

As Introduced

131st General Assembly

Regular Session

2015-2016

H. B. No. 184

Representatives Dovilla, Antonio

**Cosponsors: Representatives Anielski, Becker, Boyd, Celebrezze, Conditt,
Derickson, DeVitis, Fedor, Grossman, Henne, Johnson, T., Lepore-Hagan, Leland,
Patmon, Phillips, Ramos, Rezabek, Stinziano**

A BILL

To amend sections 109.572, 4731.07, 4731.224, 1
4731.24, 4731.25, 4776.01, and 4776.20 and to 2
enact sections 4780.01 to 4780.15 and 4780.99 of 3
the Revised Code to require the licensure of 4
music therapists and to require the State 5
Medical Board to regulate the licensure and 6
practice of music therapists. 7

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

Section 1. That sections 109.572, 4731.07, 4731.224, 8
4731.24, 4731.25, 4776.01, and 4776.20 be amended and sections 9
4780.01, 4780.02, 4780.03, 4780.04, 4780.05, 4780.06, 4780.07, 10
4780.08, 4780.09, 4780.10, 4780.11, 4780.12, 4780.13, 4780.14, 11
4780.15, and 4780.99 of the Revised Code be enacted to read as 12
follows: 13

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 14
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 15
Code, a completed form prescribed pursuant to division (C) (1) of 16
this section, and a set of fingerprint impressions obtained in 17

the manner described in division (C) (2) of this section, the
superintendent of the bureau of criminal identification and
investigation shall conduct a criminal records check in the
manner described in division (B) of this section to determine
whether any information exists that indicates that the person
who is the subject of the request previously has been convicted
of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03,
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05,
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23,
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323,
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24,
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04,
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious
sexual penetration in violation of former section 2907.12 of the
Revised Code, a violation of section 2905.04 of the Revised Code
as it existed prior to July 1, 1996, a violation of section
2919.23 of the Revised Code that would have been a violation of
section 2905.04 of the Revised Code as it existed prior to July
1, 1996, had the violation been committed prior to that date, or
a violation of section 2925.11 of the Revised Code that is not a
minor drug possession offense;

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

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

(2) On receipt of a request pursuant to section 3712.09 or 48
3721.121 of the Revised Code, a completed form prescribed 49
pursuant to division (C)(1) of this section, and a set of 50
fingerprint impressions obtained in the manner described in 51
division (C)(2) of this section, the superintendent of the 52
bureau of criminal identification and investigation shall 53
conduct a criminal records check with respect to any person who 54
has applied for employment in a position for which a criminal 55
records check is required by those sections. The superintendent 56
shall conduct the criminal records check in the manner described 57
in division (B) of this section to determine whether any 58
information exists that indicates that the person who is the 59
subject of the request previously has been convicted of or 60
pleaded guilty to any of the following: 61

(a) A violation of section 2903.01, 2903.02, 2903.03, 62
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 63
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 64
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 65
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 66
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 67
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 68
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 69
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 70

(b) An existing or former law of this state, any other 71
state, or the United States that is substantially equivalent to 72
any of the offenses listed in division (A)(2)(a) of this 73
section. 74

(3) On receipt of a request pursuant to section 173.27, 75
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 76
5123.081, or 5123.169 of the Revised Code, a completed form 77

prescribed pursuant to division (C) (1) of this section, and a 78
set of fingerprint impressions obtained in the manner described 79
in division (C) (2) of this section, the superintendent of the 80
bureau of criminal identification and investigation shall 81
conduct a criminal records check of the person for whom the 82
request is made. The superintendent shall conduct the criminal 83
records check in the manner described in division (B) of this 84
section to determine whether any information exists that 85
indicates that the person who is the subject of the request 86
previously has been convicted of, has pleaded guilty to, or 87
(except in the case of a request pursuant to section 5164.34,
5164.341, or 5164.342 of the Revised Code) has been found 88
eligible for intervention in lieu of conviction for any of the 89
following, regardless of the date of the conviction, the date of 90
entry of the guilty plea, or (except in the case of a request 91
pursuant to section 5164.34, 5164.341, or 5164.342 of the 92
Revised Code) the date the person was found eligible for 93
intervention in lieu of conviction: 94
95

(a) A violation of section 959.13, 959.131, 2903.01, 96
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 97
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 98
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 99
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 100
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 101
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 102
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 103
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 104
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 105
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 106
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 107
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 108

2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 109
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 110
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 111
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 112
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 113
2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code; 114

(b) Felonious sexual penetration in violation of former 115
section 2907.12 of the Revised Code; 116

(c) A violation of section 2905.04 of the Revised Code as 117
it existed prior to July 1, 1996; 118

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 119
the Revised Code when the underlying offense that is the object 120
of the conspiracy, attempt, or complicity is one of the offenses 121
listed in divisions (A) (3) (a) to (c) of this section; 122

(e) A violation of an existing or former municipal 123
ordinance or law of this state, any other state, or the United 124
States that is substantially equivalent to any of the offenses 125
listed in divisions (A) (3) (a) to (d) of this section. 126

(4) On receipt of a request pursuant to section 2151.86 of 127
the Revised Code, a completed form prescribed pursuant to 128
division (C) (1) of this section, and a set of fingerprint 129
impressions obtained in the manner described in division (C) (2) 130
of this section, the superintendent of the bureau of criminal 131
identification and investigation shall conduct a criminal 132
records check in the manner described in division (B) of this 133
section to determine whether any information exists that 134
indicates that the person who is the subject of the request 135
previously has been convicted of or pleaded guilty to any of the 136
following: 137

(a) A violation of section 959.13, 2903.01, 2903.02, 138
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 139
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 140
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 141
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 142
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 143
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 144
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 145
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 146
2927.12, or 3716.11 of the Revised Code, a violation of section 147
2905.04 of the Revised Code as it existed prior to July 1, 1996, 148
a violation of section 2919.23 of the Revised Code that would 149
have been a violation of section 2905.04 of the Revised Code as 150
it existed prior to July 1, 1996, had the violation been 151
committed prior to that date, a violation of section 2925.11 of 152
the Revised Code that is not a minor drug possession offense, 153
two or more OVI or OVJAC violations committed within the three 154
years immediately preceding the submission of the application or 155
petition that is the basis of the request, or felonious sexual 156
penetration in violation of former section 2907.12 of the 157
Revised Code; 158

(b) A violation of an existing or former law of this 159
state, any other state, or the United States that is 160
substantially equivalent to any of the offenses listed in 161
division (A) (4) (a) of this section. 162

(5) Upon receipt of a request pursuant to section 5104.012 163
or 5104.013 of the Revised Code, a completed form prescribed 164
pursuant to division (C) (1) of this section, and a set of 165
fingerprint impressions obtained in the manner described in 166
division (C) (2) of this section, the superintendent of the 167
bureau of criminal identification and investigation shall 168

conduct a criminal records check in the manner described in 169
division (B) of this section to determine whether any 170
information exists that indicates that the person who is the 171
subject of the request has been convicted of or pleaded guilty 172
to any of the following: 173

