

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 557

Representative Anielski

**Cosponsors: Representatives Schuring, Reineke, Brenner, Antonio, Barnes, Kelly,
Lepore-Hagan, Patmon, Sweeney**

A BILL

To amend sections 109.572, 1701.03, 1705.03, 1
1705.04, 1705.53, 1785.01, 1785.02, 1785.03, 2
1785.08, 4723.16, 4725.33, 4729.161, 4731.07, 3
4731.071, 4731.226, 4731.24, 4731.25, 4731.65, 4
4732.28, 4734.17, 4755.111, 4755.471, 4757.37, 5
4776.01, and 4776.20 and to enact sections 6
4785.01, 4785.02, 4785.03, 4785.04, 4785.05, 7
4785.06, 4785.07, 4785.08, 4785.09, 4785.10, 8
4785.11, 4785.12, 4785.13, 4785.14, and 4785.99 9
of the Revised Code to require the licensure of 10
art therapists and to require the State Medical 11
Board to regulate the licensure and practice of 12
art therapists. 13

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

Section 1. That sections 109.572, 1701.03, 1705.03, 14
1705.04, 1705.53, 1785.01, 1785.02, 1785.03, 1785.08, 4723.16, 15
4725.33, 4729.161, 4731.07, 4731.071, 4731.226, 4731.24, 16
4731.25, 4731.65, 4732.28, 4734.17, 4755.111, 4755.471, 4757.37, 17
4776.01, and 4776.20 be amended and sections 4785.01, 4785.02, 18

4785.03, 4785.04, 4785.05, 4785.06, 4785.07, 4785.08, 4785.09, 19
4785.10, 4785.11, 4785.12, 4785.13, 4785.14, and 4785.99 of the 20
Revised Code be enacted to read as follows: 21

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 22
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 23
Code, a completed form prescribed pursuant to division (C) (1) of 24
this section, and a set of fingerprint impressions obtained in 25
the manner described in division (C) (2) of this section, the 26
superintendent of the bureau of criminal identification and 27
investigation shall conduct a criminal records check in the 28
manner described in division (B) of this section to determine 29
whether any information exists that indicates that the person 30
who is the subject of the request previously has been convicted 31
of or pleaded guilty to any of the following: 32

(a) A violation of section 2903.01, 2903.02, 2903.03, 33
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 34
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 35
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 36
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 37
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 38
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 39
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 40
sexual penetration in violation of former section 2907.12 of the 41
Revised Code, a violation of section 2905.04 of the Revised Code 42
as it existed prior to July 1, 1996, a violation of section 43
2919.23 of the Revised Code that would have been a violation of 44
section 2905.04 of the Revised Code as it existed prior to July 45
1, 1996, had the violation been committed prior to that date, or 46
a violation of section 2925.11 of the Revised Code that is not a 47
minor drug possession offense; 48

(b) A violation of an existing or former law of this 49
state, any other state, or the United States that is 50
substantially equivalent to any of the offenses listed in 51
division (A) (1) (a) of this section; 52

(c) If the request is made pursuant to section 3319.39 of 53
the Revised Code for an applicant who is a teacher, any offense 54
specified in section 3319.31 of the Revised Code. 55

(2) On receipt of a request pursuant to section 3712.09 or 56
3721.121 of the Revised Code, a completed form prescribed 57
pursuant to division (C) (1) of this section, and a set of 58
fingerprint impressions obtained in the manner described in 59
division (C) (2) of this section, the superintendent of the 60
bureau of criminal identification and investigation shall 61
conduct a criminal records check with respect to any person who 62
has applied for employment in a position for which a criminal 63
records check is required by those sections. The superintendent 64
shall conduct the criminal records check in the manner described 65
in division (B) of this section to determine whether any 66
information exists that indicates that the person who is the 67
subject of the request previously has been convicted of or 68
pleaded guilty to any of the following: 69

(a) A violation of section 2903.01, 2903.02, 2903.03, 70
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 71
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 72
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 73
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 74
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 75
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 76
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 77
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 78

(b) An existing or former law of this state, any other 79
state, or the United States that is substantially equivalent to 80
any of the offenses listed in division (A) (2) (a) of this 81
section. 82

(3) On receipt of a request pursuant to section 173.27, 83
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 84
5123.081, or 5123.169 of the Revised Code, a completed form 85
prescribed pursuant to division (C) (1) of this section, and a 86
set of fingerprint impressions obtained in the manner described 87
in division (C) (2) of this section, the superintendent of the 88
bureau of criminal identification and investigation shall 89
conduct a criminal records check of the person for whom the 90
request is made. The superintendent shall conduct the criminal 91
records check in the manner described in division (B) of this 92
section to determine whether any information exists that 93
indicates that the person who is the subject of the request 94
previously has been convicted of, has pleaded guilty to, or 95
(except in the case of a request pursuant to section 5164.34, 96
5164.341, or 5164.342 of the Revised Code) has been found 97
eligible for intervention in lieu of conviction for any of the 98
following, regardless of the date of the conviction, the date of 99
entry of the guilty plea, or (except in the case of a request 100
pursuant to section 5164.34, 5164.341, or 5164.342 of the 101
Revised Code) the date the person was found eligible for 102
intervention in lieu of conviction: 103

(a) A violation of section 959.13, 959.131, 2903.01, 104
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 105
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 106
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 107
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 108
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 109

2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 110
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 111
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 112
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 113
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 114
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 115
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 116
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 117
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 118
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 119
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 120
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 121
2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code; 122

(b) Felonious sexual penetration in violation of former 123
section 2907.12 of the Revised Code; 124

(c) A violation of section 2905.04 of the Revised Code as 125
it existed prior to July 1, 1996; 126

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 127
the Revised Code when the underlying offense that is the object 128
of the conspiracy, attempt, or complicity is one of the offenses 129
listed in divisions (A)(3)(a) to (c) of this section; 130

(e) A violation of an existing or former municipal 131
ordinance or law of this state, any other state, or the United 132
States that is substantially equivalent to any of the offenses 133
listed in divisions (A)(3)(a) to (d) of this section. 134

(4) On receipt of a request pursuant to section 2151.86 of 135
the Revised Code, a completed form prescribed pursuant to 136
division (C)(1) of this section, and a set of fingerprint 137
impressions obtained in the manner described in division (C)(2) 138

of this section, the superintendent of the bureau of criminal 139
identification and investigation shall conduct a criminal 140
records check in the manner described in division (B) of this 141
section to determine whether any information exists that 142
indicates that the person who is the subject of the request 143
previously has been convicted of or pleaded guilty to any of the 144
following: 145

(a) A violation of section 959.13, 2903.01, 2903.02, 146
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 147
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 148
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 149
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 150
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 151
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 152
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 153
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 154
2927.12, or 3716.11 of the Revised Code, a violation of section 155
2905.04 of the Revised Code as it existed prior to July 1, 1996, 156
a violation of section 2919.23 of the Revised Code that would 157
have been a violation of section 2905.04 of the Revised Code as 158
it existed prior to July 1, 1996, had the violation been 159
committed prior to that date, a violation of section 2925.11 of 160
the Revised Code that is not a minor drug possession offense, 161
two or more OVI or OVUAC violations committed within the three 162
years immediately preceding the submission of the application or 163
petition that is the basis of the request, or felonious sexual 164
penetration in violation of former section 2907.12 of the 165
Revised Code; 166

(b) A violation of an existing or former law of this 167
state, any other state, or the United States that is 168
substantially equivalent to any of the offenses listed in 169

division (A) (4) (a) of this section. 170

(5) Upon receipt of a request pursuant to section 5104.013 171
of the Revised Code, a completed form prescribed pursuant to 172
division (C) (1) of this section, and a set of fingerprint 173
impressions obtained in the manner described in division (C) (2) 174
of this section, the superintendent of the bureau of criminal 175
identification and investigation shall conduct a criminal 176
records check in the manner described in division (B) of this 177
section to determine whether any information exists that 178
indicates that the person who is the subject of the request has 179
been convicted of or pleaded guilty to any of the following: 180

(a) A violation of section 2151.421, 2903.01, 2903.02, 181
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 182
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 183
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 184
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 185
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 186
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 187
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 188
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 189
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 190
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 191
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 192
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 193
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 194
3716.11 of the Revised Code, felonious sexual penetration in 195
violation of former section 2907.12 of the Revised Code, a 196
violation of section 2905.04 of the Revised Code as it existed 197
prior to July 1, 1996, a violation of section 2919.23 of the 198
Revised Code that would have been a violation of section 2905.04 199
of the Revised Code as it existed prior to July 1, 1996, had the 200

violation been committed prior to that date, a violation of 201
section 2925.11 of the Revised Code that is not a minor drug 202
possession offense, a violation of section 2923.02 or 2923.03 of 203
the Revised Code that relates to a crime specified in this 204
division, or a second violation of section 4511.19 of the 205
Revised Code within five years of the date of application for 206
licensure or certification. 207

(b) A violation of an existing or former law of this 208
state, any other state, or the United States that is 209
substantially equivalent to any of the offenses or violations 210
described in division (A) (5) (a) of this section. 211

(6) Upon receipt of a request pursuant to section 5153.111 212
of the Revised Code, a completed form prescribed pursuant to 213
division (C) (1) of this section, and a set of fingerprint 214
impressions obtained in the manner described in division (C) (2) 215
of this section, the superintendent of the bureau of criminal 216
identification and investigation shall conduct a criminal 217
records check in the manner described in division (B) of this 218
section to determine whether any information exists that 219
indicates that the person who is the subject of the request 220
previously has been convicted of or pleaded guilty to any of the 221
following: 222

(a) A violation of section 2903.01, 2903.02, 2903.03, 223
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 224
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 225
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 226
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 227
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 228
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 229
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 230

Code, felonious sexual penetration in violation of former 231
section 2907.12 of the Revised Code, a violation of section 232
2905.04 of the Revised Code as it existed prior to July 1, 1996, 233
a violation of section 2919.23 of the Revised Code that would 234
have been a violation of section 2905.04 of the Revised Code as 235
it existed prior to July 1, 1996, had the violation been 236
committed prior to that date, or a violation of section 2925.11 237
of the Revised Code that is not a minor drug possession offense; 238

(b) A violation of an existing or former law of this 239
state, any other state, or the United States that is 240
substantially equivalent to any of the offenses listed in 241
division (A)(6)(a) of this section. 242

(7) On receipt of a request for a criminal records check 243
from an individual pursuant to section 4749.03 or 4749.06 of the 244
Revised Code, accompanied by a completed copy of the form 245
prescribed in division (C)(1) of this section and a set of 246
fingerprint impressions obtained in a manner described in 247
division (C)(2) of this section, the superintendent of the 248
bureau of criminal identification and investigation shall 249
conduct a criminal records check in the manner described in 250
division (B) of this section to determine whether any 251
information exists indicating that the person who is the subject 252
of the request has been convicted of or pleaded guilty to a 253
felony in this state or in any other state. If the individual 254
indicates that a firearm will be carried in the course of 255
business, the superintendent shall require information from the 256
federal bureau of investigation as described in division (B)(2) 257
of this section. Subject to division (F) of this section, the 258
superintendent shall report the findings of the criminal records 259
check and any information the federal bureau of investigation 260
provides to the director of public safety. 261

(8) On receipt of a request pursuant to section 1321.37, 262
1321.53, or 4763.05 of the Revised Code, a completed form 263
prescribed pursuant to division (C)(1) of this section, and a 264
set of fingerprint impressions obtained in the manner described 265
in division (C)(2) of this section, the superintendent of the 266
bureau of criminal identification and investigation shall 267
conduct a criminal records check with respect to any person who 268
has applied for a license, permit, or certification from the 269
department of commerce or a division in the department. The 270
superintendent shall conduct the criminal records check in the 271
manner described in division (B) of this section to determine 272
whether any information exists that indicates that the person 273
who is the subject of the request previously has been convicted 274
of or pleaded guilty to any of the following: a violation of 275
section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the 276
Revised Code; any other criminal offense involving theft, 277
receiving stolen property, embezzlement, forgery, fraud, passing 278
bad checks, money laundering, or drug trafficking, or any 279
criminal offense involving money or securities, as set forth in 280
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 281
the Revised Code; or any existing or former law of this state, 282
any other state, or the United States that is substantially 283
equivalent to those offenses. 284

(9) On receipt of a request for a criminal records check 285
from the treasurer of state under section 113.041 of the Revised 286
Code or from an individual under section 4701.08, 4715.101, 287
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 288
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 289
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 290
4747.051, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 291
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 292

4776.021, 4778.04, 4778.07, 4779.091, ~~or 4783.04~~, or 4785.06 of 293
the Revised Code, accompanied by a completed form prescribed 294
under division (C)(1) of this section and a set of fingerprint 295
impressions obtained in the manner described in division (C)(2) 296
of this section, the superintendent of the bureau of criminal 297
identification and investigation shall conduct a criminal 298
records check in the manner described in division (B) of this 299
section to determine whether any information exists that 300
indicates that the person who is the subject of the request has 301
been convicted of or pleaded guilty to any criminal offense in 302
this state or any other state. Subject to division (F) of this 303
section, the superintendent shall send the results of a check 304
requested under section 113.041 of the Revised Code to the 305
treasurer of state and shall send the results of a check 306
requested under any of the other listed sections to the 307
licensing board specified by the individual in the request. 308

(10) On receipt of a request pursuant to section 1121.23, 309
1315.141, 1733.47, or 1761.26 of the Revised Code, a completed 310
form prescribed pursuant to division (C)(1) of this section, and 311
a set of fingerprint impressions obtained in the manner 312
described in division (C)(2) of this section, the superintendent 313
of the bureau of criminal identification and investigation shall 314
conduct a criminal records check in the manner described in 315
division (B) of this section to determine whether any 316
information exists that indicates that the person who is the 317
subject of the request previously has been convicted of or 318
pleaded guilty to any criminal offense under any existing or 319
former law of this state, any other state, or the United States. 320

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

(C) (1) of this section, and a set of fingerprint impressions 324
obtained in the manner prescribed in division (C) (2) of this 325
section, the superintendent of the bureau of criminal 326
identification and investigation shall conduct a criminal 327
records check in the manner described in division (B) of this 328
section to determine whether any information exists that 329
indicates that the person who is the subject of the request 330
previously has been convicted of or pleaded guilty or no contest 331
to any offense under any existing or former law of this state, 332
any other state, or the United States that is a disqualifying 333
offense as defined in section 3772.07 of the Revised Code or 334
substantially equivalent to such an offense. 335

(12) On receipt of a request pursuant to section 2151.33 336
or 2151.412 of the Revised Code, a completed form prescribed 337
pursuant to division (C) (1) of this section, and a set of 338
fingerprint impressions obtained in the manner described in 339
division (C) (2) of this section, the superintendent of the 340
bureau of criminal identification and investigation shall 341
conduct a criminal records check with respect to any person for 342
whom a criminal records check is required under that section. 343
The superintendent shall conduct the criminal records check in 344
the manner described in division (B) of this section to 345
determine whether any information exists that indicates that the 346
person who is the subject of the request previously has been 347
convicted of or pleaded guilty to any of the following: 348

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

2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 355
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 356
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 357

(b) An existing or former law of this state, any other 358
state, or the United States that is substantially equivalent to 359
any of the offenses listed in division (A)(12)(a) of this 360
section. 361

(13) On receipt of a request pursuant to section 3796.12 362
of the Revised Code, a completed form prescribed pursuant to 363
division (C)(1) of this section, and a set of fingerprint 364
impressions obtained in a manner described in division (C)(2) of 365
this section, the superintendent of the bureau of criminal 366
identification and investigation shall conduct a criminal 367
records check in the manner described in division (B) of this 368
section to determine whether any information exists that 369
indicates that the person who is the subject of the request 370
previously has been convicted of or pleaded guilty to the 371
following: 372

(a) A disqualifying offense as specified in rules adopted 373
under division (B)(2)(b) of section 3796.03 of the Revised Code 374
if the person who is the subject of the request is an 375
administrator or other person responsible for the daily 376
operation of, or an owner or prospective owner, officer or 377
prospective officer, or board member or prospective board member 378
of, an entity seeking a license from the department of commerce 379
under Chapter 3796. of the Revised Code; 380

