

As Introduced

133rd General Assembly

Regular Session

2019-2020

S. B. No. 238

Senators Yuko, Brenner

Cosponsors: Senators Antonio, Maharath, Sykes, Craig, Fedor, Kunze, Thomas

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
4731.224, 4731.226, 4731.24, 4731.25, 4731.65,	4
4732.28, 4734.17, 4743.05, 4755.111, 4755.471,	5
4757.37, 4776.01, and 4776.20 and to enact	6
sections 4785.01, 4785.02, 4785.03, 4785.04,	7
4785.05, 4785.06, 4785.07, 4785.08, 4785.09,	8
4785.10, 4785.11, 4785.12, 4785.13, 4785.14,	9
4785.99, 4787.01, 4787.02, 4787.03, 4787.04,	10
4787.05, 4787.06, 4787.07, 4787.08, 4787.09,	11
4787.10, 4787.11, 4787.12, 4787.13, 4787.14,	12
4787.15, and 4787.99 of the Revised Code to	13
license and regulate art therapists and music	14
therapists.	15

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

Section 1. That sections 109.572, 1701.03, 1705.03,	16
1705.04, 1705.53, 1785.01, 1785.02, 1785.03, 1785.08, 4723.16,	17
4725.33, 4729.161, 4731.07, 4731.224, 4731.226, 4731.24,	18
4731.25, 4731.65, 4732.28, 4734.17, 4743.05, 4755.111, 4755.471,	19

4757.37, 4776.01, and 4776.20 be amended and sections 4785.01, 20
4785.02, 4785.03, 4785.04, 4785.05, 4785.06, 4785.07, 4785.08, 21
4785.09, 4785.10, 4785.11, 4785.12, 4785.13, 4785.14, 4785.99, 22
4787.01, 4787.02, 4787.03, 4787.04, 4787.05, 4787.06, 4787.07, 23
4787.08, 4787.09, 4787.10, 4787.11, 4787.12, 4787.13, 4787.14, 24
4787.15, and 4787.99 of the Revised Code be enacted to read as 25
follows: 26

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 27
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 28
Code, a completed form prescribed pursuant to division (C) (1) of 29
this section, and a set of fingerprint impressions obtained in 30
the manner described in division (C) (2) of this section, the 31
superintendent of the bureau of criminal identification and 32
investigation shall conduct a criminal records check in the 33
manner described in division (B) of this section to determine 34
whether any information exists that indicates that the person 35
who is the subject of the request previously has been convicted 36
of or pleaded guilty to any of the following: 37

(a) A violation of section 2903.01, 2903.02, 2903.03, 38
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 39
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 40
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 41
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 42
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 43
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 44
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 45
sexual penetration in violation of former section 2907.12 of the 46
Revised Code, a violation of section 2905.04 of the Revised Code 47
as it existed prior to July 1, 1996, a violation of section 48
2919.23 of the Revised Code that would have been a violation of 49
section 2905.04 of the Revised Code as it existed prior to July 50

1, 1996, had the violation been committed prior to that date, or 51
a violation of section 2925.11 of the Revised Code that is not a 52
minor drug possession offense; 53

(b) A violation of an existing or former law of this 54
state, any other state, or the United States that is 55
substantially equivalent to any of the offenses listed in 56
division (A)(1)(a) of this section; 57

(c) If the request is made pursuant to section 3319.39 of 58
the Revised Code for an applicant who is a teacher, any offense 59
specified in section 3319.31 of the Revised Code. 60

(2) On receipt of a request pursuant to section 3712.09 or 61
3721.121 of the Revised Code, a completed form prescribed 62
pursuant to division (C)(1) of this section, and a set of 63
fingerprint impressions obtained in the manner described in 64
division (C)(2) of this section, the superintendent of the 65
bureau of criminal identification and investigation shall 66
conduct a criminal records check with respect to any person who 67
has applied for employment in a position for which a criminal 68
records check is required by those sections. The superintendent 69
shall conduct the criminal records check in the manner described 70
in division (B) of this section to determine whether any 71
information exists that indicates that the person who is the 72
subject of the request previously has been convicted of or 73
pleaded guilty to any of the following: 74

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

2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 81
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 82
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 83

(b) An existing or former law of this state, any other 84
state, or the United States that is substantially equivalent to 85
any of the offenses listed in division (A)(2)(a) of this 86
section. 87

(3) On receipt of a request pursuant to section 173.27, 88
173.38, 173.381, 3701.881, 5119.34, 5164.34, 5164.341, 5164.342, 89
5123.081, or 5123.169 of the Revised Code, a completed form 90
prescribed pursuant to division (C)(1) of this section, and a 91
set of fingerprint impressions obtained in the manner described 92
in division (C)(2) of this section, the superintendent of the 93
bureau of criminal identification and investigation shall 94
conduct a criminal records check of the person for whom the 95
request is made. The superintendent shall conduct the criminal 96
records check in the manner described in division (B) of this 97
section to determine whether any information exists that 98
indicates that the person who is the subject of the request 99
previously has been convicted of, has pleaded guilty to, or 100
(except in the case of a request pursuant to section 5164.34, 101
5164.341, or 5164.342 of the Revised Code) has been found 102
eligible for intervention in lieu of conviction for any of the 103
following, regardless of the date of the conviction, the date of 104
entry of the guilty plea, or (except in the case of a request 105
pursuant to section 5164.34, 5164.341, or 5164.342 of the 106
Revised Code) the date the person was found eligible for 107
intervention in lieu of conviction: 108

(a) A violation of section 959.13, 959.131, 2903.01, 109
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 110

2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 111
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 112
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 113
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 114
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 115
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 116
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 117
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 118
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 119
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 120
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 121
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 122
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 123
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 124
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 125
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 126
2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code; 127

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

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

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

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

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

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

Revised Code; 171

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

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

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

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

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

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

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

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

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

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

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

(8) On receipt of a request pursuant to section 1321.37, 267
1321.53, or 4763.05 of the Revised Code, a completed form 268
prescribed pursuant to division (C) (1) of this section, and a 269
set of fingerprint impressions obtained in the manner described 270
in division (C) (2) of this section, the superintendent of the 271
bureau of criminal identification and investigation shall 272
conduct a criminal records check with respect to any person who 273
has applied for a license, permit, or certification from the 274
department of commerce or a division in the department. The 275
superintendent shall conduct the criminal records check in the 276
manner described in division (B) of this section to determine 277
whether any information exists that indicates that the person 278
who is the subject of the request previously has been convicted 279
of or pleaded guilty to any of the following: a violation of 280
section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the 281
Revised Code; any other criminal offense involving theft, 282
receiving stolen property, embezzlement, forgery, fraud, passing 283
bad checks, money laundering, or drug trafficking, or any 284
criminal offense involving money or securities, as set forth in 285
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 286
the Revised Code; or any existing or former law of this state, 287
any other state, or the United States that is substantially 288
equivalent to those offenses. 289

(9) On receipt of a request for a criminal records check 290
from the treasurer of state under section 113.041 of the Revised 291
Code or from an individual under section 928.03, 4701.08, 292

4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 293
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 294
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 295
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.202, 296
4751.21, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 297
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 298
4776.021, 4778.04, 4778.07, 4779.091, ~~or~~ 4783.04, 4785.06, or 299
4787.05 of the Revised Code, accompanied by a completed form 300
prescribed under division (C)(1) of this section and a set of 301
fingerprint impressions obtained in the manner described in 302
division (C)(2) of this section, the superintendent of the 303
bureau of criminal identification and investigation shall 304
conduct a criminal records check in the manner described in 305
division (B) of this section to determine whether any 306
information exists that indicates that the person who is the 307
subject of the request has been convicted of or pleaded guilty 308
to any criminal offense in this state or any other state. 309
Subject to division (F) of this section, the superintendent 310
shall send the results of a check requested under section 311
113.041 of the Revised Code to the treasurer of state and shall 312
send the results of a check requested under any of the other 313
listed sections to the licensing board specified by the 314
individual in the request. 315

(10) On receipt of a request pursuant to section 124.74, 316
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 317
Code, a completed form prescribed pursuant to division (C)(1) of 318
this section, and a set of fingerprint impressions obtained in 319
the manner described in division (C)(2) of this section, the 320
superintendent of the bureau of criminal identification and 321
investigation shall conduct a criminal records check in the 322
manner described in division (B) of this section to determine 323

whether any information exists that indicates that the person 324
who is the subject of the request previously has been convicted 325
of or pleaded guilty to any criminal offense under any existing 326
or former law of this state, any other state, or the United 327
States. 328

(11) On receipt of a request for a criminal records check 329
from an appointing or licensing authority under section 3772.07 330
of the Revised Code, a completed form prescribed under division 331
(C) (1) of this section, and a set of fingerprint impressions 332
obtained in the manner prescribed in division (C) (2) of this 333
section, the superintendent of the bureau of criminal 334
identification and investigation shall conduct a criminal 335
records check in the manner described in division (B) of this 336
section to determine whether any information exists that 337
indicates that the person who is the subject of the request 338
previously has been convicted of or pleaded guilty or no contest 339
to any offense under any existing or former law of this state, 340
any other state, or the United States that is a disqualifying 341
offense as defined in section 3772.07 of the Revised Code or 342
substantially equivalent to such an offense. 343

(12) On receipt of a request pursuant to section 2151.33 344
or 2151.412 of the Revised Code, a completed form prescribed 345
pursuant to division (C) (1) of this section, and a set of 346
fingerprint impressions obtained in the manner described in 347
division (C) (2) of this section, the superintendent of the 348
bureau of criminal identification and investigation shall 349
conduct a criminal records check with respect to any person for 350
whom a criminal records check is required under that section. 351
The superintendent shall conduct the criminal records check in 352
the manner described in division (B) of this section to 353
determine whether any information exists that indicates that the 354

person who is the subject of the request previously has been 355
convicted of or pleaded guilty to any of the following: 356

(a) A violation of section 2903.01, 2903.02, 2903.03, 357
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 358
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 359
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 360
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 361
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 362
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 363
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 364
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 365

(b) An existing or former law of this state, any other 366
state, or the United States that is substantially equivalent to 367
any of the offenses listed in division (A) (12) (a) of this 368
section. 369

(13) On receipt of a request pursuant to section 3796.12 370
of the Revised Code, a completed form prescribed pursuant to 371
division (C) (1) of this section, and a set of fingerprint 372
impressions obtained in a manner described in division (C) (2) of 373
this section, the superintendent of the bureau of criminal 374
identification and investigation shall conduct a criminal 375
records check in the manner described in division (B) of this 376
section to determine whether any information exists that 377
indicates that the person who is the subject of the request 378
previously has been convicted of or pleaded guilty to the 379
following: 380

(a) A disqualifying offense as specified in rules adopted 381
under division (B) (2) (b) of section 3796.03 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 department of commerce 387
under Chapter 3796. of the Revised Code; 388

(b) A disqualifying offense as specified in rules adopted 389
under division (B)(2)(b) of section 3796.04 of the Revised Code 390
if the person who is the subject of the request is an 391
administrator or other person responsible for the daily 392
operation of, or an owner or prospective owner, officer or 393
prospective officer, or board member or prospective board member 394
of, an entity seeking a license from the state board of pharmacy 395
under Chapter 3796. of the Revised Code. 396

(14) On receipt of a request required by section 3796.13 397
of the Revised Code, a completed form prescribed pursuant to 398
division (C)(1) of this section, and a set of fingerprint 399
impressions obtained in a manner described in division (C)(2) of 400
this section, the superintendent of the bureau of criminal 401
identification and investigation shall conduct a criminal 402
records check in the manner described in division (B) of this 403
section to determine whether any information exists that 404
indicates that the person who is the subject of the request 405
previously has been convicted of or pleaded guilty to the 406
following: 407

(a) A disqualifying offense as specified in rules adopted 408
under division (B)(8)(a) of section 3796.03 of the Revised Code 409
if the person who is the subject of the request is seeking 410
employment with an entity licensed by the department of commerce 411
under Chapter 3796. of the Revised Code; 412

(b) A disqualifying offense as specified in rules adopted 413
under division (B)(14)(a) of section 3796.04 of the Revised Code 414

if the person who is the subject of the request is seeking 415
employment with an entity licensed by the state board of 416
pharmacy under Chapter 3796. of the Revised Code. 417

(15) On receipt of a request pursuant to section 4768.06 418
of the Revised Code, a completed form prescribed under division 419
(C) (1) of this section, and a set of fingerprint impressions 420
obtained in the manner described in division (C) (2) of this 421
section, the superintendent of the bureau of criminal 422
identification and investigation shall conduct a criminal 423
records check in the manner described in division (B) of this 424
section to determine whether any information exists indicating 425
that the person who is the subject of the request has been 426
convicted of or pleaded guilty to a felony in this state or in 427
any other state. 428

(16) On receipt of a request pursuant to division (B) of 429
section 4764.07 or division (A) of section 4735.143 of the 430
Revised Code, a completed form prescribed under division (C) (1) 431
of this section, and a set of fingerprint impressions obtained 432
in the manner described in division (C) (2) of this section, the 433
superintendent of the bureau of criminal identification and 434
investigation shall conduct a criminal records check in the 435
manner described in division (B) of this section to determine 436
whether any information exists indicating that the person who is 437
the subject of the request has been convicted of or pleaded 438
guilty to any crime of moral turpitude, a felony, or an 439
equivalent offense in any other state or the United States. 440

(17) On receipt of a request for a criminal records check 441
under section 147.022 of the Revised Code, a completed form 442
prescribed under division (C) (1) of this section, and a set of 443
fingerprint impressions obtained in the manner prescribed in 444

division (C) (2) of this section, the superintendent of the 445
bureau of criminal identification and investigation shall 446
conduct a criminal records check in the manner described in 447
division (B) of this section to determine whether any 448
information exists that indicates that the person who is the 449
subject of the request previously has been convicted of or 450
pleaded guilty or no contest to any disqualifying offense, as 451
defined in section 147.011 of the Revised Code, or to any 452
offense under any existing or former law of this state, any 453
other state, or the United States that is substantially 454
equivalent to such a disqualifying offense. 455

(B) Subject to division (F) of this section, the 456
superintendent shall conduct any criminal records check to be 457
conducted under this section as follows: 458

(1) The superintendent shall review or cause to be 459
reviewed any relevant information gathered and compiled by the 460
bureau under division (A) of section 109.57 of the Revised Code 461
that relates to the person who is the subject of the criminal 462
records check, including, if the criminal records check was 463
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 464
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 465
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 466
3712.09, 3721.121, 3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 467
4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 468
5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 469
5153.111 of the Revised Code, any relevant information contained 470
in records that have been sealed under section 2953.32 of the 471
Revised Code; 472

(2) If the request received by the superintendent asks for 473
information from the federal bureau of investigation, the 474

superintendent shall request from the federal bureau of 475
investigation any information it has with respect to the person 476
who is the subject of the criminal records check, including 477
fingerprint-based checks of national crime information databases 478
as described in 42 U.S.C. 671 if the request is made pursuant to 479
section 2151.86 or 5104.013 of the Revised Code or if any other 480
Revised Code section requires fingerprint-based checks of that 481
nature, and shall review or cause to be reviewed any information 482
the superintendent receives from that bureau. If a request under 483
section 3319.39 of the Revised Code asks only for information 484
from the federal bureau of investigation, the superintendent 485
shall not conduct the review prescribed by division (B)(1) of 486
this section. 487

(3) The superintendent or the superintendent's designee 488
may request criminal history records from other states or the 489
federal government pursuant to the national crime prevention and 490
privacy compact set forth in section 109.571 of the Revised 491
Code. 492

(4) The superintendent shall include in the results of the 493
criminal records check a list or description of the offenses 494
listed or described in division (A)(1), (2), (3), (4), (5), (6), 495
(7), (8), (9), (10), (11), (12), (13), (14), (15), (16), or (17) 496
of this section, whichever division requires the superintendent 497
to conduct the criminal records check. The superintendent shall 498
exclude from the results any information the dissemination of 499
which is prohibited by federal law. 500

(5) The superintendent shall send the results of the 501
criminal records check to the person to whom it is to be sent 502
not later than the following number of days after the date the 503
superintendent receives the request for the criminal records 504

check, the completed form prescribed under division (C)(1) of 505
this section, and the set of fingerprint impressions obtained in 506
the manner described in division (C)(2) of this section: 507

(a) If the superintendent is required by division (A) of 508
this section (other than division (A)(3) of this section) to 509
conduct the criminal records check, thirty; 510

(b) If the superintendent is required by division (A)(3) 511
of this section to conduct the criminal records check, sixty. 512

(C)(1) The superintendent shall prescribe a form to obtain 513
the information necessary to conduct a criminal records check 514
from any person for whom a criminal records check is to be 515
conducted under this section. The form that the superintendent 516
prescribes pursuant to this division may be in a tangible 517
format, in an electronic format, or in both tangible and 518
electronic formats. 519

(2) The superintendent shall prescribe standard impression 520
sheets to obtain the fingerprint impressions of any person for 521
whom a criminal records check is to be conducted under this 522
section. Any person for whom a records check is to be conducted 523
under this section shall obtain the fingerprint impressions at a 524
county sheriff's office, municipal police department, or any 525
other entity with the ability to make fingerprint impressions on 526
the standard impression sheets prescribed by the superintendent. 527
The office, department, or entity may charge the person a 528
reasonable fee for making the impressions. The standard 529
impression sheets the superintendent prescribes pursuant to this 530
division may be in a tangible format, in an electronic format, 531
or in both tangible and electronic formats. 532

(3) Subject to division (D) of this section, the 533

superintendent shall prescribe and charge a reasonable fee for 534
providing a criminal records check under this section. The 535
person requesting the criminal records check shall pay the fee 536
prescribed pursuant to this division. In the case of a request 537
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 538
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 539
fee shall be paid in the manner specified in that section. 540

(4) The superintendent of the bureau of criminal 541
identification and investigation may prescribe methods of 542
forwarding fingerprint impressions and information necessary to 543
conduct a criminal records check, which methods shall include, 544
but not be limited to, an electronic method. 545

(D) The results of a criminal records check conducted 546
under this section, other than a criminal records check 547
specified in division (A) (7) of this section, are valid for the 548
person who is the subject of the criminal records check for a 549
period of one year from the date upon which the superintendent 550
completes the criminal records check. If during that period the 551
superintendent receives another request for a criminal records 552
check to be conducted under this section for that person, the 553
superintendent shall provide the results from the previous 554
criminal records check of the person at a lower fee than the fee 555
prescribed for the initial criminal records check. 556

(E) When the superintendent receives a request for 557
information from a registered private provider, the 558
superintendent shall proceed as if the request was received from 559
a school district board of education under section 3319.39 of 560
the Revised Code. The superintendent shall apply division (A) (1) 561
(c) of this section to any such request for an applicant who is 562
a teacher. 563

