

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**S. B. No. 196**

**Senator Eklund**

**Cosponsors: Senators Yuko, Antonio, Fedor, Craig**

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**A BILL**

To amend sections 2151.421, 2317.02, and 2921.22 of  
the Revised Code to provide generally a  
testimonial privilege for communications between  
a qualified advocate rendering advocacy services  
and a victim of domestic violence, human  
trafficking, menacing by stalking, or sexual  
violence, to exempt the nondisclosure of that  
privileged communication from the offense of  
failure to report a crime, to require a  
qualified advocate to report knowledge or  
reasonable suspicion of child abuse or neglect  
of the victim except for privileged  
communications, and to specify circumstances in  
which the victim is considered to have waived  
the privilege.

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

**Section 1.** That sections 2151.421, 2317.02, and 2921.22 of  
the Revised Code be amended to read as follows:

**Sec. 2151.421.** (A) (1) (a) No person described in division

(A) (1) (b) of this section who is acting in an official or 19  
professional capacity and knows, or has reasonable cause to 20  
suspect based on facts that would cause a reasonable person in a 21  
similar position to suspect, that a child under eighteen years 22  
of age, or a person under twenty-one years of age with a 23  
developmental disability or physical impairment, has suffered or 24  
faces a threat of suffering any physical or mental wound, 25  
injury, disability, or condition of a nature that reasonably 26  
indicates abuse or neglect of the child shall fail to 27  
immediately report that knowledge or reasonable cause to suspect 28  
to the entity or persons specified in this division. Except as 29  
otherwise provided in this division or section 5120.173 of the 30  
Revised Code, the person making the report shall make it to the 31  
public children services agency or a peace officer in the county 32  
in which the child resides or in which the abuse or neglect is 33  
occurring or has occurred. If the person making the report is a 34  
peace officer, the officer shall make it to the public children 35  
services agency in the county in which the child resides or in 36  
which the abuse or neglect is occurring or has occurred. In the 37  
circumstances described in section 5120.173 of the Revised Code, 38  
the person making the report shall make it to the entity 39  
specified in that section. 40

(b) Division (A) (1) (a) of this section applies to any 41  
person who is an attorney; health care professional; 42  
practitioner of a limited branch of medicine as specified in 43  
section 4731.15 of the Revised Code; licensed school 44  
psychologist; independent marriage and family therapist or 45  
marriage and family therapist; coroner; administrator or 46  
employee of a child day-care center; administrator or employee 47  
of a residential camp, child day camp, or private, nonprofit 48  
therapeutic wilderness camp; administrator or employee of a 49

certified child care agency or other public or private children 50  
services agency; school teacher; school employee; school 51  
authority; peace officer; agent of a county humane society; 52  
person, other than a cleric, rendering spiritual treatment 53  
through prayer in accordance with the tenets of a well- 54  
recognized religion; employee of a county department of job and 55  
family services who is a professional and who works with 56  
children and families; superintendent or regional administrator 57  
employed by the department of youth services; superintendent, 58  
board member, or employee of a county board of developmental 59  
disabilities; investigative agent contracted with by a county 60  
board of developmental disabilities; employee of the department 61  
of developmental disabilities; employee of a facility or home 62  
that provides respite care in accordance with section 5123.171 63  
of the Revised Code; employee of an entity that provides 64  
homemaker services; a person performing the duties of an 65  
assessor pursuant to Chapter 3107. or 5103. of the Revised Code; 66  
third party employed by a public children services agency to 67  
assist in providing child or family related services; court 68  
appointed special advocate; ~~or~~ guardian ad litem; or qualified 69  
advocate. 70

(c) If two or more health care professionals, after 71  
providing health care services to a child, determine or suspect 72  
that the child has been or is being abused or neglected, the 73  
health care professionals may designate one of the health care 74  
professionals to report the abuse or neglect. A single report 75  
made under this division shall meet the reporting requirements 76  
of division (A) (1) of this section. 77

(2) Except as provided in division (A) (3) of this section, 78  
an attorney or a physician is not required to make a report 79  
pursuant to division (A) (1) of this section concerning any 80

communication the attorney or physician receives from a client 81  
or patient in an attorney-client or physician-patient 82  
relationship, if, in accordance with division (A) or (B) of 83  
section 2317.02 of the Revised Code, the attorney or physician 84  
could not testify with respect to that communication in a civil 85  
or criminal proceeding. 86

(3) The client or patient in an attorney-client or 87  
physician-patient relationship described in division (A) (2) of 88  
this section is deemed to have waived any testimonial privilege 89  
under division (A) or (B) of section 2317.02 of the Revised Code 90  
with respect to any communication the attorney or physician 91  
receives from the client or patient in that attorney-client or 92  
physician-patient relationship, and the attorney or physician 93  
shall make a report pursuant to division (A) (1) of this section 94  
with respect to that communication, if all of the following 95  
apply: 96

(a) The client or patient, at the time of the 97  
communication, is a child under eighteen years of age or is a 98  
person under twenty-one years of age with a developmental 99  
disability or physical impairment. 100

(b) The attorney or physician knows, or has reasonable 101  
cause to suspect based on facts that would cause a reasonable 102  
person in similar position to suspect that the client or patient 103  
has suffered or faces a threat of suffering any physical or 104  
mental wound, injury, disability, or condition of a nature that 105  
reasonably indicates abuse or neglect of the client or patient. 106

(c) The abuse or neglect does not arise out of the 107  
client's or patient's attempt to have an abortion without the 108  
notification of her parents, guardian, or custodian in 109  
accordance with section 2151.85 of the Revised Code. 110

(4) (a) No cleric and no person, other than a volunteer, 111  
designated by any church, religious society, or faith acting as 112  
a leader, official, or delegate on behalf of the church, 113  
religious society, or faith who is acting in an official or 114  
professional capacity, who knows, or has reasonable cause to 115  
believe based on facts that would cause a reasonable person in a 116  
similar position to believe, that a child under eighteen years 117  
of age, or a person under twenty-one years of age with a 118  
developmental disability or physical impairment, has suffered or 119  
faces a threat of suffering any physical or mental wound, 120  
injury, disability, or condition of a nature that reasonably 121  
indicates abuse or neglect of the child, and who knows, or has 122  
reasonable cause to believe based on facts that would cause a 123  
reasonable person in a similar position to believe, that another 124  
cleric or another person, other than a volunteer, designated by 125  
a church, religious society, or faith acting as a leader, 126  
official, or delegate on behalf of the church, religious 127  
society, or faith caused, or poses the threat of causing, the 128  
wound, injury, disability, or condition that reasonably 129  
indicates abuse or neglect shall fail to immediately report that 130  
knowledge or reasonable cause to believe to the entity or 131  
persons specified in this division. Except as provided in 132  
section 5120.173 of the Revised Code, the person making the 133  
report shall make it to the public children services agency or a 134  
peace officer in the county in which the child resides or in 135  
which the abuse or neglect is occurring or has occurred. In the 136  
circumstances described in section 5120.173 of the Revised Code, 137  
the person making the report shall make it to the entity 138  
specified in that section. 139

(b) Except as provided in division (A) (4) (c) of this 140  
section, a cleric is not required to make a report pursuant to 141

division (A) (4) (a) of this section concerning any communication 142  
the cleric receives from a penitent in a cleric-penitent 143  
relationship, if, in accordance with division (C) of section 144  
2317.02 of the Revised Code, the cleric could not testify with 145  
respect to that communication in a civil or criminal proceeding. 146

(c) The penitent in a cleric-penitent relationship 147  
described in division (A) (4) (b) of this section is deemed to 148  
have waived any testimonial privilege under division (C) of 149  
section 2317.02 of the Revised Code with respect to any 150  
communication the cleric receives from the penitent in that 151  
cleric-penitent relationship, and the cleric shall make a report 152  
pursuant to division (A) (4) (a) of this section with respect to 153  
that communication, if all of the following apply: 154

(i) The penitent, at the time of the communication, is a 155  
child under eighteen years of age or is a person under twenty- 156  
one years of age with a developmental disability or physical 157  
impairment. 158

(ii) The cleric knows, or has reasonable cause to believe 159  
based on facts that would cause a reasonable person in a similar 160  
position to believe, as a result of the communication or any 161  
observations made during that communication, the penitent has 162  
suffered or faces a threat of suffering any physical or mental 163  
wound, injury, disability, or condition of a nature that 164  
reasonably indicates abuse or neglect of the penitent. 165

(iii) The abuse or neglect does not arise out of the 166  
penitent's attempt to have an abortion performed upon a child 167  
under eighteen years of age or upon a person under twenty-one 168  
years of age with a developmental disability or physical 169  
impairment without the notification of her parents, guardian, or 170  
custodian in accordance with section 2151.85 of the Revised 171

Code. 172

(d) Divisions (A) (4) (a) and (c) of this section do not 173  
apply in a cleric-penitent relationship when the disclosure of 174  
any communication the cleric receives from the penitent is in 175  
violation of the sacred trust. 176

(e) As used in divisions (A) (1) and (4) of this section, 177  
"cleric" and "sacred trust" have the same meanings as in section 178  
2317.02 of the Revised Code. 179

(5) (a) Except as provided in division (A) (5) (b) of this 180  
section, a qualified advocate is not required to make a report 181  
pursuant to division (A) (1) of this section concerning any 182  
confidential communication the qualified advocate receives from 183  
a victim in a qualified advocate-victim relationship, if, in 184  
accordance with division (M) of section 2317.02 of the Revised 185  
Code, the qualified advocate could not testify with respect to 186  
that communication in a civil, criminal, administrative, or 187  
education discipline proceeding. 188