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

operation of, or an owner or prospective owner, officer or 385
prospective officer, or board member or prospective board member 386
of, an entity seeking a license from the state board of pharmacy 387
under Chapter 3796. of the Revised Code. 388

(14) On receipt of a request required by section 3796.13 389
of the Revised Code, a completed form prescribed pursuant to 390
division (C)(1) of this section, and a set of fingerprint 391
impressions obtained in a manner described in division (C)(2) of 392
this section, the superintendent of the bureau of criminal 393
identification and investigation shall conduct a criminal 394
records check in the manner described in division (B) of this 395
section to determine whether any information exists that 396
indicates that the person who is the subject of the request 397
previously has been convicted of or pleaded guilty to the 398
following: 399

(a) A disqualifying offense as specified in rules adopted 400
under division (B)(8)(a) of section 3796.03 of the Revised Code 401
if the person who is the subject of the request is seeking 402
employment with an entity licensed by the department of commerce 403
under Chapter 3796. of the Revised Code; 404

(b) A disqualifying offense as specified in rules adopted 405
under division (B)(14)(a) of section 3796.04 of the Revised Code 406
if the person who is the subject of the request is seeking 407
employment with an entity licensed by the state board of 408
pharmacy under Chapter 3796. of the Revised Code. 409

(B) Subject to division (F) of this section, the 410
superintendent shall conduct any criminal records check to be 411
conducted under this section as follows: 412

(1) The superintendent shall review or cause to be 413

reviewed any relevant information gathered and compiled by the 414
bureau under division (A) of section 109.57 of the Revised Code 415
that relates to the person who is the subject of the criminal 416
records check, including, if the criminal records check was 417
requested under section 113.041, 121.08, 173.27, 173.38, 418
173.381, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 419
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 420
3721.121, 3772.07, 3796.12, 3796.13, 4749.03, 4749.06, 4763.05, 421
5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 422
5153.111 of the Revised Code, any relevant information contained 423
in records that have been sealed under section 2953.32 of the 424
Revised Code; 425

(2) If the request received by the superintendent asks for 426
information from the federal bureau of investigation, the 427
superintendent shall request from the federal bureau of 428
investigation any information it has with respect to the person 429
who is the subject of the criminal records check, including 430
fingerprint-based checks of national crime information databases 431
as described in 42 U.S.C. 671 if the request is made pursuant to 432
section 2151.86 or 5104.013 of the Revised Code or if any other 433
Revised Code section requires fingerprint-based checks of that 434
nature, and shall review or cause to be reviewed any information 435
the superintendent receives from that bureau. If a request under 436
section 3319.39 of the Revised Code asks only for information 437
from the federal bureau of investigation, the superintendent 438
shall not conduct the review prescribed by division (B) (1) of 439
this section. 440

(3) The superintendent or the superintendent's designee 441
may request criminal history records from other states or the 442
federal government pursuant to the national crime prevention and 443
privacy compact set forth in section 109.571 of the Revised 444

Code. 445

(4) The superintendent shall include in the results of the 446
criminal records check a list or description of the offenses 447
listed or described in division (A)(1), (2), (3), (4), (5), (6), 448
(7), (8), (9), (10), (11), (12), (13), or (14) of this section, 449
whichever division requires the superintendent to conduct the 450
criminal records check. The superintendent shall exclude from 451
the results any information the dissemination of which is 452
prohibited by federal law. 453

(5) The superintendent shall send the results of the 454
criminal records check to the person to whom it is to be sent 455
not later than the following number of days after the date the 456
superintendent receives the request for the criminal records 457
check, the completed form prescribed under division (C)(1) of 458
this section, and the set of fingerprint impressions obtained in 459
the manner described in division (C)(2) of this section: 460

(a) If the superintendent is required by division (A) of 461
this section (other than division (A)(3) of this section) to 462
conduct the criminal records check, thirty; 463

(b) If the superintendent is required by division (A)(3) 464
of this section to conduct the criminal records check, sixty. 465

(C)(1) The superintendent shall prescribe a form to obtain 466
the information necessary to conduct a criminal records check 467
from any person for whom a criminal records check is to be 468
conducted under this section. The form that the superintendent 469
prescribes pursuant to this division may be in a tangible 470
format, in an electronic format, or in both tangible and 471
electronic formats. 472

(2) The superintendent shall prescribe standard impression 473

474 sheets to obtain the fingerprint impressions of any person for
475 whom a criminal records check is to be conducted under this
476 section. Any person for whom a records check is to be conducted
477 under this section shall obtain the fingerprint impressions at a
478 county sheriff's office, municipal police department, or any
479 other entity with the ability to make fingerprint impressions on
480 the standard impression sheets prescribed by the superintendent.
481 The office, department, or entity may charge the person a
482 reasonable fee for making the impressions. The standard
483 impression sheets the superintendent prescribes pursuant to this
484 division may be in a tangible format, in an electronic format,
485 or in both tangible and electronic formats.

486 (3) Subject to division (D) of this section, the
487 superintendent shall prescribe and charge a reasonable fee for
488 providing a criminal records check under this section. The
489 person requesting the criminal records check shall pay the fee
490 prescribed pursuant to this division. In the case of a request
491 under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47,
492 1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the
493 fee shall be paid in the manner specified in that section.

494 (4) The superintendent of the bureau of criminal
495 identification and investigation may prescribe methods of
496 forwarding fingerprint impressions and information necessary to
497 conduct a criminal records check, which methods shall include,
498 but not be limited to, an electronic method.

499 (D) The results of a criminal records check conducted
500 under this section, other than a criminal records check
501 specified in division (A) (7) of this section, are valid for the
502 person who is the subject of the criminal records check for a
503 period of one year from the date upon which the superintendent

completes the criminal records check. If during that period the 504
superintendent receives another request for a criminal records 505
check to be conducted under this section for that person, the 506
superintendent shall provide the results from the previous 507
criminal records check of the person at a lower fee than the fee 508
prescribed for the initial criminal records check. 509

(E) When the superintendent receives a request for 510
information from a registered private provider, the 511
superintendent shall proceed as if the request was received from 512
a school district board of education under section 3319.39 of 513
the Revised Code. The superintendent shall apply division (A)(1) 514
(c) of this section to any such request for an applicant who is 515
a teacher. 516

(F)(1) Subject to division (F)(2) of this section, all 517
information regarding the results of a criminal records check 518
conducted under this section that the superintendent reports or 519
sends under division (A)(7) or (9) of this section to the 520
director of public safety, the treasurer of state, or the 521
person, board, or entity that made the request for the criminal 522
records check shall relate to the conviction of the subject 523
person, or the subject person's plea of guilty to, a criminal 524
offense. 525

(2) Division (F)(1) of this section does not limit, 526
restrict, or preclude the superintendent's release of 527
information that relates to the arrest of a person who is 528
eighteen years of age or older, to an adjudication of a child as 529
a delinquent child, or to a criminal conviction of a person 530
under eighteen years of age in circumstances in which a release 531
of that nature is authorized under division (E)(2), (3), or (4) 532
of section 109.57 of the Revised Code pursuant to a rule adopted 533

under division (E) (1) of that section. 534

(G) As used in this section: 535

(1) "Criminal records check" means any criminal records 536
check conducted by the superintendent of the bureau of criminal 537
identification and investigation in accordance with division (B) 538
of this section. 539

(2) "Minor drug possession offense" has the same meaning 540
as in section 2925.01 of the Revised Code. 541

(3) "OVI or OVUAC violation" means a violation of section 542
4511.19 of the Revised Code or a violation of an existing or 543
former law of this state, any other state, or the United States 544
that is substantially equivalent to section 4511.19 of the 545
Revised Code. 546

(4) "Registered private provider" means a nonpublic school 547
or entity registered with the superintendent of public 548
instruction under section 3310.41 of the Revised Code to 549
participate in the autism scholarship program or section 3310.58 550
of the Revised Code to participate in the Jon Peterson special 551
needs scholarship program. 552

Sec. 1701.03. (A) A corporation may be formed under this 553
chapter for any purpose or combination of purposes for which 554
individuals lawfully may associate themselves, except that, if 555
the Revised Code contains special provisions pertaining to the 556
formation of any designated type of corporation other than a 557
professional association, as defined in section 1785.01 of the 558
Revised Code, a corporation of that type shall be formed in 559
accordance with the special provisions. 560

(B) On and after July 1, 1994, a corporation may be formed 561
under this chapter for the purpose of carrying on the practice 562

of any profession, including, but not limited to, a corporation 563
for the purpose of providing public accounting or certified 564
public accounting services, a corporation for the erection, 565
owning, and conducting of a sanitarium for receiving and caring 566
for patients, medical and hygienic treatment of patients, and 567
instruction of nurses in the treatment of disease and in 568
hygiene, a corporation for the purpose of providing 569
architectural, landscape architectural, professional 570
engineering, or surveying services or any combination of those 571
types of services, and a corporation for the purpose of 572
providing a combination of the professional services, as defined 573
in section 1785.01 of the Revised Code, of optometrists 574
authorized under Chapter 4725. of the Revised Code, 575
chiropractors authorized under Chapter 4734. of the Revised Code 576
to practice chiropractic or acupuncture, psychologists 577
authorized under Chapter 4732. of the Revised Code, registered 578
or licensed practical nurses authorized under Chapter 4723. of 579
the Revised Code, pharmacists authorized under Chapter 4729. of 580
the Revised Code, physical therapists authorized under sections 581
4755.40 to 4755.56 of the Revised Code, occupational therapists 582
authorized under sections 4755.04 to 4755.13 of the Revised 583
Code, mechanotherapists authorized under section 4731.151 of the 584
Revised Code, doctors of medicine and surgery, osteopathic 585
medicine and surgery, or podiatric medicine and surgery 586
authorized under Chapter 4731. of the Revised Code, ~~and~~-licensed 587
professional clinical counselors, licensed professional 588
counselors, independent social workers, social workers, 589
independent marriage and family therapists, or marriage and 590
family therapists authorized under Chapter 4757. of the Revised 591
Code, and art therapists authorized under Chapter 4785. of the 592
Revised Code. 593

This chapter does not restrict, limit, or otherwise affect 594
the authority or responsibilities of any agency, board, 595
commission, department, office, or other entity to license, 596
register, and otherwise regulate the professional conduct of 597
individuals or organizations of any kind rendering professional 598
services, as defined in section 1785.01 of the Revised Code, in 599
this state or to regulate the practice of any profession that is 600
within the jurisdiction of the agency, board, commission, 601
department, office, or other entity, notwithstanding that an 602
individual is a director, officer, employee, or other agent of a 603
corporation formed under this chapter and is rendering 604
professional services or engaging in the practice of a 605
profession through a corporation formed under this chapter or 606
that the organization is a corporation formed under this 607
chapter. 608

(C) Nothing in division (A) or (B) of this section 609
precludes the organization of a professional association in 610
accordance with this chapter and Chapter 1785. of the Revised 611
Code or the formation of a limited liability company under 612
Chapter 1705. of the Revised Code with respect to a business, as 613
defined in section 1705.01 of the Revised Code. 614

(D) No corporation formed for the purpose of providing a 615
combination of the professional services, as defined in section 616
1785.01 of the Revised Code, of optometrists authorized under 617
Chapter 4725. of the Revised Code, chiropractors authorized 618
under Chapter 4734. of the Revised Code to practice chiropractic 619
or acupuncture, psychologists authorized under Chapter 4732. of 620
the Revised Code, registered or licensed practical nurses 621
authorized under Chapter 4723. of the Revised Code, pharmacists 622
authorized under Chapter 4729. of the Revised Code, physical 623
therapists authorized under sections 4755.40 to 4755.56 of the 624

Revised Code, occupational therapists authorized under sections 625
4755.04 to 4755.13 of the Revised Code, mechanotherapists 626
authorized under section 4731.151 of the Revised Code, doctors 627
of medicine and surgery, osteopathic medicine and surgery, or 628
podiatric medicine and surgery authorized under Chapter 4731. of 629
the Revised Code, ~~and~~ licensed professional clinical counselors, 630
licensed professional counselors, independent social workers, 631
social workers, independent marriage and family therapists, or 632
marriage and family therapists authorized under Chapter 4757. of 633
the Revised Code, and art therapists authorized under Chapter 634
4785. of the Revised Code shall control the professional 635
clinical judgment exercised within accepted and prevailing 636
standards of practice of a licensed, certificated, or otherwise 637
legally authorized optometrist, chiropractor, chiropractor 638
practicing acupuncture through the state chiropractic board, 639
psychologist, nurse, pharmacist, physical therapist, 640
occupational therapist, mechanotherapist, doctor of medicine and 641
surgery, osteopathic medicine and surgery, or podiatric medicine 642
and surgery, licensed professional clinical counselor, licensed 643
professional counselor, independent social worker, social 644
worker, independent marriage and family therapist, ~~or~~ marriage 645
and family therapist, or art therapist in rendering care, 646
treatment, or professional advice to an individual patient. 647

This division does not prevent a hospital, as defined in 648
section 3727.01 of the Revised Code, insurer, as defined in 649
section 3999.36 of the Revised Code, or intermediary 650
organization, as defined in section 1751.01 of the Revised Code, 651
from entering into a contract with a corporation described in 652
this division that includes a provision requiring utilization 653
review, quality assurance, peer review, or other performance or 654
quality standards. Those activities shall not be construed as 655

controlling the professional clinical judgment of an individual 656
practitioner listed in this division. 657

Sec. 1705.03. (A) A limited liability company may sue and 658
be sued. 659

(B) Unless otherwise provided in its articles of 660
organization, a limited liability company may take property of 661
any description or any interest in property of any description 662
by gift, devise, or bequest and may make donations for the 663
public welfare or for charitable, scientific, or educational 664
purposes. 665

(C) In carrying out the purposes stated in its articles of 666
organization or operating agreement and subject to limitations 667
prescribed by law or in its articles of organization or its 668
operating agreement, a limited liability company may do all of 669
the following: 670

(1) Purchase or otherwise acquire, lease as lessee or 671
lessor, invest in, hold, use, encumber, sell, exchange, 672
transfer, and dispose of property of any description or any 673
interest in property of any description; 674

(2) Make contracts; 675

(3) Form or acquire the control of other domestic or 676
foreign limited liability companies; 677

(4) Be a shareholder, partner, member, associate, or 678
participant in other profit or nonprofit enterprises or 679
ventures; 680

(5) Conduct its affairs in this state and elsewhere; 681

(6) Render in this state and elsewhere a professional 682
service, the kinds of professional services authorized under 683

Chapters 4703. and 4733. of the Revised Code, or a combination 684
of the professional services of optometrists authorized under 685
Chapter 4725. of the Revised Code, chiropractors authorized 686
under Chapter 4734. of the Revised Code to practice chiropractic 687
or acupuncture, psychologists authorized under Chapter 4732. of 688
the Revised Code, registered or licensed practical nurses 689
authorized under Chapter 4723. of the Revised Code, pharmacists 690
authorized under Chapter 4729. of the Revised Code, physical 691
therapists authorized under sections 4755.40 to 4755.56 of the 692
Revised Code, occupational therapists authorized under sections 693
4755.04 to 4755.13 of the Revised Code, mechanotherapists 694
authorized under section 4731.151 of the Revised Code, doctors 695
of medicine and surgery, osteopathic medicine and surgery, or 696
podiatric medicine and surgery authorized under Chapter 4731. of 697
the Revised Code, ~~and~~ licensed professional clinical counselors, 698
licensed professional counselors, independent social workers, 699
social workers, independent marriage and family therapists, or 700
marriage and family therapists authorized under Chapter 4757. of 701
the Revised Code, and art therapists authorized under Chapter 702
4785. of the Revised Code; 703

(7) Borrow money; 704

(8) Issue, sell, and pledge its notes, bonds, and other 705
evidences of indebtedness; 706

(9) Secure any of its obligations by mortgage, pledge, or 707
deed of trust of all or any of its property; 708

(10) Guarantee or secure obligations of any person; 709

(11) Do all things permitted by law and exercise all 710
authority within or incidental to the purposes stated in its 711
articles of organization. 712

