

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 359

Representatives Russo, Callender

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

A BILL

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

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

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

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

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

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

minor drug possession offense; 51

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

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

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

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

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

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

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

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

2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 111
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 112
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 113
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 114
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 115
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 116
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 117
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 118
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 119
2919.121, 2919.123, 2919.124, 2919.22, 2919.23, 2919.24, 120
2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 121
2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 122
2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 123
2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 124
2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.141, 2925.22, 125
2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11 126
of the Revised Code; 127

(b) Felonious sexual penetration in violation of former 128
section 2907.12 of the Revised Code; 129

(c) A violation of section 2905.04 of the Revised Code as 130
it existed prior to July 1, 1996; 131

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 132
the Revised Code when the underlying offense that is the object 133
of the conspiracy, attempt, or complicity is one of the offenses 134
listed in divisions (A) (3) (a) to (c) of this section; 135

(e) A violation of an existing or former municipal 136
ordinance or law of this state, any other state, or the United 137
States that is substantially equivalent to any of the offenses 138
listed in divisions (A) (3) (a) to (d) of this section. 139

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

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

Revised Code; 171

(b) A violation of an existing or former law of this 172
state, any other state, or the United States that is 173
substantially equivalent to any of the offenses listed in 174
division (A) (4) (a) of this section. 175

(5) Upon receipt of a request pursuant to section 5104.013 176
of the Revised Code, a completed form prescribed pursuant to 177
division (C) (1) of this section, and a set of fingerprint 178
impressions obtained in the manner described in division (C) (2) 179
of this section, the superintendent of the bureau of criminal 180
identification and investigation shall conduct a criminal 181
records check in the manner described in division (B) of this 182
section to determine whether any information exists that 183
indicates that the person who is the subject of the request has 184
been convicted of or pleaded guilty to any of the following: 185

(a) A violation of section 2151.421, 2903.01, 2903.02, 186
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 187
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 188
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 189
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 190
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 191
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 192
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 193
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 194
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 195
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 196
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 197
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 198
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 199
3716.11 of the Revised Code, felonious sexual penetration in 200

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

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

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

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

2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 231
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 232
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 233
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 234
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 235
Code, felonious sexual penetration in violation of former 236
section 2907.12 of the Revised Code, a violation of section 237
2905.04 of the Revised Code as it existed prior to July 1, 1996, 238
a violation of section 2919.23 of the Revised Code that would 239
have been a violation of section 2905.04 of the Revised Code as 240
it existed prior to July 1, 1996, had the violation been 241
committed prior to that date, or a violation of section 2925.11 242
of the Revised Code that is not a minor drug possession offense; 243

(b) A violation of an existing or former law of this 244
state, any other state, or the United States that is 245
substantially equivalent to any of the offenses listed in 246
division (A) (6) (a) of this section. 247

(7) On receipt of a request for a criminal records check 248
from an individual pursuant to section 4749.03 or 4749.06 of the 249
Revised Code, accompanied by a completed copy of the form 250
prescribed in division (C) (1) of this section and a set of 251
fingerprint impressions obtained in a manner described in 252
division (C) (2) of this section, the superintendent of the 253
bureau of criminal identification and investigation shall 254
conduct a criminal records check in the manner described in 255
division (B) of this section to determine whether any 256
information exists indicating that the person who is the subject 257
of the request has been convicted of or pleaded guilty to any 258
criminal offense in this state or in any other state. If the 259
individual indicates that a firearm will be carried in the 260
course of business, the superintendent shall require information 261

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

this section. 476

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(G) As used in this section: 571

