

**Rule Summary and Fiscal Analysis (Part A)****Counselor, Social Worker, and Marriage and Family Therapist Board**

Agency Name

Division

**James R. Rough**

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**4757-5-13**

Rule Number

**NO CHANGE**

TYPE of rule filing

Rule Title/Tag Line

**Standards of practice and professional conduct: electronic  
service delivery (internet, email, teleconference, etc.).****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **4757.11**

5. Statute(s) the rule, as filed, amplifies or implements: **4757.11**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

Five year rule review

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

This rule establishes the standards of practice and professional conduct for electronic service delivery (internet, email, teleconference, etc.).

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

*This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

*This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

*Not Applicable.*

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

*Not Applicable.*

12. 119.032 Rule Review Date: **10/12/2012** and **09/20/2017**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

**FISCAL ANALYSIS**

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

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The board has budgeted funds from current appropriations for the disciplinary process.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

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15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

Adverse impact from this rule is only for licensees who violate the ethics laws. If a licensee is investigated depending on the case facts the costs could be minimal including providing a written response or more serious may involve hiring an attorney and having a hearing. In the minimal case, the cost is time to provide a thoughtful response and perhaps an interview with a Board investigator. In a serious case, attorney fees and potential sanctions on a license could lead to a major expense of \$3,000 to \$7,000. The vast majority of cases have small expenses due to the nature of the violations. Serious violations cost more and having discipline on your license may impact future employment. The costs are based on input from attorneys who have represented clients in discipline cases before the Board.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

**S.B. 2 (129th General Assembly) Questions**

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

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

Other rules require a license in order to practice as a counselor, social worker and/or marriage and family therapist.

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? **Yes**

Yes, failure to comply with this ethics rule could result in disciplinary action from a caution letter up to and including revocation of the license.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **No**

Other rules require report of ethics violations, should a licensee be investigated they would have to provide information requested by the board and participate in the adjudication process.