrals to the lessee.  | 1466 |
| (D) "Governmental health care program" means any program providing health care benefits that is administered by the federal government, this state, or a political subdivision of this state, including the medicare program, health care coverage for public employees, health care benefits administered by the bureau of workers' compensation, and the medicaid program.   | 1467 |
| (E) (1) "Group practice" means a group of two or more holders of licenses or certificates under this chapter legally organized as a partnership, professional corporation or association, limited liability company, foundation, nonprofit corporation, faculty practice plan, or similar group practice entity, including an organization comprised of a nonprofit medical clinic that contracts with a professional corporation or association of physicians to provide medical services exclusively to patients of the clinic in order to comply with | 1468 |
|  | 1473 |
|  | 1474 |
|  | 1475 |
|  | 1476 |
|  | 1477 |
|  | 1478 |
|  | 1479 |
|  | 1480 |
|  | 1481 |
|  | 1482 |
|  | 1483 |
|  | 1484 |
|  | 1485 |
|  | 1486 |
|  | 1487 |

section 1701.03 of the Revised Code and including a corporation, 1488  
limited liability company, partnership, or professional 1489  
association described in division (B) of section 4731.226 of the 1490  
Revised Code formed for the purpose of providing a combination 1491  
of the professional services of optometrists who are licensed, 1492  
certificated, or otherwise legally authorized to practice 1493  
optometry under Chapter 4725. of the Revised Code, chiropractors 1494  
who are licensed, certificated, or otherwise legally authorized 1495  
to practice chiropractic or acupuncture under Chapter 4734. of 1496  
the Revised Code, psychologists who are licensed, certificated, 1497  
or otherwise legally authorized to practice psychology under 1498  
Chapter 4732. of the Revised Code, registered or licensed 1499  
practical nurses who are licensed, certificated, or otherwise 1500  
legally authorized to practice nursing under Chapter 4723. of 1501  
the Revised Code, pharmacists who are licensed, certificated, or 1502  
otherwise legally authorized to practice pharmacy under Chapter 1503  
4729. of the Revised Code, physical therapists who are licensed, 1504  
certificated, or otherwise legally authorized to practice 1505  
physical therapy under sections 4755.40 to 4755.56 of the 1506  
Revised Code, occupational therapists who are licensed, 1507  
certificated, or otherwise legally authorized to practice 1508  
occupational therapy under sections 4755.04 to 4755.13 of the 1509  
Revised Code, mechanotherapists who are licensed, certificated, 1510  
or otherwise legally authorized to practice mechanotherapy under 1511  
section 4731.151 of the Revised Code, and doctors of medicine 1512  
and surgery, osteopathic medicine and surgery, or podiatric 1513  
medicine and surgery who are licensed, certificated, or 1514  
otherwise legally authorized for their respective practices 1515  
under this chapter, ~~and~~ licensed professional clinical 1516  
counselors, licensed professional counselors, independent social 1517  
workers, social workers, independent marriage and family 1518  
therapists, or marriage and family therapists who are licensed, 1519

certificated, or otherwise legally authorized for their 1520  
respective practices under Chapter 4757. of the Revised Code, 1521  
and art therapists who are authorized to practice art therapy 1522  
under Chapter 4785. of the Revised Code to which all of the 1523  
following apply: 1524

(a) Each physician who is a member of the group practice 1525  
provides substantially the full range of services that the 1526  
physician routinely provides, including medical care, 1527  
consultation, diagnosis, or treatment, through the joint use of 1528  
shared office space, facilities, equipment, and personnel. 1529

(b) Substantially all of the services of the members of 1530  
the group are provided through the group and are billed in the 1531  
name of the group and amounts so received are treated as 1532  
receipts of the group. 1533

(c) The overhead expenses of and the income from the 1534  
practice are distributed in accordance with methods previously 1535  
determined by members of the group. 1536

(d) The group practice meets any other requirements that 1537  
the state medical board applies in rules adopted under section 1538  
4731.70 of the Revised Code. 1539

(2) In the case of a faculty practice plan associated with 1540  
a hospital with a medical residency training program in which 1541  
physician members may provide a variety of specialty services 1542  
and provide professional services both within and outside the 1543  
group, as well as perform other tasks such as research, the 1544  
criteria in division (E) (1) of this section apply only with 1545  
respect to services rendered within the faculty practice plan. 1546

(F) "Home health care services" and "immediate family" 1547  
have the same meanings as in the rules adopted under section 1548

|   |  |
|---|--|
| 4731.70 of the Revised Code.  | 1549   |
| (G) "Hospital" has the same meaning as in section 3727.01<br>of the Revised Code.   | 1550<br>1551   |
| (H) A "referral" includes both of the following:  | 1552   |
| (1) A request by a holder of a license or certificate<br>under this chapter for an item or service, including a request<br>for a consultation with another physician and any test or<br>procedure ordered by or to be performed by or under the<br>supervision of the other physician;  | 1553<br>1554<br>1555<br>1556<br>1557   |
| (2) A request for or establishment of a plan of care by a<br>license or certificate holder that includes the provision of<br>designated health services.  | 1558<br>1559<br>1560   |
| (I) "Third-party payer" has the same meaning as in section<br>3901.38 of the Revised Code.  | 1561<br>1562   |
| <b>Sec. 4732.28.</b> (A) An individual whom the state board of<br>psychology licenses, certificates, or otherwise legally<br>authorizes to engage in the practice of psychology may render<br>the professional services of a psychologist within this state<br>through a corporation formed under division (B) of section<br>1701.03 of the Revised Code, a limited liability company formed<br>under Chapter 1705. or 1706. of the Revised Code, a partnership,<br>or a professional association formed under Chapter 1785. of the<br>Revised Code. This division does not preclude an individual of<br>that nature from rendering professional services as a<br>psychologist through another form of business entity, including,<br>but not limited to, a nonprofit corporation or foundation, or in<br>another manner that is authorized by or in accordance with this<br>chapter, another chapter of the Revised Code, or rules of the<br>state board of psychology adopted pursuant to this chapter. | 1563<br>1564<br>1565<br>1566<br>1567<br>1568<br>1569<br>1570<br>1571<br>1572<br>1573<br>1574<br>1575<br>1576<br>1577 |

(B) A corporation, limited liability company, partnership, 1578  
or professional association described in division (A) of this 1579  
section may be formed for the purpose of providing a combination 1580  
of the professional services of the following individuals who 1581  
are licensed, certificated, or otherwise legally authorized to 1582  
practice their respective professions: 1583

(1) Optometrists who are authorized to practice optometry 1584  
under Chapter 4725. of the Revised Code; 1585

(2) Chiropractors who are authorized to practice 1586  
chiropractic or acupuncture under Chapter 4734. of the Revised 1587  
Code; 1588

(3) Psychologists who are authorized to practice 1589  
psychology under this chapter; 1590

(4) Registered or licensed practical nurses who are 1591  
authorized to practice nursing as registered nurses or as 1592  
licensed practical nurses under Chapter 4723. of the Revised 1593  
Code; 1594

(5) Pharmacists who are authorized to practice pharmacy 1595  
under Chapter 4729. of the Revised Code; 1596

(6) Physical therapists who are authorized to practice 1597  
physical therapy under sections 4755.40 to 4755.56 of the 1598  
Revised Code; 1599

(7) Occupational therapists who are authorized to practice 1600  
occupational therapy under sections 4755.04 to 4755.13 of the 1601  
Revised Code; 1602

(8) Mechanotherapists who are authorized to practice 1603  
mechanotherapy under section 4731.151 of the Revised Code; 1604

(9) Doctors of medicine and surgery, osteopathic medicine 1605

and surgery, or podiatric medicine and surgery who are 1606  
authorized for their respective practices under Chapter 4731. of 1607  
the Revised Code; 1608

(10) Licensed professional clinical counselors, licensed 1609  
professional counselors, independent social workers, social 1610  
workers, independent marriage and family therapists, or marriage 1611  
and family therapists who are authorized for their respective 1612  
practices under Chapter 4757. of the Revised Code; 1613

(11) Art therapists who are authorized to practice art 1614  
therapy under Chapter 4785. of the Revised Code. 1615

This division shall apply notwithstanding a provision of a 1616  
code of ethics applicable to a psychologist that prohibits a 1617  
psychologist from engaging in the practice of psychology in 1618  
combination with a person who is licensed, certificated, or 1619  
otherwise legally authorized to practice optometry, 1620  
chiropractic, acupuncture through the state chiropractic board, 1621  
nursing, pharmacy, physical therapy, occupational therapy, 1622  
mechanotherapy, medicine and surgery, osteopathic medicine and 1623  
surgery, podiatric medicine and surgery, professional 1624  
counseling, social work, ~~or~~ marriage and family therapy, or art 1625  
therapy, but who is not also licensed, certificated, or 1626  
otherwise legally authorized to engage in the practice of 1627  
psychology. 1628

**Sec. 4734.17.** (A) An individual whom the state 1629  
chiropractic board licenses to engage in the practice of 1630  
chiropractic or certifies to practice acupuncture may render the 1631  
professional services of a chiropractor or chiropractor 1632  
certified to practice acupuncture within this state through a 1633  
corporation formed under division (B) of section 1701.03 of the 1634  
Revised Code, a limited liability company formed under Chapter 1635

