

*** DRAFT - NOT YET FILED ***

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.

Effective:

R.C. 119.032 review dates:

Certification

Date

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