(a) A violation of section 2903.01, 2903.02, 2903.03, 174
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 175
2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 176
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 177
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 178
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 179
2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 180
2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 181
2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 182
2919.12, 2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 183
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 184
2925.06, or 3716.11 of the Revised Code, felonious sexual 185
penetration in violation of former section 2907.12 of the 186
Revised Code, a violation of section 2905.04 of the Revised Code 187
as it existed prior to July 1, 1996, a violation of section 188
2919.23 of the Revised Code that would have been a violation of 189
section 2905.04 of the Revised Code as it existed prior to July 190
1, 1996, had the violation been committed prior to that date, a 191
violation of section 2925.11 of the Revised Code that is not a 192
minor drug possession offense, a violation of section 2923.02 or 193
2923.03 of the Revised Code that relates to a crime specified in 194
this division, or a second violation of section 4511.19 of the 195
Revised Code within five years of the date of application for 196
licensure or certification. 197

(b) A violation of an existing or former law of this 198
state, any other state, or the United States that is 199

substantially equivalent to any of the offenses or violations 200
described in division (A) (5) (a) of this section. 201

(6) Upon receipt of a request pursuant to section 5153.111 202
of the Revised Code, a completed form prescribed pursuant to 203
division (C) (1) of this section, and a set of fingerprint 204
impressions obtained in the manner described in division (C) (2) 205
of this section, the superintendent of the bureau of criminal 206
identification and investigation shall conduct a criminal 207
records check in the manner described in division (B) of this 208
section to determine whether any information exists that 209
indicates that the person who is the subject of the request 210
previously has been convicted of or pleaded guilty to any of the 211
following: 212

(a) A violation of section 2903.01, 2903.02, 2903.03, 213
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 214
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 215
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 216
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 217
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 218
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 219
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 220
Code, felonious sexual penetration in violation of former 221
section 2907.12 of the Revised Code, a violation of section 222
2905.04 of the Revised Code as it existed prior to July 1, 1996, 223
a violation of section 2919.23 of the Revised Code that would 224
have been a violation of section 2905.04 of the Revised Code as 225
it existed prior to July 1, 1996, had the violation been 226
committed prior to that date, or a violation of section 2925.11 227
of the Revised Code that is not a minor drug possession offense; 228

(b) A violation of an existing or former law of this 229

state, any other state, or the United States that is 230
substantially equivalent to any of the offenses listed in 231
division (A) (6) (a) of this section. 232

(7) On receipt of a request for a criminal records check 233
from an individual pursuant to section 4749.03 or 4749.06 of the 234
Revised Code, accompanied by a completed copy of the form 235
prescribed in division (C) (1) of this section and a set of 236
fingerprint impressions obtained in a manner described in 237
division (C) (2) of this section, the superintendent of the 238
bureau of criminal identification and investigation shall 239
conduct a criminal records check in the manner described in 240
division (B) of this section to determine whether any 241
information exists indicating that the person who is the subject 242
of the request has been convicted of or pleaded guilty to a 243
felony in this state or in any other state. If the individual 244
indicates that a firearm will be carried in the course of 245
business, the superintendent shall require information from the 246
federal bureau of investigation as described in division (B) (2) 247
of this section. Subject to division (F) of this section, the 248
superintendent shall report the findings of the criminal records 249
check and any information the federal bureau of investigation 250
provides to the director of public safety. 251

(8) On receipt of a request pursuant to section 1321.37, 252
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 253
Code, a completed form prescribed pursuant to division (C) (1) of 254
this section, and a set of fingerprint impressions obtained in 255
the manner described in division (C) (2) of this section, the 256
superintendent of the bureau of criminal identification and 257
investigation shall conduct a criminal records check with 258
respect to any person who has applied for a license, permit, or 259
certification from the department of commerce or a division in 260

the department. The superintendent shall conduct the criminal 261
records check in the manner described in division (B) of this 262
section to determine whether any information exists that 263
indicates that the person who is the subject of the request 264
previously has been convicted of or pleaded guilty to any of the 265
following: a violation of section 2913.02, 2913.11, 2913.31, 266
2913.51, or 2925.03 of the Revised Code; any other criminal 267
offense involving theft, receiving stolen property, 268
embezzlement, forgery, fraud, passing bad checks, money 269
laundering, or drug trafficking, or any criminal offense 270
involving money or securities, as set forth in Chapters 2909., 271
2911., 2913., 2915., 2921., 2923., and 2925. of the Revised 272
Code; or any existing or former law of this state, any other 273
state, or the United States that is substantially equivalent to 274
those offenses. 275

(9) On receipt of a request for a criminal records check 276
from the treasurer of state under section 113.041 of the Revised 277
Code or from an individual under section 4701.08, 4715.101, 278
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 279
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 280
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 281
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 282
4762.031, 4762.06, 4776.021, 4779.091, 4780.05, or 4783.04 of 283
the Revised Code, accompanied by a completed form prescribed 284
under division (C)(1) of this section and a set of fingerprint 285
impressions obtained in the manner described in division (C)(2) 286
of this section, the superintendent of the bureau of criminal 287
identification and investigation shall conduct a criminal 288
records check in the manner described in division (B) of this 289
section to determine whether any information exists that 290
indicates that the person who is the subject of the request has 291

been convicted of or pleaded guilty to any criminal offense in 292
this state or any other state. Subject to division (F) of this 293
section, the superintendent shall send the results of a check 294
requested under section 113.041 of the Revised Code to the 295
treasurer of state and shall send the results of a check 296
requested under any of the other listed sections to the 297
licensing board specified by the individual in the request. 298

(10) On receipt of a request pursuant to section 1121.23, 299
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 300
Code, a completed form prescribed pursuant to division (C) (1) of 301
this section, and a set of fingerprint impressions obtained in 302
the manner described in division (C) (2) of this section, the 303
superintendent of the bureau of criminal identification and 304
investigation shall conduct a criminal records check in the 305
manner described in division (B) of this section to determine 306
whether any information exists that indicates that the person 307
who is the subject of the request previously has been convicted 308
of or pleaded guilty to any criminal offense under any existing 309
or former law of this state, any other state, or the United 310
States. 311

(11) On receipt of a request for a criminal records check 312
from an appointing or licensing authority under section 3772.07 313
of the Revised Code, a completed form prescribed under division 314
(C) (1) of this section, and a set of fingerprint impressions 315
obtained in the manner prescribed in division (C) (2) of this 316
section, the superintendent of the bureau of criminal 317
identification and investigation shall conduct a criminal 318
records check in the manner described in division (B) of this 319
section to determine whether any information exists that 320
indicates that the person who is the subject of the request 321
previously has been convicted of or pleaded guilty or no contest 322

to any offense under any existing or former law of this state, 323
any other state, or the United States that is a disqualifying 324
offense as defined in section 3772.07 of the Revised Code or 325
substantially equivalent to such an offense. 326

(12) On receipt of a request pursuant to section 2151.33 327
or 2151.412 of the Revised Code, a completed form prescribed 328
pursuant to division (C)(1) of this section, and a set of 329
fingerprint impressions obtained in the manner described in 330
division (C)(2) of this section, the superintendent of the 331
bureau of criminal identification and investigation shall 332
conduct a criminal records check with respect to any person for 333
whom a criminal records check is required by that section. The 334
superintendent shall conduct the criminal records check in the 335
manner described in division (B) of this section to determine 336
whether any information exists that indicates that the person 337
who is the subject of the request previously has been convicted 338
of or pleaded guilty to any of the following: 339