1705. or 1706. of the Revised Code, a partnership, or a 1636  
professional association formed under Chapter 1785. of the 1637  
Revised Code. This division does not preclude a chiropractor 1638  
from rendering professional services as a chiropractor or 1639  
chiropractor certified to practice acupuncture through another 1640  
form of business entity, including, but not limited to, a 1641  
nonprofit corporation or foundation, or in another manner that 1642  
is authorized by or in accordance with this chapter, another 1643  
chapter of the Revised Code, or rules of the state chiropractic 1644  
board adopted pursuant to this chapter. 1645

(B) A corporation, limited liability company, partnership, 1646  
or professional association described in division (A) of this 1647  
section may be formed for the purpose of providing a combination 1648  
of the professional services of the following individuals who 1649  
are licensed, certificated, or otherwise legally authorized to 1650  
practice their respective professions: 1651

(1) Optometrists who are authorized to practice optometry, 1652  
under Chapter 4725. of the Revised Code; 1653

(2) Chiropractors who are authorized to practice 1654  
chiropractic or acupuncture under this chapter; 1655

(3) Psychologists who are authorized to practice 1656  
psychology under Chapter 4732. of the Revised Code; 1657

(4) Registered or licensed practical nurses who are 1658  
authorized to practice nursing as registered nurses or as 1659  
licensed practical nurses under Chapter 4723. of the Revised 1660  
Code; 1661

(5) Pharmacists who are authorized to practice pharmacy 1662  
under Chapter 4729. of the Revised Code; 1663

(6) Physical therapists who are authorized to practice 1664



physical therapy under sections 4755.40 to 4755.56 of the Revised Code; 1665  
1666

(7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code; 1667  
1668  
1669

(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code; 1670  
1671

(9) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under Chapter 4731. of the Revised Code; 1672  
1673  
1674  
1675

(10) Licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, or marriage and family therapists who are authorized for their respective practices under Chapter 4757. of the Revised Code; 1676  
1677  
1678  
1679  
1680

(11) Art therapists who are authorized to practice art therapy under Chapter 4785. of the Revised Code. 1681  
1682

This division shall apply notwithstanding a provision of any code of ethics established or adopted under section 4734.16 of the Revised Code that prohibits an individual from engaging in the practice of chiropractic or acupuncture in combination with an individual who is licensed, certificated, or otherwise authorized for the practice of optometry, psychology, nursing, pharmacy, physical therapy, occupational therapy, mechanotherapy, medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, professional counseling, social work, ~~or~~ marriage and family therapy, or art therapy, but who is not also licensed under this chapter to 1683  
1684  
1685  
1686  
1687  
1688  
1689  
1690  
1691  
1692  
1693

engage in the practice of chiropractic. 1694

**Sec. 4743.05.** (A) Except as otherwise provided in sections 1695  
4701.20, 4723.062, 4723.082, 4729.65, 4781.121, and 4781.28 of 1696  
the Revised Code, all money collected under Chapters 3773., 1697  
4701., 4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 1698  
4732., 4733., 4734., 4736., 4741., 4744., 4747., 4753., 4755., 1699  
4757., 4758., 4771., 4775., 4779., ~~and 4781.~~, and 4785. of the 1700  
Revised Code shall be paid into the state treasury to the credit 1701  
of the occupational licensing and regulatory fund, which is 1702  
hereby created for use in administering such chapters. 1703

(B) At the end of each quarter, the director of budget and 1704  
management shall transfer from the occupational licensing and 1705  
regulatory fund to the nurse education assistance fund created 1706  
in section 3333.28 of the Revised Code the amount certified to 1707  
the director under division (B) of section 4723.08 of the 1708  
Revised Code. 1709

(C) At the end of each quarter, the director shall 1710  
transfer from the occupational licensing and regulatory fund to 1711  
the certified public accountant education assistance fund 1712  
created in section 4701.26 of the Revised Code the amount 1713  
certified to the director under division (H) (2) of section 1714  
4701.10 of the Revised Code. 1715

(D) On August 30, 2021, and every two years thereafter, 1716  
the director shall transfer from the occupational licensing and 1717  
regulatory fund to the veterinary student debt assistance fund 1718  
created in section 4741.56 of the Revised Code the amount 1719  
certified to the director under section 4741.57 of the Revised 1720  
Code. 1721

**Sec. 4755.111.** (A) An individual whom the occupational 1722

therapy section of the Ohio occupational therapy, physical 1723  
therapy, and athletic trainers board licenses, certificates, or 1724  
otherwise legally authorizes to engage in the practice of 1725  
occupational therapy may render the professional services of an 1726  
occupational therapist within this state through a corporation 1727  
formed under division (B) of section 1701.03 of the Revised 1728  
Code, a limited liability company formed under Chapter 1705. or 1729  
1706. of the Revised Code, a partnership, or a professional 1730  
association formed under Chapter 1785. of the Revised Code. This 1731  
division does not preclude an individual of that nature from 1732  
rendering professional services as an occupational therapist 1733  
through another form of business entity, including, but not 1734  
limited to, a nonprofit corporation or foundation, or in another 1735  
manner that is authorized by or in accordance with sections 1736  
4755.04 to 4755.13 of the Revised Code, another chapter of the 1737  
Revised Code, or rules of the Ohio occupational therapy, 1738  
physical therapy, and athletic trainers board adopted pursuant 1739  
to sections 4755.04 to 4755.13 of the Revised Code. 1740

(B) A corporation, limited liability company, partnership, 1741  
or professional association described in division (A) of this 1742  
section may be formed for the purpose of providing a combination 1743  
of the professional services of the following individuals who 1744  
are licensed, certificated, or otherwise legally authorized to 1745  
practice their respective professions: 1746

(1) Optometrists who are authorized to practice optometry 1747  
under Chapter 4725. of the Revised Code; 1748

(2) Chiropractors who are authorized to practice 1749  
chiropractic or acupuncture under Chapter 4734. of the Revised 1750  
Code; 1751

(3) Psychologists who are authorized to practice 1752

|  |      |
|--|------|
| psychology under Chapter 4732. of the Revised Code;              | 1753 |
| (4) Registered or licensed practical nurses who are              | 1754 |
| authorized to practice nursing as registered nurses or as        | 1755 |
| licensed practical nurses under Chapter 4723. of the Revised     | 1756 |
| Code;  | 1757 |
| (5) Pharmacists who are authorized to practice pharmacy          | 1758 |
| under Chapter 4729. of the Revised Code;                         | 1759 |
| (6) Physical therapists who are authorized to practice           | 1760 |
| physical therapy under sections 4755.40 to 4755.56 of the        | 1761 |
| Revised Code;  | 1762 |
| (7) Occupational therapists who are authorized to practice       | 1763 |
| occupational therapy under sections 4755.04 to 4755.13 of the    | 1764 |
| Revised Code;  | 1765 |
| (8) Mechanotherapists who are authorized to practice             | 1766 |
| mechanotherapy under section 4731.151 of the Revised Code;       | 1767 |
| (9) Doctors of medicine and surgery, osteopathic medicine        | 1768 |
| and surgery, or podiatric medicine and surgery who are           | 1769 |
| authorized for their respective practices under Chapter 4731. of | 1770 |
| the Revised Code;  | 1771 |
| (10) Licensed professional clinical counselors, licensed         | 1772 |
| professional counselors, independent social workers, social      | 1773 |
| workers, independent marriage and family therapists, or marriage | 1774 |
| and family therapists who are authorized for their respective    | 1775 |
| practices under Chapter 4757. of the Revised Code;               | 1776 |
| <u>(11) Art therapists who are authorized to practice art</u>    | 1777 |
| <u>therapy under Chapter 4785. of the Revised Code.</u>          | 1778 |
| This division shall apply notwithstanding a provision of a       | 1779 |
| code of ethics applicable to an occupational therapist that      | 1780 |

prohibits an occupational therapist from engaging in the 1781  
practice of occupational therapy in combination with a person 1782  
who is licensed, certificated, or otherwise legally authorized 1783  
to practice optometry, chiropractic, acupuncture through the 1784  
state chiropractic board, psychology, nursing, pharmacy, 1785  
physical therapy, mechanotherapy, medicine and surgery, 1786  
osteopathic medicine and surgery, podiatric medicine and 1787  
surgery, professional counseling, social work, ~~or~~ marriage and 1788  
family therapy, or art therapy, but who is not also licensed, 1789  
certificated, or otherwise legally authorized to engage in the 1790  
practice of occupational therapy. 1791

