



**CHEMICAL DEPENDENCY PROFESSIONALS BOARD**  
**OHIO ADMINISTRATIVE CODE**  
**Revised 3/1/11**

**4758-1-01 Adoption of rules/methods of public notice.**

(A) Reasonable public notice, as required by section 119.03 of the Revised Code, shall be given at least thirty days prior to the date set for the public hearing by any one of the following methods:

- (1) By listing such notice on the register of Ohio.
- (2) By mailing such notice to any person who requests such in writing and provides the board with a self addressed business size envelop.
- (3) By emailing or faxing such notice, one time, to all persons who have requested the board to provide notification of any proposed rule changes.
- (4) By placing such notice on the board's world wide web homepage and remaining there until the public hearing record is closed

(B) The board shall furnish the full text of the proposed rules by any one of the following methods:

- (1) By listing such rules on the register of Ohio.
- (2) By mailing such rules to any person who requests such in writing and who pays the cost of copying and mailing.
- (3) By emailing or faxing such rules to all persons upon request.
- (4) By placing such rules on the board's world wide web home page and remaining there until the public hearing record is closed.

**4758-1-02 Notice of board meetings.**

(A) Any person may ascertain the time and place of all regularly scheduled meetings of the chemical dependency professionals board and the time, place and purpose of all special meeting of the board by any one of the following methods:

- (1) Calling the board office by telephone during normal business hours.
- (2) Contacting the board office in person during normal business hours.

- (3) Any person or organization who makes a written request for such notification and provides the board with a self-addressed business-size envelope.
- (B) Any person or organization who makes a written request for routine notification of all regularly scheduled and special meetings of the chemical dependency professionals board and who provides the board with self-addressed business-size envelopes, will receive notice of all such board meetings for a twelve-month period. After twelve months, such notification will cease, unless it is renewed in the manner set forth in this paragraph.
- (1) Notices will be mailed at least seven calendar days prior to any regularly scheduled meeting, and at least four calendar days prior to any special meeting, unless the meeting is an emergency meeting. Notices of special meetings will include the type of business to be discussed.
- (2) It is the responsibility of the person requesting notification to keep the board informed in writing of changes in his/her current mailing address.
- (3) The obligation of the board under paragraph (B) of this rule to each person or organization fully complying with said requirements shall be deemed fully discharged with the mailing of notification to the most current mailing address and name on file with the board for this purpose, as of seven days prior to the particular regularly scheduled meeting.
- (C) A representative of a news media organization, or of the business office of a professional organization of counselors or social workers, may receive notification of a board meeting by making a written request to the board office. The board will compile a mailing list and will mail notification of all regularly scheduled and special meetings to these representatives at their business addresses, in accordance with the schedule in paragraph (B)(1) of this rule.
- (D) Any person or organization may receive electronic notification of a board meeting by making a written request to the board office. The board will compile an electronic mailing list and will send electronic notification of all regularly scheduled and special meetings to these individuals in accordance with paragraph (B)(1) of this rule.

**4758-1-03      Minutes of board meetings.**

- (A) The unapproved minutes of all board meetings shall be recorded and open to public inspection in a binder located in the board office during normal business hours within ten business days of their recordation.
- (B) Within ten business days after their approval by the board, the approved minutes of all board meetings shall be substituted for the unapproved minutes and shall be open to

public inspection in the manner provided for in paragraph (A) of this rule.

**4758-2-01 Definitions, abbreviations and titles.**

- (A) "Accredited school or university" means a school or university accredited by an accrediting agency accepted by the Ohio board of regents.
- (B) "Alcohol and other drug clinical counseling principles, methods, or procedures" means an approach to chemical dependency counseling that emphasizes the chemical dependency counselor's role in systematically assisting clients through all of the following: analyzing background and current information, exploring possible solutions, developing and providing a treatment plan, in the case of independent chemical dependency counselor or chemical dependency counselor III only, diagnosing chemical dependency conditions. "Alcohol and other drug clinical counseling principles, methods, or procedures" includes counseling, assessing, consulting, and referral as they relate to chemical dependency conditions. "Alcohol and other drug clinical counseling principles, methods or procedures" may also include the twelve core functions and shall include other accepted principles of counseling, as such principles may apply to the treatment of individuals with substance abuse or dependence problems. The methods or procedures of counseling may include those specific categories of service or intervention as defined by ODADAS or other regulating or funding entities, so long as such procedures are applied to persons with substance abuse or dependence and fall within the scopes of practice defined in Chapter 4758. of the Revised Code.
- (C) "Alcohol and other drug prevention services" means a planned process of strategies and activities designed to preclude the onset of the use of alcohol and other drugs, reduce problematic use of alcohol and other drugs, or both.
- (D) "Behavioral science degree" is defined as a course of study at an accredited school or university, which includes the study of human behavior as a focus and requires at least 40 quarter credit hours of the following courses or additional courses as approved by the board: human services, addictions, chemical dependency, social work, criminal justice, corrections, psychology, child development, counseling, personnel and industrial relations, vocational rehabilitation counseling, sociology, philosophy, political science.
- (E) "Board" means the chemical dependency professionals board.
- (F) "CCDC I" means a certified chemical dependency counselor I.
- (G) "CDCA" means chemical dependency counselor assistant.
- (H) "Chemical dependency conditions" means those conditions relating to the abuse of or dependency on alcohol or other drugs that are classified in accepted nosologies,

including the diagnostic and statistical manual of mental disorders and the international classification of diseases, and in editions of those nosologies published after the effective date of this rule.

- (I) "Chemical dependency counseling" means rendering or offering to render to individuals, groups or the public a counseling service involving the application of alcohol and other drug clinical counseling principles, methods or procedures to assist individuals who are abusing or dependent on alcohol or other drugs.
- (J) "Chemical dependency counselor" means a person who holds a chemical dependency counselor certificate or license from the board.
- (K) "Client" means any person or entity seeking or assigned the services of a CDCA, CCDC I, LCDC II, LCDC III or LICDC, regardless of the chemical dependency counselor's work setting.
- (L) "Code of Ethics" is the minimum standard of practice required of chemical dependency counselors, prevention specialists or clinical supervisors.
- (M) "Complainant" means a person who files a formal complaint with the board against an applicant, certificate holder or licensee under the board's jurisdiction.
- (N) "Consumer" means any person or entity seeking or assigned the services of an OCPS I, OCPS II or RA, regardless of the prevention professional's work setting.
- (O) "CPM examination" means case presentation method examination, which is the ICRC/AODA oral examination which the applicant for chemical dependency counseling shall complete.
- (P) "Credential/credentialed" means a valid license or certificate to practice chemical dependency counseling or alcohol or other drug prevention under Chapter 4758. of the Revised Code.
- (Q) "Dual relationship" is defined as any financial, social, emotional, supervisory, political, administrative, legal or sexual relationship between a licensee or certificate holder and their client/consumer which might impair professional judgment or increase the risk of client/consumer exploitation.
- (R) "Hearing officer" means a person appointed by the board who presides over an appeal hearing.
- (S) "ICRC/AODA" means the international certification and reciprocity consortium / alcohol and other drug abuse.
- (T) "Impaired or impairment" is defined by the presence of the disorder of alcoholism, substance abuse, mental illness or other debilitating conditions.

- (U) "LCDC II" means licensed chemical dependency counselor II.
- (V) "LCDC III" means licensed chemical dependency counselor III.
- (W) "LICDC" means licensed independent chemical dependency counselor.
- (X) "OCPS I" means Ohio certified prevention specialist I.
- (Y) "OCPS II" means Ohio certified prevention specialist II.
- (Z) "One quarter hour" equals ten clock hours.
- (AA) "One semester hour" equals fifteen clock hours.
- (BB) "One year of work experience" means two thousand hours.
- (CC) "RA" means a registered applicant for prevention certification.
- (DD) "RCH" means recognized clock hours.
- (EE) "Reciprocity" means the ability to transfer an individual's credentials from one ICRC/AODA member board to another.
- (FF) "Reprimand" means a sanction that is a formal, written, published reproof issued to a respondent whom the board has determined has breached the code of ethics.
- (GG) "Respondent" means an applicant, certificate holder or licensee who becomes the subject of a formal complaint alleging that the individual has breached the board's code of ethics.
- (HH) "Revocation" means a sanction resulting in the complete forfeiture of the certificate or license held.
- (II) "Suspension" means a sanction resulting in the temporary forfeiture of the certificate or license for a period of time to be determined by the board.
- (JJ) "Twelve core functions" are defined as screening, intake, orientation, assessment, treatment planning, counseling, case management, crisis intervention, client education, referral, report and record keeping, consultation.

**4758-3-01 Fees.**

(A) License fees shall be established by the board in amounts not to exceed the maximum allowable under Chapter 4758. of the Revised Code. Fees are subject to change by action of the board, the controlling board, and/or the general assembly.

(1) Fees shall be paid by check or money order made payable to the treasurer, state of Ohio.

(2) Fees shall be submitted to the board office at the time of the initial application.

(3) Fees are non-refundable.

(4) The fees are as follows:

**-Application Fees-**

CDCA Application	\$50.00
Application for LCDC II, LCDC III, LICDC, OCPS I or OCPS II	\$50.00
Conversion Application	\$35.00
Registered Applicant	\$10.00
Renewal Application	\$150.00
Renewal Application submitted less than thirty days prior to the license or certificate lapse date	\$175.00
Senior Citizen Renewal Application	\$55.00
Senior Citizen Renewal Application submitted less than thirty days prior to the license or certificate lapse date	\$80.00
Renewal Application if both Prevention and Counselor Credentialed	\$100 per credential
Renewal Application, if both Prevention and Counselor Credentialed, submitted less than thirty days prior to the license and/or certificate lapse date	\$125.00 per credential
RCH Program Sponsor Application	\$5.00 per contact hour up to a maximum of \$60.00
RCH Provider Status Application	\$400.00 per one year or \$700. per two years
Master's Accreditation Application	\$300.00
Master's Accreditation	\$3,000.00
Master's Accreditation Renewal	\$3,000.00

-Examination Fees-

IC&RC Alcohol & Drug Counselor (ADC) Written Examination	\$100.00
IC&RC Alcohol & Drug Counselor (ADC) Computer Based Test (CBT)	\$150.00
IC&RC Clinical Supervisor (CS) Written Examination	\$100.00
IC&RC Clinical Supervisor (CS) Computer Based Test (CBT)	\$150.00
IC&RC Prevention Specialist (PS) Written Examination	\$100.00
IC&RC Prevention Specialist (PS) Computer Based Test (CBT)	\$150.00

-Other Fees-

Inactive Status Holding Fee	\$15.00
Replacement/Duplicate Certificate/License	\$10.00

- (5) A twenty dollar late fee shall be charged for any program sponsor application not received by the board at least thirty days before the event.
- (6) There shall be a twenty dollar return check fee for all checks not accepted for deposit.

**4758-4-01      Formal application for licensure or certification.**

(A) All applicants for initial licensure or certification as a chemical dependency counselor assistant, licensed chemical dependency counselor II, licensed chemical dependency counselor III, licensed independent chemical dependency counselor, registered applicant, Ohio prevention specialist I or Ohio prevention specialist II shall file with the executive director of the board a written application, signed and duly notarized, on a form prescribed by the board.