(a) A violation of section 2903.01, 2903.02, 2903.03, 340
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 341
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 342
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 343
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 344
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 345
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 346
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 347
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 348

(b) An existing or former law of this state, any other 349
state, or the United States that is substantially equivalent to 350
any of the offenses listed in division (A)(12)(a) of this 351
section. 352

(B) Subject to division (F) of this section, the 353
superintendent shall conduct any criminal records check to be 354
conducted under this section as follows: 355

(1) The superintendent shall review or cause to be 356
reviewed any relevant information gathered and compiled by the 357
bureau under division (A) of section 109.57 of the Revised Code 358
that relates to the person who is the subject of the criminal 359
records check, including, if the criminal records check was 360
requested under section 113.041, 121.08, 173.27, 173.38, 361
173.381, 1121.23, 1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 362
1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 363
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 364
4749.03, 4749.06, 4763.05, 5104.012, 5104.013, 5164.34, 365
5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of the 366
Revised Code, any relevant information contained in records that 367
have been sealed under section 2953.32 of the Revised Code; 368

(2) If the request received by the superintendent asks for 369
information from the federal bureau of investigation, the 370
superintendent shall request from the federal bureau of 371
investigation any information it has with respect to the person 372
who is the subject of the criminal records check, including 373
fingerprint-based checks of national crime information databases 374
as described in 42 U.S.C. 671 if the request is made pursuant to 375
section 2151.86, 5104.012, or 5104.013 of the Revised Code or if 376
any other Revised Code section requires fingerprint-based checks 377
of that nature, and shall review or cause to be reviewed any 378
information the superintendent receives from that bureau. If a 379
request under section 3319.39 of the Revised Code asks only for 380
information from the federal bureau of investigation, the 381
superintendent shall not conduct the review prescribed by 382
division (B) (1) of this section. 383

(3) The superintendent or the superintendent's designee 384
may request criminal history records from other states or the 385
federal government pursuant to the national crime prevention and 386
privacy compact set forth in section 109.571 of the Revised 387
Code. 388

(4) The superintendent shall include in the results of the 389
criminal records check a list or description of the offenses 390
listed or described in division (A) (1), (2), (3), (4), (5), (6), 391
(7), (8), (9), (10), (11), or (12) of this section, whichever 392
division requires the superintendent to conduct the criminal 393
records check. The superintendent shall exclude from the results 394
any information the dissemination of which is prohibited by 395
federal law. 396

(5) The superintendent shall send the results of the 397
criminal records check to the person to whom it is to be sent 398
not later than the following number of days after the date the 399
superintendent receives the request for the criminal records 400
check, the completed form prescribed under division (C) (1) of 401
this section, and the set of fingerprint impressions obtained in 402
the manner described in division (C) (2) of this section: 403

(a) If the superintendent is required by division (A) of 404
this section (other than division (A) (3) of this section) to 405
conduct the criminal records check, thirty; 406

(b) If the superintendent is required by division (A) (3) 407
of this section to conduct the criminal records check, sixty. 408

(C) (1) The superintendent shall prescribe a form to obtain 409
the information necessary to conduct a criminal records check 410
from any person for whom a criminal records check is to be 411
conducted under this section. The form that the superintendent 412

prescribes pursuant to this division may be in a tangible 413
format, in an electronic format, or in both tangible and 414
electronic formats. 415

(2) The superintendent shall prescribe standard impression 416
sheets to obtain the fingerprint impressions of any person for 417
whom a criminal records check is to be conducted under this 418
section. Any person for whom a records check is to be conducted 419
under this section shall obtain the fingerprint impressions at a 420
county sheriff's office, municipal police department, or any 421
other entity with the ability to make fingerprint impressions on 422
the standard impression sheets prescribed by the superintendent. 423
The office, department, or entity may charge the person a 424
reasonable fee for making the impressions. The standard 425
impression sheets the superintendent prescribes pursuant to this 426
division may be in a tangible format, in an electronic format, 427
or in both tangible and electronic formats. 428

(3) Subject to division (D) of this section, the 429
superintendent shall prescribe and charge a reasonable fee for 430
providing a criminal records check under this section. The 431
person requesting the criminal records check shall pay the fee 432
prescribed pursuant to this division. In the case of a request 433
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 434
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 435
fee shall be paid in the manner specified in that section. 436

(4) The superintendent of the bureau of criminal 437
identification and investigation may prescribe methods of 438
forwarding fingerprint impressions and information necessary to 439
conduct a criminal records check, which methods shall include, 440
but not be limited to, an electronic method. 441

(D) The results of a criminal records check conducted 442

under this section, other than a criminal records check 443
specified in division (A) (7) of this section, are valid for the 444
person who is the subject of the criminal records check for a 445
period of one year from the date upon which the superintendent 446
completes the criminal records check. If during that period the 447
superintendent receives another request for a criminal records 448
check to be conducted under this section for that person, the 449
superintendent shall provide the results from the previous 450
criminal records check of the person at a lower fee than the fee 451
prescribed for the initial criminal records check. 452

(E) When the superintendent receives a request for 453
information from a registered private provider, the 454
superintendent shall proceed as if the request was received from 455
a school district board of education under section 3319.39 of 456
the Revised Code. The superintendent shall apply division (A) (1) 457
(c) of this section to any such request for an applicant who is 458
a teacher. 459

(F) (1) All information regarding the results of a criminal 460
records check conducted under this section that the 461
superintendent reports or sends under division (A) (7) or (9) of 462
this section to the director of public safety, the treasurer of 463
state, or the person, board, or entity that made the request for 464
the criminal records check shall relate to the conviction of the 465
subject person, or the subject person's plea of guilty to, a 466
criminal offense. 467

(2) Division (F) (1) of this section does not limit, 468
restrict, or preclude the superintendent's release of 469
information that relates to the arrest of a person who is 470
eighteen years of age or older, to an adjudication of a child as 471
a delinquent child, or to a criminal conviction of a person 472

under eighteen years of age in circumstances in which a release 473
of that nature is authorized under division (E) (2), (3), or (4) 474
of section 109.57 of the Revised Code pursuant to a rule adopted 475
under division (E) (1) of that section. 476

(G) As used in this section: 477

(1) "Criminal records check" means any criminal records 478
check conducted by the superintendent of the bureau of criminal 479
identification and investigation in accordance with division (B) 480
of this section. 481

(2) "Minor drug possession offense" has the same meaning 482
as in section 2925.01 of the Revised Code. 483

(3) "OVI or OVUAC violation" means a violation of section 484
4511.19 of the Revised Code or a violation of an existing or 485
former law of this state, any other state, or the United States 486
that is substantially equivalent to section 4511.19 of the 487
Revised Code. 488

(4) "Registered private provider" means a nonpublic school 489
or entity registered with the superintendent of public 490
instruction under section 3310.41 of the Revised Code to 491
participate in the autism scholarship program or section 3310.58 492
of the Revised Code to participate in the Jon Peterson special 493
needs scholarship program. 494

Sec. 4731.07. (A) The state medical board shall keep a 495
record of its proceedings. The minutes of a meeting of the board 496
shall, on approval by the board, constitute an official record 497
of its proceedings. 498