(D) In addition to the authority conferred by division (C) 713
of this section and irrespective of the purposes stated in its 714
articles of organization or operating agreement but subject to 715
any limitations stated in those articles or its operating 716
agreement, a limited liability company may invest funds not 717
currently needed in its business in any securities if the 718
investment does not cause the company to acquire control of 719
another enterprise whose activities and operations are not 720
incidental to the purposes stated in the articles of 721
organization of the company. 722

(E) (1) No lack of authority or limitation upon the 723
authority of a limited liability company shall be asserted in 724
any action except as follows: 725

(a) By the state in an action by it against the company; 726

(b) By or on behalf of the company in an action against a 727
manager, an officer, or any member as a member; 728

(c) By a member as a member in an action against the 729
company, a manager, an officer, or any member as a member; 730

(d) In an action involving an alleged improper issue of a 731
membership interest in the company. 732

(2) Division (E) (1) of this section applies to any action 733
commenced in this state upon any contract made in this state by 734
a foreign limited liability company. 735

Sec. 1705.04. (A) One or more persons, without regard to 736
residence, domicile, or state of organization, may form a 737
limited liability company. The articles of organization shall be 738
signed and filed with the secretary of state and shall set forth 739
all of the following: 740

(1) The name of the company; 741

(2) Except as provided in division (B) of this section, 742
the period of its duration, which may be perpetual; 743

(3) Any other provisions that are from the operating 744
agreement or that are not inconsistent with applicable law and 745
that the members elect to set out in the articles for the 746
regulation of the affairs of the company. 747

The legal existence of the company begins upon the filing 748
of the articles of organization or on a later date specified in 749
the articles of organization that is not more than ninety days 750
after the filing. 751

(B) If the articles of organization or operating agreement 752
do not set forth the period of the duration of the limited 753
liability company, its duration shall be perpetual. 754

(C) If a limited liability company is formed under this 755
chapter for the purpose of rendering a professional service, the 756
kinds of professional services authorized under Chapters 4703. 757
and 4733. of the Revised Code, or a combination of the 758
professional services of optometrists authorized under Chapter 759
4725. of the Revised Code, chiropractors authorized under 760
Chapter 4734. of the Revised Code to practice chiropractic or 761
acupuncture, psychologists authorized under Chapter 4732. of the 762
Revised Code, registered or licensed practical nurses authorized 763
under Chapter 4723. of the Revised Code, pharmacists authorized 764
under Chapter 4729. of the Revised Code, physical therapists 765
authorized under sections 4755.40 to 4755.56 of the Revised 766
Code, occupational therapists authorized under sections 4755.04 767
to 4755.13 of the Revised Code, mechanotherapists authorized 768
under section 4731.151 of the Revised Code, doctors of medicine 769

and surgery, osteopathic medicine and surgery, or podiatric 770
medicine and surgery authorized under Chapter 4731. of the 771
Revised Code, ~~and~~ licensed professional clinical counselors, 772
licensed professional counselors, independent social workers, 773
social workers, independent marriage and family therapists, or 774
marriage and family therapists authorized under Chapter 4757. of 775
the Revised Code, and art therapists authorized under Chapter 776
4785. of the Revised Code the following apply: 777

(1) Each member, employee, or other agent of the company 778
who renders a professional service in this state and, if the 779
management of the company is not reserved to its members, each 780
manager of the company who renders a professional service in 781
this state shall be licensed, certificated, or otherwise legally 782
authorized to render in this state the same kind of professional 783
service; if applicable, the kinds of professional services 784
authorized under Chapters 4703. and 4733. of the Revised Code; 785
or, if applicable, any of the kinds of professional services of 786
optometrists authorized under Chapter 4725. of the Revised Code, 787
chiropractors authorized under Chapter 4734. of the Revised Code 788
to practice chiropractic or acupuncture, psychologists 789
authorized under Chapter 4732. of the Revised Code, registered 790
or licensed practical nurses authorized under Chapter 4723. of 791
the Revised Code, pharmacists authorized under Chapter 4729. of 792
the Revised Code, physical therapists authorized under sections 793
4755.40 to 4755.56 of the Revised Code, occupational therapists 794
authorized under sections 4755.04 to 4755.13 of the Revised 795
Code, mechanotherapists authorized under section 4731.151 of the 796
Revised Code, doctors of medicine and surgery, osteopathic 797
medicine and surgery, or podiatric medicine and surgery 798
authorized under Chapter 4731. of the Revised Code, ~~or~~ licensed 799
professional clinical counselors, licensed professional 800

counselors, independent social workers, social workers, 801
independent marriage and family therapists, or marriage and 802
family therapists authorized under Chapter 4757. of the Revised 803
Code, or art therapists authorized under Chapter 4785. of the 804
Revised Code. 805

(2) Each member, employee, or other agent of the company 806
who renders a professional service in another state and, if the 807
management of the company is not reserved to its members, each 808
manager of the company who renders a professional service in 809
another state shall be licensed, certificated, or otherwise 810
legally authorized to render that professional service in the 811
other state. 812

(D) Except for the provisions of this chapter pertaining 813
to the personal liability of members, employees, or other agents 814
of a limited liability company and, if the management of the 815
company is not reserved to its members, the personal liability 816
of managers of the company, this chapter does not restrict, 817
limit, or otherwise affect the authority or responsibilities of 818
any agency, board, commission, department, office, or other 819
entity to license, certificate, register, and otherwise regulate 820
the professional conduct of individuals or organizations of any 821
kind rendering professional services in this state or to 822
regulate the practice of any profession that is within the 823
jurisdiction of the agency, board, commission, department, 824
office, or other entity, notwithstanding that the individual is 825
a member or manager of a limited liability company and is 826
rendering the professional services or engaging in the practice 827
of the profession through the limited liability company or that 828
the organization is a limited liability company. 829

(E) No limited liability company formed for the purpose of 830

providing a combination of the professional services, as defined 831
in section 1785.01 of the Revised Code, of optometrists 832
authorized under Chapter 4725. of the Revised Code, 833
chiropractors authorized under Chapter 4734. of the Revised Code 834
to practice chiropractic or acupuncture, psychologists 835
authorized under Chapter 4732. of the Revised Code, registered 836
or licensed practical nurses authorized under Chapter 4723. of 837
the Revised Code, pharmacists authorized under Chapter 4729. of 838
the Revised Code, physical therapists authorized under sections 839
4755.40 to 4755.56 of the Revised Code, occupational therapists 840
authorized under sections 4755.04 to 4755.13 of the Revised 841
Code, mechanotherapists authorized under section 4731.151 of the 842
Revised Code, doctors of medicine and surgery, osteopathic 843
medicine and surgery, or podiatric medicine and surgery 844
authorized under Chapter 4731. of the Revised Code, ~~and~~-licensed 845
professional clinical counselors, licensed professional 846
counselors, independent social workers, social workers, 847
independent marriage and family therapists, or marriage and 848
family therapists authorized under Chapter 4757. of the Revised 849
Code, and art therapists authorized under Chapter 4785. of the 850
Revised Code shall control the professional clinical judgment 851
exercised within accepted and prevailing standards of practice 852
of a licensed, certificated, or otherwise legally authorized 853
optometrist, chiropractor, chiropractor practicing acupuncture 854
through the state chiropractic board, psychologist, nurse, 855
pharmacist, physical therapist, occupational therapist, 856
mechanotherapist, doctor of medicine and surgery, osteopathic 857
medicine and surgery, or podiatric medicine and surgery, 858
licensed professional clinical counselor, licensed professional 859
counselor, independent social worker, social worker, independent 860
marriage and family therapist, ~~or~~ marriage and family therapist, or 861
or art therapist in rendering care, treatment, or professional 862

advice to an individual patient. 863

This division does not prevent a hospital, as defined in 864
section 3727.01 of the Revised Code, insurer, as defined in 865
section 3999.36 of the Revised Code, or intermediary 866
organization, as defined in section 1751.01 of the Revised Code, 867
from entering into a contract with a limited liability company 868
described in this division that includes a provision requiring 869
utilization review, quality assurance, peer review, or other 870
performance or quality standards. Those activities shall not be 871
construed as controlling the professional clinical judgment of 872
an individual practitioner listed in this division. 873

Sec. 1705.53. Subject to any contrary provisions of the 874
Ohio Constitution, the laws of the state under which a foreign 875
limited liability company is organized govern its organization 876
and internal affairs and the liability of its members. A foreign 877
limited liability company may not be denied a certificate of 878
registration as a foreign limited liability company in this 879
state because of any difference between the laws of the state 880
under which it is organized and the laws of this state. However, 881
a foreign limited liability company that applies for 882
registration under this chapter to render a professional service 883
in this state, as a condition to obtaining and maintaining a 884
certificate of registration, shall comply with the requirements 885
of division (C) of section 1705.04 of the Revised Code and shall 886
comply with the requirements of Chapters 4703. and 4733. of the 887
Revised Code if the kinds of professional services authorized 888
under those chapters are to be rendered or with the requirements 889
of Chapters 4723., 4725., 4729., 4731., 4732., 4734., 4755., ~~and~~ 890
4757., and 4785. of the Revised Code if a combination of the 891
professional services of optometrists authorized under Chapter 892
4725. of the Revised Code, chiropractors authorized under 893

Chapter 4734. of the Revised Code to practice chiropractic or 894
acupuncture, psychologists authorized under Chapter 4732. of the 895
Revised Code, registered or licensed practical nurses authorized 896
under Chapter 4723. of the Revised Code, pharmacists authorized 897
under Chapter 4729. of the Revised Code, physical therapists 898
authorized under sections 4755.40 to 4755.56 of the Revised 899
Code, occupational therapists authorized under sections 4755.04 900
to 4755.13 of the Revised Code, mechanotherapists authorized 901
under section 4731.151 of the Revised Code, doctors of medicine 902
and surgery, osteopathic medicine and surgery, or podiatric 903
medicine and surgery authorized under Chapter 4731. of the 904
Revised Code, ~~and~~ licensed professional clinical counselors, 905
licensed professional counselors, independent social workers, 906
social workers, independent marriage and family therapists, or 907
marriage and family therapists authorized under Chapter 4757. of 908
the Revised Code, and art therapists authorized under Chapter 909
4785. of the Revised Code are to be rendered. 910

Sec. 1785.01. As used in this chapter: 911

(A) "Professional service" means any type of professional 912
service that may be performed only pursuant to a license, 913
certificate, or other legal authorization issued pursuant to 914
Chapter 4701., 4703., 4705., 4715., 4723., 4725., 4729., 4730., 915
4731., 4732., 4733., 4734., 4741., 4755., ~~or 4757., or 4785.~~ of 916
the Revised Code to certified public accountants, licensed 917
public accountants, architects, attorneys, dentists, nurses, 918
optometrists, pharmacists, physician assistants, doctors of 919
medicine and surgery, doctors of osteopathic medicine and 920
surgery, doctors of podiatric medicine and surgery, 921
practitioners of the limited branches of medicine specified in 922
section 4731.15 of the Revised Code, mechanotherapists, 923
psychologists, professional engineers, chiropractors, 924

chiropractors practicing acupuncture through the state 925
chiropractic board, veterinarians, physical therapists, 926
occupational therapists, licensed professional clinical 927
counselors, licensed professional counselors, independent social 928
workers, social workers, independent marriage and family 929
therapists, ~~and~~ marriage and family therapists, and art 930
therapists. 931

(B) "Professional association" means an association 932
organized under this chapter for the sole purpose of rendering 933
one of the professional services authorized under Chapter 4701., 934
4703., 4705., 4715., 4723., 4725., 4729., 4730., 4731., 4732., 935
4733., 4734., 4741., 4755., ~~or 4757., or 4785.~~ of the Revised 936
Code, a combination of the professional services authorized 937
under Chapters 4703. and 4733. of the Revised Code, or a 938
combination of the professional services of optometrists 939
authorized under Chapter 4725. of the Revised Code, 940
chiropractors authorized under Chapter 4734. of the Revised Code 941
to practice chiropractic or acupuncture, psychologists 942
authorized under Chapter 4732. of the Revised Code, registered 943
or licensed practical nurses authorized under Chapter 4723. of 944
the Revised Code, pharmacists authorized under Chapter 4729. of 945
the Revised Code, physical therapists authorized under sections 946
4755.40 to 4755.56 of the Revised Code, occupational therapists 947
authorized under sections 4755.04 to 4755.13 of the Revised 948
Code, mechanotherapists authorized under section 4731.151 of the 949
Revised Code, doctors of medicine and surgery, osteopathic 950
medicine and surgery, or podiatric medicine and surgery 951
authorized under Chapter 4731. of the Revised Code, ~~and~~ licensed 952
professional clinical counselors, licensed professional 953
counselors, independent social workers, social workers, 954
independent marriage and family therapists, or marriage and 955

family therapists authorized under Chapter 4757. of the Revised 956
Code, and art therapists authorized under Chapter 4785. of the 957
Revised Code. 958

Sec. 1785.02. An individual or group of individuals each 959
of whom is licensed, certificated, or otherwise legally 960
authorized to render within this state the same kind of 961
professional service, a group of individuals each of whom is 962
licensed, certificated, or otherwise legally authorized to 963
render within this state the professional service authorized 964
under Chapter 4703. or 4733. of the Revised Code, or a group of 965
individuals each of whom is licensed, certificated, or otherwise 966
legally authorized to render within this state the professional 967
service of optometrists authorized under Chapter 4725. of the 968
Revised Code, chiropractors authorized under Chapter 4734. of 969
the Revised Code to practice chiropractic or acupuncture, 970
psychologists authorized under Chapter 4732. of the Revised 971
Code, registered or licensed practical nurses authorized under 972
Chapter 4723. of the Revised Code, pharmacists authorized under 973
Chapter 4729. of the Revised Code, physical therapists 974
authorized under sections 4755.40 to 4755.56 of the Revised 975
Code, occupational therapists authorized under sections 4755.04 976
to 4755.13 of the Revised Code, mechanotherapists authorized 977
under section 4731.151 of the Revised Code, doctors of medicine 978
and surgery, osteopathic medicine and surgery, or podiatric 979
medicine and surgery authorized under Chapter 4731. of the 980
Revised Code, ~~or~~-licensed professional clinical counselors, 981
licensed professional counselors, independent social workers, 982
social workers, independent marriage and family therapists, or 983
marriage and family therapists authorized under Chapter 4757. of 984
the Revised Code, or art therapists authorized under Chapter 985
4785. of the Revised Code may organize and become a shareholder 986

or shareholders of a professional association. Any group of 987
individuals described in this section who may be rendering one 988
of the professional services as an organization created 989
otherwise than pursuant to this chapter may incorporate under 990
and pursuant to this chapter by amending the agreement 991
establishing the organization in a manner that the agreement as 992
amended constitutes articles of incorporation prepared and filed 993
in the manner prescribed in section 1785.08 of the Revised Code 994
and by otherwise complying with the applicable requirements of 995
this chapter. 996

Sec. 1785.03. A professional association may render a 997
particular professional service only through officers, 998
employees, and agents who are themselves duly licensed, 999
certificated, or otherwise legally authorized to render the 1000
professional service within this state. As used in this section, 1001
"employee" does not include clerks, bookkeepers, technicians, or 1002
other individuals who are not usually and ordinarily considered 1003
by custom and practice to be rendering a particular professional 1004
service for which a license, certificate, or other legal 1005
authorization is required and does not include any other person 1006
who performs all of that person's employment under the direct 1007
supervision and control of an officer, agent, or employee who 1008
renders a particular professional service to the public on 1009
behalf of the professional association. 1010