(b) The victim in a qualified advocate-victim relationship 189  
described in division (A) (5) (a) of this section is considered to 190  
have waived any testimonial privilege under division (M) of 191  
section 2317.02 of the Revised Code with respect to any 192  
confidential communication the qualified advocate receives from 193  
the victim in that qualified advocate-victim relationship, and 194  
the qualified advocate shall make a report pursuant to division 195  
(A) (1) of this section with respect to that communication, if 196  
all of the following apply: 197

(i) The victim, at the time of the communication, is 198  
either a child under eighteen years of age or a person under 199  
twenty-one years of age with a developmental disability or 200

physical impairment. 201

(ii) The qualified advocate knows, or has reasonable cause 202  
to believe based on facts that would cause a reasonable person 203  
in a similar position to believe, as a result of the 204  
communication or any observations made during that 205  
communication, the victim has suffered or faces a threat of 206  
suffering any physical or mental wound, injury, disability, or 207  
condition of a nature that reasonably indicates abuse or neglect 208  
of the victim. 209

(iii) The abuse or neglect does not arise out of the 210  
victim's attempt to have an abortion without the notification of 211  
her parents, guardian, or custodian in accordance with section 212  
2151.85 of the Revised Code. 213

(c) As used in divisions (A)(1) and (5) of this section, 214  
"confidential communication," "qualified advocate," and "victim" 215  
have the same meanings as in section 2317.02 of the Revised 216  
Code. 217

(B) Anyone who knows, or has reasonable cause to suspect 218  
based on facts that would cause a reasonable person in similar 219  
circumstances to suspect, that a child under eighteen years of 220  
age, or a person under twenty-one years of age with a 221  
developmental disability or physical impairment, has suffered or 222  
faces a threat of suffering any physical or mental wound, 223  
injury, disability, or other condition of a nature that 224  
reasonably indicates abuse or neglect of the child may report or 225  
cause reports to be made of that knowledge or reasonable cause 226  
to suspect to the entity or persons specified in this division. 227  
Except as provided in section 5120.173 of the Revised Code, a 228  
person making a report or causing a report to be made under this 229  
division shall make it or cause it to be made to the public 230



children services agency or to a peace officer. In the 231  
circumstances described in section 5120.173 of the Revised Code, 232  
a person making a report or causing a report to be made under 233  
this division shall make it or cause it to be made to the entity 234  
specified in that section. 235

(C) Any report made pursuant to division (A) or (B) of 236  
this section shall be made forthwith either by telephone or in 237  
person and shall be followed by a written report, if requested 238  
by the receiving agency or officer. The written report shall 239  
contain: 240

(1) The names and addresses of the child and the child's 241  
parents or the person or persons having custody of the child, if 242  
known; 243

(2) The child's age and the nature and extent of the 244  
child's injuries, abuse, or neglect that is known or reasonably 245  
suspected or believed, as applicable, to have occurred or of the 246  
threat of injury, abuse, or neglect that is known or reasonably 247  
suspected or believed, as applicable, to exist, including any 248  
evidence of previous injuries, abuse, or neglect; 249

(3) Any other information, including, but not limited to, 250  
results and reports of any medical examinations, tests, or 251  
procedures performed under division (D) of this section, that 252  
might be helpful in establishing the cause of the injury, abuse, 253  
or neglect that is known or reasonably suspected or believed, as 254  
applicable, to have occurred or of the threat of injury, abuse, 255  
or neglect that is known or reasonably suspected or believed, as 256  
applicable, to exist. 257

(D) (1) Any person, who is required by division (A) of this 258  
section to report child abuse or child neglect that is known or 259

reasonably suspected or believed to have occurred, may take or 260  
cause to be taken color photographs of areas of trauma visible 261  
on a child and, if medically necessary for the purpose of 262  
diagnosing or treating injuries that are suspected to have 263  
occurred as a result of child abuse or child neglect, perform or 264  
cause to be performed radiological examinations and any other 265  
medical examinations of, and tests or procedures on, the child. 266

(2) The results and any available reports of examinations, 267  
tests, or procedures made under division (D) (1) of this section 268  
shall be included in a report made pursuant to division (A) of 269  
this section. Any additional reports of examinations, tests, or 270  
procedures that become available shall be provided to the public 271  
children services agency, upon request. 272

(3) If a health care professional provides health care 273  
services in a hospital, children's advocacy center, or emergency 274  
medical facility to a child about whom a report has been made 275  
under division (A) of this section, the health care professional 276  
may take any steps that are reasonably necessary for the release 277  
or discharge of the child to an appropriate environment. Before 278  
the child's release or discharge, the health care professional 279  
may obtain information, or consider information obtained, from 280  
other entities or individuals that have knowledge about the 281  
child. Nothing in division (D) (3) of this section shall be 282  
construed to alter the responsibilities of any person under 283  
sections 2151.27 and 2151.31 of the Revised Code. 284

(4) A health care professional may conduct medical 285  
examinations, tests, or procedures on the siblings of a child 286  
about whom a report has been made under division (A) of this 287  
section and on other children who reside in the same home as the 288  
child, if the professional determines that the examinations, 289

tests, or procedures are medically necessary to diagnose or 290  
treat the siblings or other children in order to determine 291  
whether reports under division (A) of this section are warranted 292  
with respect to such siblings or other children. The results of 293  
the examinations, tests, or procedures on the siblings and other 294  
children may be included in a report made pursuant to division 295  
(A) of this section. 296

(5) Medical examinations, tests, or procedures conducted 297  
under divisions (D)(1) and (4) of this section and decisions 298  
regarding the release or discharge of a child under division (D) 299  
(3) of this section do not constitute a law enforcement 300  
investigation or activity. 301

(E)(1) When a peace officer receives a report made 302  
pursuant to division (A) or (B) of this section, upon receipt of 303  
the report, the peace officer who receives the report shall 304  
refer the report to the appropriate public children services 305  
agency, unless an arrest is made at the time of the report that 306  
results in the appropriate public children services agency being 307  
contacted concerning the possible abuse or neglect of a child or 308  
the possible threat of abuse or neglect of a child. 309

(2) When a public children services agency receives a 310  
report pursuant to this division or division (A) or (B) of this 311  
section, upon receipt of the report, the public children 312  
services agency shall do both of the following: 313

(a) Comply with section 2151.422 of the Revised Code; 314

(b) If the county served by the agency is also served by a 315  
children's advocacy center and the report alleges sexual abuse 316  
of a child or another type of abuse of a child that is specified 317  
in the memorandum of understanding that creates the center as 318

being within the center's jurisdiction, comply regarding the 319  
report with the protocol and procedures for referrals and 320  
investigations, with the coordinating activities, and with the 321  
authority or responsibility for performing or providing 322  
functions, activities, and services stipulated in the 323  
interagency agreement entered into under section 2151.428 of the 324  
Revised Code relative to that center. 325

(F) No peace officer shall remove a child about whom a 326  
report is made pursuant to this section from the child's 327  
parents, stepparents, or guardian or any other persons having 328  
custody of the child without consultation with the public 329  
children services agency, unless, in the judgment of the 330  
officer, and, if the report was made by physician, the 331  
physician, immediate removal is considered essential to protect 332  
the child from further abuse or neglect. The agency that must be 333  
consulted shall be the agency conducting the investigation of 334  
the report as determined pursuant to section 2151.422 of the 335  
Revised Code. 336

(G) (1) Except as provided in section 2151.422 of the 337  
Revised Code or in an interagency agreement entered into under 338  
section 2151.428 of the Revised Code that applies to the 339  
particular report, the public children services agency shall 340  
investigate, within twenty-four hours, each report of child 341  
abuse or child neglect that is known or reasonably suspected or 342  
believed to have occurred and of a threat of child abuse or 343  
child neglect that is known or reasonably suspected or believed 344  
to exist that is referred to it under this section to determine 345  
the circumstances surrounding the injuries, abuse, or neglect or 346  
the threat of injury, abuse, or neglect, the cause of the 347  
injuries, abuse, neglect, or threat, and the person or persons 348  
responsible. The investigation shall be made in cooperation with 349

the law enforcement agency and in accordance with the memorandum 350  
of understanding prepared under division (K) of this section. A 351  
representative of the public children services agency shall, at 352  
the time of initial contact with the person subject to the 353  
investigation, inform the person of the specific complaints or 354  
allegations made against the person. The information shall be 355  
given in a manner that is consistent with division (I)(1) of 356  
this section and protects the rights of the person making the 357  
report under this section. 358

A failure to make the investigation in accordance with the 359  
memorandum is not grounds for, and shall not result in, the 360  
dismissal of any charges or complaint arising from the report or 361  
the suppression of any evidence obtained as a result of the 362  
report and does not give, and shall not be construed as giving, 363  
any rights or any grounds for appeal or post-conviction relief 364  
to any person. The public children services agency shall report 365  
each case to the uniform statewide automated child welfare 366  
information system that the department of job and family 367  
services shall maintain in accordance with section 5101.13 of 368  
the Revised Code. The public children services agency shall 369  
submit a report of its investigation, in writing, to the law 370  
enforcement agency. 371

(2) The public children services agency shall make any 372  
recommendations to the county prosecuting attorney or city 373  
director of law that it considers necessary to protect any 374  
children that are brought to its attention. 375

(H)(1)(a) Except as provided in divisions (H)(1)(b) and 376  
(I)(3) of this section, any person, health care professional, 377  
hospital, institution, school, health department, or agency 378  
shall be immune from any civil or criminal liability for injury, 379

death, or loss to person or property that otherwise might be 380  
incurred or imposed as a result of any of the following: 381

(i) Participating in the making of reports pursuant to 382  
division (A) of this section or in the making of reports in good 383  
faith, pursuant to division (B) of this section; 384

(ii) Participating in medical examinations, tests, or 385  
procedures under division (D) of this section; 386

(iii) Providing information used in a report made pursuant 387  
to division (A) of this section or providing information in good 388  
faith used in a report made pursuant to division (B) of this 389  
section; 390

