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Reps. Peterson, Clancy, Britton, Carmichael, Evans, Fedor, Hagan, Hollister, Latta, McGregor, R. Miller, Redfern, Reinhard, Rhine, Schmidt, Schuring, Setzer, Webster, Willamowski, Olman, Fessler, Calvert, D. Miller, Barrett, Hartnett, Coates, Seitz, Schneider

Sens. Harris, Carnes, Robert Gardner

Effective date: *

ACT SUMMARY

- Provides for the Ohio Department of Alcohol and Drug Addiction Services to continue to administer a process for the certification or credentialing of chemical dependency professionals for the purpose of Medicare and Medicaid reimbursement until the earlier of (1) the date on which a new board the act creates, the Chemical Dependency Professionals Board, is to assume the Department's certification duties or (2) two years after the act's effective date.
- Provides for the Board, when it assumes the Department's certification duties, to issue different types of licenses and certificates for two professions: (1) chemical dependency counseling and (2) alcohol and other drug prevention services.
- Prohibits, with certain exceptions, a person from engaging in chemical dependency counseling for a fee, salary, or other consideration without the appropriate license or certificate from the Board.

* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.*

- Prohibits, with certain exceptions, a person from using chemical dependency counseling or alcohol and other drug prevention services titles without the appropriate license or certificate from the Board.
- Provides that the types of licenses for chemical dependency counseling are independent chemical dependency counselor, chemical dependency counselor III, and chemical dependency counselor II.
- Provides that the types of certificates for chemical dependency counseling are chemical dependency counselor I and chemical dependency counselor assistant.
- Provides that the Board may not issue an initial chemical dependency counselor I certificate but may renew, until six years after the act's effective date, such a certificate that on the act's effective date, is accepted under current law as authority to practice as a chemical dependency counselor I.
- Provides that no person is permitted to engage in or represent to the public that the person engages in chemical dependency counseling as a chemical dependency counselor I as of six years after the act's effective date.
- Provides that the types of certificates for alcohol and other drug prevention services are prevention specialist II, prevention specialist I, and registered applicant.
- Requires an individual issued a registered applicant certificate to submit to the Board, not later than four years after the certificate's effective date, documentation showing that the individual has completed the requirements to take an examination administered for the purpose of obtaining a prevention specialist II or prevention specialist I certificate.
- Requires such an individual to take the examination not later than one year after the Board notifies the individual that the individual meets the requirements to take the examination and, if the individual fails the examination, to retake the examination at least two times per year until the individual passes the examination and, not later than two years after the date of the first examination, to renew the certificate and complete 40 hours of prevention-related education.

- Requires the Board to revoke such an individual's registered applicant certificate if the individual fails to meet any of these requirements and provides that the individual may not apply for a new registered applicant certificate earlier than a period of time the Board is to determine in accordance with rules.
- Requires that the Board determine, as part of the review process of a license or certificate applicant who has obtained the applicant's education, experience, or both outside the United States, whether the applicant's command of the English language and education or experience meet the requirements for the license or certificate.
- Requires that the Board prepare and grade examinations to determine the competence of individuals seeking an independent chemical dependency counselor license, chemical dependency counselor III license, chemical dependency counselor II license, prevention specialist II certificate, or prevention specialist I certificate.
- Permits the Board to enter into a reciprocal agreement with any state that regulates individuals practicing in the same capacities as those the Board regulates if the Board finds that the state has requirements substantially equivalent to Ohio's requirements for receiving a license or certificate and permits the Board to become a member of a national reciprocity organization that requires its members to have requirements substantially equivalent to the requirements of this state.
- Permits the Board to issue, by endorsement, the appropriate license or certificate to a resident of a state with which the Board does not have a reciprocal agreement if the Board finds that the state has requirements substantially equivalent to the requirements of this state and the individual submits satisfactory proof of being currently authorized to practice by that state.
- Requires, with certain exceptions, that each individual who holds a license or certificate issued by the Board complete, as a condition of renewal, not less than 40 clock hours of continuing education.
- Requires, with certain exceptions, that each individual seeking restoration of an expired license complete a number of hours of continuing education the Board is to specify in rules.

- Provides that a license or certificate issued by the Board, other than a registered applicant certificate, expires two years after it is issued and may be renewed in accordance with the standard renewal procedure.
- Provides that a license or certificate issued by the Board, other than a registered applicant certificate, that has expired may be restored if the individual seeking restoration applies for restoration not later than two years after the license or certificate expires.
- Prohibits an individual who holds or has held a license or certificate issued by the Board from disclosing any information regarding the identity, diagnosis, or treatment of any of the individual's clients or consumers except for the purposes and under the circumstances expressly authorized by federal law or regulations.
- Authorizes the Board to refuse to issue or renew, or to suspend, revoke, or otherwise restrict a license or certificate or to reprimand a license or certificate holder for certain reasons.
- Requires that the Board establish codes of ethical practice and professional conduct for those who hold a license or certificate issued by the Board.
- Provides that the act neither authorizes an individual to engage in the practice of psychology, professional counseling, or social work, except to the extent of providing services authorized by the act, nor authorizes an individual who holds a license or certificate issued by the Board to admit a patient to a hospital or require a hospital to allow any such individual to admit a patient.
- Provides that the Board is to consist of 12 voting members appointed by the Governor with the advice and consent of the Senate and one ex officio member appointed by the Director of Alcohol Drug Addiction Services to represent the Department.
- Provides that, except for the initial appointees, voting members of the Board are to serve three-year terms and the ex officio member is to serve at the pleasure of the Director of Alcohol and Drug Addiction Services.
- Provides that the voting members are to receive, for each day employed in the discharge of their official duties, an amount established by the

Director of Administrative Services pursuant to the pay schedules for public employees exempt from the collective bargaining law.