No professional association formed for the purpose of 1011
providing a combination of the professional services, as defined 1012
in section 1785.01 of the Revised Code, of optometrists 1013
authorized under Chapter 4725. of the Revised Code, 1014
chiropractors authorized under Chapter 4734. of the Revised Code 1015
to practice chiropractic or acupuncture, psychologists 1016
authorized under Chapter 4732. of the Revised Code, registered 1017

or licensed practical nurses authorized under Chapter 4723. of 1018
the Revised Code, pharmacists authorized under Chapter 4729. of 1019
the Revised Code, physical therapists authorized under sections 1020
4755.40 to 4755.56 of the Revised Code, occupational therapists 1021
authorized under sections 4755.04 to 4755.13 of the Revised 1022
Code, mechanotherapists authorized under section 4731.151 of the 1023
Revised Code, doctors of medicine and surgery, osteopathic 1024
medicine and surgery, or podiatric medicine and surgery 1025
authorized under Chapter 4731. of the Revised Code, ~~and~~-licensed 1026
professional clinical counselors, licensed professional 1027
counselors, independent social workers, social workers, 1028
independent marriage and family therapists, or marriage and 1029
family therapists authorized under Chapter 4757. of the Revised 1030
Code, and art therapists authorized under Chapter 4785. of the 1031
Revised Code shall control the professional clinical judgment 1032
exercised within accepted and prevailing standards of practice 1033
of a licensed, certificated, or otherwise legally authorized 1034
optometrist, chiropractor, chiropractor practicing acupuncture 1035
through the state chiropractic board, psychologist, nurse, 1036
pharmacist, physical therapist, occupational therapist, 1037
mechanotherapist, doctor of medicine and surgery, osteopathic 1038
medicine and surgery, or podiatric medicine and surgery, 1039
licensed professional clinical counselor, licensed professional 1040
counselor, independent social worker, social worker, independent 1041
marriage and family therapist, ~~or~~-marriage and family therapist, or 1042
or art therapist in rendering care, treatment, or professional 1043
advice to an individual patient. 1044

This division does not prevent a hospital, as defined in 1045
section 3727.01 of the Revised Code, insurer, as defined in 1046
section 3999.36 of the Revised Code, or intermediary 1047
organization, as defined in section 1751.01 of the Revised Code, 1048

from entering into a contract with a professional association 1049
described in this division that includes a provision requiring 1050
utilization review, quality assurance, peer review, or other 1051
performance or quality standards. Those activities shall not be 1052
construed as controlling the professional clinical judgment of 1053
an individual practitioner listed in this division. 1054

Sec. 1785.08. Chapter 1701. of the Revised Code applies to 1055
professional associations, including their organization and the 1056
manner of filing articles of incorporation, except that the 1057
requirements of division (A) of section 1701.06 of the Revised 1058
Code do not apply to professional associations. If any provision 1059
of this chapter conflicts with any provision of Chapter 1701. of 1060
the Revised Code, the provisions of this chapter shall take 1061
precedence. A professional association for the practice of 1062
medicine and surgery, osteopathic medicine and surgery, or 1063
podiatric medicine and surgery or for the combined practice of 1064
optometry, chiropractic, acupuncture through the state 1065
chiropractic board, psychology, nursing, pharmacy, physical 1066
therapy, mechanotherapy, medicine and surgery, osteopathic 1067
medicine and surgery, ~~or podiatric medicine and surgery,~~ or art 1068
therapy may provide in its articles of incorporation or bylaws 1069
that its directors may have terms of office not exceeding six 1070
years. 1071

Sec. 4723.16. (A) An individual whom the board of nursing 1072
licenses or otherwise legally authorizes to engage in the 1073
practice of nursing as a registered nurse, advanced practice 1074
registered nurse, or licensed practical nurse may render the 1075
professional services of a registered, advanced practice 1076
registered, or licensed practical nurse within this state 1077
through a corporation formed under division (B) of section 1078
1701.03 of the Revised Code, a limited liability company formed 1079

under Chapter 1705. of the Revised Code, a partnership, or a 1080
professional association formed under Chapter 1785. of the 1081
Revised Code. This division does not preclude an individual of 1082
that nature from rendering professional services as a 1083
registered, advanced practice registered, or licensed practical 1084
nurse through another form of business entity, including, but 1085
not limited to, a nonprofit corporation or foundation, or in 1086
another manner that is authorized by or in accordance with this 1087
chapter, another chapter of the Revised Code, or rules of the 1088
board of nursing adopted pursuant to this chapter. 1089

(B) A corporation, limited liability company, partnership, 1090
or professional association described in division (A) of this 1091
section may be formed for the purpose of providing a combination 1092
of the professional services of the following individuals who 1093
are licensed, certificated, or otherwise legally authorized to 1094
practice their respective professions: 1095

(1) Optometrists who are authorized to practice optometry 1096
under Chapter 4725. of the Revised Code; 1097

(2) Chiropractors who are authorized to practice 1098
chiropractic or acupuncture under Chapter 4734. of the Revised 1099
Code; 1100

(3) Psychologists who are authorized to practice 1101
psychology under Chapter 4732. of the Revised Code; 1102

(4) Registered, advanced practice registered, or licensed 1103
practical nurses who are authorized to practice nursing as 1104
registered nurses, advanced practice registered nurses, or 1105
licensed practical nurses under this chapter; 1106

(5) Pharmacists who are authorized to practice pharmacy 1107
under Chapter 4729. of the Revised Code; 1108

(6) Physical therapists who are authorized to practice 1109
physical therapy under sections 4755.40 to 4755.56 of the 1110
Revised Code; 1111

(7) Occupational therapists who are licensed to practice 1112
occupational therapy under sections 4755.04 to 4755.13 of the 1113
Revised Code; 1114

(8) Mechanotherapists who are authorized to practice 1115
mechanotherapy under section 4731.151 of the Revised Code; 1116

(9) Doctors of medicine and surgery, osteopathic medicine 1117
and surgery, or podiatric medicine and surgery who are licensed, 1118
certificated, or otherwise legally authorized for their 1119
respective practices under Chapter 4731. of the Revised Code; 1120

(10) Licensed professional clinical counselors, licensed 1121
professional counselors, independent social workers, social 1122
workers, independent marriage and family therapists, or marriage 1123
and family therapists who are authorized for their respective 1124
practices under Chapter 4757. of the Revised Code; 1125

(11) Art therapists who are authorized to practice art 1126
therapy under Chapter 4785. of the Revised Code. 1127

This division shall apply notwithstanding a provision of a 1128
code of ethics applicable to a nurse that prohibits a 1129
registered, advanced practice registered, or licensed practical 1130
nurse from engaging in the practice of nursing as a registered 1131
nurse, advanced practice registered nurse, or licensed practical 1132
nurse in combination with a person who is licensed, 1133
certificated, or otherwise legally authorized to practice 1134
optometry, chiropractic, acupuncture through the state 1135
chiropractic board, psychology, pharmacy, physical therapy, 1136
occupational therapy, mechanotherapy, medicine and surgery, 1137

osteopathic medicine and surgery, podiatric medicine and 1138
surgery, professional counseling, social work, ~~or~~ marriage and 1139
family therapy, or art therapy, but who is not also licensed, 1140
certificated, or otherwise legally authorized to engage in the 1141
practice of nursing as a registered nurse, advanced practice 1142
registered nurse, or licensed practical nurse. 1143

Sec. 4725.33. (A) An individual whom the state vision 1144
professionals board licenses to engage in the practice of 1145
optometry may render the professional services of an optometrist 1146
within this state through a corporation formed under division 1147
(B) of section 1701.03 of the Revised Code, a limited liability 1148
company formed under Chapter 1705. of the Revised Code, a 1149
partnership, or a professional association formed under Chapter 1150
1785. of the Revised Code. This division does not preclude an 1151
optometrist from rendering professional services as an 1152
optometrist through another form of business entity, including, 1153
but not limited to, a nonprofit corporation or foundation, or in 1154
another manner that is authorized by or in accordance with this 1155
chapter, another chapter of the Revised Code, or rules of the 1156
state vision professionals board adopted pursuant to this 1157
chapter. 1158

(B) A corporation, limited liability company, partnership, 1159
or professional association described in division (A) of this 1160
section may be formed for the purpose of providing a combination 1161
of the professional services of the following individuals who 1162
are licensed, certificated, or otherwise legally authorized to 1163
practice their respective professions: 1164

(1) Optometrists who are authorized to practice optometry 1165
under Chapter 4725. of the Revised Code; 1166

(2) Chiropractors who are authorized to practice 1167

chiropractic or acupuncture under Chapter 4734. of the Revised Code; 1168
1169

(3) Psychologists who are authorized to practice psychology under Chapter 4732. of the Revised Code; 1170
1171

(4) Registered or licensed practical nurses who are authorized to practice nursing as registered nurses or as licensed practical nurses under Chapter 4723. of the Revised Code; 1172
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1174
1175

(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code; 1176
1177

(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code; 1178
1179
1180

(7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code; 1181
1182
1183

(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code; 1184
1185

(9) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under Chapter 4731. of the Revised Code; 1186
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1188
1189

(10) Licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, or marriage and family therapists who are authorized for their respective practices under Chapter 4757. of the Revised Code; 1190
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(11) Art therapists who are authorized to practice art 1195

therapy under Chapter 4785. of the Revised Code. 1196

This division shall apply notwithstanding a provision of a 1197
code of ethics applicable to an optometrist that prohibits an 1198
optometrist from engaging in the practice of optometry in 1199
combination with a person who is licensed, certificated, or 1200
otherwise legally authorized to practice chiropractic, 1201
acupuncture through the state chiropractic board, psychology, 1202
nursing, pharmacy, physical therapy, occupational therapy, 1203
mechanotherapy, medicine and surgery, osteopathic medicine and 1204
surgery, podiatric medicine and surgery, professional 1205
counseling, social work, ~~or~~ marriage and family therapy, or art 1206
therapy, but who is not also licensed, certificated, or 1207
otherwise legally authorized to engage in the practice of 1208
optometry. 1209

Sec. 4729.161. (A) An individual registered with the state 1210
board of pharmacy to engage in the practice of pharmacy may 1211
render the professional services of a pharmacist within this 1212
state through a corporation formed under division (B) of section 1213
1701.03 of the Revised Code, a limited liability company formed 1214
under Chapter 1705. of the Revised Code, a partnership, or a 1215
professional association formed under Chapter 1785. of the 1216
Revised Code. This division does not preclude an individual of 1217
that nature from rendering professional services as a pharmacist 1218
through another form of business entity, including, but not 1219
limited to, a nonprofit corporation or foundation, or in another 1220
manner that is authorized by or in accordance with this chapter, 1221
another chapter of the Revised Code, or rules of the state board 1222
of pharmacy adopted pursuant to this chapter. 1223

(B) A corporation, limited liability company, partnership, 1224
or professional association described in division (A) of this 1225

section may be formed for the purpose of providing a combination 1226
of the professional services of the following individuals who 1227
are licensed, certificated, or otherwise legally authorized to 1228
practice their respective professions: 1229

(1) Optometrists who are authorized to practice optometry 1230
under Chapter 4725. of the Revised Code; 1231

(2) Chiropractors who are authorized to practice 1232
chiropractic or acupuncture under Chapter 4734. of the Revised 1233
Code; 1234

(3) Psychologists who are authorized to practice 1235
psychology under Chapter 4732. of the Revised Code; 1236

(4) Registered or licensed practical nurses who are 1237
authorized to practice nursing as registered nurses or as 1238
licensed practical nurses under Chapter 4723. of the Revised 1239
Code; 1240

(5) Pharmacists who are authorized to practice pharmacy 1241
under Chapter 4729. of the Revised Code; 1242

(6) Physical therapists who are authorized to practice 1243
physical therapy under sections 4755.40 to 4755.56 of the 1244
Revised Code; 1245

(7) Occupational therapists who are authorized to practice 1246
occupational therapy under sections 4755.04 to 4755.13 of the 1247
Revised Code; 1248

(8) Mechanotherapists who are authorized to practice 1249
mechanotherapy under section 4731.151 of the Revised Code; 1250

(9) Doctors of medicine and surgery, osteopathic medicine 1251
and surgery, or podiatric medicine and surgery who are 1252
authorized for their respective practices under Chapter 4731. of 1253

the Revised Code; 1254

(10) Licensed professional clinical counselors, licensed 1255
professional counselors, independent social workers, social 1256
workers, independent marriage and family therapists, or marriage 1257
and family therapists who are authorized for their respective 1258
practices under Chapter 4757. of the Revised Code; 1259

(11) Art therapists who are authorized to practice art 1260
therapy under Chapter 4785. of the Revised Code. 1261

This division shall apply notwithstanding a provision of a 1262
code of ethics applicable to a pharmacist that prohibits a 1263
pharmacist from engaging in the practice of pharmacy in 1264
combination with a person who is licensed, certificated, or 1265
otherwise legally authorized to practice optometry, 1266
chiropractic, acupuncture through the state chiropractic board, 1267
psychology, nursing, physical therapy, occupational therapy, 1268
mechanotherapy, medicine and surgery, osteopathic medicine and 1269
surgery, podiatric medicine and surgery, professional 1270
counseling, social work, ~~or~~ marriage and family therapy, or art 1271
therapy, but who is not also licensed, certificated, or 1272
otherwise legally authorized to engage in the practice of 1273
pharmacy. 1274

Sec. 4731.07. (A) The state medical board shall keep a 1275
record of its proceedings. The minutes of a meeting of the board 1276
shall, on approval by the board, constitute an official record 1277
of its proceedings. 1278

(B) The board shall keep a register of applicants for 1279
certificates issued under this chapter and Chapters 4760., 1280
4762., and 4774. of the Revised Code and licenses issued under 1281
this chapter and Chapters 4730., 4759., 4761., ~~and 4778.~~, and 1282

4785. of the Revised Code. The register shall show the name of 1283
the applicant and whether the applicant was granted or refused a 1284
certificate or license. With respect to applicants to practice 1285
medicine and surgery or osteopathic medicine and surgery, the 1286
register shall show the name of the institution that granted the 1287
applicant the degree of doctor of medicine or osteopathic 1288
medicine. With respect to applicants to practice respiratory 1289
care, the register shall show the addresses of the person's last 1290
known place of business and residence, the effective date and 1291
identification number of the license, the name and location of 1292
the institution that granted the person's degree or certificate 1293
of completion of respiratory care educational requirements, and 1294
the date the degree or certificate was issued. The books and 1295
records of the board shall be prima-facie evidence of matters 1296
therein contained. 1297

Sec. 4731.071. The state medical board shall develop and 1298
publish on its internet web site a directory containing the 1299
names of, and contact information for, all persons who hold 1300
current, valid certificates or licenses issued by the board 1301
under this chapter or Chapter 4730., 4759., 4760., 4761., 4762., 1302
4774., ~~or 4778.~~, or 4785. of the Revised Code. Except as 1303
provided in section 4731.10 of the Revised Code, the directory 1304
shall be the sole source for verifying that a person holds a 1305
current, valid certificate or license issued by the board. 1306

Sec. 4731.226. (A) (1) An individual whom the state medical 1307
board licenses, certificates, or otherwise legally authorizes to 1308
engage in the practice of medicine and surgery, osteopathic 1309
medicine and surgery, or podiatric medicine and surgery may 1310
render the professional services of a doctor of medicine and 1311
surgery, osteopathic medicine and surgery, or podiatric medicine 1312
and surgery within this state through a corporation formed under 1313

division (B) of section 1701.03 of the Revised Code, a limited
liability company formed under Chapter 1705. of the Revised
Code, a partnership, or a professional association formed under
Chapter 1785. of the Revised Code. Division (A) (1) of this
section does not preclude an individual of that nature from
rendering professional services as a doctor of medicine and
surgery, osteopathic medicine and surgery, or podiatric medicine
and surgery through another form of business entity, including,
but not limited to, a nonprofit corporation or foundation, or in
another manner that is authorized by or in accordance with this
chapter, another chapter of the Revised Code, or rules of the
state medical board adopted pursuant to this chapter.

(2) An individual whom the state medical board authorizes
to engage in the practice of mechanotherapy may render the
professional services of a mechanotherapist within this state
through a corporation formed under division (B) of section
1701.03 of the Revised Code, a limited liability company formed
under Chapter 1705. of the Revised Code, a partnership, or a
professional association formed under Chapter 1785. of the
Revised Code. Division (A) (2) of this section does not preclude
an individual of that nature from rendering professional
services as a mechanotherapist through another form of business
entity, including, but not limited to, a nonprofit corporation
or foundation, or in another manner that is authorized by or in
accordance with this chapter, another chapter of the Revised
Code, or rules of the state medical board adopted pursuant to
this chapter.

