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, 4734.17, 4734.05, 4755.111, 4755.471, 4757.37, 4776.01, and 4776.02. 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, 4734.17, 4734.05, 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, 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 be enacted to read as follows:

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

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

minor drug possession offense;

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

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

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

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25,
(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(2)(a) of this section.

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

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341,
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 2919.124, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;

(b) Felonious sexual penetration in violation of former section 2907.12 of the Revised Code;

(c) A violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996;

(d) A violation of section 2923.01, 2923.02, or 2923.03 of the Revised Code when the underlying offense that is the object of the conspiracy, attempt, or complicity is one of the offenses listed in divisions (A)(3)(a) to (c) of this section;

(e) A violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in divisions (A)(3)(a) to (d) of this section.
(4) On receipt of a request pursuant to section 2151.86 or 2151.904 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

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

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(4)(a) of this section.

(5) Upon receipt of a request pursuant to section 5104.013 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2151.421, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 2919.24, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in
violation of former section 2907.12 of the Revised Code, a
violation of section 2905.04 of the Revised Code as it existed
prior to July 1, 1996, a violation of section 2919.23 of the
Revised Code that would have been a violation of section 2905.04
of the Revised Code as it existed prior to July 1, 1996, had the
violation been committed prior to that date, a violation of
section 2925.11 of the Revised Code that is not a minor drug
possession offense, a violation of section 2923.02 or 2923.03 of
the Revised Code that relates to a crime specified in this
division, or a second violation of section 4511.19 of the
Revised Code within five years of the date of application for
licensure or certification.

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

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

(a) A violation of section 2903.01, 2903.02, 2903.03,
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05,
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, or a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense;

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(6)(a) of this section.

(7) On receipt of a request for a criminal records check from an individual pursuant to section 4749.03 or 4749.06 of the Revised Code, accompanied by a completed copy of the form prescribed in division (C)(1) of this section and a set of fingerprint impressions obtained in a manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists indicating that the person who is the subject of the request has been convicted of or pleaded guilty to any criminal offense in this state or in any other state. If the individual indicates that a firearm will be carried in the course of business, the superintendent shall require information
from the federal bureau of investigation as described in
division (B)(2) of this section. Subject to division (F) of this
section, the superintendent shall report the findings of the
criminal records check and any information the federal bureau of
investigation provides to the director of public safety.

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

(9) On receipt of a request for a criminal records check
from the treasurer of state under section 113.041 of the Revised
Code or from an individual under section 928.03, 4701.08,
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53,
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15,
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202,
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.202,
4751.21, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032,
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06,
4776.021, 4778.04, 4778.07, 4779.091, or 4783.04, or 4787.05 of
the Revised Code, accompanied by a completed form prescribed
under division (C)(1) of this section and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request has been convicted of or pleaded guilty to any criminal offense in this state or any other state. Subject to division (F) of this section, the superintendent shall send the results of a check requested under section 113.041 of the Revised Code to the treasurer of state and shall send the results of a check requested under any of the other listed sections to the licensing board specified by the individual in the request.

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

(11) On receipt of a request for a criminal records check from an appointing or licensing authority under section 3772.07 of the Revised Code, a completed form prescribed under division (C)(1) of this section, and a set of fingerprint impressions
obtained in the manner prescribed in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty or no contest to any offense under any existing or former law of this state, any other state, or the United States that is a disqualifying offense as defined in section 3772.07 of the Revised Code or substantially equivalent to such an offense.

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

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.05, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25,
(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(12)(a) of this section.

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

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

(b) A disqualifying offense as specified in rules adopted under section 9.79 and division (B)(2)(b) of section 3796.04 of the Revised Code if the person who is the subject of the request is an administrator or other person responsible for the daily operation of, or an owner or prospective owner, officer or
prospective officer, or board member or prospective board member of, an entity seeking a license from the state board of pharmacy under Chapter 3796. of the Revised Code.

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

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

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

(15) On receipt of a request pursuant to section 4768.06 of the Revised Code, a completed form prescribed under division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal
records check in the manner described in division (B) of this section to determine whether any information exists indicating that the person who is the subject of the request has been convicted of or pleaded guilty to any criminal offense in this state or in any other state.

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

(17) On receipt of a request for a criminal records check under section 147.022 of the Revised Code, a completed form prescribed under division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner prescribed in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty or no contest to any criminal offense under any existing or former law of this state, any other state, or the United States.
(B) Subject to division (F) of this section, the
superintendent shall conduct any criminal records check to be
carried out under this section as follows:

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

(2) If the request received by the superintendent asks for
information from the federal bureau of investigation, the
superintendent shall request from the federal bureau of
investigation any information it has with respect to the person
who is the subject of the criminal records check, including
fingerprint-based checks of national crime information databases
as described in 42 U.S.C. 671 if the request is made pursuant to
section 2151.86 or 5104.013 of the Revised Code or if any other
Revised Code section requires fingerprint-based checks of that
nature, and shall review or cause to be reviewed any information
the superintendent receives from that bureau. If a request under
section 3319.39 of the Revised Code asks only for information
from the federal bureau of investigation, the superintendent
shall not conduct the review prescribed by division (B)(1) of
(3) The superintendent or the superintendent's designee may request criminal history records from other states or the federal government pursuant to the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code.