(iv) Participating in a judicial proceeding resulting from 391  
a report made pursuant to division (A) of this section or 392  
participating in good faith in a proceeding resulting from a 393  
report made pursuant to division (B) of this section. 394

(b) Immunity under division (H) (1) (a) (ii) of this section 395  
shall not apply when a health care provider has deviated from 396  
the standard of care applicable to the provider's profession. 397

(c) Notwithstanding section 4731.22 of the Revised Code, 398  
the physician-patient privilege shall not be a ground for 399  
excluding evidence regarding a child's injuries, abuse, or 400  
neglect, or the cause of the injuries, abuse, or neglect in any 401  
judicial proceeding resulting from a report submitted pursuant 402  
to this section. 403

(2) In any civil or criminal action or proceeding in which 404  
it is alleged and proved that participation in the making of a 405  
report under this section was not in good faith or participation 406  
in a judicial proceeding resulting from a report made under this 407  
section was not in good faith, the court shall award the 408

prevailing party reasonable attorney's fees and costs and, if a 409  
civil action or proceeding is voluntarily dismissed, may award 410  
reasonable attorney's fees and costs to the party against whom 411  
the civil action or proceeding is brought. 412

(I) (1) Except as provided in divisions (I) (4) and (O) of 413  
this section, a report made under this section is confidential. 414  
The information provided in a report made pursuant to this 415  
section and the name of the person who made the report shall not 416  
be released for use, and shall not be used, as evidence in any 417  
civil action or proceeding brought against the person who made 418  
the report. Nothing in this division shall preclude the use of 419  
reports of other incidents of known or suspected abuse or 420  
neglect in a civil action or proceeding brought pursuant to 421  
division (N) of this section against a person who is alleged to 422  
have violated division (A) (1) of this section, provided that any 423  
information in a report that would identify the child who is the 424  
subject of the report or the maker of the report, if the maker 425  
of the report is not the defendant or an agent or employee of 426  
the defendant, has been redacted. In a criminal proceeding, the 427  
report is admissible in evidence in accordance with the Rules of 428  
Evidence and is subject to discovery in accordance with the 429  
Rules of Criminal Procedure. 430

(2) (a) Except as provided in division (I) (2) (b) of this 431  
section, no person shall permit or encourage the unauthorized 432  
dissemination of the contents of any report made under this 433  
section. 434

(b) A health care professional that obtains the same 435  
information contained in a report made under this section from a 436  
source other than the report may disseminate the information, if 437  
its dissemination is otherwise permitted by law. 438

(3) A person who knowingly makes or causes another person 439  
to make a false report under division (B) of this section that 440  
alleges that any person has committed an act or omission that 441  
resulted in a child being an abused child or a neglected child 442  
is guilty of a violation of section 2921.14 of the Revised Code. 443

(4) If a report is made pursuant to division (A) or (B) of 444  
this section and the child who is the subject of the report dies 445  
for any reason at any time after the report is made, but before 446  
the child attains eighteen years of age, the public children 447  
services agency or peace officer to which the report was made or 448  
referred, on the request of the child fatality review board or 449  
the director of health pursuant to guidelines established under 450  
section 3701.70 of the Revised Code, shall submit a summary 451  
sheet of information providing a summary of the report to the 452  
review board of the county in which the deceased child resided 453  
at the time of death or to the director. On the request of the 454  
review board or director, the agency or peace officer may, at 455  
its discretion, make the report available to the review board or 456  
director. If the county served by the public children services 457  
agency is also served by a children's advocacy center and the 458  
report of alleged sexual abuse of a child or another type of 459  
abuse of a child is specified in the memorandum of understanding 460  
that creates the center as being within the center's 461  
jurisdiction, the agency or center shall perform the duties and 462  
functions specified in this division in accordance with the 463  
interagency agreement entered into under section 2151.428 of the 464  
Revised Code relative to that advocacy center. 465

(5) A public children services agency shall advise a 466  
person alleged to have inflicted abuse or neglect on a child who 467  
is the subject of a report made pursuant to this section, 468  
including a report alleging sexual abuse of a child or another 469



type of abuse of a child referred to a children's advocacy 470  
center pursuant to an interagency agreement entered into under 471  
section 2151.428 of the Revised Code, in writing of the 472  
disposition of the investigation. The agency shall not provide 473  
to the person any information that identifies the person who 474  
made the report, statements of witnesses, or police or other 475  
investigative reports. 476

(J) Any report that is required by this section, other 477  
than a report that is made to the state highway patrol as 478  
described in section 5120.173 of the Revised Code, shall result 479  
in protective services and emergency supportive services being 480  
made available by the public children services agency on behalf 481  
of the children about whom the report is made, in an effort to 482  
prevent further neglect or abuse, to enhance their welfare, and, 483  
whenever possible, to preserve the family unit intact. The 484  
agency required to provide the services shall be the agency 485  
conducting the investigation of the report pursuant to section 486  
2151.422 of the Revised Code. 487

(K) (1) Each public children services agency shall prepare 488  
a memorandum of understanding that is signed by all of the 489  
following: 490

(a) If there is only one juvenile judge in the county, the 491  
juvenile judge of the county or the juvenile judge's 492  
representative; 493

(b) If there is more than one juvenile judge in the 494  
county, a juvenile judge or the juvenile judges' representative 495  
selected by the juvenile judges or, if they are unable to do so 496  
for any reason, the juvenile judge who is senior in point of 497  
service or the senior juvenile judge's representative; 498

(c) The county peace officer;	499
(d) All chief municipal peace officers within the county;	500
(e) Other law enforcement officers handling child abuse and neglect cases in the county;	501 502
(f) The prosecuting attorney of the county;	503
(g) If the public children services agency is not the county department of job and family services, the county department of job and family services;	504 505 506
(h) The county humane society;	507
(i) If the public children services agency participated in the execution of a memorandum of understanding under section 2151.426 of the Revised Code establishing a children's advocacy center, each participating member of the children's advocacy center established by the memorandum.	508 509 510 511 512
(2) A memorandum of understanding shall set forth the normal operating procedure to be employed by all concerned officials in the execution of their respective responsibilities under this section and division (C) of section 2919.21, division (B) (1) of section 2919.22, division (B) of section 2919.23, and section 2919.24 of the Revised Code and shall have as two of its primary goals the elimination of all unnecessary interviews of children who are the subject of reports made pursuant to division (A) or (B) of this section and, when feasible, providing for only one interview of a child who is the subject of any report made pursuant to division (A) or (B) of this section. A failure to follow the procedure set forth in the memorandum by the concerned officials is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from any reported case of abuse or neglect or the	513 514 515 516 517 518 519 520 521 522 523 524 525 526 527

suppression of any evidence obtained as a result of any reported 528  
child abuse or child neglect and does not give, and shall not be 529  
construed as giving, any rights or any grounds for appeal or 530  
post-conviction relief to any person. 531

(3) A memorandum of understanding shall include all of the 532  
following: 533

(a) The roles and responsibilities for handling emergency 534  
and nonemergency cases of abuse and neglect; 535

(b) Standards and procedures to be used in handling and 536  
coordinating investigations of reported cases of child abuse and 537  
reported cases of child neglect, methods to be used in 538  
interviewing the child who is the subject of the report and who 539  
allegedly was abused or neglected, and standards and procedures 540  
addressing the categories of persons who may interview the child 541  
who is the subject of the report and who allegedly was abused or 542  
neglected. 543

(4) If a public children services agency participated in 544  
the execution of a memorandum of understanding under section 545  
2151.426 of the Revised Code establishing a children's advocacy 546  
center, the agency shall incorporate the contents of that 547  
memorandum in the memorandum prepared pursuant to this section. 548

(5) The clerk of the court of common pleas in the county 549  
may sign the memorandum of understanding prepared under division 550  
(K)(1) of this section. If the clerk signs the memorandum of 551  
understanding, the clerk shall execute all relevant 552  
responsibilities as required of officials specified in the 553  
memorandum. 554

(L)(1) Except as provided in division (L)(4) or (5) of 555  
this section, a person who is required to make a report pursuant 556

to division (A) of this section may make a reasonable number of 557  
requests of the public children services agency that receives or 558  
is referred the report, or of the children's advocacy center 559  
that is referred the report if the report is referred to a 560  
children's advocacy center pursuant to an interagency agreement 561  
entered into under section 2151.428 of the Revised Code, to be 562  
provided with the following information: 563

(a) Whether the agency or center has initiated an 564  
investigation of the report; 565

(b) Whether the agency or center is continuing to 566  
investigate the report; 567

(c) Whether the agency or center is otherwise involved 568  
with the child who is the subject of the report; 569

(d) The general status of the health and safety of the 570  
child who is the subject of the report; 571

(e) Whether the report has resulted in the filing of a 572  
complaint in juvenile court or of criminal charges in another 573  
court. 574

(2) A person may request the information specified in 575  
division (L)(1) of this section only if, at the time the report 576  
is made, the person's name, address, and telephone number are 577  
provided to the person who receives the report. 578

When a peace officer or employee of a public children 579  
services agency receives a report pursuant to division (A) or 580  
(B) of this section the recipient of the report shall inform the 581  
person of the right to request the information described in 582  
division (L)(1) of this section. The recipient of the report 583  
shall include in the initial child abuse or child neglect report 584  
that the person making the report was so informed and, if 585

provided at the time of the making of the report, shall include 586  
the person's name, address, and telephone number in the report. 587

Each request is subject to verification of the identity of 588  
the person making the report. If that person's identity is 589  
verified, the agency shall provide the person with the 590  
information described in division (L)(1) of this section a 591  
reasonable number of times, except that the agency shall not 592  
disclose any confidential information regarding the child who is 593  
the subject of the report other than the information described 594  
in those divisions. 595

(3) A request made pursuant to division (L)(1) of this 596  
section is not a substitute for any report required to be made 597  
pursuant to division (A) of this section. 598