**Sec. 4755.471.** (A) An individual whom the physical therapy 1792  
section of the Ohio occupational therapy, physical therapy, and 1793  
athletic trainers board licenses, certificates, or otherwise 1794  
legally authorizes to engage in the practice of physical therapy 1795  
may render the professional services of a physical therapist 1796  
within this state through a corporation formed under division 1797  
(B) of section 1701.03 of the Revised Code, a limited liability 1798  
company formed under Chapter 1705. or 1706. of the Revised Code, 1799  
a partnership, or a professional association formed under 1800  
Chapter 1785. of the Revised Code. This division does not 1801  
preclude an individual of that nature from rendering 1802  
professional services as a physical therapist through another 1803  
form of business entity, including, but not limited to, a 1804  
nonprofit corporation or foundation, or in another manner that 1805  
is authorized by or in accordance with sections 4755.40 to 1806  
4755.53 of the Revised Code, another chapter of the Revised 1807  
Code, or rules of the Ohio occupational therapy, physical 1808  
therapy, and athletic trainers board adopted pursuant to 1809  
sections 4755.40 to 4755.53 of the Revised Code. 1810

(B) A corporation, limited liability company, partnership, 1811

or professional association described in division (A) of this 1812  
section may be formed for the purpose of providing a combination 1813  
of the professional services of the following individuals who 1814  
are licensed, certificated, or otherwise legally authorized to 1815  
practice their respective professions: 1816

(1) Optometrists who are authorized to practice optometry 1817  
under Chapter 4725. of the Revised Code; 1818

(2) Chiropractors who are authorized to practice 1819  
chiropractic or acupuncture under Chapter 4734. of the Revised 1820  
Code; 1821

(3) Psychologists who are authorized to practice 1822  
psychology under Chapter 4732. of the Revised Code; 1823

(4) Registered or licensed practical nurses who are 1824  
authorized to practice nursing as registered nurses or as 1825  
licensed practical nurses under Chapter 4723. of the Revised 1826  
Code; 1827

(5) Pharmacists who are authorized to practice pharmacy 1828  
under Chapter 4729. of the Revised Code; 1829

(6) Physical therapists who are authorized to practice 1830  
physical therapy under sections 4755.40 to 4755.56 of the 1831  
Revised Code; 1832

(7) Occupational therapists who are authorized to practice 1833  
occupational therapy under sections 4755.04 to 4755.13 of the 1834  
Revised Code; 1835

(8) Mechanotherapists who are authorized to practice 1836  
mechanotherapy under section 4731.151 of the Revised Code; 1837

(9) Doctors of medicine and surgery, osteopathic medicine 1838  
and surgery, or podiatric medicine and surgery who are 1839

authorized for their respective practices under Chapter 4731. of 1840  
the Revised Code; 1841

(10) Licensed professional clinical counselors, licensed 1842  
professional counselors, independent social workers, social 1843  
workers, independent marriage and family therapists, or marriage 1844  
and family therapists who are authorized for their respective 1845  
practices under Chapter 4757. of the Revised Code; 1846

(11) Art therapists who are authorized to practice art 1847  
therapy under Chapter 4785. of the Revised Code. 1848

This division shall apply notwithstanding a provision of a 1849  
code of ethics applicable to a physical therapist that prohibits 1850  
a physical therapist from engaging in the practice of physical 1851  
therapy in combination with a person who is licensed, 1852  
certificated, or otherwise legally authorized to practice 1853  
optometry, chiropractic, acupuncture through the state 1854  
chiropractic board, psychology, nursing, pharmacy, occupational 1855  
therapy, mechanotherapy, medicine and surgery, osteopathic 1856  
medicine and surgery, podiatric medicine and surgery, 1857  
professional counseling, social work, ~~or~~ marriage and family 1858  
therapy, or art therapy, but who is not also licensed, 1859  
certificated, or otherwise legally authorized to engage in the 1860  
practice of physical therapy. 1861

**Sec. 4757.37.** (A) An individual whom the counselor, social 1862  
worker, and marriage and family therapist board licenses, 1863  
certificates, or otherwise legally authorizes to engage in the 1864  
practice of professional counseling, social work, or marriage 1865  
and family therapy may render the professional services of a 1866  
licensed professional clinical counselor, licensed professional 1867  
counselor, independent social worker, social worker, independent 1868  
marriage and family therapist, or marriage and family therapist 1869

within this state through a corporation formed under division 1870  
(B) of section 1701.03 of the Revised Code, a limited liability 1871  
company formed under Chapter 1705. or 1706. of the Revised Code, 1872  
a partnership, or a professional association formed under 1873  
Chapter 1785. of the Revised Code. This division does not 1874  
preclude such an individual from rendering professional services 1875  
as a licensed professional clinical counselor, licensed 1876  
professional counselor, independent social worker, social 1877  
worker, independent marriage and family therapist, or marriage 1878  
and family therapist through another form of business entity, 1879  
including, but not limited to, a nonprofit corporation or 1880  
foundation, or in another manner that is authorized by or in 1881  
accordance with this chapter, another chapter of the Revised 1882  
Code, or rules of the counselor, social worker, and marriage and 1883  
family therapist board adopted pursuant to this chapter. 1884

(B) A corporation, limited liability company, partnership, 1885  
or professional association described in division (A) of this 1886  
section may be formed for the purpose of providing a combination 1887  
of the professional services of the following individuals who 1888  
are licensed, certificated, or otherwise legally authorized to 1889  
practice their respective professions: 1890

(1) Optometrists who are authorized to practice optometry 1891  
under Chapter 4725. of the Revised Code; 1892

(2) Chiropractors who are authorized to practice 1893  
chiropractic or acupuncture under Chapter 4734. of the Revised 1894  
Code; 1895

(3) Psychologists who are authorized to practice 1896  
psychology under Chapter 4732. of the Revised Code; 1897

(4) Registered or licensed practical nurses who are 1898



|  |      |
|--|------|
| authorized to practice nursing as registered nurses or as        | 1899 |
| licensed practical nurses under Chapter 4723. of the Revised     | 1900 |
| Code;  | 1901 |
| (5) Pharmacists who are authorized to practice pharmacy          | 1902 |
| under Chapter 4729. of the Revised Code;                         | 1903 |
| (6) Physical therapists who are authorized to practice           | 1904 |
| physical therapy under sections 4755.40 to 4755.56 of the        | 1905 |
| Revised Code;  | 1906 |
| (7) Occupational therapists who are authorized to practice       | 1907 |
| occupational therapy under sections 4755.04 to 4755.13 of the    | 1908 |
| Revised Code;  | 1909 |
| (8) Mechanotherapists who are authorized to practice             | 1910 |
| mechanotherapy under section 4731.151 of the Revised Code;       | 1911 |
| (9) Doctors of medicine and surgery, osteopathic medicine        | 1912 |
| and surgery, or podiatric medicine and surgery who are           | 1913 |
| authorized for their respective practices under Chapter 4731. of | 1914 |
| the Revised Code;  | 1915 |
| (10) Licensed professional clinical counselors, licensed         | 1916 |
| professional counselors, independent social workers, social      | 1917 |
| workers, independent marriage and family therapists, or marriage | 1918 |
| and family therapists who are authorized for their respective    | 1919 |
| practices under this chapter;                                    | 1920 |
| <u>(11) Art therapists who are authorized to practice art</u>    | 1921 |
| <u>therapy under Chapter 4785. of the Revised Code.</u>          | 1922 |
| This division applies notwithstanding a provision of a           | 1923 |
| code of ethics applicable to an individual who is a licensed     | 1924 |
| professional clinical counselor, licensed professional           | 1925 |
| counselor, independent social worker, social worker, independent | 1926 |

marriage and family therapist, or marriage and family therapist 1927  
that prohibits the individual from engaging in the individual's 1928  
practice in combination with a person who is licensed, 1929  
certificated, or otherwise legally authorized to practice 1930  
optometry, chiropractic, acupuncture through the state 1931  
chiropractic board, psychology, nursing, pharmacy, physical 1932  
therapy, occupational therapy, mechanotherapy, medicine and 1933  
surgery, osteopathic medicine and surgery, ~~or~~ podiatric medicine 1934  
and surgery, or art therapy, but who is not also licensed, 1935  
certificated, or otherwise legally authorized to engage in the 1936  
practice of professional counseling, social work, or marriage 1937  
and family therapy. 1938

**Sec. 4776.01.** As used in this chapter: 1939

(A) "License" means an authorization evidenced by a 1940  
license, certificate, registration, permit, card, or other 1941  
authority that is issued or conferred by a licensing agency to a 1942  
licensee or to an applicant for an initial license by which the 1943  
licensee or initial license applicant has or claims the 1944  
privilege to engage in a profession, occupation, or occupational 1945  
activity, or, except in the case of the state dental board, to 1946  
have control of and operate certain specific equipment, 1947  
machinery, or premises, over which the licensing agency has 1948  
jurisdiction. 1949

(B) Except as provided in section 4776.20 of the Revised 1950  
Code, "licensee" means the person to whom the license is issued 1951  
by a licensing agency. "Licensee" includes a person who, for 1952  
purposes of section 3796.13 of the Revised Code, has complied 1953  
with sections 4776.01 to 4776.04 of the Revised Code and has 1954  
been determined by the department of commerce or state board of 1955  
pharmacy, as the applicable licensing agency, to meet the 1956

requirements for employment. 1957

(C) Except as provided in section 4776.20 of the Revised Code, "licensing agency" means any of the following: 1958  
1959