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

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

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

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

(C)(1) The superintendent shall prescribe a form to obtain the information necessary to conduct a criminal records check from any person for whom a criminal records check is to be
conducted under this section. The form that the superintendent
prescribes pursuant to this division may be in a tangible
format, in an electronic format, or in both tangible and
electronic formats.

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

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

(4) The superintendent of the bureau of criminal
identification and investigation may prescribe methods of
forwarding fingerprint impressions and information necessary to
conduct a criminal records check, which methods shall include,
but not be limited to, an electronic method.
(D) The results of a criminal records check conducted under this section, other than a criminal records check specified in division (A)(7) of this section, are valid for the person who is the subject of the criminal records check for a period of one year from the date upon which the superintendent completes the criminal records check. If during that period the superintendent receives another request for a criminal records check to be conducted under this section for that person, the superintendent shall provide the results from the previous criminal records check of the person at a lower fee than the fee prescribed for the initial criminal records check.

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

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

(2) Division (F)(1) of this section does not limit, restrict, or preclude the superintendent's release of information that relates to the arrest of a person who is
eighteen years of age or older, to an adjudication of a child as
a delinquent child, or to a criminal conviction of a person
under eighteen years of age in circumstances in which a release
of that nature is authorized under division (E)(2), (3), or (4)
of section 109.57 of the Revised Code pursuant to a rule adopted
under division (E)(1) of that section.

(G) As used in this section:

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

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

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

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

Sec. 1701.03. (A) (1) A corporation may be formed under
this chapter for any purpose or combination of purposes for
which individuals lawfully may associate themselves, except
that, if the Revised Code contains special provisions pertaining
to the formation of any designated type of corporation other
than a professional association, as defined in section 1785.01 of the Revised Code, a corporation of that type shall be formed in accordance with the special provisions.

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

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

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

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

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

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

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

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

(B) On and after July 1, 1994, a corporation may be formed under this chapter for the purpose of carrying on the practice of any profession, including, but not limited to, a corporation for the purpose of providing public accounting or certified public accounting services, a corporation for the erection, owning, and conducting of a sanitarium for receiving and caring for patients, medical and hygienic treatment of patients, and instruction of nurses in the treatment of disease and in hygiene, a corporation for the purpose of providing architectural, landscape architectural, professional engineering, or surveying services or any combination of those types of services, and a corporation for the purpose of providing a combination of the professional services, as defined in section 1785.01 of the Revised Code, of optometrists authorized under Chapter 4725. of the Revised Code, chiropractors authorized under Chapter 4734. of the Revised Code to practice chiropractic or acupuncture, psychologists authorized under Chapter 4732. of the Revised Code, registered or licensed practical nurses authorized under Chapter 4723. of the Revised Code, pharmacists authorized under Chapter 4729. of the Revised Code, physical therapists authorized under sections 4755.40 to 4755.56 of the Revised Code, occupational therapists authorized under sections 4755.04 to 4755.13 of the Revised Code, mechanotherapists authorized under section 4731.151 of the Revised Code, doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery authorized under Chapter 4731. of the Revised Code, and licensed professional clinical counselors, licensed professional...
counselors, independent social workers, social workers, independent marriage and family therapists, or marriage and family therapists authorized under Chapter 4757. of the Revised Code, and art therapists authorized under Chapter 4785. of the Revised Code.

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

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

(D) No corporation formed for the purpose of providing a combination of the professional services, as defined in section 1785.01 of the Revised Code, of optometrists authorized under Chapter 4725. of the Revised Code, chiropractors authorized
under Chapter 4734. of the Revised Code to practice chiropractic or acupuncture, psychologists authorized under Chapter 4732. of the Revised Code, registered or licensed practical nurses authorized under Chapter 4723. of the Revised Code, pharmacists authorized under Chapter 4729. of the Revised Code, physical therapists authorized under sections 4755.40 to 4755.56 of the Revised Code, occupational therapists authorized under sections 4755.04 to 4755.13 of the Revised Code, mechanotherapists authorized under section 4731.151 of the Revised Code, doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery authorized under Chapter 4731. of the Revised Code, and licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, or marriage and family therapists authorized under Chapter 4757. of the Revised Code, and art therapists authorized under Chapter 4785. of the Revised Code shall control the professional clinical judgment exercised within accepted and prevailing standards of practice of a licensed, certificated, or otherwise legally authorized optometrist, chiropractor, chiropractor practicing acupuncture through the state chiropractic board, psychologist, nurse, pharmacist, physical therapist, occupational therapist, mechanotherapist, doctor of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist, or art therapist in rendering care, treatment, or professional advice to an individual patient.