(4) If an agency other than the agency that received or 599  
was referred the report is conducting the investigation of the 600  
report pursuant to section 2151.422 of the Revised Code, the 601  
agency conducting the investigation shall comply with the 602  
requirements of division (L) of this section. 603

(5) A health care professional who made a report under 604  
division (A) of this section, or on whose behalf such a report 605  
was made as provided in division (A)(1)(c) of this section, may 606  
authorize a person to obtain the information described in 607  
division (L)(1) of this section if the person requesting the 608  
information is associated with or acting on behalf of the health 609  
care professional who provided health care services to the child 610  
about whom the report was made. 611

(M) The director of job and family services shall adopt 612  
rules in accordance with Chapter 119. of the Revised Code to 613  
implement this section. The department of job and family 614

services may enter into a plan of cooperation with any other 615  
governmental entity to aid in ensuring that children are 616  
protected from abuse and neglect. The department shall make 617  
recommendations to the attorney general that the department 618  
determines are necessary to protect children from child abuse 619  
and child neglect. 620

(N) Whoever violates division (A) of this section is 621  
liable for compensatory and exemplary damages to the child who 622  
would have been the subject of the report that was not made. A 623  
person who brings a civil action or proceeding pursuant to this 624  
division against a person who is alleged to have violated 625  
division (A)(1) of this section may use in the action or 626  
proceeding reports of other incidents of known or suspected 627  
abuse or neglect, provided that any information in a report that 628  
would identify the child who is the subject of the report or the 629  
maker of the report, if the maker is not the defendant or an 630  
agent or employee of the defendant, has been redacted. 631

(O)(1) As used in this division: 632

(a) "Out-of-home care" includes a nonchartered nonpublic 633  
school if the alleged child abuse or child neglect, or alleged 634  
threat of child abuse or child neglect, described in a report 635  
received by a public children services agency allegedly occurred 636  
in or involved the nonchartered nonpublic school and the alleged 637  
perpetrator named in the report holds a certificate, permit, or 638  
license issued by the state board of education under section 639  
3301.071 or Chapter 3319. of the Revised Code. 640

(b) "Administrator, director, or other chief 641  
administrative officer" means the superintendent of the school 642  
district if the out-of-home care entity subject to a report made 643  
pursuant to this section is a school operated by the district. 644

(2) No later than the end of the day following the day on 645  
which a public children services agency receives a report of 646  
alleged child abuse or child neglect, or a report of an alleged 647  
threat of child abuse or child neglect, that allegedly occurred 648  
in or involved an out-of-home care entity, the agency shall 649  
provide written notice of the allegations contained in and the 650  
person named as the alleged perpetrator in the report to the 651  
administrator, director, or other chief administrative officer 652  
of the out-of-home care entity that is the subject of the report 653  
unless the administrator, director, or other chief 654  
administrative officer is named as an alleged perpetrator in the 655  
report. If the administrator, director, or other chief 656  
administrative officer of an out-of-home care entity is named as 657  
an alleged perpetrator in a report of alleged child abuse or 658  
child neglect, or a report of an alleged threat of child abuse 659  
or child neglect, that allegedly occurred in or involved the 660  
out-of-home care entity, the agency shall provide the written 661  
notice to the owner or governing board of the out-of-home care 662  
entity that is the subject of the report. The agency shall not 663  
provide witness statements or police or other investigative 664  
reports. 665

(3) No later than three days after the day on which a 666  
public children services agency that conducted the investigation 667  
as determined pursuant to section 2151.422 of the Revised Code 668  
makes a disposition of an investigation involving a report of 669  
alleged child abuse or child neglect, or a report of an alleged 670  
threat of child abuse or child neglect, that allegedly occurred 671  
in or involved an out-of-home care entity, the agency shall send 672  
written notice of the disposition of the investigation to the 673  
administrator, director, or other chief administrative officer 674  
and the owner or governing board of the out-of-home care entity. 675

The agency shall not provide witness statements or police or 676  
other investigative reports. 677

(P) As used in this section: 678

(1) "Children's advocacy center" and "sexual abuse of a 679  
child" have the same meanings as in section 2151.425 of the 680  
Revised Code. 681

(2) "Health care professional" means an individual who 682  
provides health-related services including a physician, hospital 683  
intern or resident, dentist, podiatrist, registered nurse, 684  
licensed practical nurse, visiting nurse, licensed psychologist, 685  
speech pathologist, audiologist, person engaged in social work 686  
or the practice of professional counseling, and employee of a 687  
home health agency. "Health care professional" does not include 688  
a practitioner of a limited branch of medicine as specified in 689  
section 4731.15 of the Revised Code, licensed school 690  
psychologist, independent marriage and family therapist or 691  
marriage and family therapist, or coroner. 692

(3) "Investigation" means the public children services 693  
agency's response to an accepted report of child abuse or 694  
neglect through either an alternative response or a traditional 695  
response. 696

(4) "Peace officer" means a sheriff, deputy sheriff, 697  
constable, police officer of a township or joint police 698  
district, marshal, deputy marshal, municipal police officer, or 699  
a state highway patrol trooper. 700

**Sec. 2317.02.** The following persons shall not testify in 701  
certain respects: 702

(A) (1) An attorney, concerning a communication made to the 703  
attorney by a client in that relation or concerning the 704



attorney's advice to a client, except that the attorney may 705  
testify by express consent of the client or, if the client is 706  
deceased, by the express consent of the surviving spouse or the 707  
executor or administrator of the estate of the deceased client. 708  
However, if the client voluntarily reveals the substance of 709  
attorney-client communications in a nonprivileged context or is 710  
deemed by section 2151.421 of the Revised Code to have waived 711  
any testimonial privilege under this division, the attorney may 712  
be compelled to testify on the same subject. 713

The testimonial privilege established under this division 714  
does not apply concerning either of the following: 715

(a) A communication between a client in a capital case, as 716  
defined in section 2901.02 of the Revised Code, and the client's 717  
attorney if the communication is relevant to a subsequent 718  
ineffective assistance of counsel claim by the client alleging 719  
that the attorney did not effectively represent the client in 720  
the case; 721

(b) A communication between a client who has since died 722  
and the deceased client's attorney if the communication is 723  
relevant to a dispute between parties who claim through that 724  
deceased client, regardless of whether the claims are by testate 725  
or intestate succession or by inter vivos transaction, and the 726  
dispute addresses the competency of the deceased client when the 727  
deceased client executed a document that is the basis of the 728  
dispute or whether the deceased client was a victim of fraud, 729  
undue influence, or duress when the deceased client executed a 730  
document that is the basis of the dispute. 731

(2) An attorney, concerning a communication made to the 732  
attorney by a client in that relationship or the attorney's 733  
advice to a client, except that if the client is an insurance 734

company, the attorney may be compelled to testify, subject to an 735  
in camera inspection by a court, about communications made by 736  
the client to the attorney or by the attorney to the client that 737  
are related to the attorney's aiding or furthering an ongoing or 738  
future commission of bad faith by the client, if the party 739  
seeking disclosure of the communications has made a prima-facie 740  
showing of bad faith, fraud, or criminal misconduct by the 741  
client. 742

(B) (1) A physician, advanced practice registered nurse, or 743  
dentist concerning a communication made to the physician, 744  
advanced practice registered nurse, or dentist by a patient in 745  
that relation or the advice of a physician, advanced practice 746  
registered nurse, or dentist given to a patient, except as 747  
otherwise provided in this division, division (B) (2), and 748  
division (B) (3) of this section, and except that, if the patient 749  
is deemed by section 2151.421 of the Revised Code to have waived 750  
any testimonial privilege under this division, the physician or 751  
advanced practice registered nurse may be compelled to testify 752  
on the same subject. 753

The testimonial privilege established under this division 754  
does not apply, and a physician, advanced practice registered 755  
nurse, or dentist may testify or may be compelled to testify, in 756  
any of the following circumstances: 757

(a) In any civil action, in accordance with the discovery 758  
provisions of the Rules of Civil Procedure in connection with a 759  
civil action, or in connection with a claim under Chapter 4123. 760  
of the Revised Code, under any of the following circumstances: 761

(i) If the patient or the guardian or other legal 762  
representative of the patient gives express consent; 763

(ii) If the patient is deceased, the spouse of the patient 764  
or the executor or administrator of the patient's estate gives 765  
express consent; 766

(iii) If a medical claim, dental claim, chiropractic 767  
claim, or optometric claim, as defined in section 2305.113 of 768  
the Revised Code, an action for wrongful death, any other type 769  
of civil action, or a claim under Chapter 4123. of the Revised 770  
Code is filed by the patient, the personal representative of the 771  
estate of the patient if deceased, or the patient's guardian or 772  
other legal representative. 773

(b) In any civil action concerning court-ordered treatment 774  
or services received by a patient, if the court-ordered 775  
treatment or services were ordered as part of a case plan 776  
journalized under section 2151.412 of the Revised Code or the 777  
court-ordered treatment or services are necessary or relevant to 778  
dependency, neglect, or abuse or temporary or permanent custody 779  
proceedings under Chapter 2151. of the Revised Code. 780

(c) In any criminal action concerning any test or the 781  
results of any test that determines the presence or 782  
concentration of alcohol, a drug of abuse, a combination of 783  
them, a controlled substance, or a metabolite of a controlled 784  
substance in the patient's whole blood, blood serum or plasma, 785  
breath, urine, or other bodily substance at any time relevant to 786  
the criminal offense in question. 787