- (1) The formal application packet contains all documentation and reference forms necessary to be credentialed at a particular level and consists of, at a minimum, the following:
  - (a) Formal application.
  - (b) Documentation of hours of volunteer or paid work experience. This includes related position descriptions that are signed by the supervisor.

- (c) Documentation of required levels of education and training. This includes a copy of the transcript(s) of courses taken, certificates of attendance at appropriate workshops, and letters of participation.
  - (d) Verification of applicant's required practical experience hours. This includes submission of the form that verifies the accomplishment of the required practical experience.
  - (e) The required non-refundable fee.
  - (f) Documentation of felony charges or convictions.
    - (i) Felony charges or convictions shall be reviewed by the board before the application process can proceed.
    - (ii) Factors upon which review of these charges or convictions will be based may include:
      - (a) The nature of the charge or conviction.
      - (b) The time lapse since the charge or conviction.
      - (c) The related circumstances, including active addiction.
      - (d) The documented changes in the applicant's life since the charge or conviction.
      - (e) Any additional information as requested from the applicant including a complete criminal background check.
    - (iii) Applicants will not be considered if:
      - (a) Currently incarcerated for a felony conviction.
      - (b) Currently on probation or parole.
      - (c) Offense was drug or alcohol related and applicant has less than one year of sobriety.
- (2) The board shall review the formal application packet. As a result of this review, the board shall notify the applicant of one of the following:
- (a) An approval to schedule for examination(s),
  - (b) The need for additional documentation, or

(c) Proposed denial of the application.

(B) Written examinations:

- (1) Written examinations are issued on an international basis and test required knowledge and skills. The board shall provide for the administration of the written examinations in the state of Ohio.
- (2) Exams are scored by an outside testing company approved by the board.
  - (a) Score reports are sent to the candidates by the board.
  - (b) Scores are broken down by categories indicating areas of strength and weakness.
- (3) Upon fulfillment of the required eligibility requirements and completion of the appropriate process, as outlined in this rule, the board will notify applicants of test administration dates, time, location and other relevant information. Applicants are required to take the written examination within one year from the date of approval of the formal application.
- (4) Individuals with disabilities and/or religious obligations that require modifications to the test administration may make a written request for modification to the board no fewer than forty-five days prior to the scheduled test date. The candidate shall provide documentation of the disability from a health care professional or documentation of the religious issue upon written request.
- (5) The IC&RC alcohol and drug counselor (ADC) examination is available in Spanish and large print. IC&RC clinical supervisor (CS) and prevention specialist (PS) exams are available in large print. Candidates may contact the board for information related to taking the examination in Spanish or large print.
- (6) The IC&RC exams used by the board are available in computer based testing (CBT) format. IC&RC CBT are available in large print. Candidates may contact the board for information related to IC&RC CBT.

(C) Conversion Applications:

- (1) Individuals who hold a valid license or certificate with the board may convert their credential to a higher level, when applicable, by completing the appropriate conversion application.

- (a) Licensees or certificate holders shall fulfill all eligibility requirements for the level to which they are applying. These requirements shall be documented according to the procedures outlined in the conversion application packet.

**4758-5-01        Requirements for certification of chemical dependency counselor assistants (CDCA).**

To be certified as a chemical dependency counselor assistant (CDCA), an individual shall complete the following:

- (A) Forty hours of chemical dependency specific education. The required content areas with the specified contact hours are as follows:

- (1) Addiction knowledge (five hours)
- (2) Treatment knowledge (nine hours)
- (3) Professionalism (six hours)
- (4) Evaluation (three hours)
- (5) Service coordination (four hours)
- (6) Documentation (three hours)
- (7) Counseling
  - (a) Individual (five hours)
  - (b) Group (five hours)

- (B) Submit a signed statement agreeing to practice by the code of ethical standards adopted by the board.

**4758-5-02        Requirements for certification of chemical dependency counselors I (CCDC I).**

- (A) Persons who hold a certificate to practice as a certified chemical dependency counselor I (CCDC I) may continue to hold and practice under the certificate for a period of up to six years after the effective date of section 4758.27 of the Revised Code. The board shall renew a certificate of a CCDC I holder if the individual

holding the certificate renews the certificate by following the requirements of rule 4758-13-01 of the Administrative Code renewal process.

(B) Six years after the effective date of Chapter 4758. of the Revised Code, the board shall not renew or restore a certificate to practice as a CCDC I.

**4758-5-03        Requirements for licensure of chemical dependency counselors II  
(LCDC II).**

(A) To be licensed as a chemical dependency counselor II (LCDC II) the applicant shall complete the following:

- (1) An associate's degree in a behavioral science or a non-related bachelor's degree from an accredited school or university.
- (2) Six thousand hours of documented chemical dependency counseling related work experience of which a minimum of twenty percent must be in chemical dependency counseling. This work can include paid and volunteer hours.
  - (a) An associate's degree in a behavioral science may substitute for one thousand hours of work experience.
- (3) Two hundred seventy hours of chemical dependency specific education of which fifty percent shall have been obtained in the last five years. The required content areas with the specific contact hours are as follows:
  - (a) Theories of addiction (assessment, counseling, client, family and community education) (twenty-four hours)
  - (b) Counseling procedures and strategies with addicted populations (assessment, counseling, case management, client, family and community education, professional responsibility) (twenty-four hours)
  - (c) Group process and techniques working with addicted populations (counseling, professional responsibility) (eighteen hours)
  - (d) Assessment and diagnosis of addiction (assessment) (twenty-four hours)
  - (e) Relationship counseling with addicted populations (counseling, client, family and community education, professional responsibility) (twenty-four hours)
  - (f) Pharmacology (assessment, case management, client, family and community education) (eighteen hours)

- (g) Prevention strategies (counseling, case management, client, family and community education) (twelve hours)
- (h) Treatment planning (counseling, case management) (eighteen hours)
- (i) Legal and ethical issues pertaining to chemical dependency (assessment, counseling, case management, client, family and community education, professional responsibility) (twelve hours)
- (j) The remaining ninety-six hours may be distributed among these areas and other areas at the applicant's discretion.

(4) Completion of practical experience totaling three hundred thirty hours.

- (a) The number of hours to be spent in practical experience in the twelve core function areas shall, at a minimum include:

-Practical Experience Hours-

Screening	Ten Hours
Intake	Ten Hours
Orientation	Ten Hours
Assessment	Ten Hours
Treatment Planning	Twenty-five Hours
Individual Counseling	Thirty Hours
Group Counseling	Thirty Hours
Family Counseling	Twenty Hours
Case Management	Fifteen Hours
Crisis Intervention	Ten Hours
Client Education	Ten Hours
Referral	Ten Hours
Reports and Record Keeping	Twenty Hours
Consultation with Other Professionals	Ten Hours

- (b) The remaining practical experience hours (one hundred ten hours) may be spent in any of the above areas as determined necessary by the supervisor and the applicant.
- (c) The supervisor shall provide verification that the applicant has obtained the required three hundred thirty practical experience hours in the twelve core functions. A verification of tasks form shall be completed and signed by the supervisor.

(5) Completed supervisor reference form(s).

(6) Submission of formal application.

- (7) Successful completion of the ICRC/AODA counselor written examination.
- (8) Submit a signed statement agreeing to practice by the code of ethical standards adopted by the board.

**4758-5-04            Requirements for licensure of chemical dependency counselors III  
(LCDC III).**

- (A) To be licensed as a chemical dependency counselor III (LCDC III) the applicant shall complete the following:
  - (1) A bachelor's degree in a behavioral science from an accredited school or university.
  - (2) Four thousand hours of documented paid chemical dependency counseling related work experience of which a minimum of twenty percent must be in chemical dependency counseling.
  - (3) Two hundred seventy hours of chemical dependency specific education of which fifty percent shall have been obtained in the last five years. The required content areas with the specific contact hours are as follows:
    - (a) Theories of addiction (assessment, counseling, client, family and community education) (twenty-four hours)
    - (b) Counseling procedures and strategies with addicted populations (assessment, counseling, case management, client, family and community education, professional responsibility) (twenty-four hours)
    - (c) Group process and techniques working with addicted populations (counseling, professional responsibility) (eighteen hours)
    - (d) Assessment and diagnosis of addiction (assessment) (twenty four hours)
    - (e) Relationship counseling with addicted populations (counseling, client, family and community education, professional responsibility) (twenty-four hours)
    - (f) Pharmacology (assessment, case management, client, family and community education)(eighteen hours)
    - (g) Prevention strategies (counseling, case management, client, family and community education)(twelve hours)
    - (h) Treatment planning (counseling, case management) (eighteen hours)

(i) Legal and ethical issues pertaining to chemical dependency (assessment, counseling, case management, client, family and community education, professional responsibility)(twelve hours)

(j) The remaining ninety-six hours may be distributed among these areas and other areas at the applicant's discretion.

(4) Completion of practical experience totaling three hundred thirty hours.

(a) The number of hours to be spent in practical experience in the twelve core function areas shall, at a minimum include:

-Practical Experience Hours-

Screening	Ten Hours
Intake	Ten Hours
Orientation	Ten Hours
Assessment	Ten Hours
Treatment Planning	Twenty-five Hours
Individual Counseling	Thirty Hours
Group Counseling	Thirty Hours
Family Counseling	Twenty Hours
Case Management	Fifteen Hours
Crisis Intervention	Ten Hours
Client Education	Ten Hours
Referral	Ten Hours
Reports and Record Keeping	Twenty Hours
Consultation with Other Professionals	Ten Hours

(b) The remaining practical experience hours (one hundred ten hours) may be spent in any of the above areas as determined necessary by the supervisor and the applicant.

(c) The supervisor shall provide verification that the applicant has obtained the required three hundred thirty practical experience hours in the twelve core functions. A verification of tasks form shall be completed and signed by the supervisor.

(5) Completed supervisor reference form(s).

(6) Submission of formal application.

(7) Successful completion of the ICRC/AODA counselor written examination .

(8) Submit a signed statement agreeing to practice by the code of ethical standards adopted by the board.

**4758-5-05 Requirements for licensure of independent chemical dependency counselors (LICDC).**

(A) To be licensed as an independent chemical dependency counselor (LICDC) the applicant shall complete the following:

(1) At least a master's degree in a behavioral science from an accredited school or university that shall, at a minimum, include sixty quarter hours or forty semester hours in the designated content areas.

(a) The following content areas and specific clock hours must be completed at the graduate level in the master's degree:

(i) Theories of counseling and psychotherapy (eighty clock hours)

(ii) Counseling procedures (forty clock hours)

(iii) Group process and techniques (forty clock hours)

(iv) Relationship therapy (forty clock hours)

(v) Research methods and statistics (forty clock hours)

(vi) Fundamentals of assessment and diagnosis, including measurement and appraisal (eighty clock hours)

(vii) Psychopathology (forty clock hours)

(viii) Human development (forty clock hours)

(ix) Cultural competency in counseling (forty clock hours)

(x) Ethics (thirty clock hours)

(xi) Supervised professional experience which may be completed as part of an internship, practicum, or field experience (four hundred contact hours)

(2) Six thousand hours of documented paid chemical dependency counseling related work experience of which a minimum of twenty percent must be in chemical dependency counseling.

