As Reported by the Senate Health Committee

134th General Assembly

Regular Session 2021-2022

Am. H. B. No. 5

Representative Manning

Cosponsors: Representatives Russo, Bird, Gross, Lepore-Hagan, White, Young, T., Abrams, Blackshear, Brown, Callender, Carfagna, Carruthers, Click, Crawley, Crossman, Cutrona, Edwards, Fraizer, Galonski, Ginter, Holmes, Hoops, Householder, Ingram, Jarrells, Jones, Lanese, LaRe, Lightbody, Liston, McClain, Miller, A., Miller, J., O'Brien, Patton, Pavliga, Plummer, Ray, Richardson, Roemer, Sheehy, Sobecki, Stein, Weinstein, West, Speaker Cupp

Senator Huffman, S.

A BILL

То	amend sections 4758.20, 4758.42, and 4758.61 of	1
	the Revised Code to modify the requirements that	2
	may be met for licensure as a chemical	3
	dependency counselor II and to modify the	4
	professionals who may supervise certain	5
	individuals providing prevention services, and	6
	to amend the version of section 4758.20 of the	7
	Revised Code that is scheduled to take effect	8
	October 9, 2021, to continue the change on and	9
	after that date.	10

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

Section 1. That sections 4758.20, 4758.42, and 4758.61 of	11
the Revised Code be amended to read as follows:	12
Sec. 4758.20. (A) The chemical dependency professionals	13
board shall adopt rules to establish, specify, or provide for	14

all of the following:

(1) Fees for the purposes authorized by section 4758.21 of the Revised Code;
(2) If the board, pursuant to section 4758.221 of the Revised Code, elects to administer examinations for individuals seeking to act as substance abuse professionals in a U.S. department of transportation drug and alcohol testing program, the board's administration of the examinations;
(3) For the purpose of section 4758.23 of the Revised Code, codes of ethical practice and professional conduct for individuals who hold a license, certificate, or endorsement issued under this chapter;
(4) For the purpose of section 4758.24 of the Revised Code, all of the following:

(a) Good moral character requirements for an individualwho seeks or holds a license, certificate, or endorsement issuedunder this chapter;

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

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

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

(5) For the purpose of section 4758.28 of the Revised

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Code, requirements for approval of continuing education courses43of study for individuals who hold a license, certificate, or44endorsement issued under this chapter;45

(6) For the purpose of section 4758.30 of the Revised
Code, the intervention for and treatment of an individual
holding a license, certificate, or endorsement issued under this
the treatment of an individual
the treatment of an individual</l

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

(8) For the purpose of section 4758.31 of the Revised
Code, methods of ensuring that all records the board holds
pertaining to an investigation remain confidential during the
investigation;

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

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

(a) Theories of counseling and psychotherapy;69

(b) Counseling procedures;

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(c) Group process and techniques;	71
(d) Relationship therapy;	72
(e) Research methods and statistics;	73
(f) Fundamentals of assessment and diagnosis, including	74
measurement and appraisal;	
(g) Psychopathology;	76
(h) Human development;	77
(i) Cultural competence in counseling;	78
(j) Ethics.	79
(11) For the purpose of division (A)(2) of section 4758.39	80
of the Revised Code, the number of hours of compensated work or	81
supervised internship experience that an individual must have	82
and the number of those hours that must be in clinical	83
supervisory experience;	
(12) For the purpose of division (A)(3) of section	85
4758.39, division (A)(3) of section 4758.40, division (A)(3) of	86
section 4758.41, and division <u>divisions</u> (A)(3) <u>and (D)(3)</u> of	87
section 4758.42 of the Revised Code, both of the following:	88
(a) The number of hours of training in chemical dependency	89
an individual must have;	90
(b) Training requirements for chemical dependency that	91
shall, at a minimum, include qualifications for the individuals	92
who provide the training and the content areas covered in the	93
training.	94
(13) For the purpose of division (A)(2) of section	95
4758.40, division (A)(2) of section 4758.41, and division (A)(2)	96

