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Bill Analysis
Legislative Service Commission

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Sens. Spada, Wachtmann, Carnes

BILL SUMMARY

- Expands the offenses of sexual battery and gross sexual imposition so that they also prohibit a psychologist, school psychologist, or psychiatrist from engaging in sexual conduct or having sexual contact with a patient.
- Specifies that, if a psychologist or school psychologist is indicted or charged and bound over to the court of common pleas for trial for a violation of either new prohibition described in the preceding paragraph, the prosecutor must send notice of the indictment or charge to the State Board of Psychology and that, if the psychologist or school psychologist is convicted of the violation, the court must send a copy of the judgment entry of conviction to the State Board of Psychology.
- Regarding the State Board of Psychology: modifies the Board's membership by eliminating the existing requirement that one of the members not be a psychologist or other health professional and replacing that provision with a requirement that two members must be patient advocates who are not psychologists or school psychologists, and provides a procedure for transition to the new membership; expands the Governor's authority to remove a Board member to also require the removal, after a hearing, of any member who has been convicted of any felony under the law of Ohio, another state, or the United States; prohibits the appointment to the Board of any person who has been convicted of any felony under the law of Ohio, another state, or the United States; and enacts a specific prohibition against a Board member engaging in any conduct involving a conflict of interest with the member's Board duties.
- Increases to 23 hours the number of continuing psychology education hours that each licensed psychologist or school psychologist must complete in each two-year reporting period, specifies that the 23 hours

must include not less than three hours of continuing psychology education in professional conduct and ethics, and specifies that each licensed psychologist or school psychologist must be given a sufficient choice of programs or courses on professional conduct and ethics, and other required topics, to have a reasonable opportunity to take courses that are relevant to the person's practice.

- Specifies that, if a complaint is filed with the State Board of Psychology alleging that a licensed psychologist or licensed school psychologist has engaged in "sexual conduct" or has had "sexual contact" with the psychologist's or school psychologist's patient, the Board must send notice of the facts in the complaint to the prosecutor with jurisdiction to prosecute any violation of law resulting from the sexual conduct or contact.
- Permits the State Board of Psychology, on the receipt of a complaint alleging the existence of any of the existing grounds upon which the Board may refuse to issue a license, may issue a reprimand, or may suspend or revoke a license, to suspend the license of a licensed psychologist or licensed school psychologist prior to holding a hearing under the Administrative Procedure Act if it determines, based on the complaint, that there is an immediate threat to the public; provides for notification of a psychologist or licensed school psychologist whose license is so suspended; and requires the Board to revoke the license if a psychologist or licensed school psychologist whose license is so suspended fails to timely request an adjudication under that Act.
- Specifies that if the State Board of Psychology determines at an Administrative Procedure Act hearing that a licensed psychologist or licensed school psychologist has engaged in "sexual conduct" or had "sexual contact" with the psychologist's or school psychologist's patient, the Board must either suspend or revoke the psychologist's or school psychologist's license or, if it determines that neither of those sanctions is appropriate, must impose another sanction it considers appropriate and issue a written finding describing its reasons.
- Specifies that any finding made, and the record of any sanction imposed, by the State Board of Psychology under existing law or the bill in relation to the disciplining of a psychologist or school psychologist is a public record under the existing Public Records Law.

- Requires the State Board of Psychology to provide access through the Internet to: the names of all licensed psychologists and licensed school psychologists; the names of all licensed psychologists and licensed school psychologists who have been reprimanded by the Board, the names of all former licensed psychologists and licensed school psychologists whose licenses have been suspended or revoked, and the reason for each reprimand, suspension, or revocation; and in relation to misconduct involving "sexual conduct" or "sexual contact" with a patient, if the Board imposes a sanction other than a license suspension or revocation, its reasons for the sanction imposed and for deciding that neither suspension nor revocation was appropriate.

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CONTENT AND OPERATION

In general

The bill expands existing sex offenses to impose criminal penalties on a psychologist, school psychologist, or psychiatrist who engages in sexual conduct or has sexual contact with a patient, enacts notification provisions regarding the filing of charges for any of the offenses against any psychologist or school psychologist, and modifies the licensing and other laws governing psychologist and school psychologist misconduct.