(1) The board authorized by Chapters 4701., 4717., 4725., 4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4751., 4753., 4755., 4757., 4759., 4760., 4761., 4762., 4774., 4778., 4779., ~~and 4783.~~, and 4787. of the Revised Code to issue a license to engage in a specific profession, occupation, or occupational activity, or to have charge of and operate certain specific equipment, machinery, or premises. 1960  
1961  
1962  
1963  
1964  
1965  
1966

(2) The state dental board, relative to its authority to issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 4715.27 of the Revised Code; 1967  
1968  
1969

(3) The department of commerce or state board of pharmacy, relative to its authority under Chapter 3796. of the Revised Code and any rules adopted under that chapter with respect to a person who is subject to section 3796.13 of the Revised Code; 1970  
1971  
1972  
1973

(4) The director of agriculture, relative to the director's authority to issue licenses under Chapter 928. of the Revised Code. 1974  
1975  
1976

(D) "Applicant for an initial license" includes persons seeking a license for the first time and persons seeking a license by reciprocity, endorsement, or similar manner of a license issued in another state. "Applicant for an initial license" also includes a person who, for purposes of section 3796.13 of the Revised Code, is required to comply with sections 4776.01 to 4776.04 of the Revised Code. 1977  
1978  
1979  
1980  
1981  
1982  
1983

(E) "Applicant for a restored license" includes persons seeking restoration of a license under section 4730.14, 4730.28, 1984  
1985

4731.222, 4731.281, 4759.062, 4759.063, 4760.06, 4760.061, 1986  
4761.06, 4761.061, 4762.06, 4762.061, 4774.06, 4774.061, 1987  
4778.07, or 4778.071 of the Revised Code. "Applicant for a 1988  
restored license" does not include a person seeking restoration 1989  
of a license under section 4751.33 of the Revised Code. 1990

(F) "Criminal records check" has the same meaning as in 1991  
section 109.572 of the Revised Code. 1992

**Sec. 4776.20.** (A) As used in this section: 1993

(1) "Licensing agency" means, in addition to each board 1994  
identified in division (C) of section 4776.01 of the Revised 1995  
Code, the board or other government entity authorized to issue a 1996  
license under Chapters 4703., 4707., 4709., 4712., 4713., 4719., 1997  
4723., 4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740., 1998  
4742., 4747., 4749., 4752., 4753., 4758., 4759., 4763., 4764., 1999  
4765., 4766., 4771., 4773., ~~and 4781., 4785., and 4787.~~ of the 2000  
Revised Code. "Licensing agency" includes an administrative 2001  
officer that has authority to issue a license. 2002

(2) "Licensee" means, in addition to a licensee as 2003  
described in division (B) of section 4776.01 of the Revised 2004  
Code, the person to whom a license is issued by the board or 2005  
other government entity authorized to issue a license under 2006  
Chapters 4703., 4707., 4709., 4712., 4713., 4719., 4723., 4727., 2007  
4728., 4733., 4735., 4736., 4737., 4738., 4740., 4742., 4747., 2008  
4749., 4751., 4752., 4753., 4758., 4759., 4763., 4764., 4765., 2009  
4766., 4771., 4773., ~~and 4781., 4785., and 4787.~~ of the Revised 2010  
Code. 2011

(3) "Prosecutor" has the same meaning as in section 2012  
2935.01 of the Revised Code. 2013

(B) On a licensee's conviction of, plea of guilty to, 2014

judicial finding of guilt of, or judicial finding of guilt 2015  
resulting from a plea of no contest to the offense of 2016  
trafficking in persons in violation of section 2905.32 of the 2017  
Revised Code, the prosecutor in the case shall promptly notify 2018  
the licensing agency of the conviction, plea, or finding and 2019  
provide the licensee's name and residential address. On receipt 2020  
of this notification, the licensing agency shall immediately 2021  
suspend the licensee's license. 2022

(C) If there is a conviction of, plea of guilty to, 2023  
judicial finding of guilt of, or judicial finding of guilt 2024  
resulting from a plea of no contest to the offense of 2025  
trafficking in persons in violation of section 2905.32 of the 2026  
Revised Code and all or part of the violation occurred on the 2027  
premises of a facility that is licensed by a licensing agency, 2028  
the prosecutor in the case shall promptly notify the licensing 2029  
agency of the conviction, plea, or finding and provide the 2030  
facility's name and address and the offender's name and 2031  
residential address. On receipt of this notification, the 2032  
licensing agency shall immediately suspend the facility's 2033  
license. 2034

(D) Notwithstanding any provision of the Revised Code to 2035  
the contrary, the suspension of a license under division (B) or 2036  
(C) of this section shall be implemented by a licensing agency 2037  
without a prior hearing. After the suspension, the licensing 2038  
agency shall give written notice to the subject of the 2039  
suspension of the right to request a hearing under Chapter 119. 2040  
of the Revised Code. After a hearing is held, the licensing 2041  
agency shall either revoke or permanently revoke the license of 2042  
the subject of the suspension, unless it determines that the 2043  
license holder has not been convicted of, pleaded guilty to, 2044  
been found guilty of, or been found guilty based on a plea of no 2045

contest to the offense of trafficking in persons in violation of 2046  
section 2905.32 of the Revised Code. 2047

Sec. 4785.01. As used in this chapter: 2048

(A) (1) "Art therapy" means the integrated use of 2049  
psychotherapeutic principles and methods with art media and the 2050  
creative process to assist individuals, families, or groups in 2051  
doing any of the following: 2052

(a) Improving cognitive and sensory-motor functions; 2053

(b) Increasing self-awareness and self-esteem; 2054

(c) Coping with grief and traumatic experiences; 2055

(d) Enhancing cognitive abilities; 2056

(e) Resolving conflicts and distress; 2057

(f) Enhancing social functioning; 2058

(g) Identifying and assessing clients' needs to implement 2059  
therapeutic intervention to meet developmental, behavioral, 2060  
mental, and emotional needs. 2061

(2) "Art therapy" includes therapeutic intervention to 2062  
facilitate alternative modes of receptive and expressive 2063  
communication and evaluation and assessment to define and 2064  
implement art-based treatment plans to address cognitive, 2065  
behavioral, developmental, and emotional needs. 2066

(B) "Practice of art therapy" means the rendering or 2067  
offering to render art therapy in the prevention or treatment of 2068  
cognitive, developmental, emotional, or behavioral disabilities 2069  
or conditions. 2070

(C) "Licensee" means a person who is licensed to practice 2071  
art therapy under this chapter. 2072

Sec. 4785.02. (A) No person shall recklessly engage in the 2073  
practice of art therapy or use the title "art therapist" or a 2074  
similar title unless the person is licensed under this chapter. 2075

(B) This chapter does not apply to any of the following 2076  
persons: 2077

(1) A student who engages in the supervised practice of 2078  
art therapy as part of an art therapy program at an accredited 2079  
educational institution, if the person does not represent the 2080  
person's self as an art therapist; 2081

(2) A person who holds a professional license in this 2082  
state, or an employee who is supervised by a person who holds a 2083  
professional license in this state, who engages in the practice 2084  
of art therapy in a manner that is incidental to the practice of 2085  
the person's or employee's profession, if the person does not 2086  
represent the person's or employee's self as an art therapist; 2087

(3) A person who engages in the practice of art therapy as 2088  
part of the postgraduate supervised clinical experience that 2089  
meets the posteducation supervised art therapy experience 2090  
requirements that the art therapy credentials board, its 2091  
successor organization, or an equivalent organization recognized 2092  
by the counselor, social worker, and marriage and family 2093  
therapist board requires for an individual to become a 2094  
registered art therapist. 2095

Sec. 4785.03. (A) The counselor, social worker, and 2096  
marriage and family therapist board shall adopt rules in 2097  
accordance with Chapter 119. of the Revised Code to implement 2098  
and administer this chapter, including rules that do all of the 2099  
following: 2100

(1) Establish, for purposes of issuing and renewing a 2101

license to practice art therapy, the procedures the board shall use, the fees the board may charge, and the requirements a license applicant or licensee shall satisfy in addition to the requirements described in sections 4785.06 and 4785.07 of the Revised Code; 2102  
2103  
2104  
2105  
2106

(2) Establish the requirements for issuing a license to an individual who holds a license to practice art therapy in another state or country; 2107  
2108  
2109

(3) Establish standards for the ethical practice of art therapy; 2110  
2111

(4) Define a licensee's scope of practice; 2112

(5) Prescribe the reasons for which the board may take disciplinary action against a license applicant or licensee under section 4785.09 of the Revised Code; 2113  
2114  
2115

(6) Address the intervention for and treatment of any impaired person holding a license issued under this chapter. 2116  
2117

(B) The board may adopt rules establishing continuing education requirements for purposes of renewing a license under section 4785.07 of the Revised Code, including the standards and procedures for compliance with those requirements and approval of providers of continuing education. 2118  
2119  
2120  
2121  
2122

**Sec. 4785.04.** The counselor, social worker, and marriage and family therapist board shall keep a register of applicants for licenses issued under this chapter. The register shall show the name of the applicant and whether the applicant was granted or refused a license. 2123  
2124  
2125  
2126  
2127