(B) A corporation, limited liability company, partnership,
or professional association described in division (A) of this
section may be formed for the purpose of providing a combination
of the professional services of the following individuals who

are licensed, certificated, or otherwise legally authorized to 1345
practice their respective professions: 1346

(1) Optometrists who are authorized to practice optometry 1347
under Chapter 4725. of the Revised Code; 1348

(2) Chiropractors who are authorized to practice 1349
chiropractic or acupuncture under Chapter 4734. of the Revised 1350
Code; 1351

(3) Psychologists who are authorized to practice 1352
psychology under Chapter 4732. of the Revised Code; 1353

(4) Registered or licensed practical nurses who are 1354
authorized to practice nursing as registered nurses or as 1355
licensed practical nurses under Chapter 4723. of the Revised 1356
Code; 1357

(5) Pharmacists who are authorized to practice pharmacy 1358
under Chapter 4729. of the Revised Code; 1359

(6) Physical therapists who are authorized to practice 1360
physical therapy under sections 4755.40 to 4755.56 of the 1361
Revised Code; 1362

(7) Occupational therapists who are authorized to practice 1363
occupational therapy under sections 4755.04 to 4755.13 of the 1364
Revised Code; 1365

(8) Mechanotherapists who are authorized to practice 1366
mechanotherapy under section 4731.151 of the Revised Code; 1367

(9) Doctors of medicine and surgery, osteopathic medicine 1368
and surgery, or podiatric medicine and surgery who are 1369
authorized for their respective practices under this chapter; 1370

(10) Licensed professional clinical counselors, licensed 1371

professional counselors, independent social workers, social 1372
workers, independent marriage and family therapists, or marriage 1373
and family therapists who are authorized for their respective 1374
practices under Chapter 4757. of the Revised Code; 1375

(11) Art therapists who are authorized to practice art 1376
therapy under Chapter 4785. of the Revised Code. 1377

(C) Division (B) of this section shall apply 1378
notwithstanding a provision of a code of ethics described in 1379
division (B)(18) of section 4731.22 of the Revised Code that 1380
prohibits either of the following: 1381

(1) A doctor of medicine and surgery, osteopathic medicine 1382
and surgery, or podiatric medicine and surgery from engaging in 1383
the doctor's authorized practice in combination with a person 1384
who is licensed, certificated, or otherwise legally authorized 1385
to engage in the practice of optometry, chiropractic, 1386
acupuncture through the state chiropractic board, psychology, 1387
nursing, pharmacy, physical therapy, occupational therapy, 1388
mechanotherapy, professional counseling, social work, ~~or~~ 1389
marriage and family therapy, or art therapy, but who is not also 1390
licensed, certificated, or otherwise legally authorized to 1391
practice medicine and surgery, osteopathic medicine and surgery, 1392
or podiatric medicine and surgery. 1393

(2) A mechanotherapist from engaging in the practice of 1394
mechanotherapy in combination with a person who is licensed, 1395
certificated, or otherwise legally authorized to engage in the 1396
practice of optometry, chiropractic, acupuncture through the 1397
state chiropractic board, psychology, nursing, pharmacy, 1398
physical therapy, occupational therapy, medicine and surgery, 1399
osteopathic medicine and surgery, podiatric medicine and 1400
surgery, professional counseling, social work, ~~or~~ marriage and 1401

family therapy, or art therapy, but who is not also licensed, 1402
certificated, or otherwise legally authorized to engage in the 1403
practice of mechanotherapy. 1404

Sec. 4731.24. Except as provided in sections 4731.281 and 1405
4731.40 of the Revised Code, all receipts of the state medical 1406
board, from any source, shall be deposited in the state 1407
treasury. The funds shall be deposited to the credit of the 1408
state medical board operating fund, which is hereby created. 1409
Except as provided in sections 4730.252, 4731.225, 4731.24, 1410
4760.133, 4762.133, 4774.133, ~~and 4778.141~~, and 4785.11 of the 1411
Revised Code, all funds deposited into the state treasury under 1412
this section shall be used solely for the administration and 1413
enforcement of this chapter and Chapters 4730., 4759., 4760., 1414
4761., 4762., 4774., ~~and 4778.~~, and 4785. of the Revised Code by 1415
the board. 1416

Sec. 4731.25. The state medical board, in accordance with 1417
Chapter 119. of the Revised Code, shall adopt and may amend and 1418
rescind rules establishing standards for approval of physicians 1419
and facilities as treatment providers for impaired practitioners 1420
who are regulated under this chapter or Chapter 4730., 4759., 1421
4760., 4761., 4762., 4774., ~~or 4778.~~, or 4785. of the Revised 1422
Code. The rules shall include standards for both inpatient and 1423
outpatient treatment. The rules shall provide that in order to 1424
be approved, a treatment provider must have the capability of 1425
making an initial examination to determine what type of 1426
treatment an impaired practitioner requires. Subject to the 1427
rules, the board shall review and approve treatment providers on 1428
a regular basis. The board, at its discretion, may withdraw or 1429
deny approval subject to the rules. 1430

An approved impaired practitioner treatment provider 1431

shall: 1432

(A) Report to the board the name of any practitioner 1433
suffering or showing evidence of suffering impairment as 1434
described in division (B) (5) of section 4730.25 of the Revised 1435
Code, division (B) (26) of section 4731.22 of the Revised Code, 1436
division (A) (4) of section 4759.07 of the Revised Code, division 1437
(B) (6) of section 4760.13 of the Revised Code, division (B) (6) 1438
of section 4762.13 of the Revised Code, division (B) (6) of 1439
section 4774.13 of the Revised Code, ~~or~~ division (B) (6) of 1440
section 4778.14 of the Revised Code, or division (C) (19) of 1441
section 4785.10 of the Revised Code who fails to comply within 1442
one week with a referral for examination; 1443

(B) Report to the board the name of any impaired 1444
practitioner who fails to enter treatment within forty-eight 1445
hours following the provider's determination that the 1446
practitioner needs treatment; 1447

(C) Require every practitioner who enters treatment to 1448
agree to a treatment contract establishing the terms of 1449
treatment and aftercare, including any required supervision or 1450
restrictions of practice during treatment or aftercare; 1451

(D) Require a practitioner to suspend practice upon entry 1452
into any required inpatient treatment; 1453

(E) Report to the board any failure by an impaired 1454
practitioner to comply with the terms of the treatment contract 1455
during inpatient or outpatient treatment or aftercare; 1456

(F) Report to the board the resumption of practice of any 1457
impaired practitioner before the treatment provider has made a 1458
clear determination that the practitioner is capable of 1459
practicing according to acceptable and prevailing standards of 1460

care; 1461

(G) Require a practitioner who resumes practice after 1462
completion of treatment to comply with an aftercare contract 1463
that meets the requirements of rules adopted by the board for 1464
approval of treatment providers; 1465

(H) Report the identity of any practitioner practicing 1466
under the terms of an aftercare contract to hospital 1467
administrators, medical chiefs of staff, and chairpersons of 1468
impaired practitioner committees of all health care institutions 1469
at which the practitioner holds clinical privileges or otherwise 1470
practices. If the practitioner does not hold clinical privileges 1471
at any health care institution, the treatment provider shall 1472
report the practitioner's identity to the impaired practitioner 1473
committee of the county medical society, osteopathic academy, or 1474
podiatric medical association in every county in which the 1475
practitioner practices. If there are no impaired practitioner 1476
committees in the county, the treatment provider shall report 1477
the practitioner's identity to the president or other designated 1478
member of the county medical society, osteopathic academy, or 1479
podiatric medical association. 1480

(I) Report to the board the identity of any practitioner 1481
who suffers a relapse at any time during or following aftercare. 1482

Any individual authorized to practice under this chapter 1483
who enters into treatment by an approved treatment provider 1484
shall be deemed to have waived any confidentiality requirements 1485
that would otherwise prevent the treatment provider from making 1486
reports required under this section. 1487

In the absence of fraud or bad faith, no person or 1488
organization that conducts an approved impaired practitioner 1489

treatment program, no member of such an organization, and no 1490
employee, representative, or agent of the treatment provider 1491
shall be held liable in damages to any person by reason of 1492
actions taken or recommendations made by the treatment provider 1493
or its employees, representatives, or agents. 1494

Sec. 4731.65. As used in sections 4731.65 to 4731.71 of 1495
the Revised Code: 1496

(A) (1) "Clinical laboratory services" means either of the 1497
following: 1498

(a) Any examination of materials derived from the human 1499
body for the purpose of providing information for the diagnosis, 1500
prevention, or treatment of any disease or impairment or for the 1501
assessment of health; 1502

(b) Procedures to determine, measure, or otherwise 1503
describe the presence or absence of various substances or 1504
organisms in the body. 1505

(2) "Clinical laboratory services" does not include the 1506
mere collection or preparation of specimens. 1507

(B) "Designated health services" means any of the 1508
following: 1509

(1) Clinical laboratory services; 1510

(2) Home health care services; 1511

(3) Outpatient prescription drugs. 1512

(C) "Fair market value" means the value in arms-length 1513
transactions, consistent with general market value and: 1514

(1) With respect to rentals or leases, the value of rental 1515
property for general commercial purposes, not taking into 1516

account its intended use; 1517

(2) With respect to a lease of space, not adjusted to 1518
reflect the additional value the prospective lessee or lessor 1519
would attribute to the proximity or convenience to the lessor if 1520
the lessor is a potential source of referrals to the lessee. 1521

(D) "Governmental health care program" means any program 1522
providing health care benefits that is administered by the 1523
federal government, this state, or a political subdivision of 1524
this state, including the medicare program, health care coverage 1525
for public employees, health care benefits administered by the 1526
bureau of workers' compensation, and the medicaid program. 1527

(E) (1) "Group practice" means a group of two or more 1528
holders of licenses or certificates under this chapter legally 1529
organized as a partnership, professional corporation or 1530
association, limited liability company, foundation, nonprofit 1531
corporation, faculty practice plan, or similar group practice 1532
entity, including an organization comprised of a nonprofit 1533
medical clinic that contracts with a professional corporation or 1534
association of physicians to provide medical services 1535
exclusively to patients of the clinic in order to comply with 1536
section 1701.03 of the Revised Code and including a corporation, 1537
limited liability company, partnership, or professional 1538
association described in division (B) of section 4731.226 of the 1539
Revised Code formed for the purpose of providing a combination 1540
of the professional services of optometrists who are licensed, 1541
certificated, or otherwise legally authorized to practice 1542
optometry under Chapter 4725. of the Revised Code, chiropractors 1543
who are licensed, certificated, or otherwise legally authorized 1544
to practice chiropractic or acupuncture under Chapter 4734. of 1545
the Revised Code, psychologists who are licensed, certificated, 1546

or otherwise legally authorized to practice psychology under 1547
Chapter 4732. of the Revised Code, registered or licensed 1548
practical nurses who are licensed, certificated, or otherwise 1549
legally authorized to practice nursing under Chapter 4723. of 1550
the Revised Code, pharmacists who are licensed, certificated, or 1551
otherwise legally authorized to practice pharmacy under Chapter 1552
4729. of the Revised Code, physical therapists who are licensed, 1553
certificated, or otherwise legally authorized to practice 1554
physical therapy under sections 4755.40 to 4755.56 of the 1555
Revised Code, occupational therapists who are licensed, 1556
certificated, or otherwise legally authorized to practice 1557
occupational therapy under sections 4755.04 to 4755.13 of the 1558
Revised Code, mechanotherapists who are licensed, certificated, 1559
or otherwise legally authorized to practice mechanotherapy under 1560
section 4731.151 of the Revised Code, and doctors of medicine 1561
and surgery, osteopathic medicine and surgery, or podiatric 1562
medicine and surgery who are licensed, certificated, or 1563
otherwise legally authorized for their respective practices 1564
under this chapter, ~~and~~-licensed professional clinical 1565
counselors, licensed professional counselors, independent social 1566
workers, social workers, independent marriage and family 1567
therapists, or marriage and family therapists who are licensed, 1568
certificated, or otherwise legally authorized for their 1569
respective practices under Chapter 4757. of the Revised Code, 1570
and art therapists who are authorized to practice art therapy 1571
under Chapter 4785. of the Revised Code to which all of the 1572
following apply: 1573

(a) Each physician who is a member of the group practice 1574
provides substantially the full range of services that the 1575
physician routinely provides, including medical care, 1576
consultation, diagnosis, or treatment, through the joint use of 1577

shared office space, facilities, equipment, and personnel. 1578

(b) Substantially all of the services of the members of 1579
the group are provided through the group and are billed in the 1580
name of the group and amounts so received are treated as 1581
receipts of the group. 1582

(c) The overhead expenses of and the income from the 1583
practice are distributed in accordance with methods previously 1584
determined by members of the group. 1585

(d) The group practice meets any other requirements that 1586
the state medical board applies in rules adopted under section 1587
4731.70 of the Revised Code. 1588

(2) In the case of a faculty practice plan associated with 1589
a hospital with a medical residency training program in which 1590
physician members may provide a variety of specialty services 1591
and provide professional services both within and outside the 1592
group, as well as perform other tasks such as research, the 1593
criteria in division (E)(1) of this section apply only with 1594
respect to services rendered within the faculty practice plan. 1595

(F) "Home health care services" and "immediate family" 1596
have the same meanings as in the rules adopted under section 1597
4731.70 of the Revised Code. 1598

(G) "Hospital" has the same meaning as in section 3727.01 1599
of the Revised Code. 1600

(H) A "referral" includes both of the following: 1601

(1) A request by a holder of a license or certificate 1602
under this chapter for an item or service, including a request 1603
for a consultation with another physician and any test or 1604
procedure ordered by or to be performed by or under the 1605

supervision of the other physician; 1606

(2) A request for or establishment of a plan of care by a 1607
license or certificate holder that includes the provision of 1608
designated health services. 1609

(I) "Third-party payer" has the same meaning as in section 1610
3901.38 of the Revised Code. 1611

Sec. 4732.28. (A) An individual whom the state board of 1612
psychology licenses, certificates, or otherwise legally 1613
authorizes to engage in the practice of psychology may render 1614
the professional services of a psychologist within this state 1615
through a corporation formed under division (B) of section 1616
1701.03 of the Revised Code, a limited liability company formed 1617
under Chapter 1705. of the Revised Code, a partnership, or a 1618
professional association formed under Chapter 1785. of the 1619
Revised Code. This division does not preclude an individual of 1620
that nature from rendering professional services as a 1621
psychologist through another form of business entity, including, 1622
but not limited to, a nonprofit corporation or foundation, or in 1623
another manner that is authorized by or in accordance with this 1624
chapter, another chapter of the Revised Code, or rules of the 1625
state board of psychology adopted pursuant to this chapter. 1626

(B) A corporation, limited liability company, partnership, 1627
or professional association described in division (A) of this 1628
section may be formed for the purpose of providing a combination 1629
of the professional services of the following individuals who 1630
are licensed, certificated, or otherwise legally authorized to 1631
practice their respective professions: 1632

(1) Optometrists who are authorized to practice optometry 1633
under Chapter 4725. of the Revised Code; 1634

(2) Chiropractors who are authorized to practice	1635
chiropractic or acupuncture under Chapter 4734. of the Revised	1636
Code;	1637
(3) Psychologists who are authorized to practice	1638
psychology under this chapter;	1639
(4) Registered or licensed practical nurses who are	1640
authorized to practice nursing as registered nurses or as	1641
licensed practical nurses under Chapter 4723. of the Revised	1642
Code;	1643
(5) Pharmacists who are authorized to practice pharmacy	1644
under Chapter 4729. of the Revised Code;	1645
(6) Physical therapists who are authorized to practice	1646
physical therapy under sections 4755.40 to 4755.56 of the	1647
Revised Code;	1648
(7) Occupational therapists who are authorized to practice	1649
occupational therapy under sections 4755.04 to 4755.13 of the	1650
Revised Code;	1651
(8) Mechanotherapists who are authorized to practice	1652
mechanotherapy under section 4731.151 of the Revised Code;	1653
(9) Doctors of medicine and surgery, osteopathic medicine	1654
and surgery, or podiatric medicine and surgery who are	1655
authorized for their respective practices under Chapter 4731. of	1656
the Revised Code;	1657
(10) Licensed professional clinical counselors, licensed	1658
professional counselors, independent social workers, social	1659
workers, independent marriage and family therapists, or marriage	1660
and family therapists who are authorized for their respective	1661
practices under Chapter 4757. of the Revised Code;	1662

