

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-39-02.12

Rule Type: Amendment

Rule Title/Tagline: ODA provider certification: social work counseling service.

Agency Name: Department of Aging

Division:

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I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 1/18/2022
2. **Is this rule the result of recent legislation?** Yes
 - A. **If so, what is the bill number, General Assembly and Sponsor?** SB 2 - 134 - Gavarone
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 121.07, 173.01, 173.02, 173.391, 173.52, 173.522
5. **What statute(s) does the rule implement or amplify?** 173.39, 173.391, 173.52, 173.522; 42 CFR 441.352
6. **What are the reasons for proposing the rule?**

Each rule in Chapter 173-39 primarily exists to comply with section 173.391 of the Revised Code, which requires ODA to adopt rules to establish the requirements and standards for certified providers.

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

This rule establishes the requirements for a provider to become, or to remain, certified by ODA to provide social work or counseling,

ODA proposes to amend this rule to achieve the following:

1. Replace, at the request of the Counselor, Social worker, and Marriage and Family Therapist Board, occurrences of "social work counseling service" and "social work counseling" with "social work or counseling."
2. Implement Senate Bill 2 (134th G.A.), which allows a licensed psychologist from another state with an e.passport to provide services in Ohio.
3. List the Ohio Board of Psychology and the State Medical Board in paragraph (B)(2) of this rule.
4. Remove supervisory requirements, since those are regulated by licensing agencies.
5. Remove requirements for clinical records.
6. Remove or replace words that imply outdated modes of communication or in-person interaction (e.g., "copy").

ODA also proposes to make non-substantive improvements to this rule.

8. Does the rule incorporate material by reference? No

9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.

Not Applicable

10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.

Not Applicable

II. Fiscal Analysis

- 11. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$0.00

Adopting the proposed amendments to this rule will not affect the biennial budget that the Ohio General Assembly established for ODA in H.B. 110 (134th G.A.).

- 12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Adopting the proposed amendments to this rule will not create a cost of compliance to any directly-affected person or organization.

- 13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

- 14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

- 15. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not Applicable

III. Common Sense Initiative (CSI) Questions

- 16. Was this rule filed with the Common Sense Initiative Office? Yes**

- 17. Does this rule have an adverse impact on business? Yes**

- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No**

Providers voluntarily apply for ODA certification. Certification is not required to provide a service unless a provider wants a government program that requires certification (e.g., the PASSPORT Program) to pay the provider. Please review the BIA for additional information.

- B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No**

- C. **Does this rule require specific expenditures or the report of information as a condition of compliance?** Yes

This rule requires providers to retain records to show that they/their staff qualify to provide this service and to verify that they provided each session of service for which they bill.

- D. **Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies?** No

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. **Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95?** Yes

- A. **How many new regulatory restrictions do you propose adding?** 0

- B. **How many existing regulatory restrictions do you propose removing?** 7

1. (B)(3) The provider SHALL develop and retain a clinical record for each individual that includes the following information about the individual.

2. (B)(5)(h) ...which the professional who provided the service SHALL sign and date at the point he or she is no longer going to provide the service to the individual or the individual no longer needs the service.

3. (B)(5)(h) In the summary, the professional SHALL include records on the outcomes and the progress made toward the goals specified in the individual's person-centered service plan,...

4. (B)(5)(h) ...and SHALL record any follow-ups or referrals that the professional recommends.

5. (B)(5)(h) The provider SHALL provide a copy of the summary to the individual and the individual's case manager.

6. (B)(6)(a)(ii)(a) The provider SHALL supervise any licensed social worker (LSW), licensed professional counselor (LPC), or marriage and family therapist

(MFT) whom the provider employs according to the requirements of Chapter 4757. of the Revised Code.

7. (B)(6)(a)(ii)(b) The supervisor of an LSW, LPC, or MFT SHALL co-sign all initial assessments and all treatment plans prepared by the LSW, LPC, or MFT.