

**As Passed by the Senate**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**Sub. H. B. No. 33**

**Representatives Lanese, Carruthers**

**Cosponsors: Representatives Riedel, LaTourette, Carfagna, Lang, Plummer, Leland, Crossman, Galonski, Rogers, Smith, T., West, Abrams, Baldrige, Clites, Cupp, Cutrona, Edwards, Fraizer, Greenspan, Grendell, Hicks-Hudson, Hoops, LaRe, Liston, Miller, J., O'Brien, Patterson, Perales, Robinson, Roemer, Russo, Sheehy, Stein, Stephens, Weinstein**

**Senators Antonio, Blessing, Burke, Coley, Craig, Eklund, Fedor, Gavarone, Hackett, Hoagland, Huffman, M., Huffman, S., Johnson, Kunze, Lehner, McColley, Obhof, O'Brien, Peterson, Roegner, Rulli, Sykes, Thomas, Yuko**

---

**A BILL**

To amend sections 959.99, 2151.421, 4741.22, and 1  
4757.36 and to enact sections 959.07, 959.08, 2  
959.09, 959.10, and 5101.93 of the Revised Code 3  
to establish animal abuse reporting 4  
requirements. 5

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

**Section 1.** That sections 959.99, 2151.421, 4741.22, and 6  
4757.36 be amended and sections 959.07, 959.08, 959.09, 959.10, 7  
and 5101.93 of the Revised Code be enacted to read as follows: 8

**Sec. 959.07.** (A) As used in sections 959.07 to 959.10 of 9  
the Revised Code: 10

(1) "Companion animal" has the same meaning as in section 11  
959.131 of the Revised Code. 12

(2) "Licensed veterinarian" has the same meaning as in 13  
section 4741.01 of the Revised Code. 14

(3) "Protective services" has the same meaning as in 15  
section 5101.60 of the Revised Code. 16

(4) "Officer" has the same meaning as in section 959.132 17  
of the Revised Code. 18

(5) "Social service professional" means an employee or 19  
agent of a public children services agency or an employee or 20  
agent of a county department of job and family services with 21  
responsibility for protective services. 22

(6) "Older adult" means any person sixty years of age or 23  
older within this state who is handicapped by the infirmities of 24  
aging or who has a physical or mental impairment which prevents 25  
the person from providing for the person's own care or 26  
protection, and who resides in an independent living 27  
arrangement. 28

(7) "Violation involving a companion animal" means any 29  
violation of section 959.01, 959.02, 959.03, 959.13, 959.131, 30  
959.15, 959.16, or 959.21 of the Revised Code involving a 31  
companion animal. 32

(B) (1) No person listed in division (B) (2) of this section 33  
shall fail to immediately report a violation involving a 34  
companion animal to an officer who is not a dog warden or deputy 35  
dog warden when that person has knowledge or reasonable cause to 36  
suspect that such a violation has occurred or is occurring. 37

(2) Division (B) (1) of this section applies to all of the 38  
following operating in an official or professional capacity: 39

(a) A licensed veterinarian; 40

(b) A social service professional;

41

(c) A person licensed under Chapter 4757. of the Revised  
Code.

42

43

**Sec. 959.08.** No officer, dog warden, or deputy dog warden  
operating in an official or professional capacity, shall fail to  
immediately report a violation involving a companion animal to  
an appropriate social service professional when all of the  
following apply:

44

45

46

47

48

(A) The officer, dog warden, or deputy dog warden has  
knowledge or reasonable cause to suspect that a violation  
involving a companion animal has occurred or is occurring;

49

50

51

(B) The officer, dog warden, or deputy dog warden has  
knowledge or reasonable cause to suspect that a child or older  
adult resides with the alleged violator;

52

53

54

(C) The officer, dog warden, or deputy dog warden suspects  
that the violation involving a companion animal may have an  
impact on the child or older adult residing with the alleged  
violator.

55

56

57

58

**Sec. 959.09.** (A) (1) Except as otherwise provided in  
division (A) (2) of this section, a person required to make a  
report under section 959.07 or 959.08 of the Revised Code may do  
so orally or in writing and shall include all of the following  
in the report:

59

60

61

62

63

(a) If known, the name and description of the companion  
animal involved;

64

65

(b) The address and telephone number of the owner or other  
person responsible for care of the companion animal, if known;

66

67

(c) The nature and extent of the suspected abuse;

68

(d) Any other information that the person making the 69  
report believes may be useful in establishing the existence of 70  
the suspected violation involving a companion animal or the 71  
identity of the person causing the violation involving a 72  
companion animal. 73

(2) An officer, dog warden, or deputy dog warden required 74  
to make a report under section 959.08 of the Revised Code may 75  
exclude any information from the report that is confidential or 76  
that the officer, dog warden, or deputy dog warden reasonably 77  
believes could jeopardize a pending criminal investigation. 78

(B) A person required to make a report under section 79  
959.07 or 959.08 of the Revised Code is immune from civil or 80  
criminal liability in connection with making that report if the 81  
person acted in good faith when making the report. 82

(C) No person required to make a report under section 83  
959.07 or 959.08 of the Revised Code shall knowingly make a 84  
false report. 85

(D) (1) A court shall award reasonable attorney's fees and 86  
costs to the prevailing party in any civil or criminal action or 87  
proceeding in which it is alleged and proved that participation 88  
in the making of a report under section 959.07 or 959.08 of the 89  
Revised Code was not in good faith. 90

(2) A court may award reasonable attorney's fees and costs 91  
to the party against whom a civil action or proceeding is 92  
brought in which it is alleged that participation in the making 93  
of a report under section 959.07 or 959.08 of the Revised Code 94  
was not in good faith if the action or proceeding is voluntarily 95  
dismissed. 96

Sec. 959.10. The entity with responsibility for employment 97

oversight of an officer, dog warden, or deputy dog warden shall 98  
issue that individual a confidential written warning if the 99  
entity discovers that the individual has violated section 959.08 100  
of the Revised Code. The entity shall include in the warning an 101  
explanation of the violation and the reporting requirement. 102

**Sec. 959.99.** (A) Whoever violates section 959.18 or 959.19 103  
of the Revised Code is guilty of a minor misdemeanor. 104

(B) Except as otherwise provided in this division, whoever 105  
violates section 959.02 of the Revised Code is guilty of a 106  
misdemeanor of the second degree. If the value of the animal 107  
killed or the injury done amounts to three hundred dollars or 108  
more, whoever violates section 959.02 of the Revised Code is 109  
guilty of a misdemeanor of the first degree. 110

(C) Whoever violates section 959.03, 959.06, division (C) 111  
of section 959.09, 959.12, or 959.17 or division (A) of section 112  
959.15 of the Revised Code is guilty of a misdemeanor of the 113  
fourth degree. 114

(D) Whoever violates division (A) of section 959.13 or 115  
section 959.21 of the Revised Code is guilty of a misdemeanor of 116  
the second degree. In addition, the court may order the offender 117  
to forfeit the animal or livestock and may provide for its 118  
disposition, including, but not limited to, the sale of the 119  
animal or livestock. If an animal or livestock is forfeited and 120  
sold pursuant to this division, the proceeds from the sale first 121  
shall be applied to pay the expenses incurred with regard to the 122  
care of the animal from the time it was taken from the custody 123  
of the former owner. The balance of the proceeds from the sale, 124  
if any, shall be paid to the former owner of the animal. 125

