



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

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Sub. H.B. 523

132nd General Assembly
(As Passed by the House)

Reps. Lanese and Perales, Anielski, Antonio, Blessing, Brown, Craig, Edwards, Galonski, Hambley, Hoops, Hughes, Kent, Leland, Manning, Miller, O'Brien, Patton, Ramos, West, Young, R. Smith

BILL SUMMARY

Child abuse reporting

- Adds a dog warden, deputy dog warden, or other person appointed to act as an animal control officer for a municipal corporation or township to the list of professionals who must immediately report child abuse to a public children services agency (PCSA) or peace officer.

Child abuse or neglect or domestic violence by an armed forces member

- Requires a PCSA to determine if the person alleged to have inflicted the child abuse or neglect serves in the armed forces and, if so, to notify the Department of Defense Family Advocacy Program of the allegation.
- Requires a peace officer to determine if the person alleged to have committed domestic violence serves in the armed forces and, if so, to notify the Department of Defense Family Advocacy Program of the allegation.

Animal abuse reporting

- Generally prohibits a veterinarian and specified social service or counseling professionals from failing to report abuse of a companion animal (e.g. a dog or cat) or horse.
- Requires the report to be made to a law enforcement officer, humane society agent, or animal control-type professional.

- Similarly prohibits a law enforcement officer, humane society agent, or animal control-type professional from recklessly failing to report abuse of a companion animal or horse to an appropriate social service professional under specified circumstances.
- Sets forth the information that must be included in a report, including a description of the animal and the nature and extent of the suspected abuse.
- Specifies that a violation of either prohibition is punishable by a civil penalty of \$100 for a first offense and \$500 for each subsequent offense.
- Authorizes the Attorney General to sue to enforce the prohibitions and collect the civil penalties.
- Requires the Attorney General to use the money collected from civil penalties to provide funding to support victims of domestic violence in arranging temporary shelter or other support for the victims' companion animals.
- Specifies that a person required to make an animal abuse report is immune from civil or criminal liability in connection with making the report when the report is made in good faith.
- Prohibits individuals required to report animal abuse from knowingly making a false report, and specifies that a violation of the prohibition is a fourth degree misdemeanor.

Counselors, social workers, marriage and family therapists

- Permits an applicant for a professional clinical counselor's license or a professional counselor's license to have a degree from any counseling program accredited by the Council for Accreditation of Counseling and Related Educational Programs (CACREP), rather than from specified CACREP programs as under current law.
- Requires an applicant for a professional clinical counselor's license or a professional counselor's license to participate in a clinical counseling internship rather than a counseling internship as required under current law.
- Allows the Counselors Professional Standards Committee of the Counselor, Social Worker, and Marriage and Family Therapist Board to issue a license by endorsement to a person who does not have a graduate degree in counseling if the person is authorized to practice in another state and meets specified requirements.

- Reduces, from 30 to 15, the number of hours of continuing education that a person holding a certificate of registration as a social work assistant must complete as a condition of renewing the certificate of registration.
- Requires the Board to establish a schedule of deadlines for biennially renewing a license or certificate of registration issued under the Counselor, Social Worker, and Marriage and Family Therapist Law.
- Eliminates a requirement that a counselor, social worker, or marriage and family therapist prominently display the person's license in a particular location and manner.

CONTENT AND OPERATION

Child abuse reporting

The bill adds a dog warden, deputy dog warden, or other person appointed to act as an animal control officer for a municipal corporation or township¹ to the list of professionals who must immediately report child abuse (when acting in an official or professional capacity). These individuals must report the abuse to the public children services agency (PCSA) or municipal or county peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred.² A violation of the prohibition is generally a fourth degree misdemeanor.³

Child abuse or neglect or domestic violence by an armed forces member

The bill requires notification to the Department of Defense Family Advocacy Program regarding reports of child abuse and neglect and domestic violence allegedly perpetrated by persons serving in the armed forces. Under the bill, "armed forces" means the armed forces of the United States, including:

- The Army, Navy, Air Force, Marine Corps, Coast Guard, or any reserve components of those forces;
- The national guard of any state;
- The commissioned corps of the United States Public Health Service;

¹ In accordance with state law, an ordinance, or a resolution.

² R.C. 2151.421(A)(1)(b).

³ R.C. 2151.99(A), not in the bill.