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

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

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

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

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

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

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

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

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

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

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

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

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

or affiliated securities association. 623

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

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

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

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

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

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

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

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

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

Sec. 1785.01. As used in this chapter: 723

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

(B) "Professional association" means an association 744

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

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

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

this chapter. 808

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

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

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

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

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

requirements of division (A) of section 1701.06 of the Revised 870
Code do not apply to professional associations. If any provision 871
of this chapter conflicts with any provision of Chapter 1701. of 872
the Revised Code, the provisions of this chapter shall take 873
precedence. A professional association for the practice of 874
medicine and surgery, osteopathic medicine and surgery, or 875
podiatric medicine and surgery or for the combined practice of 876
optometry, chiropractic, acupuncture through the state 877
chiropractic board, psychology, nursing, pharmacy, physical 878
therapy, mechanotherapy, medicine and surgery, osteopathic 879
medicine and surgery, ~~or podiatric medicine and surgery, or art~~ 880
therapy may provide in its articles of incorporation or bylaws 881
that its directors may have terms of office not exceeding six 882
years. 883

Sec. 4723.16. (A) An individual whom the board of nursing 884
licenses or otherwise legally authorizes to engage in the 885
practice of nursing as a registered nurse, advanced practice 886
registered nurse, or licensed practical nurse may render the 887
professional services of a registered, advanced practice 888
registered, or licensed practical nurse within this state 889
through a corporation formed under division (B) of section 890
1701.03 of the Revised Code, a limited liability company formed 891
under Chapter 1705. or 1706. of the Revised Code, a partnership, 892
or a professional association formed under Chapter 1785. of the 893
Revised Code. This division does not preclude an individual of 894
that nature from rendering professional services as a 895
registered, advanced practice registered, or licensed practical 896
nurse through another form of business entity, including, but 897
not limited to, a nonprofit corporation or foundation, or in 898
another manner that is authorized by or in accordance with this 899
chapter, another chapter of the Revised Code, or rules of the 900

board of nursing adopted pursuant to this chapter. 901

(B) A corporation, limited liability company, partnership, 902
or professional association described in division (A) of this 903
section may be formed for the purpose of providing a combination 904
of the professional services of the following individuals who 905
are licensed, certificated, or otherwise legally authorized to 906
practice their respective professions: 907

(1) Optometrists who are authorized to practice optometry 908
under Chapter 4725. of the Revised Code; 909

(2) Chiropractors who are authorized to practice 910
chiropractic or acupuncture under Chapter 4734. of the Revised 911
Code; 912

(3) Psychologists who are authorized to practice 913
psychology under Chapter 4732. of the Revised Code; 914

(4) Registered, advanced practice registered, or licensed 915
practical nurses who are authorized to practice nursing as 916
registered nurses, advanced practice registered nurses, or 917
licensed practical nurses under this chapter; 918

(5) Pharmacists who are authorized to practice pharmacy 919
under Chapter 4729. of the Revised Code; 920

(6) Physical therapists who are authorized to practice 921
physical therapy under sections 4755.40 to 4755.56 of the 922
Revised Code; 923

(7) Occupational therapists who are licensed to practice 924
occupational therapy under sections 4755.04 to 4755.13 of the 925
Revised Code; 926

(8) Mechanotherapists who are authorized to practice 927
mechanotherapy under section 4731.151 of the Revised Code; 928

(9) Doctors of medicine and surgery, osteopathic medicine 929
and surgery, or podiatric medicine and surgery who are licensed, 930
certificated, or otherwise legally authorized for their 931
respective practices under Chapter 4731. of the Revised Code; 932

(10) Licensed professional clinical counselors, licensed 933
professional counselors, independent social workers, social 934
workers, independent marriage and family therapists, or marriage 935
and family therapists who are authorized for their respective 936
practices under Chapter 4757. of the Revised Code; 937

(11) Art therapists who are authorized to practice art 938
therapy under Chapter 4785. of the Revised Code. 939