(E) (1) Whoever violates division (B) of section 959.131 of 126

the Revised Code is guilty of a misdemeanor of the first degree 127  
on a first offense and a felony of the fifth degree on each 128  
subsequent offense. 129

(2) Whoever violates division (C) of section 959.131 of 130  
the Revised Code is guilty of a felony of the fifth degree. 131

(3) Whoever violates section 959.01 of the Revised Code or 132  
division (D) of section 959.131 of the Revised Code is guilty of 133  
a misdemeanor of the second degree on a first offense and a 134  
misdemeanor of the first degree on each subsequent offense. 135

(4) Whoever violates division (E) of section 959.131 of 136  
the Revised Code is guilty of a felony of the fifth degree. 137

(5) Whoever violates division (F) of section 959.131 of 138  
the Revised Code is guilty of a misdemeanor of the first degree. 139

(6) (a) A court may order a person who is convicted of or 140  
pleads guilty to a violation of section 959.131 of the Revised 141  
Code to forfeit to an impounding agency, as defined in section 142  
959.132 of the Revised Code, any or all of the companion animals 143  
in that person's ownership or care. The court also may prohibit 144  
or place limitations on the person's ability to own or care for 145  
any companion animals for a specified or indefinite period of 146  
time. 147

(b) A court may order a person who is convicted of or 148  
pleads guilty to a violation of section 959.131 of the Revised 149  
Code to reimburse an impounding agency for the reasonably 150  
necessary costs incurred by the agency for the care of a 151  
companion animal that the agency impounded as a result of the 152  
investigation or prosecution of the violation, provided that the 153  
costs were not otherwise paid under section 959.132 of the 154  
Revised Code. 155

(7) If a court has reason to believe that a person who is 156  
convicted of or pleads guilty to a violation of section 959.131 157  
or 959.21 of the Revised Code suffers from a mental or emotional 158  
disorder that contributed to the violation, the court may impose 159  
as a community control sanction or as a condition of probation a 160  
requirement that the offender undergo psychological evaluation 161  
or counseling. The court shall order the offender to pay the 162  
costs of the evaluation or counseling. 163

(F) Whoever violates section 959.14 of the Revised Code is 164  
guilty of a misdemeanor of the second degree on a first offense 165  
and a misdemeanor of the first degree on each subsequent 166  
offense. 167

(G) Whoever violates section 959.05 or 959.20 of the 168  
Revised Code is guilty of a misdemeanor of the first degree. 169

(H) Whoever violates section 959.16 of the Revised Code is 170  
guilty of a felony of the fourth degree for a first offense and 171  
a felony of the third degree on each subsequent offense. 172

(I) Whoever violates division (B) or (C) of section 959.15 173  
of the Revised Code is guilty of a felony and shall be fined not 174  
more than ten thousand dollars. 175

**Sec. 2151.421.** (A) (1) (a) No person described in division 176  
(A) (1) (b) of this section who is acting in an official or 177  
professional capacity and knows, or has reasonable cause to 178  
suspect based on facts that would cause a reasonable person in a 179  
similar position to suspect, that a child under eighteen years 180  
of age, or a person under twenty-one years of age with a 181  
developmental disability or physical impairment, has suffered or 182  
faces a threat of suffering any physical or mental wound, 183  
injury, disability, or condition of a nature that reasonably 184

indicates abuse or neglect of the child shall fail to 185  
immediately report that knowledge or reasonable cause to suspect 186  
to the entity or persons specified in this division. Except as 187  
otherwise provided in this division or section 5120.173 of the 188  
Revised Code, the person making the report shall make it to the 189  
public children services agency or a peace officer in the county 190  
in which the child resides or in which the abuse or neglect is 191  
occurring or has occurred. If the person making the report is a 192  
peace officer, the officer shall make it to the public children 193  
services agency in the county in which the child resides or in 194  
which the abuse or neglect is occurring or has occurred. In the 195  
circumstances described in section 5120.173 of the Revised Code, 196  
the person making the report shall make it to the entity 197  
specified in that section. 198

(b) Division (A)(1)(a) of this section applies to any 199  
person who is an attorney; health care professional; 200  
practitioner of a limited branch of medicine as specified in 201  
section 4731.15 of the Revised Code; licensed school 202  
psychologist; independent marriage and family therapist or 203  
marriage and family therapist; coroner; administrator or 204  
employee of a child day-care center; administrator or employee 205  
of a residential camp, child day camp, or private, nonprofit 206  
therapeutic wilderness camp; administrator or employee of a 207  
certified child care agency or other public or private children 208  
services agency; school teacher; school employee; school 209  
authority; peace officer; agent of a county humane society; dog 210  
warden, deputy dog warden, or other person appointed to act as 211  
an animal control officer for a municipal corporation or 212  
township in accordance with state law, an ordinance, or a 213  
resolution; person, other than a cleric, rendering spiritual 214  
treatment through prayer in accordance with the tenets of a 215



well-recognized religion; employee of a county department of job 216  
and family services who is a professional and who works with 217  
children and families; superintendent or regional administrator 218  
employed by the department of youth services; superintendent, 219  
board member, or employee of a county board of developmental 220  
disabilities; investigative agent contracted with by a county 221  
board of developmental disabilities; employee of the department 222  
of developmental disabilities; employee of a facility or home 223  
that provides respite care in accordance with section 5123.171 224  
of the Revised Code; employee of an entity that provides 225  
homemaker services; a person performing the duties of an 226  
assessor pursuant to Chapter 3107. or 5103. of the Revised Code; 227  
third party employed by a public children services agency to 228  
assist in providing child or family related services; court 229  
appointed special advocate; or guardian ad litem. 230

(c) If two or more health care professionals, after 231  
providing health care services to a child, determine or suspect 232  
that the child has been or is being abused or neglected, the 233  
health care professionals may designate one of the health care 234  
professionals to report the abuse or neglect. A single report 235  
made under this division shall meet the reporting requirements 236  
of division (A)(1) of this section. 237

(2) Except as provided in division (A)(3) of this section, 238  
an attorney or a physician is not required to make a report 239  
pursuant to division (A)(1) of this section concerning any 240  
communication the attorney or physician receives from a client 241  
or patient in an attorney-client or physician-patient 242  
relationship, if, in accordance with division (A) or (B) of 243  
section 2317.02 of the Revised Code, the attorney or physician 244  
could not testify with respect to that communication in a civil 245  
or criminal proceeding. 246

(3) The client or patient in an attorney-client or 247  
physician-patient relationship described in division (A) (2) of 248  
this section is deemed to have waived any testimonial privilege 249  
under division (A) or (B) of section 2317.02 of the Revised Code 250  
with respect to any communication the attorney or physician 251  
receives from the client or patient in that attorney-client or 252  
physician-patient relationship, and the attorney or physician 253  
shall make a report pursuant to division (A) (1) of this section 254  
with respect to that communication, if all of the following 255  
apply: 256

(a) The client or patient, at the time of the 257  
communication, is a child under eighteen years of age or is a 258  
person under twenty-one years of age with a developmental 259  
disability or physical impairment. 260

(b) The attorney or physician knows, or has reasonable 261  
cause to suspect based on facts that would cause a reasonable 262  
person in similar position to suspect that the client or patient 263  
has suffered or faces a threat of suffering any physical or 264  
mental wound, injury, disability, or condition of a nature that 265  
reasonably indicates abuse or neglect of the client or patient. 266

(c) The abuse or neglect does not arise out of the 267  
client's or patient's attempt to have an abortion without the 268  
notification of her parents, guardian, or custodian in 269  
accordance with section 2151.85 of the Revised Code. 270

(4) (a) No cleric and no person, other than a volunteer, 271  
designated by any church, religious society, or faith acting as 272  
a leader, official, or delegate on behalf of the church, 273  
religious society, or faith who is acting in an official or 274  
professional capacity, who knows, or has reasonable cause to 275  
believe based on facts that would cause a reasonable person in a 276

similar position to believe, that a child under eighteen years 277  
of age, or a person under twenty-one years of age with a 278  
developmental disability or physical impairment, has suffered or 279  
faces a threat of suffering any physical or mental wound, 280  
injury, disability, or condition of a nature that reasonably 281  
indicates abuse or neglect of the child, and who knows, or has 282  
reasonable cause to believe based on facts that would cause a 283  
reasonable person in a similar position to believe, that another 284  
cleric or another person, other than a volunteer, designated by 285  
a church, religious society, or faith acting as a leader, 286  
official, or delegate on behalf of the church, religious 287  
society, or faith caused, or poses the threat of causing, the 288  
wound, injury, disability, or condition that reasonably 289  
indicates abuse or neglect shall fail to immediately report that 290  
knowledge or reasonable cause to believe to the entity or 291  
persons specified in this division. Except as provided in 292  
section 5120.173 of the Revised Code, the person making the 293  
report shall make it to the public children services agency or a 294  
peace officer in the county in which the child resides or in 295  
which the abuse or neglect is occurring or has occurred. In the 296  
circumstances described in section 5120.173 of the Revised Code, 297  
the person making the report shall make it to the entity 298  
specified in that section. 299

(b) Except as provided in division (A) (4) (c) of this 300  
section, a cleric is not required to make a report pursuant to 301  
division (A) (4) (a) of this section concerning any communication 302  
the cleric receives from a penitent in a cleric-penitent 303  
relationship, if, in accordance with division (C) of section 304  
2317.02 of the Revised Code, the cleric could not testify with 305  
respect to that communication in a civil or criminal proceeding. 306

(c) The penitent in a cleric-penitent relationship 307

described in division (A) (4) (b) of this section is deemed to 308  
have waived any testimonial privilege under division (C) of 309  
section 2317.02 of the Revised Code with respect to any 310  
communication the cleric receives from the penitent in that 311  
cleric-penitent relationship, and the cleric shall make a report 312  
pursuant to division (A) (4) (a) of this section with respect to 313  
that communication, if all of the following apply: 314

(i) The penitent, at the time of the communication, is a 315  
child under eighteen years of age or is a person under twenty- 316  
one years of age with a developmental disability or physical 317  
impairment. 318

(ii) The cleric knows, or has reasonable cause to believe 319  
based on facts that would cause a reasonable person in a similar 320  
position to believe, as a result of the communication or any 321  
observations made during that communication, the penitent has 322  
suffered or faces a threat of suffering any physical or mental 323  
wound, injury, disability, or condition of a nature that 324  
reasonably indicates abuse or neglect of the penitent. 325

(iii) The abuse or neglect does not arise out of the 326  
penitent's attempt to have an abortion performed upon a child 327  
under eighteen years of age or upon a person under twenty-one 328  
years of age with a developmental disability or physical 329  
impairment without the notification of her parents, guardian, or 330  
custodian in accordance with section 2151.85 of the Revised 331  
Code. 332

(d) Divisions (A) (4) (a) and (c) of this section do not 333  
apply in a cleric-penitent relationship when the disclosure of 334  
any communication the cleric receives from the penitent is in 335  
violation of the sacred trust. 336

(e) As used in divisions (A) (1) and (4) of this section, 337  
"cleric" and "sacred trust" have the same meanings as in section 338  
2317.02 of the Revised Code. 339

(B) Anyone who knows, or has reasonable cause to suspect 340  
based on facts that would cause a reasonable person in similar 341  
circumstances to suspect, that a child under eighteen years of 342  
age, or a person under twenty-one years of age with a 343  
developmental disability or physical impairment, has suffered or 344  
faces a threat of suffering any physical or mental wound, 345  
injury, disability, or other condition of a nature that 346  
reasonably indicates abuse or neglect of the child may report or 347  
cause reports to be made of that knowledge or reasonable cause 348  
to suspect to the entity or persons specified in this division. 349  
Except as provided in section 5120.173 of the Revised Code, a 350  
person making a report or causing a report to be made under this 351  
division shall make it or cause it to be made to the public 352  
children services agency or to a peace officer. In the 353  
circumstances described in section 5120.173 of the Revised Code, 354  
a person making a report or causing a report to be made under 355  
this division shall make it or cause it to be made to the entity 356  
specified in that section. 357

(C) Any report made pursuant to division (A) or (B) of 358  
this section shall be made forthwith either by telephone or in 359  
person and shall be followed by a written report, if requested 360  
by the receiving agency or officer. The written report shall 361  
contain: 362

(1) The names and addresses of the child and the child's 363  
parents or the person or persons having custody of the child, if 364  
known; 365

(2) The child's age and the nature and extent of the 366

child's injuries, abuse, or neglect that is known or reasonably 367  
suspected or believed, as applicable, to have occurred or of the 368  
threat of injury, abuse, or neglect that is known or reasonably 369  
suspected or believed, as applicable, to exist, including any 370  
evidence of previous injuries, abuse, or neglect; 371

(3) Any other information, including, but not limited to, 372  
results and reports of any medical examinations, tests, or 373  
procedures performed under division (D) of this section, that 374  
might be helpful in establishing the cause of the injury, abuse, 375  
or neglect that is known or reasonably suspected or believed, as 376  
applicable, to have occurred or of the threat of injury, abuse, 377  
or neglect that is known or reasonably suspected or believed, as 378  
applicable, to exist. 379

(D)(1) Any person, who is required by division (A) of this 380  
section to report child abuse or child neglect that is known or 381  
reasonably suspected or believed to have occurred, may take or 382  
cause to be taken color photographs of areas of trauma visible 383  
on a child and, if medically necessary for the purpose of 384  
diagnosing or treating injuries that are suspected to have 385  
occurred as a result of child abuse or child neglect, perform or 386  
cause to be performed radiological examinations and any other 387  
medical examinations of, and tests or procedures on, the child. 388

(2) The results and any available reports of examinations, 389  
tests, or procedures made under division (D)(1) of this section 390  
shall be included in a report made pursuant to division (A) of 391  
this section. Any additional reports of examinations, tests, or 392  
procedures that become available shall be provided to the public 393  
children services agency, upon request. 394

(3) If a health care professional provides health care 395  
services in a hospital, children's advocacy center, or emergency 396

medical facility to a child about whom a report has been made 397  
under division (A) of this section, the health care professional 398  
may take any steps that are reasonably necessary for the release 399  
or discharge of the child to an appropriate environment. Before 400  
the child's release or discharge, the health care professional 401  
may obtain information, or consider information obtained, from 402  
other entities or individuals that have knowledge about the 403  
child. Nothing in division (D) (3) of this section shall be 404  
construed to alter the responsibilities of any person under 405  
sections 2151.27 and 2151.31 of the Revised Code. 406

(4) A health care professional may conduct medical 407  
examinations, tests, or procedures on the siblings of a child 408  
about whom a report has been made under division (A) of this 409  
section and on other children who reside in the same home as the 410  
child, if the professional determines that the examinations, 411  
tests, or procedures are medically necessary to diagnose or 412  
treat the siblings or other children in order to determine 413  
whether reports under division (A) of this section are warranted 414  
with respect to such siblings or other children. The results of 415  
the examinations, tests, or procedures on the siblings and other 416  
children may be included in a report made pursuant to division 417  
(A) of this section. 418

(5) Medical examinations, tests, or procedures conducted 419  
under divisions (D) (1) and (4) of this section and decisions 420  
regarding the release or discharge of a child under division (D) 421  
(3) of this section do not constitute a law enforcement 422  
investigation or activity. 423

(E) (1) When a peace officer receives a report made 424  
pursuant to division (A) or (B) of this section, upon receipt of 425  
the report, the peace officer who receives the report shall 426

refer the report to the appropriate public children services 427  
agency, unless an arrest is made at the time of the report that 428  
results in the appropriate public children services agency being 429  
contacted concerning the possible abuse or neglect of a child or 430  
the possible threat of abuse or neglect of a child. 431

(2) When a public children services agency receives a 432  
report pursuant to this division or division (A) or (B) of this 433  
section, upon receipt of the report, the public children 434  
services agency shall do both of the following: 435

(a) Comply with section 2151.422 of the Revised Code; 436

(b) If the county served by the agency is also served by a 437  
children's advocacy center and the report alleges sexual abuse 438  
of a child or another type of abuse of a child that is specified 439  
in the memorandum of understanding that creates the center as 440  
being within the center's jurisdiction, comply regarding the 441  
report with the protocol and procedures for referrals and 442  
investigations, with the coordinating activities, and with the 443  
authority or responsibility for performing or providing 444  
functions, activities, and services stipulated in the 445  
interagency agreement entered into under section 2151.428 of the 446  
Revised Code relative to that center. 447

(F) No peace officer shall remove a child about whom a 448  
report is made pursuant to this section from the child's 449  
parents, stepparents, or guardian or any other persons having 450  
custody of the child without consultation with the public 451  
children services agency, unless, in the judgment of the 452  
officer, and, if the report was made by physician, the 453  
physician, immediate removal is considered essential to protect 454  
the child from further abuse or neglect. The agency that must be 455  
consulted shall be the agency conducting the investigation of 456



the report as determined pursuant to section 2151.422 of the 457  
Revised Code. 458

(G) (1) Except as provided in section 2151.422 of the 459  
Revised Code or in an interagency agreement entered into under 460  
section 2151.428 of the Revised Code that applies to the 461  
particular report, the public children services agency shall 462  
investigate, within twenty-four hours, each report of child 463  
abuse or child neglect that is known or reasonably suspected or 464  
believed to have occurred and of a threat of child abuse or 465  
child neglect that is known or reasonably suspected or believed 466  
to exist that is referred to it under this section to determine 467  
the circumstances surrounding the injuries, abuse, or neglect or 468  
the threat of injury, abuse, or neglect, the cause of the 469  
injuries, abuse, neglect, or threat, and the person or persons 470  
responsible. The investigation shall be made in cooperation with 471  
the law enforcement agency and in accordance with the memorandum 472  
of understanding prepared under division (K) of this section. A 473  
representative of the public children services agency shall, at 474  
the time of initial contact with the person subject to the 475  
investigation, inform the person of the specific complaints or 476  
allegations made against the person. The information shall be 477  
given in a manner that is consistent with division (I) (1) of 478  
this section and protects the rights of the person making the 479  
report under this section. 480

A failure to make the investigation in accordance with the 481  
memorandum is not grounds for, and shall not result in, the 482  
dismissal of any charges or complaint arising from the report or 483  
the suppression of any evidence obtained as a result of the 484  
report and does not give, and shall not be construed as giving, 485  
any rights or any grounds for appeal or post-conviction relief 486  
to any person. The public children services agency shall report 487

each case to the uniform statewide automated child welfare 488  
information system that the department of job and family 489  
services shall maintain in accordance with section 5101.13 of 490  
the Revised Code. The public children services agency shall 491  
submit a report of its investigation, in writing, to the law 492  
enforcement agency. 493

(2) The public children services agency shall make any 494  
recommendations to the county prosecuting attorney or city 495  
director of law that it considers necessary to protect any 496  
children that are brought to its attention. 497

(H) (1) (a) Except as provided in divisions (H) (1) (b) and 498  
(I) (3) of this section, any person, health care professional, 499  
hospital, institution, school, health department, or agency 500  
shall be immune from any civil or criminal liability for injury, 501  
death, or loss to person or property that otherwise might be 502  
incurred or imposed as a result of any of the following: 503

(i) Participating in the making of reports pursuant to 504  
division (A) of this section or in the making of reports in good 505  
faith, pursuant to division (B) of this section; 506

(ii) Participating in medical examinations, tests, or 507  
procedures under division (D) of this section; 508

(iii) Providing information used in a report made pursuant 509  
to division (A) of this section or providing information in good 510  
faith used in a report made pursuant to division (B) of this 511  
section; 512

(iv) Participating in a judicial proceeding resulting from 513  
a report made pursuant to division (A) of this section or 514  
participating in good faith in a proceeding resulting from a 515  
report made pursuant to division (B) of this section. 516

(b) Immunity under division (H) (1) (a) (ii) of this section 517  
shall not apply when a health care provider has deviated from 518  
the standard of care applicable to the provider's profession. 519

(c) Notwithstanding section 4731.22 of the Revised Code, 520  
the physician-patient privilege shall not be a ground for 521  
excluding evidence regarding a child's injuries, abuse, or 522  
neglect, or the cause of the injuries, abuse, or neglect in any 523  
judicial proceeding resulting from a report submitted pursuant 524  
to this section. 525

(2) In any civil or criminal action or proceeding in which 526  
it is alleged and proved that participation in the making of a 527  
report under this section was not in good faith or participation 528  
in a judicial proceeding resulting from a report made under this 529  
section was not in good faith, the court shall award the 530  
prevailing party reasonable attorney's fees and costs and, if a 531  
civil action or proceeding is voluntarily dismissed, may award 532  
reasonable attorney's fees and costs to the party against whom 533  
the civil action or proceeding is brought. 534

(I) (1) Except as provided in divisions (I) (4) and (O) of 535  
this section, a report made under this section is confidential. 536  
The information provided in a report made pursuant to this 537  
section and the name of the person who made the report shall not 538  
be released for use, and shall not be used, as evidence in any 539  
civil action or proceeding brought against the person who made 540  
the report. Nothing in this division shall preclude the use of 541  
reports of other incidents of known or suspected abuse or 542  
neglect in a civil action or proceeding brought pursuant to 543  
division (N) of this section against a person who is alleged to 544  
have violated division (A) (1) of this section, provided that any 545  
information in a report that would identify the child who is the 546

subject of the report or the maker of the report, if the maker 547  
of the report is not the defendant or an agent or employee of 548  
the defendant, has been redacted. In a criminal proceeding, the 549  
report is admissible in evidence in accordance with the Rules of 550  
Evidence and is subject to discovery in accordance with the 551  
Rules of Criminal Procedure. 552

(2) (a) Except as provided in division (I) (2) (b) of this 553  
section, no person shall permit or encourage the unauthorized 554  
dissemination of the contents of any report made under this 555  
section. 556

(b) A health care professional that obtains the same 557  
information contained in a report made under this section from a 558  
source other than the report may disseminate the information, if 559  
its dissemination is otherwise permitted by law. 560