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

Sec. 1785.01. As used in this chapter:

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

(B) "Professional association" means an association
organized under this chapter for the sole purpose of rendering one of the professional services authorized under Chapter 4701., 4703., 4705., 4715., 4723., 4725., 4729., 4730., 4731., 4732., 4733., 4734., 4741., 4755., or 4757. of the Revised Code, a combination of the professional services authorized under Chapters 4703. and 4733. of the Revised Code, or a combination of the professional services of optometrists authorized under Chapter 4725. of the Revised Code, chiropractors authorized under Chapter 4734. of the Revised Code to practice chiropractic or acupuncture, psychologists authorized under Chapter 4732. of the Revised Code, registered or licensed practical nurses authorized under Chapter 4723. of the Revised Code, pharmacists authorized under Chapter 4729. of the Revised Code, physical therapists authorized under sections 4755.40 to 4755.56 of the Revised Code, occupational therapists authorized under sections 4755.04 to 4755.13 of the Revised Code, mechanotherapists authorized under section 4731.151 of the Revised Code, doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery authorized under Chapter 4731. of the Revised Code, and licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, or marriage and family therapists authorized under Chapter 4757. of the Revised Code, and art therapists authorized under Chapter 4785. of the Revised Code.

Sec. 1785.02. An individual or group of individuals each of whom is licensed, certificated, or otherwise legally authorized to render within this state the same kind of professional service, a group of individuals each of whom is licensed, certificated, or otherwise legally authorized to
render within this state the professional service authorized under Chapter 4703. or 4733. of the Revised Code, or a group of individuals each of whom is licensed, certificated, or otherwise legally authorized to render within this state the professional service of optometrists authorized under Chapter 4725. of the Revised Code, chiropractors authorized under Chapter 4734. of the Revised Code to practice chiropractic or acupuncture, psychologists authorized under Chapter 4732. of the Revised Code, registered or licensed practical nurses authorized under Chapter 4723. of the Revised Code, pharmacists authorized under Chapter 4729. of the Revised Code, physical therapists authorized under sections 4755.40 to 4755.56 of the Revised Code, occupational therapists authorized under sections 4755.04 to 4755.13 of the Revised Code, mechanotherapists authorized under section 4731.151 of the Revised Code, doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery authorized under Chapter 4731. of the Revised Code, or licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, or marriage and family therapists authorized under Chapter 4757. of the Revised Code, or art therapists authorized under Chapter 4785. of the Revised Code may organize and become a shareholder or shareholders of a professional association. Any group of individuals described in this section who may be rendering one of the professional services as an organization created otherwise than pursuant to this chapter may incorporate under and pursuant to this chapter by amending the agreement establishing the organization in a manner that the agreement as amended constitutes articles of incorporation prepared and filed in the manner prescribed in section 1785.08 of the Revised Code and by otherwise complying with the applicable requirements of
Sec. 1785.03. A professional association may render a particular professional service only through officers, employees, and agents who are themselves duly licensed, certificated, or otherwise legally authorized to render the professional service within this state. As used in this section, "employee" does not include clerks, bookkeepers, technicians, or other individuals who are not usually and ordinarily considered by custom and practice to be rendering a particular professional service for which a license, certificate, or other legal authorization is required and does not include any other person who performs all of that person's employment under the direct supervision and control of an officer, agent, or employee who renders a particular professional service to the public on behalf of the professional association.

No professional association formed for the purpose of providing a combination of the professional services, as defined in section 1785.01 of the Revised Code, of optometrists authorized under Chapter 4725. of the Revised Code, chiropractors authorized under Chapter 4734. of the Revised Code to practice chiropractic or acupuncture, psychologists authorized under Chapter 4732. of the Revised Code, registered or licensed practical nurses authorized under Chapter 4723. of the Revised Code, pharmacists authorized under Chapter 4729. of the Revised Code, physical therapists authorized under sections 4755.40 to 4755.56 of the Revised Code, occupational therapists authorized under sections 4755.04 to 4755.13 of the Revised Code, mechanotherapists authorized under section 4731.151 of the Revised Code, doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery authorized under Chapter 4731. of the Revised Code, and licensed
professional clinical counselors, licensed professional
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counselors, independent social workers, social workers,
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independent marriage and family therapists, or marriage and
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family therapists authorized under Chapter 4757. of the Revised
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Code, and art therapists authorized under Chapter 4785. of the
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Revised Code shall control the professional clinical judgment
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exercised within accepted and prevailing standards of practice
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of a licensed, certificated, or otherwise legally authorized
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optometrist, chiropractor, chiropractor practicing acupuncture
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through the state chiropractic board, psychologist, nurse,
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pharmacist, physical therapist, occupational therapist,
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mechanotherapist, doctor of medicine and surgery, osteopathic
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medicine and surgery, or podiatric medicine and surgery,
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licensed professional clinical counselor, licensed professional
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counselor, independent social worker, social worker, independent
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marriage and family therapist, or marriage and family therapist,
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or art therapist in rendering care, treatment, or professional
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advice to an individual patient.
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This division does not prevent a hospital, as defined in
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section 3727.01 of the Revised Code, insurer, as defined in
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section 3999.36 of the Revised Code, or intermediary
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organization, as defined in section 1751.01 of the Revised Code,
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from entering into a contract with a professional association
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described in this division that includes a provision requiring
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utilization review, quality assurance, peer review, or other
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performance or quality standards. Those activities shall not be
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construed as controlling the professional clinical judgment of
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an individual practitioner listed in this division.
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Sec. 1785.08. Chapter 1701. of the Revised Code applies to
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professional associations, including their organization and the
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manner of filing articles of incorporation, except that the
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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.