The board shall develop and publish on its internet web site a directory containing the names of, and contact 2128  
2129



information for, all persons who hold current, valid licenses 2130  
issued by the board under this chapter. 2131

Sec. 4785.05. (A) The buckeye art therapy association or 2132  
its successor organization shall provide the counselor, social 2133  
worker, and marriage and family therapist board with expertise 2134  
and assistance in carrying out the board's duties pursuant to 2135  
this chapter. The association or its successor organization 2136  
shall review and submit to the board recommendations on all of 2137  
the following: 2138

(1) Requirements and procedures for issuing licenses under 2139  
this chapter; 2140

(2) Rules pertaining to the practice of art therapy and 2141  
the administration and enforcement of this chapter; 2142

(3) Standards for the ethical practice of art therapy that 2143  
shall include, as the association or its successor organization 2144  
finds appropriate, the code of ethics, conduct, and disciplinary 2145  
procedures adopted by the art therapy credentials board, its 2146  
successor organization, or an equivalent organization recognized 2147  
by the counselor, social worker, and marriage and family 2148  
therapist board; 2149

(4) Standards and procedures for compliance with 2150  
continuing education requirements and approval of providers of 2151  
continuing education, if the board requires a licensee to 2152  
complete continuing education pursuant to rules adopted under 2153  
section 4785.03 of the Revised Code; 2154

(5) Fees required for issuance and renewal of licenses 2155  
under this chapter; 2156

(6) Any other issue the board considers necessary for the 2157  
administration and enforcement of this chapter. 2158

(B) The board shall take into consideration all 2159  
recommendations submitted by the association or its successor 2160  
organization before adopting any rule under section 4785.03 of 2161  
the Revised Code. Not later than ninety days after receiving a 2162  
recommendation from the association or its successor 2163  
organization, the board shall approve or disapprove the 2164  
recommendation and notify the association or its successor 2165  
organization of its decision. If a recommendation is 2166  
disapproved, the board shall inform the association or its 2167  
successor organization of its reasons for making that decision. 2168  
The association or its successor organization may resubmit the 2169  
recommendation after addressing the concerns expressed by the 2170  
board and modifying the disapproved recommendation accordingly. 2171  
Not later than ninety days after receiving a resubmitted 2172  
recommendation, the board shall approve or disapprove the 2173  
recommendation. There is no limit on the number of times the 2174  
association or its successor organization may resubmit a 2175  
recommendation for consideration by the board. 2176

**Sec. 4785.06.** (A) A person seeking a license to practice 2177  
art therapy under this chapter shall apply to the counselor, 2178  
social worker, and marriage and family therapist board in the 2179  
manner established by the board in rules adopted pursuant to 2180  
section 4785.03 of the Revised Code. 2181

(B) To be eligible for a license to practice art therapy 2182  
under this chapter, an applicant shall demonstrate to the 2183  
counselor, social worker, and marriage and family therapist 2184  
board that the applicant meets all of the following 2185  
requirements: 2186

(1) The applicant has attained a master's degree or higher 2187  
degree from a graduate program in art therapy that one of the 2188

following applies to at the time the degree was conferred: 2189

(a) The program is approved by the American art therapy association or its successor organization. 2190  
2191

(b) The program is accredited by the commission on accreditation of allied health education programs or its successor organization. 2192  
2193  
2194

(c) The counselor, social worker, and marriage and family therapist board considers the program to be substantially equivalent to a program approved or accredited under division (B) (1) (a) or (b) of this section. 2195  
2196  
2197  
2198

(2) The applicant has a board certification in good standing with the art therapy credentials board, its successor organization, or an equivalent organization recognized by the counselor, social worker, and marriage and family therapist board. 2199  
2200  
2201  
2202  
2203

(3) The applicant has satisfied any other requirements established by the counselor, social worker, and marriage and family therapist board in rules adopted under section 4785.03 of the Revised Code. 2204  
2205  
2206  
2207

(C) The counselor, social worker, and marriage and family therapist board shall issue a license to practice art therapy to an applicant in accordance with the procedures the board establishes in rules adopted under section 4785.03 of the Revised Code if the board determines that the applicant satisfies the requirements of division (B) of this section. 2208  
2209  
2210  
2211  
2212  
2213

Sec. 4785.07. (A) A license issued under section 4785.06 of the Revised Code expires biennially and may be renewed in accordance with this section and rules the counselor, social worker, and marriage and family therapist board adopts under 2214  
2215  
2216  
2217

section 4785.03 of the Revised Code. A licensee seeking to renew 2218  
a license to practice art therapy shall apply for renewal of the 2219  
license in the manner established by the board in those rules. 2220

(B) To be eligible for renewal, a licensee shall certify 2221  
to the board that the licensee has done both of the following: 2222

(1) Maintained board certification with the art therapy 2223  
credentials board, its successor organization, or an equivalent 2224  
organization recognized by the counselor, social worker, and 2225  
marriage and family therapist board; 2226

(2) Satisfied any other requirements established by the 2227  
counselor, social worker, and marriage and family therapist 2228  
board in rules adopted under section 4785.03 of the Revised 2229  
Code. 2230

(C) If the counselor, social worker, and marriage and 2231  
family therapist board determines a licensee qualifies for 2232  
renewal pursuant to division (B) of this section, the board 2233  
shall issue to the licensee a renewed license to practice art 2234  
therapy. 2235

**Sec. 4785.08.** (A) A license to practice art therapy that 2236  
is not renewed on or before its expiration date is automatically 2237  
suspended on its expiration date. The continued practice of art 2238  
therapy after suspension of a license shall be considered a 2239  
violation of division (A) of section 4785.02 of the Revised 2240  
Code. 2241

(B) If a license has been suspended pursuant to division 2242  
(A) of this section, the counselor, social worker, and marriage 2243  
and family therapist board shall reinstate the license if the 2244  
person qualifies for renewal pursuant to section 4785.07 of the 2245  
Revised Code and pays a monetary penalty to be established by 2246

the board. 2247

(C) If a license has been suspended pursuant to division 2248  
(A) of this section for more than two years, the board may 2249  
impose terms and conditions for reinstatement in addition to 2250  
those specified in division (B) of this section, including the 2251  
following: 2252

(1) Requiring the applicant to pass an oral or written 2253  
examination, or both, to determine the applicant's fitness to 2254  
resume the practice of art therapy; 2255

(2) Requiring the applicant to obtain additional training 2256  
and to pass an examination on completion of the training; 2257

(3) Restricting or limiting the extent, scope, or type of 2258  
practice in which an applicant may engage. 2259

**Sec. 4785.09.** (A) Except as provided in division (E) of 2260  
this section, the counselor, social worker, and marriage and 2261  
family therapist board may, to the extent permitted by law, 2262  
limit, revoke, suspend, or refuse to issue, renew, or reinstate 2263  
a license, or reprimand or place on probation a licensee for any 2264  
of the reasons the board prescribes in rules adopted under 2265  
section 4785.03 of the Revised Code. 2266

(B) Disciplinary actions taken by the board under division 2267  
(A) of this section shall be taken pursuant to an adjudication 2268  
under Chapter 119. of the Revised Code, except that in lieu of 2269  
an adjudication, the board may enter into a consent agreement 2270  
with a person to resolve an allegation of a violation of this 2271  
chapter or any rule adopted under it. A consent agreement, when 2272  
ratified by an affirmative vote of a majority of the members of 2273  
the board, shall constitute the findings and order of the board 2274  
with respect to the matter addressed in the agreement. If the 2275

board refuses to ratify a consent agreement, the admissions and 2276  
findings contained in the consent agreement are of no force or 2277  
effect. 2278

(C) The board shall investigate evidence that appears to 2279  
show that a person has violated any provision of this chapter or 2280  
any rule adopted under it. Any person may report to the board in 2281  
a signed writing any information that the person may have that 2282  
appears to show a violation of any provision of this chapter or 2283  
any rule adopted under it. Investigations of alleged violations 2284  
of this chapter or any rule adopted under it shall be conducted 2285  
by the board in the same manner as the board conducts 2286  
investigations under section 4757.38 of the Revised Code. 2287

(D) Notwithstanding any provision of the Revised Code to 2288  
the contrary, all of the following apply: 2289

(1) The surrender of a license issued under this chapter 2290  
is not effective until accepted by the board. A telephone 2291  
conference call may be used for acceptance of the surrender of a 2292  
person's license to practice art therapy. The telephone 2293  
conference call shall be considered a special meeting under 2294  
division (F) of section 121.22 of the Revised Code. 2295  
Reinstatement of a license to practice art therapy surrendered 2296  
to the board requires an affirmative vote of a majority of the 2297  
members of the board. 2298

(2) An application for a license to practice art therapy 2299  
under this chapter may not be withdrawn without approval of the 2300  
board. 2301

(3) Failure of a person to renew a license to practice art 2302  
therapy in accordance with section 4785.07 of the Revised Code 2303  
does not remove or limit the board's jurisdiction to take any 2304

disciplinary action under this section against the person. 2305

(E) The board shall not refuse to issue a license to an 2306  
applicant because of a conviction of, plea of guilty to, 2307  
judicial finding of guilt of, or judicial finding of eligibility 2308  
for intervention in lieu of conviction for an offense unless the 2309  
refusal is in accordance with section 9.79 of the Revised Code. 2310