- (a) Of this work experience requirement, four thousand hours shall be clinical supervisory experience in the AODA field including two hundred hours of face-to-face clinical supervision.
- (3) Two hundred seventy hours of chemical dependency specific education of which fifty percent shall have been obtained in the last five years. The required content areas with the specific contact hours are as follows:
- (a) Theories of addiction (assessment, counseling, client, family and community education) (twenty-four hours)
  - (b) Counseling procedures and strategies with addicted populations (assessment, counseling, case management, client, family and community education, professional responsibility) (twenty-four hours)
  - (c) Group process and techniques working with addicted populations (counseling, professional responsibility) (eighteen hours)
  - (d) Assessment and diagnosis of addiction (assessment) (twenty four hours)
  - (e) Relationship counseling with addicted populations (counseling, client, family and community education, professional responsibility) (twenty-four hours)
  - (f) Pharmacology (assessment, case management, client, family and community education) (eighteen hours)
  - (g) Prevention strategies (counseling, case management, client, family and community education) (twelve hours)
  - (h) Treatment planning (counseling, case management) (eighteen hours)
  - (i) Legal and ethical issues pertaining to chemical dependency (assessment, counseling, case management, client, family and community education, professional responsibility) (twelve hours)
  - (j) Clinical supervision (assessment/evaluation, counselor development, management/administration, professional responsibility) (thirty hours)
  - (k) The remaining sixty-six hours may be distributed among these areas and other areas at the applicant's discretion.
- (4) Completion of practical experience totaling three hundred thirty hours.
- (a) The number of hours to be spent in practical experience in the twelve core function areas shall, at a minimum include:

-Practical Experience Hours-

Screening	Ten Hours
Intake	Ten Hours
Orientation	Ten Hours
Assessment	Ten Hours
Treatment Planning	Twenty-five Hours
Individual Counseling	Thirty Hours
Group Counseling	Thirty Hours
Family Counseling	Twenty Hours
Case Management	Fifteen Hours
Crisis Intervention	Ten Hours
Client Education	Ten Hours
Referral	Ten Hours
Reports and Record Keeping	Twenty Hours
Consultation with Other Professionals	Ten Hours

(b) The remaining practical experience hours (one hundred ten hours) may be spent in any of the above areas as determined necessary by the supervisor and the applicant.

(c) The supervisor shall provide verification that the applicant has obtained the required three hundred thirty practical experience hours in the twelve core functions. A verification of tasks form shall be completed and signed by the supervisor.

(5) Completed supervisor reference form(s).

(6) Submission of formal application.

(7) Successful completion of the ICRC/AODA counselor written examination .

(8) Successful completion of the ICRC/AODA clinical supervisor written examination.

(9) Submit a signed statement agreeing to practice by the code of ethical standards adopted by the board.

**4758-5-06 Requirements for certification of registered applicants (RA).**

(A) The registered applicant certification allows an individual to complete the requirements necessary to file a formal application for either OCPS I or OCPS II.

- (B) An individual may become a registered applicant by completing a registered applicant form and submitting it with the required fee.
- (C) Once an individual becomes a registered applicant, a file shall be opened and the applicant shall be added to the prevention mailing list.
- (D) Registered applicants shall have four years to successfully complete OCPS I or OCPS II requirements as outlined in rules 4758-5-08 and 4758-5-09 of the Administrative Code.
  - (1) Applicants will have one year from the date of acceptance of their formal application to take the examination.
  - (2) If the written examination is not passed, the applicant shall continue to take the examination at least two times per year and renew RA status in compliance with rule 4758-13-02 of the Administrative Code.
- (E) Failure to comply with the requirements of paragraph (D) of this rule shall cause the registered applicant certification to lapse. An individual may reapply to be a registered applicant prior to the certification lapse date by completing a registered applicant form and submitting it with the required fee.

**4758-5-08 Requirements for certification of Ohio prevention specialists I (OCPS I).**

- (A) To be certified as a prevention specialist I, an individual shall complete the following:
  - (1) Six thousand hours of documented work experience in alcohol and other drug prevention. A minimum of twenty percent of this time shall be devoted to planning and/or delivering alcohol and other drug prevention services. This work may include paid and volunteer hours.
    - (a) An associate's degree in a behavioral science from an accredited school or university may substitute for two thousand hours of work experience.
    - (b) A bachelor's/master's/doctorate degree in a behavioral science from an accredited school or university may substitute for four thousand hours of work experience.
  - (2) One hundred eighty hours of prevention related education of which fifty percent shall have been obtained within the last five years.
    - (a) The required content areas with the specific contact hours are as follows:

- (i) Foundation in chemical dependency use/abuse/dependency (twenty hours)
- (ii) Foundation in prevention of alcohol and other drug use/abuse/dependency (thirty-five hours)
- (iii) Prevention-specific ethics education (six hours)
- (iv) Domain I: Planning and evaluation (fifteen hours)
- (v) Domain II: Education and skill development (twenty hours)
- (vi) Domain III: Community organization (fifteen hours)
- (vii) Domain IV: Public policy and environmental change (ten hours)
- (viii) Domain V: Professional growth and responsibility (fifteen hours)
- (ix) The remaining hours may be distributed among these areas at the applicant's discretion.

(3) One hundred and twenty practical experience hours. A minimum of ten hours shall be completed in each of the following performance domains:

- (a) Planning and evaluation
- (b) Education and skill development
- (c) Community organization
- (d) Public policy and environmental change
- (e) Professional growth and responsibility
- (f) The remaining seventy hours may be completed in any domain as deemed appropriate by the applicant.

(4) Submission of formal application.

(5) Successful completion of the ICRC/AODA prevention written examination.

**4758-5-09      Requirements for certification of Ohio prevention specialists II  
(OCPS II).**

(A) To be certified as a prevention specialist II, an individual shall complete the following:

(1) Six thousand hours of documented paid work experience in alcohol and other drug prevention of which fifty percent of his/her time is devoted to planning, coordinating and/or delivering alcohol and other drug prevention services.

(a) A master's/doctorate degree in a behavioral science from an accredited school or university may substitute for two thousand hours of work experience.

(2) One of the following:

(a) A bachelor's degree in a behavioral science from an accredited school or university.

(b) A master's degree in a behavioral science from an accredited school or university.

(c) A doctorate degree in a behavioral science from an accredited school or university.

(B) Two hundred seventy hours of prevention related education of which fifty percent shall have been obtained within the last five years.

(1) The required content areas with the specific contact hours are as follows:

(a) Foundation in chemical dependency use/abuse/dependency (thirty hours)

(b) Foundation in prevention of alcohol and other drug use/abuse/dependency (forty-five hours)

(c) Prevention-specific ethics education (six hours)

(d) Domain I: Planning and evaluation (thirty hours)

(e) Domain II: Education and skill development (thirty hours)

(f) Domain III: Community organization (twenty-five hours)

(g) Domain IV: Public policy and environmental change (twenty-five hours)

(h) Domain V: Professional growth and responsibility (twenty hours)

- (i) The remaining hours may be distributed among these areas at the applicant's discretion.

(C) One hundred and twenty practical experience hours. A minimum of ten hours shall be completed in each of the following performance domains:

- (1) Planning and evaluation
- (2) Education and skill development
- (3) Community organization
- (4) Public policy and environmental change
- (5) Professional growth and development
- (6) The remaining seventy hours may be completed in any domain as deemed appropriate by the applicant.

(D) Submission of formal application.

(E) Successful completion of the ICRC/AODA prevention written examination.

**4758-6-01      Scope of practice for chemical dependency counselor assistants (CDCA).**

(A) An individual holding a valid chemical dependency counselor assistant certificate may do both of the following in addition to practicing chemical dependency counseling:

- (1) Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and education services as they relate to abuse of or dependency on alcohol and other drugs;
- (2) Refer individuals with nonchemical dependency conditions to appropriate sources of help.

(B) An individual holding a valid chemical dependency counselor assistant certificate may practice chemical dependency counseling and perform the tasks specified in paragraph (A) of this rule only while under the supervision of any of the following:

- (1) An independent chemical dependency counselor or chemical dependency counselor III licensed under this chapter;

- (2) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;
  - (3) A psychologist licensed under Chapter 4732. of the Revised Code;
  - (4) A registered nurse licensed under Chapter 4732. of the Revised Code or professional clinical counselor or independent social worker licensed under Chapter 4757. of the Revised Code if such supervision is consistent with the scope of practice of the registered nurse, professional clinical counselor or independent social worker.
- (C) A chemical dependency counselor assistant may not practice as an individual practitioner.

**4758-6-02        Scope of practice for certified chemical dependency counselors I  
(CCDC I).**

- (A) Until six years after December 23, 2002, an individual holding a valid chemical dependency counselor I certificate may do both of the following in addition to practicing chemical dependency counseling:
- (1) Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and education services as they relate to abuse of and dependency on alcohol and other drugs;
  - (2) Refer individuals with nonchemical dependency conditions to appropriate sources of help.
- (B) A chemical dependency counselor I may not practice as an individual practitioner.

**4758-6-03        Scope of practice for licensed chemical dependency counselors II  
(LCDC II).**

- (A) In addition to practicing chemical dependency counseling, an individual holding a valid chemical dependency counselor II license may do both of the following:
- (1) Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management and education services as they relate to abuse of and dependency on alcohol and other drugs;
  - (2) Refer individuals with nonchemical dependency conditions to appropriate sources of help.
- (B) A chemical dependency counselor II may not practice as an individual practitioner.

**4758-6-04      Scope of practice for licensed chemical dependency counselors III  
(LCDC III).**

(A) In addition to practicing chemical dependency counseling, an individual holding a valid chemical dependency counselor III license may do all of the following:

- (1) Diagnose chemical dependency conditions under the supervision of any of the following:
  - (a) An independent chemical dependency counselor licensed under Chapter 4758. of the Revised Code;
  - (b) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;
  - (c) A psychologist licensed under Chapter 4732. of the Revised Code;
  - (d) A registered nurse licensed under Chapter 4723. of the Revised Code or professional clinical counselor or independent social worker licensed under Chapter 4757. of the Revised Code if such supervision is consistent with the scope of practice of the registered nurse, professional clinical counselor or independent social worker.
- (2) Treat chemical dependency conditions;
- (3) Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and education services as they relate to abuse of and dependency on alcohol and other drugs;
- (4) Refer individuals with nonchemical dependency conditions to appropriate sources of help.

(B) A chemical dependency counselor III may not practice as an individual practitioner.

**4758-6-05      Scope of practice for licensed independent chemical dependency  
counselors (LICDC).**

(A) In addition to practicing chemical dependency counseling, an individual holding a valid independent chemical dependency counselor license may do all of the following:

- (1) Diagnose and treat chemical dependency conditions;

- (2) Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management and education services as they relate to abuse of and dependency on alcohol and other drugs;
- (3) Refer individuals with nonchemical dependency conditions to appropriate sources of help.

**4758-6-06      Scope of practice for registered applicants.**

- (A) An individual who holds a valid registered applicant certificate issued under Chapter 4758. of the Revised Code may engage in the practice of alcohol and other drug prevention services under the supervision of any of the following:
  - (1) A prevention specialist II or prevention specialist I certified under Chapter 4758. of the Revised Code;
  - (2) An independent chemical dependency counselor, a chemical dependency counselor III, or a chemical dependency counselor II licensed under Chapter 4758. of the Revised Code;
  - (3) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;
  - (4) A psychologist licensed under Chapter 4732. of the Revised Code;
  - (5) A registered nurse licensed under Chapter 4723. of the Revised Code;
  - (6) A professional clinical counselor, a professional counselor, an independent social worker, or a social worker licensed under Chapter 4757. of the Revised Code;
  - (7) A school counselor licensed by the department of education pursuant to section 3319.22 of the Revised Code;
  - (8) A health education specialist certified by the national commission for health education credentialing.