- Provides that the voting members are also to be reimbursed for their necessary and actual expenses incurred in the performance of their official duties.
- Requires the Board to employ an executive director and permits the Board to employ and prescribe the powers and duties of employees and consultants as are necessary to carry out its duties.
- Prohibits the Board from discriminating against any licensee, certificate holder, or applicant for a license or certificate because of the individual's race, color, religion, gender, national origin, disability, or age.
- Requires that the Board establish fees for examinations, issuing and renewing licenses and certificates, approving continuing education courses, and doing anything else it determines necessary to administer the act.
- Requires money collected under the law governing the Board to be paid into the state treasury to the credit of the Occupational Licensing and Regulatory Fund.
- Provides that money credited to the Department's Credentialing Fund be transferred to the Occupational Licensing and Regulatory Fund at the earlier of (1) the date on which the Board is to assume the Department's certification duties or (2) two years after the act's effective date.
- Provides for the Board to receive routine support services from the Central Service Agency.
- Makes an appropriation.

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CONTENT AND OPERATION

Background

Under continuing law that sunsets July 1, 2003, the Ohio Department of Alcohol and Drug Addiction Services must establish and administer a process for the certification or credentialing of chemical dependency professionals for the purpose of qualifying their services for reimbursement under Medicare or Medicaid. The process must be made available to any individual who is a member of the profession of alcoholism counseling, drug abuse counseling, or chemical dependency counseling or any individual who is an alcoholism or drug abuse prevention consultant or specialist. Certification or credentialing is not required for services not reimbursed by Medicare or Medicaid.

This law is to change July 1, 2003, when the Department is, instead, to accept certification or credentialing from the Ohio Credentialing Board for Chemical Dependency Professionals, unless the Director of Alcohol and Drug

Addiction Services finds that this does not serve the public interest.¹ If the Director finds that the public interest is not served in accepting certification or credentialing by the Credentialing Board, the Director is to make a written request to the Council on Alcohol and Drug Addiction Services for authority for the Department to establish a certification or credentialing program or accept certifications or credentials from an entity designated by the Department. The Council is required, if it determines there is substantial evidence to support the Director's finding, to authorize by resolution the Department to take either or both of these actions.

Department to issue certificates or credentials until new board takes over

(secs. 3793.07 and 4758.04; Sections 3 and 5; ancillary section: 4757.41)

The act repeals the law that was to take effect July 1, 2003, and provides instead that the Department of Alcohol and Drug Addiction Services is to continue to administer its certifying or credentialing process until the earlier of (1) the date on which a new board the act creates, the Chemical Dependency Professionals Board, is to assume the Department's certification duties or (2) two years after the act's effective date. The date the new Board is to assume the certification duties is to be specified in an agreement between the Department and the Board. The Department is required to work with the Board to enable the orderly transition from the Department's issuance of certificates and credentials to the Board's issuance of certificates and licenses.

While it continues to administer the process, the Department is to certify or credential chemical dependency counselors, rather than chemical dependency professionals, and in addition, is to certify or credential alcohol and other drug prevention specialists. The act retains the provision under which the process is to be made available to any individual who is a member of the profession of drug abuse counseling or chemical dependency counseling but eliminates the inclusion of the profession of alcoholism counseling. The act also provides that the procedure is to be available to any individual who is an alcohol and other drug abuse prevention specialist, rather than an alcoholism or drug prevention consultant or specialist. The Department is not to issue an initial certificate or credential to practice as a chemical dependency counselor I unless the application for certification or credentialing is submitted prior to the act's effective date. The Department may renew chemical dependency counselor I certificates or credentials until it ceases to administer the certification or credentialing process.

¹ *The Ohio Credentialing Board for Chemical Dependency Professionals no longer exists.*

After the date the Department ceases to administer its certification and credentialing process, an individual who on the act's effective date, holds a valid certificate or credentials to practice as a chemical dependency counselor or alcohol and other drug prevention specialist is permitted to apply to the Board for the Board to delay the expiration date of the individual's certificate or credentials. If the Board determines that there is good cause for delaying the expiration date, the Board is authorized to delay the expiration date until a date the Board specifies. The date the Board specifies may not be later than the date that is three years after the effective date of the Board's initial rules. An individual who has the expiration date of a certificate or credentials delayed is permitted to perform services within the scope, standards, and ethics of the certificate or credentials until the date of the delayed expiration.

Professions for which the Board is to issue licenses or certificates

(secs. 4758.01, 4758.02, 4758.03, 4758.20, 4758.24, 4758.27, 4758.55, 4758.56, 4758.57, 4758.58, 4758.59, 4758.60, 4758.61, and 4758.99)

The act establishes different types of licenses and certificates the Board is to issue when it assumes the Department's certification duties. The types relate to two different professions: chemical dependency counseling and alcohol and other drug prevention services.

In contrast to prior law, which required the Department certification or credentialing only of services reimbursed by Medicare or Medicaid, the act prohibits, with certain exceptions, a person from engaging in chemical dependency counseling for a fee, salary, or other consideration without the appropriate license or certificate issued by the Board. The prohibition is effective two years after the date the Department ceases to administer its certification and credentialing process.² A first violation of the prohibition is a misdemeanor of the fourth

² *The prohibition against engaging in chemical dependency counseling for consideration without the appropriate license or certificate does not apply to (1) an individual who holds a valid license, registration, certificate, or credentials issued by another state professional regulatory entity while performing services within the recognized scope, standards, and ethics of the individual's profession, (2) an individual who is a rabbi, priest, Christian Science practitioner, clergy, or member of a religious order and other individuals participating with them in pastoral counseling when the chemical dependency counseling activities are within the scope of the performance of their regular or specialized ministerial duties and are performed under the auspices or sponsorship of an established and legally cognizable church, denomination, or sect or an integrated auxiliary of a church and the individual rendering the service remains accountable to the established authority of that church, denomination, sect, or integrated auxiliary, or (3) a student in an accredited educational institution while carrying out activities that are part of the student's prescribed course of study if the activities are supervised as required by*

degree. Subsequent violations are a misdemeanor of the third degree. The act does not prohibit engaging in alcohol and other drug prevention services without certification by the Board but does prohibit using prevention services titles without certification. Using chemical dependency counseling titles without a license or certificate is also prohibited.³

Chemical dependency counseling

Under the act, chemical dependency counseling is rendering or offering to render to individuals, groups, or the public a counseling service involving the application of alcohol and other drug clinical counseling principles, methods, or procedures to assist individuals who are abusing or dependent on alcohol or other drugs. Alcohol and other drug clinical counseling principles, methods, or procedures are an approach to chemical dependency counseling that emphasizes the chemical dependency counselor's role in systematically assisting clients through (1) analyzing background and current information, (2) exploring possible solutions, (3) developing and providing a treatment plan, and (4) diagnosing chemical dependency conditions. The principles, methods, or procedures include counseling, assessing, consulting, and referral as they relate to chemical dependency conditions.