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

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

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

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

(4) Registered, advanced practice registered, or licensed practical nurses who are authorized to practice nursing as registered nurses, advanced practice registered nurses, or licensed practical nurses under this chapter;

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

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

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

(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;
(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 (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 optometrist from rendering professional services as an optometrist 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 state vision professionals board adopted pursuant to this chapter.

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

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

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

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

(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;
(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;
(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;
(7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;
(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;
(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;
(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 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
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
optometry.

Sec. 4729.161. (A) An individual registered with the state
board of pharmacy to engage in the practice of pharmacy may
render the professional services of a pharmacist 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 pharmacist
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 state board
of pharmacy adopted pursuant to this chapter.

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

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

(2) Chiropractors who are authorized to practice
chiropractic or acupuncture under Chapter 4734. of the Revised
Code;
(3) Psychologists who are authorized to practice psychology under Chapter 4732. of the Revised Code;

(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;

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

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

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

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

(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;

(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 pharmacist that prohibits a pharmacist from engaging in the practice of pharmacy in combination with a person who is licensed, certificated, or otherwise legally authorized to practice optometry, chiropractic, acupuncture through the state chiropractic board, psychology, nursing, 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 pharmacy.

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

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

With respect to applicants to practice medicine and surgery or osteopathic medicine and surgery, the register shall show the name of the institution that granted the applicant the degree of doctor of medicine or osteopathic medicine. With respect to applicants to practice respiratory care, the register...
shall show the addresses of the person's last known place of business and residence, the effective date and identification number of the license or limited permit, and, if applicable, the name and location of the institution that granted the person's degree or certificate of completion of respiratory care educational requirements and the date the degree or certificate of completion was issued.

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

Sec. 4731.224. (A) Within sixty days after the imposition of any formal disciplinary action taken by any health care facility, including a hospital, health care facility operated by a health insuring corporation, ambulatory surgical center, or similar facility, against any individual holding a valid license or certificate to practice issued pursuant to this chapter, the chief administrator or executive officer of the facility shall report to the state medical board the name of the individual, the action taken by the facility, and a summary of the underlying facts leading to the action taken. Upon request, the board shall be provided certified copies of the patient records that were the basis for the facility's action. Prior to release to the board, the summary shall be approved by the peer review committee that reviewed the case or by the governing board of the facility. As used in this division, "formal disciplinary action" means any action resulting in the revocation, restriction, reduction, or termination of clinical privileges for violations of professional ethics, or for reasons of medical incompetence or medical malpractice. "Formal disciplinary action" includes a summary action, an action that takes effect notwithstanding any appeal rights that may exist, and an action that results in an individual surrendering clinical privileges
while under investigation and during proceedings regarding the action being taken or in return for not being investigated or having proceedings held. "Formal disciplinary action" does not include any action taken for the sole reason of failure to maintain records on a timely basis or failure to attend staff or section meetings.

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

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

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

(2) If any individual authorized to practice under this chapter or any professional association or society of such individuals believes that a violation of division (B)(26) of section 4731.22 of the Revised Code has occurred, the individual, association, or society shall report the information upon which the belief is based to the monitoring organization.
conducting the program established by the board under section 4731.251 of the Revised Code. If any such report is made to the board, it shall be referred to the monitoring organization unless the board is aware that the individual who is the subject of the report does not meet the program eligibility requirements of section 4731.252 of the Revised Code.

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

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

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

(1) The name and address of the person submitting the notification;

(2) The name and address of the insured who is the subject of the claim;

(3) The name of the person filing the written claim;

(4) The date of final disposition;

(5) If applicable, the identity of the court in which the final disposition of the claim took place.

(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.

(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
action or order.

