

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4757-5-13

Rule Type: Amendment

Rule Title/Tagline: Standards of practice and professional conduct: electronic service delivery (internet, email, teleconference, etc.).

Agency Name: Counselor, Social Worker, and Marriage and Family Therapist Board

Division:

Address: 77 South High Street 24th Floor, Room 2468 Columbus OH 43215-6171

Contact: Brian Carnahan **Phone:** 614-752-5161

Email: brian.carnahan@cswb.ohio.gov

I. Rule Summary

1. **Is this a five year rule review?** No
 - A. **What is the rule's five year review date?** 7/3/2023
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?** 4757.10, 4757.11
5. **What statute(s) does the rule implement or amplify?** 4757.11
6. **What are the reasons for proposing the rule?**

The amended rule aligns the rule with prevailing standards for the practice of teletherapy.

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

The defines how licensees may use teletherapy in the practice of the Board's professions. The proposed changes include the use of the term "teletherapy", which is the commonly accepted term and reinforces that informed consent must be obtained

prior to delivering services. Additionally, the revisions clarify training expectations for licensees, indicating the training is not required but reinforcing that licensees must have the appropriate skills to provide services via teletherapy. The revisions include limited provisions adding flexibility for licensees to commence services without a face to face in-person or video meeting, allowing verbal consent, and directing licensees to consider guidance from the U.S. Department of Health and Human Services regarding HIPAA requirements. These provisions of the rule expire when the current COVID emergency ends.

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.**

An incorrect statute was referenced regarding rule writing authority.

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

Not applicable.

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

Not applicable. The Board is not requiring licensees to use teletherapy. Licensees currently using teletherapy should experience no cost increases owing to the revisions to the current rule.

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? Yes

Yes. Persons subject to this rule must be licensed by the CSWMFT Board.
 - 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. Failing to follow the Rule could result in a disciplinary action by the Board which could range from a non-public caution to license revocation.
 - C. Does this rule require specific expenditures or the report of information as a condition of compliance? No
 - 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