(3) A person who knowingly makes or causes another person 561  
to make a false report under division (B) of this section that 562  
alleges that any person has committed an act or omission that 563  
resulted in a child being an abused child or a neglected child 564  
is guilty of a violation of section 2921.14 of the Revised Code. 565

(4) If a report is made pursuant to division (A) or (B) of 566  
this section and the child who is the subject of the report dies 567  
for any reason at any time after the report is made, but before 568  
the child attains eighteen years of age, the public children 569  
services agency or peace officer to which the report was made or 570  
referred, on the request of the child fatality review board or 571  
the director of health pursuant to guidelines established under 572  
section 3701.70 of the Revised Code, shall submit a summary 573  
sheet of information providing a summary of the report to the 574  
review board of the county in which the deceased child resided 575  
at the time of death or to the director. On the request of the 576

review board or director, the agency or peace officer may, at 577  
its discretion, make the report available to the review board or 578  
director. If the county served by the public children services 579  
agency is also served by a children's advocacy center and the 580  
report of alleged sexual abuse of a child or another type of 581  
abuse of a child is specified in the memorandum of understanding 582  
that creates the center as being within the center's 583  
jurisdiction, the agency or center shall perform the duties and 584  
functions specified in this division in accordance with the 585  
interagency agreement entered into under section 2151.428 of the 586  
Revised Code relative to that advocacy center. 587

(5) A public children services agency shall advise a 588  
person alleged to have inflicted abuse or neglect on a child who 589  
is the subject of a report made pursuant to this section, 590  
including a report alleging sexual abuse of a child or another 591  
type of abuse of a child referred to a children's advocacy 592  
center pursuant to an interagency agreement entered into under 593  
section 2151.428 of the Revised Code, in writing of the 594  
disposition of the investigation. The agency shall not provide 595  
to the person any information that identifies the person who 596  
made the report, statements of witnesses, or police or other 597  
investigative reports. 598

(J) Any report that is required by this section, other 599  
than a report that is made to the state highway patrol as 600  
described in section 5120.173 of the Revised Code, shall result 601  
in protective services and emergency supportive services being 602  
made available by the public children services agency on behalf 603  
of the children about whom the report is made, in an effort to 604  
prevent further neglect or abuse, to enhance their welfare, and, 605  
whenever possible, to preserve the family unit intact. The 606  
agency required to provide the services shall be the agency 607

conducting the investigation of the report pursuant to section 608  
2151.422 of the Revised Code. 609

(K) (1) Each public children services agency shall prepare 610  
a memorandum of understanding that is signed by all of the 611  
following: 612

(a) If there is only one juvenile judge in the county, the 613  
juvenile judge of the county or the juvenile judge's 614  
representative; 615

(b) If there is more than one juvenile judge in the 616  
county, a juvenile judge or the juvenile judges' representative 617  
selected by the juvenile judges or, if they are unable to do so 618  
for any reason, the juvenile judge who is senior in point of 619  
service or the senior juvenile judge's representative; 620

(c) The county peace officer; 621

(d) All chief municipal peace officers within the county; 622

(e) Other law enforcement officers handling child abuse 623  
and neglect cases in the county; 624

(f) The prosecuting attorney of the county; 625

(g) If the public children services agency is not the 626  
county department of job and family services, the county 627  
department of job and family services; 628

(h) The county humane society; 629

(i) If the public children services agency participated in 630  
the execution of a memorandum of understanding under section 631  
2151.426 of the Revised Code establishing a children's advocacy 632  
center, each participating member of the children's advocacy 633  
center established by the memorandum. 634

(2) A memorandum of understanding shall set forth the 635  
normal operating procedure to be employed by all concerned 636  
officials in the execution of their respective responsibilities 637  
under this section and division (C) of section 2919.21, division 638  
(B) (1) of section 2919.22, division (B) of section 2919.23, and 639  
section 2919.24 of the Revised Code and shall have as two of its 640  
primary goals the elimination of all unnecessary interviews of 641  
children who are the subject of reports made pursuant to 642  
division (A) or (B) of this section and, when feasible, 643  
providing for only one interview of a child who is the subject 644  
of any report made pursuant to division (A) or (B) of this 645  
section. A failure to follow the procedure set forth in the 646  
memorandum by the concerned officials is not grounds for, and 647  
shall not result in, the dismissal of any charges or complaint 648  
arising from any reported case of abuse or neglect or the 649  
suppression of any evidence obtained as a result of any reported 650  
child abuse or child neglect and does not give, and shall not be 651  
construed as giving, any rights or any grounds for appeal or 652  
post-conviction relief to any person. 653

(3) A memorandum of understanding shall include all of the 654  
following: 655

(a) The roles and responsibilities for handling emergency 656  
and nonemergency cases of abuse and neglect; 657

(b) Standards and procedures to be used in handling and 658  
coordinating investigations of reported cases of child abuse and 659  
reported cases of child neglect, methods to be used in 660  
interviewing the child who is the subject of the report and who 661  
allegedly was abused or neglected, and standards and procedures 662  
addressing the categories of persons who may interview the child 663  
who is the subject of the report and who allegedly was abused or 664

neglected. 665

(4) If a public children services agency participated in 666  
the execution of a memorandum of understanding under section 667  
2151.426 of the Revised Code establishing a children's advocacy 668  
center, the agency shall incorporate the contents of that 669  
memorandum in the memorandum prepared pursuant to this section. 670

(5) The clerk of the court of common pleas in the county 671  
may sign the memorandum of understanding prepared under division 672  
(K)(1) of this section. If the clerk signs the memorandum of 673  
understanding, the clerk shall execute all relevant 674  
responsibilities as required of officials specified in the 675  
memorandum. 676

(L)(1) Except as provided in division (L)(4) or (5) of 677  
this section, a person who is required to make a report pursuant 678  
to division (A) of this section may make a reasonable number of 679  
requests of the public children services agency that receives or 680  
is referred the report, or of the children's advocacy center 681  
that is referred the report if the report is referred to a 682  
children's advocacy center pursuant to an interagency agreement 683  
entered into under section 2151.428 of the Revised Code, to be 684  
provided with the following information: 685

(a) Whether the agency or center has initiated an 686  
investigation of the report; 687

(b) Whether the agency or center is continuing to 688  
investigate the report; 689

(c) Whether the agency or center is otherwise involved 690  
with the child who is the subject of the report; 691

(d) The general status of the health and safety of the 692  
child who is the subject of the report; 693



(e) Whether the report has resulted in the filing of a 694  
complaint in juvenile court or of criminal charges in another 695  
court. 696

(2) A person may request the information specified in 697  
division (L)(1) of this section only if, at the time the report 698  
is made, the person's name, address, and telephone number are 699  
provided to the person who receives the report. 700

When a peace officer or employee of a public children 701  
services agency receives a report pursuant to division (A) or 702  
(B) of this section the recipient of the report shall inform the 703  
person of the right to request the information described in 704  
division (L)(1) of this section. The recipient of the report 705  
shall include in the initial child abuse or child neglect report 706  
that the person making the report was so informed and, if 707  
provided at the time of the making of the report, shall include 708  
the person's name, address, and telephone number in the report. 709

Each request is subject to verification of the identity of 710  
the person making the report. If that person's identity is 711  
verified, the agency shall provide the person with the 712  
information described in division (L)(1) of this section a 713  
reasonable number of times, except that the agency shall not 714  
disclose any confidential information regarding the child who is 715  
the subject of the report other than the information described 716  
in those divisions. 717