(11) Art therapists who are authorized to practice art 1663
therapy under Chapter 4785. of the Revised Code. 1664

This division shall apply notwithstanding a provision of a 1665
code of ethics applicable to a psychologist that prohibits a 1666
psychologist from engaging in the practice of psychology in 1667
combination with a person who is licensed, certificated, or 1668
otherwise legally authorized to practice optometry, 1669
chiropractic, acupuncture through the state chiropractic board, 1670
nursing, pharmacy, physical therapy, occupational therapy, 1671
mechanotherapy, medicine and surgery, osteopathic medicine and 1672
surgery, podiatric medicine and surgery, professional 1673
counseling, social work, ~~or~~ marriage and family therapy, or art 1674
therapy, but who is not also licensed, certificated, or 1675
otherwise legally authorized to engage in the practice of 1676
psychology. 1677

Sec. 4734.17. (A) An individual whom the state 1678
chiropractic board licenses to engage in the practice of 1679
chiropractic or certifies to practice acupuncture may render the 1680
professional services of a chiropractor or chiropractor 1681
certified to practice acupuncture within this state through a 1682
corporation formed under division (B) of section 1701.03 of the 1683
Revised Code, a limited liability company formed under Chapter 1684
1705. of the Revised Code, a partnership, or a professional 1685
association formed under Chapter 1785. of the Revised Code. This 1686
division does not preclude a chiropractor from rendering 1687
professional services as a chiropractor or chiropractor 1688
certified to practice acupuncture through another form of 1689
business entity, including, but not limited to, a nonprofit 1690
corporation or foundation, or in another manner that is 1691
authorized by or in accordance with this chapter, another 1692
chapter of the Revised Code, or rules of the state chiropractic 1693

board adopted pursuant to this chapter. 1694

(B) A corporation, limited liability company, partnership, 1695
or professional association described in division (A) of this 1696
section may be formed for the purpose of providing a combination 1697
of the professional services of the following individuals who 1698
are licensed, certificated, or otherwise legally authorized to 1699
practice their respective professions: 1700

(1) Optometrists who are authorized to practice optometry, 1701
under Chapter 4725. of the Revised Code; 1702

(2) Chiropractors who are authorized to practice 1703
chiropractic or acupuncture under this chapter; 1704

(3) Psychologists who are authorized to practice 1705
psychology under Chapter 4732. of the Revised Code; 1706

(4) Registered or licensed practical nurses who are 1707
authorized to practice nursing as registered nurses or as 1708
licensed practical nurses under Chapter 4723. of the Revised 1709
Code; 1710

(5) Pharmacists who are authorized to practice pharmacy 1711
under Chapter 4729. of the Revised Code; 1712

(6) Physical therapists who are authorized to practice 1713
physical therapy under sections 4755.40 to 4755.56 of the 1714
Revised Code; 1715

(7) Occupational therapists who are authorized to practice 1716
occupational therapy under sections 4755.04 to 4755.13 of the 1717
Revised Code; 1718

(8) Mechanotherapists who are authorized to practice 1719
mechanotherapy under section 4731.151 of the Revised Code; 1720

(9) Doctors of medicine and surgery, osteopathic medicine 1721
and surgery, or podiatric medicine and surgery who are 1722
authorized for their respective practices under Chapter 4731. of 1723
the Revised Code; 1724

(10) Licensed professional clinical counselors, licensed 1725
professional counselors, independent social workers, social 1726
workers, independent marriage and family therapists, or marriage 1727
and family therapists who are authorized for their respective 1728
practices under Chapter 4757. of the Revised Code; 1729

(11) Art therapists who are authorized to practice art 1730
therapy under Chapter 4785. of the Revised Code. 1731

This division shall apply notwithstanding a provision of 1732
any code of ethics established or adopted under section 4734.16 1733
of the Revised Code that prohibits an individual from engaging 1734
in the practice of chiropractic or acupuncture in combination 1735
with an individual who is licensed, certificated, or otherwise 1736
authorized for the practice of optometry, psychology, nursing, 1737
pharmacy, physical therapy, occupational therapy, 1738
mechanotherapy, medicine and surgery, osteopathic medicine and 1739
surgery, podiatric medicine and surgery, professional 1740
counseling, social work, ~~or~~ marriage and family therapy, or art 1741
therapy, but who is not also licensed under this chapter to 1742
engage in the practice of chiropractic. 1743

Sec. 4755.111. (A) An individual whom the occupational 1744
therapy section of the Ohio occupational therapy, physical 1745
therapy, and athletic trainers board licenses, certificates, or 1746
otherwise legally authorizes to engage in the practice of 1747
occupational therapy may render the professional services of an 1748
occupational therapist within this state through a corporation 1749
formed under division (B) of section 1701.03 of the Revised 1750

Code, a limited liability company formed under Chapter 1705. of 1751
the Revised Code, a partnership, or a professional association 1752
formed under Chapter 1785. of the Revised Code. This division 1753
does not preclude an individual of that nature from rendering 1754
professional services as an occupational therapist through 1755
another form of business entity, including, but not limited to, 1756
a nonprofit corporation or foundation, or in another manner that 1757
is authorized by or in accordance with sections 4755.04 to 1758
4755.13 of the Revised Code, another chapter of the Revised 1759
Code, or rules of the Ohio occupational therapy, physical 1760
therapy, and athletic trainers board adopted pursuant to 1761
sections 4755.04 to 4755.13 of the Revised Code. 1762

(B) A corporation, limited liability company, partnership, 1763
or professional association described in division (A) of this 1764
section may be formed for the purpose of providing a combination 1765
of the professional services of the following individuals who 1766
are licensed, certificated, or otherwise legally authorized to 1767
practice their respective professions: 1768

(1) Optometrists who are authorized to practice optometry 1769
under Chapter 4725. of the Revised Code; 1770

(2) Chiropractors who are authorized to practice 1771
chiropractic or acupuncture under Chapter 4734. of the Revised 1772
Code; 1773

(3) Psychologists who are authorized to practice 1774
psychology under Chapter 4732. of the Revised Code; 1775

(4) Registered or licensed practical nurses who are 1776
authorized to practice nursing as registered nurses or as 1777
licensed practical nurses under Chapter 4723. of the Revised 1778
Code; 1779

(5) Pharmacists who are authorized to practice pharmacy	1780
under Chapter 4729. of the Revised Code;	1781
(6) Physical therapists who are authorized to practice	1782
physical therapy under sections 4755.40 to 4755.56 of the	1783
Revised Code;	1784
(7) Occupational therapists who are authorized to practice	1785
occupational therapy under sections 4755.04 to 4755.13 of the	1786
Revised Code;	1787
(8) Mechanotherapists who are authorized to practice	1788
mechanotherapy under section 4731.151 of the Revised Code;	1789
(9) Doctors of medicine and surgery, osteopathic medicine	1790
and surgery, or podiatric medicine and surgery who are	1791
authorized for their respective practices under Chapter 4731. of	1792
the Revised Code;	1793
(10) Licensed professional clinical counselors, licensed	1794
professional counselors, independent social workers, social	1795
workers, independent marriage and family therapists, or marriage	1796
and family therapists who are authorized for their respective	1797
practices under Chapter 4757. of the Revised Code;	1798
<u>(11) Art therapists who are authorized to practice art</u>	1799
<u>therapy under Chapter 4785. of the Revised Code.</u>	1800
This division shall apply notwithstanding a provision of a	1801
code of ethics applicable to an occupational therapist that	1802
prohibits an occupational therapist from engaging in the	1803
practice of occupational therapy in combination with a person	1804
who is licensed, certificated, or otherwise legally authorized	1805
to practice optometry, chiropractic, acupuncture through the	1806
state chiropractic board, psychology, nursing, pharmacy,	1807
physical therapy, mechanotherapy, medicine and surgery,	1808

osteopathic medicine and surgery, podiatric medicine and 1809
surgery, professional counseling, social work, ~~or~~ marriage and 1810
family therapy, or art therapy but who is not also licensed, 1811
certificated, or otherwise legally authorized to engage in the 1812
practice of occupational therapy. 1813

Sec. 4755.471. (A) An individual whom the physical therapy 1814
section of the Ohio occupational therapy, physical therapy, and 1815
athletic trainers board licenses, certificates, or otherwise 1816
legally authorizes to engage in the practice of physical therapy 1817
may render the professional services of a physical therapist 1818
within this state through a corporation formed under division 1819
(B) of section 1701.03 of the Revised Code, a limited liability 1820
company formed under Chapter 1705. of the Revised Code, a 1821
partnership, or a professional association formed under Chapter 1822
1785. of the Revised Code. This division does not preclude an 1823
individual of that nature from rendering professional services 1824
as a physical therapist through another form of business entity, 1825
including, but not limited to, a nonprofit corporation or 1826
foundation, or in another manner that is authorized by or in 1827
accordance with sections 4755.40 to 4755.53 of the Revised Code, 1828
another chapter of the Revised Code, or rules of the Ohio 1829
occupational therapy, physical therapy, and athletic trainers 1830
board adopted pursuant to sections 4755.40 to 4755.53 of the 1831
Revised Code. 1832

(B) A corporation, limited liability company, partnership, 1833
or professional association described in division (A) of this 1834
section may be formed for the purpose of providing a combination 1835
of the professional services of the following individuals who 1836
are licensed, certificated, or otherwise legally authorized to 1837
practice their respective professions: 1838

(1) Optometrists who are authorized to practice optometry	1839
under Chapter 4725. of the Revised Code;	1840
(2) Chiropractors who are authorized to practice	1841
chiropractic or acupuncture under Chapter 4734. of the Revised	1842
Code;	1843
(3) Psychologists who are authorized to practice	1844
psychology under Chapter 4732. of the Revised Code;	1845
(4) Registered or licensed practical nurses who are	1846
authorized to practice nursing as registered nurses or as	1847
licensed practical nurses under Chapter 4723. of the Revised	1848
Code;	1849
(5) Pharmacists who are authorized to practice pharmacy	1850
under Chapter 4729. of the Revised Code;	1851
(6) Physical therapists who are authorized to practice	1852
physical therapy under sections 4755.40 to 4755.56 of the	1853
Revised Code;	1854
(7) Occupational therapists who are authorized to practice	1855
occupational therapy under sections 4755.04 to 4755.13 of the	1856
Revised Code;	1857
(8) Mechanotherapists who are authorized to practice	1858
mechanotherapy under section 4731.151 of the Revised Code;	1859
(9) Doctors of medicine and surgery, osteopathic medicine	1860
and surgery, or podiatric medicine and surgery who are	1861
authorized for their respective practices under Chapter 4731. of	1862
the Revised Code;	1863
(10) Licensed professional clinical counselors, licensed	1864
professional counselors, independent social workers, social	1865
workers, independent marriage and family therapists, or marriage	1866

and family therapists who are authorized for their respective 1867
practices under Chapter 4757. of the Revised Code; 1868

(11) Art therapists who are authorized to practice art 1869
therapy under Chapter 4785. of the Revised Code. 1870

This division shall apply notwithstanding a provision of a 1871
code of ethics applicable to a physical therapist that prohibits 1872
a physical therapist from engaging in the practice of physical 1873
therapy in combination with a person who is licensed, 1874
certificated, or otherwise legally authorized to practice 1875
optometry, chiropractic, acupuncture through the state 1876
chiropractic board, psychology, nursing, pharmacy, occupational 1877
therapy, mechanotherapy, medicine and surgery, osteopathic 1878
medicine and surgery, podiatric medicine and surgery, 1879
professional counseling, social work, ~~or~~ marriage and family 1880
therapy, or art therapy, but who is not also licensed, 1881
certificated, or otherwise legally authorized to engage in the 1882
practice of physical therapy. 1883

Sec. 4757.37. (A) An individual whom the counselor, social 1884
worker, and marriage and family therapist board licenses, 1885
certificates, or otherwise legally authorizes to engage in the 1886
practice of professional counseling, social work, or marriage 1887
and family therapy may render the professional services of a 1888
licensed professional clinical counselor, licensed professional 1889
counselor, independent social worker, social worker, independent 1890
marriage and family therapist, or marriage and family therapist 1891
within this state through a corporation formed under division 1892
(B) of section 1701.03 of the Revised Code, a limited liability 1893
company formed under Chapter 1705. of the Revised Code, a 1894
partnership, or a professional association formed under Chapter 1895
1785. of the Revised Code. This division does not preclude such 1896

an individual from rendering professional services as a licensed 1897
professional clinical counselor, licensed professional 1898
counselor, independent social worker, social worker, independent 1899
marriage and family therapist, or marriage and family therapist 1900
through another form of business entity, including, but not 1901
limited to, a nonprofit corporation or foundation, or in another 1902
manner that is authorized by or in accordance with this chapter, 1903
another chapter of the Revised Code, or rules of the counselor, 1904
social worker, and marriage and family therapist board adopted 1905
pursuant to this chapter. 1906

(B) A corporation, limited liability company, partnership, 1907
or professional association described in division (A) of this 1908
section may be formed for the purpose of providing a combination 1909
of the professional services of the following individuals who 1910
are licensed, certificated, or otherwise legally authorized to 1911
practice their respective professions: 1912

(1) Optometrists who are authorized to practice optometry 1913
under Chapter 4725. of the Revised Code; 1914

(2) Chiropractors who are authorized to practice 1915
chiropractic or acupuncture under Chapter 4734. of the Revised 1916
Code; 1917

(3) Psychologists who are authorized to practice 1918
psychology under Chapter 4732. of the Revised Code; 1919

(4) Registered or licensed practical nurses who are 1920
authorized to practice nursing as registered nurses or as 1921
licensed practical nurses under Chapter 4723. of the Revised 1922
Code; 1923

(5) Pharmacists who are authorized to practice pharmacy 1924
under Chapter 4729. of the Revised Code; 1925

(6) Physical therapists who are authorized to practice 1926
physical therapy under sections 4755.40 to 4755.56 of the 1927
Revised Code; 1928

(7) Occupational therapists who are authorized to practice 1929
occupational therapy under sections 4755.04 to 4755.13 of the 1930
Revised Code; 1931

(8) Mechanotherapists who are authorized to practice 1932
mechanotherapy under section 4731.151 of the Revised Code; 1933

(9) Doctors of medicine and surgery, osteopathic medicine 1934
and surgery, or podiatric medicine and surgery who are 1935
authorized for their respective practices under Chapter 4731. of 1936
the Revised Code; 1937

(10) Licensed professional clinical counselors, licensed 1938
professional counselors, independent social workers, social 1939
workers, independent marriage and family therapists, or marriage 1940
and family therapists who are authorized for their respective 1941
practices under this chapter; 1942

(11) Art therapists who are authorized to practice art 1943
therapy under Chapter 4785. of the Revised Code. 1944

This division applies notwithstanding a provision of a 1945
code of ethics applicable to an individual who is a licensed 1946
professional clinical counselor, licensed professional 1947
counselor, independent social worker, social worker, independent 1948
marriage and family therapist, or marriage and family therapist 1949
that prohibits the individual from engaging in the individual's 1950
practice in combination with a person who is licensed, 1951
certificated, or otherwise legally authorized to practice 1952
optometry, chiropractic, acupuncture through the state 1953
chiropractic board, psychology, nursing, pharmacy, physical 1954

therapy, occupational therapy, mechanotherapy, medicine and 1955
surgery, osteopathic medicine and surgery, ~~or~~ podiatric medicine 1956
and surgery, or art therapy, but who is not also licensed, 1957
certificated, or otherwise legally authorized to engage in the 1958
practice of professional counseling, social work, or marriage 1959
and family therapy. 1960

Sec. 4776.01. As used in this chapter: 1961

(A) "License" means an authorization evidenced by a 1962
license, certificate, registration, permit, card, or other 1963
authority that is issued or conferred by a licensing agency to a 1964
licensee or to an applicant for an initial license by which the 1965
licensee or initial license applicant has or claims the 1966
privilege to engage in a profession, occupation, or occupational 1967
activity, or, except in the case of the state dental board, to 1968
have control of and operate certain specific equipment, 1969
machinery, or premises, over which the licensing agency has 1970
jurisdiction. 1971