(F) (1) Subject to division (F) (2) of this section, all 564
information regarding the results of a criminal records check 565
conducted under this section that the superintendent reports or 566
sends under division (A) (7) or (9) of this section to the 567
director of public safety, the treasurer of state, or the 568
person, board, or entity that made the request for the criminal 569
records check shall relate to the conviction of the subject 570
person, or the subject person's plea of guilty to, a criminal 571
offense. 572

(2) Division (F) (1) of this section does not limit, 573
restrict, or preclude the superintendent's release of 574
information that relates to the arrest of a person who is 575
eighteen years of age or older, to an adjudication of a child as 576
a delinquent child, or to a criminal conviction of a person 577
under eighteen years of age in circumstances in which a release 578
of that nature is authorized under division (E) (2), (3), or (4) 579
of section 109.57 of the Revised Code pursuant to a rule adopted 580
under division (E) (1) of that section. 581

(G) As used in this section: 582

(1) "Criminal records check" means any criminal records 583
check conducted by the superintendent of the bureau of criminal 584
identification and investigation in accordance with division (B) 585
of this section. 586

(2) "Minor drug possession offense" has the same meaning 587
as in section 2925.01 of the Revised Code. 588

(3) "OVI or OVUAC violation" means a violation of section 589
4511.19 of the Revised Code or a violation of an existing or 590
former law of this state, any other state, or the United States 591
that is substantially equivalent to section 4511.19 of the 592

Revised Code. 593

(4) "Registered private provider" means a nonpublic school 594
or entity registered with the superintendent of public 595
instruction under section 3310.41 of the Revised Code to 596
participate in the autism scholarship program or section 3310.58 597
of the Revised Code to participate in the Jon Peterson special 598
needs scholarship program. 599

Sec. 1701.03. (A) A corporation may be formed under this 600
chapter for any purpose or combination of purposes for which 601
individuals lawfully may associate themselves, except that, if 602
the Revised Code contains special provisions pertaining to the 603
formation of any designated type of corporation other than a 604
professional association, as defined in section 1785.01 of the 605
Revised Code, a corporation of that type shall be formed in 606
accordance with the special provisions. 607

(B) On and after July 1, 1994, a corporation may be formed 608
under this chapter for the purpose of carrying on the practice 609
of any profession, including, but not limited to, a corporation 610
for the purpose of providing public accounting or certified 611
public accounting services, a corporation for the erection, 612
owning, and conducting of a sanitarium for receiving and caring 613
for patients, medical and hygienic treatment of patients, and 614
instruction of nurses in the treatment of disease and in 615
hygiene, a corporation for the purpose of providing 616
architectural, landscape architectural, professional 617
engineering, or surveying services or any combination of those 618
types of services, and a corporation for the purpose of 619
providing a combination of the professional services, as defined 620
in section 1785.01 of the Revised Code, of optometrists 621
authorized under Chapter 4725. of the Revised Code, 622

chiropractors authorized under Chapter 4734. of the Revised Code 623
to practice chiropractic or acupuncture, psychologists 624
authorized under Chapter 4732. of the Revised Code, registered 625
or licensed practical nurses authorized under Chapter 4723. of 626
the Revised Code, pharmacists authorized under Chapter 4729. of 627
the Revised Code, physical therapists authorized under sections 628
4755.40 to 4755.56 of the Revised Code, occupational therapists 629
authorized under sections 4755.04 to 4755.13 of the Revised 630
Code, mechanotherapists authorized under section 4731.151 of the 631
Revised Code, doctors of medicine and surgery, osteopathic 632
medicine and surgery, or podiatric medicine and surgery 633
authorized under Chapter 4731. of the Revised Code, ~~and~~-licensed 634
professional clinical counselors, licensed professional 635
counselors, independent social workers, social workers, 636
independent marriage and family therapists, or marriage and 637
family therapists authorized under Chapter 4757. of the Revised 638
Code, and art therapists authorized under Chapter 4785. of the 639
Revised Code. 640

This chapter does not restrict, limit, or otherwise affect 641
the authority or responsibilities of any agency, board, 642
commission, department, office, or other entity to license, 643
register, and otherwise regulate the professional conduct of 644
individuals or organizations of any kind rendering professional 645
services, as defined in section 1785.01 of the Revised Code, in 646
this state or to regulate the practice of any profession that is 647
within the jurisdiction of the agency, board, commission, 648
department, office, or other entity, notwithstanding that an 649
individual is a director, officer, employee, or other agent of a 650
corporation formed under this chapter and is rendering 651
professional services or engaging in the practice of a 652
profession through a corporation formed under this chapter or 653

that the organization is a corporation formed under this 654
chapter. 655

(C) Nothing in division (A) or (B) of this section 656
precludes the organization of a professional association in 657
accordance with this chapter and Chapter 1785. of the Revised 658
Code or the formation of a limited liability company under 659
Chapter 1705. of the Revised Code with respect to a business, as 660
defined in section 1705.01 of the Revised Code. 661

(D) No corporation formed for the purpose of providing a 662
combination of the professional services, as defined in section 663
1785.01 of the Revised Code, of optometrists authorized under 664
Chapter 4725. of the Revised Code, chiropractors authorized 665
under Chapter 4734. of the Revised Code to practice chiropractic 666
or acupuncture, psychologists authorized under Chapter 4732. of 667
the Revised Code, registered or licensed practical nurses 668
authorized under Chapter 4723. of the Revised Code, pharmacists 669
authorized under Chapter 4729. of the Revised Code, physical 670
therapists authorized under sections 4755.40 to 4755.56 of the 671
Revised Code, occupational therapists authorized under sections 672
4755.04 to 4755.13 of the Revised Code, mechanotherapists 673
authorized under section 4731.151 of the Revised Code, doctors 674
of medicine and surgery, osteopathic medicine and surgery, or 675
podiatric medicine and surgery authorized under Chapter 4731. of 676
the Revised Code, ~~and~~ licensed professional clinical counselors, 677
licensed professional counselors, independent social workers, 678
social workers, independent marriage and family therapists, or 679
marriage and family therapists authorized under Chapter 4757. of 680
the Revised Code, and art therapists authorized under Chapter 681
4785. of the Revised Code shall control the professional 682
clinical judgment exercised within accepted and prevailing 683
standards of practice of a licensed, certificated, or otherwise 684

legally authorized optometrist, chiropractor, chiropractor 685
practicing acupuncture through the state chiropractic board, 686
psychologist, nurse, pharmacist, physical therapist, 687
occupational therapist, mechanotherapist, doctor of medicine and 688
surgery, osteopathic medicine and surgery, or podiatric medicine 689
and surgery, licensed professional clinical counselor, licensed 690
professional counselor, independent social worker, social 691
worker, independent marriage and family therapist, ~~or~~ marriage 692
and family therapist, or art therapist in rendering care, 693
treatment, or professional advice to an individual patient. 694

This division does not prevent a hospital, as defined in 695
section 3727.01 of the Revised Code, insurer, as defined in 696
section 3999.36 of the Revised Code, or intermediary 697
organization, as defined in section 1751.01 of the Revised Code, 698
from entering into a contract with a corporation described in 699
this division that includes a provision requiring utilization 700
review, quality assurance, peer review, or other performance or 701
quality standards. Those activities shall not be construed as 702
controlling the professional clinical judgment of an individual 703
practitioner listed in this division. 704

Sec. 1705.03. (A) A limited liability company may sue and 705
be sued. 706

(B) Unless otherwise provided in its articles of 707
organization, a limited liability company may take property of 708
any description or any interest in property of any description 709
by gift, devise, or bequest and may make donations for the 710
public welfare or for charitable, scientific, or educational 711
purposes. 712

(C) In carrying out the purposes stated in its articles of 713
organization or operating agreement and subject to limitations 714

prescribed by law or in its articles of organization or its 715
operating agreement, a limited liability company may do all of 716
the following: 717

(1) Purchase or otherwise acquire, lease as lessee or 718
lessor, invest in, hold, use, encumber, sell, exchange, 719
transfer, and dispose of property of any description or any 720
interest in property of any description; 721

(2) Make contracts; 722

(3) Form or acquire the control of other domestic or 723
foreign limited liability companies; 724

(4) Be a shareholder, partner, member, associate, or 725
participant in other profit or nonprofit enterprises or 726
ventures; 727

(5) Conduct its affairs in this state and elsewhere; 728

(6) Render in this state and elsewhere a professional 729
service, the kinds of professional services authorized under 730
Chapters 4703. and 4733. of the Revised Code, or a combination 731
of the professional services of optometrists authorized under 732
Chapter 4725. of the Revised Code, chiropractors authorized 733
under Chapter 4734. of the Revised Code to practice chiropractic 734
or acupuncture, psychologists authorized under Chapter 4732. of 735
the Revised Code, registered or licensed practical nurses 736
authorized under Chapter 4723. of the Revised Code, pharmacists 737
authorized under Chapter 4729. of the Revised Code, physical 738
therapists authorized under sections 4755.40 to 4755.56 of the 739
Revised Code, occupational therapists authorized under sections 740
4755.04 to 4755.13 of the Revised Code, mechanotherapists 741
authorized under section 4731.151 of the Revised Code, doctors 742
of medicine and surgery, osteopathic medicine and surgery, or 743

podiatric medicine and surgery authorized under Chapter 4731. of 744
the Revised Code, ~~and~~ licensed professional clinical counselors, 745
licensed professional counselors, independent social workers, 746
social workers, independent marriage and family therapists, or 747
marriage and family therapists authorized under Chapter 4757. of 748
the Revised Code, and art therapists authorized under Chapter 749
4785. of the Revised Code; 750

(7) Borrow money; 751

(8) Issue, sell, and pledge its notes, bonds, and other 752
evidences of indebtedness; 753

(9) Secure any of its obligations by mortgage, pledge, or 754
deed of trust of all or any of its property; 755

(10) Guarantee or secure obligations of any person; 756

(11) Do all things permitted by law and exercise all 757
authority within or incidental to the purposes stated in its 758
articles of organization. 759

(D) In addition to the authority conferred by division (C) 760
of this section and irrespective of the purposes stated in its 761
articles of organization or operating agreement but subject to 762
any limitations stated in those articles or its operating 763
agreement, a limited liability company may invest funds not 764
currently needed in its business in any securities if the 765
investment does not cause the company to acquire control of 766
another enterprise whose activities and operations are not 767
incidental to the purposes stated in the articles of 768
organization of the company. 769

(E) (1) No lack of authority or limitation upon the 770
authority of a limited liability company shall be asserted in 771
any action except as follows: 772

(a) By the state in an action by it against the company;	773
(b) By or on behalf of the company in an action against a manager, an officer, or any member as a member;	774 775
(c) By a member as a member in an action against the company, a manager, an officer, or any member as a member;	776 777
(d) In an action involving an alleged improper issue of a membership interest in the company.	778 779
(2) Division (E)(1) of this section applies to any action commenced in this state upon any contract made in this state by a foreign limited liability company.	780 781 782
Sec. 1705.04. (A) One or more persons, without regard to residence, domicile, or state of organization, may form a limited liability company. The articles of organization shall be signed and filed with the secretary of state and shall set forth all of the following:	783 784 785 786 787
(1) The name of the company;	788
(2) Except as provided in division (B) of this section, the period of its duration, which may be perpetual;	789 790
(3) Any other provisions that are from the operating agreement or that are not inconsistent with applicable law and that the members elect to set out in the articles for the regulation of the affairs of the company.	791 792 793 794
The legal existence of the company begins upon the filing of the articles of organization or on a later date specified in the articles of organization that is not more than ninety days after the filing.	795 796 797 798
(B) If the articles of organization or operating agreement	799

do not set forth the period of the duration of the limited 800
liability company, its duration shall be perpetual. 801

(C) If a limited liability company is formed under this 802
chapter for the purpose of rendering a professional service, the 803
kinds of professional services authorized under Chapters 4703. 804
and 4733. of the Revised Code, or a combination of the 805
professional services of optometrists authorized under Chapter 806
4725. of the Revised Code, chiropractors authorized under 807
Chapter 4734. of the Revised Code to practice chiropractic or 808
acupuncture, psychologists authorized under Chapter 4732. of the 809
Revised Code, registered or licensed practical nurses authorized 810
under Chapter 4723. of the Revised Code, pharmacists authorized 811
under Chapter 4729. of the Revised Code, physical therapists 812
authorized under sections 4755.40 to 4755.56 of the Revised 813
Code, occupational therapists authorized under sections 4755.04 814
to 4755.13 of the Revised Code, mechanotherapists authorized 815
under section 4731.151 of the Revised Code, doctors of medicine 816
and surgery, osteopathic medicine and surgery, or podiatric 817
medicine and surgery authorized under Chapter 4731. of the 818
Revised Code, ~~and~~ licensed professional clinical counselors, 819
licensed professional counselors, independent social workers, 820
social workers, independent marriage and family therapists, or 821
marriage and family therapists authorized under Chapter 4757. of 822
the Revised Code, and art therapists authorized under Chapter 823
4785. of the Revised Code the following apply: 824

(1) Each member, employee, or other agent of the company 825
who renders a professional service in this state and, if the 826
management of the company is not reserved to its members, each 827
manager of the company who renders a professional service in 828
this state shall be licensed, certificated, or otherwise legally 829
authorized to render in this state the same kind of professional 830

service; if applicable, the kinds of professional services 831
authorized under Chapters 4703. and 4733. of the Revised Code; 832
or, if applicable, any of the kinds of professional services of 833
optometrists authorized under Chapter 4725. of the Revised Code, 834
chiropractors authorized under Chapter 4734. of the Revised Code 835
to practice chiropractic or acupuncture, psychologists 836
authorized under Chapter 4732. of the Revised Code, registered 837
or licensed practical nurses authorized under Chapter 4723. of 838
the Revised Code, pharmacists authorized under Chapter 4729. of 839
the Revised Code, physical therapists authorized under sections 840
4755.40 to 4755.56 of the Revised Code, occupational therapists 841
authorized under sections 4755.04 to 4755.13 of the Revised 842
Code, mechanotherapists authorized under section 4731.151 of the 843
Revised Code, doctors of medicine and surgery, osteopathic 844
medicine and surgery, or podiatric medicine and surgery 845
authorized under Chapter 4731. of the Revised Code, ~~or~~-licensed 846
professional clinical counselors, licensed professional 847
counselors, independent social workers, social workers, 848
independent marriage and family therapists, or marriage and 849
family therapists authorized under Chapter 4757. of the Revised 850
Code, or art therapists authorized under Chapter 4785. of the 851
Revised Code. 852

(2) Each member, employee, or other agent of the company 853
who renders a professional service in another state and, if the 854
management of the company is not reserved to its members, each 855
manager of the company who renders a professional service in 856
another state shall be licensed, certificated, or otherwise 857
legally authorized to render that professional service in the 858
other state. 859

(D) Except for the provisions of this chapter pertaining 860
to the personal liability of members, employees, or other agents 861

of a limited liability company and, if the management of the 862
company is not reserved to its members, the personal liability 863
of managers of the company, this chapter does not restrict, 864
limit, or otherwise affect the authority or responsibilities of 865
any agency, board, commission, department, office, or other 866
entity to license, certificate, register, and otherwise regulate 867
the professional conduct of individuals or organizations of any 868
kind rendering professional services in this state or to 869
regulate the practice of any profession that is within the 870
jurisdiction of the agency, board, commission, department, 871
office, or other entity, notwithstanding that the individual is 872
a member or manager of a limited liability company and is 873
rendering the professional services or engaging in the practice 874
of the profession through the limited liability company or that 875
the organization is a limited liability company. 876

(E) No limited liability company formed for the purpose of 877
providing a combination of the professional services, as defined 878
in section 1785.01 of the Revised Code, of optometrists 879
authorized under Chapter 4725. of the Revised Code, 880
chiropractors authorized under Chapter 4734. of the Revised Code 881
to practice chiropractic or acupuncture, psychologists 882
authorized under Chapter 4732. of the Revised Code, registered 883
or licensed practical nurses authorized under Chapter 4723. of 884
the Revised Code, pharmacists authorized under Chapter 4729. of 885
the Revised Code, physical therapists authorized under sections 886
4755.40 to 4755.56 of the Revised Code, occupational therapists 887
authorized under sections 4755.04 to 4755.13 of the Revised 888
Code, mechanotherapists authorized under section 4731.151 of the 889
Revised Code, doctors of medicine and surgery, osteopathic 890
medicine and surgery, or podiatric medicine and surgery 891
authorized under Chapter 4731. of the Revised Code, ~~and~~-licensed 892

professional clinical counselors, licensed professional 893
counselors, independent social workers, social workers, 894
independent marriage and family therapists, or marriage and 895
family therapists authorized under Chapter 4757. of the Revised 896
Code, and art therapists authorized under Chapter 4785. of the 897
Revised Code shall control the professional clinical judgment 898
exercised within accepted and prevailing standards of practice 899
of a licensed, certificated, or otherwise legally authorized 900
optometrist, chiropractor, chiropractor practicing acupuncture 901
through the state chiropractic board, psychologist, nurse, 902
pharmacist, physical therapist, occupational therapist, 903
mechanotherapist, doctor of medicine and surgery, osteopathic 904
medicine and surgery, or podiatric medicine and surgery, 905
licensed professional clinical counselor, licensed professional 906
counselor, independent social worker, social worker, independent 907
marriage and family therapist, ~~or~~ marriage and family therapist, 908
or art therapist in rendering care, treatment, or professional 909
advice to an individual patient. 910

This division does not prevent a hospital, as defined in 911
section 3727.01 of the Revised Code, insurer, as defined in 912
section 3999.36 of the Revised Code, or intermediary 913
organization, as defined in section 1751.01 of the Revised Code, 914
from entering into a contract with a limited liability company 915
described in this division that includes a provision requiring 916
utilization review, quality assurance, peer review, or other 917
performance or quality standards. Those activities shall not be 918
construed as controlling the professional clinical judgment of 919
an individual practitioner listed in this division. 920