**4758-6-07      Scope of practice for Ohio certified prevention specialists I (OCPS I).**

- (A) An individual who holds a valid prevention specialist I certificate issued under Chapter 4758. of the Revised Code may engage in the practice of alcohol and other drug prevention services.

**4758-6-08        Scope of practice for Ohio certified prevention specialists II (OCPS II).**

- (A) An individual who holds a valid prevention specialist II certificate issued under Chapter 4758. of the Revised Code may engage in the practice of alcohol and other drug prevention services.

**4758-8-01        Code of ethics for chemical dependency counselors.**

- (A) The following rules of conduct set forth the minimum standards of conduct which all applicants for licensure or certification shall follow and establishes the minimum standard of practice for certified chemical dependency counselor assistants (CDCA), licensed chemical dependency counselors II (LCDCII), licensed chemical dependency counselors III (LCDCIII), and licensed independent chemical dependency counselors (LICDC).

- (B) A violation of these rules of ethical practice and professional conduct constitutes unprofessional conduct and is sufficient reason for a reprimand, suspension, revocation or for restrictions to be placed on a license or certificate or for the denial of the initial license or certificate or renewal, or reinstatement of a license or certificate.

(1) Professional standards:

- (a) The licensee or certificate holder shall meet and comply with all terms, conditions or limitations of licensure or certification.
- (b) The licensee or certificate holder shall recognize limitations of his or her competency based on professional qualifications, education and experience and shall not offer services or use techniques outside his or her professional competency or scope of practice defined by rules 4758-6-01 to 4758-6-05 of the Administrative Code.
- (c) A licensee or certificate holder shall obtain appropriate consultation or make an appropriate referral when the client's problem is beyond the licensee or certificate holder's area of training, expertise, competency or scope of practice.

- (d) The licensee or certificate holder shall refer clients to a person or agency that the licensee or certificate holder knows is qualified by training, experience, certification or license to provide such professional services.
- (e) The licensee or certificate holder shall not participate in discrimination on the basis of race, ethnicity, color, sex, sexual orientation, religion, age, national ancestry, socioeconomic status, political belief, psychiatric or psychological impairment, disability according to "Title VII of the Civil Rights Act of 1964," HIV/AIDS status, the amount of previous therapeutic or treatment occurrences or against other persons that could be subject to discrimination but are not expressly protected by state or federal law.
- (g) The licensee or certificate holder shall be aware of and comply with all applicable state and federal guidelines, regulations, statutes and agency policies including, but not limited, to confidentiality.
- (h) In general, in chemical dependency counseling, the best interest of the client is considered to be of paramount importance in making decisions regarding treatment. The "best interest" of the client would reflect these things that would most benefit the client economically, socially, vocationally and in terms of freedom from external restrictions. However, there may exist in the context of chemical dependency treatment certain protocols, restrictions, or arrangements which are contrary to what clients would consider to be in their best interest. There may also be circumstances in which agency philosophy or orientation or the personal beliefs of the counselor may influence decisions regarding the client's treatment. When such circumstances or restrictions are present, they should be disclosed and explained to the client unless such disclosure is expressly prohibited or would clearly violate the safety, rights or interests of another person.
- (i) In the presence of professional conflict, the licensee or certificate holder shall primarily be concerned with the welfare of the client.
- (j) The licensee or certificate holder shall respect the integrity and protect the welfare of the client and shall not engage in any action that violates the civil or legal rights of clients.
- (k) The licensee or certificate holder shall maintain an objective and non-possessive relationship with those he or she serves and shall not exploit them sexually, emotionally, financially or in any other way that could create a dual relationship.
- (l) The licensee or certificate holder shall not place an individual in any activity or setting where such participation could harm the individual.

- (m) The licensee or certificate holder shall not offer professional services to a client in chemical dependency counseling with another professional except with the knowledge of the other professional or after the termination of the client relationship with the other professional.
- (n) A licensee or certificate holder shall terminate a chemical dependency counseling or consulting relationship when it is reasonably clear to the licensee or certificate holder that the client is not benefiting from it.
- (o) A licensee or certificate holder shall not discontinue professional services to a client unless:
  - (i) Services have been completed;
  - (ii) The client requests the discontinuation;
  - (iii) Alternative or replacement services are arranged; or
  - (iv) The client is given reasonable opportunity to arrange alternative or replacement services.
- (p) A licensee or certificate holder shall not physically or verbally abuse or threaten clients, family members of clients, ex-clients or other persons encountered in professional settings.
- (q) A licensee or certificate holder shall not use derogatory language in their written or verbal communications to or about clients, ex-clients or family members of clients or ex-clients.

(2) Unlawful conduct:

- (a) A conviction for a felony in the state of Ohio or any act in another state that would constitute a felony in Ohio shall be grounds for disciplinary action. The board may also discipline a licensee or certificate holder who is convicted of a misdemeanor which relates to the licensee or certificate holder's ability to practice chemical dependency counseling.

(3) Fraud related conduct:

- (a) The licensee or certificate holder shall not make any misrepresentation or false statement to the board.
- (b) A licensee or certificate holder shall not use a title, designation, credential, license, firm name, letterhead, publication, term, title or document which states or implies an ability, relationship or qualification the licensee or certificate holder is not qualified to use or does not exist.

- (c) The licensee or certificate holder shall not practice under a false name or under a name other than the name in which his or her certificate/license is held.
- (d) The licensee or certificate holder shall not sign or issue in the licensee or certificate holder's capacity, any document or statement that he or she knows to contain either a false or misleading statement.
- (e) The licensee or certificate holder shall not produce, publish, create, or partake in the creation of any false, deceptive or misleading advertisement.
- (f) The licensee or certificate holder shall assign appropriate credit to published material.
- (g) A licensee or certificate holder shall not falsify, fraudulently amend, knowingly make incorrect entries or fail to make timely essential entries into the client records.
- (h) A licensee or certificate holder shall not condone, partake, or assist in billing irregularities or fraud with respect to grants, insurance companies or direct billing.
- (i) A licensee or certificate holder shall not bill for services that are not rendered.
- (j) A licensee or certificate holder shall not aid or abet another person in misrepresenting professional credentials or engaging in illegal or unethical practice.
- (k) A licensee or certificate holder shall not provide services under the signature of their license/certificate while said license/certificate is in a lapsed, inactive or expired status.
- (l) A licensee or certificate holder shall not engage in deceptive behavior in the professional setting whether it is to advance one's professional standing, avoid disciplinary action or for any other reason.

(4) Discipline in other jurisdictions:

- (a) Any denial, suspension, revocation, probation or other restriction or discipline on certification, license or other authorization to practice issued by any certification authority or any state, province, territory, tribe or other federal government shall be regarded by the board as an ethics complaint and shall be reported to the board.

(5) Cooperation with the board:

- (a) The licensee or certificate holder shall cooperate in any investigation conducted pursuant to this code of ethics and shall not interfere with an investigation or a disciplinary proceeding or other legal action.
- (b) The licensee or certificate holder shall report any violation of this code of ethics to the board.
- (c) In submitting information to the board, a licensee or certificate holder shall comply with any requirements pertaining to the disclosure of client information established by federal or state law or regulation.

(6) Client relationships:

- (a) A licensee or certificate holder shall not develop, implement or maintain exploitive relationships (dual relationships) with current or past clients.
- (b) A licensee or certificate holder shall not enter into a chemical dependency counseling relationship with members of his or her own family, friends or close associates or others who might be jeopardized by such a dual relationship.
- (c) A licensee or certificate holder shall avoid multiple relationships and conflicts of interest with any current or past clients, family members of current or past clients or other persons encountered in professional setting which are not in the best interest of the client and might impair professional judgment or which increase the risk of client exploitation which includes but is not limited to accepting gifts, bartering for services, accepting free services or accepting discounts on services.

(7) Sexual misconduct:

- (a) A licensee or certificate holder shall neither engage in any form of sexual conduct or behavior with clients, nor engage in any form of sexual conduct or behavior with former client for two years, at a minimum, after the cessation or termination of professional services within the client's treatment continuum. A licensee or certificate holder shall never engage in a sexual relationship with a former client if such relationship is not in the best interest of the client or increases the risk of client exploitation. The prohibition shall apply with respect to any client of the treatment provider, which employs or retains the licensee or certificate holder regardless of whether the client is or was on the licensee or certificate holder's case load.
- (b) A licensee or certificate holder who chooses to engage in a sexual relationship with a former client after the mandatory two year period of time will have the

full burden of demonstrating that the former client has not been exploited, coerced or manipulated intentionally or unintentionally.

- (c) A licensee or certificate holder shall not sexually harass nor engage in sexual activities or sexual contact with current or past client's family members. Sexual harassment includes sexual advances, sexual solicitation, requests for sexual favors and other verbal, non-verbal or physical conduct of a sexual nature.
- (d) A licensee or certificate holder shall not sexually harass persons they encounter in professional settings.

(8) Private Practice:

- (a) A licensee or certificate holder employed by an agency may not solicit or refer a current client of the agency to the licensee's private practice. Licensees may offer referrals to client's which include multiple options for the client to choose from and the licensee's private practice may be one of the multiple options.
- (b) When setting fees, an independent licensee shall ensure that fees are fair, reasonable and commensurate with the services performed.
- (c) A licensee shall maintain client records for a period of seven years from the time services are completed.

(9) Professional Disclosure:

- (a) A licensee or certificate holder shall display a professional disclosure statement at the place where services are performed and shall provide a copy of the disclosure statement to clients upon request.
- (b) Professional disclosure statements shall include the name, title, license or certificate type, license or certificate number, business address and business phone number of the licensee or certificate holder.
- (c) Professional disclosure statements shall identify licensee or certificate holder's formal professional education, areas of competence and the services they provide.
- (d) Professional disclosure statements shall include language that directs the client to contact the licensing board should they have complaints about the licensee or certificate holder. The name, address and phone number of the licensing board should be included in this language.

(e) For a licensee employed in a private practice, a fee schedule shall be listed by type of service or hourly rate.

(10) Impairment:

(a) A licensee or certificate holder shall seek therapy for any substance abuse or dependence, psychiatric or psychological impairment, emotional distress or any other physical health related adversity that interferes with the licensee or certificate holder's ability to function competently. A licensee or certificate holder shall request inactive status for medical reasons when appropriate and notify the board and comply with rule 4758-11-02 of the Administrative Code.

(b) A licensee or certificate holder shall not undertake or continue a professional counseling role when the judgment, competence and/or objectivity of the licensee is impaired due to mental, emotional, physiological, pharmacological, or substance abuse conditions.

**4758-8-02 Code of ethics for clinical supervisors.**

(A) The purpose of this rule is to state the rules of conduct that apply to individuals who hold a valid independent chemical dependency counselor license (LICDC) or chemical dependency counselor III license (LCDC III) during the performance of their clinical duties as supervisors.

(B) Competence:

(1) A supervisor shall accurately represent areas of competence, education, training, experience and professional affiliations in response to inquiries, including those from appropriate boards, public, supervisees and colleagues.

(2) A supervisor shall aggressively seek out consultation with other professionals when called on to supervise counseling situations outside their realm of competence. Supervisors shall refer supervisees to other competent staff when they are unable to provide adequate supervisory guidance to the supervisee.