(B) The board shall keep a register of applicants for 499
certificates of registration and certificates to practice issued 500
under this chapter and Chapters 4730., 4760., 4762., and 4774. 501

of the Revised Code~~and~~; licenses issued under Chapter 4778. of 502
the Revised Code; and applicants for licenses, licenses issued, 503
and licenses suspended or revoked under Chapter 4780. of the 504
Revised Code. The register shall show the name of the applicant 505
and whether the applicant was granted or refused a certificate 506
or license. With respect to applicants to practice medicine and 507
surgery or osteopathic medicine and surgery, the register shall 508
show the name of the institution that granted the applicant the 509
degree of doctor of medicine or osteopathic medicine. The books 510
and records of the board shall be prima-facie evidence of 511
matters therein contained. 512

Sec. 4731.224. (A) Within sixty days after the imposition 513
of any formal disciplinary action taken by any health care 514
facility, including a hospital, health care facility operated by 515
a health insuring corporation, ambulatory surgical center, or 516
similar facility, against any individual holding a valid 517
certificate to practice issued pursuant to this chapter, the 518
chief administrator or executive officer of the facility shall 519
report to the state medical board the name of the individual, 520
the action taken by the facility, and a summary of the 521
underlying facts leading to the action taken. Upon request, the 522
board shall be provided certified copies of the patient records 523
that were the basis for the facility's action. Prior to release 524
to the board, the summary shall be approved by the peer review 525
committee that reviewed the case or by the governing board of 526
the facility. As used in this division, "formal disciplinary 527
action" means any action resulting in the revocation, 528
restriction, reduction, or termination of clinical privileges 529
for violations of professional ethics, or for reasons of medical 530
incompetence, medical malpractice, or drug or alcohol abuse. 531
"Formal disciplinary action" includes a summary action, an 532

action that takes effect notwithstanding any appeal rights that 533
may exist, and an action that results in an individual 534
surrendering clinical privileges while under investigation and 535
during proceedings regarding the action being taken or in return 536
for not being investigated or having proceedings held. "Formal 537
disciplinary action" does not include any action taken for the 538
sole reason of failure to maintain records on a timely basis or 539
failure to attend staff or section meetings. 540

The filing or nonfiling of a report with the board, 541
investigation by the board, or any disciplinary action taken by 542
the board, shall not preclude any action by a health care 543
facility to suspend, restrict, or revoke the individual's 544
clinical privileges. 545

In the absence of fraud or bad faith, no individual or 546
entity that provides patient records to the board shall be 547
liable in damages to any person as a result of providing the 548
records. 549

(B) If any individual authorized to practice under this 550
chapter or any professional association or society of such 551
individuals believes that a violation of any provision of this 552
chapter, Chapter 4730., 4760., 4762., 4774., ~~or 4778.~~, or 4780. 553
of the Revised Code, or any rule of the board has occurred, the 554
individual, association, or society shall report to the board 555
the information upon which the belief is based. This division 556
does not require any treatment provider approved by the board 557
under section 4731.25 of the Revised Code or any employee, 558
agent, or representative of such a provider to make reports with 559
respect to an impaired practitioner participating in treatment 560
or aftercare for substance abuse as long as the practitioner 561
maintains participation in accordance with the requirements of 562

section 4731.25 of the Revised Code, and as long as the 563
treatment provider or employee, agent, or representative of the 564
provider has no reason to believe that the practitioner has 565
violated any provision of this chapter or any rule adopted under 566
it, other than the provisions of division (B) (26) of section 567
4731.22 of the Revised Code. This division does not require 568
reporting by any member of an impaired practitioner committee 569
established by a health care facility or by any representative 570
or agent of a committee or program sponsored by a professional 571
association or society of individuals authorized to practice 572
under this chapter to provide peer assistance to practitioners 573
with substance abuse problems with respect to a practitioner who 574
has been referred for examination to a treatment program 575
approved by the board under section 4731.25 of the Revised Code 576
if the practitioner cooperates with the referral for examination 577
and with any determination that the practitioner should enter 578
treatment and as long as the committee member, representative, 579
or agent has no reason to believe that the practitioner has 580
ceased to participate in the treatment program in accordance 581
with section 4731.25 of the Revised Code or has violated any 582
provision of this chapter or any rule adopted under it, other 583
than the provisions of division (B) (26) of section 4731.22 of 584
the Revised Code. 585

(C) Any professional association or society composed 586
primarily of doctors of medicine and surgery, doctors of 587
osteopathic medicine and surgery, doctors of podiatric medicine 588
and surgery, or practitioners of limited branches of medicine 589
that suspends or revokes an individual's membership for 590
violations of professional ethics, or for reasons of 591
professional incompetence or professional malpractice, within 592
sixty days after a final decision shall report to the board, on 593

forms prescribed and provided by the board, the name of the 594
individual, the action taken by the professional organization, 595
and a summary of the underlying facts leading to the action 596
taken. 597

The filing of a report with the board or decision not to 598
file a report, investigation by the board, or any disciplinary 599
action taken by the board, does not preclude a professional 600
organization from taking disciplinary action against an 601
individual. 602

(D) Any insurer providing professional liability insurance 603
to an individual authorized to practice under this chapter, or 604
any other entity that seeks to indemnify the professional 605
liability of such an individual, shall notify the board within 606
thirty days after the final disposition of any written claim for 607
damages where such disposition results in a payment exceeding 608
twenty-five thousand dollars. The notice shall contain the 609
following information: 610

(1) The name and address of the person submitting the 611
notification; 612

(2) The name and address of the insured who is the subject 613
of the claim; 614

(3) The name of the person filing the written claim; 615

(4) The date of final disposition; 616

(5) If applicable, the identity of the court in which the 617
final disposition of the claim took place. 618

(E) The board may investigate possible violations of this 619
chapter or the rules adopted under it that are brought to its 620
attention as a result of the reporting requirements of this 621

section, except that the board shall conduct an investigation if 622
a possible violation involves repeated malpractice. As used in 623
this division, "repeated malpractice" means three or more claims 624
for medical malpractice within the previous five-year period, 625
each resulting in a judgment or settlement in excess of twenty- 626
five thousand dollars in favor of the claimant, and each 627
involving negligent conduct by the practicing individual. 628

(F) All summaries, reports, and records received and 629
maintained by the board pursuant to this section shall be held 630
in confidence and shall not be subject to discovery or 631
introduction in evidence in any federal or state civil action 632
involving a health care professional or facility arising out of 633
matters that are the subject of the reporting required by this 634
section. The board may use the information obtained only as the 635
basis for an investigation, as evidence in a disciplinary 636
hearing against an individual whose practice is regulated under 637
this chapter, or in any subsequent trial or appeal of a board 638
action or order. 639

The board may disclose the summaries and reports it 640
receives under this section only to health care facility 641
committees within or outside this state that are involved in 642
credentialing or recredentialing the individual or in reviewing 643
the individual's clinical privileges. The board shall indicate 644
whether or not the information has been verified. Information 645
transmitted by the board shall be subject to the same 646
confidentiality provisions as when maintained by the board. 647

(G) Except for reports filed by an individual pursuant to 648
division (B) of this section, the board shall send a copy of any 649
reports or summaries it receives pursuant to this section to the 650
individual who is the subject of the reports or summaries. The 651

individual shall have the right to file a statement with the board concerning the correctness or relevance of the information. The statement shall at all times accompany that part of the record in contention.