(3) A request made pursuant to division (L)(1) of this 718  
section is not a substitute for any report required to be made 719  
pursuant to division (A) of this section. 720

(4) If an agency other than the agency that received or 721  
was referred the report is conducting the investigation of the 722

report pursuant to section 2151.422 of the Revised Code, the 723  
agency conducting the investigation shall comply with the 724  
requirements of division (L) of this section. 725

(5) A health care professional who made a report under 726  
division (A) of this section, or on whose behalf such a report 727  
was made as provided in division (A)(1)(c) of this section, may 728  
authorize a person to obtain the information described in 729  
division (L)(1) of this section if the person requesting the 730  
information is associated with or acting on behalf of the health 731  
care professional who provided health care services to the child 732  
about whom the report was made. 733

(M) The director of job and family services shall adopt 734  
rules in accordance with Chapter 119. of the Revised Code to 735  
implement this section. The department of job and family 736  
services may enter into a plan of cooperation with any other 737  
governmental entity to aid in ensuring that children are 738  
protected from abuse and neglect. The department shall make 739  
recommendations to the attorney general that the department 740  
determines are necessary to protect children from child abuse 741  
and child neglect. 742

(N) Whoever violates division (A) of this section is 743  
liable for compensatory and exemplary damages to the child who 744  
would have been the subject of the report that was not made. A 745  
person who brings a civil action or proceeding pursuant to this 746  
division against a person who is alleged to have violated 747  
division (A)(1) of this section may use in the action or 748  
proceeding reports of other incidents of known or suspected 749  
abuse or neglect, provided that any information in a report that 750  
would identify the child who is the subject of the report or the 751  
maker of the report, if the maker is not the defendant or an 752

agent or employee of the defendant, has been redacted. 753

(O) (1) As used in this division: 754

(a) "Out-of-home care" includes a nonchartered nonpublic 755  
school if the alleged child abuse or child neglect, or alleged 756  
threat of child abuse or child neglect, described in a report 757  
received by a public children services agency allegedly occurred 758  
in or involved the nonchartered nonpublic school and the alleged 759  
perpetrator named in the report holds a certificate, permit, or 760  
license issued by the state board of education under section 761  
3301.071 or Chapter 3319. of the Revised Code. 762

(b) "Administrator, director, or other chief 763  
administrative officer" means the superintendent of the school 764  
district if the out-of-home care entity subject to a report made 765  
pursuant to this section is a school operated by the district. 766

(2) No later than the end of the day following the day on 767  
which a public children services agency receives a report of 768  
alleged child abuse or child neglect, or a report of an alleged 769  
threat of child abuse or child neglect, that allegedly occurred 770  
in or involved an out-of-home care entity, the agency shall 771  
provide written notice of the allegations contained in and the 772  
person named as the alleged perpetrator in the report to the 773  
administrator, director, or other chief administrative officer 774  
of the out-of-home care entity that is the subject of the report 775  
unless the administrator, director, or other chief 776  
administrative officer is named as an alleged perpetrator in the 777  
report. If the administrator, director, or other chief 778  
administrative officer of an out-of-home care entity is named as 779  
an alleged perpetrator in a report of alleged child abuse or 780  
child neglect, or a report of an alleged threat of child abuse 781  
or child neglect, that allegedly occurred in or involved the 782

out-of-home care entity, the agency shall provide the written 783  
notice to the owner or governing board of the out-of-home care 784  
entity that is the subject of the report. The agency shall not 785  
provide witness statements or police or other investigative 786  
reports. 787

(3) No later than three days after the day on which a 788  
public children services agency that conducted the investigation 789  
as determined pursuant to section 2151.422 of the Revised Code 790  
makes a disposition of an investigation involving a report of 791  
alleged child abuse or child neglect, or a report of an alleged 792  
threat of child abuse or child neglect, that allegedly occurred 793  
in or involved an out-of-home care entity, the agency shall send 794  
written notice of the disposition of the investigation to the 795  
administrator, director, or other chief administrative officer 796  
and the owner or governing board of the out-of-home care entity. 797  
The agency shall not provide witness statements or police or 798  
other investigative reports. 799

(P) As used in this section: 800

(1) "Children's advocacy center" and "sexual abuse of a 801  
child" have the same meanings as in section 2151.425 of the 802  
Revised Code. 803

(2) "Health care professional" means an individual who 804  
provides health-related services including a physician, hospital 805  
intern or resident, dentist, podiatrist, registered nurse, 806  
licensed practical nurse, visiting nurse, licensed psychologist, 807  
speech pathologist, audiologist, person engaged in social work 808  
or the practice of professional counseling, and employee of a 809  
home health agency. "Health care professional" does not include 810  
a practitioner of a limited branch of medicine as specified in 811  
section 4731.15 of the Revised Code, licensed school 812

psychologist, independent marriage and family therapist or 813  
marriage and family therapist, or coroner. 814

(3) "Investigation" means the public children services 815  
agency's response to an accepted report of child abuse or 816  
neglect through either an alternative response or a traditional 817  
response. 818

(4) "Peace officer" means a sheriff, deputy sheriff, 819  
constable, police officer of a township or joint police 820  
district, marshal, deputy marshal, municipal police officer, or 821  
a state highway patrol trooper. 822

**Sec. 4741.22.** (A) The state veterinary medical licensing 823  
board may refuse to issue or renew a license, limited license, 824  
registration, or temporary permit to or of any applicant who, 825  
and may issue a reprimand to, suspend or revoke the license, 826  
limited license, registration, or the temporary permit of, or 827  
impose a civil penalty pursuant to this section upon any person 828  
holding a license, limited license, or temporary permit to 829  
practice veterinary medicine or any person registered as a 830  
registered veterinary technician who: 831

(1) In the conduct of the person's practice does not 832  
conform to the rules of the board or the standards of the 833  
profession governing proper, humane, sanitary, and hygienic 834  
methods to be used in the care and treatment of animals; 835

(2) Uses fraud, misrepresentation, or deception in any 836  
application or examination for licensure, or any other 837  
documentation created in the course of practicing veterinary 838  
medicine; 839

(3) Is found to be physically or psychologically addicted 840  
to alcohol or an illegal or controlled substance, as defined in 841

section 3719.01 of the Revised Code, to such a degree as to 842  
render the person unfit to practice veterinary medicine; 843

(4) Directly or indirectly employs or lends the person's 844  
services to a solicitor for the purpose of obtaining patients; 845

(5) Obtains a fee on the assurance that an incurable 846  
disease can be cured; 847

(6) Advertises in a manner that violates section 4741.21 848  
of the Revised Code; 849

(7) Divides fees or charges or has any arrangement to 850  
share fees or charges with any other person, except on the basis 851  
of services performed; 852

(8) Sells any biologic containing living, dead, or 853  
sensitized organisms or products of those organisms, except in a 854  
manner that the board by rule has prescribed; 855

(9) Is convicted of or pleads guilty to any felony or 856  
crime involving illegal or prescription drugs, or fails to 857  
report to the board within sixty days of the individual's 858  
conviction of, plea of guilty to, or treatment in lieu of 859  
conviction involving a felony, misdemeanor of the first degree, 860  
or offense involving illegal or prescription drugs; 861

(10) Is convicted of any violation of section 959.13 of 862  
the Revised Code; 863

(11) Swears falsely in any affidavit required to be made 864  
by the person in the course of the practice of veterinary 865  
medicine; 866

(12) Fails to report promptly to the proper official any 867  
known reportable disease; 868

- (13) Fails to report promptly vaccinations or the results of tests when required to do so by law or rule; 869  
870
- (14) Has been adjudicated incompetent for the purpose of holding the license or permit by a court, as provided in Chapter 2111. of the Revised Code, and has not been restored to legal capacity for that purpose; 871  
872  
873  
874
- (15) Permits a person who is not a licensed veterinarian, a veterinary student, or a registered veterinary technician to engage in work or perform duties in violation of this chapter; 875  
876  
877
- (16) Is guilty of gross incompetence or gross negligence; 878
- (17) Has had a license to practice veterinary medicine or a license, registration, or certificate to engage in activities as a registered veterinary technician revoked, suspended, or acted against by disciplinary action by an agency similar to this board of another state, territory, or country or the District of Columbia; 879  
880  
881  
882  
883  
884
- (18) Is or has practiced with a revoked, suspended, inactive, expired, or terminated license or registration; 885  
886
- (19) Represents self as a specialist unless certified as a specialist by the board; 887  
888
- (20) In the person's capacity as a veterinarian or registered veterinary technician makes or files a report, health certificate, vaccination certificate, or other document that the person knows is false or negligently or intentionally fails to file a report or record required by any applicable state or federal law; 889  
890  
891  
892  
893  
894
- (21) Fails to use reasonable care in the administration of drugs or acceptable scientific methods in the selection of those 895  
896

drugs or other modalities for treatment of a disease or in 897  
conduct of surgery; 898

(22) Makes available a dangerous drug, as defined in 899  
section 4729.01 of the Revised Code, to any person other than 900  
for the specific treatment of an animal patient; 901

(23) Refuses to permit a board investigator or the board's 902  
designee to inspect the person's business premises during 903  
regular business hours, except as provided in division (A) of 904  
section 4741.26 of the Revised Code; 905

(24) Violates any order of the board or fails to comply 906  
with a subpoena of the board; 907

(25) Fails to maintain medical records as required by rule 908  
of the board; 909

(26) Engages in cruelty to animals; 910

(27) Uses, prescribes, or sells any veterinary 911  
prescription drug or biologic, or prescribes any extra-label use 912  
of any over-the-counter drug or dangerous drug in the absence of 913  
a valid veterinary-client-patient relationship. 914

(B) Except as provided in division ~~(D)~~ (E) of this 915  
section, before the board may revoke, deny, refuse to renew, or 916  
suspend a license, registration, or temporary permit or 917  
otherwise discipline the holder of a license, registration, or 918  
temporary permit, the executive director shall file written 919  
charges with the board. The board shall conduct a hearing on the 920  
charges as provided in Chapter 119. of the Revised Code. 921

(C) ~~If~~ (1) Except as otherwise provided in division (C) (2) 922  
of this section, if the board, after a hearing conducted 923  
pursuant to Chapter 119. of the Revised Code, revokes, refuses 924



to renew, or suspends a license, registration, or temporary 925  
permit for a violation of this section, section 4741.23, 926  
division (C) or (D) of section 4741.19, or division (B), (C), or 927  
(D) of section 4741.21 of the Revised Code, the board may impose 928  
a civil penalty upon the holder of the license, permit, or 929  
registration of not less than one hundred dollars or more than 930  
one thousand dollars. ~~In~~ 931

(2) Except as provided in division (D) of this section, 932  
the board shall impose a civil penalty for a violation of 933  
division (B) (1) of section 959.07 or division (C) of section 934  
959.09 of the Revised Code by a licensed veterinarian as 935  
follows: 936

(a) One hundred dollars for a second violation of division 937  
(B) (1) of section 959.07 of the Revised Code or a first 938  
violation of division (C) of section 959.09 of the Revised Code; 939

(b) Five hundred dollars for any subsequent violation of 940  
division (B) (1) of section 959.07 or division (C) of section 941  
959.09 of the Revised Code. 942

(3) In addition to the civil penalty and any other 943  
penalties imposed pursuant to this chapter, the board may assess 944  
any holder of a license, permit, or registration the costs of 945  
the hearing conducted under this section if the board determines 946  
that the holder has violated any provision for which the board 947  
may impose a civil penalty under this section. 948

(D) For a first violation of division (B) (1) of section 949  
959.07 of the Revised Code by a licensed veterinarian, the board 950  
shall issue a confidential written warning to the licensed 951  
veterinarian and shall not take any other disciplinary action 952  
under this section. The board shall include in the warning an 953

explanation of the violation and the reporting requirement 954  
specified under section 959.07 of the Revised Code. 955

(E) The executive director may recommend that the board 956  
suspend an individual's certificate of license without a prior 957  
hearing if the executive director determines both of the 958  
following: 959

(1) There is clear and convincing evidence that division 960  
(A) (3), (9), (14), (22), or (26) of this section applies to the 961  
individual. 962

(2) The individual's continued practice presents a danger 963  
of immediate and serious harm to the public. 964

The executive director shall prepare written allegations 965  
for consideration by the board. The board, upon review of those 966  
allegations and by an affirmative vote of not fewer than four of 967  
its members, may suspend the certificate without a prior 968  
hearing. A telephone conference call may be utilized for 969  
reviewing the allegations and taking the vote on the suspension. 970

The board shall issue a written order of suspension by 971  
certified mail or in person in accordance with section 119.07 of 972  
the Revised Code. If the individual subject to the suspension 973  
requests an adjudicatory hearing by the board, the date set for 974  
the hearing shall be not later than fifteen days, but not 975  
earlier than seven days after the individual requests the 976  
hearing unless otherwise agreed to by both the board and the 977  
individual. 978

A suspension imposed under this division shall remain in 979  
effect, unless reversed on appeal, until a final adjudicative 980  
order issued by the board under this section and Chapter 119. of 981  
the Revised Code becomes effective. The board shall issue its 982

final adjudicative order not later than ninety days after 983  
completion of its hearing. Failure to issue the order within 984  
ninety days results in dissolution of the suspension order, but 985  
does not invalidate any subsequent, final adjudicative order. 986

~~(E)~~ (F) A license or registration issued to an individual 987  
under this chapter is automatically suspended upon that 988  
individual's conviction of or plea of guilty to or upon a 989  
judicial finding with regard to any of the following: aggravated 990  
murder, murder, voluntary manslaughter, felonious assault, 991  
kidnapping, rape, sexual battery, gross sexual imposition, 992  
aggravated arson, aggravated robbery, or aggravated burglary. 993  
The suspension shall remain in effect from the date of the 994  
conviction, plea, or finding until an adjudication is held under 995  
Chapter 119. of the Revised Code. If the board has knowledge 996  
that an automatic suspension has occurred, it shall notify the 997  
individual subject to the suspension. If the individual is 998  
notified and either fails to request an adjudication within the 999  
time periods established by Chapter 119. of the Revised Code or 1000  
fails to participate in the adjudication, the board shall enter 1001  
a final order permanently revoking the individual's license or 1002  
registration. 1003

