

H.B. 62
As Introduced

Topic: Licensure and certification exemptions for counselors, 1
social workers, and marriage and family therapists 2

Fryer

_____ moved to amend as follows:

In line 8, after "That" insert "sections 3107.014 and 4757.41 3
be amended and" 4

Between lines 9 and 10, insert: 5

"Sec. 3107.014. (A) Except as provided in division (B) of 6
this section, only an individual who meets all of the following 7
requirements may perform the duties of an assessor under sections 8
3107.031, 3107.032, 3107.082, 3107.09, 3107.101, 3107.12, 9
5103.0324, and 5103.152 of the Revised Code: 10

(1) The individual must be in the employ of, appointed by, or 11
under contract with a court, public children services agency, 12
private child placing agency, or private noncustodial agency; 13

(2) The individual must be one of the following: 14

(a) A professional counselor, social worker, or marriage and 15
family therapist licensed under Chapter 4757. of the Revised Code; 16

(b) A psychologist licensed under Chapter 4732. of the 17
Revised Code; 18

(c) A student working to earn a four-year, post-secondary 19
degree, or higher, in a social or behavior science, or both, who 20

conducts assessor's duties under the supervision of a professional
 counselor, social worker, or marriage and family therapist
 licensed under Chapter 4757. of the Revised Code or a psychologist
 licensed under Chapter 4732. of the Revised Code. Beginning July
 1, 2009, a student is eligible under this division only if the
 supervising professional counselor, social worker, marriage and
 family therapist, or psychologist has completed training in
 accordance with rules adopted under section 3107.015 of the
 Revised Code.

~~(d) A civil service employee engaging in social work without
 a license under Chapter 4757. of the Revised Code, as permitted by
 division (A) (5) of section 4757.41 of the Revised Code~~ An employee
 of a court or public children services agency employed to conduct
 the duties of an assessor;

(e) A former employee of a public children services agency
 who, while so employed, conducted the duties of an assessor.

(3) The individual must complete training in accordance with
 rules adopted under section 3107.015 of the Revised Code.

(B) An individual in the employ of, appointed by, or under
 contract with a court prior to September 18, 1996, to conduct
 adoption investigations of prospective adoptive parents may
 perform the duties of an assessor under sections 3107.031,
 3107.032, 3107.082, 3107.09, 3107.101, 3107.12, 5103.0324, and
 5103.152 of the Revised Code if the individual complies with
 division (A) (3) of this section regardless of whether the
 individual meets the requirement of division (A) (2) of this
 section.

(C) A court, public children services agency, private child
 placing agency, or private noncustodial agency may employ,
 appoint, or contract with an assessor in the county in which a
 petition for adoption is filed and in any other county or location

outside this state where information needed to complete or 52
supplement the assessor's duties may be obtained. More than one 53
assessor may be utilized for an adoption. 54

(D) Not later than January 1, 2008, the department of job and 55
family services shall develop and maintain an assessor registry. 56
The registry shall list all individuals who are employed, 57
appointed by, or under contract with a court, public children 58
services agency, private child placing agency, or private 59
noncustodial agency and meet the requirements of an assessor as 60
described in this section. A public children services agency, 61
private child placing agency, private noncustodial agency, court, 62
or any other person may contact the department to determine if an 63
individual is listed in the assessor registry. An individual 64
listed in the assessor registry shall immediately inform the 65
department when that individual is no longer employed, appointed 66
by, or under contract with a court, public children services 67
agency, private child placing agency, or private noncustodial 68
agency to perform the duties of an assessor as described in this 69
section. The director of job and family services shall adopt rules 70
in accordance with Chapter 119. of the Revised Code necessary for 71
the implementation, contents, and maintenance of the registry, and 72
any sanctions related to the provision of information, or the 73
failure to provide information, that is needed for the proper 74
operation of the assessor registry. 75

Sec. 4757.41. (A) This chapter shall not apply to the 76
following: 77

(1) A person certified by the state board of education under 78
Chapter 3319. of the Revised Code while performing any services 79
within the person's scope of employment by a board of education or 80
by a private school meeting the standards prescribed by the state 81
board of education under division (D) of section 3301.07 of the 82