This division shall apply notwithstanding a provision of a 940
code of ethics applicable to a nurse that prohibits a 941
registered, advanced practice registered, or licensed practical 942
nurse from engaging in the practice of nursing as a registered 943
nurse, advanced practice registered nurse, or licensed practical 944
nurse in combination with a person who is licensed, 945
certificated, or otherwise legally authorized to practice 946
optometry, chiropractic, acupuncture through the state 947
chiropractic board, psychology, pharmacy, physical therapy, 948
occupational therapy, mechanotherapy, medicine and surgery, 949
osteopathic medicine and surgery, podiatric medicine and 950
surgery, professional counseling, social work, ~~or~~ marriage and 951
family therapy, or art therapy, but who is not also licensed, 952
certificated, or otherwise legally authorized to engage in the 953
practice of nursing as a registered nurse, advanced practice 954
registered nurse, or licensed practical nurse. 955

Sec. 4725.33. (A) An individual whom the state vision 956
professionals board licenses to engage in the practice of 957
optometry may render the professional services of an optometrist 958

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

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

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

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

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

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

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

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

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

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

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

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

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

This division shall apply notwithstanding a provision of a 1074

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

following information: 1196

(1) The name and address of the person submitting the 1197
notification; 1198

(2) The name and address of the insured who is the subject 1199
of the claim; 1200

(3) The name of the person filing the written claim; 1201

(4) The date of final disposition; 1202

(5) If applicable, the identity of the court in which the 1203
final disposition of the claim took place. 1204

(E) The board may investigate possible violations of this 1205
chapter or the rules adopted under it that are brought to its 1206
attention as a result of the reporting requirements of this 1207
section, except that the board shall conduct an investigation if 1208
a possible violation involves repeated malpractice. As used in 1209
this division, "repeated malpractice" means three or more claims 1210
for medical malpractice within the previous five-year period, 1211
each resulting in a judgment or settlement in excess of twenty- 1212
five thousand dollars in favor of the claimant, and each 1213
involving negligent conduct by the practicing individual. 1214

(F) All summaries, reports, and records received and 1215
maintained by the board pursuant to this section shall be held 1216
in confidence and shall not be subject to discovery or 1217
introduction in evidence in any federal or state civil action 1218
involving a health care professional or facility arising out of 1219
matters that are the subject of the reporting required by this 1220
section. The board may use the information obtained only as the 1221
basis for an investigation, as evidence in a disciplinary 1222
hearing against an individual whose practice is regulated under 1223
this chapter, or in any subsequent trial or appeal of a board 1224

action or order. 1225

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Revised Code; 1315

(7) Occupational therapists who are authorized to practice 1316
occupational therapy under sections 4755.04 to 4755.13 of the 1317
Revised Code; 1318

(8) Mechanotherapists who are authorized to practice 1319
mechanotherapy under section 4731.151 of the Revised Code; 1320

(9) Doctors of medicine and surgery, osteopathic medicine 1321
and surgery, or podiatric medicine and surgery who are 1322
authorized for their respective practices under this chapter; 1323

(10) Licensed professional clinical counselors, licensed 1324
professional counselors, independent social workers, social 1325
workers, independent marriage and family therapists, or marriage 1326
and family therapists who are authorized for their respective 1327
practices under Chapter 4757. of the Revised Code; 1328

(11) Art therapists who are authorized to practice art 1329
therapy under Chapter 4785. of the Revised Code. 1330

(C) Division (B) of this section shall apply 1331
notwithstanding a provision of a code of ethics described in 1332
division (B)(18) of section 4731.22 of the Revised Code that 1333
prohibits either of the following: 1334

(1) A doctor of medicine and surgery, osteopathic medicine 1335
and surgery, or podiatric medicine and surgery from engaging in 1336
the doctor's authorized practice in combination with a person 1337
who is licensed, certificated, or otherwise legally authorized 1338
to engage in the practice of optometry, chiropractic, 1339
acupuncture through the state chiropractic board, psychology, 1340
nursing, pharmacy, physical therapy, occupational therapy, 1341
mechanotherapy, professional counseling, social work, ~~or~~ 1342
marriage and family therapy, or art therapy, but who is not also 1343

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

following: 1460

(1) Clinical laboratory services; 1461

(2) Home health care services; 1462

(3) Outpatient prescription drugs. 1463

(C) "Fair market value" means the value in arms-length 1464
transactions, consistent with general market value and: 1465