(C) Client welfare and rights:

(1) A supervisor shall make supervisees aware of clients' rights, including protecting clients' rights to privacy and confidentiality in the counseling relationship and the information resulting from it.

(D) Supervisory role:

- (1) A supervisor shall obtain ongoing training in supervision.
- (2) A supervisor shall make their supervisees aware of professional and ethical standards and legal responsibilities of the counseling profession.
- (3) Procedures for contacting the supervisor, or an alternative supervisor, to assist in handling crisis situations shall be established and communicated to supervisees.
- (4) Supervision shall be maintained through regular face-to-face meetings with supervisee in group or individual sessions.
- (5) Actual work samples via audio, counselor report, video or observation shall be part of the regularly scheduled supervision process.
- (6) A supervisor shall provide supervisees with ongoing feedback on their performance.
- (7) A supervisor who has multiple roles (e.g. teacher, clinical supervisor, administrator, etc.) with supervisees shall avoid any conflict of interest caused by these roles. The supervisees shall know the limitations placed on the supervisor and the supervisor shall share supervision when appropriate.
- (8) A supervisor shall not sexually harass, make sexual advances or participate in any form of sexual contact with supervisees.
- (9) A supervisor shall not use the supervision process to further personal, religious, political, financial or business interests.
- (10) A supervisor shall not endorse any treatment that would harm a client either physically or psychologically.
- (11) A supervisor shall not establish a psychotherapeutic relationship as a substitute for supervision. Personal issues shall be addressed in supervision only in terms of the impact of these issues on clients and on professional functioning.
- (12) A supervisor shall never supervise any person closely related by blood, marriage or other significant relationships.
  - (a) "Closely related by blood or marriage" is defined to include, but is not limited to, spouse, children (whether dependent or independent), parents, grandparents, siblings and any other persons related by blood or marriage who reside in the same household.
  - (b) "Significant Relationship" means persons living together as a spousal or family unit when not legally married or related where the nature of the

relationship may impair the objectivity or independence of judgment of one individual working with the other.

- (13) A supervisor shall be straight forward with supervisees about observed professional and clinical limitations of the supervisee. These concerns shall be clearly documented and shared with the supervisee.
- (14) A supervisor shall not endorse a supervisee for certification or licensure if the supervisor has documented proof of impairment or professional limitations that would interfere with the performance of counseling duties in a competent and ethical manner.
- (15) The supervision provided by a supervisor shall be provided in a professional and consistent manner to all supervisees regardless of age, race, national origin, religion, physical disability, sexual orientation, political affiliation, marital or social or economic status.
- (16) A supervisor shall not delegate professional responsibilities to another person if the task is outside of the person's scope of practice or experience.
- (17) A supervisor shall not exploit the supervisee for financial gain.
- (18) A supervisor shall not instruct a supervisee to perform in a way which would violate any section of the supervisee's code of ethical conduct.

(E) Procedure for processing ethical complaints:

- (1) A violation of any of the rules of conduct may result in disciplinary action being taken by the board pursuant to section 4758.30 of the Revised Code and rule 4758-10-01 of the Administrative Code.

**4758-8-03 Code of ethics for prevention specialists.**

- (A) The following rules of conduct set forth the minimum standards of conduct which all applicants for certification shall follow and establishes the minimum standard of practice for registered applicants (RA), Ohio certified prevention specialists I (OCPS I) and Ohio certified prevention specialists II (OCPS II).
- (B) A violation of these rules of ethical practice and professional conduct constitutes unprofessional conduct and is sufficient reason for a reprimand, suspension, revocation or for restrictions to be placed on a certificate or for the denial of the initial certificate or renewal, or reinstatement of a certificate.

(1) Professional standards:

- (a) The certificate holder shall meet and comply with all terms, conditions or limitations of certification.
- (b) The certificate holder shall recognize limitations of his or her competency based on professional qualifications, education and experience and shall not offer services or use techniques outside his or her professional competency or scope of practice defined by rules 4758-6-06 through 4758-6-08 of the Administrative Code.
- (c) The certificate holder shall refer consumers to a person or agency that the certificate holder knows is qualified by training, experience, certification or license to provide such professional services.
- (d) The certificate holder shall not participate in discrimination on the basis of race, ethnicity, color, sex, sexual orientation, religion, age, national ancestry, socioeconomic status, political belief, psychiatric or psychological impairment, disability according to "Title VII of the Civil Rights Act of 1964", HIV/AIDS status, the amount of previous therapeutic or treatment occurrences or against other persons that could be subject to discrimination but are not expressly protected by state or federal law.
- (e) A certificate holder shall seek therapy for any substance abuse or dependence, psychiatric or psychological impairment, emotional distress or any other physical health related adversity that interferes with the certificate holder's ability to function competently. A certificate holder shall request inactive status for medical reasons when appropriate and notify the board and comply with rule 4758-11-02 of the Administrative Code.
- (f) The certificate holder shall not administer to him/herself any substances in a manner which would be dangerous or harmful to consumers.
- (g) The certificate holder shall be aware of and comply with all applicable state and federal guidelines, regulations, statutes and agency policies including, but not limited, to confidentiality.
- (h) The certificate holder shall define for self and others the nature and direction of loyalties and responsibilities and keep all parties informed of these commitments.
- (i) In the presence of professional conflict, the certificate holder shall primarily be concerned with the welfare of the consumer.
- (j) The certificate holder shall respect the integrity and protect the welfare of the consumer and shall not engage in any action that violates the civil or legal rights of consumers.

(k) The certificate holder shall maintain an objective and non-possessive relationship with those he or she serves and shall not exploit them sexually, emotionally, financially or otherwise.

(l) The certificate holder shall not place an individual in any activity or setting where such participation could harm the individual.

(2) Unlawful conduct:

(a) A conviction for a felony in the state of Ohio or any act in another state that would constitute a felony in Ohio shall be grounds for disciplinary action. The board may also discipline a certificate holder who is convicted of a misdemeanor which relates to the certificate holder's ability to practice alcohol and other drug prevention.

(3) Fraud related conduct:

(a) The certificate holder shall not make any misrepresentation or false statement to the board.

(b) A certificate holder shall not use a title, designation, credential, license, firm name, letterhead, publication, term, title or document which states or implies an ability, relationship or qualification the certificate holder is not qualified to use or does not exist.

(c) The certificate holder shall not practice under a false name or under a name other than the name in which his or her certificate is held.

(d) The certificate holder shall not sign or issue in the certificate holder's capacity, any document or statement that he or she knows to contain either a false or misleading statement.

(e) The certificate holder shall not produce, publish, create, or partake in the creation of any false, deceptive or misleading advertisement.

(f) The certificate holder shall assign appropriate credit to published material.

(4) Discipline in other jurisdictions:

(a) Any denial, suspension, revocation, probation or other restriction or discipline on certification, license or other authorization to practice issued by any certification authority or any state, province, territory, tribe or other federal government shall be regarded by the board as an ethics complaint and shall be reported to the board.

(5) Cooperation with the board:

- (a) The certificate holder shall cooperate in any investigation conducted pursuant to this code of ethics and shall not interfere with an investigation or a disciplinary proceeding or other legal action.
- (b) The certificate holder shall report any violation of this code of ethics to the board.
- (c) In submitting information to the board, a certificate holder shall comply with any requirements pertaining to the disclosure of consumer information established by federal or state law or regulation.

**4758-10-01      Disciplinary action against licensees, certificate holders, or applicants.**

(A) The board may refuse to admit for examination, issue, renew, or may suspend, revoke, reprimand or place restrictions on any license or certificate applied for under Chapter 4758. of the Revised Code, or may take other disciplinary action against any licensee, certificate holder or applicant for one or more of the following reasons:

- (1) Violation of any provision of Chapter 4758. of the Revised Code or any rules adopted under it.
- (2) Knowingly making a false statement on an application for a license or certificate or for renewal, restoration or reinstatement of a license or certificate.
- (3) Acceptance of a commission or rebate for referring an individual to a person who holds a license or certificate issued by, or who is registered with, an entity of state government, including persons practicing chemical dependency counseling, alcohol and other drug prevention services, or fields related to chemical dependency counseling or alcohol and other drug prevention services.
- (4) Conviction in this or any other state of any crime that is a felony in this state.
- (5) Conviction in this or any other state of a misdemeanor committed in the course of practice as an LICDC, LCDC III, LCDC II, CCDC I, CDCA, OCPS II, OCPS I, or RA.
- (6) Inability to practice as an LICDC, LCDC III, LCDC II, CCDC I, CDCA, OCPS, II, OCPS I or RA due to abuse of or dependency on alcohol or other drugs or other physical or mental conditions.
- (7) Practicing outside the individual's scope of practice.

- (8) Practicing without complying with supervision requirements specified under sections 4758.56, 4758.59 or 4758.61 of the Revised Code.
  - (9) Violation of the code of ethical practice and professional conduct for chemical dependency counseling, alcohol and other drug prevention services or clinical supervision outlined in rules 4758-8-01 through 4758-8-03 of the Administrative Code.
  - (10) Revocation of a license or certificate or voluntary surrender of a license or certificate in another state or jurisdiction for an offense that would be a violation of section 4758.30 of the Revised Code.
  - (11) Failure to meet education, experience, examination, and other requirements set forth in Chapter 4758. of the Revised Code;
- (B) Authority of the board to take action against an applicant, licensee or certificate holder:
- (1) A violation of any of the rules of conduct or ethical rules may result in one or more of the following disciplinary actions:
    - (a) Refusal to issue a license or certificate
    - (b) Refusal to renew a license or certificate
    - (c) Reprimand of a license or certificate holder
    - (d) Suspension of a license or certificate
    - (e) Revocation of a license or certificate
  - (2) Past disciplinary actions taken against a licensee or certificate holder of this board may be considered in the choice of sanctions for a new offense. Section of sanctions to be imposed shall be at the discretion of the board after the licensee has been provided a right to a hearing pursuant to Chapter 119. and as outlined in Section 4758.30 of the Revised Code.
- (C) Persons wishing to file a complaint against a licensee or certificate holder of this board or against someone seeking licensure may do so by obtaining and completing a written complaint form or by mailing a letter to the board to the attention of the executive director which details the complaint.
- (D) The board may also initiate an investigation against a licensee or certificate holder without a written complaint, if the board has reason to believe that the licensee or

certificate holder is practicing in violation of the laws and rules outlined in Chapter 4758. of the Revised Code or agency-level 4758. of the Administrative Code.

(E) Pursuant to Chapter 119. and Chapter 4758. of the Revised Code, the board shall give the applicant, licensee or certificate holder written notice by certified mail, return receipt requested, if it intends to propose to reprimand, suspend, revoke, place restrictions on or fail to issue or renew the license or certificate. The notice shall include:

- (1) The standards with which the applicant, licensee or certificate holder was alleged to be in non-compliance or other reason(s) for the action;
- (2) The section(s) of the law or rule(s) involved;
- (3) A statement informing the applicant, licensee or certificate holder that he or she is entitled to a hearing if requested within thirty days of the time of the mailing of the notice;
- (4) A statement that at a hearing, the applicant, licensee or certificate holder may appear in person or be represented by his or her own attorney, at the expense of the applicant, licensee or certificate holder, or may present his or her position, arguments or comments in writing and at the hearing each party may present evidence and examine witnesses appearing for and against the applicant, licensee or certificate holder. A copy of the notice shall be mailed to the attorney of record representing the applicant, licensee or certificate holder, if applicable.