The types of licenses for chemical dependency counseling that the act establishes are independent chemical dependency counselor, chemical dependency counselor III, and chemical dependency counselor II.⁴ An individual holding one of these licenses may perform 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. Such an individual may also refer individuals with nonchemical dependency conditions to appropriate sources of help. Licensed independent chemical dependency counselors and chemical dependency counselors III may also perform treatment planning as they relate to such abuse and dependency. They may diagnose and treat chemical dependency conditions, too.⁵ A chemical dependency counselor III must be supervised by one

the educational institution and the student is not represented as an individual who holds a license or certificate issued by the Board.

³ See "**Prohibition against unauthorized use of titles**" below.

⁴ *The element of alcohol and other drug clinical counseling principles, methods, or procedures regarding diagnosing chemical dependency conditions applies only to independent chemical dependency counselors and chemical dependency counselor IIIs.*

⁵ *Chemical dependency conditions are those conditions relating to the abuse of or dependency on alcohol or other drugs that are classified in accepted nosologies, including the Diagnostic and Statistical Manual of Mental Disorders and the*

of the following when diagnosing chemical dependency conditions: an independent chemical dependency counselor, an individual authorized to practice medicine and surgery or osteopathic medicine and surgery, a psychologist, or, to the extent the supervision is consistent with the professional's scope of practice, a registered nurse, professional clinical counselor, or independent social worker.⁶

In addition to the licenses, the act establishes two chemical dependency counselor certificates: chemical dependency counselor I and chemical dependency counselor assistant. An individual who holds either certificate is permitted to perform assessment, crisis intervention, individual and group counseling, case management, and education services as they relate to abuse or dependency on alcohol and other drugs. Such an individual may also refer individuals with nonchemical dependency conditions to appropriate sources of help. A chemical dependency counselor assistant must work under the supervision of a chemical dependency counselor III or an individual authorized to supervise a chemical dependency counselor III diagnose chemical dependency conditions.⁷ The authority of chemical dependency counselors I to perform these tasks ends six years after the act's effective date. The Board may not issue an initial chemical dependency counselor I certificate but may renew a certificate that on the act's effective date is accepted under current law as authority to practice as a chemical dependency counselor I. The Board may not renew or restore, six years after the act's effective date, a chemical dependency counselor I certificate. No person is permitted to represent to the public that the person engages in chemical dependency counseling as a chemical dependency counselor I on or after that date. A first violation of this prohibition is a fourth degree misdemeanor and a second or subsequent violation is a third degree misdemeanor.

All but independent chemical dependency counselors are prohibited from practicing as an independent practitioner.

International Classification of Diseases, and in editions of those nosologies published after the act's effective date. A nosology is a classification of diseases.

⁶ *The Board is required to adopt rules specifying the duties of an independent chemical dependency counselor who supervises a chemical dependency counselor III diagnosing chemical dependency conditions.*

⁷ *The Board is required to adopt rules specifying the duties of an independent chemical dependency counselor or chemical dependency counselor III who supervises a chemical dependency counselor assistant.*



Alcohol and other drug prevention services

The types of certificates for alcohol and other drug prevention services that the act establishes are prevention specialist II, prevention specialist I, and registered applicant. Prevention specialists II and I and registered applicants are permitted to engage in a planned process of strategies and activities designed to preclude the onset of the use of alcohol and other drugs, reduce problematic use of alcohol and other drugs, or both.⁸ A registered applicant must operate under the supervision of a prevention specialist II or I.⁹

An individual issued a registered applicant certificate is required, not later than four years after the certificate's effective date, to submit to the Board documentation showing completion of the requirements to take an examination administered for the purpose of obtaining a prevention specialist II or prevention specialist I certificate. The Board is to adopt rules specifying the documentation that must be submitted and establishing the requirements that must be met to take the examination. The Board is required to notify an individual who submits the required documentation within the required time that the individual meets the requirements to take the examination. The individual must take the examination not later than one year after the notice. An individual who fails the examination must retake it at least two times per year until passing and, not later than two years after the date of the first examination, renew the certificate and complete 40 hours of prevention-related education that meets requirements the Board is to specify in rules. The Board must revoke the certificate if the individual fails to meet any of these requirements. The individual may not apply for a new registered applicant certificate earlier than a period of time the Board is to determine in accordance with rules it is to adopt.

Rules governing supervision duties

The Board is required to adopt rules specifying the duties of an individual who supervises a chemical dependency counselor III, chemical dependency counselor II, chemical dependency counselor I, chemical dependency counselor assistant, or registered applicant. The duties may differ.

⁸ *Although the requirements to obtain a prevention specialist II certificate are higher than the requirements for a prevention specialist I, the act authorizes a prevention specialist I to perform the same duties as a prevention specialist II.*

⁹ *The Board is required to adopt rules specifying the duties of a prevention specialist II or I who supervises a registered applicant.*

Prohibition against unauthorized use of titles

(secs. 4758.02 and 4758.99)

The act prohibits any person from using the title "licensed independent chemical dependency counselor," "LICDC," "licensed chemical dependency counselor III," "LCDC III," "licensed chemical dependency counselor II," "LCDC II," "certified chemical dependency counselor I," "CCDC I," "chemical dependency counselor assistant," "CDCA," or any other title or description incorporating the word "chemical dependency counselor" or any other initials used to identify persons acting in those capacities unless currently authorized to act in the capacity indicated by the title or initials. Persons are prohibited from using the title "certified prevention specialist II," "CPS II," "certified prevention specialist I," "CPS I," "registered applicant," or any other title, description, or initials used to identify persons acting in those capacities unless currently authorized to act in the capacity indicated by the title or initials. The act also prohibits any person from representing to the public that the person is a registered applicant unless the person holds a valid registered applicant certificate. The prohibitions go into effect two years after the date the Department ceases to administer its certification and credentialing process and do not apply to a person exempt from the act's prohibition against engaging in or representing to the public that the person engages in chemical dependency counseling for consideration without an appropriate license or certificate from the Board.¹⁰ A first violation of these prohibitions is a misdemeanor of the fourth degree. A second or subsequent violation is a misdemeanor of the third degree.