(H) An individual or entity that, pursuant to this section, reports to the board or refers an impaired practitioner to a treatment provider approved by the board under section 4731.25 of the Revised Code shall not be subject to suit for civil damages as a result of the report, referral, or provision of the information.

(I) In the absence of fraud or bad faith, no professional association or society of individuals authorized to practice under this chapter that sponsors a committee or program to provide peer assistance to practitioners with substance abuse problems, no representative or agent of such a committee or program, and no member of the state medical board shall be held liable in damages to any person by reason of actions taken to refer a practitioner to a treatment provider approved under section 4731.25 of the Revised Code for examination or treatment.

Sec. 4731.24. Except as provided in sections 4731.281 and 4731.40 of the Revised Code, all receipts of the state medical board, from any source, shall be deposited in the state treasury. Until July 1, 1998, the funds shall be deposited to the credit of the occupational licensing and regulatory fund. On and after July 1, 1998, the funds shall be deposited to the credit of the state medical board operating fund, which is hereby created on July 1, 1998. Except as provided in section 4731.24 of the Revised Code, all funds deposited into the state treasury under this section shall be used solely for the

administration and enforcement of this chapter and Chapters 682
4730., 4760., 4762., 4774., ~~and 4778.~~, and 4780. of the Revised 683
Code by the board. 684

Sec. 4731.25. The state medical board, in accordance with 685
Chapter 119. of the Revised Code, shall adopt and may amend and 686
rescind rules establishing standards for approval of physicians 687
and facilities as treatment providers for impaired practitioners 688
who are regulated under this chapter or Chapter 4730., 4760., 689
4762., 4774., ~~or 4778.~~, or 4780. of the Revised Code. The rules 690
shall include standards for both inpatient and outpatient 691
treatment. The rules shall provide that in order to be approved, 692
a treatment provider must have the capability of making an 693
initial examination to determine what type of treatment an 694
impaired practitioner requires. Subject to the rules, the board 695
shall review and approve treatment providers on a regular basis. 696
The board, at its discretion, may withdraw or deny approval 697
subject to the rules. 698

An approved impaired practitioner treatment provider 699
shall: 700

(A) Report to the board the name of any practitioner 701
suffering or showing evidence of suffering impairment as 702
described in division (B) (5) of section 4730.25 of the Revised 703
Code, division (B) (26) of section 4731.22 of the Revised Code, 704
division (B) (6) of section 4760.13 of the Revised Code, division 705
(B) (6) of section 4762.13 of the Revised Code, division (B) (6) 706
of section 4774.13 of the Revised Code, ~~or~~ division (B) (6) of 707
section 4778.14 of the Revised Code, or division (C) (4) of 708
section 4780.11 of the Revised Code who fails to comply within 709
one week with a referral for examination; 710

(B) Report to the board the name of any impaired 711

practitioner who fails to enter treatment within forty-eight 712
hours following the provider's determination that the 713
practitioner needs treatment; 714

(C) Require every practitioner who enters treatment to 715
agree to a treatment contract establishing the terms of 716
treatment and aftercare, including any required supervision or 717
restrictions of practice during treatment or aftercare; 718

(D) Require a practitioner to suspend practice upon entry 719
into any required inpatient treatment; 720

(E) Report to the board any failure by an impaired 721
practitioner to comply with the terms of the treatment contract 722
during inpatient or outpatient treatment or aftercare; 723

(F) Report to the board the resumption of practice of any 724
impaired practitioner before the treatment provider has made a 725
clear determination that the practitioner is capable of 726
practicing according to acceptable and prevailing standards of 727
care; 728

(G) Require a practitioner who resumes practice after 729
completion of treatment to comply with an aftercare contract 730
that meets the requirements of rules adopted by the board for 731
approval of treatment providers; 732

(H) Report the identity of any practitioner practicing 733
under the terms of an aftercare contract to hospital 734
administrators, medical chiefs of staff, and chairpersons of 735
impaired practitioner committees of all health care institutions 736
at which the practitioner holds clinical privileges or otherwise 737
practices. If the practitioner does not hold clinical privileges 738
at any health care institution, the treatment provider shall 739
report the practitioner's identity to the impaired practitioner 740

committee of the county medical society, osteopathic academy, or 741
podiatric medical association in every county in which the 742
practitioner practices. If there are no impaired practitioner 743
committees in the county, the treatment provider shall report 744
the practitioner's identity to the president or other designated 745
member of the county medical society, osteopathic academy, or 746
podiatric medical association. 747

(I) Report to the board the identity of any practitioner 748
who suffers a relapse at any time during or following aftercare. 749

Any individual authorized to practice under this chapter 750
who enters into treatment by an approved treatment provider 751
shall be deemed to have waived any confidentiality requirements 752
that would otherwise prevent the treatment provider from making 753
reports required under this section. 754

In the absence of fraud or bad faith, no person or 755
organization that conducts an approved impaired practitioner 756
treatment program, no member of such an organization, and no 757
employee, representative, or agent of the treatment provider 758
shall be held liable in damages to any person by reason of 759
actions taken or recommendations made by the treatment provider 760
or its employees, representatives, or agents. 761

Sec. 4776.01. As used in this chapter: 762

(A) "License" means an authorization evidenced by a 763
license, certificate, registration, permit, card, or other 764
authority that is issued or conferred by a licensing agency to a 765
licensee or to an applicant for an initial license by which the 766
licensee or initial license applicant has or claims the 767
privilege to engage in a profession, occupation, or occupational 768
activity, or, except in the case of the state dental board, to 769

have control of and operate certain specific equipment, 770
machinery, or premises, over which the licensing agency has 771
jurisdiction. 772

(B) Except as provided in section 4776.20 of the Revised 773
Code, "licensee" means the person to whom the license is issued 774
by a licensing agency. 775

(C) Except as provided in section 4776.20 of the Revised 776
Code, "licensing agency" means any of the following: 777

(1) The board authorized by Chapters 4701., 4717., 4725., 778
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4755., 4757., 779
4759., 4760., 4761., 4762., 4779., 4780., and 4783. of the 780
Revised Code to issue a license to engage in a specific 781
profession, occupation, or occupational activity, or to have 782
charge of and operate certain specified equipment, machinery, or 783
premises. 784

(2) The state dental board, relative to its authority to 785
issue a license pursuant to section 4715.12, 4715.16, 4715.21, 786
or 4715.27 of the Revised Code. 787

(D) "Applicant for an initial license" includes persons 788
seeking a license for the first time and persons seeking a 789
license by reciprocity, endorsement, or similar manner of a 790
license issued in another state. 791

(E) "Applicant for a restored license" includes persons 792
seeking restoration of a certificate under section 4730.14, 793
4731.281, 4760.06, or 4762.06 of the Revised Code. 794

(F) "Criminal records check" has the same meaning as in 795
section 109.572 of the Revised Code. 796

Sec. 4776.20. (A) As used in this section: 797

(1) "Licensing agency" means, in addition to each board 798
identified in division (C) of section 4776.01 of the Revised 799
Code, the board or other government entity authorized to issue a 800
license under Chapters 4703., 4707., 4709., 4712., 4713., 4719., 801
4723., 4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740., 802
4742., 4747., 4749., 4751., 4752., 4753., 4758., 4759., 4763., 803
4765., 4766., 4771., 4773., 4774., 4778., 4780. and 4781. of 804
the Revised Code. "Licensing agency" includes an administrative 805
officer that has authority to issue a license. 806