(d) In any criminal action against a physician, advanced 788  
practice registered nurse, or dentist. In such an action, the 789  
testimonial privilege established under this division does not 790  
prohibit the admission into evidence, in accordance with the 791  
Rules of Evidence, of a patient's medical or dental records or 792  
other communications between a patient and the physician, 793

advanced practice registered nurse, or dentist that are related 794  
to the action and obtained by subpoena, search warrant, or other 795  
lawful means. A court that permits or compels a physician, 796  
advanced practice registered nurse, or dentist to testify in 797  
such an action or permits the introduction into evidence of 798  
patient records or other communications in such an action shall 799  
require that appropriate measures be taken to ensure that the 800  
confidentiality of any patient named or otherwise identified in 801  
the records is maintained. Measures to ensure confidentiality 802  
that may be taken by the court include sealing its records or 803  
deleting specific information from its records. 804

(e) (i) If the communication was between a patient who has 805  
since died and the deceased patient's physician, advanced 806  
practice registered nurse, or dentist, the communication is 807  
relevant to a dispute between parties who claim through that 808  
deceased patient, regardless of whether the claims are by 809  
testate or intestate succession or by inter vivos transaction, 810  
and the dispute addresses the competency of the deceased patient 811  
when the deceased patient executed a document that is the basis 812  
of the dispute or whether the deceased patient was a victim of 813  
fraud, undue influence, or duress when the deceased patient 814  
executed a document that is the basis of the dispute. 815

(ii) If neither the spouse of a patient nor the executor 816  
or administrator of that patient's estate gives consent under 817  
division (B) (1) (a) (ii) of this section, testimony or the 818  
disclosure of the patient's medical records by a physician, 819  
advanced practice registered nurse, dentist, or other health 820  
care provider under division (B) (1) (e) (i) of this section is a 821  
permitted use or disclosure of protected health information, as 822  
defined in 45 C.F.R. 160.103, and an authorization or 823  
opportunity to be heard shall not be required. 824

(iii) Division (B) (1) (e) (i) of this section does not 825  
require a mental health professional to disclose psychotherapy 826  
notes, as defined in 45 C.F.R. 164.501. 827

(iv) An interested person who objects to testimony or 828  
disclosure under division (B) (1) (e) (i) of this section may seek 829  
a protective order pursuant to Civil Rule 26. 830

(v) A person to whom protected health information is 831  
disclosed under division (B) (1) (e) (i) of this section shall not 832  
use or disclose the protected health information for any purpose 833  
other than the litigation or proceeding for which the 834  
information was requested and shall return the protected health 835  
information to the covered entity or destroy the protected 836  
health information, including all copies made, at the conclusion 837  
of the litigation or proceeding. 838

(2) (a) If any law enforcement officer submits a written 839  
statement to a health care provider that states that an official 840  
criminal investigation has begun regarding a specified person or 841  
that a criminal action or proceeding has been commenced against 842  
a specified person, that requests the provider to supply to the 843  
officer copies of any records the provider possesses that 844  
pertain to any test or the results of any test administered to 845  
the specified person to determine the presence or concentration 846  
of alcohol, a drug of abuse, a combination of them, a controlled 847  
substance, or a metabolite of a controlled substance in the 848  
person's whole blood, blood serum or plasma, breath, or urine at 849  
any time relevant to the criminal offense in question, and that 850  
conforms to section 2317.022 of the Revised Code, the provider, 851  
except to the extent specifically prohibited by any law of this 852  
state or of the United States, shall supply to the officer a 853  
copy of any of the requested records the provider possesses. If 854

the health care provider does not possess any of the requested 855  
records, the provider shall give the officer a written statement 856  
that indicates that the provider does not possess any of the 857  
requested records. 858

(b) If a health care provider possesses any records of the 859  
type described in division (B) (2) (a) of this section regarding 860  
the person in question at any time relevant to the criminal 861  
offense in question, in lieu of personally testifying as to the 862  
results of the test in question, the custodian of the records 863  
may submit a certified copy of the records, and, upon its 864  
submission, the certified copy is qualified as authentic 865  
evidence and may be admitted as evidence in accordance with the 866  
Rules of Evidence. Division (A) of section 2317.422 of the 867  
Revised Code does not apply to any certified copy of records 868  
submitted in accordance with this division. Nothing in this 869  
division shall be construed to limit the right of any party to 870  
call as a witness the person who administered the test to which 871  
the records pertain, the person under whose supervision the test 872  
was administered, the custodian of the records, the person who 873  
made the records, or the person under whose supervision the 874  
records were made. 875

(3) (a) If the testimonial privilege described in division 876  
(B) (1) of this section does not apply as provided in division 877  
(B) (1) (a) (iii) of this section, a physician, advanced practice 878  
registered nurse, or dentist may be compelled to testify or to 879  
submit to discovery under the Rules of Civil Procedure only as 880  
to a communication made to the physician, advanced practice 881  
registered nurse, or dentist by the patient in question in that 882  
relation, or the advice of the physician, advanced practice 883  
registered nurse, or dentist given to the patient in question, 884  
that related causally or historically to physical or mental 885

injuries that are relevant to issues in the medical claim, 886  
dental claim, chiropractic claim, or optometric claim, action 887  
for wrongful death, other civil action, or claim under Chapter 888  
4123. of the Revised Code. 889

(b) If the testimonial privilege described in division (B) 890  
(1) of this section does not apply to a physician, advanced 891  
practice registered nurse, or dentist as provided in division 892  
(B) (1) (c) of this section, the physician, advanced practice 893  
registered nurse, or dentist, in lieu of personally testifying 894  
as to the results of the test in question, may submit a 895  
certified copy of those results, and, upon its submission, the 896  
certified copy is qualified as authentic evidence and may be 897  
admitted as evidence in accordance with the Rules of Evidence. 898  
Division (A) of section 2317.422 of the Revised Code does not 899  
apply to any certified copy of results submitted in accordance 900  
with this division. Nothing in this division shall be construed 901  
to limit the right of any party to call as a witness the person 902  
who administered the test in question, the person under whose 903  
supervision the test was administered, the custodian of the 904  
results of the test, the person who compiled the results, or the 905  
person under whose supervision the results were compiled. 906

(4) The testimonial privilege described in division (B) (1) 907  
of this section is not waived when a communication is made by a 908  
physician or advanced practice registered nurse to a pharmacist 909  
or when there is communication between a patient and a 910  
pharmacist in furtherance of the physician-patient or advanced 911  
practice registered nurse-patient relation. 912

(5) (a) As used in divisions (B) (1) to (4) of this section, 913  
"communication" means acquiring, recording, or transmitting any 914  
information, in any manner, concerning any facts, opinions, or 915

statements necessary to enable a physician, advanced practice 916  
registered nurse, or dentist to diagnose, treat, prescribe, or 917  
act for a patient. A "communication" may include, but is not 918  
limited to, any medical or dental, office, or hospital 919  
communication such as a record, chart, letter, memorandum, 920  
laboratory test and results, x-ray, photograph, financial 921  
statement, diagnosis, or prognosis. 922

(b) As used in division (B) (2) of this section, "health 923  
care provider" means a hospital, ambulatory care facility, long- 924  
term care facility, pharmacy, emergency facility, or health care 925  
practitioner. 926

(c) As used in division (B) (5) (b) of this section: 927

(i) "Ambulatory care facility" means a facility that 928  
provides medical, diagnostic, or surgical treatment to patients 929  
who do not require hospitalization, including a dialysis center, 930  
ambulatory surgical facility, cardiac catheterization facility, 931  
diagnostic imaging center, extracorporeal shock wave lithotripsy 932  
center, home health agency, inpatient hospice, birthing center, 933  
radiation therapy center, emergency facility, and an urgent care 934  
center. "Ambulatory health care facility" does not include the 935  
private office of a physician, advanced practice registered 936  
nurse, or dentist, whether the office is for an individual or 937  
group practice. 938

(ii) "Emergency facility" means a hospital emergency 939  
department or any other facility that provides emergency medical 940  
services. 941

(iii) "Health care practitioner" has the same meaning as 942  
in section 4769.01 of the Revised Code. 943

(iv) "Hospital" has the same meaning as in section 3727.01 944



of the Revised Code. 945

(v) "Long-term care facility" means a nursing home, 946  
residential care facility, or home for the aging, as those terms 947  
are defined in section 3721.01 of the Revised Code; a 948  
residential facility licensed under section 5119.34 of the 949  
Revised Code that provides accommodations, supervision, and 950  
personal care services for three to sixteen unrelated adults; a 951  
nursing facility, as defined in section 5165.01 of the Revised 952  
Code; a skilled nursing facility, as defined in section 5165.01 953  
of the Revised Code; and an intermediate care facility for 954  
individuals with intellectual disabilities, as defined in 955  
section 5124.01 of the Revised Code. 956

(vi) "Pharmacy" has the same meaning as in section 4729.01 957  
of the Revised Code. 958

(d) As used in divisions (B) (1) and (2) of this section, 959  
"drug of abuse" has the same meaning as in section 4506.01 of 960  
the Revised Code. 961

(6) Divisions (B) (1), (2), (3), (4), and (5) of this 962  
section apply to doctors of medicine, doctors of osteopathic 963  
medicine, doctors of podiatry, advanced practice registered 964  
nurses, and dentists. 965

(7) Nothing in divisions (B) (1) to (6) of this section 966  
affects, or shall be construed as affecting, the immunity from 967  
civil liability conferred by section 307.628 of the Revised Code 968  
or the immunity from civil liability conferred by section 969  
2305.33 of the Revised Code upon physicians or advanced practice 970  
registered nurses who report an employee's use of a drug of 971  
abuse, or a condition of an employee other than one involving 972  
the use of a drug of abuse, to the employer of the employee in 973

accordance with division (B) of that section. As used in 974  
division (B) (7) of this section, "employee," "employer," and 975  
"physician" have the same meanings as in section 2305.33 of the 976  
Revised Code and "advanced practice registered nurse" has the 977  
same meaning as in section 4723.01 of the Revised Code. 978