Sec. 1705.53. Subject to any contrary provisions of the 921
Ohio Constitution, the laws of the state under which a foreign 922
limited liability company is organized govern its organization 923

and internal affairs and the liability of its members. A foreign 924
limited liability company may not be denied a certificate of 925
registration as a foreign limited liability company in this 926
state because of any difference between the laws of the state 927
under which it is organized and the laws of this state. However, 928
a foreign limited liability company that applies for 929
registration under this chapter to render a professional service 930
in this state, as a condition to obtaining and maintaining a 931
certificate of registration, shall comply with the requirements 932
of division (C) of section 1705.04 of the Revised Code and shall 933
comply with the requirements of Chapters 4703. and 4733. of the 934
Revised Code if the kinds of professional services authorized 935
under those chapters are to be rendered or with the requirements 936
of Chapters 4723., 4725., 4729., 4731., 4732., 4734., 4755., ~~and~~ 937
~~4757., and 4785.~~ of the Revised Code if a combination of the 938
professional services of optometrists authorized under Chapter 939
4725. of the Revised Code, chiropractors authorized under 940
Chapter 4734. of the Revised Code to practice chiropractic or 941
acupuncture, psychologists authorized under Chapter 4732. of the 942
Revised Code, registered or licensed practical nurses authorized 943
under Chapter 4723. of the Revised Code, pharmacists authorized 944
under Chapter 4729. of the Revised Code, physical therapists 945
authorized under sections 4755.40 to 4755.56 of the Revised 946
Code, occupational therapists authorized under sections 4755.04 947
to 4755.13 of the Revised Code, mechanotherapists authorized 948
under section 4731.151 of the Revised Code, doctors of medicine 949
and surgery, osteopathic medicine and surgery, or podiatric 950
medicine and surgery authorized under Chapter 4731. of the 951
Revised Code, ~~and~~ licensed professional clinical counselors, 952
licensed professional counselors, independent social workers, 953
social workers, independent marriage and family therapists, or 954
marriage and family therapists authorized under Chapter 4757. of 955

the Revised Code, and art therapists authorized under Chapter 956
4785. of the Revised Code are to be rendered. 957

Sec. 1785.01. As used in this chapter: 958

(A) "Professional service" means any type of professional 959
service that may be performed only pursuant to a license, 960
certificate, or other legal authorization issued pursuant to 961
Chapter 4701., 4703., 4705., 4715., 4723., 4725., 4729., 4730., 962
4731., 4732., 4733., 4734., 4741., 4755., ~~or 4757.~~, or 4785. of 963
the Revised Code to certified public accountants, licensed 964
public accountants, architects, attorneys, dentists, nurses, 965
optometrists, pharmacists, physician assistants, doctors of 966
medicine and surgery, doctors of osteopathic medicine and 967
surgery, doctors of podiatric medicine and surgery, 968
practitioners of the limited branches of medicine specified in 969
section 4731.15 of the Revised Code, mechanotherapists, 970
psychologists, professional engineers, chiropractors, 971
chiropractors practicing acupuncture through the state 972
chiropractic board, veterinarians, physical therapists, 973
occupational therapists, licensed professional clinical 974
counselors, licensed professional counselors, independent social 975
workers, social workers, independent marriage and family 976
therapists, ~~and marriage and family therapists,~~ and art 977
therapists. 978

(B) "Professional association" means an association 979
organized under this chapter for the sole purpose of rendering 980
one of the professional services authorized under Chapter 4701., 981
4703., 4705., 4715., 4723., 4725., 4729., 4730., 4731., 4732., 982
4733., 4734., 4741., 4755., ~~or 4757.~~, or 4785. of the Revised 983
Code, a combination of the professional services authorized 984
under Chapters 4703. and 4733. of the Revised Code, or a 985

combination of the professional services of optometrists 986
authorized under Chapter 4725. of the Revised Code, 987
chiropractors authorized under Chapter 4734. of the Revised Code 988
to practice chiropractic or acupuncture, psychologists 989
authorized under Chapter 4732. of the Revised Code, registered 990
or licensed practical nurses authorized under Chapter 4723. of 991
the Revised Code, pharmacists authorized under Chapter 4729. of 992
the Revised Code, physical therapists authorized under sections 993
4755.40 to 4755.56 of the Revised Code, occupational therapists 994
authorized under sections 4755.04 to 4755.13 of the Revised 995
Code, mechanotherapists authorized under section 4731.151 of the 996
Revised Code, doctors of medicine and surgery, osteopathic 997
medicine and surgery, or podiatric medicine and surgery 998
authorized under Chapter 4731. of the Revised Code, ~~and~~-licensed 999
professional clinical counselors, licensed professional 1000
counselors, independent social workers, social workers, 1001
independent marriage and family therapists, or marriage and 1002
family therapists authorized under Chapter 4757. of the Revised 1003
Code, and art therapists authorized under Chapter 4785. of the 1004
Revised Code. 1005

Sec. 1785.02. An individual or group of individuals each 1006
of whom is licensed, certificated, or otherwise legally 1007
authorized to render within this state the same kind of 1008
professional service, a group of individuals each of whom is 1009
licensed, certificated, or otherwise legally authorized to 1010
render within this state the professional service authorized 1011
under Chapter 4703. or 4733. of the Revised Code, or a group of 1012
individuals each of whom is licensed, certificated, or otherwise 1013
legally authorized to render within this state the professional 1014
service of optometrists authorized under Chapter 4725. of the 1015
Revised Code, chiropractors authorized under Chapter 4734. of 1016

the Revised Code to practice chiropractic or acupuncture, 1017
psychologists authorized under Chapter 4732. of the Revised 1018
Code, registered or licensed practical nurses authorized under 1019
Chapter 4723. of the Revised Code, pharmacists authorized under 1020
Chapter 4729. of the Revised Code, physical therapists 1021
authorized under sections 4755.40 to 4755.56 of the Revised 1022
Code, occupational therapists authorized under sections 4755.04 1023
to 4755.13 of the Revised Code, mechanotherapists authorized 1024
under section 4731.151 of the Revised Code, doctors of medicine 1025
and surgery, osteopathic medicine and surgery, or podiatric 1026
medicine and surgery authorized under Chapter 4731. of the 1027
Revised Code, ~~ex~~-licensed professional clinical counselors, 1028
licensed professional counselors, independent social workers, 1029
social workers, independent marriage and family therapists, or 1030
marriage and family therapists authorized under Chapter 4757. of 1031
the Revised Code, or art therapists authorized under Chapter 1032
4785. of the Revised Code may organize and become a shareholder 1033
or shareholders of a professional association. Any group of 1034
individuals described in this section who may be rendering one 1035
of the professional services as an organization created 1036
otherwise than pursuant to this chapter may incorporate under 1037
and pursuant to this chapter by amending the agreement 1038
establishing the organization in a manner that the agreement as 1039
amended constitutes articles of incorporation prepared and filed 1040
in the manner prescribed in section 1785.08 of the Revised Code 1041
and by otherwise complying with the applicable requirements of 1042
this chapter. 1043

Sec. 1785.03. A professional association may render a 1044
particular professional service only through officers, 1045
employees, and agents who are themselves duly licensed, 1046
certificated, or otherwise legally authorized to render the 1047

professional service within this state. As used in this section, 1048
"employee" does not include clerks, bookkeepers, technicians, or 1049
other individuals who are not usually and ordinarily considered 1050
by custom and practice to be rendering a particular professional 1051
service for which a license, certificate, or other legal 1052
authorization is required and does not include any other person 1053
who performs all of that person's employment under the direct 1054
supervision and control of an officer, agent, or employee who 1055
renders a particular professional service to the public on 1056
behalf of the professional association. 1057

No professional association formed for the purpose of 1058
providing a combination of the professional services, as defined 1059
in section 1785.01 of the Revised Code, of optometrists 1060
authorized under Chapter 4725. of the Revised Code, 1061
chiropractors authorized under Chapter 4734. of the Revised Code 1062
to practice chiropractic or acupuncture, psychologists 1063
authorized under Chapter 4732. of the Revised Code, registered 1064
or licensed practical nurses authorized under Chapter 4723. of 1065
the Revised Code, pharmacists authorized under Chapter 4729. of 1066
the Revised Code, physical therapists authorized under sections 1067
4755.40 to 4755.56 of the Revised Code, occupational therapists 1068
authorized under sections 4755.04 to 4755.13 of the Revised 1069
Code, mechanotherapists authorized under section 4731.151 of the 1070
Revised Code, doctors of medicine and surgery, osteopathic 1071
medicine and surgery, or podiatric medicine and surgery 1072
authorized under Chapter 4731. of the Revised Code, ~~and~~-licensed 1073
professional clinical counselors, licensed professional 1074
counselors, independent social workers, social workers, 1075
independent marriage and family therapists, or marriage and 1076
family therapists authorized under Chapter 4757. of the Revised 1077
Code, and art therapists authorized under Chapter 4785. of the 1078

Revised Code shall control the professional clinical judgment 1079
exercised within accepted and prevailing standards of practice 1080
of a licensed, certificated, or otherwise legally authorized 1081
optometrist, chiropractor, chiropractor practicing acupuncture 1082
through the state chiropractic board, psychologist, nurse, 1083
pharmacist, physical therapist, occupational therapist, 1084
mechanotherapist, doctor of medicine and surgery, osteopathic 1085
medicine and surgery, or podiatric medicine and surgery, 1086
licensed professional clinical counselor, licensed professional 1087
counselor, independent social worker, social worker, independent 1088
marriage and family therapist, ~~or~~ marriage and family therapist, or 1089
art therapist in rendering care, treatment, or professional 1090
advice to an individual patient. 1091

This division does not prevent a hospital, as defined in 1092
section 3727.01 of the Revised Code, insurer, as defined in 1093
section 3999.36 of the Revised Code, or intermediary 1094
organization, as defined in section 1751.01 of the Revised Code, 1095
from entering into a contract with a professional association 1096
described in this division that includes a provision requiring 1097
utilization review, quality assurance, peer review, or other 1098
performance or quality standards. Those activities shall not be 1099
construed as controlling the professional clinical judgment of 1100
an individual practitioner listed in this division. 1101

Sec. 1785.08. Chapter 1701. of the Revised Code applies to 1102
professional associations, including their organization and the 1103
manner of filing articles of incorporation, except that the 1104
requirements of division (A) of section 1701.06 of the Revised 1105
Code do not apply to professional associations. If any provision 1106
of this chapter conflicts with any provision of Chapter 1701. of 1107
the Revised Code, the provisions of this chapter shall take 1108
precedence. A professional association for the practice of 1109

medicine and surgery, osteopathic medicine and surgery, or 1110
podiatric medicine and surgery or for the combined practice of 1111
optometry, chiropractic, acupuncture through the state 1112
chiropractic board, psychology, nursing, pharmacy, physical 1113
therapy, mechanotherapy, medicine and surgery, osteopathic 1114
medicine and surgery, ~~or~~ podiatric medicine and surgery, or art 1115
therapy may provide in its articles of incorporation or bylaws 1116
that its directors may have terms of office not exceeding six 1117
years. 1118

Sec. 4723.16. (A) An individual whom the board of nursing 1119
licenses or otherwise legally authorizes to engage in the 1120
practice of nursing as a registered nurse, advanced practice 1121
registered nurse, or licensed practical nurse may render the 1122
professional services of a registered, advanced practice 1123
registered, or licensed practical nurse within this state 1124
through a corporation formed under division (B) of section 1125
1701.03 of the Revised Code, a limited liability company formed 1126
under Chapter 1705. of the Revised Code, a partnership, or a 1127
professional association formed under Chapter 1785. of the 1128
Revised Code. This division does not preclude an individual of 1129
that nature from rendering professional services as a 1130
registered, advanced practice registered, or licensed practical 1131
nurse through another form of business entity, including, but 1132
not limited to, a nonprofit corporation or foundation, or in 1133
another manner that is authorized by or in accordance with this 1134
chapter, another chapter of the Revised Code, or rules of the 1135
board of nursing adopted pursuant to this chapter. 1136

(B) A corporation, limited liability company, partnership, 1137
or professional association described in division (A) of this 1138
section may be formed for the purpose of providing a combination 1139
of the professional services of the following individuals who 1140

are licensed, certificated, or otherwise legally authorized to	1141
practice their respective professions:	1142
(1) Optometrists who are authorized to practice optometry	1143
under Chapter 4725. of the Revised Code;	1144
(2) Chiropractors who are authorized to practice	1145
chiropractic or acupuncture under Chapter 4734. of the Revised	1146
Code;	1147
(3) Psychologists who are authorized to practice	1148
psychology under Chapter 4732. of the Revised Code;	1149
(4) Registered, advanced practice registered, or licensed	1150
practical nurses who are authorized to practice nursing as	1151
registered nurses, advanced practice registered nurses, or	1152
licensed practical nurses under this chapter;	1153
(5) Pharmacists who are authorized to practice pharmacy	1154
under Chapter 4729. of the Revised Code;	1155
(6) Physical therapists who are authorized to practice	1156
physical therapy under sections 4755.40 to 4755.56 of the	1157
Revised Code;	1158
(7) Occupational therapists who are licensed to practice	1159
occupational therapy under sections 4755.04 to 4755.13 of the	1160
Revised Code;	1161
(8) Mechanotherapists who are authorized to practice	1162
mechanotherapy under section 4731.151 of the Revised Code;	1163
(9) Doctors of medicine and surgery, osteopathic medicine	1164
and surgery, or podiatric medicine and surgery who are licensed,	1165
certificated, or otherwise legally authorized for their	1166
respective practices under Chapter 4731. of the Revised Code;	1167

(10) Licensed professional clinical counselors, licensed 1168
professional counselors, independent social workers, social 1169
workers, independent marriage and family therapists, or marriage 1170
and family therapists who are authorized for their respective 1171
practices under Chapter 4757. of the Revised Code; 1172

(11) Art therapists who are authorized to practice art 1173
therapy under Chapter 4785. of the Revised Code. 1174

This division shall apply notwithstanding a provision of a 1175
code of ethics applicable to a nurse that prohibits a 1176
registered, advanced practice registered, or licensed practical 1177
nurse from engaging in the practice of nursing as a registered 1178
nurse, advanced practice registered nurse, or licensed practical 1179
nurse in combination with a person who is licensed, 1180
certificated, or otherwise legally authorized to practice 1181
optometry, chiropractic, acupuncture through the state 1182
chiropractic board, psychology, pharmacy, physical therapy, 1183
occupational therapy, mechanotherapy, medicine and surgery, 1184
osteopathic medicine and surgery, podiatric medicine and 1185
surgery, professional counseling, social work, ~~or~~ marriage and 1186
family therapy, or art therapy, but who is not also licensed, 1187
certificated, or otherwise legally authorized to engage in the 1188
practice of nursing as a registered nurse, advanced practice 1189
registered nurse, or licensed practical nurse. 1190

Sec. 4725.33. (A) An individual whom the state vision 1191
professionals board licenses to engage in the practice of 1192
optometry may render the professional services of an optometrist 1193
within this state through a corporation formed under division 1194
(B) of section 1701.03 of the Revised Code, a limited liability 1195
company formed under Chapter 1705. of the Revised Code, a 1196
partnership, or a professional association formed under Chapter 1197

1785. of the Revised Code. This division does not preclude an 1198
optometrist from rendering professional services as an 1199
optometrist through another form of business entity, including, 1200
but not limited to, a nonprofit corporation or foundation, or in 1201
another manner that is authorized by or in accordance with this 1202
chapter, another chapter of the Revised Code, or rules of the 1203
state vision professionals board adopted pursuant to this 1204
chapter. 1205

(B) A corporation, limited liability company, partnership, 1206
or professional association described in division (A) of this 1207
section may be formed for the purpose of providing a combination 1208
of the professional services of the following individuals who 1209
are licensed, certificated, or otherwise legally authorized to 1210
practice their respective professions: 1211

(1) Optometrists who are authorized to practice optometry 1212
under Chapter 4725. of the Revised Code; 1213

(2) Chiropractors who are authorized to practice 1214
chiropractic or acupuncture under Chapter 4734. of the Revised 1215
Code; 1216

(3) Psychologists who are authorized to practice 1217
psychology under Chapter 4732. of the Revised Code; 1218

(4) Registered or licensed practical nurses who are 1219
authorized to practice nursing as registered nurses or as 1220
licensed practical nurses under Chapter 4723. of the Revised 1221
Code; 1222

(5) Pharmacists who are authorized to practice pharmacy 1223
under Chapter 4729. of the Revised Code; 1224

(6) Physical therapists who are authorized to practice 1225
physical therapy under sections 4755.40 to 4755.56 of the 1226

Revised Code; 1227

(7) Occupational therapists who are authorized to practice 1228
occupational therapy under sections 4755.04 to 4755.13 of the 1229
Revised Code; 1230

(8) Mechanotherapists who are authorized to practice 1231
mechanotherapy under section 4731.151 of the Revised Code; 1232

(9) Doctors of medicine and surgery, osteopathic medicine 1233
and surgery, or podiatric medicine and surgery who are 1234
authorized for their respective practices under Chapter 4731. of 1235
the Revised Code; 1236

(10) Licensed professional clinical counselors, licensed 1237
professional counselors, independent social workers, social 1238
workers, independent marriage and family therapists, or marriage 1239
and family therapists who are authorized for their respective 1240
practices under Chapter 4757. of the Revised Code; 1241

(11) Art therapists who are authorized to practice art 1242
therapy under Chapter 4785. of the Revised Code. 1243

This division shall apply notwithstanding a provision of a 1244
code of ethics applicable to an optometrist that prohibits an 1245
optometrist from engaging in the practice of optometry in 1246
combination with a person who is licensed, certificated, or 1247
otherwise legally authorized to practice chiropractic, 1248
acupuncture through the state chiropractic board, psychology, 1249
nursing, pharmacy, physical therapy, occupational therapy, 1250
mechanotherapy, medicine and surgery, osteopathic medicine and 1251
surgery, podiatric medicine and surgery, professional 1252
counseling, social work, ~~or~~ marriage and family therapy, or art 1253
therapy, but who is not also licensed, certificated, or 1254
otherwise legally authorized to engage in the practice of 1255

optometry. 1256

Sec. 4729.161. (A) An individual registered with the state 1257
board of pharmacy to engage in the practice of pharmacy may 1258
render the professional services of a pharmacist within this 1259
state through a corporation formed under division (B) of section 1260
1701.03 of the Revised Code, a limited liability company formed 1261
under Chapter 1705. of the Revised Code, a partnership, or a 1262
professional association formed under Chapter 1785. of the 1263
Revised Code. This division does not preclude an individual of 1264
that nature from rendering professional services as a pharmacist 1265
through another form of business entity, including, but not 1266
limited to, a nonprofit corporation or foundation, or in another 1267
manner that is authorized by or in accordance with this chapter, 1268
another chapter of the Revised Code, or rules of the state board 1269
of pharmacy adopted pursuant to this chapter. 1270

(B) A corporation, limited liability company, partnership, 1271
or professional association described in division (A) of this 1272
section may be formed for the purpose of providing a combination 1273
of the professional services of the following individuals who 1274
are licensed, certificated, or otherwise legally authorized to 1275
practice their respective professions: 1276

(1) Optometrists who are authorized to practice optometry 1277
under Chapter 4725. of the Revised Code; 1278

(2) Chiropractors who are authorized to practice 1279
chiropractic or acupuncture under Chapter 4734. of the Revised 1280
Code; 1281

(3) Psychologists who are authorized to practice 1282
psychology under Chapter 4732. of the Revised Code; 1283

(4) Registered or licensed practical nurses who are 1284

authorized to practice nursing as registered nurses or as 1285
licensed practical nurses under Chapter 4723. of the Revised 1286
Code; 1287

