

**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 4723. of the Revised Code if such supervision is consistent with the scope of practice of the registered nurse.
 - (5) A 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 professional clinical counselor or independent social worker.
- (C) Perform tasks identified and listed in paragraph (KK) of rule 3793:2-1-08 of the Administrative Code as they relate to abuse of or dependency on alcohol and other drugs. These tasks may only be performed while under the supervision of one of those individuals designated in paragraph (K) of rule 3793:2-1-05 of the Administrative Code.
- (D) A chemical dependency counselor assistant 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 if such supervision is consistent with the scope of practice of the registered nurse.
 - (e) A 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 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) Provide treatment services identified and listed in paragraph (OO) of rule 3793:2-1-08 of the Administrative Code as they relate to abuse of and dependency on alcohol and other drugs.
- (5) Supervise treatment services identified and listed in paragraph (OO) of rule 3793:2-1-08 of the Administrative Code under the supervision of one of the individuals in paragraph (K) of rule 3793:2-1-05 of the Administrative Code as they relate to abuse of and dependency on alcohol and other drugs.
- (6) 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).

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

- (A) Diagnose and treat chemical dependency conditions;
- (B) 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;
- (C) Supervise and provide treatment services identified and listed in paragraph (PP) of rule 3793:2-1-08 as they relate to abuse of and dependency on alcohol and other drugs.
- (D) 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 (LCDSCII), licensed chemical dependency counselors III (LCDSCIII), licensed independent chemical dependency counselors (LICDC), and licensed independent chemical dependency counselors-clinical supervisors (LICDC-CS).
- (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.

- (f) 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.
- (g) 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.
- (h) In the presence of professional conflict, the licensee or certificate holder shall primarily be concerned with the welfare of the client.
- (i) 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.
- (j) 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.
- (k) The licensee or certificate holder shall not place an individual in any activity or setting where such participation could harm the individual.
- (l) 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.
- (m) 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.
- (n) 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.

(o) 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.

(p) 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 clients 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-clinical supervisor license (LICDC-CS), 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.

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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-CS, LICDC, LCDC III, LCDC II, CDCA, OCPS II, OCPS I, OCPSA or RA.
 - (6) Inability to practice as an LICDC-CS, LICDC, LCDC III, LCDC II, CDCA, OCPS, II, OCPS I, OCPSA 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 section 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 to 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 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.