(2) "Licensee" means, in addition to a licensee as 807
described in division (B) of section 4776.01 of the Revised 808
Code, the person to whom a license is issued by the board or 809
other government entity authorized to issue a license under 810
Chapters 4703., 4707., 4709., 4712., 4713., 4719., 4723., 4727., 811
4728., 4733., 4735., 4736., 4737., 4738., 4740., 4742., 4747., 812
4749., 4751., 4752., 4753., 4758., 4759., 4763., 4765., 4766., 813
4771., 4773., 4774., 4778., 4780. and 4781. of the Revised 814
Code. 815

(3) "Prosecutor" has the same meaning as in section 816
2935.01 of the Revised Code. 817

(B) On a licensee's conviction of, plea of guilty to, 818
judicial finding of guilt of, or judicial finding of guilt 819
resulting from a plea of no contest to the offense of 820
trafficking in persons in violation of section 2905.32 of the 821
Revised Code, the prosecutor in the case shall promptly notify 822
the licensing agency of the conviction, plea, or finding and 823
provide the licensee's name and residential address. On receipt 824
of this notification, the licensing agency shall immediately 825
suspend the licensee's license. 826

(C) If there is a conviction of, plea of guilty to, 827

judicial finding of guilt of, or judicial finding of guilt 828
resulting from a plea of no contest to the offense of 829
trafficking in persons in violation of section 2905.32 of the 830
Revised Code and all or part of the violation occurred on the 831
premises of a facility that is licensed by a licensing agency, 832
the prosecutor in the case shall promptly notify the licensing 833
agency of the conviction, plea, or finding and provide the 834
facility's name and address and the offender's name and 835
residential address. On receipt of this notification, the 836
licensing agency shall immediately suspend the facility's 837
license. 838

(D) Notwithstanding any provision of the Revised Code to 839
the contrary, the suspension of a license under division (B) or 840
(C) of this section shall be implemented by a licensing agency 841
without a prior hearing. After the suspension, the licensing 842
agency shall give written notice to the subject of the 843
suspension of the right to request a hearing under Chapter 119. 844
of the Revised Code. After a hearing is held, the licensing 845
agency shall either revoke or permanently revoke the ~~license~~ 846
license of the subject of the suspension, unless it determines 847
that the license holder has not been convicted of, pleaded 848
guilty to, been found guilty of, or been found guilty based on a 849
plea of no contest to the offense of trafficking in persons in 850
violation of section 2905.32 of the Revised Code. 851

Sec. 4780.01. As used in this chapter: 852

(A) "Client" means a person who receives music therapy 853
services. 854

(B) "Licensee" means a music therapist who is licensed to 855
practice music therapy pursuant to this chapter. 856

(C) "Music therapy" means the clinical use of music interventions by a person to accomplish individualized goals within a therapeutic relationship through an individualized music therapy treatment plan developed for a client. 857
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(D) "Music therapy services" means the services a licensee is authorized to provide pursuant to section 4780.09 of the Revised Code to achieve the goals of music therapy. 861
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Sec. 4780.02. (A) No person who is not licensed to practice music therapy pursuant to this chapter or whose license to practice as a music therapist has been suspended or revoked shall knowingly do either of the following: 864
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(1) Provide music therapy services; 868

(2) Use the title "music therapist" or a similar title. 869

(B) This chapter does not apply to any of the following persons: 870
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(1) A person performing services or participating in activities as an integral part of a program of study in an accredited music therapy program, if the person does not represent the person's self as a music therapist; 872
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(2) A person who holds a professional license in this state or an employee who is supervised by a person who holds a professional license in this state who is performing services, including the use of music in the services, that are incidental to the practice of the person's profession, if the person does not represent the person's self as a music therapist; 876
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(3) Any person whose training and national certification attests to the person's preparation and ability to practice the person's certified profession or occupation, if the person does 882
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not represent the person's self as a music therapist; 885

(4) Any person who practices music therapy under the 886
supervision of a licensee, if the person does not represent the 887
person's self as a music therapist. 888

Sec. 4780.03. (A) The state medical board may adopt rules 889
as the board considers necessary to carry out this chapter. The 890
rules may include requirements for continuing education for 891
music therapists in addition to those required under section 892
4780.07 of the Revised Code. 893

(B) The board shall enforce this chapter and any rules 894
adopted pursuant to it. 895

(C) The board, upon request and payment of a fee 896
established by the board, shall provide a copy of the list 897
maintained pursuant to section 4731.07 of the Revised Code, as 898
it pertains to this chapter. Any fee charged by the board for 899
providing the copy shall not exceed the actual cost incurred by 900
the board to make the copy. 901

Sec. 4780.04. (A) There is hereby created within the state 902
medical board the music therapy advisory committee consisting of 903
five persons familiar with the practice of music therapy. The 904
committee shall provide the board with expertise and assistance 905
in carrying out its duties pursuant to this chapter. 906

The committee shall consist of the following members: 907

(1) Three members who are licensed under this chapter to 908
practice as music therapists in this state; 909

(2) One member who is a licensed health care professional 910
who is not a licensee; 911

(3) One member who is a consumer. 912

(B) Not later than ninety days after the effective date of 913
this section, the board shall make initial appointments to the 914
committee. The board shall appoint two members to terms ending 915
one year after the effective date of this section, one member to 916
a term ending two years after the effective date of this 917
section, one member to a term ending three years after the 918
effective date of this section, and one member to a term ending 919
four years after the effective date of this section. Thereafter, 920
terms of office for all members are four years, with each term 921
ending on the same day of the same month as did the term that it 922
succeeds. Each member shall hold office from the date of 923
appointment until the end of the term for which the member was 924
appointed. Members may be reappointed. 925

Vacancies shall be filled in the same manner as original 926
appointments. Any member appointed to fill a vacancy occurring 927
prior to the expiration of the term for which the member's 928
predecessor was appointed shall hold office for the remainder of 929
the term. Any member shall continue in office subsequent to the 930
expiration date of the member's term until a successor takes 931
office, or until a period of sixty days has elapsed, whichever 932
occurs first. 933

(C) Members of the committee shall serve without 934
compensation and shall not be reimbursed for expenses. 935

(D) The committee shall meet at least once per year or as 936
otherwise called by the board. 937

(E) The board shall consult with the committee prior to 938
changing fees established under this chapter. The board shall 939
seek the advice of the committee for issues related to music 940
therapy. 941

(F) The committee is not subject to sections 101.82 to 942
101.87 of the Revised Code. 943

(G) The committee shall provide to the board an analysis 944
of disciplinary actions taken license applicants and licensees, 945
appeals and denials, and revocation of licenses at least once 946
per year. 947

(H) The committee may facilitate the development of 948
materials that the state medical board may utilize to educate 949
the public concerning music therapist licensure, the benefits of 950
music therapy, and utilization of music therapy by individuals 951
and in facilities or institutional settings. The committee may 952
act as a facilitator of statewide dissemination of information 953
between music therapists, the American music therapy association 954
or its successor organization, the certification board for music 955
therapists or its successor organization, and the state medical 956
board. 957

Sec. 4780.05. (A) A person seeking a license to practice 958
as a music therapist under this chapter shall do both of the 959
following: 960