(5) Pharmacists who are authorized to practice pharmacy 1288
under Chapter 4729. of the Revised Code; 1289

(6) Physical therapists who are authorized to practice 1290
physical therapy under sections 4755.40 to 4755.56 of the 1291
Revised Code; 1292

(7) Occupational therapists who are authorized to practice 1293
occupational therapy under sections 4755.04 to 4755.13 of the 1294
Revised Code; 1295

(8) Mechanotherapists who are authorized to practice 1296
mechanotherapy under section 4731.151 of the Revised Code; 1297

(9) Doctors of medicine and surgery, osteopathic medicine 1298
and surgery, or podiatric medicine and surgery who are 1299
authorized for their respective practices under Chapter 4731. of 1300
the Revised Code; 1301

(10) Licensed professional clinical counselors, licensed 1302
professional counselors, independent social workers, social 1303
workers, independent marriage and family therapists, or marriage 1304
and family therapists who are authorized for their respective 1305
practices under Chapter 4757. of the Revised Code; 1306

(11) Art therapists who are authorized to practice art 1307
therapy under Chapter 4785. of the Revised Code. 1308

This division shall apply notwithstanding a provision of a 1309
code of ethics applicable to a pharmacist that prohibits a 1310
pharmacist from engaging in the practice of pharmacy in 1311
combination with a person who is licensed, certificated, or 1312

otherwise legally authorized to practice optometry, 1313
chiropractic, acupuncture through the state chiropractic board, 1314
psychology, nursing, physical therapy, occupational therapy, 1315
mechanotherapy, medicine and surgery, osteopathic medicine and 1316
surgery, podiatric medicine and surgery, professional 1317
counseling, social work, ~~or marriage and family therapy, or art~~ 1318
therapy, but who is not also licensed, certificated, or 1319
otherwise legally authorized to engage in the practice of 1320
pharmacy. 1321

Sec. 4731.07. (A) The state medical board shall keep a 1322
record of its proceedings. The minutes of a meeting of the board 1323
shall, on approval by the board, constitute an official record 1324
of its proceedings. 1325

(B) The board shall keep a register of applicants for 1326
licenses and certificates issued under this chapter; licenses 1327
issued under Chapters 4730., 4760., 4762., 4774., and 4778.; ~~and~~ 1328
licenses and limited permits issued under Chapters 4759. and 1329
4761. of the Revised Code; and applicants for licenses, licenses 1330
issued, and licenses suspended or revoked under Chapter 4787. of 1331
the Revised Code. The register shall show the name of the 1332
applicant and whether the applicant was granted or refused the 1333
license, certificate, or limited permit being sought. 1334

With respect to applicants to practice medicine and 1335
surgery or osteopathic medicine and surgery, the register shall 1336
show the name of the institution that granted the applicant the 1337
degree of doctor of medicine or osteopathic medicine. With 1338
respect to applicants to practice respiratory care, the register 1339
shall show the addresses of the person's last known place of 1340
business and residence, the effective date and identification 1341
number of the license or limited permit, and, if applicable, the 1342

name and location of the institution that granted the person's 1343
degree or certificate of completion of respiratory care 1344
educational requirements and the date the degree or certificate 1345
of completion was issued. 1346

(C) The books and records of the board shall be prima- 1347
facie evidence of matters therein contained. 1348

Sec. 4731.224. (A) Within sixty days after the imposition 1349
of any formal disciplinary action taken by any health care 1350
facility, including a hospital, health care facility operated by 1351
a health insuring corporation, ambulatory surgical center, or 1352
similar facility, against any individual holding a valid license 1353
or certificate to practice issued pursuant to this chapter, the 1354
chief administrator or executive officer of the facility shall 1355
report to the state medical board the name of the individual, 1356
the action taken by the facility, and a summary of the 1357
underlying facts leading to the action taken. Upon request, the 1358
board shall be provided certified copies of the patient records 1359
that were the basis for the facility's action. Prior to release 1360
to the board, the summary shall be approved by the peer review 1361
committee that reviewed the case or by the governing board of 1362
the facility. As used in this division, "formal disciplinary 1363
action" means any action resulting in the revocation, 1364
restriction, reduction, or termination of clinical privileges 1365
for violations of professional ethics, or for reasons of medical 1366
incompetence or medical malpractice. "Formal disciplinary 1367
action" includes a summary action, an action that takes effect 1368
notwithstanding any appeal rights that may exist, and an action 1369
that results in an individual surrendering clinical privileges 1370
while under investigation and during proceedings regarding the 1371
action being taken or in return for not being investigated or 1372
having proceedings held. "Formal disciplinary action" does not 1373

include any action taken for the sole reason of failure to 1374
maintain records on a timely basis or failure to attend staff or 1375
section meetings. 1376

The filing or nonfiling of a report with the board, 1377
investigation by the board, or any disciplinary action taken by 1378
the board, shall not preclude any action by a health care 1379
facility to suspend, restrict, or revoke the individual's 1380
clinical privileges. 1381

In the absence of fraud or bad faith, no individual or 1382
entity that provides patient records to the board shall be 1383
liable in damages to any person as a result of providing the 1384
records. 1385

(B) (1) Except as provided in division (B) (2) of this 1386
section, if any individual authorized to practice under this 1387
chapter or any professional association or society of such 1388
individuals believes that a violation of any provision of this 1389
chapter, Chapter 4730., 4759., 4760., 4761., 4762., 4774., ~~or~~ 1390
4778., or 4787. of the Revised Code, or any rule of the board 1391
has occurred, the individual, association, or society shall 1392
report to the board the information upon which the belief is 1393
based. 1394

(2) If any individual authorized to practice under this 1395
chapter or any professional association or society of such 1396
individuals believes that a violation of division (B) (26) of 1397
section 4731.22 of the Revised Code has occurred, the 1398
individual, association, or society shall report the information 1399
upon which the belief is based to the monitoring organization 1400
conducting the program established by the board under section 1401
4731.251 of the Revised Code. If any such report is made to the 1402
board, it shall be referred to the monitoring organization 1403

unless the board is aware that the individual who is the subject 1404
of the report does not meet the program eligibility requirements 1405
of section 4731.252 of the Revised Code. 1406

(C) Any professional association or society composed 1407
primarily of doctors of medicine and surgery, doctors of 1408
osteopathic medicine and surgery, doctors of podiatric medicine 1409
and surgery, or practitioners of limited branches of medicine 1410
that suspends or revokes an individual's membership for 1411
violations of professional ethics, or for reasons of 1412
professional incompetence or professional malpractice, within 1413
sixty days after a final decision shall report to the board, on 1414
forms prescribed and provided by the board, the name of the 1415
individual, the action taken by the professional organization, 1416
and a summary of the underlying facts leading to the action 1417
taken. 1418

The filing of a report with the board or decision not to 1419
file a report, investigation by the board, or any disciplinary 1420
action taken by the board, does not preclude a professional 1421
organization from taking disciplinary action against an 1422
individual. 1423

(D) Any insurer providing professional liability insurance 1424
to an individual authorized to practice under this chapter, or 1425
any other entity that seeks to indemnify the professional 1426
liability of such an individual, shall notify the board within 1427
thirty days after the final disposition of any written claim for 1428
damages where such disposition results in a payment exceeding 1429
twenty-five thousand dollars. The notice shall contain the 1430
following information: 1431

(1) The name and address of the person submitting the 1432
notification; 1433

(2) The name and address of the insured who is the subject of the claim; 1434
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(3) The name of the person filing the written claim; 1436

(4) The date of final disposition; 1437

(5) If applicable, the identity of the court in which the final disposition of the claim took place. 1438
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(E) The board may investigate possible violations of this chapter or the rules adopted under it that are brought to its attention as a result of the reporting requirements of this section, except that the board shall conduct an investigation if a possible violation involves repeated malpractice. As used in this division, "repeated malpractice" means three or more claims for medical malpractice within the previous five-year period, each resulting in a judgment or settlement in excess of twenty-five thousand dollars in favor of the claimant, and each involving negligent conduct by the practicing individual. 1440
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(F) All summaries, reports, and records received and maintained by the board pursuant to this section shall be held in confidence and shall not be subject to discovery or introduction in evidence in any federal or state civil action involving a health care professional or facility arising out of matters that are the subject of the reporting required by this section. The board may use the information obtained only as the basis for an investigation, as evidence in a disciplinary hearing against an individual whose practice is regulated under this chapter, or in any subsequent trial or appeal of a board action or order. 1450
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The board may disclose the summaries and reports it receives under this section only to health care facility 1461
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committees within or outside this state that are involved in 1463
credentialing or recredentialing the individual or in reviewing 1464
the individual's clinical privileges. The board shall indicate 1465
whether or not the information has been verified. Information 1466
transmitted by the board shall be subject to the same 1467
confidentiality provisions as when maintained by the board. 1468

(G) Except for reports filed by an individual pursuant to 1469
division (B) of this section, the board shall send a copy of any 1470
reports or summaries it receives pursuant to this section to the 1471
individual who is the subject of the reports or summaries. The 1472
individual shall have the right to file a statement with the 1473
board concerning the correctness or relevance of the 1474
information. The statement shall at all times accompany that 1475
part of the record in contention. 1476

(H) An individual or entity that, pursuant to this 1477
section, reports to the board, reports to the monitoring 1478
organization described in section 4731.251 of the Revised Code, 1479
or refers an impaired practitioner to a treatment provider 1480
approved by the board under section 4731.25 of the Revised Code 1481
shall not be subject to suit for civil damages as a result of 1482
the report, referral, or provision of the information. 1483

(I) In the absence of fraud or bad faith, no professional 1484
association or society of individuals authorized to practice 1485
under this chapter that sponsors a committee or program to 1486
provide peer assistance to practitioners with substance abuse 1487
problems, no representative or agent of such a committee or 1488
program, no representative or agent of the monitoring 1489
organization described in section 4731.251 of the Revised Code, 1490
and no member of the state medical board shall be held liable in 1491
damages to any person by reason of actions taken to refer a 1492

practitioner to a treatment provider approved under section 1493
4731.25 of the Revised Code for examination or treatment. 1494

Sec. 4731.226. (A) (1) An individual whom the state medical 1495
board licenses, certificates, or otherwise legally authorizes to 1496
engage in the practice of medicine and surgery, osteopathic 1497
medicine and surgery, or podiatric medicine and surgery may 1498
render the professional services of a doctor of medicine and 1499
surgery, osteopathic medicine and surgery, or podiatric medicine 1500
and surgery within this state through a corporation formed under 1501
division (B) of section 1701.03 of the Revised Code, a limited 1502
liability company formed under Chapter 1705. of the Revised 1503
Code, a partnership, or a professional association formed under 1504
Chapter 1785. of the Revised Code. Division (A) (1) of this 1505
section does not preclude an individual of that nature from 1506
rendering professional services as a doctor of medicine and 1507
surgery, osteopathic medicine and surgery, or podiatric medicine 1508
and surgery through another form of business entity, including, 1509
but not limited to, a nonprofit corporation or foundation, or in 1510
another manner that is authorized by or in accordance with this 1511
chapter, another chapter of the Revised Code, or rules of the 1512
state medical board adopted pursuant to this chapter. 1513

(2) An individual whom the state medical board authorizes 1514
to engage in the practice of mechanotherapy may render the 1515
professional services of a mechanotherapist within this state 1516
through a corporation formed under division (B) of section 1517
1701.03 of the Revised Code, a limited liability company formed 1518
under Chapter 1705. of the Revised Code, a partnership, or a 1519
professional association formed under Chapter 1785. of the 1520
Revised Code. Division (A) (2) of this section does not preclude 1521
an individual of that nature from rendering professional 1522
services as a mechanotherapist through another form of business 1523

entity, including, but not limited to, a nonprofit corporation 1524
or foundation, or in another manner that is authorized by or in 1525
accordance with this chapter, another chapter of the Revised 1526
Code, or rules of the state medical board adopted pursuant to 1527
this chapter. 1528

(B) A corporation, limited liability company, partnership, 1529
or professional association described in division (A) of this 1530
section may be formed for the purpose of providing a combination 1531
of the professional services of the following individuals who 1532
are licensed, certificated, or otherwise legally authorized to 1533
practice their respective professions: 1534

(1) Optometrists who are authorized to practice optometry 1535
under Chapter 4725. of the Revised Code; 1536

(2) Chiropractors who are authorized to practice 1537
chiropractic or acupuncture under Chapter 4734. of the Revised 1538
Code; 1539

(3) Psychologists who are authorized to practice 1540
psychology under Chapter 4732. of the Revised Code; 1541

(4) Registered or licensed practical nurses who are 1542
authorized to practice nursing as registered nurses or as 1543
licensed practical nurses under Chapter 4723. of the Revised 1544
Code; 1545

(5) Pharmacists who are authorized to practice pharmacy 1546
under Chapter 4729. of the Revised Code; 1547

(6) Physical therapists who are authorized to practice 1548
physical therapy under sections 4755.40 to 4755.56 of the 1549
Revised Code; 1550

(7) Occupational therapists who are authorized to practice 1551

occupational therapy under sections 4755.04 to 4755.13 of the Revised Code; (1552
1553)

(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code; (1554
1555)

(9) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under this chapter; (1556
1557
1558)

(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; (1559
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1563)

(11) Art therapists who are authorized to practice art therapy under Chapter 4785. of the Revised Code. (1564
1565)

(C) Division (B) of this section shall apply notwithstanding a provision of a code of ethics described in division (B)(18) of section 4731.22 of the Revised Code that prohibits either of the following: (1566
1567
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1569)

(1) A doctor of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery from engaging in the doctor's authorized practice in combination with a person who is licensed, certificated, or otherwise legally authorized to engage in the practice of optometry, chiropractic, acupuncture through the state chiropractic board, psychology, nursing, pharmacy, physical therapy, occupational therapy, mechanotherapy, professional counseling, social work, ~~or~~ marriage and family therapy, or art therapy, but who is not also licensed, certificated, or otherwise legally authorized to practice medicine and surgery, osteopathic medicine and surgery, (1570
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or podiatric medicine and surgery. 1581

(2) A mechanotherapist from engaging in the practice of 1582
mechanotherapy in combination with a person who is licensed, 1583
certificated, or otherwise legally authorized to engage in the 1584
practice of optometry, chiropractic, acupuncture through the 1585
state chiropractic board, psychology, nursing, pharmacy, 1586
physical therapy, occupational therapy, medicine and surgery, 1587
osteopathic medicine and surgery, podiatric medicine and 1588
surgery, professional counseling, social work, ~~or~~ marriage and 1589
family therapy, or art therapy, but who is not also licensed, 1590
certificated, or otherwise legally authorized to engage in the 1591
practice of mechanotherapy. 1592

Sec. 4731.24. Except as provided in sections 4731.281 and 1593
4731.40 of the Revised Code, all receipts of the state medical 1594
board, from any source, shall be deposited in the state 1595
treasury. The funds shall be deposited to the credit of the 1596
state medical board operating fund, which is hereby created. 1597
Except as provided in sections 4730.252, 4731.225, 4731.24, 1598
4759.071, 4760.133, 4761.091, 4762.133, 4774.133, and 4778.141 1599
of the Revised Code, all funds deposited into the state treasury 1600
under this section shall be used solely for the administration 1601
and enforcement of this chapter and Chapters 4730., 4759., 1602
4760., 4761., 4762., 4774., ~~and 4778.~~ and 4787. of the Revised 1603
Code by the board. 1604

Sec. 4731.25. The state medical board, in accordance with 1605
Chapter 119. of the Revised Code, shall adopt and may amend and 1606
rescind rules establishing standards for approval of physicians 1607
and facilities as treatment providers for practitioners 1608
suffering or showing evidence of suffering impairment as 1609
described in division (B) (5) of section 4730.25, division (B) 1610

(26) of section 4731.22, division (A)(18) of section 4759.07, 1611
division (B)(6) of section 4760.13, division (A)(18) of section 1612
4761.09, division (B)(6) of section 4762.13, division (B)(6) of 1613
section 4774.13, ~~or~~ division (B)(6) of section 4778.14, or 1614
division (C)(4) of section 4787.11 of the Revised Code. The 1615
rules shall include standards for both inpatient and outpatient 1616
treatment and for care and monitoring that continues after 1617
treatment. The rules shall provide that in order to be approved, 1618
a treatment provider must have the capability of making an 1619
initial examination to determine what type of treatment an 1620
impaired practitioner requires. Subject to the rules, the board 1621
shall review and approve treatment providers on a regular basis. 1622
The board, at its discretion, may withdraw or deny approval 1623
subject to the rules. 1624

An approved impaired practitioner treatment provider shall 1625
do all of the following: 1626

(A) Report to the board the name of any practitioner 1627
suffering or showing evidence of suffering impairment who fails 1628
to comply within one week with a referral for examination; 1629

(B) Report to the board the name of any impaired 1630
practitioner who fails to enter treatment within forty-eight 1631
hours following the provider's determination that the 1632
practitioner needs treatment; 1633

(C) Require every practitioner who enters treatment to 1634
agree to a treatment contract establishing the terms of 1635
treatment and aftercare, including any required supervision or 1636
restrictions of practice during treatment or aftercare; 1637

(D) Require a practitioner to suspend practice upon entry 1638
into any required inpatient treatment; 1639

(E) Report to the board any failure by an impaired 1640
practitioner to comply with the terms of the treatment contract 1641
during inpatient or outpatient treatment or aftercare; 1642

(F) Report to the board the resumption of practice of any 1643
impaired practitioner before the treatment provider has made a 1644
clear determination that the practitioner is capable of 1645
practicing according to acceptable and prevailing standards of 1646
care; 1647

(G) Require a practitioner who resumes practice after 1648
completion of treatment to comply with an aftercare contract 1649
that meets the requirements of rules adopted by the board for 1650
approval of treatment providers; 1651

(H) Report the identity of any practitioner practicing 1652
under the terms of an aftercare contract to hospital 1653
administrators, medical chiefs of staff, and chairpersons of 1654
impaired practitioner committees of all health care institutions 1655
at which the practitioner holds clinical privileges or otherwise 1656
practices. If the practitioner does not hold clinical privileges 1657
at any health care institution, the treatment provider shall 1658
report the practitioner's identity to the impaired practitioner 1659
committee of the county medical society, osteopathic academy, or 1660
podiatric medical association in every county in which the 1661
practitioner practices. If there are no impaired practitioner 1662
committees in the county, the treatment provider shall report 1663
the practitioner's identity to the president or other designated 1664
member of the county medical society, osteopathic academy, or 1665
podiatric medical association. 1666

(I) Report to the board the identity of any practitioner 1667
who suffers a relapse at any time during or following aftercare. 1668

Any individual authorized to practice under this chapter 1669
who enters into treatment by an approved treatment provider 1670
shall be deemed to have waived any confidentiality requirements 1671
that would otherwise prevent the treatment provider from making 1672
reports required under this section. 1673