- The merchant marine service during wartime;
- Such other service as may be designated by Congress; or
- The Ohio organized militia when engaged in full-time national guard duty for a period of more than 30 days.⁴

Child abuse or neglect investigation

The bill requires a PCSA investigating a report of child abuse or neglect to determine if the person alleged to have inflicted the abuse or neglect is serving in the armed forces. If the PCSA determines the person is serving in the armed forces, it must notify the Department of Defense Family Advocacy Program of the allegation. The bill makes the notification an exception to current law that imposes confidentiality on child abuse or neglect reports.⁵

Domestic violence investigation

The bill requires a peace officer investigating an allegation of domestic violence to determine if the person alleged to have committed the violation serves in the armed forces. If the officer determines the person serves in the armed forces, the officer must notify the Department of Defense Family Advocacy Program of the allegation.⁶

Under the bill, "peace officer" has the same meaning as in Ohio's Criminal Code addressing the law of arrest, citation, and disposition alternatives and includes a large number of persons such as, for example, sheriffs, deputy sheriffs, marshals, deputy marshals, municipal police, regional transit authority police, state university law enforcement officers, veterans' home police officers, township police, and the House and Senate Sergeant at Arms.⁷

Animal abuse reporting

The bill establishes two prohibitions that apply to specific individuals who fail to report animal abuse-type offenses involving a companion animal or a horse. A companion animal is any animal that is kept inside a residential dwelling, other than a wild animal, and any dog or cat regardless of where it is kept. The offenses for which

⁴ R.C. 2515.4210(A) and 2919.252(A)(2); R.C. 5903.01, not in the bill.

⁵ R.C. 2151.4210(B); R.C. 2151.421(I), not in the bill.

⁶ R.C. 2919.252(B).

⁷ R.C. 2919.252(A)(1); R.C. 2935.01, not in the bill.



reporting is required include animal cruelty, abandoning an animal, poisoning an animal, dog fighting, and sexual conduct with an animal.⁸

The first prohibition applies to a licensed veterinarian, social service professional, and any other person licensed as a counselor, social worker, or marriage and family therapist (when acting in an official or professional capacity). Such persons are prohibited from failing to immediately report abuse of a companion animal or horse to an officer when that person has knowledge or reasonable cause to suspect that the abuse has occurred or is occurring. An officer is any law enforcement officer, agent of a county humane society, dog warden, deputy dog warden, or other person appointed to act as an animal control officer for a municipal corporation or township. A social service professional is an employee of a private or public children services agency or an employee of a county department of job and family services with responsibility for protective services.⁹

Secondly, the bill prohibits an officer (operating in an official or professional capacity) from failing to immediately report abuse of a companion animal or horse to an appropriate social service professional when both of the following apply:

(1) The officer has knowledge or reasonable cause to suspect that the abuse has occurred or is occurring; and

(2) The officer has knowledge or reasonable cause to suspect that a child or older adult resides with the alleged abuser.¹⁰