(1) With respect to rentals or leases, the value of rental 1466
property for general commercial purposes, not taking into 1467
account its intended use; 1468

(2) With respect to a lease of space, not adjusted to 1469
reflect the additional value the prospective lessee or lessor 1470
would attribute to the proximity or convenience to the lessor if 1471
the lessor is a potential source of referrals to the lessee. 1472

(D) "Governmental health care program" means any program 1473
providing health care benefits that is administered by the 1474
federal government, this state, or a political subdivision of 1475
this state, including the medicare program, health care coverage 1476
for public employees, health care benefits administered by the 1477
bureau of workers' compensation, and the medicaid program. 1478

(E) (1) "Group practice" means a group of two or more 1479
holders of licenses or certificates under this chapter legally 1480
organized as a partnership, professional corporation or 1481
association, limited liability company, foundation, nonprofit 1482
corporation, faculty practice plan, or similar group practice 1483
entity, including an organization comprised of a nonprofit 1484
medical clinic that contracts with a professional corporation or 1485
association of physicians to provide medical services 1486
exclusively to patients of the clinic in order to comply with 1487

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

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

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

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

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

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

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

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

4731.70 of the Revised Code. 1549

(G) "Hospital" has the same meaning as in section 3727.01 1550
of the Revised Code. 1551

(H) A "referral" includes both of the following: 1552

(1) A request by a holder of a license or certificate 1553
under this chapter for an item or service, including a request 1554
for a consultation with another physician and any test or 1555
procedure ordered by or to be performed by or under the 1556
supervision of the other physician; 1557

(2) A request for or establishment of a plan of care by a 1558
license or certificate holder that includes the provision of 1559
designated health services. 1560

(I) "Third-party payer" has the same meaning as in section 1561
3901.38 of the Revised Code. 1562

Sec. 4732.28. (A) An individual whom the state board of 1563
psychology licenses, certificates, or otherwise legally 1564
authorizes to engage in the practice of psychology may render 1565
the professional services of a psychologist within this state 1566
through a corporation formed under division (B) of section 1567
1701.03 of the Revised Code, a limited liability company formed 1568
under Chapter 1705. or 1706. of the Revised Code, a partnership, 1569
or a professional association formed under Chapter 1785. of the 1570
Revised Code. This division does not preclude an individual of 1571
that nature from rendering professional services as a 1572
psychologist through another form of business entity, including, 1573
but not limited to, a nonprofit corporation or foundation, or in 1574
another manner that is authorized by or in accordance with this 1575
chapter, another chapter of the Revised Code, or rules of the 1576
state board of psychology adopted pursuant to this chapter. 1577

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) Physical therapists who are authorized to practice 1664

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

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

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

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

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

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

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

engage in the practice of chiropractic. 1694

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

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

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

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

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

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

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

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

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

(3) Psychologists who are authorized to practice 1752

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Registered or licensed practical nurses who are 1898

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

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

Sec. 4776.01. As used in this chapter: 1939

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

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

requirements for employment. 1957

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 4785.01. As used in this chapter: 2048

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

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

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

(c) Coping with grief and traumatic experiences; 2055

(d) Enhancing cognitive abilities; 2056

(e) Resolving conflicts and distress; 2057

(f) Enhancing social functioning; 2058

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

the board. 2247

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

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

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

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

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

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

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

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

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

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

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

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

disciplinary action under this section against the person. 2305

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

the Revised Code; 2362

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

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

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

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

Sec. 4787.01. As used in this chapter: 2386

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

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

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

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

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

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

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

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

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

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

person's self as a music therapist. 2420

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

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

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

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

The committee shall consist of the following members: 2439

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

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

(3) One member who is a consumer. 2444

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) Proof that the person has done both of the following: 2505

(i) Has passed the examination for board certification by 2506
the certification board for music therapists or its successor 2507
organization or obtained certification as a music therapist by 2508
that board on January 1, 1985; 2509