(F) If the applicant, licensee or certificate holder requests a hearing, the board shall set a date, time and place for the hearing within fifteen days, but not earlier than seven days, after the applicant, licensee or certificate holder has requested a hearing unless otherwise agreed upon by the board and by applicant, licensee or certificate holder. The hearing can be continued at the discretion of the board. A copy of the hearing notice shall be mailed to the respondent and attorney of record for the applicant, licensee or certificate holder, if applicable.

- (1) The board shall conduct the adjudication hearing following the procedures in section 119.09 of the Revised Code and among other things may appoint a referee or hearing examiner to conduct the proceedings and make recommendations as appropriate. The referee or examiner shall have the same powers and authority in conducting the hearing as is granted to the board.
- (2) The board shall provide the applicant, licensee or certificate holder a certified copy of its decision by certified mail, return receipt requested.

- (3) If the board's decision after the hearing is to reprimand, suspend or revoke a license, the applicant, licensee or certificate holder shall be informed of the right to appeal within fifteen days of the mailing of the notice of the board's decision
  - (4) If the applicant, licensee or certificate holder decides to appeal the board's decision, the respondent shall appeal the board's decision to the Franklin county court of common pleas. The notice of appeal of the respondent is to be filed with the board and must state the grounds for the appeal. A copy of the appeal shall be filed with the Franklin county court of common pleas
  - (5) Within thirty days after receipt of the notice of appeal, the board shall file with the court a complete record of the proceedings in the case by certified mail, return receipt requested, or by hand delivery, if acceptable to the court.
- (G) If the board decides to revoke or deny the issuance of a license or certificate, the applicant, licensee or certificate holder may reapply for the issuance of a license or certificate or apply for reinstatement of a license or certificate one year after the denial or revocation of the license or certificate.

**4758-11-02      Procedures in impairment cases.**

- (A) Should the board have reason to believe that a licensee or certificate holder suffers from impairment as defined by paragraph (T) of rule 4758-2-01 of the Administrative Code, it may compel the individual to submit to a mental or physical examination, or both. Such examination shall be completed by a treatment provider that has been approved by the board. The notice issued to the individual ordering him to submit to examination shall specify conduct, acts or behavior committed or displayed by him to establish reason to believe that he is impaired. Failure to submit to examination ordered by the board constitutes an admission of impairment, unless the failure is due to circumstances beyond the individual's control.
- (B) If the examination outlined in paragraph (A) of the rule finds that the individual is not impaired, no action shall be initiated by the board.
- (C) If the examination outlined in paragraph (A) of this rule finds that the individual is impaired, or if the board has substantial evidence of impairment, such as evidence of a relapse, the board shall initiate proceedings to suspend the license or deny the initial application.
  - (1) Before being eligible to apply for reinstatement of a license suspended under this rule, the practitioner shall provide evidence to the board of the following:
    - (a) Certification from the designated treatment provider that the practitioner has successfully completed any required inpatient or outpatient program;

- (b) Evidence of continuing compliance with an aftercare contract;
  - (c) Two written reports indicating that the practitioner has been assessed and that he or she has been found capable of practicing according to acceptable and prevailing standards of care.
- (2) The board may reinstate the suspended license or certificate or reactivate an inactive license or certificate under this rule after demonstration outlined in paragraph (C)(1) of this rule and after the individual has entered into a written consent agreement with the board.
- (3) When the licensee resumes practice under this rule, the board shall require continued monitoring of the practitioner.
- (D) A licensee or certificate holder may appeal rulings of the board in regards to impairment.

**4758-13-01      Continuing education requirements for CDCA, ~~CCDC I~~, LCDCII, LCDC III, LICDC.**

- (A) The following steps are required for renewal of a license or certificate to practice as a CDCA, LCDC II, LCDC III, LICDC within each two-year period of licensure or certification.
- (1) Completion of a renewal application documenting the following:
- (a) A minimum of forty recognized clock hours of continuing education credit within the two year renewal period. Documentation of these hours does not need to be submitted with the renewal application. If selected in a random audit process, documentation shall be required;
  - (b) A minimum of six hours of the total forty hours shall be in chemical dependency specific education;
  - (c) A minimum of three hours of the total forty hours shall be in ethics education; and
  - (d) For renewal of a LICDC license, a minimum of six hours shall be in clinical supervision education within the following areas: assessment/evaluation, counselors' professional development, management/administration and professional responsibility.
  - (e) The remaining hours must be field related.

- (2) Chemical dependency counselors may be granted up to a maximum of twenty RCHs for authoring alcohol and other drug related publications at the board's discretion.
  - (3) A maximum of ten RCHs may be granted for presenting a workshop or teaching chemical dependency related courses. One RCH is given for each contact hour of training. Credit is not granted for preparation time.
  - (4) A maximum of ten RCHs may be granted for special language courses or workshops.
  - (5) A maximum of twenty RCHs may be granted for participation in in-service training programs. An in-service is one in which only agency staff participate. If the agency's in-service is open to individuals from outside the agency, there is no limit to the number of RCHs that can be earned.
- (B) The renewal application shall be completed, signed and filed with required fee to the board no less than thirty days prior to the license or certificate lapse date.
- (C) The board shall mail renewal applications ninety days prior to the lapse date.

**4758-13-02 Continuing education requirements for RA, OCPS I and OCPS II.**

- (A) The following steps are required for renewal of a certificate to practice as an RA, OCPS I or OCPS II.
- (1) Completion of a renewal application documenting the following:
    - (a) A minimum of forty hours of continuing education credit within the two year renewal period. Documentation of these hours does not need to be submitted with the renewal application. If selected in a random audit process, documentation shall be required;
    - (b) A minimum of ten hours from foundation two: foundation in prevention of alcohol and other drug use/abuse/dependency. This includes current research, historical perspectives, theoretical approaches and current program models.
    - (c) The remaining hours must be prevention related.
  - (2) Prevention specialists may be granted up to a maximum of twenty RCHs for authoring alcohol and other drug related prevention publications at the board's discretion.

- (3) A maximum of ten RCHs may be granted for special language courses or workshops.
  - (4) A maximum of twenty RCHs may be granted for participation in in-service training programs. An in-service is one in which only agency staff participate. If the agency's in-service is open to individuals from outside the agency, there is no limit to the number of RCHs that can be earned.
  - (5) A maximum of ten RCHs may be granted for presenting a workshop or teaching alcohol and other drug prevention related courses.
- (B) Renewal applications shall be completed, signed and filed with required fee to the board no less than thirty days prior to the certificates lapse date.
- (C) The board shall mail renewal applications ninety days prior to the lapse date.

**4758-13-03      Special circumstances for the renewal of a license or certificate.**

(A) Senior citizen status:

- (1) Licensees or certificate holders who are retired from full time employment and sixty years of age or older may request senior citizen status.
- (2) Fees are reduced.
- (3) To be eligible for senior citizen status, the licensee or certificate holder shall document that he/she has reached sixty years of age and is no longer employed full time.
- (4) If the licensee or certificate holder elects to return to full time employment, the senior citizen status is automatically voided and the fact shall be recognized on the next renewal application.
- (5) In order for a licensee or certificate holder to qualify for "senior status" they shall work twenty hours or less per week.

(B) Short term inactive status:

- (1) Short term inactive status may be granted when there are circumstances in which individuals cannot meet the education requirements for renewal of a license or certificate in a two-year period. The licensee or certificate holder may apply for an extended period of time in which to obtain the needed RCHs.

- (2) The maximum period allotted is six months.
- (3) To apply for short term inactive status, the licensee or certificate holder shall submit to the board thirty days prior to the lapse date:
  - (a) A written request for this status;
  - (b) Completed renewal application;
  - (c) The required inactive status holding fee;
  - (d) The original license or certificate (not a copy). If the licensee or certificate holder has lost the original license or certificate, the licensee or certificate holder shall submit a signed and notarized statement to that effect.
- (4) During this period, the licensee or certificate holder shall not practice as a chemical dependency counselor or prevention specialist and shall not use the CDCA, CCDCI, LCDCII, LCDCIII, LICDC, OCPSI, OCPSII designation.
- (5) The board may reactivate a license or certificate when the board receives documentation of successful completion of the required RCHs, renewal application and the renewal fee in effect at that time of submission.
  - (a) The licensee or certificate holder's anniversary date, and thus the lapse date shall then be two years from the date of reinstatement.
- (6) A licensee or certificate holder who is placed on inactive status shall still be subject to the code of ethics as defined in rules 4758-8-01 through 4758-8-03 of the Administrative Code.

(C) Long term inactive status:

- (1) A licensee or certificate holder who temporarily leaves the field may request long-term inactive status for up to five years.
- (2) To apply for long term inactive status, the licensee or certificate holder shall submit to the board thirty days prior to the lapse date:
  - (a) A written request for this status;
  - (b) A completed renewal application;
  - (c) The required inactive status holding fee;

- (d) The original license or certificate (not a copy). If the individual has lost the original license or certificate, the licensee or certificate holder shall submit a signed and notarized statement to that effect.
- (3) During this period, the licensee or certificate holder shall not practice as a chemical dependency counselor or prevention specialist and shall not use the CDCA, CCDCI, LCDC II, LCDC III, LICDC, OCPS I or OCPS II designation.
- (4) To reactivate the license or certificate the licensee or certificate holder shall submit an application for reinstatement before the five-year limit expires. The request shall be accompanied by the current renewal fee and documentation of the successful completion of forty RCHs within the twenty-four months immediately preceding the request for reinstatement.
- (5) The licensee or certificate holder's lapse date will be two years from the date of reinstatement.
- (6) A licensee or certificate holder who is placed on inactive status shall still be subject to the code of ethics as defined in rules 4758-8-01 through 4758-8-03 of the Administrative Code.

**4758-13-04      Definition of recognized clock hours.**

- (A) The recognized clock hour (RCH) equals one contact hour of participation in an organized educational format.
- (B) RCHs and college courses:
  - (1) RCHs may be awarded for college courses that address one or more of the knowledge and skill areas associated with chemical dependency counseling or prevention services
  - (2) In determining the number of RCHs to be awarded for college courses, the following conversions shall be used:
    - (a) One semester hour equals fifteen RCHs
    - (b) One quarter hour equals ten RCHs.
- (C) RCHs may be awarded to programs that address the following knowledge and skill areas:
  - (1) Counselor areas:

- (a) Theories of addiction
- (b) Counseling procedures and strategies
- (c) Group process and techniques
- (d) Assessment and diagnosis of addiction
- (e) Relationship counseling
- (f) Pharmacology
- (g) Prevention strategies
- (h) Treatment planning
- (i) Ethics

(2) Prevention areas:

- (a) Foundation in chemical use/abuse/dependency
- (b) Foundation in prevention of ATOD use/abuse/dependency
- (c) Ethics
- (d) Education and skill development
- (e) Community organization
- (f) Public and organizational policy
- (g) Professional growth and responsibility
- (h) Planning and evaluation

(3) Supervisor areas:

- (a) Assessment and evaluation
- (b) Professional responsibility
- (c) Counselors' professional development
- (d) Management and administration

(D) Events for which no RCHs are awarded shall include:

- (1) Programs leading to a high school diploma or equivalency certificate.
- (2) In-service programs that deal with internal organizational affairs such as benefits, organizational structure or policy and procedures.
- (3) Participation in department or committee meetings, delegate assemblies or similar meetings.
- (4) Meetings for policy making or problem solving purposes.
- (5) Business meetings of professional associations or societies.
- (6) Programs delivered through the mass media unless they are an integral part of an educational program, which has prior board approval.
- (7) CPR/first aid classes.