Applications

(secs. 4758.20, 4758.35, and 4758.36)

The act requires an individual seeking a license or certificate to file with the Board a written application on a form the Board prescribes. Each form must state that a false statement made on the form is the crime of falsification.

The Board must require one or more of its employees to receive and review all applications the Board receives and submit to the Board all applications the employees recommend the Board review based on criteria the Board is to establish in rules.

The Board is required to review all applications the employees submit to it. As part of the review process of an applicant who has obtained the applicant's education, experience in chemical dependency counseling or alcohol and other

¹⁰ See footnote number 2 above.

drug prevention services, or education and experience outside the United States, the Board must determine whether the applicant's command of the English language and education or experience meet the requirements for the license or certificate.

Requirements for license

(secs. 4758.20, 4758.24, 4758.40, 4758.41, 4758.42, 4758.43, 4758.44, and 4758.45)

The act establishes general and specific requirements for obtaining a license or certificate. An individual meets the general requirements if he or she (1) has a good moral character as determined in accordance with rules the Board is to adopt, (2) submits a properly completed application and all other documentation specified in rules the Board is to adopt, and (3) pays the fee for the license or certificate.¹¹ The specific requirements are applicable to the particular license or certificate an individual seeks and include requirements the act details and additional requirements the Board is to specify in rules.¹² The additional requirements specified in rules may include preceptorships. The specific requirements that the act details include grandparenting alternatives.

An individual seeking an independent chemical dependency counselor or chemical dependency counselor III license must hold from an accredited educational institution a degree in behavioral sciences that meets the course requirements specified in rules the Board is to adopt.¹³ If the individual seeks an independent chemical dependency counselor license, the degree must be a master's. A bachelor's degree is needed for a chemical dependency counselor III license. In addition, the individual must (1) have not less than 4,000 hours of compensated work experience in (a) chemical dependency services, substance abuse services, or both or (b) the practice of psychology, professional counseling,

¹¹ See "**Fees**" below.

¹² *The act does not detail specific requirements for a registered applicant certificate.*

¹³ *The rules must specify that the course requirements for an independent chemical dependency counselor license must include, at a minimum, at least 60 quarter hours, or the equivalent number of semester hours, in all of the following courses: theories of counseling and psychotherapy; counseling procedures; group process and techniques; relationship therapy; research methods and statistics; fundamentals of assessment and diagnosis, including measurement and appraisal; psychopathology; human development; cultural competence in counseling; and ethics. The act defines "accredited educational institution" as an educational institution accredited by an accrediting agency accepted by the Ohio Board of Regents.*

or social work,¹⁴ (2) have a minimum of 270 hours of training in chemical dependency that meets requirements specified in rules the Board is to adopt,¹⁵ and (3) pass one or more examinations administered for the purpose of determining competence to practice as an independent chemical dependency counselor or chemical dependency counselor III, as appropriate.¹⁶

Under the alternative grandparenting requirements for an independent chemical dependency counselor license, an individual must (1) hold, on the act's effective date, a certificate or credentials accepted under current law as authority to practice as a certified chemical dependency counselor III or certified chemical dependency counselor III-E and (2) either (a) hold from an accredited educational institution a master's degree in behavioral sciences that meets the course requirements specified in rules the Board is to adopt or (b) have held a chemical dependency counselor III, II, or I certificate for at least eight consecutive years and have not less than 40 clock hours of training on the version of the *Diagnostic and Statistical Manual of Mental Disorders* that is current at the time of the training. The training must meet requirements specified in rules the Board is to adopt and have been provided by a physician, psychologist, professional clinical counselor, or independent social worker.¹⁷

The act includes two alternative grandparenting requirements for a chemical dependency counselor III license. Under the first grandparenting alternative, an individual must (1) hold, on the act's effective date, a certificate or credentials accepted as authority to practice as a certified chemical dependency counselor III or certified chemical dependency counselor III-E and (2) have not less than 40 clock hours of the same type of training on the *Diagnostic and Statistical Manual of Mental Disorders* that an individual must have to obtain an

¹⁴ *Not less than 800 hours of the compensated work experience must be in chemical dependency counseling.*

¹⁵ *The rules specifying the requirements for chemical dependency training must include, at a minimum, qualifications for the individuals who provide the training and require instruction in all of the following courses: theories of addiction; counseling procedures and strategies with addicted populations; group process and techniques working with addicted populations; assessment and diagnosis of addiction; relationship counseling with addicted populations; pharmacology; prevention strategies; treatment planning; and legal and ethical issues.*

¹⁶ See "Examinations" below.

¹⁷ *The rules must specify the number of the 40 clock hours that must be on substance-related disorders and the number of the hours that must be on awareness of other mental and emotional disorders.*

independent chemical dependency counselor license under the alternative grandparenting requirements. Under the second alternative, an individual must (1) hold, on the act's effective date, a certificate or credentials accepted as authority to practice as a certified chemical dependency counselor II, (2) have not less than 40 clock hours of the same type of training on the *Diagnostic and Statistical Manual of Mental Disorders* that an individual must have to obtain an independent chemical dependency counselor license under the alternative grandparenting requirements, and (3) hold a bachelor's degree in a behavioral science.