(1) Submit all of the following to the state medical 961
board: 962

(a) A completed application on a form provided by the 963
state medical board; 964

(b) An application fee of one hundred fifty dollars or a 965
higher amount established by the board; 966

(c) Proof that the person is at least eighteen years of 967
age; 968

(d) Proof that the person has successfully completed an 969

academic program with a bachelor's or higher degree in music 970
therapy approved by the American music therapy association or 971
its successor organization; 972

(e) Proof that the person has done both of the following: 973

(i) Has passed the examination for board certification by 974
the certification board for music therapists or its successor 975
organization or obtained certification as a music therapist by 976
that board on January 1, 1985; 977

(ii) Is currently certified as a music therapist by the 978
certification board for music therapists or its successor 979
organization; 980

(f) Proof that the person has successfully completed a 981
minimum of one thousand two hundred hours of clinical training, 982
with at least one hundred eighty hours in preinternship 983
experience and at least nine hundred hours in internship 984
experience, if the internship is approved by the American music 985
therapy association or its successor organization, an academic 986
institution, or both. 987

(2) Comply with sections 4776.01 to 4776.04 of the Revised 988
Code. 989

(B) The state medical board shall not grant to a person a 990
license to practice as a music therapist unless the board, in 991
its discretion, decides that the results of the criminal records 992
check do not make the person ineligible for a license issued 993
pursuant to section 4780.11 of the Revised Code. 994

(C) Within sixty days after receiving the information 995
described in division (A) (1) of this section and receipt of 996
proof of compliance with division (A) (2) of this section, the 997
state medical board shall issue a license to practice as a music 998

therapist if the board determines that the person satisfies the 999
requirements of division (A) of this section. 1000

(D) The state medical board, subject to the approval of 1001
the controlling board, may establish a fee in excess of the 1002
amount prescribed in division (A) of this section, provided that 1003
the amount of the increase does not exceed fifty per cent of 1004
that fee, that no fee increase occur prior to January 1, 2016, 1005
and that the increase does not exceed the amount necessary for 1006
the state medical board to implement this chapter. 1007

Sec. 4780.06. If a person who is licensed to practice as a 1008
music therapist in another jurisdiction wishes to be licensed 1009
under this chapter, the person shall comply with division (A) of 1010
section 4780.05 of the Revised Code and shall include with the 1011
person's application proof that the person's license issued in 1012
the other jurisdiction is in good standing with that 1013
jurisdiction. 1014

The state medical board shall review the person's 1015
licensure history in that jurisdiction, and shall include in 1016
that review a review of any misconduct or neglect in the 1017
practice of music therapy in that jurisdiction on the part of 1018
the person. The board shall issue a license to the person in 1019
accordance with divisions (B) and (C) of section 4780.05 of the 1020
Revised Code, if, in addition to the requirements specified in 1021
those divisions, the board determines that the person's license 1022
issued in another jurisdiction is in good standing and that the 1023
requirements for obtaining licensure in that jurisdiction are 1024
equal to or greater than the requirements specified in section 1025
4780.05 of the Revised Code. 1026

Sec. 4780.07. (A) A license to practice as a music 1027
therapist issued under this chapter is valid for three years 1028

beginning on the date the license is issued and may be renewed. 1029

(B) A person seeking to renew a license to practice as a 1030
music therapist shall, before the license expires, apply for 1031
renewal of the license. To be eligible for renewal, an applicant 1032
shall submit all of the following to the state medical board: 1033

(1) A completed application for renewal on a form 1034
prescribed by the board; 1035

(2) Proof that the licensee has continuously maintained 1036
for the previous three years certification with, and is 1037
currently certified as a music therapist by, the certification 1038
board for music therapists or its successor organization; 1039

(3) Proof that the licensee has completed not less than 1040
sixty hours of continuing education approved by the 1041
certification board for music therapists or its successor 1042
organization and any other continuing education requirements 1043
established by the state medical board; 1044

(4) A fee in the amount of one hundred fifty dollars or 1045
such other amount as prescribed by the state medical board. 1046

(C) A licensee shall notify the board in writing of any 1047
change in address. 1048

(D) The state medical board shall send renewal notices at 1049
least one month prior to the license expiration date. 1050

(E) The state medical board, subject to the approval of 1051
the controlling board, may establish a fee in excess of the 1052
amount prescribed in division (A) of this section, if the amount 1053
of the increase does not exceed fifty per cent of that fee, that 1054
no fee increase occur prior to January 1, 2016, and that the 1055
increase does not exceed the amount necessary for the state 1056

medical board to implement this chapter. 1057

Sec. 4780.08. A license to practice as a music therapist 1058
that is not renewed on or before its expiration date is 1059
delinquent and shall be forfeited to the state medical board. 1060
The board, within thirty days after the license becomes 1061
delinquent, shall send a notice to the licensee by certified 1062
mail, return receipt requested, to the address of the licensee 1063
as indicated in the records of the board. The notice shall 1064
inform the licensee that the licensee's license is forfeited and 1065
explain procedures for restoring the forfeited license. 1066

A licensee may restore a forfeited license within one year 1067
after the license becomes delinquent by complying with the 1068
requirements of section 4780.07 of the Revised Code. The board 1069
shall terminate a forfeited license that is not restored within 1070
one year after the date it becomes delinquent. The board may 1071
require a person whose license has been terminated to apply for 1072
a new license under section 4780.05 of the Revised Code. 1073

Upon written request of a licensee, the board may place an 1074
active license on inactive status subject to an inactive status 1075
fee established by the board. The licensee, upon request and 1076
payment of the inactive license fee, may continue on inactive 1077
status for a period up to two years. A licensee may reactivate 1078
an inactive license at any time during that two-year period by 1079
making a written request to the board and by fulfilling 1080
requirements established by the board. 1081

Sec. 4780.09. (A) A licensee shall do both of the 1082
following: 1083

(1) Before providing music therapy services to a client 1084
for a medical, developmental, or mental health condition, 1085

collaborate with the client's physician, psychologist, primary care provider, or mental health professional, as applicable, to review the client's diagnosis, treatment needs, and treatment plan; 1086
1087
1088
1089

(2) During the provision of music therapy services to a client, collaborate, as applicable, with the client's treatment team. 1090
1091
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(B) A licensee may do any of the following activities: 1093

(1) Accept referrals for music therapy services from physicians, psychologists, or other medical, developmental, or mental health professionals, education professionals, clients, family members of prospective clients, or caregivers of prospective clients; 1094
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(2) Conduct a music therapy assessment of a client to collect systematic, comprehensive, and accurate information necessary to determine the appropriate type of music therapy services to provide to the client; 1099
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(3) Develop an individualized treatment plan for a client that identifies the goals, objectives, and potential strategies of the music therapy services appropriate for the client using music interventions, which may include music improvisation, receptive music listening, song writing, lyric discussion, music and imagery, music performance, learning through music, and movement to music; 1103
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(4) If applicable, carry out an individualized treatment plan that is consistent with any other medical, developmental, mental health, or education services being provided to the client; 1110
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(5) Evaluate the client's response to music therapy and 1114

the individualized treatment plan and suggest modifications, as 1115
appropriate; 1116

(6) Develop a plan for determining when the provision of 1117
music therapy services is no longer needed in collaboration with 1118
the client, any physician or other health care or education 1119
provider of the client, any appropriate family member of the 1120
client, and any other appropriate person upon whom the client 1121
relies for support; 1122

