

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-39-02.12

Rule Type: New

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

Agency Name: Department of Aging

Division:

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I. Rule Summary

1. **Is this a five year rule review?** No
 - A. **What is the rule's five year review date?**
2. **Is this rule the result of recent legislation?** Yes
 - A. **If so, what is the bill number, General Assembly and Sponsor?** SB 204 - 134
- Roegner
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 C.F.R. 441.352
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
 - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

This proposed new rule will exist to establish the specific requirements to become, and to remain, an ODA-certified provider of social work or counseling.

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

This proposed new rule will establish the specific requirements to become, and to remain, an ODA-certified provider of social work or counseling. ODA proposes to rescind the current version of this rule, and to simultaneously adopt this proposed new rule, to achieve the following:

1. Implement Senate Bill 204 (134th G.A.) by allowing an LPCC, LPC, IMFT, MFT, LISW, or LSW with an unencumbered license in another state to qualify for ODA-certification to provide social work or counseling.

2. Reduce the use of unnecessary regulatory restrictions (e.g., "shall") in this rule to comply with R.C. §§ 106.03 and 121.951. This accounts for many non-substantive amendments that comprise a majority of ODA's proposed amendments to this rule.

3. No longer require the provider to provide an assessment to the individual's case manager because the assessment is part of developing the treatment plan and the rule requires the provider to share the treatment plan with the individual and the individual's case manager..

4. Give the provider flexibility in paragraph (B)(2) of this rule to provide this service in a community-based setting other than in the individual's home or by telephone or video conference.

5. Simplify paragraph (B)(2) of this rule after the words "as permitted" by referring to licensing boards in general rather than referring to licensing boards in general and also the State Medical Board of Ohio.

6. Establish deadlines on "business days" rather than "days." (This corresponds to ODA's proposal to define "business day" in rule 173-39-01 of the Administrative Code.)

7. No longer state that the provider may use an electronic system to collector or retain records since that topic is now covered in rule 173-39-02 of the Administrative Code.

9. Does the rule incorporate material by reference? No

10. **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

11. **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

12. **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

Rescinding the current version of this rule to replace it with a proposed new rule will not impact the biennial budget that the Ohio General Assembly established for ODA in House Bill 33 (135th G.A.).

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

Please review ODA's responses to questions #15, #16, and #17 of the BIA for details.

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

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

16. **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

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

18. 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**
- 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**

Please review ODA's responses to questions #15, #16, and #17 of the BIA for details.

- 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 Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No

- A. How many new regulatory restrictions do you propose adding to this rule?**

Not Applicable

- B. How many existing regulatory restrictions do you propose removing from this rule?**

Not Applicable

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**

Not Applicable

- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable