

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, or supervision endorsement 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~~ criminal background standards 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 4757.13 of the Revised Code;
 - (4) Been denied, revoked, suspended or had restrictions placed on 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 licensed professional counselor, licensed professional clinical counselor, counselor trainee, social work assistant, social worker, social worker trainee, independent social worker, marriage and family therapist, independent marriage and family therapist or marriage and family therapist trainee;

- (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, social worker trainee, independent social worker, marriage and family therapist, independent marriage and family therapist or marriage and family therapist trainee;
- (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 crime included in the board's criminal conviction standards as established under section 9.79 of the Revised Code ~~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 licensed professional counselor licensed professional clinical counselor, or counselor trainee practiced professional counseling outside of their scope of practice;
- (10) In the case of a social worker trainee, 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 trainee, marriage and family therapist, or independent marriage and family therapist, practiced marriage and family therapy outside their scope of practice;
- (12) 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;
- (13) 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;
- (14) 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;
- (15) 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, while holding a license in an inactive status, or falsely using the title of counselor, social worker, or marriage and family therapist;

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

(17) 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;

(18) In the case of a licensee with supervision endorsement or an independent license, failure to report any relevant information to the board concerning a counselor, marriage and family therapist, social worker, social work assistant, applicant, or trainee, under their work/clinical supervision or training supervision, 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 of a licensee with supervision endorsement to respond in a timely manner to a request from a current or former supervisee for an evaluation for an independent license application;

~~(18)~~(20) Failure to cooperate in any investigation concerning allegations to his/her or another licensee's or registrant's license or registration;

~~(19)~~(21) 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;

~~(20)~~(22) 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. This provision does not apply to persons who have received a waiver of continuing education requirements.

- (b) When audited, cannot present proof of thirty hours of approved continuing education.
- ~~(21)~~(23) Failure to adhere to any conditions set forth in a board approved adjudication order or consent agreement.
- (D) One year or more after the suspension or revocation of a license or certificate of registration under this rule, the former licensee or registrant may apply and application for reinstatement may be made to the board. The board may accept or deny 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: 3/21/2022

Five Year Review (FYR) Dates: 11/29/2021 and 03/21/2027

CERTIFIED ELECTRONICALLY

Certification

03/07/2022

Date

Promulgated Under: 119.03
Statutory Authority: 4757.10
Rule Amplifies: 4757.36
Prior Effective Dates: 02/24/1986 (Emer.), 05/22/1986, 12/18/1988,
07/03/1997, 09/20/2002, 04/10/2004, 10/01/2004,
01/01/2006, 11/02/2008, 10/18/2009, 11/03/2014