



Ohio Administrative Code Rule 4757-11-02 Impaired practitioner rules.

Effective: April 19, 2021

(A) For purposes of the rule, an individual licensee who accepts the privilege of practicing counseling, social work, or marriage and family therapy in this state is subject to the supervision by the board. The act of filing an application for licensure or being licensed or registered by the board, the individual has given consent to submit to a mental or physical examination, at the individual's expense when ordered to do so by the board in writing, and to have waived all objections to the admissibility of testimony or examination of reports that constitute privileged communications.

(B) If the professional standards committee receives information by the filing of a verified complaint with the board office or upon its own information that a licensee or registrant's, ability to practice has fallen below the acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs or alcohol, or other substances; or other physical or mental conditions; or the effects of treatment of a physical or mental condition that impair their ability to practice, the professional standards committee may order the licensee to submit to a mental or physical examination at the licensee's expense conducted by a designee of the board for the purpose of determining if there is an impairment that is posing a threat to the licensee's well-being or the treatment of a client whom the licensee or registrant serves.

(C) Failure of the individual licensee or registrant to submit to a mental or physical examination order by the professional standards committee constitutes an admission of the allegations against the individual licensee or registrant unless the failure is due to circumstances beyond the individual's control.

(D) If the professional standards committee determines that the individual's ability to practice is impaired the following actions may be taken:

(1) The professional standards committee shall suspend or place restrictions on the individual's license or registration to practice; or



(2) Deny the individual's application for licensure or registration and require the individual to submit to treatment; or

(3) Other requirements as a condition for initial, continued, reinstated or renewed licensure or registration to practice.

(E) The professional standards committee at its discretion may:

(1) Contract with providers of impaired treatment programs.

(2) Receive and evaluate reports of suspected impairment from any source.

(3) Intervene in cases of verified impairment.

(4) Monitor treatment and rehabilitation of the impairment.

(5) Provide post-treatment monitoring and support.

(6) Provide other functions as necessary to carry out the provisions of this rule.

(7) Make amendments, if necessary, to the treatment program's findings.

(F) The professional standards committee approved treatment program shall:

(1) Receive relevant information from the board office and other sources regarding the potential impairment.

(2) Report in a timely fashion any impaired counselor, social worker, or marriage and family therapist:

(a) Who refuses to cooperate with an evaluation or investigation.

(b) Who refuses to submit to treatment/rehabilitation.



- (c) Whose impairment is not substantially alleviated through treatment.

- (d) Who in the opinion of the evaluators is unable to practice counseling, social work, or marriage and family therapy with reasonable skill and safety.

- (3) Provide confidentiality of non-public information of the review process.

- (4) Provide an initial report of the nature, severity, and progress of the impairment.

- (5) Provide periodic reports, at a rate determined by the board concerning the counselor's, social worker's, or marriage and family therapist's progress.

- (6) Provide a final report including the treatment outcome and a finding as to the counselor's, social worker's, or marriage and family therapist's fitness to practice.

- (7) Follow any requirements outlined in a formal agreement the licensee, registrant or applicant for licensure has entered into with the board.

- (G) Pursuant to division (A) of section 4757.10 of the Revised Code, as part of the board's impairment or diversion program, the board may enter into a non-disciplinary agreement with a licensee. Any documentation pertaining to this agreement, including the agreement itself, is confidential and not considered a public record.