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

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

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

(I) In the absence of fraud or bad faith, no professional association or society of individuals authorized to practice under this chapter that sponsors a committee or program to provide peer assistance to practitioners with substance abuse problems, no representative or agent of such a committee or program, no representative or agent of the monitoring
organization described in section 4731.251 of the Revised Code, and no member of the state medical board shall be held liable in damages to any person by reason of actions taken to refer a practitioner to a treatment provider approved under section 4731.25 of the Revised Code for examination or treatment.

Sec. 4731.226. (A) (1) An individual whom the state medical board licenses, certifies, or otherwise legally authorizes to engage in the practice of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery may render the professional services of a doctor of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery 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. Division (A)(1) of this section does not preclude an individual of that nature from rendering professional services as a doctor of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery 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 state medical board adopted pursuant to this chapter.

(2) An individual whom the state medical board authorizes to engage in the practice of mechanotherapy may render the professional services of a mechanotherapist 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.
Revised Code. Division (A)(2) of this section does not preclude an individual of that nature from rendering professional services as a mechanotherapist 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 state medical board adopted pursuant to this chapter.

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

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

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

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

(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;

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

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

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

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

(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;

(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.

(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:

(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, or marriage and family therapy, or art therapy, but who is not also
licensed, certificated, or otherwise legally authorized to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery.

(2) A mechanotherapist from engaging in the practice of mechanotherapy 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, medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, professional counseling, social work, marriage and family therapy, or art therapy, but who is not also licensed, certificated, or otherwise legally authorized to engage in the practice of mechanotherapy.

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

Sec. 4731.25. The state medical board, in accordance with Chapter 119. of the Revised Code, shall adopt and may amend and rescind rules establishing standards for approval of physicians and facilities as treatment providers for practitioners.
suffering or showing evidence of suffering impairment as described in division (B)(5) of section 4730.25, division (B) (26) of section 4731.22, division (A)(18) of section 4759.07, division (B)(6) of section 4760.13, division (A)(18) of section 4761.09, division (B)(6) of section 4762.13, division (B)(6) of section 4774.13, or division (B)(6) of section 4778.14, or division (C)(4) of section 4787.11 of the Revised Code. The rules shall include standards for both inpatient and outpatient treatment and for care and monitoring that continues after treatment. The rules shall provide that in order to be approved, a treatment provider must have the capability of making an initial examination to determine what type of treatment an impaired practitioner requires. Subject to the rules, the board shall review and approve treatment providers on a regular basis. The board, at its discretion, may withdraw or deny approval subject to the rules.

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

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

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

(C) Require every practitioner who enters treatment to agree to a treatment contract establishing the terms of treatment and aftercare, including any required supervision or restrictions of practice during treatment or aftercare;
(D) Require a practitioner to suspend practice upon entry into any required inpatient treatment;

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

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

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

(H) Report the identity of any practitioner practicing under the terms of an aftercare contract to hospital administrators, medical chiefs of staff, and chairpersons of impaired practitioner committees of all health care institutions at which the practitioner holds clinical privileges or otherwise practices. If the practitioner does not hold clinical privileges at any health care institution, the treatment provider shall report the practitioner's identity to the impaired practitioner committee of the county medical society, osteopathic academy, or podiatric medical association in every county in which the practitioner practices. If there are no impaired practitioner committees in the county, the treatment provider shall report the practitioner's identity to the president or other designated member of the county medical society, osteopathic academy, or podiatric medical association.
(I) Report to the board the identity of any practitioner who suffers a relapse at any time during or following aftercare.

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

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

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

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

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

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

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

(B) "Designated health services" means any of the
(1) Clinical laboratory services;

(2) Home health care services;

(3) Outpatient prescription drugs.

(C) "Fair market value" means the value in arms-length transactions, consistent with general market value and:

(1) With respect to rentals or leases, the value of rental property for general commercial purposes, not taking into account its intended use;

(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.

(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.

(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
section 1701.03 of the Revised Code and including a corporation, limited liability company, partnership, or professional association described in division (B) of section 4731.226 of the Revised Code formed for the purpose of providing a combination of the professional services of optometrists who are licensed, certificated, or otherwise legally authorized to practice optometry under Chapter 4725. of the Revised Code, chiropractors who are licensed, certificated, or otherwise legally authorized to practice chiropractic or acupuncture under Chapter 4734. of the Revised Code, psychologists who are licensed, certificated, or otherwise legally authorized to practice psychology under Chapter 4732. of the Revised Code, registered or licensed practical nurses who are licensed, certificated, or otherwise legally authorized to practice nursing under Chapter 4723. of the Revised Code, pharmacists who are licensed, certificated, or otherwise legally authorized to practice pharmacy under Chapter 4729. of the Revised Code, physical therapists who are licensed, certificated, or otherwise legally authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code, occupational therapists who are licensed, certificated, or otherwise legally authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code, mechanotherapists who are licensed, certificated, or otherwise legally authorized to practice mechanotherapy under section 4731.151 of the Revised Code, and 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 this chapter, and licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, or marriage and family therapists who are licensed,
certificated, or otherwise legally authorized for their respective practices under Chapter 4757. of the Revised Code, and art therapists who are authorized to practice art therapy under Chapter 4785. of the Revised Code to which all of the following apply:

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

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

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

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

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

(F) "Home health care services" and "immediate family" have the same meanings as in the rules adopted under section
4731.70 of the Revised Code.