In the absence of fraud or bad faith, no person or 1674
organization that conducts an approved impaired practitioner 1675
treatment program, no member of such an organization, and no 1676
employee, representative, or agent of the treatment provider 1677
shall be held liable in damages to any person by reason of 1678
actions taken or recommendations made by the treatment provider 1679
or its employees, representatives, or agents. 1680

Sec. 4731.65. As used in sections 4731.65 to 4731.71 of 1681
the Revised Code: 1682

(A) (1) "Clinical laboratory services" means either of the 1683
following: 1684

(a) Any examination of materials derived from the human 1685
body for the purpose of providing information for the diagnosis, 1686
prevention, or treatment of any disease or impairment or for the 1687
assessment of health; 1688

(b) Procedures to determine, measure, or otherwise 1689
describe the presence or absence of various substances or 1690
organisms in the body. 1691

(2) "Clinical laboratory services" does not include the 1692
mere collection or preparation of specimens. 1693

(B) "Designated health services" means any of the 1694
following: 1695

(1) Clinical laboratory services; 1696

(2) Home health care services; 1697

(3) Outpatient prescription drugs. 1698

(C) "Fair market value" means the value in arms-length 1699
transactions, consistent with general market value and: 1700

(1) With respect to rentals or leases, the value of rental 1701
property for general commercial purposes, not taking into 1702
account its intended use; 1703

(2) With respect to a lease of space, not adjusted to 1704
reflect the additional value the prospective lessee or lessor 1705
would attribute to the proximity or convenience to the lessor if 1706
the lessor is a potential source of referrals to the lessee. 1707

(D) "Governmental health care program" means any program 1708
providing health care benefits that is administered by the 1709
federal government, this state, or a political subdivision of 1710
this state, including the medicare program, health care coverage 1711
for public employees, health care benefits administered by the 1712
bureau of workers' compensation, and the medicaid program. 1713

(E) (1) "Group practice" means a group of two or more 1714
holders of licenses or certificates under this chapter legally 1715
organized as a partnership, professional corporation or 1716
association, limited liability company, foundation, nonprofit 1717
corporation, faculty practice plan, or similar group practice 1718
entity, including an organization comprised of a nonprofit 1719
medical clinic that contracts with a professional corporation or 1720
association of physicians to provide medical services 1721
exclusively to patients of the clinic in order to comply with 1722
section 1701.03 of the Revised Code and including a corporation, 1723
limited liability company, partnership, or professional 1724
association described in division (B) of section 4731.226 of the 1725

Revised Code formed for the purpose of providing a combination 1726
of the professional services of optometrists who are licensed, 1727
certificated, or otherwise legally authorized to practice 1728
optometry under Chapter 4725. of the Revised Code, chiropractors 1729
who are licensed, certificated, or otherwise legally authorized 1730
to practice chiropractic or acupuncture under Chapter 4734. of 1731
the Revised Code, psychologists who are licensed, certificated, 1732
or otherwise legally authorized to practice psychology under 1733
Chapter 4732. of the Revised Code, registered or licensed 1734
practical nurses who are licensed, certificated, or otherwise 1735
legally authorized to practice nursing under Chapter 4723. of 1736
the Revised Code, pharmacists who are licensed, certificated, or 1737
otherwise legally authorized to practice pharmacy under Chapter 1738
4729. of the Revised Code, physical therapists who are licensed, 1739
certificated, or otherwise legally authorized to practice 1740
physical therapy under sections 4755.40 to 4755.56 of the 1741
Revised Code, occupational therapists who are licensed, 1742
certificated, or otherwise legally authorized to practice 1743
occupational therapy under sections 4755.04 to 4755.13 of the 1744
Revised Code, mechanotherapists who are licensed, certificated, 1745
or otherwise legally authorized to practice mechanotherapy under 1746
section 4731.151 of the Revised Code, and doctors of medicine 1747
and surgery, osteopathic medicine and surgery, or podiatric 1748
medicine and surgery who are licensed, certificated, or 1749
otherwise legally authorized for their respective practices 1750
under this chapter, ~~and~~ licensed professional clinical 1751
counselors, licensed professional counselors, independent social 1752
workers, social workers, independent marriage and family 1753
therapists, or marriage and family therapists who are licensed, 1754
certificated, or otherwise legally authorized for their 1755
respective practices under Chapter 4757. of the Revised Code, and 1756
and art therapists who are authorized to practice art therapy 1757

under Chapter 4785. of the Revised Code to which all of the 1758
following apply: 1759

(a) Each physician who is a member of the group practice 1760
provides substantially the full range of services that the 1761
physician routinely provides, including medical care, 1762
consultation, diagnosis, or treatment, through the joint use of 1763
shared office space, facilities, equipment, and personnel. 1764

(b) Substantially all of the services of the members of 1765
the group are provided through the group and are billed in the 1766
name of the group and amounts so received are treated as 1767
receipts of the group. 1768

(c) The overhead expenses of and the income from the 1769
practice are distributed in accordance with methods previously 1770
determined by members of the group. 1771

(d) The group practice meets any other requirements that 1772
the state medical board applies in rules adopted under section 1773
4731.70 of the Revised Code. 1774

(2) In the case of a faculty practice plan associated with 1775
a hospital with a medical residency training program in which 1776
physician members may provide a variety of specialty services 1777
and provide professional services both within and outside the 1778
group, as well as perform other tasks such as research, the 1779
criteria in division (E)(1) of this section apply only with 1780
respect to services rendered within the faculty practice plan. 1781

(F) "Home health care services" and "immediate family" 1782
have the same meanings as in the rules adopted under section 1783
4731.70 of the Revised Code. 1784

(G) "Hospital" has the same meaning as in section 3727.01 1785
of the Revised Code. 1786

(H) A "referral" includes both of the following: 1787

(1) A request by a holder of a license or certificate 1788
under this chapter for an item or service, including a request 1789
for a consultation with another physician and any test or 1790
procedure ordered by or to be performed by or under the 1791
supervision of the other physician; 1792

(2) A request for or establishment of a plan of care by a 1793
license or certificate holder that includes the provision of 1794
designated health services. 1795

(I) "Third-party payer" has the same meaning as in section 1796
3901.38 of the Revised Code. 1797

Sec. 4732.28. (A) An individual whom the state board of 1798
psychology licenses, certificates, or otherwise legally 1799
authorizes to engage in the practice of psychology may render 1800
the professional services of a psychologist within this state 1801
through a corporation formed under division (B) of section 1802
1701.03 of the Revised Code, a limited liability company formed 1803
under Chapter 1705. of the Revised Code, a partnership, or a 1804
professional association formed under Chapter 1785. of the 1805
Revised Code. This division does not preclude an individual of 1806
that nature from rendering professional services as a 1807
psychologist through another form of business entity, including, 1808
but not limited to, a nonprofit corporation or foundation, or in 1809
another manner that is authorized by or in accordance with this 1810
chapter, another chapter of the Revised Code, or rules of the 1811
state board of psychology adopted pursuant to this chapter. 1812

(B) A corporation, limited liability company, partnership, 1813
or professional association described in division (A) of this 1814
section may be formed for the purpose of providing a combination 1815

of the professional services of the following individuals who 1816
are licensed, certificated, or otherwise legally authorized to 1817
practice their respective professions: 1818

(1) Optometrists who are authorized to practice optometry 1819
under Chapter 4725. of the Revised Code; 1820

(2) Chiropractors who are authorized to practice 1821
chiropractic or acupuncture under Chapter 4734. of the Revised 1822
Code; 1823

(3) Psychologists who are authorized to practice 1824
psychology under this chapter; 1825

(4) Registered or licensed practical nurses who are 1826
authorized to practice nursing as registered nurses or as 1827
licensed practical nurses under Chapter 4723. of the Revised 1828
Code; 1829

(5) Pharmacists who are authorized to practice pharmacy 1830
under Chapter 4729. of the Revised Code; 1831

(6) Physical therapists who are authorized to practice 1832
physical therapy under sections 4755.40 to 4755.56 of the 1833
Revised Code; 1834

(7) Occupational therapists who are authorized to practice 1835
occupational therapy under sections 4755.04 to 4755.13 of the 1836
Revised Code; 1837

(8) Mechanotherapists who are authorized to practice 1838
mechanotherapy under section 4731.151 of the Revised Code; 1839

(9) Doctors of medicine and surgery, osteopathic medicine 1840
and surgery, or podiatric medicine and surgery who are 1841
authorized for their respective practices under Chapter 4731. of 1842
the Revised Code; 1843

(10) Licensed professional clinical counselors, licensed 1844
professional counselors, independent social workers, social 1845
workers, independent marriage and family therapists, or marriage 1846
and family therapists who are authorized for their respective 1847
practices under Chapter 4757. of the Revised Code; 1848

(11) Art therapists who are authorized to practice art 1849
therapy under Chapter 4785. of the Revised Code. 1850

This division shall apply notwithstanding a provision of a 1851
code of ethics applicable to a psychologist that prohibits a 1852
psychologist from engaging in the practice of psychology in 1853
combination with a person who is licensed, certificated, or 1854
otherwise legally authorized to practice optometry, 1855
chiropractic, acupuncture through the state chiropractic board, 1856
nursing, pharmacy, physical therapy, occupational therapy, 1857
mechanotherapy, medicine and surgery, osteopathic medicine and 1858
surgery, podiatric medicine and surgery, professional 1859
counseling, social work, ~~or marriage and family therapy,~~ or art 1860
therapy, but who is not also licensed, certificated, or 1861
otherwise legally authorized to engage in the practice of 1862
psychology. 1863

Sec. 4734.17. (A) An individual whom the state 1864
chiropractic board licenses to engage in the practice of 1865
chiropractic or certifies to practice acupuncture may render the 1866
professional services of a chiropractor or chiropractor 1867
certified to practice acupuncture within this state through a 1868
corporation formed under division (B) of section 1701.03 of the 1869
Revised Code, a limited liability company formed under Chapter 1870
1705. of the Revised Code, a partnership, or a professional 1871
association formed under Chapter 1785. of the Revised Code. This 1872
division does not preclude a chiropractor from rendering 1873

professional services as a chiropractor or chiropractor 1874
certified to practice acupuncture through another form of 1875
business entity, including, but not limited to, a nonprofit 1876
corporation or foundation, or in another manner that is 1877
authorized by or in accordance with this chapter, another 1878
chapter of the Revised Code, or rules of the state chiropractic 1879
board adopted pursuant to this chapter. 1880

(B) A corporation, limited liability company, partnership, 1881
or professional association described in division (A) of this 1882
section may be formed for the purpose of providing a combination 1883
of the professional services of the following individuals who 1884
are licensed, certificated, or otherwise legally authorized to 1885
practice their respective professions: 1886

(1) Optometrists who are authorized to practice optometry, 1887
under Chapter 4725. of the Revised Code; 1888

(2) Chiropractors who are authorized to practice 1889
chiropractic or acupuncture under this chapter; 1890

(3) Psychologists who are authorized to practice 1891
psychology under Chapter 4732. of the Revised Code; 1892

(4) Registered or licensed practical nurses who are 1893
authorized to practice nursing as registered nurses or as 1894
licensed practical nurses under Chapter 4723. of the Revised 1895
Code; 1896

(5) Pharmacists who are authorized to practice pharmacy 1897
under Chapter 4729. of the Revised Code; 1898

(6) Physical therapists who are authorized to practice 1899
physical therapy under sections 4755.40 to 4755.56 of the 1900
Revised Code; 1901

(7) Occupational therapists who are authorized to practice 1902
occupational therapy under sections 4755.04 to 4755.13 of the 1903
Revised Code; 1904

(8) Mechanotherapists who are authorized to practice 1905
mechanotherapy under section 4731.151 of the Revised Code; 1906

(9) Doctors of medicine and surgery, osteopathic medicine 1907
and surgery, or podiatric medicine and surgery who are 1908
authorized for their respective practices under Chapter 4731. of 1909
the Revised Code; 1910

(10) Licensed professional clinical counselors, licensed 1911
professional counselors, independent social workers, social 1912
workers, independent marriage and family therapists, or marriage 1913
and family therapists who are authorized for their respective 1914
practices under Chapter 4757. of the Revised Code; 1915

(11) Art therapists who are authorized to practice art 1916
therapy under Chapter 4785. of the Revised Code. 1917

This division shall apply notwithstanding a provision of 1918
any code of ethics established or adopted under section 4734.16 1919
of the Revised Code that prohibits an individual from engaging 1920
in the practice of chiropractic or acupuncture in combination 1921
with an individual who is licensed, certificated, or otherwise 1922
authorized for the practice of optometry, psychology, nursing, 1923
pharmacy, physical therapy, occupational therapy, 1924
mechanotherapy, medicine and surgery, osteopathic medicine and 1925
surgery, podiatric medicine and surgery, professional 1926
counseling, social work, ~~or marriage and family therapy, or art~~ 1927
therapy, but who is not also licensed under this chapter to 1928
engage in the practice of chiropractic. 1929

Sec. 4743.05. Except as otherwise provided in sections 1930

4701.20, 4723.062, 4723.082, 4729.65, 4781.121, and 4781.28 of 1931
the Revised Code, all money collected under Chapters 3773., 1932
4701., 4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 1933
4732., 4733., 4734., 4736., 4741., 4744., 4747., 4753., 4755., 1934
4757., 4758., 4771., 4775., 4779., ~~and 4781.~~, and 4785. of the 1935
Revised Code shall be paid into the state treasury to the credit 1936
of the occupational licensing and regulatory fund, which is 1937
hereby created for use in administering such chapters. 1938

At the end of each quarter, the director of budget and 1939
management shall transfer from the occupational licensing and 1940
regulatory fund to the nurse education assistance fund created 1941
in section 3333.28 of the Revised Code the amount certified to 1942
the director under division (B) of section 4723.08 of the 1943
Revised Code. 1944

At the end of each quarter, the director shall transfer 1945
from the occupational licensing and regulatory fund to the 1946
certified public accountant education assistance fund created in 1947
section 4701.26 of the Revised Code the amount certified to the 1948
director under division (H)(2) of section 4701.10 of the Revised 1949
Code. 1950

Sec. 4755.111. (A) An individual whom the occupational 1951
therapy section of the Ohio occupational therapy, physical 1952
therapy, and athletic trainers board licenses, certificates, or 1953
otherwise legally authorizes to engage in the practice of 1954
occupational therapy may render the professional services of an 1955
occupational therapist within this state through a corporation 1956
formed under division (B) of section 1701.03 of the Revised 1957
Code, a limited liability company formed under Chapter 1705. of 1958
the Revised Code, a partnership, or a professional association 1959
formed under Chapter 1785. of the Revised Code. This division 1960

does not preclude an individual of that nature from rendering 1961
professional services as an occupational therapist through 1962
another form of business entity, including, but not limited to, 1963
a nonprofit corporation or foundation, or in another manner that 1964
is authorized by or in accordance with sections 4755.04 to 1965
4755.13 of the Revised Code, another chapter of the Revised 1966
Code, or rules of the Ohio occupational therapy, physical 1967
therapy, and athletic trainers board adopted pursuant to 1968
sections 4755.04 to 4755.13 of the Revised Code. 1969

(B) A corporation, limited liability company, partnership, 1970
or professional association described in division (A) of this 1971
section may be formed for the purpose of providing a combination 1972
of the professional services of the following individuals who 1973
are licensed, certificated, or otherwise legally authorized to 1974
practice their respective professions: 1975

(1) Optometrists who are authorized to practice optometry 1976
under Chapter 4725. of the Revised Code; 1977

(2) Chiropractors who are authorized to practice 1978
chiropractic or acupuncture under Chapter 4734. of the Revised 1979
Code; 1980

(3) Psychologists who are authorized to practice 1981
psychology under Chapter 4732. of the Revised Code; 1982

(4) Registered or licensed practical nurses who are 1983
authorized to practice nursing as registered nurses or as 1984
licensed practical nurses under Chapter 4723. of the Revised 1985
Code; 1986

(5) Pharmacists who are authorized to practice pharmacy 1987
under Chapter 4729. of the Revised Code; 1988

(6) Physical therapists who are authorized to practice 1989

physical therapy under sections 4755.40 to 4755.56 of the	1990
Revised Code;	1991
(7) Occupational therapists who are authorized to practice	1992
occupational therapy under sections 4755.04 to 4755.13 of the	1993
Revised Code;	1994
(8) Mechanotherapists who are authorized to practice	1995
mechanotherapy under section 4731.151 of the Revised Code;	1996
(9) Doctors of medicine and surgery, osteopathic medicine	1997
and surgery, or podiatric medicine and surgery who are	1998
authorized for their respective practices under Chapter 4731. of	1999
the Revised Code;	2000
(10) Licensed professional clinical counselors, licensed	2001
professional counselors, independent social workers, social	2002
workers, independent marriage and family therapists, or marriage	2003
and family therapists who are authorized for their respective	2004
practices under Chapter 4757. of the Revised Code;__	2005
<u>(11) Art therapists who are authorized to practice art</u>	2006
<u>therapy under Chapter 4785. of the Revised Code.</u>	2007
This division shall apply notwithstanding a provision of a	2008
code of ethics applicable to an occupational therapist that	2009
prohibits an occupational therapist from engaging in the	2010
practice of occupational therapy in combination with a person	2011
who is licensed, certificated, or otherwise legally authorized	2012
to practice optometry, chiropractic, acupuncture through the	2013
state chiropractic board, psychology, nursing, pharmacy,	2014
physical therapy, mechanotherapy, medicine and surgery,	2015
osteopathic medicine and surgery, podiatric medicine and	2016
surgery, professional counseling, social work, or marriage and	2017
family therapy, <u>or art therapy</u> but who is not also licensed,	2018

certificated, or otherwise legally authorized to engage in the 2019
practice of occupational therapy. 2020

Sec. 4755.471. (A) An individual whom the physical therapy 2021
section of the Ohio occupational therapy, physical therapy, and 2022
athletic trainers board licenses, certificates, or otherwise 2023
legally authorizes to engage in the practice of physical therapy 2024
may render the professional services of a physical therapist 2025
within this state through a corporation formed under division 2026
(B) of section 1701.03 of the Revised Code, a limited liability 2027
company formed under Chapter 1705. of the Revised Code, a 2028
partnership, or a professional association formed under Chapter 2029
1785. of the Revised Code. This division does not preclude an 2030
individual of that nature from rendering professional services 2031
as a physical therapist through another form of business entity, 2032
including, but not limited to, a nonprofit corporation or 2033
foundation, or in another manner that is authorized by or in 2034
accordance with sections 4755.40 to 4755.53 of the Revised Code, 2035
another chapter of the Revised Code, or rules of the Ohio 2036
occupational therapy, physical therapy, and athletic trainers 2037
board adopted pursuant to sections 4755.40 to 4755.53 of the 2038
Revised Code. 2039

(B) A corporation, limited liability company, partnership, 2040
or professional association described in division (A) of this 2041
section may be formed for the purpose of providing a combination 2042
of the professional services of the following individuals who 2043
are licensed, certificated, or otherwise legally authorized to 2044
practice their respective professions: 2045

(1) Optometrists who are authorized to practice optometry 2046
under Chapter 4725. of the Revised Code; 2047

(2) Chiropractors who are authorized to practice 2048

chiropractic or acupuncture under Chapter 4734. of the Revised Code; 2049
2050

(3) Psychologists who are authorized to practice psychology under Chapter 4732. of the Revised Code; 2051
2052

(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; 2053
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2056

(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code; 2057
2058

(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code; 2059
2060
2061

(7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code; 2062
2063
2064

(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code; 2065
2066

(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; 2067
2068
2069
2070

(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; 2071
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2075

(11) Art therapists who are authorized to practice art 2076

therapy under Chapter 4785. of the Revised Code.