**4758-13-05 Lapsed license or certificate/restoration process.**

- (A) A license or certificate that has not been renewed lapses on its expiration date.
- (B) A license or certificate that has lapsed may be restored if the individual applies for restoration no later than two years after the license or certificate has expired.
- (C) The board shall issue a restored license or certificate to an applicant upon payment of any renewal fees and completion of all continuing education requirements which are currently in effect at the time of restoration.
- (D) An individual shall not be required to take an examination as a condition of having a lapsed license or certificate restored if it is restored within two years of the date in which it lapsed.
- (E) All licenses or certificates are the property of the board and shall be surrendered by the chemical dependency counselor or prevention specialist upon request by the board.

**4758-13-06 Expired license or certificate.**

- (A) Persons whose license or certificates have lapsed or expired and who continue to hold themselves out as chemical dependency counselors or certified prevention specialists shall be in violation of Chapter 4758. of the Revised Code.
- (B) Persons who practice chemical dependency counseling or drug and alcohol prevention while their licenses or certificates are under suspension or revocation shall be in violation of Chapter 4758. of the Revised Code.
- (C) Persons who engage in chemical dependency counseling, who are not exempt from licensure or certification or who do not already hold a valid license or certificate to practice chemical dependency counseling under Chapter 4758. of the Revised Code, shall be in violation of Chapter 4758. of the Revised Code.

**4758-13-07      Approval of recognized clock hours.**

- (A) Sponsors of education and training programs that are relevant to the practice of chemical dependency counseling or prevention may apply for RCH approval. Program RCHs may be awarded by the board to any program that addresses the knowledge and skill areas, which contribute to the professional growth of the chemical dependency counselor or prevention specialist. RCHs may be awarded upon approval of the RCH application.

(1) Procedure to apply for RCH approval:

- (a) Submit the program sponsor application form for recognized clock hour (RCH) endorsement to the board no fewer than thirty days prior to the offering of the continuing education course.
- (b) The application shall include the required fee.
- (c) The program shall satisfy at least one of the topic areas of rule 4758-13-04 of the Administrative Code required for renewal of a license or certificate to practice as a chemical dependency counselor or prevention specialist.

- (2) If RCH approval is granted to a program, the program shall provide each program participant with a verification of attendance form which shall include the following information:

- (a) Title of the program;
- (b) Date of the program;
- (c) Participant's name;

- (d) Sponsor's name;
- (e) Number of clock hours
- (f) RCH approval number.

(3) For RCH approval to be granted to a program, the program shall provide evidence that the program trainer or lecturer has education and training that would qualify them to teach the offered course. Education or training may include, but is not limited to: holding a license or certificate in the subject area in which they are teaching; having a bachelor's or master's degree in the subject area or having other recognized training or experience in the subject area in which they propose to teach.

(B) Programs that regularly sponsor RCHs and wish to obtain a provider status may apply to the board as follows:

(1) Procedure to apply for provider status:

- (a) A provider shall have sponsored fifty hours of education approved by the board;
- (b) The provider shall complete an application for provider status.
- (c) The provider shall submit the required fee.

(2) If provider status is granted, the provider shall submit a quarterly report to the board, which identifies all programs provided during that period.

(3) The provider shall also provide to each participant of each program attended a verification of attendance form which must include:

- (a) Title of the program;
- (b) Date of the program;
- (c) Participant's name;
- (d) Sponsor's name;
- (e) Number of clock hours;
- (f) Provider number.

- (4) For RCH approval to be granted to a program, the program shall provide evidence that the program trainer or lecturer has education and training that would qualify them to teach the offered course. Education or training may include, but is not limited to: holding a license or certificate in the subject area in which they are teaching; having a bachelor's or master's degree in the subject area or having other recognized training or experience in the subject area in which they propose to teach.
- (5) Providers shall maintain participant attendance records for five years.
- (6) Renewal of provider status:
  - (a) A provider may apply for renewal of their provider status by submitting a renewal application and fee to the board.

4758-14-01      **Master's Accreditation.**

- (A) Master's accreditation is an official board endorsement of qualified behavioral science master's degree training programs. Education institutions accredited by an accrediting agency accepted by the Ohio Board of Regents may apply for master's accreditation. Accreditation may be awarded by the board to any education institution master's degree program that addresses the subject content areas and contact hours defined by the board which contributes to the professional growth of the chemical dependency counselor.
- (B) Procedure to apply for master's accreditation:
  - (1) All applicants for master's accreditation shall file with the board a written application packet on a form prescribed by the board. The application packet contains all documentation and forms necessary to obtain accreditation and shall consist of, at a minimum, the following:
    - (a) A completed application packet,
    - (b) A non-refundable application filing fee,
    - (c) Documentation of master's level coursework in the following content areas and contact hours:
      - (i) Theories of counseling and psychotherapy (eighty clock hours)
      - (ii) Counseling procedures (forty clock hours)

- (iii) Group process and techniques (forty clock hours)
- (iv) Relationship therapy (forty clock hours)
- (v) Research methods and statistics (forty clock hours)
- (vi) Fundamentals of assessment and diagnosis, including measurement and appraisal (eighty clock hours)
- (vii) Psychopathology (forty clock hours)
- (viii) Human development (forty clock hours)
- (ix) Cultural competency in counseling (forty clock hours)
- (x) Ethics (thirty clock hours)
- (xi) Supervised professional experience which may be completed as part of an internship, practicum, or field experience (four hundred contact hours)

(d) Documentation of credentials and names of course instructors.

(2) The board shall review the application packet. As a result of this review, the board shall notify the applicant of one of the following:

- (a) An approval to schedule for a site visit,
- (b) The need for additional documentation, or
- (c) The proposed denial of the application.

(C) A site visit will be conducted prior to the accreditation of an education institution.

(1) Site visits will be scheduled by the board upon:

- (a) Approval of the application packet and
- (b) Receipt of the accreditation fee.

(2) The board's review and evaluation of the site visit will result in one of the following:

- (a) If the board finds that the training program includes all of the required content areas and required contact hours and the education institution has appropriate regional or national accreditation, accreditation will be awarded.

- (b) If the board finds that the training program has minor deficiencies in the required content areas or required contact hours and that the deficiencies can be corrected within six months, provisional accreditation may be awarded.
- (c) If the board finds that the training program does not include a significant number of the required content areas and required contact hours or the education institution does not have an appropriate regional or national accreditation, denial of accreditation shall be proposed.
  - (i) The board shall notify the education institution of the proposed denial via certified mail.
  - (ii) The board shall comply with Chapter 119. hearing procedures.
- (D) Upon approval by the board, accreditation will be awarded to the education institution for a period of five years. During this accreditation period, the education institution shall:
  - (1) Provide curriculum changes to the board as they occur. These changes shall be reviewed by the board to ensure compliance with accreditation standards.
  - (2) Provide students who complete the accredited program with a letter or certificate indicating they have completed a board accredited program.
  - (3) Open applicable classes to the board for monitoring and cooperate with the board should an official monitoring be required.
  - (4) Submit a written request and filing fee to the board if the education institution desires to obtain an annual report from the board. The annual report shall include a summary of the examination results for students from that education institution.
- (E) Education institutions that are awarded accreditation may renew that accreditation every five years by:
  - (1) Completing a renewal application and
  - (2) Submitting the renewal accreditation fee.
- (F) Revocation of accreditation
  - (1) The board may revoke an education institution's accreditation status for any of the following:

- (a) Falsification of forms,
  - (b) Failure to remain in compliance with the board's accreditation criteria and policies,
  - (c) Investigation and verification by the board of written complaints or charges by consumers or others,
  - (d) Refusal to comply with an investigation by the board.
- (2) The board shall notify the education institution via certified mail if it intends to propose to revoke the accreditation and shall comply with Chapter 119. hearing procedures.
- (3) Upon revocation of accreditation, the education institution shall:
- (a) Cease using the accreditation status and
  - (b) Remove accreditation from publicity materials.

**4758-15-01      Reciprocity.**

- (A) The board is a member of the international certification and reciprocity consortium/alcohol and other drug abuse (ICRC/AODA).
- (B) Chemical dependency counselors licensed in Ohio at the LCDC II level and above and prevention specialists (OCPS I and OCPS II) are eligible for reciprocity with the entities that are members of the ICRC/AODA provided that the same type or level of credential is offered by the member entity.
- (C) An applicant may apply to the board for certification or licensure by reciprocity provided:
- (1) The applicant holds a valid reciprocal level certificate or license from a member jurisdiction of the ICRC/AODA or its successor;
  - (2) The board maintains membership in the ICRC/AODA;
  - (3) The board receives documentation from the ICRC/AODA member jurisdiction indicating the applicant is duly licensed or certified and entitled to its endorsements;

- (4) The applicant provides the board with documentation of their educational experience which shall be consistent with educational requirements for licensure or certification under Chapter 4758. of the Revised Code;
- (5) The applicant meets the code of ethics for chemical dependency counselors, clinical supervisors or prevention specialists as outlined in rules 4758-8-01 through 4758-8-03 of the Administrative Code.

**4758-20-01 Personal information systems.**

(A) The following regulations shall govern the control of personal information maintained by the board.

- (1) The executive director shall be directly responsible for each applicant's personal information maintained in the board's personal information system. The executive director shall:
  - (a) Inform all employees who have been assigned responsibility for the operation, maintenance, or use of personal information of the applicable provisions of Chapter 1347. of the Revised Code and rules adopted there under.
  - (b) Inform all persons requested to supply personal information to only that which is necessary and relevant to functions of the board as required or authorized by statute or rule.
  - (c) Restrict the collection, maintenance, and use of personal information to only that which is necessary and relevant to functions of the board as required or authorized by statute or rule.
  - (d) Provide to all persons asked to supply personal information that will be placed in an interconnected or combined system, with information relevant to the system, including the identity of all other agencies or organizations that have access to the system.
  - (e) Allow all persons to inspect their personal information pursuant to section 1347.08 of the Revised Code. Upon receiving a request and verifying that the person requesting access to the personal information is the subject of the information contained in the system, the employee shall:
    - (i) Provide the personal information to that person;
    - (ii) Permit the person or the person's legal guardian, or an attorney who presents a signed authorization made by the person, to inspect all

personal information in the system of which the person is subject, except where prohibited by law;

- (iii) Inform the person of the uses made of the personal information and identify other users who have access to the system;
  - (iv) Allow persons who wish to exercise their right to inspect personal information, as provided by this rule, to be accompanied by one individual of that person's choice;
  - (v) Provide, for a reasonable fee, copies of any personal information the person is authorized to inspect; and
  - (vi) Investigate disputes concerning the accuracy, relevance, timeliness or completeness of personal information pursuant to section 1347.09 of the Revised Code.
- (2) The board shall discipline any employee who initiates or otherwise contributes to any disciplinary or other punitive action taken against another individual who brings attention to the appropriate authorities, the press, or a member of the public, any evidence of unauthorized use of any material contained in the personal information system.
- (3) The board shall monitor its personal information system by:
- (a) Maintaining the personal information system with the accuracy, relevance, timeliness and completeness necessary to assure fairness in any determination made by the board that is based on information contained in the system; and
  - (b) Eliminating unnecessary information from the system.
- (4) The board shall investigate, upon request, the accuracy, relevance, timeliness or completeness of personal information which is disputed by a person who is the subject of information contained in the system within ninety days after receipt of a request. The board shall:
- (a) Notify the disputant of the results of the investigation and any action the Board intends to take with respect to the disputed information; and
  - (b) Delete any information the board cannot verify or finds to be inaccurate; and
  - (c) Permit the disputant, if the disputant is not satisfied with the determination made by the board, to include within the system:
    - (i) A brief statement of the person's position on the disputed information; or

- (ii) A brief statement that the person finds the information in the system to be inaccurate, irrelevant, outdated, or incomplete.
- (d) The board shall maintain a copy of all statements made by the disputant.
- (5) The board shall not place personal information into an interconnected and combined system, unless the system contributes to the efficiency of the agencies or organizations authorized to use the system in implementing programs, which are required or authorized by law.
- (6) The board shall not use personal information placed into an interconnected and combined system by another state or local agency or organization, unless the personal information is necessary and relevant to the performance of a lawful function of the board.
- (7) The board shall make available, upon request, all information concerning fees charged by the board for reproduction of materials contained in its personal information system.