(G) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.

(H) A "referral" includes both of the following:

(1) A request by a holder of a license or certificate under this chapter for an item or service, including a request for a consultation with another physician and any test or procedure ordered by or to be performed by or under the supervision of the other physician;

(2) A request for or establishment of a plan of care by a license or certificate holder that includes the provision of designated health services.

(I) "Third-party payer" has the same meaning as in section 3901.38 of the Revised Code.

Sec. 4732.28. (A) An individual whom the state board of psychology licenses, certificates, or otherwise legally authorizes to engage in the practice of psychology may render the professional services of a psychologist 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 psychologist 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 state board of psychology adopted pursuant to this chapter.
(B) A corporation, limited liability company, partnership, or professional association described in division (A) of this section may be formed for the purpose of providing a combination of the professional services of the following individuals who are licensed, certificated, or otherwise legally authorized to practice their respective professions:

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

2. Chiropractors who are authorized to practice chiropractic or acupuncture under Chapter 4734. of the Revised Code;

3. Psychologists who are authorized to practice psychology under this chapter;

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;

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

6. Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;

7. Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;

8. Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;

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;

(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 psychologist that prohibits a psychologist from engaging in the practice of psychology in combination with a person who is licensed, certificated, or otherwise legally authorized to practice optometry, chiropractic, acupuncture through the state chiropractic board, 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, certificated, or otherwise legally authorized to engage in the practice of psychology.

Sec. 4734.17. (A) An individual whom the state chiropractic board licenses to engage in the practice of chiropractic or certifies to practice acupuncture may render the professional services of a chiropractor or chiropractor certified to practice acupuncture 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 a chiropractor from rendering professional services as a chiropractor or chiropractor certified to practice acupuncture 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 state chiropractic board adopted pursuant to this chapter.

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

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

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

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

(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;

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

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

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

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

(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;

(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 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
engage in the practice of chiropractic.

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

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

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

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

Sec. 4755.111. (A) An individual whom the occupational
therapy section of the Ohio occupational therapy, physical
therapy, and athletic trainers board licenses, certificates, or
otherwise legally authorizes to engage in the practice of
occupational therapy may render the professional services of an
occupational therapist 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 an occupational therapist
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 sections
4755.04 to 4755.13 of the Revised Code, another chapter of the
Revised Code, or rules of the Ohio occupational therapy,
physical therapy, and athletic trainers board adopted pursuant
to sections 4755.04 to 4755.13 of the Revised Code.

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

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

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

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

(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;

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

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

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

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

(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;

(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 an occupational therapist that...
prohibits an occupational therapist from engaging in the practice of occupational therapy in combination with a person who is licensed, certificated, or otherwise legally authorized to practice optometry, chiropractic, acupuncture through the state chiropractic board, psychology, nursing, pharmacy, physical therapy, mechanotherapy, medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, professional counseling, social work, marriage and family therapy, or art therapy, but who is not also licensed, certificated, or otherwise legally authorized to engage in the practice of occupational therapy.

Sec. 4755.471. (A) An individual whom the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board licenses, certifies, or otherwise legally authorizes to engage in the practice of physical therapy may render the professional services of a physical therapist 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 physical therapist 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 sections 4755.40 to 4755.53 of the Revised Code, another chapter of the Revised Code, or rules of the Ohio occupational therapy, physical therapy, and athletic trainers board adopted pursuant to sections 4755.40 to 4755.53 of the Revised Code.

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

(1) Optometrists who are authorized to practice optometry under Chapter 4725. of the Revised Code;
(2) Chiropractors who are authorized to practice chiropractic or acupuncture under Chapter 4734. of the Revised Code;
(3) Psychologists who are authorized to practice psychology under Chapter 4732. of the Revised Code;
(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;
(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;
(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;
(7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;
(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;
(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;

(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 physical therapist that prohibits a physical therapist from engaging in the practice of physical therapy in combination with a person who is licensed, certificated, or otherwise legally authorized to practice optometry, chiropractic, acupuncture through the state chiropractic board, psychology, nursing, pharmacy, 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 physical therapy.

Sec. 4757.37. (A) An individual whom the counselor, social worker, and marriage and family therapist board licenses, certificates, or otherwise legally authorizes to engage in the practice of professional counseling, social work, or marriage and family therapy may render the professional services of a licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist.
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 such an individual from rendering professional services as a licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist 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 counselor, social worker, and marriage and family therapist board adopted pursuant to this chapter.