An individual seeking a chemical dependency counselor II license must (1) hold from an accredited educational institution an associate's degree in a behavioral science or a bachelor's degree in any field, (2) have, if the individual holds an associate's degree, not less than 5,000 hours compensated or volunteer work, field placement, intern, or practicum experience in (a) chemical dependency services, substance abuse services, or both or (b) the practice of psychology, professional counseling, or social work,¹⁸ (3) have, if the individual holds a bachelor's degree, not less than 6,000 of compensated or volunteer work, field placement, intern, or practicum experience in (a) chemical dependency services, substance abuse services, or both or (b) the practice of psychology, professional counseling, or social work,¹⁹ (4) have a minimum of 270 hours of chemical dependency training that meets the requirements specified in rules the Board is to adopt,²⁰ and (5) pass one or more examinations administered for the purpose of determining competence to practice as a chemical dependency counselor II. Under the alternative grandparenting requirements, an individual must (1) hold from an accredited educational institution an associate's degree in a behavioral science or a bachelor's degree in any field and (2) hold, on the act's effective date, a certificate or credentials accepted as authority to practice as a certified chemical dependency counselor II.

¹⁸ *Not less than 1,000 hours of the experience must be in chemical dependency counseling.*

¹⁹ *Not less than 1,200 hours of the experience must be in chemical dependency counseling.*

²⁰ *The rules specifying the requirements for chemical dependency training must include, at a minimum, qualifications for the individuals who provide the training and require instruction in all of the following courses: theories of addiction; counseling procedures and strategies with addicted populations; group process and techniques working with addicted populations; assessment and diagnosis of addiction; relationship counseling with addicted populations; pharmacology; prevention strategies; treatment planning; and legal and ethical issues.*

The requirement for a chemical dependency counselor assistant certificate is at least 40 hours of chemical dependency counseling training that meets the requirements specified in rules the Board is to adopt.²¹ The alternative grandparenting requirement is to hold, on the act's effective date, a certificate or credentials accepted as authority to practice as a registered candidate.

An individual seeking a prevention specialist II certificate must (1) have compensated work experience in which not less than 50% of the individual's time was devoted to planning, coordinating, or delivering alcohol and other drug prevention services, (2) have either (a) a bachelor's degree in a behavioral science and at least 6,000 hours of compensated work experience in alcohol and other drug prevention services or (b) a master's or doctoral degree in a behavioral science and at least 4,000 hours of compensated work experience in alcohol and other drug prevention services, (3) have at least 270 hours of prevention-related education that meets the requirements specified in rules the Board is to adopt, (4) obtain a registered applicant certificate and comply with the act's requirements regarding registered applicants, and (5) pass an examination administered for the purpose of determining competence to practice as a prevention specialist II. Under the alternative grandparenting requirement, the individual must hold, on the act's effective date, a certificate or credentials accepted as authority to practice as a certified prevention specialist II.

An individual who seeks a prevention specialist I certificate must (1) have compensated or volunteer work, field placement, intern, or practicum experience in which not less than 20% of the individual's time was devoted to planning or delivering alcohol and other drug prevention services, (2) have either (a) at least 6,000 hours of compensated or volunteer work, field placement, intern, or practicum experience in alcohol and other drug prevention services, (b) an associate's degree in a behavioral science and at least 4,000 hours of compensated or volunteer work, field placement, intern, or practicum experience in alcohol and other drug prevention services, or (c) a bachelor's, master's, or doctoral degree in a behavioral science and at least 2,000 hours of compensated or volunteer work, field placement, intern, or practicum experience in alcohol and other drug prevention services, (3) have at least 180 hours of prevention-related education

²¹ *The rules specifying the requirements for chemical dependency counseling training must include, at a minimum, qualifications for the individuals who provide the training and require instruction in one or more of the following courses as selected by the individual seeking the chemical dependency counselor assistant certificate: theories of addiction; counseling procedures and strategies with addicted populations; group process and techniques working with addicted populations; assessment and diagnosis of addiction; relationship counseling with addicted populations; pharmacology; prevention strategies; treatment planning; and legal and ethical issues.*

that meets the requirements specified in rules the Board is to adopt, (4) obtain a registered applicant certificate and comply with the act's requirements for registered applicants, and (5) pass an examination administered for the purpose of determining competence to practice as a prevention specialist I. Under the alternative grandparenting requirements, an individual must hold, on the act's effective date, a certificate or credentials accepted as authority to practice as a certified prevention specialist I.

Examinations

(sec. 4758.22)

The Board is required to prepare, cause to be prepared, or procure the use of, and grade, cause to be graded, or procure the grading of, examinations to determine the competence of individuals seeking an independent chemical dependency counselor license, chemical dependency counselor III license, chemical dependency counselor II license, prevention specialist II certificate, or prevention specialist I certificate. The Board may develop the examinations or use examinations prepared by state or national organizations that represent the interests of those involved in chemical dependency counseling or alcohol and other drug prevention services. The Board is required to conduct examinations at least twice each year and determine the level of competence necessary for a passing score.

An individual is not permitted to sit for an examination unless the individual meets the requirements to obtain the license or certificate the individual seeks, other than the requirement to have passed the examination, and pays the examination fee.²² An individual denied admission to the examination is permitted to appeal in accordance with the Administrative Procedure Act (Revised Code Chapter 119.).

License by reciprocity or endorsement

(sec. 4758.25)

The Board is permitted to enter into a reciprocal agreement with any state that regulates individuals practicing in the same capacities as those the Board regulates if the Board finds that the state has requirements substantially equivalent to Ohio's requirements for receiving a license or certificate. The Board may also become a member of a national reciprocity organization that requires its members to have requirements substantially equivalent to the requirements of this state. If the Board becomes a member of such an organization, it must consider itself to

²² See "**Fees**" below.

have a reciprocal agreement with the other states that are also members of the organization.

The act authorizes the Board to issue, by endorsement, the appropriate license or certificate to a resident of a state with which the Board does not have a reciprocal agreement if the Board finds that the state has requirements substantially equivalent to the requirements of this state and the individual submits satisfactory proof of being currently authorized to practice by that state.

A license or certificate obtained by reciprocity or endorsement may be renewed or restored by the Board if the individual holding the license or certificate satisfies the renewal or restoration requirements.²³ An individual holding a license or certificate obtained by reciprocity or endorsement is permitted to obtain a different license or certificate from the Board if the individual meets all of the requirements.

Posting licenses and certificates in prominent place

(secs. 4758.18 and 4758.50)

The act requires an individual who holds a license or certificate issued by the Board to post it in a prominent place at the individual's place of employment. The Board must include its address and telephone number on each license and certificate.