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

Sec. 4757.37. (A) An individual whom the counselor, social worker, and marriage and family therapist board licenses, certificates, or otherwise legally authorizes to engage in the practice of professional counseling, social work, or marriage and family therapy may render the professional services of a licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist within this state through a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited liability company formed under Chapter 1705. of the Revised Code, a partnership, or a professional association formed under Chapter 1785. of the Revised Code. This division does not preclude such an individual from rendering professional services as a licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist

through another form of business entity, including, but not 2108
limited to, a nonprofit corporation or foundation, or in another 2109
manner that is authorized by or in accordance with this chapter, 2110
another chapter of the Revised Code, or rules of the counselor, 2111
social worker, and marriage and family therapist board adopted 2112
pursuant to this chapter. 2113

(B) A corporation, limited liability company, partnership, 2114
or professional association described in division (A) of this 2115
section may be formed for the purpose of providing a combination 2116
of the professional services of the following individuals who 2117
are licensed, certificated, or otherwise legally authorized to 2118
practice their respective professions: 2119

(1) Optometrists who are authorized to practice optometry 2120
under Chapter 4725. of the Revised Code; 2121

(2) Chiropractors who are authorized to practice 2122
chiropractic or acupuncture under Chapter 4734. of the Revised 2123
Code; 2124

(3) Psychologists who are authorized to practice 2125
psychology under Chapter 4732. of the Revised Code; 2126

(4) Registered or licensed practical nurses who are 2127
authorized to practice nursing as registered nurses or as 2128
licensed practical nurses under Chapter 4723. of the Revised 2129
Code; 2130

(5) Pharmacists who are authorized to practice pharmacy 2131
under Chapter 4729. of the Revised Code; 2132

(6) Physical therapists who are authorized to practice 2133
physical therapy under sections 4755.40 to 4755.56 of the 2134
Revised Code; 2135

(7) Occupational therapists who are authorized to practice 2136
occupational therapy under sections 4755.04 to 4755.13 of the 2137
Revised Code; 2138

(8) Mechanotherapists who are authorized to practice 2139
mechanotherapy under section 4731.151 of the Revised Code; 2140

(9) Doctors of medicine and surgery, osteopathic medicine 2141
and surgery, or podiatric medicine and surgery who are 2142
authorized for their respective practices under Chapter 4731. of 2143
the Revised Code; 2144

(10) Licensed professional clinical counselors, licensed 2145
professional counselors, independent social workers, social 2146
workers, independent marriage and family therapists, or marriage 2147
and family therapists who are authorized for their respective 2148
practices under this chapter; 2149

(11) Art therapists who are authorized to practice art 2150
therapy under Chapter 4785. of the Revised Code. 2151

This division applies notwithstanding a provision of a 2152
code of ethics applicable to an individual who is a licensed 2153
professional clinical counselor, licensed professional 2154
counselor, independent social worker, social worker, independent 2155
marriage and family therapist, or marriage and family therapist 2156
that prohibits the individual from engaging in the individual's 2157
practice in combination with a person who is licensed, 2158
certificated, or otherwise legally authorized to practice 2159
optometry, chiropractic, acupuncture through the state 2160
chiropractic board, psychology, nursing, pharmacy, physical 2161
therapy, occupational therapy, mechanotherapy, medicine and 2162
surgery, osteopathic medicine and surgery, ~~or~~ podiatric medicine 2163
and surgery, or art therapy, but who is not also licensed, 2164

certificated, or otherwise legally authorized to engage in the 2165
practice of professional counseling, social work, or marriage 2166
and family therapy. 2167

Sec. 4776.01. As used in this chapter: 2168

(A) "License" means an authorization evidenced by a 2169
license, certificate, registration, permit, card, or other 2170
authority that is issued or conferred by a licensing agency to a 2171
licensee or to an applicant for an initial license by which the 2172
licensee or initial license applicant has or claims the 2173
privilege to engage in a profession, occupation, or occupational 2174
activity, or, except in the case of the state dental board, to 2175
have control of and operate certain specific equipment, 2176
machinery, or premises, over which the licensing agency has 2177
jurisdiction. 2178

(B) Except as provided in section 4776.20 of the Revised 2179
Code, "licensee" means the person to whom the license is issued 2180
by a licensing agency. "Licensee" includes a person who, for 2181
purposes of section 3796.13 of the Revised Code, has complied 2182
with sections 4776.01 to 4776.04 of the Revised Code and has 2183
been determined by the department of commerce or state board of 2184
pharmacy, as the applicable licensing agency, to meet the 2185
requirements for employment. 2186

(C) Except as provided in section 4776.20 of the Revised 2187
Code, "licensing agency" means any of the following: 2188

(1) The board authorized by Chapters 4701., 4717., 4725., 2189
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4751., 2190
4753., 4755., 4757., 4759., 4760., 4761., 4762., 4774., 4778., 2191
4779., ~~and 4783., 4785., and 4787.~~ of the Revised Code to issue 2192
a license to engage in a specific profession, occupation, or 2193

occupational activity, or to have charge of and operate certain 2194
specific equipment, machinery, or premises. 2195

(2) The state dental board, relative to its authority to 2196
issue a license pursuant to section 4715.12, 4715.16, 4715.21, 2197
or 4715.27 of the Revised Code; 2198

(3) The department of commerce or state board of pharmacy, 2199
relative to its authority under Chapter 3796. of the Revised 2200
Code and any rules adopted under that chapter with respect to a 2201
person who is subject to section 3796.13 of the Revised Code; 2202

(4) The director of agriculture, relative to the 2203
director's authority to issue licenses under Chapter 928. of the 2204
Revised Code. 2205

(D) "Applicant for an initial license" includes persons 2206
seeking a license for the first time and persons seeking a 2207
license by reciprocity, endorsement, or similar manner of a 2208
license issued in another state. "Applicant for an initial 2209
license" also includes a person who, for purposes of section 2210
3796.13 of the Revised Code, is required to comply with sections 2211
4776.01 to 4776.04 of the Revised Code. 2212

(E) "Applicant for a restored license" includes persons 2213
seeking restoration of a license under section 4730.14, 4730.28, 2214
4731.222, 4731.281, 4759.062, 4759.063, 4760.06, 4760.061, 2215
4761.06, 4761.061, 4762.06, 4762.061, 4774.06, 4774.061, 2216
4778.07, or 4778.071 of the Revised Code. "Applicant for a 2217
restored license" does not include a person seeking restoration 2218
of a license under section 4751.33 of the Revised Code. 2219

(F) "Criminal records check" has the same meaning as in 2220
section 109.572 of the Revised Code. 2221

Sec. 4776.20. (A) As used in this section: 2222

(1) "Licensing agency" means, in addition to each board 2223
identified in division (C) of section 4776.01 of the Revised 2224
Code, the board or other government entity authorized to issue a 2225
license under Chapters 4703., 4707., 4709., 4712., 4713., 4719., 2226
4723., 4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740., 2227
4742., 4747., 4749., 4752., 4753., 4758., 4759., 4763., 4764., 2228
4765., 4766., 4771., 4773., ~~and 4781., 4785., and 4787.~~ of the 2229
Revised Code. "Licensing agency" includes an administrative 2230
officer that has authority to issue a license. 2231

(2) "Licensee" means, in addition to a licensee as 2232
described in division (B) of section 4776.01 of the Revised 2233
Code, the person to whom a license is issued by the board or 2234
other government entity authorized to issue a license under 2235
Chapters 4703., 4707., 4709., 4712., 4713., 4719., 4723., 4727., 2236
4728., 4733., 4735., 4736., 4737., 4738., 4740., 4742., 4747., 2237
4749., 4751., 4752., 4753., 4758., 4759., 4763., 4764., 4765., 2238
4766., 4771., 4773., ~~and 4781., 4785., and 4787.~~ of the Revised 2239
Code. 2240

(3) "Prosecutor" has the same meaning as in section 2241
2935.01 of the Revised Code. 2242

(B) On a licensee's conviction of, plea of guilty to, 2243
judicial finding of guilt of, or judicial finding of guilt 2244
resulting from a plea of no contest to the offense of 2245
trafficking in persons in violation of section 2905.32 of the 2246
Revised Code, the prosecutor in the case shall promptly notify 2247
the licensing agency of the conviction, plea, or finding and 2248
provide the licensee's name and residential address. On receipt 2249
of this notification, the licensing agency shall immediately 2250
suspend the licensee's license. 2251

(C) If there is a conviction of, plea of guilty to, 2252

judicial finding of guilt of, or judicial finding of guilt 2253
resulting from a plea of no contest to the offense of 2254
trafficking in persons in violation of section 2905.32 of the 2255
Revised Code and all or part of the violation occurred on the 2256
premises of a facility that is licensed by a licensing agency, 2257
the prosecutor in the case shall promptly notify the licensing 2258
agency of the conviction, plea, or finding and provide the 2259
facility's name and address and the offender's name and 2260
residential address. On receipt of this notification, the 2261
licensing agency shall immediately suspend the facility's 2262
license. 2263

(D) Notwithstanding any provision of the Revised Code to 2264
the contrary, the suspension of a license under division (B) or 2265
(C) of this section shall be implemented by a licensing agency 2266
without a prior hearing. After the suspension, the licensing 2267
agency shall give written notice to the subject of the 2268
suspension of the right to request a hearing under Chapter 119. 2269
of the Revised Code. After a hearing is held, the licensing 2270
agency shall either revoke or permanently revoke the license of 2271
the subject of the suspension, unless it determines that the 2272
license holder has not been convicted of, pleaded guilty to, 2273
been found guilty of, or been found guilty based on a plea of no 2274
contest to the offense of trafficking in persons in violation of 2275
section 2905.32 of the Revised Code. 2276

Sec. 4785.01. As used in this chapter: 2277

(A) (1) "Art therapy" means the integrated use of 2278
psychotherapeutic principles and methods with art media and the 2279
creative process to assist individuals, families, or groups in 2280
doing any of the following: 2281

(a) Improving cognitive and sensory-motor functions; 2282

<u>(b) Increasing self-awareness and self-esteem;</u>	2283
<u>(c) Coping with grief and traumatic experiences;</u>	2284
<u>(d) Enhancing cognitive abilities;</u>	2285
<u>(e) Resolving conflicts and distress;</u>	2286
<u>(f) Enhancing social functioning;</u>	2287
<u>(g) Identifying and assessing clients' needs to implement</u>	2288
<u>therapeutic intervention to meet developmental, behavioral,</u>	2289
<u>mental, and emotional needs.</u>	2290
<u>(2) "Art therapy" includes therapeutic intervention to</u>	2291
<u>facilitate alternative modes of receptive and expressive</u>	2292
<u>communication and evaluation and assessment to define and</u>	2293
<u>implement art-based treatment plans to address cognitive,</u>	2294
<u>behavioral, developmental, and emotional needs.</u>	2295
<u>(B) "Practice of art therapy" means the rendering or</u>	2296
<u>offering to render art therapy in the prevention or treatment of</u>	2297
<u>cognitive, developmental, emotional, or behavioral disabilities</u>	2298
<u>or conditions.</u>	2299
<u>(C) "Licensee" means a person who is licensed to practice</u>	2300
<u>art therapy under this chapter.</u>	2301
<u>(D) "Client" means a person who receives art therapy from</u>	2302
<u>a licensee.</u>	2303
<u>Sec. 4785.02. (A) No person shall recklessly engage in the</u>	2304
<u>practice of art therapy or use the title "art therapist" or a</u>	2305
<u>similar title unless the person is licensed under this chapter.</u>	2306
<u>(B) This chapter does not apply to any of the following</u>	2307
<u>persons:</u>	2308
<u>(1) A student who engages in the supervised practice of</u>	2309

art therapy as part of an art therapy program at an accredited 2310
educational institution, if the person does not represent the 2311
person's self as an art therapist; 2312

(2) A person who holds a professional license in this 2313
state, or an employee who is supervised by a person who holds a 2314
professional license in this state, who engages in the practice 2315
of art therapy in a manner that is incidental to the practice of 2316
the person's or employee's profession, if the person does not 2317
represent the person's or employee's self as an art therapist; 2318

(3) A person who engages in the practice of art therapy as 2319
part of the postgraduate supervised clinical experience 2320
described in division (B) (4) of section 4785.06 of the Revised 2321
Code. 2322

Sec. 4785.03. The counselor, social worker, and marriage 2323
and family therapist board shall adopt rules in accordance with 2324
Chapter 119. of the Revised Code to implement and administer 2325
this chapter, including a rule that concerns the intervention 2326
for and treatment of any impaired person holding a license 2327
issued under the chapter. 2328

Sec. 4785.04. The counselor, social worker, and marriage 2329
and family therapist board shall keep a register of applicants 2330
for licenses issued under this chapter. The register shall show 2331
the name of the applicant and whether the applicant was granted 2332
or refused a license. 2333

The board shall develop and publish on its internet web 2334
site a directory containing the names of, and contact 2335
information for, all persons who hold current, valid licenses 2336
issued by the board under this chapter. 2337

Sec. 4785.05. (A) The buckeye art therapy association or 2338

its successor organization shall provide the counselor, social 2339
worker, and marriage and family therapist board with expertise 2340
and assistance in carrying out the board's duties pursuant to 2341
this chapter. The association or its successor organization 2342
shall review and submit to the board recommendations on all of 2343
the following: 2344

(1) Requirements and procedures for issuing licenses under 2345
this chapter; 2346

(2) Rules pertaining to the practice of art therapy and 2347
the administration and enforcement of this chapter; 2348

(3) Standards for the ethical practice of art therapy that 2349
shall include, as the association or its successor organization 2350
finds appropriate, the code of ethics, conduct, and disciplinary 2351
procedures adopted by the art therapy credentials board, its 2352
successor organization, or an equivalent organization recognized 2353
by the counselor, social worker, and marriage and family 2354
therapist board; 2355

(4) Standards and procedures for compliance with 2356
continuing education requirements and approval of providers of 2357
continuing education; 2358

(5) Fees required for issuance and renewal of licenses 2359
under this chapter; 2360

(6) Any other issue the board considers necessary for the 2361
administration and enforcement of this chapter. 2362

(B) The board shall take into consideration all 2363
recommendations submitted by the association or its successor 2364
organization before adopting any rule under section 4785.03 of 2365
the Revised Code. Not later than ninety days after receiving a 2366
recommendation from the association or its successor 2367

organization, the board shall approve or disapprove the 2368
recommendation and notify the association or its successor 2369
organization of its decision. If a recommendation is 2370
disapproved, the board shall inform the association or its 2371
successor organization of its reasons for making that decision. 2372
The association or its successor organization may resubmit the 2373
recommendation after addressing the concerns expressed by the 2374
board and modifying the disapproved recommendation accordingly. 2375
Not later than ninety days after receiving a resubmitted 2376
recommendation, the board shall approve or disapprove the 2377
recommendation. There is no limit on the number of times the 2378
association or its successor organization may resubmit a 2379
recommendation for consideration by the board. 2380

Sec. 4785.06. (A) A person seeking a license to practice 2381
art therapy under this chapter shall submit to the counselor, 2382
social worker, and marriage and family therapist board a 2383
completed application on a form prescribed by the counselor, 2384
social worker, and marriage and family therapist board and an 2385
application fee in an amount to be determined by the board in 2386
rules adopted pursuant to section 4785.03 of the Revised Code. 2387
The board may prorate the application fee for an initial 2388
license. 2389

The application shall include information the counselor, 2390
social worker, and marriage and family therapist board considers 2391
necessary to process the application, including evidence 2392
satisfactory to the counselor, social worker, and marriage and 2393
family therapist board that the applicant meets the requirements 2394
specified in division (B) of this section. No part of the 2395
application fee shall be returned to the applicant or applied to 2396
another application. 2397

(B) To be eligible for a license to practice art therapy 2398
under this chapter, an applicant shall demonstrate to the 2399
counselor, social worker, and marriage and family therapist 2400
board that the applicant meets all of the following 2401
requirements: 2402

(1) The applicant is at least eighteen years of age. 2403

(2) The applicant is of good moral character. 2404

(3) The applicant has attained a master's degree or higher 2405
degree from a graduate program in art therapy that one of the 2406
following applies to at the time the degree was conferred: 2407

(a) The program is approved by the American art therapy 2408
association or its successor organization. 2409

(b) The program is accredited by the commission on 2410
accreditation of allied health education programs or its 2411
successor organization. 2412

(c) The counselor, social worker, and marriage and family 2413
therapist board considers the program to be substantially 2414
equivalent to a program approved or accredited under division 2415
(B) (3) (a) or (b) of this section. 2416

(4) The applicant has completed at least two years of 2417
postgraduate supervised clinical experience in the practice of 2418
art therapy that meets the posteducation supervised art therapy 2419
experience requirements that the art therapy credentials board, 2420
its successor organization, or an equivalent organization 2421
recognized by the counselor, social worker, and marriage and 2422
family therapist board required for an individual to become a 2423
registered art therapist at the time the experience was 2424
completed. 2425

(5) The applicant has a board certification in good 2426
standing with the art therapy credentials board, its successor 2427
organization, or an equivalent organization recognized by the 2428
counselor, social worker, and marriage and family therapist 2429
board. 2430

(6) The applicant complies with sections 4776.01 to 2431
4776.04 of the Revised Code. 2432

(7) The applicant has satisfied any other requirements 2433
established by the counselor, social worker, and marriage and 2434
family therapist board in rules adopted under section 4785.03 of 2435
the Revised Code. 2436

(C) The counselor, social worker, and marriage and family 2437
therapist board shall not grant to a person a license to 2438
practice art therapy unless the board, in its discretion, 2439
decides that the results of a criminal records check do not make 2440
the person ineligible for a license under this section. 2441