(B) Except as provided in section 4776.20 of the Revised 1972
Code, "licensee" means the person to whom the license is issued 1973
by a licensing agency. "Licensee" includes a person who, for 1974
purposes of section 3796.13 of the Revised Code, has complied 1975
with sections 4776.01 to 4776.04 of the Revised Code and has 1976
been determined by the department of commerce or state board of 1977
pharmacy, as the applicable licensing agency, to meet the 1978
requirements for employment. 1979

(C) Except as provided in section 4776.20 of the Revised 1980
Code, "licensing agency" means any of the following: 1981

(1) The board authorized by Chapters 4701., 4717., 4725., 1982
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4753., 1983

4755., 4757., 4759., 4760., 4761., 4762., 4774., 4778., 4779., 1984
~~and 4783., and 4785.~~ of the Revised Code to issue a license to 1985
engage in a specific profession, occupation, or occupational 1986
activity, or to have charge of and operate certain specific 1987
equipment, machinery, or premises. 1988

(2) The state dental board, relative to its authority to 1989
issue a license pursuant to section 4715.12, 4715.16, 4715.21, 1990
or 4715.27 of the Revised Code; 1991

(3) The department of commerce or state board of pharmacy, 1992
relative to its authority under Chapter 3796. of the Revised 1993
Code and any rules adopted under that chapter with respect to a 1994
person who is subject to section 3796.13 of the Revised Code. 1995

(D) "Applicant for an initial license" includes persons 1996
seeking a license for the first time and persons seeking a 1997
license by reciprocity, endorsement, or similar manner of a 1998
license issued in another state. "Applicant for an initial 1999
license" also includes a person who, for purposes of section 2000
3796.13 of the Revised Code, is required to comply with sections 2001
4776.01 to 4776.04 of the Revised Code. 2002

(E) "Applicant for a restored license" includes persons 2003
seeking restoration of a license under section 4730.14, 2004
4731.281, 4760.06, or 4762.06 of the Revised Code. 2005

(F) "Criminal records check" has the same meaning as in 2006
section 109.572 of the Revised Code. 2007

Sec. 4776.20. (A) As used in this section: 2008

(1) "Licensing agency" means, in addition to each board 2009
identified in division (C) of section 4776.01 of the Revised 2010
Code, the board or other government entity authorized to issue a 2011
license under Chapters 4703., 4707., 4709., 4712., 4713., 4719., 2012

4723., 4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740., 2013
4742., 4747., 4749., 4751., 4752., 4753., 4758., 4759., 4763., 2014
4765., 4766., 4771., 4773., ~~and 4781.,~~ and 4785. of the Revised 2015
Code. "Licensing agency" includes an administrative officer that 2016
has authority to issue a license. 2017

(2) "Licensee" means, in addition to a licensee as 2018
described in division (B) of section 4776.01 of the Revised 2019
Code, the person to whom a license is issued by the board or 2020
other government entity authorized to issue a license under 2021
Chapters 4703., 4707., 4709., 4712., 4713., 4719., 4723., 4727., 2022
4728., 4733., 4735., 4736., 4737., 4738., 4740., 4742., 4747., 2023
4749., 4751., 4752., 4753., 4758., 4759., 4763., 4765., 4766., 2024
4771., 4773., ~~and 4781.,~~ and 4785. of the Revised Code. 2025

(3) "Prosecutor" has the same meaning as in section 2026
2935.01 of the Revised Code. 2027

(B) On a licensee's conviction of, plea of guilty to, 2028
judicial finding of guilt of, or judicial finding of guilt 2029
resulting from a plea of no contest to the offense of 2030
trafficking in persons in violation of section 2905.32 of the 2031
Revised Code, the prosecutor in the case shall promptly notify 2032
the licensing agency of the conviction, plea, or finding and 2033
provide the licensee's name and residential address. On receipt 2034
of this notification, the licensing agency shall immediately 2035
suspend the licensee's license. 2036

(C) If there is a conviction of, plea of guilty to, 2037
judicial finding of guilt of, or judicial finding of guilt 2038
resulting from a plea of no contest to the offense of 2039
trafficking in persons in violation of section 2905.32 of the 2040
Revised Code and all or part of the violation occurred on the 2041
premises of a facility that is licensed by a licensing agency, 2042

the prosecutor in the case shall promptly notify the licensing 2043
agency of the conviction, plea, or finding and provide the 2044
facility's name and address and the offender's name and 2045
residential address. On receipt of this notification, the 2046
licensing agency shall immediately suspend the facility's 2047
license. 2048

(D) Notwithstanding any provision of the Revised Code to 2049
the contrary, the suspension of a license under division (B) or 2050
(C) of this section shall be implemented by a licensing agency 2051
without a prior hearing. After the suspension, the licensing 2052
agency shall give written notice to the subject of the 2053
suspension of the right to request a hearing under Chapter 119. 2054
of the Revised Code. After a hearing is held, the licensing 2055
agency shall either revoke or permanently revoke the license of 2056
the subject of the suspension, unless it determines that the 2057
license holder has not been convicted of, pleaded guilty to, 2058
been found guilty of, or been found guilty based on a plea of no 2059
contest to the offense of trafficking in persons in violation of 2060
section 2905.32 of the Revised Code. 2061

Sec. 4785.01. As used in this chapter: 2062

(A) (1) "Art therapy" means the integrated use of 2063
psychotherapeutic principles and methods with art media and the 2064
creative process to assist individuals, families, or groups in 2065
doing any of the following: 2066

(a) Improving cognitive and sensory-motor functions; 2067

(b) Increasing self-awareness and self-esteem; 2068

(c) Coping with grief and traumatic experiences; 2069

(d) Enhancing cognitive abilities; 2070

<u>(e) Resolving conflicts and distress;</u>	2071
<u>(f) Enhancing social functioning;</u>	2072
<u>(g) Identifying and assessing clients' needs to implement</u>	2073
<u>therapeutic intervention to meet developmental, behavioral,</u>	2074
<u>mental, and emotional needs.</u>	2075
<u>(2) "Art therapy" includes therapeutic intervention to</u>	2076
<u>facilitate alternative modes of receptive and expressive</u>	2077
<u>communication and evaluation and assessment to define and</u>	2078
<u>implement art-based treatment plans to address cognitive,</u>	2079
<u>behavioral, developmental, and emotional needs.</u>	2080
<u>(B) "Practice of art therapy" means the rendering or</u>	2081
<u>offering to render art therapy in the diagnosis, prevention, or</u>	2082
<u>treatment of cognitive, developmental, emotional, or behavioral</u>	2083
<u>disabilities or conditions.</u>	2084
<u>(C) "Licensee" means a person who is licensed to practice</u>	2085
<u>art therapy under this chapter.</u>	2086
<u>(D) "Client" means a person who receives art therapy from</u>	2087
<u>a licensee.</u>	2088
<u>Sec. 4785.02.</u> <u>(A) No person shall recklessly engage in the</u>	2089
<u>practice of art therapy or use the title "art therapist" or a</u>	2090
<u>similar title unless the person is licensed under this chapter.</u>	2091
<u>(B) This chapter does not apply to any of the following</u>	2092
<u>persons:</u>	2093
<u>(1) A student who engages in the supervised practice of</u>	2094
<u>art therapy as part of an art therapy program at an accredited</u>	2095
<u>educational institution, if the person does not represent the</u>	2096
<u>person's self as an art therapist;</u>	2097

(2) A person who holds a professional license in this 2098
state, or an employee who is supervised by a person who holds a 2099
professional license in this state, who engages in the practice 2100
of art therapy in a manner that is incidental to the practice of 2101
the person's or employee's profession, if the person does not 2102
represent the person's or employee's self as an art therapist; 2103

(3) A person who on the effective date of this section 2104
engaged in the practice of art therapy as an employee of a 2105
government agency, and continues to do so only during the 2106
person's continued employment by the agency, if the person does 2107
not represent the person's self as an art therapist; 2108

(4) A person who engages in the practice of art therapy as 2109
part of the postgraduate supervised clinical experience 2110
described in division (B) (4) of section 4785.06 of the Revised 2111
Code. 2112

Sec. 4785.03. The state medical board shall adopt rules in 2113
accordance with Chapter 119. of the Revised Code to implement 2114
and administer this chapter. 2115

Sec. 4785.04. (A) There is hereby created the art 2116
therapist policy committee of the state medical board. The 2117
committee shall provide the board with expertise and assistance 2118
in carrying out its duties pursuant to this chapter. Not later 2119
than sixty days after the effective date of this section, the 2120
president of the board shall appoint the members of the 2121
committee. The committee shall consist of the following members: 2122

(1) Three members who are licensees under this chapter 2123
appointed from a list of individuals recommended by the buckeye 2124
art therapy association or its successor organization; 2125

(2) One member who is a physician or surgeon and who is a 2126

member of the board who has served at least one year as a member 2127
of the board; 2128

(3) One member who is a member of the board appointed 2129
under section 4731.01 of the Revised Code to represent the 2130
interests of consumers and who has served at least one year as a 2131
member of the board; 2132

(4) Additional members as the president considers 2133
necessary. 2134

(B) (1) Members appointed under division (A) (1) of this 2135
section shall be appointed for a term ending two years after the 2136
effective date of this section. Thereafter, terms of office for 2137
members appointed under that division shall be for two years. 2138
Members appointed under that division may be reappointed, except 2139
that such a member may not be appointed to serve more than three 2140
consecutive terms. 2141

(2) Members appointed under divisions (A) (2) and (3) of 2142
this section shall be appointed for a term ending one year after 2143
the effective date of this section. Thereafter, terms of office 2144
for members appointed under those divisions shall be for one 2145
year. Members appointed under those divisions may be reappointed 2146
at the discretion of the president of the board. 2147

(C) Each member shall hold office from the date of 2148
appointment until the end of the term for which the member was 2149
appointed. Vacancies shall be filled in the same manner as 2150
original appointments. Any member appointed to fill a vacancy 2151
occurring before the expiration of the term for which the 2152
member's predecessor was appointed shall hold office for the 2153
remainder of the term. A member shall continue in office 2154
subsequent to the expiration date of the member's term until a 2155

successor takes office, or until a period of sixty days has 2156
elapsed, whichever occurs first. 2157

(D) Each member of the committee shall be reimbursed for 2158
the member's necessary and actual expenses incurred in the 2159
performance of official duties as a member. 2160

(E) The board may appoint assistants, clerical staff, or 2161
other employees as necessary for the committee to perform its 2162
duties adequately. 2163

(F) The committee shall meet at least once a year and at 2164
such other times as determined by the board as necessary to 2165
carry out its responsibilities. 2166

Sec. 4785.05. (A) The art therapist policy committee of 2167
the state medical board shall review and submit to the board 2168
recommendations on all of the following: 2169

(1) Requirements and procedures for issuing licenses under 2170
this chapter; 2171

(2) Rules pertaining to the practice of art therapy and 2172
the administration and enforcement of this chapter; 2173

(3) Standards for the ethical practice of art therapy that 2174
shall include, as the committee finds appropriate, the code of 2175
ethics, conduct, and disciplinary procedures adopted by the art 2176
therapy credentials board, its successor organization, or an 2177
equivalent organization recognized by the state medical board; 2178

(4) Standards and procedures for compliance with 2179
continuing education requirements and approval of providers of 2180
continuing education; 2181

(5) Fees required for issuance and renewal of licenses 2182
under this chapter; 2183

(6) Any other issue the board considers necessary for the 2184
administration and enforcement of this chapter. 2185

(B) The board shall take into consideration all 2186
recommendations submitted by the committee before adopting any 2187
rule under section 4785.03 of the Revised Code. Not later than 2188
ninety days after receiving a recommendation from the committee, 2189
the board shall approve or disapprove the recommendation and 2190
notify the committee of its decision. If a recommendation is 2191
disapproved, the board shall inform the committee of its reasons 2192
for making that decision. The committee may resubmit the 2193
recommendation after addressing the concerns expressed by the 2194
board and modifying the disapproved recommendation accordingly. 2195
Not later than ninety days after receiving a resubmitted 2196
recommendation, the board shall approve or disapprove the 2197
recommendation. There is no limit on the number of times the 2198
committee may resubmit a recommendation for consideration by the 2199
board. 2200

Sec. 4785.06. (A) A person seeking a license to practice 2201
art therapy under this chapter shall submit to the state medical 2202
board a completed application on a form prescribed by the state 2203
medical board and an application fee in an amount to be 2204
determined by the board in rules adopted pursuant to section 2205
4785.03 of the Revised Code. 2206

The application shall include information the state 2207
medical board considers necessary to process the application, 2208
including evidence satisfactory to the state medical board that 2209
the applicant meets the requirements specified in division (B) 2210
of this section. No part of the application fee shall be 2211
returned to the applicant or applied to another application. 2212

(B) To be eligible for a license to practice art therapy 2213

under this chapter, an applicant shall demonstrate to the state 2214
medical board that the applicant meets all of the following 2215
requirements: 2216

(1) The applicant is at least eighteen years of age. 2217

(2) The applicant is of good moral character. 2218

(3) The applicant has attained a master's degree or higher 2219
degree from a graduate program in art therapy that one of the 2220
following applies to at the time the degree was conferred: 2221

(a) The program is approved by the American art therapy 2222
association or its successor organization. 2223

(b) The program is accredited by the commission on 2224
accreditation of allied health education programs or its 2225
successor organization. 2226

(c) The state medical board considers the program to be 2227
substantially equivalent to a program approved or accredited 2228
under division (B) (3) (a) or (b) of this section. 2229

(4) The applicant has completed at least two years of 2230
postgraduate supervised clinical experience in the practice of 2231
art therapy that meets the posteducation supervised art therapy 2232
experience requirements that the art therapy credentials board, 2233
its successor organization, or an equivalent organization 2234
recognized by the state medical board required for an individual 2235
to become a registered art therapist at the time the experience 2236
was completed. 2237

(5) The applicant has a board certification in good 2238
standing with the art therapy credentials board, its successor 2239
organization, or an equivalent organization recognized by the 2240
state medical board. 2241

(6) The applicant complies with sections 4776.01 to 2242
4776.04 of the Revised Code. 2243

(7) The applicant has satisfied any other requirements 2244
established by the state medical board in rules adopted under 2245
section 4785.03 of the Revised Code. 2246

(C) The state medical board shall not grant to a person a 2247
license to practice art therapy unless the board, in its 2248
discretion, decides that the results of a criminal records check 2249
do not make the person ineligible for a license under this 2250
section. 2251

(D) Not later than sixty days after receiving a complete 2252
application, the state medical board shall issue a license to 2253
practice art therapy to an applicant if the state medical board 2254
determines that the applicant satisfies the requirements of 2255
division (B) of this section. An affirmative vote of at least 2256
six members of the state medical board is required to determine 2257
that an applicant meets the requirements. 2258

(E) The state medical board may waive the requirements of 2259
division (B) of this section and issue a license to practice art 2260
therapy to an applicant if, not later than one year following 2261
the adoption of the initial rules adopted by the board under 2262
section 4785.03 of the Revised Code, the applicant files an 2263
application with the state medical board that includes evidence 2264
satisfactory to the board that the applicant meets all of the 2265
following requirements: 2266

(1) The applicant holds a credential in good standing with 2267
the art therapy credentials board, its successor organization, 2268
or an equivalent organization recognized by the state medical 2269
board. 2270

(2) The applicant has practiced art therapy for at least 2271
five years. 2272

(3) The applicant complies with sections 4776.01 to 2273
4776.04 of the Revised Code. 2274

(4) The applicant satisfies any additional requirements 2275
established by the state medical board in rules adopted under 2276
section 4785.03 of the Revised Code. 2277

Sec. 4785.07. (A) A license issued under section 4785.06 2278
of the Revised Code shall expire biennially and may be renewed 2279
in accordance with this section. A licensee seeking to renew a 2280
license to practice art therapy shall, on or before the thirty- 2281
first day of January of each even-numbered year, apply for 2282
renewal of the license. The state medical board shall provide 2283
renewal notices at least one month before the expiration date. 2284