Revised Code or in a program operated under Chapter 5126. of the	83
Revised Code for training individuals with mental retardation or	84
other developmental disabilities;	85
(2) Psychologists or school psychologists licensed under	86
Chapter 4732. of the Revised Code;	87
(3) Members of other professions licensed, certified, or	88
registered by this state while performing services within the	89
recognized scope, standards, and ethics of their respective	90
professions;	91
(4) Rabbis, priests, Christian science practitioners, clergy,	92
or members of religious orders and other individuals participating	93
with them in pastoral counseling when the counseling activities	94
are within the scope of the performance of their regular or	95
specialized ministerial duties and are performed under the	96
auspices or sponsorship of an established and legally cognizable	97
church, denomination, or sect or an integrated auxiliary of a	98
church as defined in federal tax regulations, paragraph (g) (5) of	99
26 C.F.R. 1.6033-2 (1995), and when the individual rendering the	100
service remains accountable to the established authority of that	101
church, denomination, sect, or integrated auxiliary;	102
(5) Any person employed in the civil service as defined in	103
section 124.01 of the Revised Code while engaging in social work	104
or professional counseling as a civil service employee;	105
(6) A student in an accredited educational institution while	106
carrying out activities that are part of the student's prescribed	107
course of study if the activities are supervised as required by	108
the educational institution and if the student does not hold	109
herself or himself out as a person licensed or registered under	110
this chapter;	111
(7) Until two years after the date the department of alcohol	112

~~and drug addiction services ceases to administer its process for~~ 113
~~the certification or credentialing of chemical dependency~~ 114
~~counselors and alcohol and other drug prevention specialists under~~ 115
~~section 3793.07 of the Revised Code, as specified in division (B)~~ 116
~~of that section, or in the case of an individual who has the~~ 117
~~expiration date of the individual's certificate or credentials~~ 118
~~delayed under section 4758.04 of the Revised Code, until the date~~ 119
~~of the delayed expiration, individuals with certification or~~ 120
~~credentials accepted by the department under that section who are~~ 121
~~acting within the scope of their certification or credentials as~~ 122
~~members of the profession of chemical dependency counseling or as~~ 123
~~alcohol and other drug prevention specialists;~~ 124

~~(8)~~(6) Individuals who hold a license or certificate under 125
Chapter 4758. of the Revised Code who are acting within the scope 126
of their license or certificate as members of the profession of 127
chemical dependency counseling or alcohol and other drug 128
prevention services; 129

~~(9)~~(7) Any person employed by the American red cross while 130
engaging in activities relating to services for military families 131
and veterans and disaster relief, as described in the "American 132
National Red Cross Act," 33 Stat. 599 (1905), 36 U.S.C.A. 1, as 133
amended; 134

~~(10)~~(8) Members of labor organizations who hold union 135
counselor certificates while performing services in their official 136
capacity as union counselors; 137

~~(11)~~(9) Any person employed in a hospital as defined in 138
section 3727.01 of the Revised Code or in a nursing home as 139
defined in section 3721.01 of the Revised Code while providing as 140
a hospital employee or nursing home employee, respectively, social 141
services other than counseling and the use of psychosocial 142
interventions and social psychotherapy. 143

(B) Divisions (A) ~~(5)~~, ~~(9)~~, ~~(7)~~ and ~~(11)~~ ~~(9)~~ of this section do 144
 not prevent a person described in those divisions from obtaining a 145
 license or certificate of registration under this chapter. 146

(C) Nothing in this chapter shall be construed to require 147
licensure or certification for a caseworker employed by a public 148
children services agency under section 5153.112 of the Revised 149
Code." 150

After line 27, insert: 151

"Section 2. That existing sections 3107.014 and 4757.41 of 152
 the Revised Code are hereby repealed. 153

Section 3. Within one year after the effective date of this 154
 act, the Office of Collective Bargaining within the Department of 155
 Administrative Services shall implement the change by this act to 156
 division (A) (5) of section 4757.41 of the Revised Code. 157

Within ninety days after the effective date of this act, the 158
 Office of Collective Bargaining shall negotiate with each state 159
 agency and the affected union to reach a mutually agreeable 160
 resolution for employees impacted by this change. 161

Notwithstanding divisions (A) and (D) of section 124.14 of 162
 the Revised Code or any other contrary provision of law, for 163
 employees in the service of the state exempt from Chapter 4117. of 164
 the Revised Code who are impacted by this change, the Director of 165
 Administrative Services may implement any or all of the provisions 166
 of the resolutions described in the preceding paragraph. Nothing 167
 in this Section shall be construed as restricting the Director 168
 from developing new classifications related to this change or from 169
 reassigning impacted employees to appropriate classifications 170
 based on the employee's duties and qualifications." 171

In line 1 of the title, after "To" insert "amend sections 172

3107.014 and 4757.41 and to" 173

In line 4 of the title, delete "and" and insert a comma 174

In line 7 of the title, after "duty" insert ", and to 175
eliminate certain exemptions to the licensure and certification 176
requirements for counselors, social workers, and marriage and 177
family therapists" 178

The motion was _____ agreed to.