

4757-11-01

**Denial, and disciplinary action for licenses or certificates of registration issued by the counselor, social worker, and marriage and family therapist board.**

The board may refuse to admit for examination, issue, renew, or may suspend, revoke, reprimand or place restrictions on any license or certificate of registration applied for or issued under Chapter 4757. of the Revised Code, or may take other disciplinary action against any licensee or registrant, if that person has:

- (A) Failed to meet the education, experience, examination, good moral character ~~and~~ or other requirements set forth in Chapter 4757. of the Revised Code; and/or,
- (B) Violated any provision of the code of ethical practice or professional conduct or committed any other violation of professional behavior contained in the rules; and/or,
- (C) Committed a violation of any provision of Chapter 4757. of the Revised Code, or of rules adopted under it, including the provisions of section 4757.36 of the Revised Code; to include any of the following:
  - (1) Knowingly made a false statement in an application for licensure or registration, or in renewal of a license or certificate of registration;
  - (2) Accepted a commission or rebate for referring persons to any professionals licensed, certified, or registered by any court or board, commission, department, division, or other agency of the state, including, but not limited to, professionals in counseling, social work, or marriage and family therapy or in fields related to counseling, social work, or marriage and family therapy;
  - (3) Failed to comply with section 4757.12 of the Revised Code;
  - (4) Been denied, revoked, suspended or had restrictions placed on a any license including, but not limited, to licensure to practice counseling, social work, or marriage and family therapy for any reason other than failure to renew in another state or jurisdiction.
  - (5) Used a controlled substance or alcoholic beverage to the extent that it impaired their ability to perform properly as a professional counselor, professional clinical counselor, counselor trainee, social work assistant, social worker, independent social worker, marriage and family therapist, or independent marriage and family therapist;
  - (6) Been convicted of, pled guilty to, pled no contest to, or had a judicial finding of guilt imposed in this state or in any other state of a misdemeanor committed

in the course of practice as a professional counselor, professional clinical counselor, counselor trainee, social work assistant, social worker, independent social worker, marriage and family therapist, or independent marriage and family therapist;

- (7) Been convicted of, pled guilty to, pled no contest to, or had a judicial finding of guilt imposed in this state or any other state or jurisdiction of a felony or any crime involving moral turpitude;
- (8) Committed any act that could be considered a crime in the state of Ohio. The board will refer this information to local law enforcement.
- (9) In the case of a professional counselor ~~or~~ professional clinical counselor, or counselor trainee practiced professional counseling outside of their scope of practice;
- (10) In the case of a social worker or independent social worker, practiced social work outside their scope of practice, or a social work assistant who practices social work or practices outside their scope of practice;
- (11) In the case of a marriage and family therapist, or independent marriage and family therapist, practiced marriage and family therapy outside their scope of practice;
- (12) In the case of a professional counselor, or counselor trainee, engaged in the diagnosis or treatment of mental and emotional disorders without the supervision of a professional clinical counselor, a psychologist, psychiatrist, or an independent social worker.
- (13) Sold, given away, diverted, or administered drugs for other than legal purposes; or been convicted of, pled guilty to, pled no contest to, or had a judicial finding of guilt imposed for violating any municipal, state, county or federal drug law;
- (14) Been professionally diagnosed as having an impairment of the ability to practice according to acceptable and prevailing standards of professional counseling, social work, and marriage and family therapy because of a physical or mental disability or drug or alcohol addiction;
- (15) Been adjudged by a probate court that the applicant for licensure, licensee, or registrant is mentally ill or mentally incompetent. The board may restore the license or registration or review the application for licensure or registration

upon the adjudication by a probate court of the person's restoration to competency or upon submission to the board of other proof of competency;

(16) Engaging or aiding and abetting an individual to engage in the practice of professional counseling, social work, or marriage and family therapy without a license, or falsely using the title of counselor, social worker, or marriage and family therapist;

(17) Failure to submit any records or documents, written statements or explanations that have been requested or subpoenaed by the board.

(18) Failure to report any relevant information to the board concerning a counselor, marriage and family therapist, social worker, social work assistant, applicant, or trainee who is incapable of engaging in the practice of counseling, marriage and family therapy, or social work with reasonable skill, competence, and safety to the public, or failure to report any alleged violations of this act or rules adopted under it.

(19) Failure to cooperate in any investigation concerning allegations to their or another licensee's or registrant's license or registration.

(20) Failure to maintain appropriate standards of care. Standards of care shall be defined as what an ordinary, reasonable professional with similar training would have done in a similar circumstance.

~~(19)~~(21) The counselor, social worker, and marriage and family therapist board, under the provisions of the license or registration renewal requirements set forth in rule 4757-7-01 of the Administrative Code, has the authority to discipline a licensee or registrant who:

(a) Falsifies the renewal form by stating they have completed the required thirty hours of continuing education at the time they signed the renewal, if it is proven they have not completed the continuing education at that time.

(b) When audited, cannot present proof of thirty hours of approved continuing education.

(D) One year or more after the suspension or revocation of a license or certificate or registration under this rule, and application for reinstatement may be made to the board. The board may accept or refuse an application for reinstatement. If a license has been suspended or revoked, the board may require an examination for reinstatement.

- (E) The board shall investigate evidence that appears to show that any person has violated any provision of this chapter or any rule of the board. In the absence of bad faith, any person who reports such information or who testifies before the board in any adjudication conducted under Chapter 119. of the Revised Code shall not be liable for civil damages as a result of the report or testimony.
- (F) Information received by the board pursuant to an investigation is confidential in accordance with section 4757.38 of the Revised Code and shall not be subject to discovery in any civil action. If the investigation requires a review of client records, the investigation and proceedings shall be conducted in such a manner as to protect client confidentiality.

Effective: 10/01/2004

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CERTIFIED ELECTRONICALLY

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Certification

09/20/2004

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Date

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