Criminal provisions

Sexual battery

Existing law. Existing law prohibits a person from engaging in "sexual conduct" (see **COMMENT 1**) with another, not the spouse of the offender, when any of the following apply: (1) the offender knowingly coerces the other person to submit by any means that would prevent resistance by a person of ordinary resolution, (2) the offender knows the other person's ability to appraise the nature of or control the other person's own conduct is substantially impaired, (3) the offender knows that the other person submits because the other person is unaware the act is being committed, (4) the offender knows the other person submits because the other person mistakenly identifies the offender as the other person's spouse, (5) the offender is the other person's natural or adoptive parent, or a stepparent, or guardian, custodian, or person in loco parentis of the other person, (6) the other person is in custody of law or a hospital or institutional patient, and the offender has supervisory or disciplinary authority over the other person, (7) the offender is a teacher, administrator, coach, or other person in authority employed by or serving in a school for which the State Board of Education prescribes minimum standards, the other person is enrolled in or attends that school, and the offender is not enrolled in and does not attend that school, (8) the other person is a minor, the offender is a teacher, administrator, coach, or other person in authority employed by or serving in an institution of higher education, and the other person is enrolled in or attends that institution, or (9) the other person is a minor, and the offender is the other person's athletic or other type of coach, is the other person's instructor, is the leader of a scouting troop of which the other person is a member, or is a person with temporary or occasional disciplinary control over the other person.

A violation of the prohibition described in the preceding paragraph is the offense of "sexual battery," a felony of the third degree. (R.C. 2907.03.)

Operation of the bill. The bill expands the existing prohibition that comprises the offense of sexual battery so that, in addition to the currently prohibited conduct, the provision also prohibits a person from engaging in sexual conduct with another, not the spouse of the offender, when the offender is a "psychologist," "school psychologist," or "psychiatrist" and the other person is the offender's patient (see "**Definitions**," below). The bill retains the existing penalties for the offense, and they apply to the new prohibition it enacts; thus, a violation of the new prohibition is a felony of the third degree. (R.C. 2907.03(A)(10) and (B).)

Gross sexual imposition

Existing law. Existing law prohibits a person from having "sexual contact" (see **COMMENT 2**) with another, not the spouse of the offender, from causing another, not the spouse of the offender, to have sexual contact with the offender, and from causing two or more other persons to have sexual contact, when any of the following applies: (1) the offender purposely compels the other person, or one of the other persons, to submit by force or threat of force, (2) for the purpose of preventing resistance, the offender substantially impairs the other person's, or of one of the other persons', judgment or control by administering any drug, intoxicant, or controlled substance to the other person surreptitiously or by force, threat of force, or deception, (3) the offender knows the other person's, or of one of the other persons', judgment or control is substantially impaired as a result of the influence of any drug or intoxicant administered to the other person with the other person's consent for the purpose of any kind of medical or dental examination, treatment, or surgery, (4) the other person, or one of the other persons, is less than 13 years of age, whether or not the offender knows the age of that person, or (5) the other person's, or one of the other persons', ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age, and the offender knows or has reasonable cause to believe that person's ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age.

A violation of the prohibition described in the preceding paragraph is the offense of "gross sexual imposition." Generally, a violation of the prohibition based on conduct described in clause (1), (2), (3), or (5) is a felony of the fourth degree; however, if the violation is based on conduct described in clause (2) and the offender substantially impairs the judgment or control of the other person or one of the other persons by administering any controlled substance to the person surreptitiously or by force, threat of force, or deception, the violation is a felony of the third degree. A violation based on conduct described in clause (4) is a felony of the third degree. Existing law contains special procedures and evidentiary rules that apply regarding prosecutions for a violation of the prohibition described in the preceding paragraph (see **COMMENT 3**). (R.C. 2907.05.)

Operation of the bill. The bill expands the existing prohibition that comprises the offense of gross sexual imposition so that, in addition to the currently prohibited conduct, the provision prohibits a person from having sexual contact with another, not the spouse of the offender, from causing another, not the spouse of the offender, to have sexual contact with the offender, and from causing two or more persons to have sexual contact with another, when the offender is a "psychologist," "school psychologist," or "psychiatrist" and the other person is the

offender's patient (see "Definitions," below). A violation of the new prohibition the bill enacts is a felony of the fourth degree. (R.C. 2907.05(A)(6) and (B).)

Notification to State Board of Psychology

The bill specifies that, if a "psychologist" or "school psychologist" (see "Definitions," below) is indicted or charged and bound over to the court of common pleas for trial for an alleged violation of the new prohibitions described above, the "county prosecutor" handling the case must send written notice of the indictment or the charge and bind over to the State Board of Psychology. The failure of a "county prosecutor" to give this notice does not give rise to a claim for damages against the prosecutor or the county and does not constitute grounds for declaring a mistrial or new trial, for setting aside a conviction or sentence, or for granting postconviction release to a defendant.