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

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

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

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

(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;

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

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

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

(8) Mechatherapists who are authorized to practice mechatherapy under section 4731.151 of the Revised Code;

(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;

(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 this chapter;

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

This division applies notwithstanding a provision of a code of ethics applicable to an individual who is a licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent
marriage and family therapist, or marriage and family therapist that prohibits the individual from engaging in the individual's practice in combination with a person who is licensed, certificated, or otherwise legally authorized to practice 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, or art therapy, but who is not also licensed, certificated, or otherwise legally authorized to engage in the practice of professional counseling, social work, or marriage and family therapy.

Sec. 4776.01. As used in this chapter:

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

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

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

(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. 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.

(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;

(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;

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 4785.01. As used in this chapter:

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

(a) Improving cognitive and sensory-motor functions;
(b) Increasing self-awareness and self-esteem;
(c) Coping with grief and traumatic experiences;
(d) Enhancing cognitive abilities;
(e) Resolving conflicts and distress;
(f) Enhancing social functioning;
(g) Identifying and assessing clients' needs to implement
therapeutic intervention to meet developmental, behavioral,
mental, and emotional needs.

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

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

(C) "Licensee" means a person who is licensed to practice
art therapy under this chapter.
Sec. 4785.02. (A) No person shall recklessly engage in the practice of art therapy or use the title "art therapist" or a similar title unless the person is licensed under this chapter.

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

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

(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 engages in the practice of art therapy in a manner that is incidental to the practice of the person's or employee's profession, if the person does not represent the person's or employee's self as an art therapist;

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

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

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

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

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

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

(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;

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

(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.

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.

The board shall develop and publish on its internet website a directory containing the names of, and contact
information for, all persons who hold current, valid licenses issued by the board under this chapter.

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

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

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

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

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

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

(6) Any other issue the board considers necessary for the administration and enforcement of this chapter.
(B) The board shall take into consideration all recommendations submitted by the association or its successor organization before adopting any rule under section 4785.03 of the Revised Code. Not later than ninety days after receiving a recommendation from the association or its successor organization, the board shall approve or disapprove the recommendation and notify the association or its successor organization of its decision. If a recommendation is disapproved, the board shall inform the association or its successor organization of its reasons for making that decision. The association or its successor organization may resubmit the recommendation after addressing the concerns expressed by the board and modifying the disapproved recommendation accordingly. Not later than ninety days after receiving a resubmitted recommendation, the board shall approve or disapprove the recommendation. There is no limit on the number of times the association or its successor organization may resubmit a recommendation for consideration by the board.

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

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

(1) The applicant has attained a master's degree or higher degree from a graduate program in art therapy that one of the
following applies to at the time the degree was conferred:

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

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

(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.

(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.

(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.

(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.

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

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

(1) Maintained board certification 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;

(2) 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.

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

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

(B) If a license has been suspended pursuant to division (A) of this section, the counselor, social worker, and marriage and family therapist board shall reinstate the license if the person qualifies for renewal pursuant to section 4785.07 of the Revised Code and pays a monetary penalty to be established by
(C) If a license has been suspended pursuant to division (A) of this section for more than two years, the board may impose terms and conditions for reinstatement in addition to those specified in division (B) of this section, including the following:

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

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

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

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

(B) Disciplinary actions taken by the board under division (A) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with a person to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of a majority of the members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the
board refuses to ratify a consent agreement, the admissions and 
findings contained in the consent agreement are of no force or 
effect.

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

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

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

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

(3) Failure of a person to renew a license to practice art 
therapy in accordance with section 4785.07 of the Revised Code 
does not remove or limit the board's jurisdiction to take any
disciplinary action under this section against the person.

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

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

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

Sec. 4785.12. (A) A licensee may practice art therapy
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 a licensee from practicing art therapy through another
form of business entity, including 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 counselor, social worker, and marriage and
family therapist board adopted pursuant to this chapter.

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

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

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

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

(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;

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

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

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

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

(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
(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 this chapter.

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.

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.

Sec. 4787.01. As used in this chapter:

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

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

(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.

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.

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

(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;

(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;

(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;

(4) Any person who practices music therapy under the supervision of a licensee, if the person does not represent the
person's self as a music therapist.

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

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

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

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

The committee shall consist of the following members:

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

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

(3) One member who is a consumer.

(B) Not later than ninety days after the effective date of this section, the board shall make initial appointments to the committee. The board shall appoint two members to terms ending...
one year after the effective date of this section, one member to
a term ending two years after the effective date of this
section, one member to a term ending three years after the
effective date of this section, and one member to a term ending
four years after the effective date of this section. Thereafter,
terms of office for all members are four years, with each term
ending on the same day of the same month as did the term that it
succeeds. Each member shall hold office from the date of
appointment until the end of the term for which the member was
appointed. Members may be reappointed.

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

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

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

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

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

(G) The committee shall provide to the board an analysis
of disciplinary actions taken against license applicants and licensees, appeals and denials, and revocation of licenses at least once per year.