(B) A licensee shall submit a renewal application to the 2285
state medical board in a manner prescribed by the board and a 2286
renewal fee in an amount to be determined by the board in rules 2287
adopted pursuant to section 4785.03 of the Revised Code. 2288

(C) To be eligible for renewal, a licensee shall certify 2289
to the board that the licensee has done all of the following: 2290

(1) Maintained board certification with the art therapy 2291
credentials board, its successor organization, or an equivalent 2292
organization recognized by the state medical board; 2293

(2) Completed at least forty hours of the continuing 2294
education that is required to maintain board certification with 2295
the art therapy credentials board, its successor organization, 2296
or an equivalent organization recognized by the state medical 2297
board; 2298

(3) Report any criminal offense to which the applicant has 2299
pleaded guilty, of which the licensee has been found guilty, or 2300
for which the applicant has been found eligible for intervention 2301
in lieu of conviction, since last signing an application for a 2302
license under this chapter. 2303

(D) If a licensee submits a renewal application that the 2304
state medical board considers to be complete and qualifies for 2305
renewal pursuant to division (B) of this section, the state 2306
medical board shall issue to the licensee a renewed license to 2307
practice art therapy. 2308

(E) The state medical board may require a random sample of 2309
licensees to submit materials documenting that the licensee has 2310
complied with divisions (C) (1) and (2) of this section. If the 2311
state medical board finds through the random sample or any other 2312
means that a licensee has not complied with those divisions, the 2313
board may refuse to renew the licensee's license or may take any 2314
other action the board may take under this chapter. 2315

Sec. 4785.08. (A) A license to practice art therapy that 2316
is not renewed on or before its expiration date is automatically 2317
suspended on its expiration date. The continued practice of art 2318
therapy after suspension of a license shall be considered a 2319
violation of division (A) of section 4785.02 of the Revised 2320
Code. 2321

(B) If a license has been suspended pursuant to division 2322
(A) of this section, the state medical board shall reinstate the 2323
license if the person qualifies for renewal pursuant to section 2324
4785.07 of the Revised Code and pays a monetary penalty to be 2325
established by the board. 2326

(C) If a license has been suspended pursuant to division 2327

(A) of this section for more than two years, the board may 2328
impose terms and conditions for reinstatement in addition to 2329
those specified in division (B) of this section, including the 2330
following: 2331

(1) Requiring the applicant to pass an oral or written 2332
examination, or both, to determine the applicant's fitness to 2333
resume the practice of art therapy; 2334

(2) Requiring the applicant to obtain additional training 2335
and to pass an examination on completion of the training; 2336

(3) Restricting or limiting the extent, scope, or type of 2337
practice in which an applicant may engage. 2338

Sec. 4785.09. (A) A licensee may diagnose and treat 2339
affective, behavioral, and cognitive disorders or problems 2340
specified in the edition of the diagnostic and statistical 2341
manual of mental disorders published by the American psychiatric 2342
association designated by the state medical board in rules 2343
adopted under section 4785.03 of the Revised Code. 2344

(B) A license issued under this chapter does not authorize 2345
the licensee to do either of the following: 2346

(1) Administer or prescribe drugs; 2347

(2) Perform psychological testing intended to measure or 2348
diagnose serious mental illness. 2349

Sec. 4785.10. (A) As used in this section: 2350

(1) "Willfully betraying a professional confidence" and 2351
"false, fraudulent, deceptive, or misleading statement" have the 2352
same meanings as in section 4731.22 of the Revised Code. 2353

(2) "Privileged communication" means any information 2354

obtained through the practice of art therapy, including client 2355
records, artwork, verbal or artistic expressions, assessment 2356
results, or assessment interpretations. 2357

(B) The state medical board, by an affirmative vote of not 2358
fewer than six members, may limit, revoke, suspend, or refuse to 2359
grant a license to practice art therapy to a person found by the 2360
board to have committed fraud, misrepresentation, or deception 2361
in applying for or securing the license. 2362

(C) The board, by an affirmative vote of not fewer than 2363
six members, shall, to the extent permitted by law, limit, 2364
revoke, suspend, or refuse to issue, renew, or reinstate a 2365
license, or reprimand or place on probation a licensee for any 2366
of the following reasons: 2367

(1) Failure to comply with the requirements of this 2368
chapter, Chapter 4731. of the Revised Code, or any rules adopted 2369
by the board; 2370

(2) Permitting the licensee's name or license to be used 2371
by another person; 2372

(3) Failure to employ acceptable scientific methods in the 2373
selection of modalities for treatment provided under a license 2374
to practice art therapy; 2375

(4) A plea of guilty to, a judicial finding of guilt of, 2376
or a judicial finding of eligibility for intervention in lieu of 2377
conviction for, a violation of any federal or state law 2378
regulating the possession, distribution, or use of any drug; 2379

(5) Willfully betraying a professional confidence; 2380

(6) Making a false, fraudulent, deceptive, or misleading 2381
statement in the solicitation of or advertising for clients; in 2382

relation to the practice of art therapy; or in securing or 2383
attempting to secure any license or certificate to practice 2384
issued by the board; 2385

(7) A departure from, or the failure to conform to, 2386
minimal standards of care of similar practitioners under the 2387
same or similar circumstances, whether or not actual injury to a 2388
client is established; 2389

(8) Representing, with the purpose of obtaining 2390
compensation or other advantage as personal gain or for any 2391
other person, that an incurable disease or injury, or other 2392
incurable condition, can be permanently cured; 2393

(9) The obtaining of, or attempting to obtain, money or 2394
anything of value by fraudulent misrepresentations in the course 2395
of the practice of art therapy; 2396

(10) A plea of guilty to, a judicial finding of guilt of, 2397
or a judicial finding of eligibility for intervention in lieu of 2398
conviction for, a felony; 2399

(11) Commission of an act that constitutes a felony in 2400
this state, regardless of the jurisdiction in which the act was 2401
committed; 2402

(12) A plea of guilty to, a judicial finding of guilt of, 2403
or a judicial finding of eligibility for intervention in lieu of 2404
conviction for, a misdemeanor committed in the course of the 2405
practice of art therapy; 2406

(13) Commission of an act in the course of the practice of 2407
art therapy that constitutes a misdemeanor in this state, 2408
regardless of the jurisdiction in which the act was committed; 2409

(14) A plea of guilty to, a judicial finding of guilt of, 2410

or a judicial finding of eligibility for intervention in lieu of 2411
conviction for, a misdemeanor involving moral turpitude; 2412

(15) Commission of an act involving moral turpitude that 2413
constitutes a misdemeanor in this state, regardless of the 2414
jurisdiction in which the act was committed; 2415

(16) Violation of the conditions of limitation placed by 2416
the board on a license to practice art therapy; 2417

(17) Failure to pay license renewal fees required by this 2418
chapter; 2419

(18) Inability to practice art therapy according to 2420
acceptable and prevailing standards of care by reason of mental 2421
illness or physical illness, including physical deterioration 2422
that adversely affects cognitive, motor, or perceptive skills; 2423

(19) Impairment of ability to practice art therapy 2424
according to acceptable and prevailing standards of care because 2425
of habitual or excessive use or abuse of drugs, alcohol, or 2426
other substances that impair the ability to practice; 2427

(20) Failure to maintain the confidentiality of privileged 2428
communications without the written consent of a client or a 2429
client's parent or guardian, as applicable, unless otherwise 2430
required by law, court order, or necessity to protect public 2431
health and safety; 2432

(21) Failure to comply with the continuing education 2433
requirements necessary to renew a license to practice art 2434
therapy; 2435

(22) Failure to comply with any standards for the ethical 2436
practice of art therapy that the board adopts under section 2437
4785.03 of the Revised Code; 2438

(23) Failure to cooperate in an investigation conducted by 2439
the board under division (E) of this section, including failure 2440
to comply with a subpoena or order issued by the board or 2441
failure to answer truthfully a question presented by the board 2442
in an investigative interview. 2443

(D) Disciplinary actions taken by the board under 2444
divisions (B) and (C) of this section shall be taken pursuant to 2445
an adjudication under Chapter 119. of the Revised Code, except 2446
that in lieu of an adjudication, the board may enter into a 2447
consent agreement with a person to resolve an allegation of a 2448
violation of this chapter or any rule adopted under it. A 2449
consent agreement, when ratified by an affirmative vote of not 2450
fewer than six members of the board, shall constitute the 2451
findings and order of the board with respect to the matter 2452
addressed in the agreement. If the board refuses to ratify a 2453
consent agreement, the admissions and findings contained in the 2454
consent agreement are of no force or effect. 2455

(E) The board shall investigate evidence that appears to 2456
show that a person has violated any provision of this chapter or 2457
any rule adopted under it. Any person may report to the board in 2458
a signed writing any information that the person may have that 2459
appears to show a violation of any provision of this chapter or 2460
any rule adopted under it. Investigations of alleged violations 2461
of this chapter or any rule adopted under it shall be conducted 2462
by the board in the same manner as the board conducts 2463
investigations under divisions (F) and (G) of section 4731.22 of 2464
the Revised Code. 2465

(F) Notwithstanding any provision of the Revised Code to 2466
the contrary, all of the following apply: 2467

(1) The surrender of a license issued under this chapter 2468

is not effective until accepted by the board. A telephone 2469
conference call may be used for acceptance of the surrender of a 2470
person's license to practice art therapy. The telephone 2471
conference call shall be considered a special meeting under 2472
division (F) of section 121.22 of the Revised Code. 2473
Reinstatement of a license to practice art therapy surrendered 2474
to the board requires an affirmative vote of not fewer than six 2475
members of the board. 2476

(2) An application for a license to practice art therapy 2477
under this chapter may not be withdrawn without approval of the 2478
board. 2479

(3) Failure of a person to renew a license to practice art 2480
therapy in accordance with section 4785.07 of the Revised Code 2481
does not remove or limit the board's jurisdiction to take any 2482
disciplinary action under this section against the person. 2483

Sec. 4785.11. (A) If a licensee violates any provision of 2484
this chapter or any rule adopted under it, the state medical 2485
board may, pursuant to an adjudication under Chapter 119. of the 2486
Revised Code and an affirmative vote of not fewer than six of 2487
its members, impose a civil penalty. The amount of the civil 2488
penalty shall be determined by the board in accordance with the 2489
guidelines adopted under division (B) of this section. 2490

(B) The board shall adopt and may amend guidelines 2491
regarding the amounts of civil penalties to be imposed under 2492
this section. Adoption or amendment of the guidelines requires 2493
the approval of not fewer than six board members. 2494

(C) Amounts received from payment of civil penalties 2495
imposed under this section shall be deposited by the board in 2496
accordance with section 4731.24 of the Revised Code. Amounts 2497

received from payment of civil penalties imposed for violations 2498
of division (C)(19) of section 4785.10 of the Revised Code shall 2499
be used by the board solely for investigations, enforcement, and 2500
compliance monitoring. 2501

Sec. 4785.12. On receipt of a notice pursuant to section 2502
3123.43 of the Revised Code, the state medical board shall 2503
comply with sections 3123.41 to 3123.50 of the Revised Code and 2504
any applicable rules adopted under section 3123.63 of the 2505
Revised Code with respect to a license to practice art therapy 2506
issued under this chapter. 2507

Sec. 4785.13. The state medical board shall comply with 2508
section 4776.20 of the Revised Code. 2509

Sec. 4785.14. (A) A licensee may practice art therapy 2510
within this state through a corporation formed under division 2511
(B) of section 1701.03 of the Revised Code, a limited liability 2512
company formed under Chapter 1705. of the Revised Code, a 2513
partnership, or a professional association formed under Chapter 2514
1785. of the Revised Code. This division does not preclude a 2515
licensee from practicing art therapy through another form of 2516
business entity, including a nonprofit corporation or 2517
foundation, or in another manner that is authorized by or in 2518
accordance with this chapter, another chapter of the Revised 2519
Code, or rules of the state medical board adopted pursuant to 2520
this chapter. 2521

(B) A corporation, limited liability company, partnership, 2522
or professional association described in division (A) of this 2523
section may be formed for the purpose of providing a combination 2524
of the professional services of the following individuals who 2525
are licensed, certificated, or otherwise legally authorized to 2526
practice their respective professions: 2527

<u>(1) Optometrists who are authorized to practice optometry</u>	2528
<u>under Chapter 4725. of the Revised Code;</u>	2529
<u>(2) Chiropractors who are authorized to practice</u>	2530
<u>chiropractic or acupuncture under Chapter 4734. of the Revised</u>	2531
<u>Code;</u>	2532
<u>(3) Psychologists who are authorized to practice</u>	2533
<u>psychology under Chapter 4732. of the Revised Code;</u>	2534
<u>(4) Registered or licensed practical nurses who are</u>	2535
<u>authorized to practice nursing as registered nurses or as</u>	2536
<u>licensed practical nurses under Chapter 4723. of the Revised</u>	2537
<u>Code;</u>	2538
<u>(5) Pharmacists who are authorized to practice pharmacy</u>	2539
<u>under Chapter 4729. of the Revised Code;</u>	2540
<u>(6) Physical therapists who are authorized to practice</u>	2541
<u>physical therapy under sections 4755.40 to 4755.56 of the</u>	2542
<u>Revised Code;</u>	2543
<u>(7) Occupational therapists who are authorized to practice</u>	2544
<u>occupational therapy under sections 4755.04 to 4755.13 of the</u>	2545
<u>Revised Code;</u>	2546
<u>(8) Mechanotherapists who are authorized to practice</u>	2547
<u>mechanotherapy under section 4731.151 of the Revised Code;</u>	2548
<u>(9) Doctors of medicine and surgery, osteopathic medicine</u>	2549
<u>and surgery, or podiatric medicine and surgery who are</u>	2550
<u>authorized for their respective practices under Chapter 4731. of</u>	2551
<u>the Revised Code;</u>	2552
<u>(10) Licensed professional clinical counselors, licensed</u>	2553
<u>professional counselors, independent social workers, social</u>	2554
<u>workers, independent marriage and family therapists, or marriage</u>	2555

and family therapists who are authorized for their respective 2556
practices under Chapter 4757. of the Revised Code; 2557

(11) Art therapists who are authorized to practice art 2558
therapy under this chapter. 2559

This division shall apply notwithstanding a provision of a 2560
code of ethics applicable to a licensee that prohibits the 2561
individual from engaging in the practice of art therapy in 2562
combination with a person who is licensed, certificated, or 2563
otherwise legally authorized to engage in the practice of 2564
optometry, chiropractic, acupuncture through the state 2565
chiropractic board, psychology, nursing, pharmacy, physical 2566
therapy, occupational therapy, mechanotherapy, medicine and 2567
surgery, osteopathic medicine and surgery, podiatric medicine 2568
and surgery, professional counseling, social work, or marriage 2569
and family therapy, but who is not also licensed to engage in 2570
the practice of art therapy. 2571

Sec. 4785.99. Whoever violates division (A) of section 2572
4785.02 of the Revised Code is guilty of a felony of the fifth 2573
degree on a first offense; on each subsequent offense, such 2574
person is guilty of a felony of the fourth degree. 2575

Section 2. That existing sections 109.572, 1701.03, 2576
1705.03, 1705.04, 1705.53, 1785.01, 1785.02, 1785.03, 1785.08, 2577
4723.16, 4725.33, 4729.161, 4731.07, 4731.071, 4731.226, 2578
4731.24, 4731.25, 4731.65, 4732.28, 4734.17, 4755.111, 4755.471, 2579
4757.37, 4776.01, and 4776.20 of the Revised Code are hereby 2580
repealed. 2581

Section 3. Division (A) of section 4785.02 of the Revised 2582
Code, as enacted by this act, takes effect one year after the 2583
effective date of this act. 2584

Section 4. Notwithstanding division (A)(1) of section 2585
4785.04 of the Revised Code, as enacted by this act, initial 2586
appointments to the Art Therapist Policy Committee need not be a 2587
licensee under the act if the appointees hold board 2588
certification with the Art Therapy Credentials Board, its 2589
successor organization, or an equivalent organization recognized 2590
by the State Medical Board and meet the eligibility requirements 2591
for licensure under divisions (B)(1) to (6) of section 4785.06 2592
of the Revised Code, as enacted by this act. 2593