If a psychologist or school psychologist is convicted of a violation of either of the new prohibitions the bill enacts, the court must transmit a certified copy of the judgment entry of conviction to the State Board of Psychology. (R.C. 2907.171 and 2907.18.)

Neither of these notification provisions applies in relation to a psychiatrist who is charged with or convicted of a violation of either of the new prohibitions the bill enacts. However, existing R.C. 4731.223 requires a prosecutor in a case in which a holder of a certificate issued under R.C. Chapter 4731., which includes a psychiatrist, is convicted of a sex offense or drug offense to notify the State Medical Board of the conviction.

Definitions

The bill adopts by reference, for purposes of all of its criminal law-related provisions described above, the following definitions (R.C. 2907.03(C)(2), 2907.05(G), and, regarding psychologists and school psychologists, 2907.17):

(1) "Psychiatrist" means a licensed physician who has satisfactorily completed a residency training program in psychiatry, as approved by the Residency Review Committee of the American Medical Association, the Committee on Post-graduate Education of the American Osteopathic Association, or the American Osteopathic Board of Neurology and Psychiatry, or who on July 1, 1989, has been recognized as a psychiatrist by the Ohio State Medical Association or the Ohio Osteopathic Association on the basis of formal training and five or more years of medical practice limited to psychiatry (R.C. 5122.01).

(2) "Psychologist" means any person who holds himself out to the public by any title or description of services incorporating the words "psychologic,"

"psychological," "psychologist," "psychology," or any other terms that imply he is trained, experienced, or an expert in the field of psychology. Related to this, "the practice of psychology" means rendering or offering to render to individuals, groups, organizations, or the public any service involving the application of psychological procedures to assessment, diagnosis, prevention, treatment, or amelioration of psychological problems or emotional or mental disorders of individuals or groups; or to the assessment or improvement of psychological adjustment or functioning of individuals or groups, whether or not there is a diagnosable pre-existing psychological problem. Practice of psychology includes the practice of school psychology. Teaching or research is not regarded as the practice of psychology, even when dealing with psychological subject matter, provided it does not otherwise involve the professional practice of psychology in which patient or client welfare is directly affected. (R.C. 4732.01.)

(3) "School psychologist" means any person who holds himself out to the public by any title or description of services incorporating the words "school psychologist" or "school psychology," or who holds himself out to be trained, experienced, or an expert in the practice of school psychology. Related to this, "practice of school psychology" means rendering or offering to render to individuals, groups, organizations, or the public any of the following services: (a) evaluation, diagnosis, or test interpretation limited to assessment of intellectual ability, learning patterns, achievement, motivation, or personality factors directly related to learning problems in an educational setting, (b) counseling services for children or adults for amelioration or prevention of educationally related learning problems, or (c) educational or vocational consultation or direct educational services (this does not include industrial consultation or counseling services to clients undergoing vocational rehabilitation). (R.C. 4732.01.)

Licensing, regulation, and discipline of psychologists and school psychologists

R.C. Chapter 4732. regulates the practices of psychology and school psychology in Ohio. It establishes the State Board of Psychology, provides for the licensing of psychologists and school psychologists, establishes rules and prohibitions related to the practice of their profession, including rules for mandatory continuing education, and provides for the enforcement of those rules and prohibitions. The definitions of "psychologist" and "school psychologist" set forth above in "**Definitions**" apply to R.C. Chapter 4732. (see **COMMENT 4**).

State Board of Psychology membership

Existing law. Existing law requires the Governor, with the advice and consent of the Senate, to appoint the State Board of Psychology, to consist of seven persons who are United States citizens and Ohio residents. One member

cannot be a psychologist or other health professional. Each of the remaining members must be a licensed psychologist. Terms of office are five years, commencing on October 6 and ending on October 5. No person may be appointed to more than two five-year terms in succession. The psychologist members of the board must be chosen so that they represent the diverse fields of specialization and practice in the profession of psychology. The Governor may make such appointments from lists submitted annually by the Ohio Psychological Association and by the Ohio School Psychologists Association. A vacancy in an unexpired term shall be filled in the same manner as the original appointment. The Governor may remove any member for malfeasance, misfeasance, or nonfeasance after a hearing in accordance with the Administrative Procedure Act. (R.C. 4732.02.)