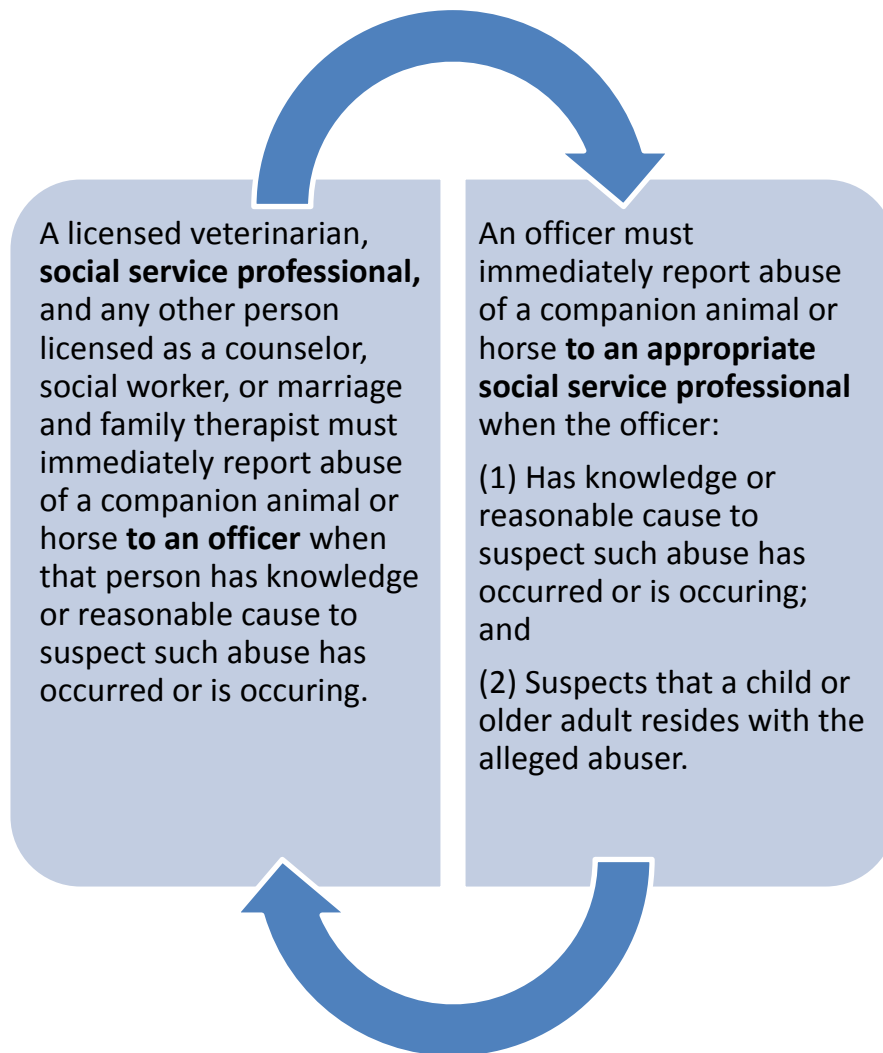
The bill therefore establishes a "cross reporting" relationship as shown below:

⁸ See Chapter 959. of the Revised Code for complete descriptions of these offenses.

⁹ R.C. 959.07(A) and (B).

¹⁰ R.C. 959.08.





Contents of a report

Under the bill, a person required to make a report may do so orally or in writing and must include all of the following in the report:

- (1) A description of the animal involved and the animal's name, if known;
- (2) The address and telephone number of the owner or other person responsible for the care of the animal, if known;
- (3) The nature and extent of the suspected abuse;

(4) Any other information that the person making the report believes may be useful in establishing the existence of the suspected violation or the identity of the violator.¹¹

Civil enforcement

A violation of either of the new prohibitions is punishable by a civil penalty of \$100 for a first offense and \$500 for each subsequent offense. The bill authorizes the Attorney General to bring a civil action to enforce the two new prohibitions and collect the civil penalties. The Attorney General must deposit money collected as civil penalties into the existing Domestic Violence Program Fund and use the money to provide funding for domestic violence programs that assist victims by arranging temporary shelter or other support for the victims' companion animals.¹²

Civil immunity and false reporting

The bill prohibits a person required to report animal abuse from knowingly making a false report. A violation of this prohibition is a fourth degree misdemeanor. However, a person required to make a report under the bill is immune from civil or criminal liability in connection with making the report if the person acted in good faith when making it.¹³

A court must award reasonable attorney's fees and costs to the prevailing party in a civil or criminal action or judicial proceeding if it is proved that participation in making the report was not in good faith. In addition, a court may award those fees and costs to the party against whom a civil action or proceeding is brought in which it is alleged that participation in the making of the report was not in good faith when the action or proceeding is voluntarily dismissed.¹⁴

Counselors, social workers, marriage and family therapists

Licensure of professional clinical counselors and professional counselors

Degree requirement

The bill requires an applicant for a professional clinical counselor license or a professional counselor license to have a graduate degree from a counseling program

¹¹ R.C. 959.09(A).

¹² R.C. 109.46(B) and 959.10.

¹³ R.C. 959.09(B) and (C) and 959.99(C).

¹⁴ R.C. 959.09(D).

accredited by the Council for Accreditation of Counseling and Related Educational Programs (CACREP). Under current law, if an applicant has a graduate degree from a mental health counseling program in Ohio, it must be from one of the following CACREP programs:

- A clinical mental health counseling program;
- A clinical rehabilitation counseling program;
- An addiction counseling program.

Under continuing law, an applicant also must satisfy additional requirements to receive a license, including completing specialized counselor classwork, participating in an internship, and passing an examination.¹⁵

Clinical internship

Under continuing law an applicant for a professional clinical counselor license or a professional counselor license must complete specified training. The bill requires an applicant to include participation in a clinical counseling internship as part of those training requirements. Currently, an applicant must participate in a counseling internship.¹⁶

Licensure by endorsement

The bill allows the Counselors Professional Standards Committee of the Counselor, Social Worker, and Marriage and Family Therapist Board to issue a license by endorsement to a person who does not have a graduate degree in counseling if the person is authorized to practice in another state and meets all of the following requirements:

- The person has a graduate degree that demonstrates an education in the diagnosis and treatment of mental and emotional disorders with coursework comparable to that which is required for a clinical mental health counseling degree from a CACREP accredited program;
- The person has continuously engaged in the practice of professional counseling in the other state and has not been disciplined by the state regulatory authority for a period of five years or more immediately preceding the application date;

¹⁵ R.C. 4757.22(B) and 4757.23(B).

¹⁶ R.C. 4757.22(C)(2) and 4757.23(C)(2).

- The person engaged in a scope of practice in the other state comparable to the scope of practice associated with the license the person is requesting;
- The person's authorization to practice in the other state is in good standing;
- The person achieves a passing score on the examination required by the Board for licensure as a professional clinical counselor or a professional counselor, as applicable.

In the case of an out-of-state applicant seeking a professional clinical counselor's license, the bill requires the applicant to complete at least 750 hours of supervised experience approved by the Committee.¹⁷

Under current law, the Board may enter into a reciprocal agreement with any state that regulates individuals practicing in the same professions that are regulated by Ohio law, provided the Board finds that the state has requirements substantially equivalent to the requirements in Ohio. Under a reciprocal agreement, the CSW Board grants a license or certificate of registration to a resident of the other state whose practice is currently authorized by that state, and that state's regulatory body agrees to authorize the appropriate practice of any Ohio resident who is authorized to practice in Ohio. The Board's professional standards committees also may, by endorsement, issue the appropriate license or certificate of registration to a resident of a state with which the Board does not have a reciprocal agreement, if the person submits satisfactory proof that the person is licensed, certified, registered, or otherwise authorized to practice by that state.¹⁸

Social work assistant continuing education

The bill reduces, from 30 to 15, the number of clock hours of continuing professional education a person holding a certificate of registration as a social work assistant must complete during the two-year period the certificate of registration is in effect. Under continuing law, completing continuing education is a condition of renewing a certificate of registration unless the Board waives the requirement because a person cannot complete the hours for any of the following reasons:

- Military service;
- Illness;

¹⁷ R.C. 4757.25.

¹⁸ R.C. 4757.18.



- Residence abroad;
- Any other reason that is acceptable to the relevant professional standards committee created within the Board under continuing law.¹⁹

Renewal schedule

The bill requires the Board to establish a schedule of deadlines for biennially renewing a license or certificate of registration issued under the Counselor, Social Worker, and Marriage and Family Therapist Law.²⁰ Currently, a license or certificate of registration expires two years after it is issued. Under the bill, a license or certificate of registration is valid without further recommendation or examination until it is revoked or suspended or until it expires for failure to renew in accordance with the Board's schedule. Continuing law allows a license or certificate of registration to be renewed in accordance with the standard renewal procedure.²¹

A license or certificate of registration in effect on the bill's effective date continues in effect until the first biennial renewal date established in the Board's rules. No license or certificate in effect on the bill's effective date is valid for more than three years after the bill's effective date.²²

License display

The bill eliminates a requirement that a counselor, social worker, or marriage and family therapist prominently display the person's license in an easy to see and read manner and in a conspicuous place in either the person's office or the place where the person conducts a major portion of the person's practice.²³

HISTORY

| ACTION | DATE |
|---------------------------------------------|-------------|
| Introduced | 02-21-18 |
| Reported, H. Community & Family Advancement | 05-29-18 |
| Passed House (83-6) | 11-15-18 |

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¹⁹ R.C. 4757.33.

²⁰ R.C. Chapter 4757.

²¹ R.C. 4757.10 and 4757.32, by reference to R.C. Chapter 4745.

²² Section 3.

²³ R.C. 4757.13.