**Sec. 4757.36.** (A) The appropriate professional standards 1004  
committee of the counselor, social worker, and marriage and 1005  
family therapist board may, in accordance with Chapter 119. of 1006  
the Revised Code, take any action specified in division (B) of 1007  
this section for any reason described in division (C) of this 1008  
section against an individual who has applied for or holds a 1009  
license issued under this chapter; a master's level counselor 1010  
trainee, social worker trainee, or marriage and family therapist 1011  
trainee; or an individual or entity that is registered, or has 1012  
applied for registration, in accordance with rules adopted under 1013

section 4757.33 of the Revised Code to provide continuing 1014  
education programs approved by the board. 1015

(B) In its imposition of sanctions against an individual 1016  
or entity specified in division (A) of this section, the board 1017  
may do any of the following: 1018

(1) Refuse to issue or refuse to renew a license or 1019  
certificate of registration; 1020

(2) Suspend, revoke, or otherwise restrict a license or 1021  
certificate of registration; 1022

(3) Reprimand an individual holding a license or 1023  
certificate of registration; 1024

(4) ~~Impose~~ Except as otherwise provided in division (I) of 1025  
this section, impose a fine in accordance with the graduated 1026  
system of fines established by the board in rules adopted under 1027  
section 4757.10 of the Revised Code; 1028

(5) Require an individual holding a license or certificate 1029  
of registration to take corrective action courses. 1030

(C) The appropriate professional standards committee of 1031  
the board may take an action specified in division (B) of this 1032  
section for any of the following reasons: 1033

(1) Commission of an act that violates any provision of 1034  
this chapter or rules adopted under it; 1035

(2) Knowingly making a false statement on an application 1036  
for licensure or registration, or for renewal of a license or 1037  
certificate of registration; 1038

(3) Accepting a commission or rebate for referring persons 1039  
to any professionals licensed, certified, or registered by any 1040

court or board, commission, department, division, or other 1041  
agency of the state, including, but not limited to, individuals 1042  
practicing counseling, social work, or marriage and family 1043  
therapy or practicing in fields related to counseling, social 1044  
work, or marriage and family therapy; 1045

(4) A failure to comply with section 4757.13 of the 1046  
Revised Code; 1047

(5) A conviction in this or any other state of a crime 1048  
that is a felony in this state; 1049

(6) A failure to perform properly as a licensed 1050  
professional clinical counselor, licensed professional 1051  
counselor, independent marriage and family therapist, marriage 1052  
and family therapist, social work assistant, social worker, or 1053  
independent social worker due to the use of alcohol or other 1054  
drugs or any other physical or mental condition; 1055

(7) A conviction in this state or in any other state of a 1056  
misdemeanor committed in the course of practice as a licensed 1057  
professional clinical counselor, licensed professional 1058  
counselor, independent marriage and family therapist, marriage 1059  
and family therapist, social work assistant, social worker, or 1060  
independent social worker; 1061

(8) Practicing outside the scope of practice applicable to 1062  
that person; 1063

(9) Practicing in violation of the supervision 1064  
requirements specified under sections 4757.21 and 4757.26, and 1065  
division (E) of section 4757.30, of the Revised Code; 1066

(10) A violation of the person's code of ethical practice 1067  
adopted by rule of the board pursuant to section 4757.11 of the 1068  
Revised Code; 1069

(11) Revocation or suspension of a license or certificate 1070  
of registration, other disciplinary action against a license 1071  
holder or registration, or the voluntary surrender of a license 1072  
or certificate of registration in another state or jurisdiction 1073  
for an offense that would be a violation of this chapter; 1074

(12) Commission of a second or subsequent violation of 1075  
division (B) (1) of section 959.07 or any violation of division 1076  
(C) of section 959.09 of the Revised Code. 1077

(D) A disciplinary action under division (B) of this 1078  
section shall be taken pursuant to an adjudication under Chapter 1079  
119. of the Revised Code, except that in lieu of an 1080  
adjudication, the appropriate professional standards committee 1081  
may enter into a consent agreement with an individual or entity 1082  
specified in division (A) of this section to resolve an 1083  
allegation of a violation of this chapter or any rule adopted 1084  
under it. A consent agreement, when ratified by the appropriate 1085  
professional standards committee, constitutes the findings and 1086  
order of the board with respect to the matter addressed in the 1087  
agreement. If a committee refuses to ratify a consent agreement, 1088  
the admissions and findings contained in the consent agreement 1089  
are of no force or effect. 1090

(E) In any instance in which a professional standards 1091  
committee of the board is required by Chapter 119. of the 1092  
Revised Code to give notice of the opportunity for a hearing and 1093  
the individual or entity subject to the notice does not timely 1094  
request a hearing in accordance with section 119.07 of the 1095  
Revised Code, the committee may adopt a final order that 1096  
contains the board's findings. In that final order, the 1097  
committee may order any of the sanctions identified in division 1098  
(B) of this section. 1099

(F) One year or more after the date of suspension or 1100  
revocation of a license or certificate of registration under 1101  
this section, application may be made to the appropriate 1102  
professional standards committee for reinstatement. The 1103  
committee may approve or deny an application for reinstatement. 1104  
If a license has been suspended or revoked, the committee may 1105  
require an examination for reinstatement. 1106

(G) On request of the board, the attorney general shall 1107  
bring and prosecute to judgment a civil action to collect any 1108  
fine imposed under division (B) (4) of this section that remains 1109  
unpaid. 1110

(H) All fines collected under division (B) (4) of this 1111  
section shall be deposited into the state treasury to the credit 1112  
of the occupational licensing and regulatory fund. 1113

(I) A board shall impose a fine under division (B) (4) of 1114  
this section for a violation specified in division (C) (12) of 1115  
this section as follows: 1116

(1) One hundred dollars for a second violation of division 1117  
(B) (1) of section 959.07 of the Revised Code or a first 1118  
violation of division (C) of section 959.09 of the Revised Code; 1119

(2) Five hundred dollars for any subsequent violation of 1120  
division (B) (1) of section 959.07 or division (C) of section 1121  
959.09 of the Revised Code. 1122

(J) Notwithstanding any provision of this section to the 1123  
contrary, for a first violation of division (B) (1) of section 1124  
959.07 of the Revised Code, the board shall issue a confidential 1125  
written warning and shall not take any other disciplinary action 1126  
under this section. The board shall include in the warning an 1127  
explanation of the violation and the reporting requirement 1128

specified under section 959.07 of the Revised Code. 1129

**Sec. 5101.93.** (A) As used in this section, "social service 1130  
professional" has the same meaning as in section 959.07 of the 1131  
Revised Code. 1132

(B) For a first or subsequent violation of division (B) (1) 1133  
of section 959.07 of the Revised Code by a social service 1134  
professional, the entity with responsibility for employment 1135  
oversight of that social service professional, as applicable, 1136  
shall at minimum issue a confidential written warning to the 1137  
violation. The entity shall include in the warning an explanation 1138  
of the violation and the reporting requirement specified in 1139  
section 959.07 of the Revised Code. 1140

**Section 2.** That existing sections 959.99, 2151.421, 1141  
4741.22, and 4757.36 of the Revised Code are hereby repealed. 1142

**Section 3.** Section 959.99 of the Revised Code is presented 1143  
in this act as a composite of the section as amended by both 1144  
Sub. H.B. 60 and Sub. S.B. 331 of the 131st General Assembly. 1145  
The General Assembly, applying the principle stated in division 1146  
(B) of section 1.52 of the Revised Code that amendments are to 1147  
be harmonized if reasonably capable of simultaneous operation, 1148  
finds that the composite is the resulting version of the section 1149  
in effect prior to the effective date of the section as 1150  
presented in this act. 1151