Continuing education requirements

(secs. 4758.20, 4758.28, and 4758.51)

Each individual who holds a license or certificate issued by the Board is required, as a condition of renewal, to complete during the period that the license or certificate is in effect not less than 40 clock hours of continuing education. The continuing education must be completed in accordance with rules the Board is to adopt. To have an expired license or certificate restored, an individual must complete the number of hours of continuing education specified in rules the Board is to adopt. The Board may waive the continuing education requirement for individuals who are unable to fulfill them because of military service, illness, residence outside the United States, or any other reason the Board considers acceptable.

²³ See "**Renewals and restorations**" below.

The act requires that the Board approve continuing education courses of study in accordance with rules the Board is to adopt. Approval is subject to payment of a fee.²⁴

Renewals and restorations

(secs. 4758.20, 4758.26, and 4758.27; ancillary section: 4745.01)

A license or certificate issued by the Board, other than a registered applicant certificate, expires two years after it is issued and may be renewed in accordance with the standard renewal procedure. The Board must renew a license or certificate, other than a registered applicant certificate, if the individual seeking the renewal pays the renewal fee and satisfies continuing education requirements.²⁵

A license or certificate issued by the Board, other than a registered applicant certificate, that has expired may be restored if the individual seeking restoration applies for restoration not later than two years after the license or certificate expires. The Board must issue the restored license or certificate if the individual pays the renewal fee and satisfies continuing education requirements for restoration.²⁶ The Board may not require the individual to take an examination as a condition restoration.

As discussed above under the heading "**Professions for which the Board is to issue licenses or certificates**," the Board may not renew or restore a chemical dependency counselor I certificate six years after the act's effective date. The Board has special rule making authority for renewals of chemical dependency counselor I certificates.

Disclosure of client or consumer information

(sec. 4758.06)

The act prohibits an individual who holds or has held a license or certificate issued by the Board from disclosing any information regarding the identity, diagnosis, or treatment of any of the individual's clients or consumers except for the purposes and under the circumstances expressly authorized by federal law or regulations. The prohibition applies whether or not the information is recorded.

²⁴ See "**Fees**" below.

²⁵ See "**Fees**" below and "**Continuing education requirements**" above.

²⁶ See "**Fees**" below and "**Continuing education requirements**" above.

Federal law provides that records regarding a patient's identity, diagnosis, prognosis, or treatment and maintained in connection with the performance of any program or activity relating to substance abuse education, prevention, training, treatment, rehabilitation, or research conducted, regulated, or directly or indirectly assisted by any federal department or agency may be disclosed as follows:

- (1) In accordance with the patient's prior consent and federal regulations;
- (2) To medical personnel to the extent necessary to meet a bona fide medical emergency;
- (3) To qualified personnel for the purpose of conducting scientific research, management audits, financial audits, or program evaluation;²⁷
- (4) If authorized by an appropriate order of a court of competent jurisdiction granted after application showing good cause, including the need to avert a substantial risk of death or serious bodily harm;²⁸
- (5) In accordance with state law regarding reports of suspected child abuse and neglect to appropriate state or local authorities. (42 U.S.C.A. 290dd-2.)

Disciplinary actions

(secs. 4758.20, 4758.29, 4758.30, 4758.31, and 4758.32)

The act authorizes the Board to refuse to issue or renew, or suspend, revoke, or otherwise restrict, a license or certificate or to reprimand a license or certificate holder for one or more of the following reasons:

- (1) Violating any provision of the act or the Board's rules;
- (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) Accepting 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

²⁷ *The personnel may not identify any individual patient in a report of the research, audit, or evaluation or otherwise disclose patient identities in any manner.*

²⁸ *In assessing good cause, a court must weigh the public interest and the need for disclosure against the injury to the patient, the physician-patient relationship, and the treatment services. On granting the order, the court, in determining the extent to which any disclosure of all or any part of any record is necessary, must impose appropriate safeguards against unauthorized disclosure.*

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 state of a misdemeanor committed in the course of practice as an independent chemical dependency counselor, chemical dependency counselor III, chemical dependency counselor II, chemical dependency counselor I, chemical dependency counselor assistant, prevention specialist II, prevention specialist I, or registered applicant;

(6) Inability to practice due to abuse of or dependency on alcohol or other drugs or other physical or mental condition;²⁹

(7) Practicing outside the individual's scope of practice;³⁰

(8) Practicing without complying with supervision requirements;

(9) Violating the code of ethical practice and professional conduct for chemical dependency counseling or alcohol and other drug prevention services the Board is to adopt;³¹

(10) Revocation or voluntary surrender of a license or certificate in another state or jurisdiction for an offense that would be a violation of the act.

These actions are to be taken in accordance with the Administrative Procedure Act. An individual whose license or certificate is suspended or revoked is permitted to apply to the Board for reinstatement after an amount of time the Board is to determine in accordance with rules it is to adopt. The Board may accept or refuse an application for reinstatement and may require an examination for reinstatement.

²⁹ *The Board is required to adopt rules providing for the intervention and treatment of an individual holding a license or certificate issued by the Board whose abilities to practice are impaired due to abuse of or dependency on alcohol or other drugs or other physical or mental condition.*

³⁰ *The act defines "scope of practice" as the services, methods, and techniques in which and the areas for which a person who holds a license or certificate issued by the Board is trained and qualified.*

³¹ *See "Code of ethical practice and professional conduct" below.*

The Board is required to investigate alleged violations of the act or its rules and alleged irregularities in the delivery of chemical dependency counseling services or alcohol and other drug prevention services by individuals who hold a license or certificate issued by the Board. As part of an investigation, the Board is authorized to issue subpoenas, examine witnesses, and administer oaths. To the extent necessary to conduct an investigation, the Board may receive any information obtained in accordance with federal laws and regulations. The act provides that, if the Board is investigating the provision of chemical dependency counseling services to a couple or group, it is not necessary for both members of the couple or all members of the group to consent to the release of information relevant to the investigation. The Board is required to ensure, in accordance with rules it is to adopt, that all records it holds pertaining to an investigation remain confidential during the investigation. After the investigation, the records are public records except as otherwise provided by federal or state law.