Sec. 4785.10. On receipt of a notice pursuant to section 2311  
3123.43 of the Revised Code, the counselor, social worker, and 2312  
marriage and family therapist board shall comply with sections 2313  
3123.41 to 3123.50 of the Revised Code and any applicable rules 2314  
adopted under section 3123.63 of the Revised Code with respect 2315  
to a license to practice art therapy issued under this chapter. 2316

Sec. 4785.11. The counselor, social worker, and marriage 2317  
and family therapist board shall comply with section 4776.20 of 2318  
the Revised Code. 2319

Sec. 4785.12. (A) A licensee may practice art therapy 2320  
within this state through a corporation formed under division 2321  
(B) of section 1701.03 of the Revised Code, a limited liability 2322  
company formed under Chapter 1705. or 1706. of the Revised Code, 2323  
a partnership, or a professional association formed under 2324  
Chapter 1785. of the Revised Code. This division does not 2325  
preclude a licensee from practicing art therapy through another 2326  
form of business entity, including a nonprofit corporation or 2327  
foundation, or in another manner that is authorized by or in 2328  
accordance with this chapter, another chapter of the Revised 2329  
Code, or rules of the counselor, social worker, and marriage and 2330  
family therapist board adopted pursuant to this chapter. 2331

(B) A corporation, limited liability company, partnership, 2332  
or professional association described in division (A) of this 2333

section may be formed for the purpose of providing a combination 2334  
of the professional services of the following individuals who 2335  
are licensed, certificated, or otherwise legally authorized to 2336  
practice their respective professions: 2337

(1) Optometrists who are authorized to practice optometry 2338  
under Chapter 4725. of the Revised Code; 2339

(2) Chiropractors who are authorized to practice 2340  
chiropractic or acupuncture under Chapter 4734. of the Revised 2341  
Code; 2342

(3) Psychologists who are authorized to practice 2343  
psychology under Chapter 4732. of the Revised Code; 2344

(4) Registered or licensed practical nurses who are 2345  
authorized to practice nursing as registered nurses or as 2346  
licensed practical nurses under Chapter 4723. of the Revised 2347  
Code; 2348

(5) Pharmacists who are authorized to practice pharmacy 2349  
under Chapter 4729. of the Revised Code; 2350

(6) Physical therapists who are authorized to practice 2351  
physical therapy under sections 4755.40 to 4755.56 of the 2352  
Revised Code; 2353

(7) Occupational therapists who are authorized to practice 2354  
occupational therapy under sections 4755.04 to 4755.13 of the 2355  
Revised Code; 2356

(8) Mechanotherapists who are authorized to practice 2357  
mechanotherapy under section 4731.151 of the Revised Code; 2358

(9) Doctors of medicine and surgery, osteopathic medicine 2359  
and surgery, or podiatric medicine and surgery who are 2360  
authorized for their respective practices under Chapter 4731. of 2361



the Revised Code; 2362

(10) Licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, or marriage and family therapists who are authorized for their respective practices under Chapter 4757. of the Revised Code; 2363  
2364  
2365  
2366  
2367

(11) Art therapists who are authorized to practice art therapy under this chapter. 2368  
2369

This division shall apply notwithstanding a provision of a code of ethics applicable to a licensee that prohibits the individual from engaging in the practice of art therapy in combination with a person who is licensed, certificated, or otherwise legally authorized to engage in the practice of optometry, chiropractic, acupuncture through the state chiropractic board, psychology, nursing, pharmacy, physical therapy, occupational therapy, mechanotherapy, medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, professional counseling, social work, or marriage and family therapy, but who is not also licensed to engage in the practice of art therapy. 2370  
2371  
2372  
2373  
2374  
2375  
2376  
2377  
2378  
2379  
2380  
2381

**Sec. 4785.99.** Whoever violates division (A) of section 4785.02 of the Revised Code is guilty of a felony of the fifth degree on a first offense; on each subsequent offense, such person is guilty of a felony of the fourth degree. 2382  
2383  
2384  
2385

**Sec. 4787.01.** As used in this chapter: 2386

(A) "Client" means a person who receives music therapy services. 2387  
2388

(B) "Licensee" means a music therapist who is licensed to practice music therapy pursuant to this chapter. 2389  
2390

(C) "Music therapy" means the clinical use of music interventions by a person to accomplish individualized goals within a therapeutic relationship through an individualized music therapy treatment plan developed for a client. 2391  
2392  
2393  
2394

(D) "Music therapy services" means the services a licensee is authorized to provide pursuant to section 4787.09 of the Revised Code to achieve the goals of music therapy. 2395  
2396  
2397

**Sec. 4787.02.** (A) No person shall knowingly provide music therapy services or use the title "music therapist" or a similar title unless the person holds a license issued under this chapter that is in good standing. 2398  
2399  
2400  
2401

(B) This chapter does not apply to any of the following persons: 2402  
2403

(1) A person performing services or participating in activities as an integral part of a program of study in an accredited music therapy program, if the person does not represent the person's self as a music therapist; 2404  
2405  
2406  
2407

(2) A person who holds a professional license in this state or an employee who is supervised by a person who holds a professional license in this state who is performing services, including the use of music in the services, that are incidental to the practice of the person's profession, if the person does not represent the person's self as a music therapist; 2408  
2409  
2410  
2411  
2412  
2413

(3) Any person whose training and national certification attests to the person's preparation and ability to practice the person's certified profession or occupation, if the person does not represent the person's self as a music therapist; 2414  
2415  
2416  
2417

(4) Any person who practices music therapy under the supervision of a licensee, if the person does not represent the 2418  
2419

person's self as a music therapist. 2420

Sec. 4787.03. (A) The state medical board may adopt rules 2421  
as the board considers necessary to carry out this chapter. The 2422  
rules may include requirements for continuing education for 2423  
music therapists in addition to those required under section 2424  
4787.07 of the Revised Code. 2425

(B) The board shall enforce this chapter and any rules 2426  
adopted pursuant to it. 2427

(C) The board, on request and payment of a fee established 2428  
by the board, shall provide a copy of the list maintained 2429  
pursuant to section 4731.07 of the Revised Code, as it pertains 2430  
to this chapter. Any fee charged by the board for providing the 2431  
copy shall not exceed the actual cost incurred by the board to 2432  
make the copy. 2433

Sec. 4787.04. (A) There is created within the state 2434  
medical board the music therapy advisory committee consisting of 2435  
five persons familiar with the practice of music therapy. The 2436  
committee shall provide the board with expertise and assistance 2437  
in carrying out its duties pursuant to this chapter. 2438

The committee shall consist of the following members: 2439

(1) Three members who are licensed under this chapter to 2440  
practice as music therapists in this state; 2441

(2) One member who is a licensed health care professional 2442  
who is not a licensee; 2443

(3) One member who is a consumer. 2444

(B) Not later than ninety days after the effective date of 2445  
this section, the board shall make initial appointments to the 2446  
committee. The board shall appoint two members to terms ending 2447

one year after the effective date of this section, one member to 2448  
a term ending two years after the effective date of this 2449  
section, one member to a term ending three years after the 2450  
effective date of this section, and one member to a term ending 2451  
four years after the effective date of this section. Thereafter, 2452  
terms of office for all members are four years, with each term 2453  
ending on the same day of the same month as did the term that it 2454  
succeeds. Each member shall hold office from the date of 2455  
appointment until the end of the term for which the member was 2456  
appointed. Members may be reappointed. 2457

Vacancies shall be filled in the same manner as original 2458  
appointments. Any member appointed to fill a vacancy occurring 2459  
before the expiration of the term for which the member's 2460  
predecessor was appointed shall hold office for the remainder of 2461  
the term. Any member shall continue in office subsequent to the 2462  
expiration date of the member's term until a successor takes 2463  
office, or until a period of sixty days has elapsed, whichever 2464  
occurs first. 2465

(C) Members of the committee shall serve without 2466  
compensation and shall not be reimbursed for expenses. 2467

(D) The committee shall meet at least once per year or as 2468  
otherwise called by the board. 2469

(E) The board shall consult with the committee before 2470  
changing fees established under this chapter. The board shall 2471  
seek the advice of the committee for issues related to music 2472  
therapy. 2473

(F) The committee is not subject to sections 101.82 to 2474  
101.87 of the Revised Code. 2475

(G) The committee shall provide to the board an analysis 2476

of disciplinary actions taken against license applicants and 2477  
licensees, appeals and denials, and revocation of licenses at 2478  
least once per year. 2479

(H) The committee may facilitate the development of 2480  
materials that the state medical board may utilize to educate 2481  
the public concerning music therapist licensure, the benefits of 2482  
music therapy, and utilization of music therapy by individuals 2483  
and in facilities or institutional settings. The committee may 2484  
act as a facilitator of statewide dissemination of information 2485  
between music therapists, the American music therapy association 2486  
or its successor organization, the certification board for music 2487  
therapists or its successor organization, and the state medical 2488  
board. 2489

