

The Administrative Rule Making Process

How the Process Works How the Public Can Participate

Steps Taken to Adopt Rules

At regular bi-monthly meetings of the Board, discussion may focus on current or future rules. Representatives of professional organizations and the public routinely attend these open Board meetings. Visitors are acknowledged and welcome to comment briefly. Often they suggest clarification of or a need for a specific rule. [Closed Executive Sessions pertain only to subjects regarding personnel or pending legal matters.]

When the Board decides that rules need to be changed (and at least before the required five-year review deadline), the Board prepares a draft of new (or revised) rules(s). Those drafted rules are filed with:

- Joint Committee for Agency Rule Review (JCARR)
- Legislative Service Commission
- Secretary of State
- Small Business Administration, Office of Development

The above filings are accompanied by a notice of the date, time and location for the public hearing pertaining to those rules. The notice with the complete content of the proposed rules is also posted on the Board's website.

Interested parties may attend the hearing and testify in person with comments or concerns about the proposed rules or they may submit written testimony (in advance or at the hearing).

In their discussion at an open meeting of the Board (in most cases immediately following the public hearing) members consider all testimony to determine whether changes are to be made. [Re-filing of rules with the same agencies is required if any additional changes are made.]

JCARR has 59 days to review filed rules (29 additional days if rules are re-filed). At some time during that review period, the rules are on the agenda of a JCARR meeting that is also open for public testimony. Information regarding scheduled JCARR meetings may be found at www.jcarr.state.oh.us or by calling (614) 466-4086.

The function of JCARR's Committee is to review rules and make sure they:

1. do not exceed the scope of the Board's authority,
2. do not conflict with any other law or rule and
3. do not conflict with the intent of the legislature in enacting relevant statute(s).

Although JCARR does not "approve" rules, the staff does check to see that all five-year-review and filing requirements are met; and they bring to the attention of the Board any concern JCARR might have with any rule's content. If a perceived problem were not resolved, the committee may adopt a resolution proposing to invalidate the rule in question. Approval of the resolution by the General assembly would preclude the Board from considering a rule on that subject until the next General Assembly session.

After JCARR's review period ends, the Board files its rules (with the same agencies) for adoption, setting the effective date at least ten days after that "final" filing date. Reasonable effort is made to notify affected persons (professional counselors, social workers, professional associations and universities offering counseling or social work programs in Ohio).

Legal Authorization for Board Activities

Revised Code (RC) Chapter 4757 is the Counselor and Social Worker law in Ohio, passed by the Legislature and effective October 10, 1984. The eleven members of the Board include four counselors, four social workers and three public members. Each member of the Board is appointed by the Governor to a three-year term that ends October 10th of the relevant year. A member may serve an additional 60 days if a replacement has not been appointed. A member may be appointed for no more than two consecutive full three-year terms. (RC sec. 4757.03)

Ohio Administrative Code (OAC) Chapter 4757 is comprised of rules promulgated by the Board in accord with requirements of RC Chapter 119, the Administrative Procedures Act. Rules are based on the counselor and social worker law and, once adopted, have the effect of law. [Rules of all state agencies are combined as the Ohio Administrative Code.] Each agency must review each of its rules at least every five years – to determine whether to maintain the rule without change, amend, rescind or add new rules.

Subjects Covered in Rules

There must be authorization in the law (Revised Code chapter 4757) for the Board to write rules. For example, RC 4757.10 states, in part: “The board shall make such rules as are necessary to carry out this chapter.” Through rules the board may provide for administration of the office and implementation of the law. Rules may describe the minimum qualifications for admission to examination and for licensure, requirements for supervision (training for licensure as well as other types of supervision), procedures for grant and renewing licenses, requirements pertaining to continuing education, standards for professional conduct, and other topics relevant to the practices of counseling or social work.

Public Participation in Rule Promulgation

The Board encourages licensees, students, the general public, health professionals and other interested parties to comment on currently effective rules and/or, suggest new, amended or to be rescinded rules. Often the comments or questions from these people are the impetus for the Board to consider rule revisions.

A public hearing on proposed new, revised or rescinded rules is to be held within 30-40 days after those rules are filed with appropriate state agencies, including JCARR. Proposed rules changes are available on the Board’s website or by request from the Board office and sending postage stamps in the appropriate amount to cover costs of copying and mailing (specific information is available from the Board office).

Anyone may attend the public hearing to testify personally or to submit written testimony (that may also be submitted to the Board office in advance of the hearing). The testimony may be in favor of the proposed rules, may offer suggestions for revisions, or may describe how rules, if adopted, would be detrimental to those affected by the rules.

As part of the review of its rules, the Board may determine that no changes are necessary in one or more rules. A separate packet of “no change” rules are filed with the same agencies listed for revised, new or rescinded rules. JCARR has 90 days to review “no change” rules.

Mission Statement

The mission of the Counselor and Social Worker Board is to protect the citizens of the state of Ohio through the effective and efficient regulation of the practices of counseling and social work as identified in Ohio Revised Code and Ohio Administrative Code Section 4757. This mission is accomplished by the review of applicants’ credentials, the administration of licensure examinations and the establishment and enforcement of professional and ethical standards of practice.

Contact the Board Office: Monday – Friday
8:00 am – 5:00 pm, Eastern Time