of section 4758.42 of the Revised Code, the number of hours of

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compensated work or supervised internship experience that an
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individual must have;
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      (14) For the purpose of division (B)(2)(b) of section
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4758.40 and division (B)(2) of section 4758.41 of the Revised
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Code, requirements for the forty clock hours of training on the
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version of the diagnostic and statistical manual of mental
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disorders that is current at the time of the training, including
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the number of the clock hours that must be on substance-related
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disorders, the number of the clock hours that must be on
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chemical dependency conditions, and the number of the clock
hours that must be on awareness of other mental and emotional
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disorders;
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      (15) For the purpose of division (A) (1) of section 4758.41
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of the Revised Code, course requirements for a degree in a
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behavioral science or nursing;
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      (16) For the purpose of division (C)(2) of section 4758.42
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of the Revised Code, education requirements for chemical
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dependency;
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     (17) For the purpose of division (C) (3) of section 4758.42
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of the Revised Code, requirements for programs that provide
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practicum experience in chemical dependency;
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     (18) For the purpose of division (A) of section 4758.43 of
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the Revised Code, both of the following:
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      (a) The number of hours of training in chemical dependency
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counseling that an individual must have;
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      (b) Training requirements for chemical dependency
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counseling that shall, at a minimum, include qualifications for
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the individuals who provide the training and the content areas
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covered in the training.
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(17) (19) For the purpose of division (A) (1) of section 127 4758.44 of the Revised Code, the number of hours of compensated 128 work experience in prevention services that an individual must 129 have and the number of those hours that must be in administering 130 or supervising the services; 131 (18) (20) For the purpose of division (A) (2) of section 132 4758.44 of the Revised Code, the field of study in which an 133 individual must obtain at least a bachelor's degree; 134 (19) (21) For the purpose of division (A) (3) of section 135 4758.44, division (A)(3) of section 4758.45, and division (D) of 136 section 4758.46 of the Revised Code, both of the following: 137 (a) The number of hours of prevention-related education 138 that an individual must have; 139 (b) Requirements for prevention-related education. 140 (20) (22) For the purpose of division (A) (4) of section 141 4758.44 of the Revised Code, the number of hours of 142 administrative or supervisory education that an individual must 143 have; 144 (21) (23) For the purpose of division (A) (1) of section 145 4758.45 of the Revised Code, the number of hours of compensated 146 147 or volunteer work, field placement, intern, or practicum experience in prevention services that an individual must have 148 and the number of those hours that must be in planning or 149 delivering the services; 150 151

(22) (24)For the purpose of division (A)(2) of section1514758.45 of the Revised Code, the field of study in which an152individual must obtain at least an associate's degree;153

(23) (25) For the purpose of division (C) of section 154

4758.46 of the Revised Code, the number of hours of compensated 155 or volunteer work, field placement, intern, or practicum 156 experience in prevention services that an individual must have; 157 (24) (26) Standards for the one hundred hours of 158 compensated work or supervised internship in gambling disorder 159 direct clinical experience required by division (B)(2) of 160 section 4758.48 of the Revised Code; 161 162 (25) (27) For the purpose of section 4758.51 of the Revised Code, continuing education requirements for individuals 163 who hold a license, certificate, or endorsement issued under 164 this chapter; 165 (26) (28) For the purpose of section 4758.51 of the 166 Revised Code, the number of hours of continuing education that 167 an individual must complete to have an expired license, 168 certificate, or endorsement restored under section 4758.26 of 169 the Revised Code; 170 (27) (29) For the purpose of divisions (A) and (B) of 171 section 4758.52 of the Revised Code, training requirements for 172 chemical dependency counseling; 173 (28) (30) The duties, which may differ, of all of the 174 175 following: (a) An independent chemical dependency counselor-clinical 176 supervisor licensed under this chapter who supervises a chemical 177 dependency counselor III under section 4758.56 of the Revised 178 Code; 179 (b) An independent chemical dependency counselor-clinical 180 supervisor, independent chemical dependency counselor, or 181 chemical dependency counselor III licensed under this chapter 182

who supervises a chemical dependency counselor assistant under

section 4758.59 of the Revised Code;

(c) A prevention consultant or prevention specialist
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certified under this chapter or independent chemical dependency
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counselor-clinical supervisor, independent chemical dependency
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counselor, or chemical dependency counselor III licensed under
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this chapter who supervises a prevention specialist assistant or
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registered applicant under section 4758.61 of the Revised Code.

(29) (31)The duties of an independent chemical dependency191counselor licensed under this chapter who holds the gambling192disorder endorsement who supervises a chemical dependency193counselor III with the gambling disorder endorsement under194section 4758.62 of the Revised Code.195

(30) (32) Anything else necessary to administer this 196 chapter.