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

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

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

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

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

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

(d) Proof that the person has successfully completed an academic program with a bachelor's or higher degree in music therapy approved by the American music therapy association or its successor organization;
(e) Proof that the person has done both of the following:

(i) Has passed the examination for board certification by the certification board for music therapists or its successor organization or obtained certification as a music therapist by that board on January 1, 1985;

(ii) Is currently certified as a music therapist by the certification board for music therapists or its successor organization.

(f) Proof that the person has successfully completed a minimum of one thousand two hundred hours of clinical training, with at least one hundred eighty hours in preinternship experience and at least nine hundred hours in internship experience, if the internship is approved by the American music therapy association or its successor organization, an academic institution, or both.

(2) Comply with sections 4776.01 to 4776.04 of the Revised Code.

(B) Within sixty days after receiving the information described in division (A)(1) of this section and receipt of proof of compliance with division (A)(2) of this section, the state medical board shall issue a license to practice as a music therapist if the board determines that the person satisfies the requirements of division (A) of this section.

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

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

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

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

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

(1) A completed application for renewal on a form prescribed by the board;
(2) Proof that the licensee has continuously maintained for the previous three years certification with, and is currently certified as a music therapist by, the certification board for music therapists or its successor organization;

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

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

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

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

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

Sec. 4787.08. A license to practice as a music therapist that is not renewed on or before its expiration date is delinquent and shall be forfeited to the state medical board. The board, within thirty days after the license becomes delinquent, shall send a notice to the licensee by certified mail, return receipt requested, to the address of the licensee as indicated in the records of the board. The board shall inform
the licensee in the notice that the licensee's license is forfeited and explain procedures for restoring the forfeited license.

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

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

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

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

(2) During the provision of music therapy services to a client, collaborate, as applicable, with the client's treatment team.
(B) Subject to division (C) of this section, a licensee may do any of the following activities:

1. Accept referrals for music therapy services from health care, social service, or education professionals, clients, or caregivers of prospective clients;

2. Conduct a music therapy assessment of a client to collect systematic, comprehensive, and accurate information necessary to determine the appropriate type of music therapy services to provide to the client;

3. Develop an individualized treatment plan for a client that identifies the goals, objectives, and potential strategies of the music therapy services appropriate for the client using music interventions, which may include music improvisation, receptive music listening, song writing, lyric discussion, music and imagery, music performance, learning through music, and movement to music;

4. If applicable, carry out an individualized treatment plan that is consistent with any other medical, developmental, mental health, educational, or rehabilitative services being provided to the client;

5. Evaluate the client's response to music therapy and the individualized treatment plan and suggest modifications, as appropriate;

6. Develop a plan for determining when the provision of music therapy services is no longer needed in collaboration with the client, any physician or other health care or education provider of the client, any appropriate family member of the client, and any other appropriate person on whom the client relies for support;
(7) Minimize any barriers so that the client may receive music therapy services in the least restrictive environment;

(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.

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

(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;

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

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

**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.

**Sec. 4787.11.** (A) If, after an investigation conducted by the state medical board and after notice and a hearing in
accordance with Chapter 119. of the Revised Code, the board finds one or more grounds for taking disciplinary action as described in division (C) of this section, the board may do any of the following:

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

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

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

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

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

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

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

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

(1) Submits false, fraudulent, or misleading information to the board or any agency of this state, any other state, or the federal government;
(2) Violates this chapter or any rule adopted pursuant to it;

(3) Is convicted of or pleads guilty to a disqualifying offense or a crime of moral turpitude, as those terms are defined in section 4776.10 of the Revised Code;

(4) Is impaired in the licensee's or applicant's ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;

(5) Uses fraud or deception in applying for a license to practice as a music therapist;

(6) Fails to pay fees when due;

(7) Fails to provide requested information in a timely manner;

(8) Is unable to, or fails to practice music therapy with reasonable skill and consistent with the welfare of clients, including negligence in the practice of music therapy, incapacity, and abuse of or engaging in sexual contact with a client;

(9) Is subject to disciplinary action by another jurisdiction with respect to the licensee's or applicant's license to practice as a music therapist issued by that jurisdiction.

(D) The board shall not refuse to issue a license to an applicant because of a conviction of or plea of guilty to an offense unless the refusal is in accordance with section 9.79 of the Revised Code.

Sec. 4787.12. On receipt of a notice pursuant to section
3123.43 of the Revised Code, the state medical board shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license to practice as a music therapist issued pursuant to this chapter.

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

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

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

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

The charging documents filed with the board to initiate disciplinary action and information considered by the board when determining whether to impose discipline against a licensee or applicant are public records. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.
Nothing in this section prohibits the board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including a law enforcement agency.

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

Section 2. That existing 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 of the Revised Code are hereby repealed.

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

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

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

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

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

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

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

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