(C) (1) A cleric, when the cleric remains accountable to 979  
the authority of that cleric's church, denomination, or sect, 980  
concerning a confession made, or any information confidentially 981  
communicated, to the cleric for a religious counseling purpose 982  
in the cleric's professional character. The cleric may testify 983  
by express consent of the person making the communication, 984  
except when the disclosure of the information is in violation of 985  
a sacred trust and except that, if the person voluntarily 986  
testifies or is deemed by division (A) (4) (c) of section 2151.421 987  
of the Revised Code to have waived any testimonial privilege 988  
under this division, the cleric may be compelled to testify on 989  
the same subject except when disclosure of the information is in 990  
violation of a sacred trust. 991

(2) As used in division (C) of this section: 992

(a) "Cleric" means a member of the clergy, rabbi, priest, 993  
Christian Science practitioner, or regularly ordained, 994  
accredited, or licensed minister of an established and legally 995  
cognizable church, denomination, or sect. 996

(b) "Sacred trust" means a confession or confidential 997  
communication made to a cleric in the cleric's ecclesiastical 998  
capacity in the course of discipline enjoined by the church to 999  
which the cleric belongs, including, but not limited to, the 1000  
Catholic Church, if both of the following apply: 1001

(i) The confession or confidential communication was made 1002

directly to the cleric. 1003

(ii) The confession or confidential communication was made 1004  
in the manner and context that places the cleric specifically 1005  
and strictly under a level of confidentiality that is considered 1006  
inviolable by canon law or church doctrine. 1007

(D) Husband or wife, concerning any communication made by 1008  
one to the other, or an act done by either in the presence of 1009  
the other, during coverture, unless the communication was made, 1010  
or act done, in the known presence or hearing of a third person 1011  
competent to be a witness; and such rule is the same if the 1012  
marital relation has ceased to exist; 1013

(E) A person who assigns a claim or interest, concerning 1014  
any matter in respect to which the person would not, if a party, 1015  
be permitted to testify; 1016

(F) A person who, if a party, would be restricted under 1017  
section 2317.03 of the Revised Code, when the property or thing 1018  
is sold or transferred by an executor, administrator, guardian, 1019  
trustee, heir, devisee, or legatee, shall be restricted in the 1020  
same manner in any action or proceeding concerning the property 1021  
or thing. 1022

(G) (1) A school guidance counselor who holds a valid 1023  
educator license from the state board of education as provided 1024  
for in section 3319.22 of the Revised Code, a person licensed 1025  
under Chapter 4757. of the Revised Code as a licensed 1026  
professional clinical counselor, licensed professional 1027  
counselor, social worker, independent social worker, marriage 1028  
and family therapist or independent marriage and family 1029  
therapist, or registered under Chapter 4757. of the Revised Code 1030  
as a social work assistant concerning a confidential 1031

communication received from a client in that relation or the 1032  
person's advice to a client unless any of the following applies: 1033

(a) The communication or advice indicates clear and 1034  
present danger to the client or other persons. For the purposes 1035  
of this division, cases in which there are indications of 1036  
present or past child abuse or neglect of the client constitute 1037  
a clear and present danger. 1038

(b) The client gives express consent to the testimony. 1039

(c) If the client is deceased, the surviving spouse or the 1040  
executor or administrator of the estate of the deceased client 1041  
gives express consent. 1042

(d) The client voluntarily testifies, in which case the 1043  
school guidance counselor or person licensed or registered under 1044  
Chapter 4757. of the Revised Code may be compelled to testify on 1045  
the same subject. 1046

(e) The court in camera determines that the information 1047  
communicated by the client is not germane to the counselor- 1048  
client, marriage and family therapist-client, or social worker- 1049  
client relationship. 1050

(f) A court, in an action brought against a school, its 1051  
administration, or any of its personnel by the client, rules 1052  
after an in-camera inspection that the testimony of the school 1053  
guidance counselor is relevant to that action. 1054

(g) The testimony is sought in a civil action and concerns 1055  
court-ordered treatment or services received by a patient as 1056  
part of a case plan journalized under section 2151.412 of the 1057  
Revised Code or the court-ordered treatment or services are 1058  
necessary or relevant to dependency, neglect, or abuse or 1059  
temporary or permanent custody proceedings under Chapter 2151. 1060

of the Revised Code. 1061

(2) Nothing in division (G) (1) of this section shall 1062  
relieve a school guidance counselor or a person licensed or 1063  
registered under Chapter 4757. of the Revised Code from the 1064  
requirement to report information concerning child abuse or 1065  
neglect under section 2151.421 of the Revised Code. 1066

(H) A mediator acting under a mediation order issued under 1067  
division (A) of section 3109.052 of the Revised Code or 1068  
otherwise issued in any proceeding for divorce, dissolution, 1069  
legal separation, annulment, or the allocation of parental 1070  
rights and responsibilities for the care of children, in any 1071  
action or proceeding, other than a criminal, delinquency, child 1072  
abuse, child neglect, or dependent child action or proceeding, 1073  
that is brought by or against either parent who takes part in 1074  
mediation in accordance with the order and that pertains to the 1075  
mediation process, to any information discussed or presented in 1076  
the mediation process, to the allocation of parental rights and 1077  
responsibilities for the care of the parents' children, or to 1078  
the awarding of parenting time rights in relation to their 1079  
children; 1080

(I) A communications assistant, acting within the scope of 1081  
the communication assistant's authority, when providing 1082  
telecommunications relay service pursuant to section 4931.06 of 1083  
the Revised Code or Title II of the "Communications Act of 1084  
1934," 104 Stat. 366 (1990), 47 U.S.C. 225, concerning a 1085  
communication made through a telecommunications relay service. 1086  
Nothing in this section shall limit the obligation of a 1087  
communications assistant to divulge information or testify when 1088  
mandated by federal law or regulation or pursuant to subpoena in 1089  
a criminal proceeding. 1090

Nothing in this section shall limit any immunity or 1091  
privilege granted under federal law or regulation. 1092

(J) (1) A chiropractor in a civil proceeding concerning a 1093  
communication made to the chiropractor by a patient in that 1094  
relation or the chiropractor's advice to a patient, except as 1095  
otherwise provided in this division. The testimonial privilege 1096  
established under this division does not apply, and a 1097  
chiropractor may testify or may be compelled to testify, in any 1098  
civil action, in accordance with the discovery provisions of the 1099  
Rules of Civil Procedure in connection with a civil action, or 1100  
in connection with a claim under Chapter 4123. of the Revised 1101  
Code, under any of the following circumstances: 1102

(a) If the patient or the guardian or other legal 1103  
representative of the patient gives express consent. 1104

(b) If the patient is deceased, the spouse of the patient 1105  
or the executor or administrator of the patient's estate gives 1106  
express consent. 1107

(c) If a medical claim, dental claim, chiropractic claim, 1108  
or optometric claim, as defined in section 2305.113 of the 1109  
Revised Code, an action for wrongful death, any other type of 1110  
civil action, or a claim under Chapter 4123. of the Revised Code 1111  
is filed by the patient, the personal representative of the 1112  
estate of the patient if deceased, or the patient's guardian or 1113  
other legal representative. 1114

(2) If the testimonial privilege described in division (J) 1115  
(1) of this section does not apply as provided in division (J) 1116  
(1) (c) of this section, a chiropractor may be compelled to 1117  
testify or to submit to discovery under the Rules of Civil 1118  
Procedure only as to a communication made to the chiropractor by 1119

the patient in question in that relation, or the chiropractor's 1120  
advice to the patient in question, that related causally or 1121  
historically to physical or mental injuries that are relevant to 1122  
issues in the medical claim, dental claim, chiropractic claim, 1123  
or optometric claim, action for wrongful death, other civil 1124  
action, or claim under Chapter 4123. of the Revised Code. 1125

(3) The testimonial privilege established under this 1126  
division does not apply, and a chiropractor may testify or be 1127  
compelled to testify, in any criminal action or administrative 1128  
proceeding. 1129

(4) As used in this division, "communication" means 1130  
acquiring, recording, or transmitting any information, in any 1131  
manner, concerning any facts, opinions, or statements necessary 1132  
to enable a chiropractor to diagnose, treat, or act for a 1133  
patient. A communication may include, but is not limited to, any 1134  
chiropractic, office, or hospital communication such as a 1135  
record, chart, letter, memorandum, laboratory test and results, 1136  
x-ray, photograph, financial statement, diagnosis, or prognosis. 1137

(K) (1) Except as provided under division (K) (2) of this 1138  
section, a critical incident stress management team member 1139  
concerning a communication received from an individual who 1140  
receives crisis response services from the team member, or the 1141  
team member's advice to the individual, during a debriefing 1142  
session. 1143

(2) The testimonial privilege established under division 1144  
(K) (1) of this section does not apply if any of the following 1145  
are true: 1146

(a) The communication or advice indicates clear and 1147  
present danger to the individual who receives crisis response 1148

services or to other persons. For purposes of this division, 1149  
cases in which there are indications of present or past child 1150  
abuse or neglect of the individual constitute a clear and 1151  
present danger. 1152

(b) The individual who received crisis response services 1153  
gives express consent to the testimony. 1154

(c) If the individual who received crisis response 1155  
services is deceased, the surviving spouse or the executor or 1156  
administrator of the estate of the deceased individual gives 1157  
express consent. 1158

(d) The individual who received crisis response services 1159  
voluntarily testifies, in which case the team member may be 1160  
compelled to testify on the same subject. 1161

(e) The court in camera determines that the information 1162  
communicated by the individual who received crisis response 1163  
services is not germane to the relationship between the 1164  
individual and the team member. 1165

(f) The communication or advice pertains or is related to 1166  
any criminal act. 1167

(3) As used in division (K) of this section: 1168

(a) "Crisis response services" means consultation, risk 1169  
assessment, referral, and on-site crisis intervention services 1170  
provided by a critical incident stress management team to 1171  
individuals affected by crisis or disaster. 1172