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

(C) When it adopts rules under this section, the board may
 consider standards established by any national association or
 other organization representing the interests of those involved
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 in chemical dependency counseling or prevention services.
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Sec. 4758.42. An individual seeking a chemical dependency205counselor II license shall meet the requirements of division (A)206or, (B), or (C) of this section or, until three years after the207effective date of this amendment, division (A), (B), (C), or (D)208of this section.209

(A) To meet the requirements of this division, an210individual must meet all of the following requirements:211

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(1) Hold from an accredited educational institution an	212
associate's degree in a behavioral science or nursing or a	213
bachelor's degree in any field;	214
(2) Have not less than the number of hours specified in	215
rules adopted under section 4758.20 of the Revised Code of	216
compensated work or supervised internship experience in any of	217
the following, not less than twenty per cent of which are in	218
chemical dependency counseling:	219
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(a) Chemical dependency services, substance abuse	220
services, or both types of services;	221
(b) The practice of psychology, as defined in section	222
4732.01 of the Revised Code;	223
(c) The practice of professional counseling, the practice	224
of social work, or the practice of marriage and family therapy,	225
all as defined in section 4757.01 of the Revised Code.	226
(3) Have a minimum of the number of hours specified in	227
rules adopted under section 4758.20 of the Revised Code of	228
training in chemical dependency that meets the requirements	229
specified in those rules;	230
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(4) Pass one or more examinations administered pursuant to	231
section 4758.22 of the Revised Code for the purpose of	232
determining competence to practice as a chemical dependency	233
counselor II.	234
(B) To meet the requirement of this division, an	235
individual must hold, on December 23, 2002, a certificate or	236
credentials that were accepted under former section 3793.07 of	237
the Revised Code as authority to practice as a certified	238
chemical dependency counselor II.	239

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(C) To meet the requirements of this division, an	240
individual must meet all of the following requirements:	241
(1) Hold from an accredited educational institution an	242
associate's or bachelor's degree in either of the following with	243
a specialization in chemical dependency counseling:	244
(a) A behavioral science;	245
(b) Nursing.	246
(2) Have a minimum of one hundred eighty hours of	247
education in chemical dependency that meets the requirements	248
specified in rules adopted under section 4758.20 of the Revised	249
<u>Code;</u>	250
(3) While holding a valid chemical dependency counselor	251
assistant certificate, have successfully completed, over the	252
course of not more than any two semesters, at least two hundred	253
forty hours of supervised practicum experience in chemical	254
dependency through a program that meets all of the following	255
requirements:	256
(a) The program includes at least two hours per week of	257
supervised practicum experience;	258
(b) The program provides intensive outpatient treatment or	259
a higher level of care, or another level of care if specified in	260
rules adopted under section 4758.20 of the Revised Code;	261
(c) The program meets other requirements specified in	262
rules adopted under that section.	263
(4) Have at least one thousand hours of compensated work	264
experience as a chemical dependency counselor assistant;	265
(5) Provide to the chemical dependency professionals board	266

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a written recommendation from an individual who supervised the	
individual's practice of chemical dependency counseling as a	
chemical dependency counselor assistant as required by division	269
(B) of section 4758.59 of the Revised Code;	270
(6) Pass one or more examinations administered pursuant to	271
section 4758.22 of the Revised Code for the purpose of	272
determining competence to practice as a chemical dependency	
counselor II.	274
(D) To meet the requirements of this division, an	275
individual must meet all of the following requirements:	276
(1) Since at least December 31, 2008, continuously have	277
done both of the following:	278
(a) Held a valid chemical dependency counselor assistant	279
certificate;	280
(b) Described showing laboration second line while under	281
(b) Practiced chemical dependency counseling while under	282
supervision as required by division (B) of section 4758.59 of	
the Revised Code.	283
(2) Provide to the board a written recommendation from an	284
individual who supervised the individual's practice of chemical	285
dependency counseling as a chemical dependency counselor	286
assistant;	287
(3) Have a minimum of the number of hours specified in	288
rules adopted under section 4758.20 of the Revised Code of	289
training in chemical dependency that meets the requirements	290
specified in those rules;	291
(4) Pass one or more examinations administered pursuant to	292
section 4758.22 of the Revised Code for the purpose of	293
determining competence to practice as a chemical dependency	294
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<u>counselor II.</u>
Sec. 4758.61. An individual who holds a valid prevention
specialist assistant certificate or registered applicant
certificate issued under this chapter may engage in the practice
of prevention services under the supervision of any of the
following:
(A) A prevention consultant or prevention specialist certified under this chapter;
(B) An independent chemical dependency counselor clinical
supervisor, an independent chemical dependency counselor, or a
chemical dependency counselor III licensed under this chapter;
(C) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;
(D) A psychologist licensed under Chapter 4732. of the
Revised Code;

(E) (D) A registered nurse licensed under Chapter 4723. of the Revised Code;

(F) (E) A licensed professional clinical counselor, a313licensed professional counselor, an independent social worker, a314social worker, an independent marriage and family therapist, or315a marriage and family therapist licensed under Chapter 4757. of316the Revised Code;317

