



## Ohio Administrative Code

### Rule 4758-10-01 Disciplinary action against licensees, certificate holders, applicants, or endorsees.

Effective: April 1, 2024

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(A) The board may refuse to admit for examination, issue, renew, or may suspend, revoke, reprimand or place restrictions on any license, certificate, or endorsement applied for under Chapter 4758. of the Revised Code, or may take other disciplinary action against any licensee, certificate holder, endorsee, or applicant for one or more of the following reasons:

- (1) Violation of any provision of Chapter 4758. of the Revised Code or any rules adopted under it.
- (2) Making a false statement on an application for a license, certificate, or endorsement or for renewal, restoration or reinstatement of a license, certificate, or endorsement.
- (3) Acceptance of a commission or rebate for referring an individual to a person who holds a license, certificate, or endorsement issued by, or who is registered with, an entity of state government, including persons practicing substance use disorder counseling, gambling disorder counseling, prevention services, or fields related to substance use disorder counseling, gambling disorder counseling, or prevention services.
- (4) Conviction in this or any other state of any crime that is a felony in this state.
- (5) Conviction in this or any other state of a misdemeanor committed in the course of practice as a licensee, certificate holder or endorsee, or a theft, fraud, violent, alcohol, drug, or sexual misdemeanor offense which relates to the ability to practice substance use disorder or gambling disorder counseling, or prevention services.
- (6) Inability to practice as a licensee, certificate holder or endorsee due to substance use or abuse or other physical or mental conditions.
- (7) Practicing outside the individual's scope of practice.



(8) Practicing without complying with supervision requirements specified under section 4758.55, 4758.56, 4758.59, 4758.61 or 4758.63 of the Revised Code.

(9) Violation of the code of ethical practice and professional conduct for substance use disorder or gambling disorder counseling, prevention services, or clinical supervision outlined in rules 4758-8-01 to 4758-8-03 of the Administrative Code.

(10) Revocation of a license or certificate or voluntary surrender of a license or certificate in another state or jurisdiction for an offense that would be a violation of section 4758.30 of the Revised Code.

(11) Failure to meet education, experience, examination, and other requirements set forth in Chapter 4758. of the Revised Code;

(B) Authority of the board to take action against an applicant, licensee, certificate holder, or endorsee:

(1) A violation of any of the rules of conduct or ethical rules may result in one or more of the following disciplinary actions:

- (a) Refusal to issue a license, certificate, or endorsement;
- (b) Refusal to renew a license, certificate, or endorsement;
- (c) Reprimand of a licensee, certificate holder, or endorsee;
- (d) Suspension of a license, certificate, or endorsement;
- (e) Revocation of a license, certificate, or endorsement; or
- (f) Surrender of a license, certificate, or endorsement.

(2) Past disciplinary actions taken against a licensee or certificate holder of this board may be considered in the choice of sanctions for a new offense. Section of sanctions to be imposed shall be



at the discretion of the board after the licensee has been provided a right to a hearing pursuant to Chapter 119. and as outlined in section 4758.30 of the Revised Code.

(C) Persons wishing to file a grievance against a licensee or certificate holder of this board or against someone seeking licensure may do so by obtaining and completing a written grievance form and submitting it to the board by mail, fax, or email.

(D) The board may initiate an investigation against a licensee or certificate holder if the board has reason to believe that the licensee or certificate holder is violating any laws or rules outlined in Chapter 4758. of the Revised Code or agency 4758 of the Administrative Code.

(E) The board shall give the applicant, licensee, or certificate holder notice in accordance with Chapter 119. and Chapter 4758. of the Revised Code, if it intends to propose to reprimand, suspend, revoke, place restrictions on, or fail to issue or renew the license, certificate, or endorsement.

(F) If the board decides to revoke a license, certificate, or endorsement, the licensee or certificate holder may reapply for the issuance of a license, certificate, or endorsement five years after the revocation of the license, certificate, or endorsement.

(G) If the board decides to deny the issuance of a license, certificate, or endorsement, the applicant may reapply for the issuance of a license, certificate, or endorsement not less than one year after the denial.