(ii) Is currently certified as a music therapist by the 2510
certification board for music therapists or its successor 2511
organization. 2512

(f) Proof that the person has successfully completed a 2513
minimum of one thousand two hundred hours of clinical training, 2514
with at least one hundred eighty hours in preinternship 2515
experience and at least nine hundred hours in internship 2516
experience, if the internship is approved by the American music 2517
therapy association or its successor organization, an academic 2518
institution, or both. 2519

(2) Comply with sections 4776.01 to 4776.04 of the Revised 2520
Code. 2521

(B) Within sixty days after receiving the information 2522
described in division (A)(1) of this section and receipt of 2523
proof of compliance with division (A)(2) of this section, the 2524
state medical board shall issue a license to practice as a music 2525
therapist if the board determines that the person satisfies the 2526
requirements of division (A) of this section. 2527

(C) The state medical board, subject to the approval of 2528
the controlling board, may establish a fee in excess of the 2529
amount prescribed in division (A) of this section, provided that 2530
the amount of the increase does not exceed fifty per cent of 2531
that fee, that no fee increase occurs before January 1, 2022, 2532
and that the increase does not exceed the amount necessary for 2533

the state medical board to implement this chapter. 2534

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) Subject to division (C) of this section, a licensee 2621
may do any of the following activities: 2622

(1) Accept referrals for music therapy services from 2623
health care, social service, or education professionals, 2624
clients, or caregivers of prospective clients; 2625

(2) Conduct a music therapy assessment of a client to 2626
collect systematic, comprehensive, and accurate information 2627
necessary to determine the appropriate type of music therapy 2628
services to provide to the client; 2629

(3) Develop an individualized treatment plan for a client 2630
that identifies the goals, objectives, and potential strategies 2631
of the music therapy services appropriate for the client using 2632
music interventions, which may include music improvisation, 2633
receptive music listening, song writing, lyric discussion, music 2634
and imagery, music performance, learning through music, and 2635
movement to music; 2636

(4) If applicable, carry out an individualized treatment 2637
plan that is consistent with any other medical, developmental, 2638
mental health, educational, or rehabilitative services being 2639
provided to the client; 2640

(5) Evaluate the client's response to music therapy and 2641
the individualized treatment plan and suggest modifications, as 2642
appropriate; 2643

(6) Develop a plan for determining when the provision of 2644
music therapy services is no longer needed in collaboration with 2645
the client, any physician or other health care or education 2646
provider of the client, any appropriate family member of the 2647
client, and any other appropriate person on whom the client 2648
relies for support; 2649

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Violates this chapter or any rule adopted pursuant to 2707
it; 2708

(3) Is convicted of or pleads guilty to a disqualifying 2709
offense or a crime of moral turpitude, as those terms are 2710
defined in section 4776.10 of the Revised Code; 2711

(4) Is impaired in the licensee's or applicant's ability 2712
to practice according to acceptable and prevailing standards of 2713
care because of habitual or excessive use or abuse of drugs, 2714
alcohol, or other substances that impair ability to practice; 2715

(5) Uses fraud or deception in applying for a license to 2716
practice as a music therapist; 2717

(6) Fails to pay fees when due; 2718

(7) Fails to provide requested information in a timely 2719
manner; 2720

(8) Is unable to, or fails to practice music therapy with 2721
reasonable skill and consistent with the welfare of clients, 2722
including negligence in the practice of music therapy, 2723
incapacity, and abuse of or engaging in sexual contact with a 2724
client; 2725

(9) Is subject to disciplinary action by another 2726
jurisdiction with respect to the licensee's or applicant's 2727
license to practice as a music therapist issued by that 2728
jurisdiction. 2729

(D) The board shall not refuse to issue a license to an 2730
applicant because of a conviction of or plea of guilty to an 2731
offense unless the refusal is in accordance with section 9.79 of 2732
the Revised Code. 2733

Sec. 4787.12. On receipt of a notice pursuant to section 2734

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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