(G) (F) A school counselor licensed by the department of318education pursuant to section 3319.22 of the Revised Code;319

(H)-(G) A health education specialist certified by the320national commission for health education credentialing;321

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(I) (H) An individual authorized to practice as a 322 certified nurse practitioner or clinical nurse specialist under 323 Chapter 4723. of the Revised Code. 324 Section 2. That existing sections 4758.20, 4758.42, and 325 4758.61 of the Revised Code are hereby repealed. 326 Section 3. That the version of section 4758.20 of the 327 Revised Code that is scheduled to take effect October 9, 2021, 328 be amended to read as follows: 329 Sec. 4758.20. (A) The chemical dependency professionals 330 board shall adopt rules to establish, specify, or provide for 331 332 all of the following: (1) Fees for the purposes authorized by section 4758.21 of 333 the Revised Code; 334 (2) If the board, pursuant to section 4758.221 of the 335 Revised Code, elects to administer examinations for individuals 336 seeking to act as substance abuse professionals in a U.S. 337 department of transportation drug and alcohol testing program, 338 the board's administration of the examinations; 339 (3) For the purpose of section 4758.23 of the Revised 340 Code, codes of ethical practice and professional conduct for 341 individuals who hold a license, certificate, or endorsement 342 343 issued under this chapter; (4) For the purpose of section 4758.24 of the Revised 344 Code, all of the following: 345 (a) The documents that an individual seeking such a 346 license, certificate, or endorsement must submit to the board; 347 (b) Requirements to obtain the license, certificate, or 348

endorsement that are in addition to the requirements established 349

under sections 4758.39, 4758.40, 4758.41, 4758.42, 4758.43,3504758.44, 4758.45, 4758.46, 4758.47, and 4758.48 of the Revised351Code. The additional requirements may include preceptorships.352

(c) The period of time that an individual whose registered
 applicant certificate has expired must wait before applying for
 a new registered applicant certificate.
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(5) For the purpose of section 4758.28 of the Revised
Code, requirements for approval of continuing education courses
of study for individuals who hold a license, certificate, or
endorsement issued under this chapter;

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

(7) Requirements governing reinstatement of a suspended or
(7) Requirements governing reinstatement of a suspended or
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revoked license, certificate, or endorsement under division (C)
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of section 4758.30 of the Revised Code, including requirements
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for determining the amount of time an individual must wait to
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apply for reinstatement;
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(8) For the purpose of section 4758.31 of the Revised
Code, methods of ensuring that all records the board holds
pertaining to an investigation remain confidential during the
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investigation;

(9) Criteria for employees of the board to follow when
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performing their duties under division (B) of section 4758.35 of
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the Revised Code;
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(10) For the purpose of division (A)(1) of section 4758.39 378

and division (A)(1) of section 4758.40 of the Revised Code,	
course requirements for a degree in a behavioral science or	
nursing that shall, at a minimum, include at least forty	
semester hours in all of the following courses:	382
(a) Theories of counseling and psychotherapy;	383
(b) Counseling procedures;	384
(c) Group process and techniques;	385
(d) Relationship therapy;	386
(e) Research methods and statistics;	387
(f) Fundamentals of assessment and diagnosis, including	388
measurement and appraisal;	389
(g) Psychopathology;	390
(h) Human development;	391
(i) Cultural competence in counseling;	392
(j) Ethics.	393
(11) For the purpose of division (A)(2) of section 4758.39	394
of the Revised Code, the number of hours of compensated work or	395
supervised internship experience that an individual must have	396
and the number of those hours that must be in clinical	397
supervisory experience;	398
(12) For the purpose of division (A)(3) of section	399
4758.39, division (A)(3) of section 4758.40, division (A)(3) of	400
section 4758.41, and division <u>divisions</u> (A)(3) and (D)(3) of	401
section 4758.42 of the Revised Code, both of the following:	402
(a) The number of hours of training in chemical dependency	403
an individual must have;	404

(b) Training requirements for chemical dependency that 405 shall, at a minimum, include qualifications for the individuals 406 who provide the training and the content areas covered in the 407 408 training.