(7) Minimize any barriers so that the client may receive 1123
music therapy services in the least restrictive environment; 1124

(8) Collaborate with and educate the client and the family 1125
or caregiver of the client or any other appropriate person about 1126
the needs of the client that are being addressed in music 1127
therapy and the manner in which the music therapy addresses 1128
those needs. 1129

Sec. 4780.10. If any member of the state medical board or 1130
the music therapy advisory committee becomes aware of any ground 1131
for initiating disciplinary action against a licensee, the 1132
member shall file a written complaint with the board. As soon as 1133
practicable after receiving a complaint, the board shall conduct 1134
an investigation of the complaint to determine whether the 1135
allegations in the complaint merit the initiation of 1136
disciplinary proceedings against the licensee. 1137

Sec. 4780.11. (A) If, after an investigation conducted by 1138
the state medical board and after notice and a hearing in 1139
accordance with Chapter 119. of the Revised Code, the board 1140
finds one or more grounds for taking disciplinary action as 1141
described in division (C) of this section, the board may do any 1142
of the following: 1143

- (1) Place the licensee on probation for a specified period 1144
or until further order of the board; 1145
- (2) Administer to the applicant or licensee a public 1146
reprimand; 1147
- (3) Refuse to issue a license to an applicant or renew the 1148
license of the licensee; 1149
- (4) Suspend or revoke the license of the licensee; 1150
- (5) Impose an administrative fine of not less than one 1151
hundred dollars nor more than one thousand dollars for each 1152
violation; 1153
- (6) Take any combination of the actions enumerated in 1154
divisions (A) (1) to (5) of this section. 1155
- (B) An order of the board may include any other terms, 1156
provisions, or conditions as the board considers appropriate. An 1157
order of the board and the findings of fact and conclusions of 1158
law supporting that order are public records. The board shall 1159
not issue a private reprimand. 1160
- (C) The board may impose any of the disciplinary actions 1161
described in division (A) of this section if a licensee or 1162
applicant does any of the following: 1163
- (1) Submits false, fraudulent, or misleading information 1164
to the board or any agency of this state, any other state, or 1165
the federal government; 1166
- (2) Violates this chapter or any rule adopted pursuant to 1167
it; 1168
- (3) Is convicted of or pleads guilty to a disqualifying 1169
offense or a crime of moral turpitude, as those terms are 1170

defined in section 4776.10 of the Revised Code; 1171

(4) Is impaired in the licensee's or applicant's ability 1172
to practice according to acceptable and prevailing standards of 1173
care because of habitual or excessive use or abuse of drugs, 1174
alcohol, or other substances that impair ability to practice; 1175

(5) Uses fraud or deception in applying for a license to 1176
practice as a music therapist; 1177

(6) Fails to pay fees when due; 1178

(7) Fails to provide requested information in a timely 1179
manner; 1180

(8) Is unable to, or fails to practice music therapy with 1181
reasonable skill and consistent with the welfare of clients, 1182
including negligence in the practice of music therapy, 1183
incapacity, and abuse of or engaging in sexual contact with a 1184
client; 1185

(9) Is subject to disciplinary action by another 1186
jurisdiction with respect to the licensee's or applicant's 1187
license to practice as a music therapist issued by that 1188
jurisdiction. 1189

Sec. 4780.12. On receipt of a notice pursuant to section 1190
3123.43 of the Revised Code, the state medical board shall 1191
comply with sections 3123.41 to 3123.50 of the Revised Code and 1192
any applicable rules adopted under section 3123.63 of the 1193
Revised Code with respect to a license to practice as a music 1194
therapist issued pursuant to this chapter. 1195

Sec. 4780.13. The state medical board shall comply with 1196
section 4776.20 of the Revised Code. 1197

Sec. 4780.14. If the state medical board determines that a 1198

person has violated or is about to violate any provision of this 1199
chapter or a rule adopted pursuant to it, the board may bring an 1200
action in a court of competent jurisdiction to enjoin the person 1201
from engaging in or continuing the violation. 1202

An injunction may be issued without proof of actual damage 1203
sustained by any person and does not prohibit the criminal 1204
prosecution and punishment of the person who commits the 1205
violation. 1206

Sec. 4780.15. Except as otherwise provided in this 1207
section, a complaint filed with the state medical board and all 1208
documents and other information filed with the complaint are 1209
confidential and are not subject to section 149.43 of the 1210
Revised Code, unless the person who is the subject of the 1211
complaint submits a written statement to the board requesting 1212
that the documents and information be made public records. 1213

The charging documents filed with the board to initiate 1214
disciplinary action and information considered by the board when 1215
determining whether to impose discipline against a licensee or 1216
applicant are public records. An order that imposes discipline 1217
and the findings of fact and conclusions of law supporting that 1218
order are public records. 1219

Nothing in this section prohibits the board from 1220
communicating or cooperating with or providing any documents or 1221
other information to any other licensing board or any other 1222
agency that is investigating a person, including a law 1223
enforcement agency. 1224

Sec. 4780.99. Whoever violates division (A) of section 1225
4780.02 of the Revised Code is guilty of a misdemeanor of the 1226
fourth degree on a first offense; on each subsequent offense, 1227

such person is guilty of a misdemeanor of the third degree. 1228

Section 2. That existing sections 109.572, 4731.07, 1229
4731.224, 4731.24, 4731.25, 4776.01, and 4776.20 of the Revised 1230
Code are hereby repealed. 1231

Section 3. Division (A) of section 4780.02 of the Revised 1232
Code, as enacted by this act, takes effect one year after the 1233
effective date of this act. 1234

Section 4. Notwithstanding section 4780.04 of the Revised 1235
Code, as enacted by this act, persons appointed to the Music 1236
Therapy Advisory Committee need not be licensed as required 1237
under that section during the first year after the effective 1238
date of this act. 1239

Section 5. (A) As used in this section, "board certified 1240
music therapist" means a person who has completed the education 1241
and clinical training requirements established by the American 1242
Music Therapy Association, has passed the Certification Board 1243
for Music Therapists certification examination or obtained 1244
certification by that Board on January 1, 1985, and remains 1245
actively certified by the Certification Board for Music 1246
Therapists. 1247

(B) For a period of one year beginning on the effective 1248
date of this act, the State Medical Board shall waive the 1249
examination requirement under section 4780.05 of the Revised 1250
Code, as enacted by this act, that a person must satisfy to 1251
obtain a license to practice as a music therapist if the person 1252
demonstrates to the Board that the person either is a board 1253
certified music therapist or is designated as a registered music 1254
therapist, certified music therapist, or advanced certified 1255
music therapist and in good standing with the National Music 1256

Therapy Registry. 1257

Section 6. Section 109.572 of the Revised Code is 1258
presented in this act as a composite of the section as amended 1259
by both Am. Sub. H.B. 483 and Am. Sub. S.B. 143 of the 130th 1260
General Assembly. The General Assembly, applying the principle 1261
stated in division (B) of section 1.52 of the Revised Code that 1262
amendments are to be harmonized if reasonably capable of 1263
simultaneous operation, finds that the composite is the 1264
resulting version of the section in effect prior to the 1265
effective date of the section as presented in this act. 1266