If the Board receives a notice from a child support enforcement agency that a court or agency has determined that an individual who holds or has applied for a license or certificate is in default under a child support order or has failed to comply with a warrant or subpoena issued by a court or agency with respect to a proceeding to enforce a child support order, the Board is required to determine whether the individual named in the notice holds or has applied for a license or certificate from the Board and, under certain circumstances, refuse to issue the individual a license or certificate or suspend or refuse to renew the individual's license or certificate.³²

The Board is permitted to appoint, for any hearing it conducts, one of its voting members to act on its behalf. The member appointed does not have to be an attorney. The appointment must be made in writing. The member's finding or order is a finding or order of the Board when the Board confirms it.

Codes of ethical practice and professional conduct

(secs. 4758.20 and 4758.23)

The act requires that the Board establish, in rules it is to adopt, codes of ethical practice and professional conduct for those who hold a license or certificate to practice chemical dependency counseling and those who hold a certificate to practice alcohol and other drug prevention services. The codes for chemical

³² *The Board is not required to refuse to issue a license or certificate or suspend or refuse to renew a license or certificate if the Board subsequently receives a further notice that the individual is not in default or no longer out of compliance with the warrant or subpoena.*

dependency counseling must define unprofessional conduct, which is to include (1) engaging in a dual relationship with a client, former client, consumer, or former consumer, (2) committing an act of sexual abuse, misconduct, or exploitation of a client, former client, consumer, or former consumer, and (3) violating, except as permitted by law, client or consumer confidentiality. The codes for chemical dependency counseling may be based on any codes of ethical practice and professional conduct developed by national associations or other organizations representing the interests of those involved in chemical dependency counseling. The codes for alcohol and other drug prevention services may be based on any codes of ethical practice and professional conduct developed by national associations or other organizations representing the interests of those involved in alcohol and other drug prevention services. The Board is permitted to establish standards in the codes that are more stringent than those established by the national associations or other organizations.

Limits on practice

(secs. 4758.70 and 4758.71)

The act provides that it does not authorize any individual to engage in the practice of psychology, professional counseling, or social work, except to the extent of providing services authorized by the act.³³ It also provides that it does not authorize an individual who holds a license or certificate issued by the Board to admit a patient to a hospital or require a hospital to allow any such individual to admit a patient.

³³ *Law unchanged by the act defines "the practice of psychology" as 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. [Revised Code § 4732.01 (not in the act).] "Practice of professional counseling" is rendering or offering to render to individuals, groups, organizations, or the general public a counseling service involving the application of clinical counseling principles, methods, or procedures to assist individuals in achieving more effective personal, social, educational, or career development and adjustment, including the diagnosis and treatment of mental and emotional disorders. "Practice of social work" is the application of specialized knowledge of human development and behavior and social, economic, and cultural systems in directly assisting individuals, families, and groups in a clinical setting to improve or restore their capacity for social functioning, including counseling, the use of psychosocial interventions, and the use of social psychotherapy, which includes the diagnosis and treatment of mental and emotional disorders. [R.C. 4757.01 (not in the act).]*

Exemption from counselor and social worker law

(sec. 4757.51)

Prior law provided that individuals who had certification or credentials accepted by the Department of Alcohol and Drug Addiction Services and acted within the scope of their certification or credentials as members of the profession of alcoholism counseling, drug abuse counseling, or chemical dependency counseling or as alcoholism or drug abuse prevention consultants or specialists were not subject to the law that prohibited an individual from engaging in the practice of professional counseling or social work for a fee, salary, or other consideration without a license from the Counselor and Social Worker Board. The act provides instead that individuals who have certification or credentials accepted by the Department and act within the scope of their certification or credentials as members of the profession of chemical dependency counseling or as alcohol and other drug prevention specialists are not subject to that law until two years after the date the Department ceases to administer its certification or credentialing process or, in the case of an individual who has the expiration date of the individual's certificate or credentials from the Department delayed, until the date of the delayed expiration.³⁴ Additionally, the act provides that individuals who hold a license or certificate issued by the Board and act within the scope of their license or certificate as members of the profession of chemical dependency counseling or alcohol and other drug prevention services are also exempt from that law.

Chemical Dependency Professionals Board membership

(sec. 4758.10; Section 4)

The Board is to consist of 12 voting members appointed by the Governor with the advice and consent of the Senate and one ex officio member appointed by the Director of Alcohol and Drug Addiction Services to represent the Department.³⁵ Except for certain of the initial ones, the voting members are to consist of the following:

(1) Four individuals who hold a valid independent chemical dependency counselor license, including at least two of whom have received at least a master's

³⁴ See the third paragraph under "**Department to issue certificates or credentials until new board takes over**" above.

³⁵ The Governor and Director must make their initial appointments not later than 90 days after the act's effective date.

degree in a field related to chemical dependency counseling from an accredited educational institution;

(2) Two individuals who hold a valid chemical dependency counselor III license;

(3) One individual who holds a valid chemical dependency counseling II license;

(4) Two individuals who hold a valid prevention specialist II certificate or prevention specialist I certificate;

(5) One individual who is authorized to practice medicine and surgery or osteopathic medicine and surgery and has experience practicing in a field related to chemical dependency counseling;

(6) Two individuals who represent the public and have not practiced chemical dependency counseling or alcohol and other drug prevention services and have not been involved in the delivery of chemical dependency counseling services or alcohol and other drug prevention services. At least one of the public members must be at least 60. During their terms, the public members may not practice chemical dependency counseling or alcohol and other drug prevention services or be involved in the delivery of chemical dependency counseling services or alcohol and other drug prevention services.

No initial voting member is required, at the time of appointment, to hold an independent chemical dependency counselor license, chemical dependency counselor III license, prevention specialist II certificate, or prevention specialist I certificate. However, those appointed must possess at the time of appointment any education, work experience, and training standards needed to obtain such a license or certificate. The member may remain on the Board only if the member obtains the appropriate license or certificate not later than one year after the act's effective date.³⁶

Not more than half of the voting members may be of the same gender or members of the same political party. At least two voting members must be of African, Native American, Hispanic, or Asian descent.