(13) For the purpose of division (A)(2) of section 409 4758.40, division (A)(2) of section 4758.41, and division (A)(2) 410 of section 4758.42 of the Revised Code, the number of hours of 411 compensated work or supervised internship experience that an 412 individual must have; 413

(14) For the purpose of division (B)(2)(b) of section 414 4758.40 and division (B)(2) of section 4758.41 of the Revised 415 Code, requirements for the forty clock hours of training on the 416 version of the diagnostic and statistical manual of mental 417 disorders that is current at the time of the training, including 418 the number of the clock hours that must be on substance-related 419 disorders, the number of the clock hours that must be on 420 chemical dependency conditions, and the number of the clock 421 hours that must be on awareness of other mental and emotional 422 disorders; 423

(15) For the purpose of division (A)(1) of section 4758.41 424 of the Revised Code, course requirements for a degree in a behavioral science or nursing;

(16) For the purpose of division (C)(2) of section 4758.42 427 of the Revised Code, education requirements for chemical 428 <u>dependency;</u> 429

(17) For the purpose of division (C) (3) of section 4758.42 430 of the Revised Code, requirements for programs that provide 431 practicum experience in chemical dependency; 432

(18) For the purpose of division (A) of section 4758.43 of 433

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the Revised Code, both of the following: 434 (a) The number of hours of training in chemical dependency 435 counseling that an individual must have; 436 (b) Training requirements for chemical dependency 437 counseling that shall, at a minimum, include gualifications for 438 the individuals who provide the training and the content areas 439 covered in the training. 440 (17) (19) For the purpose of division (A) (1) of section 441 4758.44 of the Revised Code, the number of hours of compensated 442 work experience in prevention services that an individual must 443 have and the number of those hours that must be in administering 444 or supervising the services; 445 (18) (20) For the purpose of division (A) (2) of section 446 4758.44 of the Revised Code, the field of study in which an 447 individual must obtain at least a bachelor's degree; 448 (19) (21) For the purpose of division (A) (3) of section 449 4758.44, division (A)(3) of section 4758.45, and division (D) of 450 section 4758.46 of the Revised Code, both of the following: 451 (a) The number of hours of prevention-related education 452 that an individual must have; 453 (b) Requirements for prevention-related education. 454 (20) (22) For the purpose of division (A)(4) of section 455 4758.44 of the Revised Code, the number of hours of 456 administrative or supervisory education that an individual must 457 have; 458 $\frac{(21)}{(23)}$ For the purpose of division (A) (1) of section 459

4758.45 of the Revised Code, the number of hours of compensated460or volunteer work, field placement, intern, or practicum461

experience in prevention services that an individual must have462and the number of those hours that must be in planning or463delivering the services;464

(22) (24)For the purpose of division (A)(2) of section4654758.45 of the Revised Code, the field of study in which an466individual must obtain at least an associate's degree;467

(23) (25)For the purpose of division (C) of section4684758.46 of the Revised Code, the number of hours of compensated469or volunteer work, field placement, intern, or practicum470experience in prevention services that an individual must have;471

(24) (26)Standards for the one hundred hours of472compensated work or supervised internship in gambling disorder473direct clinical experience required by division (B)(2) of474section 4758.48 of the Revised Code;475

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

(26) (28)For the purpose of section 4758.51 of the480Revised Code, the number of hours of continuing education that481an individual must complete to have an expired license,482certificate, or endorsement restored under section 4758.26 of483the Revised Code;484

(27) (29)For the purpose of divisions (A) and (B) of485section 4758.52 of the Revised Code, training requirements for486chemical dependency counseling;487

(28) (30)The duties, which may differ, of all of the488following:489

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

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

(c) A prevention consultant or prevention specialist
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 certified under this chapter or independent chemical dependency
 counselor-clinical supervisor, independent chemical dependency
 counselor, or chemical dependency counselor III licensed under
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 this chapter who supervises a prevention specialist assistant or
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 registered applicant under section 4758.61 of the Revised Code.

(29) (31)The duties of an independent chemical dependency505counselor licensed under this chapter who holds the gambling506disorder endorsement who supervises a chemical dependency507counselor III with the gambling disorder endorsement under508section 4758.62 of the Revised Code.509

(30) (32) Anything else necessary to administer this 510 chapter. 511

(B) All rules adopted under this section shall be adopted
in accordance with Chapter 119. of the Revised Code and any
applicable federal laws and regulations.
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(C) When it adopts rules under this section, the board may
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 consider standards established by any national association or
 other organization representing the interests of those involved
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 in chemical dependency counseling or prevention services.
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Section 4. That the existing version of section 4758.20 of519the Revised Code that is scheduled to take effect October 9,5202021, is hereby repealed.521

Section 5. Sections 3 and 4 of this act take effect522October 9, 2021.523

Section 6. Not later than six months after the effective 524 date of this section, the Department of Mental Health and 525 Addiction Services, in consultation with the Chemical Dependency 526 Professionals Board, shall study levels of care that must be 527 offered by a program providing practicum experience for purposes 528 of division (C)(3) of section 4758.42 of the Revised Code and 529 develop recommendations regarding whether levels of care not 530 specifically authorized in that division should be authorized 531 through the adoption of rules. 532