(D) Not later than sixty days after receiving a complete 2442
application, the counselor, social worker, and marriage and 2443
family therapist board shall issue a license to practice art 2444
therapy to an applicant if the board determines that the 2445
applicant satisfies the requirements of division (B) of this 2446
section. An affirmative vote of a majority of the members of the 2447
board is required to determine that an applicant meets the 2448
requirements. 2449

(E) The counselor, social worker, and marriage and family 2450
therapist board may waive the requirements of division (B) of 2451
this section and issue a license to practice art therapy to an 2452
applicant if, not later than one year following the adoption of 2453
the initial rules adopted by the board under section 4785.03 of 2454

the Revised Code, the applicant files an application with the 2455
board that includes evidence satisfactory to the board that the 2456
applicant meets all of the following requirements: 2457

(1) The applicant holds a credential in good standing with 2458
the art therapy credentials board, its successor organization, 2459
or an equivalent organization recognized by the counselor, 2460
social worker, and marriage and family therapist board. 2461

(2) The applicant has practiced art therapy for at least 2462
five years. 2463

(3) The applicant complies with sections 4776.01 to 2464
4776.04 of the Revised Code. 2465

(4) The applicant satisfies any additional requirements 2466
established by the counselor, social worker, and marriage and 2467
family therapist board in rules adopted under section 4785.03 of 2468
the Revised Code. 2469

Sec. 4785.07. (A) A license issued under section 4785.06 2470
of the Revised Code shall expire biennially and may be renewed 2471
in accordance with this section. A licensee seeking to renew a 2472
license to practice art therapy shall, on or before the thirty- 2473
first day of January of each even-numbered year, apply for 2474
renewal of the license. The counselor, social worker, and 2475
marriage and family therapist board may establish a different 2476
expiration date for an initial license. The board shall provide 2477
renewal notices at least one month before the expiration date. 2478

(B) A licensee shall submit a renewal application to the 2479
counselor, social worker, and marriage and family therapist 2480
board in a manner prescribed by the board and a renewal fee in 2481
an amount to be determined by the board in rules adopted 2482
pursuant to section 4785.03 of the Revised Code. 2483

(C) To be eligible for renewal, a licensee shall certify 2484
to the board that the licensee has done all of the following: 2485

(1) Maintained board certification with the art therapy 2486
credentials board, its successor organization, or an equivalent 2487
organization recognized by the counselor, social worker, and 2488
marriage and family therapist board; 2489

(2) Completed at least forty hours of the continuing 2490
education that is required to maintain board certification with 2491
the art therapy credentials board, its successor organization, 2492
or an equivalent organization recognized by the counselor, 2493
social worker, and marriage and family therapist board; 2494

(3) Report any criminal offense to which the applicant has 2495
pleaded guilty, of which the licensee has been found guilty, or 2496
for which the applicant has been found eligible for intervention 2497
in lieu of conviction, since last signing an application for a 2498
license under this chapter. 2499

(D) If a licensee submits a renewal application that the 2500
counselor, social worker, and marriage and family therapist 2501
board considers to be complete and qualifies for renewal 2502
pursuant to division (C) of this section, the board shall issue 2503
to the licensee a renewed license to practice art therapy. 2504

(E) The counselor, social worker, and marriage and family 2505
therapist board may require a random sample of licensees to 2506
submit materials documenting that the licensee has complied with 2507
divisions (C) (1) and (2) of this section. If the board finds 2508
through the random sample or any other means that a licensee has 2509
not complied with those divisions, the board may refuse to renew 2510
the licensee's license or may take any other action the board 2511
may take under this chapter. 2512

Sec. 4785.08. (A) A license to practice art therapy that 2513
is not renewed on or before its expiration date is automatically 2514
suspended on its expiration date. The continued practice of art 2515
therapy after suspension of a license shall be considered a 2516
violation of division (A) of section 4785.02 of the Revised 2517
Code. 2518

(B) If a license has been suspended pursuant to division 2519
(A) of this section, the counselor, social worker, and marriage 2520
and family therapist board shall reinstate the license if the 2521
person qualifies for renewal pursuant to section 4785.07 of the 2522
Revised Code and pays a monetary penalty to be established by 2523
the board. 2524

(C) If a license has been suspended pursuant to division 2525
(A) of this section for more than two years, the board may 2526
impose terms and conditions for reinstatement in addition to 2527
those specified in division (B) of this section, including the 2528
following: 2529

(1) Requiring the applicant to pass an oral or written 2530
examination, or both, to determine the applicant's fitness to 2531
resume the practice of art therapy; 2532

(2) Requiring the applicant to obtain additional training 2533
and to pass an examination on completion of the training; 2534

(3) Restricting or limiting the extent, scope, or type of 2535
practice in which an applicant may engage. 2536

Sec. 4785.09. (A) A licensee may treat affective, 2537
behavioral, and cognitive disorders or problems specified in the 2538
edition of the diagnostic and statistical manual of mental 2539
disorders published by the American psychiatric association 2540
designated by the counselor, social worker, and marriage and 2541

family therapist board in rules adopted under section 4785.03 of 2542
the Revised Code. 2543

(B) A license issued under this chapter does not authorize 2544
the licensee to do either of the following: 2545

(1) Administer or prescribe drugs; 2546

(2) Perform psychological testing intended to measure or 2547
diagnose serious mental illness. 2548

Sec. 4785.10. (A) As used in this section: 2549

(1) "Willfully betraying a professional confidence" and 2550
"false, fraudulent, deceptive, or misleading statement" have the 2551
same meanings as in section 4731.22 of the Revised Code. 2552

(2) "Privileged communication" means any information 2553
obtained through the practice of art therapy, including client 2554
records, artwork, verbal or artistic expressions, assessment 2555
results, or assessment interpretations. 2556

(B) The counselor, social worker, and marriage and family 2557
therapist board, by an affirmative vote of a majority of the 2558
members, may limit, revoke, suspend, or refuse to grant a 2559
license to practice art therapy to a person found by the board 2560
to have committed fraud, misrepresentation, or deception in 2561
applying for or securing the license. 2562

(C) The board, by an affirmative vote of a majority of the 2563
members, shall, to the extent permitted by law, limit, revoke, 2564
suspend, or refuse to issue, renew, or reinstate a license, or 2565
reprimand or place on probation a licensee for any of the 2566
following reasons: 2567

(1) Failure to comply with the requirements of this 2568
chapter or any rules adopted by the board; 2569

- (2) Permitting the licensee's name or license to be used 2570
by another person; 2571
- (3) Failure to employ acceptable scientific methods in the 2572
selection of modalities for treatment provided under a license 2573
to practice art therapy; 2574
- (4) A plea of guilty to, a judicial finding of guilt of, 2575
or a judicial finding of eligibility for intervention in lieu of 2576
conviction for, a violation of any federal or state law 2577
regulating the possession, distribution, or use of any drug; 2578
- (5) Willfully betraying a professional confidence; 2579
- (6) Making a false, fraudulent, deceptive, or misleading 2580
statement in the solicitation of or advertising for clients; in 2581
relation to the practice of art therapy; or in securing or 2582
attempting to secure any license or certificate to practice 2583
issued by the board; 2584
- (7) A departure from, or the failure to conform to, 2585
minimal standards of care of similar practitioners under the 2586
same or similar circumstances, whether or not actual injury to a 2587
client is established; 2588
- (8) Representing, with the purpose of obtaining 2589
compensation or other advantage as personal gain or for any 2590
other person, that an incurable disease or injury, or other 2591
incurable condition, can be permanently cured; 2592
- (9) The obtaining of, or attempting to obtain, money or 2593
anything of value by fraudulent misrepresentations in the course 2594
of the practice of art therapy; 2595
- (10) A plea of guilty to, a judicial finding of guilt of, 2596
or a judicial finding of eligibility for intervention in lieu of 2597

conviction for, a felony; 2598

(11) Commission of an act that constitutes a felony in 2599
this state, regardless of the jurisdiction in which the act was 2600
committed; 2601

(12) A plea of guilty to, a judicial finding of guilt of, 2602
or a judicial finding of eligibility for intervention in lieu of 2603
conviction for, a misdemeanor committed in the course of the 2604
practice of art therapy; 2605

(13) Commission of an act in the course of the practice of 2606
art therapy that constitutes a misdemeanor in this state, 2607
regardless of the jurisdiction in which the act was committed; 2608

(14) A plea of guilty to, a judicial finding of guilt of, 2609
or a judicial finding of eligibility for intervention in lieu of 2610
conviction for, a misdemeanor involving moral turpitude; 2611

(15) Commission of an act involving moral turpitude that 2612
constitutes a misdemeanor in this state, regardless of the 2613
jurisdiction in which the act was committed; 2614

(16) Violation of the conditions of limitation placed by 2615
the board on a license to practice art therapy; 2616

(17) Failure to pay license renewal fees required by this 2617
chapter; 2618

(18) Inability to practice art therapy according to 2619
acceptable and prevailing standards of care by reason of mental 2620
illness or physical illness, including physical deterioration 2621
that adversely affects cognitive, motor, or perceptive skills; 2622

(19) Impairment of ability to practice art therapy 2623
according to acceptable and prevailing standards of care because 2624
of habitual or excessive use or abuse of drugs, alcohol, or 2625

other substances that impair the ability to practice; 2626

(20) Failure to maintain the confidentiality of privileged 2627
communications without the written consent of a client or a 2628
client's parent or guardian, as applicable, unless otherwise 2629
required by law, court order, or necessity to protect public 2630
health and safety; 2631

(21) Failure to comply with the continuing education 2632
requirements necessary to renew a license to practice art 2633
therapy; 2634

(22) Failure to comply with any standards for the ethical 2635
practice of art therapy that the board adopts under section 2636
4785.03 of the Revised Code; 2637

(23) Failure to cooperate in an investigation conducted by 2638
the board under division (E) of this section, including failure 2639
to comply with a subpoena or order issued by the board or 2640
failure to answer truthfully a question presented by the board 2641
in an investigative interview. 2642

(D) Disciplinary actions taken by the board under 2643
divisions (B) and (C) of this section shall be taken pursuant to 2644
an adjudication under Chapter 119. of the Revised Code, except 2645
that in lieu of an adjudication, the board may enter into a 2646
consent agreement with a person to resolve an allegation of a 2647
violation of this chapter or any rule adopted under it. A 2648
consent agreement, when ratified by an affirmative vote of a 2649
majority of the members of the board, shall constitute the 2650
findings and order of the board with respect to the matter 2651
addressed in the agreement. If the board refuses to ratify a 2652
consent agreement, the admissions and findings contained in the 2653
consent agreement are of no force or effect. 2654

(E) The board shall investigate evidence that appears to 2655
show that a person has violated any provision of this chapter or 2656
any rule adopted under it. Any person may report to the board in 2657
a signed writing any information that the person may have that 2658
appears to show a violation of any provision of this chapter or 2659
any rule adopted under it. Investigations of alleged violations 2660
of this chapter or any rule adopted under it shall be conducted 2661
by the board in the same manner as the board conducts 2662
investigations under section 4757.38 of the Revised Code. 2663

(F) Notwithstanding any provision of the Revised Code to 2664
the contrary, all of the following apply: 2665

(1) The surrender of a license issued under this chapter 2666
is not effective until accepted by the board. A telephone 2667
conference call may be used for acceptance of the surrender of a 2668
person's license to practice art therapy. The telephone 2669
conference call shall be considered a special meeting under 2670
division (F) of section 121.22 of the Revised Code. 2671
Reinstatement of a license to practice art therapy surrendered 2672
to the board requires an affirmative vote of a majority of the 2673
members of the board. 2674

(2) An application for a license to practice art therapy 2675
under this chapter may not be withdrawn without approval of the 2676
board. 2677

(3) Failure of a person to renew a license to practice art 2678
therapy in accordance with section 4785.07 of the Revised Code 2679
does not remove or limit the board's jurisdiction to take any 2680
disciplinary action under this section against the person. 2681

Sec. 4785.11. (A) If a licensee violates any provision of 2682
this chapter or any rule adopted under it, the counselor, social 2683

worker, and marriage and family therapist board may, pursuant to 2684
an adjudication under Chapter 119. of the Revised Code and an 2685
affirmative vote of a majority of its members, impose a civil 2686
penalty. The amount of the civil penalty shall be determined by 2687
the board in accordance with the guidelines adopted under 2688
division (B) of this section. 2689

(B) The board shall adopt and may amend guidelines 2690
regarding the amounts of civil penalties to be imposed under 2691
this section. Adoption or amendment of the guidelines requires 2692
the approval of a majority of the board members. 2693

(C) Amounts received from payment of civil penalties 2694
imposed under this section shall be deposited by the board in 2695
the state treasury to the credit of the occupational licensing 2696
and regulatory fund. Amounts received from payment of civil 2697
penalties imposed for violations of division (C)(19) of section 2698
4785.10 of the Revised Code shall be used by the board solely 2699
for investigations, enforcement, and compliance monitoring. 2700

Sec. 4785.12. On receipt of a notice pursuant to section 2701
3123.43 of the Revised Code, the counselor, social worker, and 2702
marriage and family therapist board shall comply with sections 2703
3123.41 to 3123.50 of the Revised Code and any applicable rules 2704
adopted under section 3123.63 of the Revised Code with respect 2705
to a license to practice art therapy issued under this chapter. 2706

Sec. 4785.13. The counselor, social worker, and marriage 2707
and family therapist board shall comply with section 4776.20 of 2708
the Revised Code. 2709

Sec. 4785.14. (A) A licensee may practice art therapy 2710
within this state through a corporation formed under division 2711
(B) of section 1701.03 of the Revised Code, a limited liability 2712

company formed under Chapter 1705. of the Revised Code, a 2713
partnership, or a professional association formed under Chapter 2714
1785. of the Revised Code. This division does not preclude a 2715
licensee from practicing art therapy through another form of 2716
business entity, including a nonprofit corporation or 2717
foundation, or in another manner that is authorized by or in 2718
accordance with this chapter, another chapter of the Revised 2719
Code, or rules of the counselor, social worker, and marriage and 2720
family therapist board adopted pursuant to this chapter. 2721

(B) A corporation, limited liability company, partnership, 2722
or professional association described in division (A) of this 2723
section may be formed for the purpose of providing a combination 2724
of the professional services of the following individuals who 2725
are licensed, certificated, or otherwise legally authorized to 2726
practice their respective professions: 2727

(1) Optometrists who are authorized to practice optometry 2728
under Chapter 4725. of the Revised Code; 2729

(2) Chiropractors who are authorized to practice 2730
chiropractic or acupuncture under Chapter 4734. of the Revised 2731
Code; 2732

(3) Psychologists who are authorized to practice 2733
psychology under Chapter 4732. of the Revised Code; 2734

(4) Registered or licensed practical nurses who are 2735
authorized to practice nursing as registered nurses or as 2736
licensed practical nurses under Chapter 4723. of the Revised 2737
Code; 2738

(5) Pharmacists who are authorized to practice pharmacy 2739
under Chapter 4729. of the Revised Code; 2740

(6) Physical therapists who are authorized to practice 2741

physical therapy under sections 4755.40 to 4755.56 of the 2742
Revised Code; 2743

(7) Occupational therapists who are authorized to practice 2744
occupational therapy under sections 4755.04 to 4755.13 of the 2745
Revised Code; 2746

(8) Mechanotherapists who are authorized to practice 2747
mechanotherapy under section 4731.151 of the Revised Code; 2748

(9) Doctors of medicine and surgery, osteopathic medicine 2749
and surgery, or podiatric medicine and surgery who are 2750
authorized for their respective practices under Chapter 4731. of 2751
the Revised Code; 2752

(10) Licensed professional clinical counselors, licensed 2753
professional counselors, independent social workers, social 2754
workers, independent marriage and family therapists, or marriage 2755
and family therapists who are authorized for their respective 2756
practices under Chapter 4757. of the Revised Code; 2757

(11) Art therapists who are authorized to practice art 2758
therapy under this chapter. 2759

This division shall apply notwithstanding a provision of a 2760
code of ethics applicable to a licensee that prohibits the 2761
individual from engaging in the practice of art therapy in 2762
combination with a person who is licensed, certificated, or 2763
otherwise legally authorized to engage in the practice of 2764
optometry, chiropractic, acupuncture through the state 2765
chiropractic board, psychology, nursing, pharmacy, physical 2766
therapy, occupational therapy, mechanotherapy, medicine and 2767
surgery, osteopathic medicine and surgery, podiatric medicine 2768
and surgery, professional counseling, social work, or marriage 2769
and family therapy, but who is not also licensed to engage in 2770

the practice of art therapy. 2771

Sec. 4785.99. Whoever violates division (A) of section 2772
4785.02 of the Revised Code is guilty of a felony of the fifth 2773
degree on a first offense; on each subsequent offense, such 2774
person is guilty of a felony of the fourth degree. 2775

Sec. 4787.01. As used in this chapter: 2776

(A) "Client" means a person who receives music therapy 2777
services. 2778

(B) "Licensee" means a music therapist who is licensed to 2779
practice music therapy pursuant to this chapter. 2780

(C) "Music therapy" means the clinical use of music 2781
interventions by a person to accomplish individualized goals 2782
within a therapeutic relationship through an individualized 2783
music therapy treatment plan developed for a client. 2784

(D) "Music therapy services" means the services a licensee 2785
is authorized to provide pursuant to section 4787.09 of the 2786
Revised Code to achieve the goals of music therapy. 2787

Sec. 4787.02. (A) No person shall knowingly provide music 2788
therapy services or use the title "music therapist" or a similar 2789
title unless the person holds a license issued under this 2790
chapter that is in good standing. 2791

(B) This chapter does not apply to any of the following 2792
persons: 2793

(1) A person performing services or participating in 2794
activities as an integral part of a program of study in an 2795
accredited music therapy program, if the person does not 2796
represent the person's self as a music therapist; 2797

(2) A person who holds a professional license in this 2798
state or an employee who is supervised by a person who holds a 2799
professional license in this state who is performing services, 2800
including the use of music in the services, that are incidental 2801
to the practice of the person's profession, if the person does 2802
not represent the person's self as a music therapist; 2803

(3) Any person whose training and national certification 2804
attests to the person's preparation and ability to practice the 2805
person's certified profession or occupation, if the person does 2806
not represent the person's self as a music therapist; 2807

(4) Any person who practices music therapy under the 2808
supervision of a licensee, if the person does not represent the 2809
person's self as a music therapist. 2810

Sec. 4787.03. (A) The state medical board may adopt rules 2811
as the board considers necessary to carry out this chapter. The 2812
rules may include requirements for continuing education for 2813
music therapists in addition to those required under section 2814
4787.07 of the Revised Code. 2815

(B) The board shall enforce this chapter and any rules 2816
adopted pursuant to it. 2817

(C) The board, on request and payment of a fee established 2818
by the board, shall provide a copy of the list maintained 2819
pursuant to section 4731.07 of the Revised Code, as it pertains 2820
to this chapter. Any fee charged by the board for providing the 2821
copy shall not exceed the actual cost incurred by the board to 2822
make the copy. 2823