**Sec. 4787.05.** (A) A person seeking a license to practice 2490  
as a music therapist under this chapter shall do both of the 2491  
following: 2492

(1) Submit all of the following to the state medical 2493  
board: 2494

(a) A completed application on a form provided by the 2495  
state medical board; 2496

(b) An application fee of one hundred fifty dollars or a 2497  
higher amount established by the board; 2498

(c) Proof that the person is at least eighteen years of 2499  
age; 2500

(d) Proof that the person has successfully completed an 2501  
academic program with a bachelor's or higher degree in music 2502  
therapy approved by the American music therapy association or 2503  
its successor organization; 2504

|   |      |
|---|------|
| <u>(e) Proof that the person has done both of the following:</u>        | 2505 |
| <u>(i) Has passed the examination for board certification by</u>        | 2506 |
| <u>the certification board for music therapists or its successor</u>    | 2507 |
| <u>organization or obtained certification as a music therapist by</u>   | 2508 |
| <u>that board on January 1, 1985;</u>                                   | 2509 |
| <u>(ii) Is currently certified as a music therapist by the</u>          | 2510 |
| <u>certification board for music therapists or its successor</u>        | 2511 |
| <u>organization.</u>  | 2512 |
| <u>(f) Proof that the person has successfully completed a</u>           | 2513 |
| <u>minimum of one thousand two hundred hours of clinical training,</u>  | 2514 |
| <u>with at least one hundred eighty hours in preinternship</u>          | 2515 |
| <u>experience and at least nine hundred hours in internship</u>         | 2516 |
| <u>experience, if the internship is approved by the American music</u>  | 2517 |
| <u>therapy association or its successor organization, an academic</u>   | 2518 |
| <u>institution, or both.</u>  | 2519 |
| <u>(2) Comply with sections 4776.01 to 4776.04 of the Revised</u>       | 2520 |
| <u>Code.</u>  | 2521 |
| <u>(B) Within sixty days after receiving the information</u>            | 2522 |
| <u>described in division (A)(1) of this section and receipt of</u>      | 2523 |
| <u>proof of compliance with division (A)(2) of this section, the</u>    | 2524 |
| <u>state medical board shall issue a license to practice as a music</u> | 2525 |
| <u>therapist if the board determines that the person satisfies the</u>  | 2526 |
| <u>requirements of division (A) of this section.</u>                    | 2527 |
| <u>(C) The state medical board, subject to the approval of</u>          | 2528 |
| <u>the controlling board, may establish a fee in excess of the</u>      | 2529 |
| <u>amount prescribed in division (A) of this section, provided that</u> | 2530 |
| <u>the amount of the increase does not exceed fifty per cent of</u>     | 2531 |
| <u>that fee, that no fee increase occurs before January 1, 2022,</u>    | 2532 |
| <u>and that the increase does not exceed the amount necessary for</u>   | 2533 |

the state medical board to implement this chapter. 2534

**Sec. 4787.06.** If a person who is licensed to practice as a 2535  
music therapist in another jurisdiction wishes to be licensed 2536  
under this chapter, the person shall comply with division (A) of 2537  
section 4787.05 of the Revised Code and shall include with the 2538  
person's application proof that the person's license issued in 2539  
the other jurisdiction is in good standing with that 2540  
jurisdiction. 2541

The state medical board shall review the person's 2542  
licensure history in that jurisdiction, and shall include in 2543  
that review a review of any misconduct or neglect in the 2544  
practice of music therapy in that jurisdiction on the part of 2545  
the person. The board shall issue a license to the person in 2546  
accordance with division (B) of section 4787.05 of the Revised 2547  
Code, if, in addition to the requirements specified in those 2548  
divisions, the board determines that the person's license issued 2549  
in another jurisdiction is in good standing and that the 2550  
requirements for obtaining licensure in that jurisdiction are 2551  
equal to or greater than the requirements specified in section 2552  
4787.05 of the Revised Code. 2553

**Sec. 4787.07.** (A) A license to practice as a music 2554  
therapist issued under this chapter is valid for three years 2555  
beginning on the date the license is issued and may be renewed. 2556

(B) A person seeking to renew a license to practice as a 2557  
music therapist shall, before the license expires, apply for 2558  
renewal of the license. To be eligible for renewal, an applicant 2559  
shall submit all of the following to the state medical board: 2560

(1) A completed application for renewal on a form 2561  
prescribed by the board; 2562

(2) Proof that the licensee has continuously maintained 2563  
for the previous three years certification with, and is 2564  
currently certified as a music therapist by, the certification 2565  
board for music therapists or its successor organization; 2566

(3) Proof that the licensee has completed not less than 2567  
sixty hours of continuing education approved by the 2568  
certification board for music therapists or its successor 2569  
organization and any other continuing education requirements 2570  
established by the state medical board; 2571

(4) A fee in the amount of one hundred fifty dollars or 2572  
such other amount as prescribed by the state medical board. 2573

(C) A licensee shall notify the board in writing of any 2574  
change in address. 2575

(D) The state medical board shall send renewal notices at 2576  
least one month before the license expiration date. 2577

(E) The state medical board, subject to the approval of 2578  
the controlling board, may establish a fee in excess of the 2579  
amount prescribed in division (B) of this section, provided that 2580  
the amount of the increase does not exceed fifty per cent of 2581  
that fee, that no fee increase occurs before January 1, 2022, 2582  
and that the increase does not exceed the amount necessary for 2583  
the state medical board to implement this chapter. 2584

**Sec. 4787.08.** A license to practice as a music therapist 2585  
that is not renewed on or before its expiration date is 2586  
delinquent and shall be forfeited to the state medical board. 2587  
The board, within thirty days after the license becomes 2588  
delinquent, shall send a notice to the licensee by certified 2589  
mail, return receipt requested, to the address of the licensee 2590  
as indicated in the records of the board. The board shall inform 2591



the licensee in the notice that the licensee's license is 2592  
forfeited and explain procedures for restoring the forfeited 2593  
license. 2594

A licensee may restore a forfeited license within one year 2595  
after the license becomes delinquent by complying with the 2596  
requirements of section 4787.07 of the Revised Code. The board 2597  
shall terminate a forfeited license that is not restored within 2598  
one year after the date it becomes delinquent. The board may 2599  
require a person whose license has been terminated to apply for 2600  
a new license under section 4787.05 of the Revised Code. 2601

On written request of a licensee, the board may place an 2602  
active license on inactive status subject to an inactive status 2603  
fee established by the board. The licensee, on request and 2604  
payment of the inactive license fee, may continue on inactive 2605  
status for a period up to two years. A licensee may reactivate 2606  
an inactive license at any time during that two-year period by 2607  
making a written request to the board and by fulfilling 2608  
requirements established by the board. 2609

**Sec. 4787.09.** (A) A licensee shall do both of the 2610  
following: 2611

(1) Before providing music therapy services to a client 2612  
for a medical, developmental, or mental health condition, 2613  
collaborate with the client's physician, psychologist, primary 2614  
care provider, or mental health professional, as applicable, to 2615  
review the client's diagnosis, treatment needs, and treatment 2616  
plan; 2617

(2) During the provision of music therapy services to a 2618  
client, collaborate, as applicable, with the client's treatment 2619  
team. 2620

- (B) Subject to division (C) of this section, a licensee 2621  
may do any of the following activities: 2622
- (1) Accept referrals for music therapy services from 2623  
health care, social service, or education professionals, 2624  
clients, or caregivers of prospective clients; 2625
- (2) Conduct a music therapy assessment of a client to 2626  
collect systematic, comprehensive, and accurate information 2627  
necessary to determine the appropriate type of music therapy 2628  
services to provide to the client; 2629
- (3) Develop an individualized treatment plan for a client 2630  
that identifies the goals, objectives, and potential strategies 2631  
of the music therapy services appropriate for the client using 2632  
music interventions, which may include music improvisation, 2633  
receptive music listening, song writing, lyric discussion, music 2634  
and imagery, music performance, learning through music, and 2635  
movement to music; 2636
- (4) If applicable, carry out an individualized treatment 2637  
plan that is consistent with any other medical, developmental, 2638  
mental health, educational, or rehabilitative services being 2639  
provided to the client; 2640
- (5) Evaluate the client's response to music therapy and 2641  
the individualized treatment plan and suggest modifications, as 2642  
appropriate; 2643
- (6) Develop a plan for determining when the provision of 2644  
music therapy services is no longer needed in collaboration with 2645  
the client, any physician or other health care or education 2646  
provider of the client, any appropriate family member of the 2647  
client, and any other appropriate person on whom the client 2648  
relies for support; 2649

(7) Minimize any barriers so that the client may receive music therapy services in the least restrictive environment; 2650  
2651

(8) Collaborate with and educate the client and the family or caregiver of the client or any other appropriate person about the needs of the client that are being addressed in music therapy and the manner in which the music therapy addresses those needs. 2652  
2653  
2654  
2655  
2656