(b) "Critical incident stress management team member" or 1173  
"team member" means an individual specially trained to provide 1174  
crisis response services as a member of an organized community 1175  
or local crisis response team that holds membership in the Ohio 1176



critical incident stress management network. 1177

(c) "Debriefing session" means a session at which crisis 1178  
response services are rendered by a critical incident stress 1179  
management team member during or after a crisis or disaster. 1180

(L) (1) Subject to division (L) (2) of this section and 1181  
except as provided in division (L) (3) of this section, an 1182  
employee assistance professional, concerning a communication 1183  
made to the employee assistance professional by a client in the 1184  
employee assistance professional's official capacity as an 1185  
employee assistance professional. 1186

(2) Division (L) (1) of this section applies to an employee 1187  
assistance professional who meets either or both of the 1188  
following requirements: 1189

(a) Is certified by the employee assistance certification 1190  
commission to engage in the employee assistance profession; 1191

(b) Has education, training, and experience in all of the 1192  
following: 1193

(i) Providing workplace-based services designed to address 1194  
employer and employee productivity issues; 1195

(ii) Providing assistance to employees and employees' 1196  
dependents in identifying and finding the means to resolve 1197  
personal problems that affect the employees or the employees' 1198  
performance; 1199

(iii) Identifying and resolving productivity problems 1200  
associated with an employee's concerns about any of the 1201  
following matters: health, marriage, family, finances, substance 1202  
abuse or other addiction, workplace, law, and emotional issues; 1203

(iv) Selecting and evaluating available community 1204

resources; 1205

(v) Making appropriate referrals; 1206

(vi) Local and national employee assistance agreements; 1207

(vii) Client confidentiality. 1208

(3) Division (L) (1) of this section does not apply to any 1209  
of the following: 1210

(a) A criminal action or proceeding involving an offense 1211  
under sections 2903.01 to 2903.06 of the Revised Code if the 1212  
employee assistance professional's disclosure or testimony 1213  
relates directly to the facts or immediate circumstances of the 1214  
offense; 1215

(b) A communication made by a client to an employee 1216  
assistance professional that reveals the contemplation or 1217  
commission of a crime or serious, harmful act; 1218

(c) A communication that is made by a client who is an 1219  
unemancipated minor or an adult adjudicated to be incompetent 1220  
and indicates that the client was the victim of a crime or 1221  
abuse; 1222

(d) A civil proceeding to determine an individual's mental 1223  
competency or a criminal action in which a plea of not guilty by 1224  
reason of insanity is entered; 1225

(e) A civil or criminal malpractice action brought against 1226  
the employee assistance professional; 1227

(f) When the employee assistance professional has the 1228  
express consent of the client or, if the client is deceased or 1229  
disabled, the client's legal representative; 1230

(g) When the testimonial privilege otherwise provided by 1231

division (L) (1) of this section is abrogated under law. 1232

(M) (1) Subject to division (M) (2) of this section and 1233  
except as provided in division (M) (3) of this section, a 1234  
qualified advocate, in any civil, criminal, administrative, or 1235  
education discipline proceeding, concerning either of the 1236  
following: 1237

(a) A confidential communication made by a victim to a 1238  
qualified advocate or by a qualified advocate to a victim in the 1239  
course of safety planning, counseling, support, or advocacy 1240  
services provided by the qualified advocate to the victim and 1241  
related to the domestic violence, human trafficking, menacing by 1242  
stalking, or sexual violence for which the victim sought those 1243  
services; 1244

(b) A record created or maintained in the course of the 1245  
qualified advocate providing safety planning, counseling, 1246  
support, or advocacy services regarding the victim and related 1247  
to the domestic violence, human trafficking, menacing by 1248  
stalking, or sexual violence for which the victim sought those 1249  
services. 1250

(2) If the victim voluntarily reveals the substance of any 1251  
qualified advocate-victim communication in a nonprivileged 1252  
context or is considered by division (A) (5) (b) of section 1253  
2151.421 of the Revised Code to have waived any testimonial 1254  
privilege under division (M) (1) of this section, the qualified 1255  
advocate may be compelled to testify on the same subject in any 1256  
proceeding described in division (M) (1) of this section. 1257

(3) The testimonial privilege established under division 1258  
(M) (1) of this section does not apply concerning any of the 1259  
following: 1260

(a) A confidential communication between a qualified 1261  
advocate and a victim in a civil, criminal, administrative, or 1262  
education discipline action or proceeding brought against the 1263  
qualified advocate or the qualified victim services program of 1264  
which the qualified advocate is an employee or volunteer by the 1265  
victim or by any other person in relation to the safety 1266  
planning, counseling, support, or advocacy services provided to 1267  
the victim, if the confidential communication is relevant to the 1268  
defense of the qualified advocate or qualified victim services 1269  
program; 1270

(b) A disclosure of aggregate, nonpersonally identifiable 1271  
data. 1272

(4) As used in division (M) of this section: 1273

(a) "Aggregate, nonpersonally identifiable data" means all 1274  
data from or through which the person to whom the data pertains 1275  
cannot be identified. 1276

(b) "Confidential communication" means any written or oral 1277  
communication that is intended for the purpose of furthering the 1278  
interest of the victim in the course of safety planning, 1279  
counseling, support, or advocacy services and is not intended 1280  
for further disclosure to another person except any of the 1281  
following: 1282

(i) Any person who is present at the time the 1283  
communication is made and is present in order to further the 1284  
interest of the victim in the course of seeking safety planning, 1285  
counseling, support, or advocacy services; 1286

(ii) Any person who is reasonably necessary for the 1287  
transmission of the communication; 1288

(iii) Any other persons in the context of group 1289

counseling; 1290

(iv) Any person to whom disclosure is reasonably necessary 1291  
to accomplish a purpose for which the victim consulted the 1292  
qualified advocate and to whom information is disclosed pursuant 1293  
to a voluntary and knowing written informed consent given by the 1294  
victim to the qualified advocate. 1295

(c) "Domestic violence" means any of the following: 1296

(i) Any conduct that is described in division (A)(1)(a) of 1297  
section 3113.31 of the Revised Code; 1298

(ii) Any conduct that is prohibited in an existing or 1299  
former municipal ordinance or law of this state, any other 1300  
state, or the United States and that is or was substantially 1301  
equivalent to any conduct described in division (M)(4)(c)(i) of 1302  
this section. 1303

(d) "Human trafficking" means any of the following: 1304

(i) Any conduct that is described in division (A) of 1305  
section 2905.32 of the Revised Code; 1306

(ii) Any conduct that is prohibited in an existing or 1307  
former municipal ordinance or law of this state, any other 1308  
state, or the United States and that is or was substantially 1309  
equivalent to any conduct described in division (M)(4)(d)(i) of 1310  
this section. 1311

(e) "Menacing by stalking" means any of the following: 1312

(i) Any conduct that is described in division (A) of 1313  
section 2903.211 of the Revised Code; 1314

(ii) Any conduct that is described in division (A) of 1315  
section 2903.22 of the Revised Code; 1316

(iii) Any conduct that is prohibited in an existing or 1317  
former municipal ordinance or law of this state, any other 1318  
state, or the United States and that is or was substantially 1319  
equivalent to any conduct described in division (M) (4) (e) (i) or 1320  
(ii) of this section. 1321

(f) (i) "Qualified advocate" means any person who has 1322  
completed at least forty hours of training in advocacy for 1323  
victims of domestic violence, human trafficking, menacing by 1324  
stalking, or sexual violence, or has registered for such a 1325  
training program and is under the supervision of a qualified 1326  
advocate and who is an employee or volunteer of a qualified 1327  
victim services program. 1328

(ii) The term "qualified," as used in division (M) (4) (f) 1329  
(i) of this section, pertains exclusively to the advocacy 1330  
requirements of this section, and does not apply to the 1331  
definitions of "victim advocate" in any other section of the 1332  
Revised Code. 1333

(g) "Qualified victim services program" means either of 1334  
the following: 1335

(i) A nongovernmental, nonprofit, community-based program 1336  
that receives moneys administered by a local, state, or federal 1337  
government agency; offers safety planning, counseling, support, 1338  
or advocacy services to victims of domestic violence, human 1339  
trafficking, menacing by stalking, or sexual violence; and 1340  
adheres to the standards set forth by the federally recognized 1341  
state sexual violence or state domestic violence coalitions; 1342

(ii) A rape crisis program. 1343

(h) "Rape crisis program" has the same meaning as in 1344  
division (A) (1) (a) or (c) of section 109.921 of the Revised 1345

Code. 1346

(i) "Sexual violence" means any of the following: 1347

(i) Any conduct that would be a violation of any 1348  
prohibition in Chapter 2907. of the Revised Code; 1349

(ii) Any conduct that would constitute a sexually oriented 1350  
offense as defined in section 2950.01 of the Revised Code; 1351

(iii) Any conduct that is prohibited in an existing or 1352  
former municipal ordinance or law of this state, any other 1353  
state, or the United States and that is or was substantially 1354  
equivalent to any conduct described in division (M)(4)(i) or 1355  
(ii) of this section. 1356

(j) "Victim" means a person who seeks safety planning, 1357  
counseling, support, or advocacy services at a qualified victim 1358  
services program if those services are related to domestic 1359  
violence, human trafficking, menacing by stalking, or sexual 1360  
violence against the person. 1361

**Sec. 2921.22.** (A) (1) Except as provided in division (A) (2) 1362  
of this section, no person, knowing that a felony has been or is 1363  
being committed, shall knowingly fail to report such information 1364  
to law enforcement authorities. 1365

(2) No person, knowing that a violation of division (B) of 1366  
section 2913.04 of the Revised Code has been, or is being 1367  
committed or that the person has received information derived 1368  
from such a violation, shall knowingly fail to report the 1369  
violation to law enforcement authorities. 1370

