

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-39-02.12

Rule Type: Rescission

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?** 6/29/2020
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 this rule with a new rule of the same number as part of its proposed amendments 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 rule establishes the requirements to become, and to remain, an ODA-certified provider of social work counseling.

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 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.

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 rescission of this 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 rule requires 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? Yes

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

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

(B)(7)(a): The provider may furnish a service that is not authorized by the individual's service plan, but ODA (or ODA's designee) only pays the provider for furnishing a service that is authorized by the individual's service plan.

(B)(7)(b): The provider shall only bill ODA's designee for a service provided under the PASSPORT program if the case manager identifies the provider in the individual's service order.

(B)(6)(c): The provider shall not provide the service to an individual if the individual is receiving a similar service under Chapter 173-39 of the Administrative Code.

(B)(6)(d): The provider shall not provide the service in place of a case management service.

(B)(6)(e): The provider shall not provide a service to an individual's authorized representative or caregiver if the service is unrelated to the individual's well-being.

(B)(7)(a): The provider shall retain a record of the case manager's service order.

(B)(7)(b)(v): The case manager shall record the individual's signature of choice in the individual's service plan. The signature of choice may include a handwritten signature; initials; stamp or mark; or electronic signature.