The Board elects a President and Secretary from its members to serve one-year terms, and a majority of the Board constitutes a quorum. Board members receive an amount fixed under R.C. 124.15(J) for each day employed in the discharge of their official duties, and their necessary expenses while engaged in those duties. The Board's principal office is in Columbus, but it may meet or conduct business at any place in the state. The Board may empower any one or more of its members to conduct any proceeding, hearing, or investigation necessary to its purposes. It must meet at least twice annually and at other times as it determines; special meetings may be called by the President and must be called by the Secretary upon the written request of two members. The Board must make such rules as are necessary to conduct its business and may employ such assistants and clerical help as are necessary to administer and enforce the law governing psychologists and school psychologists. (R.C. 4732.03, 4732.05, and 4732.06.)

Operation of the bill. The bill modifies the membership of the State Board of Psychology by eliminating the existing requirement that one of the members not be a psychologist or other health professional and by replacing that provision with a requirement that two members must be patient advocates who are not psychologists or school psychologists. The Governor still makes all appointments under the bill and terms of office remain at five years. The bill specifies that, of the two patient advocates to be appointed to the Board under this provision, one is to replace the first licensed psychologist member of the current Board whose term expires after the bill's effective date and the other is to replace the member of the current Board who is not a psychologist or other health professional at the end of that member's term. (R.C. 4732.02, first paragraph, and Section 3 of the bill.)

The bill also specifies that, in addition to the current authority of the Governor to remove a Board member for malfeasance, misfeasance, or nonfeasance after a hearing under the Administrative Procedure Act, the Governor must remove, after a hearing under that Act, any Board member who has been

convicted of or pleaded guilty to the commission of a felony under any law of Ohio, another state, or the United States. Further, it specifies that no person may be appointed to the Board who has been convicted of or pleaded guilty to a felony offense under any law of Ohio, another state, or the United States. (R.C. 4732.02, second paragraph.)

The bill prohibits a Board member from engaging in any conduct involving a conflict of interest with the member's Board duties (R.C. 4732.021).

Continuing education for psychologists and school psychologists

Existing law. Existing law provides that, on August 31, 1998, and on or before August 31 of each even-numbered year thereafter, each person licensed as a psychologist or school psychologist by the State Board of Psychology (i.e., a "licensed psychologist" or a "licensed school psychologist" under definitions contained in R.C. 4732.01) must have completed, in the preceding two-year period, not less than 20 hours of continuing education in psychology or the number of hours determined as described below (hereafter, "CPE"). Each such person must certify to the Board, at the time of biennial registration pursuant to law and on the registration form prescribed by the Board, that in the preceding two years the person has completed CPE in compliance with law. The Board must adopt rules establishing the procedure for a person to certify to the Board and for properly recording with the Ohio Psychological Association or the State Board of Education completion of the CPE.

The law specifies that CPE may be applied to meet the above-described requirement if: (1) it is obtained through a program or course approved by the State Board of Psychology, the Ohio Psychological Association, the Ohio Association of Black Psychologists, or the American Psychological Association or, in the case of a licensed school psychologist or a licensed psychologist with a school psychology specialty, by the State Board of Education, the Ohio School Psychologists Association, or the National Association of School Psychologists, and (2) completion of the program or course is recorded with the Ohio Psychological Association or the State Board of Education in accordance with rules adopted by the State Board of Psychology as described above. The State Board of Psychology may disapprove any program or course that has been approved by any of the other specified entities; in such a case, the program or course may not be applied to meet the above-described requirement.

Each person licensed as a psychologist or school psychologist must be given a sufficient choice of CPE programs or courses in psychology to ensure that the person has had a reasonable opportunity to participate in programs or courses that are relevant to the person's practice in terms of subject matter and level. The

State Board of Psychology must adopt rules providing for reductions of the hours of CPE required for persons in their first registration period. The Board may excuse persons licensed as a psychologist or school psychologist, as a group or as individuals, from all or any part of the CPE requirements because of an unusual circumstance, emergency, or special hardship. The Board must approve one or more CPE courses of study that assist psychologists and school psychologists in recognizing the signs of domestic violence and its relationship to child abuse, but psychologists and school psychologists are not required to take the courses. (R.C. 4732.141.)

Operation of the bill. The bill *increases to 23 hours* the number of CPE hours that each licensed psychologist or school psychologist must complete in each two-year reporting period ending on August 31 of each even-numbered year, and specifies that *the 23 hours must include not less than three hours of CPE in professional conduct and ethics*. Related to this expansion and new topic, the bill modifies existing law to specify that each person licensed as a psychologist or school psychologist must be given a sufficient choice of CPE programs or courses in psychology, *including programs or courses on professional conduct and ethics*, to ensure that the person has had a reasonable opportunity to participate in programs or courses that are relevant to the person's practice in terms of subject matter and level. The bill retains the other provisions of existing law related to CPE that are described above. (R.C. 4732.141.)