³⁶ *This will be a problem if the Board does not assume certification duties by that date. Under the act, it may be up to two years before the Board assumes those duties.*

Length of terms of office

(sec. 4758.11)

Except for most of the initial appointees, voting members of the Board are to serve three-year terms. Four of the initial voting members are to serve terms ending one year after the act's effective date, four are to serve terms ending two years after the act's effective date, and the other four are to serve terms ending three years after the act's effective date. The member appointed by the Director of Alcohol and Drug Addiction Services is to serve at the pleasure of the Director.

A voting member is to hold office from the date of appointment until the end of the term for which the member was appointed. A voting member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed is to hold office for the remainder of that term. A voting member is to continue in office after the expiration date of the member's term until the member's successor takes office or until a period of 60 days has elapsed, whichever occurs first. Voting members may be reappointed, except that an individual who has held office for two consecutive terms may not be reappointed sooner than one year after the expiration of the second full term.

Compensation of members

(sec. 4758.12)

The act provides that the voting members of the Board are to receive, for each day employed in the discharge of their official duties as members, an amount established by the Director of Administrative Services pursuant to the pay schedules listed in continuing law for public employees exempt from the collective bargaining law. The voting members are also to be reimbursed for their necessary and actual expenses incurred in the performance of their official duties.

Meetings

(sec. 4758.13)

The Board is required to meet to discuss matters relating to its administration and operation and the regulation of the practices of chemical dependency counseling and alcohol and other drug prevention services. It must hold at least one regular meeting every three months. Additional meetings may be held at such times as it determines, on the call of the chairperson, or on the written request to the Board's executive director of three or more voting members.³⁷ If

³⁷ See "**Executive director and other staff**" below.

three or more voting members request a meeting, the executive director is required to call a meeting, which must be held not later than seven days after the request is received.

The act provides that seven voting members constitute a quorum to conduct business. No action may be taken without the concurrence of at least a quorum.³⁸

The Board is required to elect a chairperson from among its voting members at its first meeting each year. No member may serve more than two consecutive terms as chairperson.

The act requires that the Board keep any records and minutes necessary to fulfill its duties.

Executive director and other staff

(sec. 4758.15)

The Board is required to employ an executive director and is permitted to employ and prescribe the powers and duties of employees and consultants as are necessary for the Board to carry out its duties.

Board not to discriminate on certain grounds

(sec. 4758.16)

The act prohibits the Board from discriminating against any licensee, certificate holder, or applicant for a license or certificate because of the individual's race, color, religion, gender, national origin, disability, or age.³⁹ The Board is required to afford a hearing to any individual who files with it a statement alleging discrimination for any of those reasons.

³⁸ *This does not apply to a hearing conducted by one member appointed by the Board. See "Disciplinary actions" above.*

³⁹ *Law unchanged by the act defines "disability" as a physical or mental impairment that substantially limits one or more major life activities, including the functions of caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working; a record of a physical or mental impairment; or being regarded as having a physical or mental impairment.*

Board to adopt a seal

(sec. 4758.17)

The Board is required to adopt a seal to authenticate its records and proceedings. A statement, signed by the executive director to which is affixed the official seal, to the effect that an individual specified in the statement does not currently hold a license or certificate or that a license or certificate has been revoked or suspended, is to be received as prima-facie evidence of a record of the Board in any court or before any officer of the state.

Fees

(secs. 4758.20 and 4758.21)

The act requires that the Board establish in accordance with rules fees to be charged for admitting an individual to an examination an individual must pass to obtain a license or certificate, issuing a license or certificate, renewing a license or certificate, approving continuing education courses, and doing anything else the Board determines necessary to administer the act. The Board is permitted to adjust its fees from time to time.

The Board's fees are nonrefundable and must be in amounts sufficient to cover its necessary expenses. The fees for a license or certificate and the renewal of a license or certificate may differ for the various types of licenses and certificates, but may not exceed \$175 each, unless the Board determines that amounts in excess of \$175 are needed to cover its necessary expenses in administering the law governing the Board and the Board's rules and the Controlling Board approves amounts in excess of \$175.

Occupational Licensing and Regulatory Fund

(secs. 3793.07 and 4743.05)

Money collected under the law governing the Board is to be paid into the state treasury to the credit of the existing Occupational Licensing and Regulatory Fund. The fees that the Department collects for its certification and credentialing process are credited to the Credentialing Fund. The act provides that money credited to the Credentialing Fund are to be transferred to the Occupational and Licensing and Regulatory Fund at the earlier of (1) the date on which the Board is to assume the Department's certification duties or (2) two years after the act's effective date.

Vouchers

(sec. 4758.21)

The act provides that all vouchers are to be approved by the chairperson or executive director, or both, as the Board authorizes.

Rules

(sec. 4758.20)

In addition to the rules discussed elsewhere in the analysis, the Board is to adopt rules providing for anything else necessary to administer the act. All the rules are to be adopted in accordance with the Administrative Procedure Act and any applicable federal laws and regulations. Initial rules must be adopted not later than nine months after the act's effective date. When it adopts rules, the Board is permitted to consider standards established by any national association or other organization representing the interests of those involved in chemical dependency counseling or alcohol and other drug prevention services.

Central Service Agency to perform routine support services

(sec. 125.22)

Continuing law requires the Department of Administrative Services to establish the Central Service Agency to provide routine support for many state boards and commissions, including the State Dental Board, Ohio Respiratory Care Board, and Ohio Commission on African-American Males. Routine support services include preparing and processing payroll and other personnel documents and maintaining ledgers of accounts and balances. The Central Service Agency is required to determine the fees to be charged to boards and commissions for the services the Agency provides the boards and commissions.

The act adds the Chemical Dependency Professionals Board to the boards and commissions that receive routine support services from the Central Service Agency.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-05-02	p. 1361
Reported, H. Finance & Appropriations	05-02-02	pp. 1730-1731



Passed House (79-16)	05-22-02	pp.	1793-1794
Reported, S. Finance & Financial Institutions	11-20-02	pp.	2138-2139
Passed Senate (31-0)	11-20-02	pp.	2144-2145
House concurred in Senate amendments (83-7)	11-21-02	pp.	2093-2094

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