(C) A licensee shall not do either of the following: 2657

(1) When providing educational services pursuant to division (B) (4) of this section, replace speech and language services typically provided to a child with a disability who has been identified as having a speech or language impairment pursuant to section 3323.03 of the Revised Code; 2658  
2659  
2660  
2661  
2662

(2) When providing rehabilitative services pursuant to division (B) (4) of this section, replace the services provided by a speech-language pathologist. 2663  
2664  
2665

(D) Nothing in this section shall be construed as prohibiting a licensee from providing services to a client diagnosed with a communication disorder. 2666  
2667  
2668

**Sec. 4787.10.** If any member of the state medical board or the music therapy advisory committee becomes aware of any ground for initiating disciplinary action against a licensee, the member shall file a written complaint with the board. As soon as practicable after receiving a complaint, the board shall conduct an investigation of the complaint to determine whether the allegations in the complaint merit the initiation of disciplinary proceedings against the licensee. 2669  
2670  
2671  
2672  
2673  
2674  
2675  
2676

**Sec. 4787.11.** (A) If, after an investigation conducted by the state medical board and after notice and a hearing in 2677  
2678

accordance with Chapter 119. of the Revised Code, the board 2679  
finds one or more grounds for taking disciplinary action as 2680  
described in division (C) of this section, the board may do any 2681  
of the following: 2682

(1) Place the licensee on probation for a specified period 2683  
or until further order of the board; 2684

(2) Administer to the applicant or licensee a public 2685  
reprimand; 2686

(3) Refuse to issue a license to an applicant or renew the 2687  
license of the licensee; 2688

(4) Suspend or revoke the license of the licensee; 2689

(5) Impose an administrative fine of not less than one 2690  
hundred dollars nor more than one thousand dollars for each 2691  
violation; 2692

(6) Take any combination of the actions enumerated in 2693  
divisions (A) (1) to (5) of this section. 2694

(B) An order of the board may include any other terms, 2695  
provisions, or conditions as the board considers appropriate. An 2696  
order of the board and the findings of fact and conclusions of 2697  
law supporting that order are public records. The board shall 2698  
not issue a private reprimand. 2699

(C) Except as provided in division (D) of this section, 2700  
the board may impose any of the disciplinary actions described 2701  
in division (A) of this section if a licensee or applicant does 2702  
any of the following: 2703

(1) Submits false, fraudulent, or misleading information 2704  
to the board or any agency of this state, any other state, or 2705  
the federal government; 2706

|   |      |
|---|------|
| <u>(2) Violates this chapter or any rule adopted pursuant to</u>        | 2707 |
| <u>it;</u>  | 2708 |
| <u>(3) Is convicted of or pleads guilty to a disqualifying</u>          | 2709 |
| <u>offense or a crime of moral turpitude, as those terms are</u>        | 2710 |
| <u>defined in section 4776.10 of the Revised Code;</u>                  | 2711 |
| <u>(4) Is impaired in the licensee's or applicant's ability</u>         | 2712 |
| <u>to practice according to acceptable and prevailing standards of</u>  | 2713 |
| <u>care because of habitual or excessive use or abuse of drugs,</u>     | 2714 |
| <u>alcohol, or other substances that impair ability to practice;</u>    | 2715 |
| <u>(5) Uses fraud or deception in applying for a license to</u>         | 2716 |
| <u>practice as a music therapist;</u>                                   | 2717 |
| <u>(6) Fails to pay fees when due;</u>                                  | 2718 |
| <u>(7) Fails to provide requested information in a timely</u>           | 2719 |
| <u>manner;</u>  | 2720 |
| <u>(8) Is unable to, or fails to practice music therapy with</u>        | 2721 |
| <u>reasonable skill and consistent with the welfare of clients,</u>     | 2722 |
| <u>including negligence in the practice of music therapy,</u>           | 2723 |
| <u>incapacity, and abuse of or engaging in sexual contact with a</u>    | 2724 |
| <u>client;</u>  | 2725 |
| <u>(9) Is subject to disciplinary action by another</u>                 | 2726 |
| <u>jurisdiction with respect to the licensee's or applicant's</u>       | 2727 |
| <u>license to practice as a music therapist issued by that</u>          | 2728 |
| <u>jurisdiction.</u>  | 2729 |
| <u>(D) The board shall not refuse to issue a license to an</u>          | 2730 |
| <u>applicant because of a conviction of or plea of guilty to an</u>     | 2731 |
| <u>offense unless the refusal is in accordance with section 9.79 of</u> | 2732 |
| <u>the Revised Code.</u>  | 2733 |
| <u>Sec. 4787.12. On receipt of a notice pursuant to section</u>         | 2734 |

3123.43 of the Revised Code, the state medical board shall 2735  
comply with sections 3123.41 to 3123.50 of the Revised Code and 2736  
any applicable rules adopted under section 3123.63 of the 2737  
Revised Code with respect to a license to practice as a music 2738  
therapist issued pursuant to this chapter. 2739

Sec. 4787.13. The state medical board shall comply with 2740  
section 4776.20 of the Revised Code. 2741

Sec. 4787.14. If the state medical board determines that a 2742  
person has violated or is about to violate any provision of this 2743  
chapter or a rule adopted pursuant to it, the board may bring an 2744  
action in a court of competent jurisdiction to enjoin the person 2745  
from engaging in or continuing the violation. 2746

An injunction may be issued without proof of actual damage 2747  
sustained by any person and does not prohibit the criminal 2748  
prosecution and punishment of the person who commits the 2749  
violation. 2750

Sec. 4787.15. Except as otherwise provided in this 2751  
section, a complaint filed with the state medical board and all 2752  
documents and other information filed with the complaint are 2753  
confidential and are not subject to section 149.43 of the 2754  
Revised Code, unless the person who is the subject of the 2755  
complaint submits a written statement to the board requesting 2756  
that the documents and information be made public records. 2757

The charging documents filed with the board to initiate 2758  
disciplinary action and information considered by the board when 2759  
determining whether to impose discipline against a licensee or 2760  
applicant are public records. An order that imposes discipline 2761  
and the findings of fact and conclusions of law supporting that 2762  
order are public records. 2763

Nothing in this section prohibits the board from 2764  
communicating or cooperating with or providing any documents or 2765  
other information to any other licensing board or any other 2766  
agency that is investigating a person, including a law 2767  
enforcement agency. 2768

Sec. 4787.99. Whoever violates division (A) of section 2769  
4787.02 of the Revised Code is guilty of a misdemeanor of the 2770  
fourth degree on a first offense; on each subsequent offense, 2771  
such person is guilty of a misdemeanor of the third degree. 2772

**Section 2.** That existing sections 109.572, 1701.03, 2773  
1785.01, 1785.02, 1785.03, 1785.08, 4723.16, 4725.33, 4729.161, 2774  
4731.07, 4731.224, 4731.226, 4731.24, 4731.25, 4731.65, 4732.28, 2775  
4734.17, 4743.05, 4755.111, 4755.471, 4757.37, 4776.01, and 2776  
4776.20 of the Revised Code are hereby repealed. 2777

**Section 3.** Division (A) of section 4785.02 and division 2778  
(A) of section 4787.02 of the Revised Code, as enacted by this 2779  
act, take effect one year after the effective date of this 2780  
section. 2781

**Section 4.** Notwithstanding section 4787.04 of the Revised 2782  
Code, as enacted by this act, persons appointed to the Music 2783  
Therapy Advisory Committee need not be licensed as required 2784  
under that section during the first year after the effective 2785  
date of this section. 2786

**Section 5.** (A) As used in this section, "board-certified 2787  
music therapist" means a person who has completed the education 2788  
and clinical training requirements established by the American 2789  
Music Therapy Association, has passed the Certification Board 2790  
for Music Therapists certification examination or obtained 2791  
certification by that Board on January 1, 1985, and remains 2792

actively certified by the Certification Board for Music 2793  
Therapists. 2794

(B) For a period of one year beginning on the effective 2795  
date of this section, the State Medical Board shall waive the 2796  
examination requirement under section 4787.05 of the Revised 2797  
Code, as enacted by this act, that a person must satisfy to 2798  
obtain a license to practice as a music therapist if the person 2799  
demonstrates to the Board that the person either is a board- 2800  
certified music therapist or is designated as a registered music 2801  
therapist, certified music therapist, or advanced certified 2802  
music therapist and in good standing with the National Music 2803  
Therapy Registry. 2804

**Section 6.** The General Assembly, applying the principle 2805  
stated in division (B) of section 1.52 of the Revised Code that 2806  
amendments are to be harmonized if reasonably capable of 2807  
simultaneous operation, finds that the following sections, 2808  
presented in this act as composites of the sections as amended 2809  
by the acts indicated, are the resulting versions of the 2810  
sections in effect prior to the effective date of the sections 2811  
as presented in this act: 2812

Section 109.572 of the Revised Code as amended by both 2813  
H.B. 263 and S.B. 260 of the 133rd General Assembly. 2814

Section 1701.03 of the Revised Code as amended by both 2815  
S.B. 21 and S.B. 276 of the 133rd General Assembly. 2816

Section 4776.01 of the Revised Code as amended by both 2817  
H.B. 166 and S.B. 57 of the 133rd General Assembly. 2818