Notification to prosecutors

The bill enacts a provision that specifies that, if a complaint is filed with the State Board of Psychology alleging that a licensed psychologist or licensed school psychologist has engaged in "sexual conduct" or has had "sexual contact" with the psychologist's or school psychologist's patient, the Board must send written notice of the facts in the complaint to the "county prosecutor" with jurisdiction to prosecute any violation of law resulting from the sexual conduct or contact. As used in this provision of the bill, "sexual conduct" and "sexual contact" have the same meanings as in the existing Sex Offenses Law, as described in **COMMENT 1 and 2**. (R.C. 4732.172.)

License denial, suspension, or revocation, issuance of reprimands, or other sanctions

Existing law. Existing law identifies numerous grounds upon which the State Board of Psychology may refuse to issue a license to an applicant for a psychologist's or school psychologist's license, may issue a reprimand, or may suspend or revoke the license of any licensed psychologist or school psychologist. A few of the grounds are: (1) *conviction of a felony or an offense involving moral*

turpitude, (2) using fraud or deceit in the procurement of the person's license or knowingly assisting another in the procurement of such a license through fraud or deceit, (3) willful, unauthorized communication of information received in professional confidence, (4) being negligent in the practice of psychology or school psychology, (5) using any controlled substance or alcoholic beverage to an extent that the use impairs the person's ability to perform the work of a psychologist or school psychologist with safety to the public, and (6) subject to R.C. 4732.28, violating any rule of professional conduct promulgated by the Board.

Before the Board may deny, suspend, or revoke a license as described in the preceding paragraph, or otherwise discipline the holder of a license, the Board's Secretary must file written charges with the Board, and the Board must conduct a hearing under the Administrative Procedure Act (the APA). (R.C. 4732.17.)

Operation of the bill--suspension or revocation prior to a hearing. The bill enacts an exception to the existing provision that prohibits the State Board of Psychology from denying, suspending, or revoking a license, or otherwise disciplining a license holder unless the Board's Secretary files written charges and unless a hearing has been held under the APA. Under the bill's exception, on the receipt of a complaint that alleges the existence of any of the existing grounds upon which the Board may refuse to issue a license, may issue a reprimand, or may suspend or revoke a license, *the Board may suspend the license of the licensed psychologist or licensed school psychologist prior to holding a hearing under the APA if it determines, based on the complaint, that there is an immediate threat to the public.* After suspending a license under this provision, the Board must notify the subject psychologist or school psychologist of the suspension in accordance with the APA. If the individual whose license is suspended fails to make a timely request for an adjudication under the APA, the Board must enter a final order permanently revoking the person's license. (R.C. 4732.17(B) and 4732.171.)

Operation of the bill--sanctions and findings regarding sexual misconduct. The bill specifies that if the State Board of Psychology conducts an APA hearing under R.C. 4732.17 regarding written charges filed by the Board's Secretary alleging misconduct and potential disciplining of the holder of a license, and if, at the conclusion of the hearing, the Board determines that the licensed psychologist or licensed school psychologist has engaged in "sexual conduct" or had "sexual contact" with the psychologist's or school psychologist's patient, except as described in the next sentence, the Board must either suspend or revoke the psychologist's or school psychologist's license. If the Board determines at the conclusion of the hearing that neither suspension nor revocation is appropriate, it must impose another sanction it considers appropriate and issue a written finding

setting forth the reasons for the sanction imposed and the reason that neither suspension nor revocation is appropriate. As used in these provisions of the bill, "sexual conduct" and "sexual contact" have the same meanings as in the existing Sex Offenses Law, as described in **COMMENT 1** and **2**. (R.C. 4732.173.)

Access to findings and record of sanctions

The bill specifies that any finding made, and the record of any sanction imposed, by the State Board of Psychology under the existing or new provisions described above in "**License denial, suspension, or revocation, issuance of reprimands, or other sanctions**" is a public record under the existing Public Records Law (R.C. 4732.174).