(B) Except for conditions that are within the scope of 1371  
division (E) of this section, no person giving aid to a sick or 1372  
injured person shall negligently fail to report to law 1373

enforcement authorities any gunshot or stab wound treated or 1374  
observed by the person, or any serious physical harm to persons 1375  
that the person knows or has reasonable cause to believe 1376  
resulted from an offense of violence. 1377

(C) No person who discovers the body or acquires the first 1378  
knowledge of the death of a person shall fail to report the 1379  
death immediately to a physician or advanced practice registered 1380  
nurse whom the person knows to be treating the deceased for a 1381  
condition from which death at such time would not be unexpected, 1382  
or to a law enforcement officer, an ambulance service, an 1383  
emergency squad, or the coroner in a political subdivision in 1384  
which the body is discovered, the death is believed to have 1385  
occurred, or knowledge concerning the death is obtained. For 1386  
purposes of this division, "advanced practice registered nurse" 1387  
does not include a certified registered nurse anesthetist. 1388

(D) No person shall fail to provide upon request of the 1389  
person to whom a report required by division (C) of this section 1390  
was made, or to any law enforcement officer who has reasonable 1391  
cause to assert the authority to investigate the circumstances 1392  
surrounding the death, any facts within the person's knowledge 1393  
that may have a bearing on the investigation of the death. 1394

(E) (1) As used in this division, "burn injury" means any 1395  
of the following: 1396

(a) Second or third degree burns; 1397

(b) Any burns to the upper respiratory tract or laryngeal 1398  
edema due to the inhalation of superheated air; 1399

(c) Any burn injury or wound that may result in death; 1400

(d) Any physical harm to persons caused by or as the 1401  
result of the use of fireworks, novelties and trick noisemakers, 1402



and wire sparklers, as each is defined by section 3743.01 of the Revised Code.

(2) No physician, nurse, physician assistant, or limited practitioner who, outside a hospital, sanitarium, or other medical facility, attends or treats a person who has sustained a burn injury that is inflicted by an explosion or other incendiary device or that shows evidence of having been inflicted in a violent, malicious, or criminal manner shall fail to report the burn injury immediately to the local arson, or fire and explosion investigation, bureau, if there is a bureau of this type in the jurisdiction in which the person is attended or treated, or otherwise to local law enforcement authorities.

(3) No manager, superintendent, or other person in charge of a hospital, sanitarium, or other medical facility in which a person is attended or treated for any burn injury that is inflicted by an explosion or other incendiary device or that shows evidence of having been inflicted in a violent, malicious, or criminal manner shall fail to report the burn injury immediately to the local arson, or fire and explosion investigation, bureau, if there is a bureau of this type in the jurisdiction in which the person is attended or treated, or otherwise to local law enforcement authorities.

(4) No person who is required to report any burn injury under division (E) (2) or (3) of this section shall fail to file, within three working days after attending or treating the victim, a written report of the burn injury with the office of the state fire marshal. The report shall comply with the uniform standard developed by the state fire marshal pursuant to division (A) (15) of section 3737.22 of the Revised Code.

(5) Anyone participating in the making of reports under

division (E) of this section or anyone participating in a 1433  
judicial proceeding resulting from the reports is immune from 1434  
any civil or criminal liability that otherwise might be incurred 1435  
or imposed as a result of such actions. Notwithstanding section 1436  
4731.22 of the Revised Code, the physician-patient relationship 1437  
or advanced practice registered nurse-patient relationship is 1438  
not a ground for excluding evidence regarding a person's burn 1439  
injury or the cause of the burn injury in any judicial 1440  
proceeding resulting from a report submitted under division (E) 1441  
of this section. 1442

(F) (1) Any doctor of medicine or osteopathic medicine, 1443  
hospital intern or resident, nurse, psychologist, social worker, 1444  
independent social worker, social work assistant, licensed 1445  
professional clinical counselor, licensed professional 1446  
counselor, independent marriage and family therapist, or 1447  
marriage and family therapist who knows or has reasonable cause 1448  
to believe that a patient or client has been the victim of 1449  
domestic violence, as defined in section 3113.31 of the Revised 1450  
Code, shall note that knowledge or belief and the basis for it 1451  
in the patient's or client's records. 1452

(2) Notwithstanding section 4731.22 of the Revised Code, 1453  
the physician-patient privilege or advanced practice registered 1454  
nurse-patient privilege shall not be a ground for excluding any 1455  
information regarding the report containing the knowledge or 1456  
belief noted under division (F) (1) of this section, and the 1457  
information may be admitted as evidence in accordance with the 1458  
Rules of Evidence. 1459

(G) Divisions (A) and (D) of this section do not require 1460  
disclosure of information, when any of the following applies: 1461

(1) The information is privileged by reason of the 1462

relationship between attorney and client; physician and patient; 1463  
advanced practice registered nurse and patient; licensed 1464  
psychologist or licensed school psychologist and client; 1465  
licensed professional clinical counselor, licensed professional 1466  
counselor, independent social worker, social worker, independent 1467  
marriage and family therapist, or marriage and family therapist 1468  
and client; member of the clergy, rabbi, minister, or priest and 1469  
any person communicating information confidentially to the 1470  
member of the clergy, rabbi, minister, or priest for a religious 1471  
counseling purpose of a professional character; husband and 1472  
wife; ~~or~~ a communications assistant and those who are a party to 1473  
a telecommunications relay service call; or a qualified advocate 1474  
and a victim of domestic violence, human trafficking, menacing 1475  
by stalking, or sexual violence. 1476

(2) The information would tend to incriminate a member of 1477  
the actor's immediate family. 1478

(3) Disclosure of the information would amount to 1479  
revealing a news source, privileged under section 2739.04 or 1480  
2739.12 of the Revised Code. 1481

(4) Disclosure of the information would amount to 1482  
disclosure by a member of the ordained clergy of an organized 1483  
religious body of a confidential communication made to that 1484  
member of the clergy in that member's capacity as a member of 1485  
the clergy by a person seeking the aid or counsel of that member 1486  
of the clergy. 1487

(5) Disclosure would amount to revealing information 1488  
acquired by the actor in the course of the actor's duties in 1489  
connection with a bona fide program of treatment or services for 1490  
drug dependent persons or persons in danger of drug dependence, 1491  
which program is maintained or conducted by a hospital, clinic, 1492

person, agency, or community addiction services provider whose 1493  
alcohol and drug addiction services are certified pursuant to 1494  
section 5119.36 of the Revised Code. 1495

(6) Disclosure would amount to revealing information 1496  
acquired by the actor in the course of the actor's duties in 1497  
connection with a bona fide program for providing counseling 1498  
services to victims of crimes that are violations of section 1499  
2907.02 or 2907.05 of the Revised Code or to victims of 1500  
felonious sexual penetration in violation of former section 1501  
2907.12 of the Revised Code. As used in this division, 1502  
"counseling services" include services provided in an informal 1503  
setting by a person who, by education or experience, is 1504  
competent to provide those services. 1505

(7) (a) Disclosure would amount to revealing information 1506  
acquired by the actor in the course of the actor's duties in a 1507  
designated victim advocacy office, women's center, health 1508  
center, or other program to which all of the following apply: 1509

(i) The office, center, or program provides safety 1510  
planning, counseling, support, or advocacy services to victims 1511  
of domestic violence, human trafficking, menacing by stalking, 1512  
or sexual violence. 1513

(ii) The office, center, or program employs or otherwise 1514  
engages one or more qualified advocates. 1515

(iii) The office, center, or program has a memorandum of 1516  
understanding with a qualified victim services program. 1517

(b) As used in divisions (G) (1) and (7) of this section: 1518

(i) "Domestic violence," "human trafficking," "menacing by 1519  
stalking," "qualified victim services program," "sexual 1520  
violence," and "victim" have the same meanings as in division 1521

(M) of section 2317.02 of the Revised Code. 1522

(ii) "Qualified advocate" means any person who has 1523  
completed at least forty hours of training in advocacy for 1524  
victims of domestic violence, human trafficking, menacing by 1525  
stalking, or sexual violence, and who is an employee or 1526  
volunteer of a designated victim advocacy office, women's 1527  
center, health center, or other program described in division 1528  
(G) (7) (a) of this section. 1529

(H) No disclosure of information pursuant to this section 1530  
gives rise to any liability or recrimination for a breach of 1531  
privilege or confidence. 1532

(I) Whoever violates division (A) or (B) of this section 1533  
is guilty of failure to report a crime. Violation of division 1534  
(A) (1) of this section is a misdemeanor of the fourth degree. 1535  
Violation of division (A) (2) or (B) of this section is a 1536  
misdemeanor of the second degree. 1537

(J) Whoever violates division (C) or (D) of this section 1538  
is guilty of failure to report knowledge of a death, a 1539  
misdemeanor of the fourth degree. 1540

(K) (1) Whoever negligently violates division (E) of this 1541  
section is guilty of a minor misdemeanor. 1542

(2) Whoever knowingly violates division (E) of this 1543  
section is guilty of a misdemeanor of the second degree. 1544

(L) As used in this section, "nurse" includes an advanced 1545  
practice registered nurse, registered nurse, and licensed 1546  
practical nurse. 1547

**Section 2.** That existing sections 2151.421, 2317.02, and 1548  
2921.22 of the Revised Code are hereby repealed. 1549

**Section 3.** Section 2921.22 of the Revised Code is 1550  
presented in this act as a composite of the section as amended 1551  
by both Sub. H.B. 216 and Sub. S.B. 319 of the 131st General 1552  
Assembly. The General Assembly, applying the principle stated in 1553  
division (B) of section 1.52 of the Revised Code that amendments 1554  
are to be harmonized if reasonably capable of simultaneous 1555  
operation, finds that the composite is the resulting version of 1556  
the section in effect prior to the effective date of the section 1557  
as presented in this act. 1558