

## 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 counseling service.

**Agency Name:** Department of Aging

**Division:**

**Address:** 246 N. High St. 1st floor Columbus OH 43215-2046

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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?** No
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?**

ODA proposes to replace the current version of 173-39-02.12 with this proposed new rule as part of a list of amendments ODA proposes to make to the rules of Chapter 173-39 of the Administrative Code.

7. **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 requirements to become, and to remain, an ODA-certified provider of social work counseling. It differs from the current rule that it will replace in the following ways:

(1) The current rule prohibits paying for social work counseling if the individual receives a similar service under Chapter 173-39 of the Administrative Code. There is not a similar service under that chapter. ODA proposes clarify its intent by prohibiting paying for social work counseling if the individual receives a similar service paid (in full or in part) by Medicare, state plan Medicaid, or another third-party payer.

(2) Deadline extensions:

(A) The current rule requires providing the case manager with a copy of the assessment report no later than seven business days after the provider completes the assessment. ODA proposes to extend the deadline to fourteen days.

(B) The current rule requires providing the individual's case manager with a copy of the treatment plan no later than seven business days after the provider completes the assessment. ODA proposes to extend the deadline to fourteen days.

(C) The current rule requires offering the individual a copy of their treatment plan no later than seven business days after the provider completes the assessment. ODA proposes to extend the deadline to fourteen days.

ODA also proposes to make additional changes. For more information, please review the business impact analysis (BIA).

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.**

ODA refiled this rule to amend paragraph (B)(2) of the proposed new rule to replace "...unless the individual and case manager authorize another arrangement" with "...or telephone or video conference as permitted by the counselor, social worker, and marriage and family therapist board" and to add "of session time with the individual" to the end of paragraph (C)(1) of the proposed new rule.

*07/01/2020 ODA made a revised filing of this rule to reschedule the public hearing and to upload a new public hearing notice into the Register of Ohio. In doing so, ODA did not make any revisions to this proposed new rule.*

## **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

ODA's proposed adoption of this new rule will not affect the biennial budget the Ohio General Assembly established for ODA in H.B. 166 (133rd G.A.).

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

Please review ODA's response to question #16 on the business impact analysis (BIA) for the answer to this question.

- 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**

The Counselor, Social Worker, and Marriage and Family Therapist Board licenses counselors, social workers, and marriage and family therapists. The Ohio Board of Psychology licenses psychologists. These boards' rules require a license to operate in those lines of business. 173-39-02.12 requires the provider to have a valid license from one of them.

- 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 proposed new rule will require the provider to do the following:

1. Provide the individual's case manager with a copy of the provider's assessment of the individual.
2. Provide the individual and the individual's case manager with a copy of the provider's treatment plan for the individual.
3. Develop and retain a clinical record.
4. Provide a copy of a discharge summary to the individual and the individual's case manager.
5. Collect and retain records to verify that the provider provided counseling to the individual.

- 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? No**

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

Not Applicable

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

Not Applicable