Internet access to certain information

The bill requires the State Board of Psychology to provide access to the following information through the Internet: (1) the names of all licensed psychologists and licensed school psychologists, (2) the names of all licensed psychologists and licensed school psychologists who have been reprimanded by the Board, the names of all former licensed psychologists and licensed school psychologists whose licenses have been suspended or revoked, and the reason for each reprimand, suspension, or revocation, and (3) in relation to misconduct involving "sexual conduct" or "sexual contact" with a patient, if the Board imposes a sanction other than a license suspension or revocation, written findings setting forth the reasons for the sanction imposed and the reason that neither suspension nor revocation was appropriate. The bill does not define the term "Internet." (R.C. 4732.31.)

COMMENT

1. Under existing law, as used in the Sex Offenses Law (R.C. Chapter 2907.), "sexual conduct" means vaginal intercourse between a male and female; anal intercourse, fellatio, and cunnilingus between persons regardless of sex; and, without privilege to do so, the insertion, however slight, of any part of the body or any instrument, apparatus, or other object into the vaginal or anal cavity of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse. (R.C. 2907.01.)

2. Under existing law, as used in the Sex Offenses Law (R.C. Chapter 2907.), "sexual contact" means any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person (R.C. 2907.01).

3. Existing law contains special procedures and evidentiary rules that apply regarding prosecutions alleging that a person committed the offense of gross sexual imposition. Similar procedures and evidentiary rules are provided regarding prosecutions alleging that a person committed the offense of rape under R.C. 2907.02. Regarding gross sexual imposition, existing law specifies that (R.C. 2907.05(C) to (F)):

(a) A victim need not prove physical resistance to the offender in prosecutions under the offense.

(b) Evidence of specific instances of the victim's sexual activity, opinion evidence of the victim's sexual activity, and reputation evidence of the victim's sexual activity cannot be admitted in prosecutions of the offense unless the evidence involves evidence of the origin of semen, pregnancy, or disease, or the victim's past sexual activity with the offender, and only to the extent that the court finds that the evidence is material to a fact at issue in the case and that its inflammatory or prejudicial nature does not outweigh its probative value.

(c) Evidence of specific instances of the defendant's sexual activity, opinion evidence of the defendant's sexual activity, and reputation evidence of the defendant's sexual activity cannot be admitted in prosecutions of the offense unless the evidence involves evidence of the origin of semen, pregnancy, or disease, the defendant's past sexual activity with the victim, or is admissible against the defendant under R.C. 2945.59, and only to the extent that the court finds that the evidence is material to a fact at issue in the case and that its inflammatory or prejudicial nature does not outweigh its probative value.

(d) Prior to taking testimony or receiving evidence of any sexual activity of the victim or the defendant in a proceeding in a prosecution of the offense, the court must resolve the admissibility of the proposed evidence in a hearing in chambers, to be held at or before preliminary hearing and not less than three days before trial, or for good cause shown during the trial.

(e) Upon approval by the court, the victim may be represented by counsel in any hearing in chambers or other proceeding to resolve the admissibility of evidence. If the victim is indigent or otherwise is unable to obtain the services of counsel, the court, upon request, may appoint counsel to represent the victim without cost to the victim.

4. The bill changes portions of the existing law regarding the State Board of Psychology, the licensing of psychologists and school psychologists, the rules and prohibitions related to the practice of their profession, and the enforcement of those rules and prohibitions, but, except as described above in "**Criminal provisions**," it does not modify the law related to the regulatory board with

authority over psychiatrists (the State Medical Board under R.C. Chapter 4731.), the licensing of psychiatrists, the rules and prohibitions related to the practice of psychiatry, or the enforcement of those rules and prohibitions. A few provisions of existing law related to the practice of psychiatry, not in the bill, address issues similar to those addressed in the bill related to the practice of psychology and school psychology. For example: (a) R.C. 4731.22(G) permits the State Medical Board to suspend without a prior hearing the license issued to a person under R.C. Chapter 4731. if it determines that any ground for suspension specified in existing R.C. 4731.22(B) is present and that the person's continued practice presents a danger of immediate and serious harm to the public, (b) R.C. 4731.22(I) provides that the certificate to practice issued to a person under R.C. Chapter 4731., and the person's practice in Ohio, are automatically suspended as of the date the person is convicted of or pleads guilty to, in Ohio or another jurisdiction, certain specified offenses, including various homicide offenses, rape, sexual battery, and gross sexual imposition, etc., with the suspension becoming a permanent revocation if the person does not timely request an adjudication under the Administrative Procedure Act, and (c) R.C. 4731.281 requires continuing medical education for persons who hold a certificate to practice medicine under R.C. Chapter 4731.

HISTORY

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Introduced	02-10-00	p. 1374

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