Sec. 4787.04. (A) There is hereby created within the state 2824
medical board the music therapy advisory committee consisting of 2825
five persons familiar with the practice of music therapy. The 2826

committee shall provide the board with expertise and assistance 2827
in carrying out its duties pursuant to this chapter. 2828

The committee shall consist of the following members: 2829

(1) Three members who are licensed under this chapter to 2830
practice as music therapists in this state; 2831

(2) One member who is a licensed health care professional 2832
who is not a licensee; 2833

(3) One member who is a consumer. 2834

(B) Not later than ninety days after the effective date of 2835
this section, the board shall make initial appointments to the 2836
committee. The board shall appoint two members to terms ending 2837
one year after the effective date of this section, one member to 2838
a term ending two years after the effective date of this 2839
section, one member to a term ending three years after the 2840
effective date of this section, and one member to a term ending 2841
four years after the effective date of this section. Thereafter, 2842
terms of office for all members are four years, with each term 2843
ending on the same day of the same month as did the term that it 2844
succeeds. Each member shall hold office from the date of 2845
appointment until the end of the term for which the member was 2846
appointed. Members may be reappointed. 2847

Vacancies shall be filled in the same manner as original 2848
appointments. Any member appointed to fill a vacancy occurring 2849
before the expiration of the term for which the member's 2850
predecessor was appointed shall hold office for the remainder of 2851
the term. Any member shall continue in office subsequent to the 2852
expiration date of the member's term until a successor takes 2853
office, or until a period of sixty days has elapsed, whichever 2854
occurs first. 2855

(C) Members of the committee shall serve without 2856
compensation and shall not be reimbursed for expenses. 2857

(D) The committee shall meet at least once per year or as 2858
otherwise called by the board. 2859

(E) The board shall consult with the committee before 2860
changing fees established under this chapter. The board shall 2861
seek the advice of the committee for issues related to music 2862
therapy. 2863

(F) The committee is not subject to sections 101.82 to 2864
101.87 of the Revised Code. 2865

(G) The committee shall provide to the board an analysis 2866
of disciplinary actions taken against license applicants and 2867
licensees, appeals and denials, and revocation of licenses at 2868
least once per year. 2869

(H) The committee may facilitate the development of 2870
materials that the state medical board may utilize to educate 2871
the public concerning music therapist licensure, the benefits of 2872
music therapy, and utilization of music therapy by individuals 2873
and in facilities or institutional settings. The committee may 2874
act as a facilitator of statewide dissemination of information 2875
between music therapists, the American music therapy association 2876
or its successor organization, the certification board for music 2877
therapists or its successor organization, and the state medical 2878
board. 2879

Sec. 4787.05. (A) A person seeking a license to practice 2880
as a music therapist under this chapter shall do both of the 2881
following: 2882

(1) Submit all of the following to the state medical 2883
board: 2884

(a) A completed application on a form provided by the 2885
state medical board; 2886

(b) An application fee of one hundred fifty dollars or a 2887
higher amount established by the board; 2888

(c) Proof that the person is at least eighteen years of 2889
age; 2890

(d) Proof that the person has successfully completed an 2891
academic program with a bachelor's or higher degree in music 2892
therapy approved by the American music therapy association or 2893
its successor organization; 2894

(e) Proof that the person has done both of the following: 2895

(i) Has passed the examination for board certification by 2896
the certification board for music therapists or its successor 2897
organization or obtained certification as a music therapist by 2898
that board on January 1, 1985; 2899

(ii) Is currently certified as a music therapist by the 2900
certification board for music therapists or its successor 2901
organization. 2902

(f) Proof that the person has successfully completed a 2903
minimum of one thousand two hundred hours of clinical training, 2904
with at least one hundred eighty hours in preinternship 2905
experience and at least nine hundred hours in internship 2906
experience, if the internship is approved by the American music 2907
therapy association or its successor organization, an academic 2908
institution, or both. 2909

(2) Comply with sections 4776.01 to 4776.04 of the Revised 2910
Code. 2911

(B) The state medical board shall not grant to a person a 2912

license to practice as a music therapist unless the board, in 2913
its discretion, decides that the results of the criminal records 2914
check do not make the person ineligible for a license pursuant 2915
to section 4787.11 of the Revised Code. 2916

(C) Within sixty days after receiving the information 2917
described in division (A) (1) of this section and receipt of 2918
proof of compliance with division (A) (2) of this section, the 2919
state medical board shall issue a license to practice as a music 2920
therapist if the board determines that the person satisfies the 2921
requirements of division (A) of this section. 2922

(D) The state medical board, subject to the approval of 2923
the controlling board, may establish a fee in excess of the 2924
amount prescribed in division (A) of this section, provided that 2925
the amount of the increase does not exceed fifty per cent of 2926
that fee, that no fee increase occurs before January 1, 2021, 2927
and that the increase does not exceed the amount necessary for 2928
the state medical board to implement this chapter. 2929

Sec. 4787.06. If a person who is licensed to practice as a 2930
music therapist in another jurisdiction wishes to be licensed 2931
under this chapter, the person shall comply with division (A) of 2932
section 4787.05 of the Revised Code and shall include with the 2933
person's application proof that the person's license issued in 2934
the other jurisdiction is in good standing with that 2935
jurisdiction. 2936

The state medical board shall review the person's 2937
licensure history in that jurisdiction, and shall include in 2938
that review a review of any misconduct or neglect in the 2939
practice of music therapy in that jurisdiction on the part of 2940
the person. The board shall issue a license to the person in 2941
accordance with divisions (B) and (C) of section 4787.05 of the 2942

Revised Code, if, in addition to the requirements specified in 2943
those divisions, the board determines that the person's license 2944
issued in another jurisdiction is in good standing and that the 2945
requirements for obtaining licensure in that jurisdiction are 2946
equal to or greater than the requirements specified in section 2947
4787.05 of the Revised Code. 2948

Sec. 4787.07. (A) A license to practice as a music 2949
therapist issued under this chapter is valid for three years 2950
beginning on the date the license is issued and may be renewed. 2951

(B) A person seeking to renew a license to practice as a 2952
music therapist shall, before the license expires, apply for 2953
renewal of the license. To be eligible for renewal, an applicant 2954
shall submit all of the following to the state medical board: 2955

(1) A completed application for renewal on a form 2956
prescribed by the board; 2957

(2) Proof that the licensee has continuously maintained 2958
for the previous three years certification with, and is 2959
currently certified as a music therapist by, the certification 2960
board for music therapists or its successor organization; 2961

(3) Proof that the licensee has completed not less than 2962
sixty hours of continuing education approved by the 2963
certification board for music therapists or its successor 2964
organization and any other continuing education requirements 2965
established by the state medical board; 2966

(4) A fee in the amount of one hundred fifty dollars or 2967
such other amount as prescribed by the state medical board. 2968

(C) A licensee shall notify the board in writing of any 2969
change in address. 2970

(D) The state medical board shall send renewal notices at 2971
least one month before the license expiration date. 2972

(E) The state medical board, subject to the approval of 2973
the controlling board, may establish a fee in excess of the 2974
amount prescribed in division (B) of this section, provided that 2975
the amount of the increase does not exceed fifty per cent of 2976
that fee, that no fee increase occurs before January 1, 2021, 2977
and that the increase does not exceed the amount necessary for 2978
the state medical board to implement this chapter. 2979

Sec. 4787.08. A license to practice as a music therapist 2980
that is not renewed on or before its expiration date is 2981
delinquent and shall be forfeited to the state medical board. 2982
The board, within thirty days after the license becomes 2983
delinquent, shall send a notice to the licensee by certified 2984
mail, return receipt requested, to the address of the licensee 2985
as indicated in the records of the board. The board shall inform 2986
the licensee in the notice that the licensee's license is 2987
forfeited and explain procedures for restoring the forfeited 2988
license. 2989

A licensee may restore a forfeited license within one year 2990
after the license becomes delinquent by complying with the 2991
requirements of section 4787.07 of the Revised Code. The board 2992
shall terminate a forfeited license that is not restored within 2993
one year after the date it becomes delinquent. The board may 2994
require a person whose license has been terminated to apply for 2995
a new license under section 4787.05 of the Revised Code. 2996

On written request of a licensee, the board may place an 2997
active license on inactive status subject to an inactive status 2998
fee established by the board. The licensee, on request and 2999
payment of the inactive license fee, may continue on inactive 3000

status for a period up to two years. A licensee may reactivate 3001
an inactive license at any time during that two-year period by 3002
making a written request to the board and by fulfilling 3003
requirements established by the board. 3004

Sec. 4787.09. (A) A licensee shall do both of the 3005
following: 3006

(1) Before providing music therapy services to a client 3007
for a medical, developmental, or mental health condition, 3008
collaborate with the client's physician, psychologist, primary 3009
care provider, or mental health professional, as applicable, to 3010
review the client's diagnosis, treatment needs, and treatment 3011
plan; 3012

(2) During the provision of music therapy services to a 3013
client, collaborate, as applicable, with the client's treatment 3014
team. 3015

(B) Subject to division (C) of this section, a licensee 3016
may do any of the following activities: 3017

(1) Accept referrals for music therapy services from 3018
health care, social service, or education professionals, 3019
clients, or caregivers of prospective clients; 3020

(2) Conduct a music therapy assessment of a client to 3021
collect systematic, comprehensive, and accurate information 3022
necessary to determine the appropriate type of music therapy 3023
services to provide to the client; 3024

(3) Develop an individualized treatment plan for a client 3025
that identifies the goals, objectives, and potential strategies 3026
of the music therapy services appropriate for the client using 3027
music interventions, which may include music improvisation, 3028
receptive music listening, song writing, lyric discussion, music 3029

and imagery, music performance, learning through music, and 3030
movement to music; 3031

(4) If applicable, carry out an individualized treatment 3032
plan that is consistent with any other medical, developmental, 3033
mental health, educational, or rehabilitative services being 3034
provided to the client; 3035

(5) Evaluate the client's response to music therapy and 3036
the individualized treatment plan and suggest modifications, as 3037
appropriate; 3038

(6) Develop a plan for determining when the provision of 3039
music therapy services is no longer needed in collaboration with 3040
the client, any physician or other health care or education 3041
provider of the client, any appropriate family member of the 3042
client, and any other appropriate person on whom the client 3043
relies for support; 3044

(7) Minimize any barriers so that the client may receive 3045
music therapy services in the least restrictive environment; 3046

(8) Collaborate with and educate the client and the family 3047
or caregiver of the client or any other appropriate person about 3048
the needs of the client that are being addressed in music 3049
therapy and the manner in which the music therapy addresses 3050
those needs. 3051

(C) A licensee shall not do either of the following: 3052

(1) When providing educational services pursuant to 3053
division (B) (4) of this section, replace speech and language 3054
services typically provided to a child with a disability who has 3055
been identified as having a speech or language impairment 3056
pursuant to section 3323.03 of the Revised Code; 3057

(2) When providing rehabilitative services pursuant to 3058
division (B) (4) of this section, replace the services provided 3059
by a speech-language pathologist. 3060

(D) Nothing in this section shall be construed as 3061
prohibiting a licensee from providing services to a client 3062
diagnosed with a communication disorder. 3063

Sec. 4787.10. If any member of the state medical board or 3064
the music therapy advisory committee becomes aware of any ground 3065
for initiating disciplinary action against a licensee, the 3066
member shall file a written complaint with the board. As soon as 3067
practicable after receiving a complaint, the board shall conduct 3068
an investigation of the complaint to determine whether the 3069
allegations in the complaint merit the initiation of 3070
disciplinary proceedings against the licensee. 3071

Sec. 4787.11. (A) If, after an investigation conducted by 3072
the state medical board and after notice and a hearing in 3073
accordance with Chapter 119. of the Revised Code, the board 3074
finds one or more grounds for taking disciplinary action as 3075
described in division (C) of this section, the board may do any 3076
of the following: 3077

(1) Place the licensee on probation for a specified period 3078
or until further order of the board; 3079

(2) Administer to the applicant or licensee a public 3080
reprimand; 3081

(3) Refuse to issue a license to an applicant or renew the 3082
license of the licensee; 3083

(4) Suspend or revoke the license of the licensee; 3084

(5) Impose an administrative fine of not less than one 3085

hundred dollars nor more than one thousand dollars for each 3086
violation; 3087

(6) Take any combination of the actions enumerated in 3088
divisions (A) (1) to (5) of this section. 3089

(B) An order of the board may include any other terms, 3090
provisions, or conditions as the board considers appropriate. An 3091
order of the board and the findings of fact and conclusions of 3092
law supporting that order are public records. The board shall 3093
not issue a private reprimand. 3094

(C) The board may impose any of the disciplinary actions 3095
described in division (A) of this section if a licensee or 3096
applicant does any of the following: 3097

(1) Submits false, fraudulent, or misleading information 3098
to the board or any agency of this state, any other state, or 3099
the federal government; 3100

(2) Violates this chapter or any rule adopted pursuant to 3101
it; 3102

(3) Is convicted of or pleads guilty to a disqualifying 3103
offense or a crime of moral turpitude, as those terms are 3104
defined in section 4776.10 of the Revised Code; 3105

(4) Is impaired in the licensee's or applicant's ability 3106
to practice according to acceptable and prevailing standards of 3107
care because of habitual or excessive use or abuse of drugs, 3108
alcohol, or other substances that impair ability to practice; 3109

(5) Uses fraud or deception in applying for a license to 3110
practice as a music therapist; 3111

(6) Fails to pay fees when due; 3112

<u>(7) Fails to provide requested information in a timely</u>	3113
<u>manner;</u>	3114
<u>(8) Is unable to, or fails to practice music therapy with</u>	3115
<u>reasonable skill and consistent with the welfare of clients,</u>	3116
<u>including negligence in the practice of music therapy,</u>	3117
<u>incapacity, and abuse of or engaging in sexual contact with a</u>	3118
<u>client;</u>	3119
<u>(9) Is subject to disciplinary action by another</u>	3120
<u>jurisdiction with respect to the licensee's or applicant's</u>	3121
<u>license to practice as a music therapist issued by that</u>	3122
<u>jurisdiction.</u>	3123
<u>Sec. 4787.12. On receipt of a notice pursuant to section</u>	3124
<u>3123.43 of the Revised Code, the state medical board shall</u>	3125
<u>comply with sections 3123.41 to 3123.50 of the Revised Code and</u>	3126
<u>any applicable rules adopted under section 3123.63 of the</u>	3127
<u>Revised Code with respect to a license to practice as a music</u>	3128
<u>therapist issued pursuant to this chapter.</u>	3129
<u>Sec. 4787.13. The state medical board shall comply with</u>	3130
<u>section 4776.20 of the Revised Code.</u>	3131
<u>Sec. 4787.14. If the state medical board determines that a</u>	3132
<u>person has violated or is about to violate any provision of this</u>	3133
<u>chapter or a rule adopted pursuant to it, the board may bring an</u>	3134
<u>action in a court of competent jurisdiction to enjoin the person</u>	3135
<u>from engaging in or continuing the violation.</u>	3136
<u>An injunction may be issued without proof of actual damage</u>	3137
<u>sustained by any person and does not prohibit the criminal</u>	3138
<u>prosecution and punishment of the person who commits the</u>	3139
<u>violation.</u>	3140
<u>Sec. 4787.15. Except as otherwise provided in this</u>	3141

section, a complaint filed with the state medical board and all 3142
documents and other information filed with the complaint are 3143
confidential and are not subject to section 149.43 of the 3144
Revised Code, unless the person who is the subject of the 3145
complaint submits a written statement to the board requesting 3146
that the documents and information be made public records. 3147

The charging documents filed with the board to initiate 3148
disciplinary action and information considered by the board when 3149
determining whether to impose discipline against a licensee or 3150
applicant are public records. An order that imposes discipline 3151
and the findings of fact and conclusions of law supporting that 3152
order are public records. 3153

Nothing in this section prohibits the board from 3154
communicating or cooperating with or providing any documents or 3155
other information to any other licensing board or any other 3156
agency that is investigating a person, including a law 3157
enforcement agency. 3158

Sec. 4787.99. Whoever violates division (A) of section 3159
4787.02 of the Revised Code is guilty of a misdemeanor of the 3160
fourth degree on a first offense; on each subsequent offense, 3161
such person is guilty of a misdemeanor of the third degree. 3162

Section 2. That existing sections 109.572, 1701.03, 3163
1705.03, 1705.04, 1705.53, 1785.01, 1785.02, 1785.03, 1785.08, 3164
4723.16, 4725.33, 4729.161, 4731.07, 4731.224, 4731.226, 3165
4731.24, 4731.25, 4731.65, 4732.28, 4734.17, 4743.05, 4755.111, 3166
4755.471, 4757.37, 4776.01, and 4776.20 of the Revised Code are 3167
hereby repealed. 3168

Section 3. Division (A) of section 4785.02 and division 3169
(A) of section 4787.02 of the Revised Code, as enacted by this 3170

act, take effect one year after the effective date of this act. 3171

Section 4. Notwithstanding section 4787.04 of the Revised 3172
Code, as enacted by this act, persons appointed to the Music 3173
Therapy Advisory Committee need not be licensed as required 3174
under that section during the first year after the effective 3175
date of this section. 3176

Section 5. (A) As used in this section, "board-certified 3177
music therapist" means a person who has completed the education 3178
and clinical training requirements established by the American 3179
Music Therapy Association, has passed the Certification Board 3180
for Music Therapists certification examination or obtained 3181
certification by that Board on January 1, 1985, and remains 3182
actively certified by the Certification Board for Music 3183
Therapists. 3184

(B) For a period of one year beginning on the effective 3185
date of this section, the State Medical Board shall waive the 3186
examination requirement under section 4787.05 of the Revised 3187
Code, as enacted by this act, that a person must satisfy to 3188
obtain a license to practice as a music therapist if the person 3189
demonstrates to the Board that the person either is a board- 3190
certified music therapist or is designated as a registered music 3191
therapist, certified music therapist, or advanced certified 3192
music therapist and in good standing with the National Music 3193
Therapy Registry. 3194

Section 6. The General Assembly, applying the principle 3195
stated in division (B) of section 1.52 of the Revised Code that 3196
amendments are to be harmonized if reasonably capable of 3197
simultaneous operation, finds that the following sections, 3198
presented in this act as composites of the sections as amended 3199
by the acts indicated, are the resulting versions of the 3200

sections in effect prior to the effective date of the sections 3201
as presented in this act: 3202

Section 109.572 of the Revised Code as amended by both 3203
H.B. 166 and S.B. 57 of the 133rd General Assembly. 3204

Section 4776.01 of the Revised Code as amended by both 3205
H.B. 166 and S.B. 57 of the 133rd General Assembly. 3206