



## Ohio Revised Code Section 4757.36 Disciplinary actions.

Effective: October 9, 2021

Legislation: House Bill 263, House Bill 33

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(A) The appropriate professional standards committee of the counselor, social worker, and marriage and family therapist board may, in accordance with Chapter 119. of the Revised Code, take any action specified in division (B) of this section for any reason described in division (C) of this section against an individual who has applied for or holds a license issued under this chapter; a master's level counselor trainee, social worker trainee, or marriage and family therapist trainee; or an individual or entity that is registered, or has applied for registration, in accordance with rules adopted under section 4757.33 of the Revised Code to provide continuing education programs approved by the board.

(B) In its imposition of sanctions against an individual or entity specified in division (A) of this section, the board may do any of the following:

- (1) Refuse to issue or refuse to renew a license or certificate of registration;
- (2) Suspend, revoke, or otherwise restrict a license or certificate of registration;
- (3) Reprimand an individual holding a license or certificate of registration;
- (4) Except as otherwise provided in division (J) of this section, impose a fine in accordance with the graduated system of fines established by the board in rules adopted under section 4757.10 of the Revised Code;
- (5) Require an individual holding a license or certificate of registration to take corrective action courses.

(C) The appropriate professional standards committee of the board may take an action specified in division (B) of this section for any of the following reasons:



- (1) Commission of an act that violates any provision of this chapter or rules adopted under it;
- (2) Knowingly making a false statement on an application for licensure or registration, or for renewal of a license or certificate of registration;
- (3) Accepting a commission or rebate for referring persons to any professionals licensed, certified, or registered by any court or board, commission, department, division, or other agency of the state, including, but not limited to, individuals practicing counseling, social work, or marriage and family therapy or practicing in fields related to counseling, social work, or marriage and family therapy;
- (4) A failure to comply with section 4757.13 of the Revised Code;
- (5) A conviction in this or any other state of a crime that is a felony in this state;
- (6) A failure to perform properly as a licensed professional clinical counselor, licensed professional counselor, independent marriage and family therapist, marriage and family therapist, social work assistant, social worker, or independent social worker due to the use of alcohol or other drugs or any other physical or mental condition;
- (7) A conviction in this state or in any other state of a misdemeanor committed in the course of practice as a licensed professional clinical counselor, licensed professional counselor, independent marriage and family therapist, marriage and family therapist, social work assistant, social worker, or independent social worker;
- (8) Practicing outside the scope of practice applicable to that person;
- (9) Practicing in violation of the supervision requirements specified under sections 4757.21 and 4757.26, and division (E) of section 4757.30, of the Revised Code;
- (10) A violation of the person's code of ethical practice adopted by rule of the board pursuant to section 4757.11 of the Revised Code;
- (11) Revocation or suspension of a license or certificate of registration, other disciplinary action



against a license holder or registration, or the voluntary surrender of a license or certificate of registration in another state or jurisdiction for an offense that would be a violation of this chapter;

(12) Commission of a second or subsequent violation of division (B)(1) of section 959.07 or any violation of division (C) of section 959.09 of the Revised Code.

(D) Notwithstanding any provision of divisions (A) to (C) of this section to the contrary, the board shall not refuse to issue a license or certificate of registration to an applicant because of a criminal conviction unless the refusal is in accordance with section 9.79 of the Revised Code.

(E) A disciplinary action under division (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the appropriate professional standards committee may enter into a consent agreement with an individual or entity specified in division (A) of this section to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by the appropriate professional standards committee, constitutes the findings and order of the board with respect to the matter addressed in the agreement. If a committee refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement are of no force or effect.

(F) In any instance in which a professional standards committee of the board is required by Chapter 119. of the Revised Code to give notice of the opportunity for a hearing and the individual or entity subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the committee may adopt a final order that contains the board's findings. In that final order, the committee may order any of the sanctions identified in division (B) of this section.

(G) One year or more after the date of suspension or revocation of a license or certificate of registration under this section, application may be made to the appropriate professional standards committee for reinstatement. The committee may approve or deny an application for reinstatement. If a license has been suspended or revoked, the committee may require an examination for reinstatement.

(H) On request of the board, the attorney general shall bring and prosecute to judgment a civil action to collect any fine imposed under division (B)(4) of this section that remains unpaid.



(I) All fines collected under division (B)(4) of this section shall be deposited into the state treasury to the credit of the occupational licensing and regulatory fund.

(J) A board shall impose a fine under division (B)(4) of this section for a violation specified in division (C)(12) of this section as follows:

(1) One hundred dollars for a second violation of division (B)(1) of section 959.07 of the Revised Code or a first violation of division (C) of section 959.09 of the Revised Code;

(2) Five hundred dollars for any subsequent violation of division (B)(1) of section 959.07 or division (C) of section 959.09 of the Revised Code.

(K) Notwithstanding any provision of this section to the contrary, for a first violation of division (B)(1) of section 959.07 of the Revised Code, the board shall issue a confidential written warning and shall not take any other disciplinary action under this section. The board shall include in the warning an explanation of the violation and the reporting requirement specified under section 959.07 of the Revised Code.

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*The Legislative Service Commission presents the text of this section as a composite of the section as amended by multiple acts of the General Assembly. This presentation recognizes the principle stated in R.C. 1.52(B) that amendments are to be harmonized if reasonably capable of simultaneous operation.*