**4758-20-02      Definitions, abbreviations and titles.**

For the purposes of administrative rules promulgated in accordance with section 1347.15 of the Revised Code, the following definitions apply:

- (A) "Access" as a noun means an instance of copying, viewing, or otherwise perceiving whereas "access" as a verb means to copy, view, or otherwise perceive.
- (B) "Acquisition of a new computer system" means the purchase of a "computer system," as defined in this rule, that is not a computer system currently in place nor one for which the acquisition process has been initiated as of the effective date of the agency rule addressing requirements in section 1347.15 of the Revised Code.
- (C) "Board" means the chemical dependency professionals board.
- (D) "Computer system" means a "system," as defined by section 1347.01 of the Revised Code, that stores, maintains, or retrieves personal information using electronic data processing equipment.
- (E) "Confidential personal information" (CPI) has the meaning as defined in division (A)(1) of section 1347.15 of the Revised Code and identified by rules promulgated by the board in accordance with division (B)(3) of section 1347.15 of the Revised Code that reference the federal or state statutes or administrative rule that make personal information maintained by the board confidential.

- (F) "Employee of the state agency" means each employee of a state agency regardless of whether he/she holds an elected or appointed office or position within the state agency. "Employee of the state agency" is limited to the specific employing state agency.
- (G) "Incidental contact" means contact with the information that is secondary or tangential to the primary purpose of the activity that resulted in the contact.
- (H) "Individual" means a natural person or the natural person's authorized representative, legal counsel, legal custodian, or legal guardian.
- (I) "Information owner" means the individual appointed in accordance with division (A) of section 1347.05 of the Revised Code to be directly responsible for a system.
- (J) "Person" means a natural person.
- (K) "Personal information" has the same meaning as defined in division (E) of section 1347.01 of the Revised Code.
- (L) "Personal information system" means a "system" that "maintains" "personal information" as those terms are defined in section 1347.01 of the Revised Code. "System" includes manual and computer systems.
- (M) "Research" means a methodical investigation into a subject.
- (N) "Routine" means commonplace, regular, habitual, or ordinary.
- (O) "Routine information that is maintained for the purpose of internal office administration, the use of which would not adversely affect a person" as that phrase is used in division (F) of section 1347.01 of the Revised Code means personal information related to employees and maintained by the agency for internal administrative and human resource purposes.
- (P) "System" has the same meaning as defined by division (F) of section 1347.01 of the Revised Code.
- (Q) "Upgrade" means a substantial redesign of an existing computer system for the purpose of providing a substantial amount of new application functionality, or application modifications that would involve substantial administrative or fiscal resources to implement, but would not include maintenance, minor updates and patches, or modifications that entail a limited addition of functionality due to changes in business or legal requirements.

**4758-20-03      Procedures for accessing confidential personal information.**

For personal information systems, whether manual or computer systems, that contain confidential personal information, the agency shall do the following:

- (A) Criteria for accessing confidential personal information. Personal information systems of the board are managed on a "need-to-know" basis whereby the information owner determines the level of access required for an employee of the board to fulfill his/her job duties. The determination of access to confidential personal information shall be approved by the employee's supervisor and the information owner prior to providing the employee with access to confidential personal information within a personal information system. The board shall establish procedures for determining a revision to an employee's access to confidential personal information upon a change to that employee's job duties including, but not limited to, transfer or termination. Whenever an employee's job duties no longer require access to confidential personal information in a personal information system, the employee's access to confidential personal information shall be removed.
  
- (B) Individual's request for a list of confidential personal information. Upon the signed written request of any individual for a list of confidential personal information about the individual maintained by the board, the board shall do all of the following:
  - (1) Verify the identify of the individual by a method that provides safeguards commensurate with the risk associated with the confidential personal information;
  
  - (2) Provide to the individual the list of confidential personal information that does not relate to an investigation about the individual or is otherwise excluded from the scope of Chapter 1347. of the Revised Code; and
  
  - (3) If all information relates to an investigation about that individual, inform the individual that is responsive to the individual's request.
  
- (C) Notice of invalid access.
  - (1) Upon discovery or notification that confidential personal information of a person has been accessed by an employee for an invalid reason, the board shall notify the person whose information was invalidly accessed as soon as practical and to the extent known at the time. However, the board shall delay notification for a period of time necessary to ensure that the notification would not delay or impede an investigation or jeopardize homeland or national security. Additionally, the board may delay the notification consistent with any measures necessary to determine the scope of the invalid access, including which individuals' confidential personal information invalidly was accessed, and to restore the reasonable integrity of the system.

"Investigation" as used in this paragraph means the investigation of the circumstances and involvement of an employee surrounding the invalid access of the confidential personal information. Once the board determines that notification would not delay or impede an investigation, the board shall disclose the access to confidential personal information made for an invalid reason to the person.

- (2) Notification provided by the board shall inform the person of the type of confidential personal information accessed and the date(s) of the invalid access.
  - (3) Notification may be made by any method reasonably designed to accurately inform the person of the invalid access, including written, electronic, or telephone notice.
- (D) Appointment of a data privacy point of contact. The board executive director shall designate an employee of the board to serve as the data privacy point of contact. The data privacy point of contact shall work with the chief privacy officer within the office of information technology to assist the board with both the implementation of privacy protections for the confidential personal information that the agency maintains and compliance with section 1347.15 of the Revised Code and the rules adopted pursuant to the authority provided by that chapter.
- (E) Completion of a privacy impact assessment. The board executive director shall designate an employee of the board to serve as the data privacy point of contact who shall timely complete the privacy impact assessment form developed by the office of information technology.

**4758-20-04      Valid reasons for accessing confidential person information.**

Pursuant to the requirements of division (B)(2) of section 1347.15 of the Revised Code, this rule contains a list of valid reasons, directly related to the board's exercise of its powers or duties, for which only employees of the board may access confidential personal information regardless of whether the personal information system is a manual system or computer system:

- (A) Performing the following functions constitute valid reasons for authorized employees of the board to access confidential personal information:
- (1) Responding to a public records request;
  - (2) Responding to a request from an individual for the list of confidential personal information the board maintains on that individual;
  - (3) Administering a constitutional provision or duty;

- (4) Administering a statutory provision or duty;
- (5) Administering an administrative rule provision or duty;
- (6) complying with any state or federal program requirements;
- (7) Processing or payment of claims or otherwise administering a program with individual participants or beneficiaries;
- (8) Auditing purposes;
- (9) Licensure, certification, recognized clock hour approval, or accreditation processes;
- (10) Investigation or law enforcement purposes;
- (11) Administrative hearings;
- (12) Litigation, complying with an order of the court, or subpoena;
- (13) Human resource matters including, but not limited to, hiring, promotion, demotion, discharge, salary and compensation issues, leave requests, leave requests and related issues, time sheet approvals and related issues.
- (14) Complying with an executive order or policy;
- (15) Complying with an agency policy or a state administrative policy issued by the department of administrative services, the office of budget and management or other similar state agency; or
- (16) Complying with a collective bargaining agreement provision.

**4758-20-05      Confidentiality statutes.**

The following federal statutes or regulations or state statutes and administrative rules make personal information maintained by the board confidential and identify the confidential personal information within the scope of the rules promulgated by this board in accordance with section 1347.15 of the Revised Code:

- (A) Social security numbers: 5 U.S.C. 552a., unless the individual was told that the number would be disclosed.
- (B) "Bureau of Criminal Investigation and Information" criminal records check results: section 4776.04 of the Revised Code.

- (C) All records the board holds pertaining to an investigation during the investigation: section 4758.31 of the Revised Code and rule 4758-10-01 of the Administrative Code.

**4758-20-06      Restricting and logging access to confidential personal information in computerized personal information systems.**

For personal information systems that are computer systems and contain confidential personal information, the board shall do the following:

- (A) Access restrictions. Access to confidential personal information that is kept electronically shall require a password or other authentication measure.
- (B) Acquisition of a new computer system. When the board acquires a new computer system that stores, manages or contains confidential personal information, the board shall include a mechanism for recording specific access by employees of the board to confidential personal information in the system.
- (C) Upgrading existing computer systems. When the board modifies an existing computer system that stores, manages or contains confidential personal information, the agency shall make a determination whether the modification constitutes an upgrade. Any upgrades to a computer system shall include a mechanism for recording specific access by employees of the board to confidential personal information in the system.
- (D) Logging requirements regarding confidential personal information in existing computer systems.
- (1) The board shall require employees of the agency who access confidential personal information within computer systems to maintain a log that records that access.
- (2) Access to confidential information is not required to be entered into the log under the following circumstances:
- (a) The employee of the board is accessing confidential personal information for official agency purposes, including research, and the access is not specifically directed toward a specifically named individual or a group of specifically named individuals.
- (b) The employee of the board is accessing confidential personal information for routine office procedures and the access is not specifically directed toward a specifically named individual or group of specifically named individuals.

- (c) The employee of the board comes into incidental contact with confidential personal information and the access of the information is not specifically directed toward a specifically named individual or group of specifically named individuals.
  - (d) The employee of the board accesses confidential personal information about an individual based upon a request made under either of the following circumstances:
    - (i) The individual requests confidential personal information about himself or herself.
    - (ii) The individual makes a request that the board takes some action on that individual's behalf and accessing the confidential personal information is required in order to consider or process that request.
  - (3) For purposes of this paragraph, the board may choose the form or forms of logging, whether in electronic or paper formats.
- (E) Log management. The board shall issue a policy that specifies the following:
- (1) Who shall maintain the log;
  - (2) What information shall be captured in the log;
  - (3) How the log is to be stored; and
  - (4) How long information kept in the log is to be retained.
- (F) Nothing in this rule limits the board from requiring logging in any circumstances that it deems necessary.

**4758-99-01      Independent rules.**

- (A) Each rule of rules 4758-01 to 4758-99 of the Administrative code and every part of each rule is hereby declared to be an independent rule, and the holding of any rule or part thereof to be unconstitutional, void, or ineffective for any cause shall not affect the validity or constitutionality of any other rule or part thereof.

