

**MEMORANDUM**

TO: Tom Simmons, Policy Manager and Regulatory Ombudsman, Ohio Department of Aging

FROM: Sydney King, Regulatory Policy Advocate

DATE: August 12, 2015

RE: **CSI Review – Provider Certification Social Work Counseling (OAC 173-39-02.12)**

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (O.R.C) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

Analysis

The Ohio Department of Aging (ODA) submitted to the CSI Office one amended rule being reviewed under the five-year review process required by statute. The rule package was submitted to the CSI Office on July 22, 2015, and the comment period for the rule closed on August 9, 2015.

The rule package regulates social work counseling services. Social work counseling services are provided to “an individual or to an individual’s family or caregiver to promote the individual’s physical, social, or emotional well-being.”¹ In the BIA, ODA described a rule review process that considered stakeholder outreach and the impacts to industry members when amending the rule. For example, stakeholders commented that the requirement to furnish copies of treatment plans to consumers is problematic because many consumers decline to retain the copy of the treatment plan. ODA amended the rule language to state that the providers must “offer” the treatment plan

¹ Ohio Administrative Code 173-39-02.12(A)

and note in the case records that an offer to furnish was made but that the consumer declined.

The BIA describes a comprehensive stakeholder outreach process that included self-employed providers, the National Association of Social Workers, and the Counselor, Social Worker, and Marriage and Family Therapist Board. ODA provided the input received during the early stakeholder outreach in the BIA and also included how the rule package was amended based on suggestions. One comment was received during the CSI public comment period and ODA amended the rule package in response.

The BIA identifies individuals who provide social work counseling services as the impacted industry. ODA provided a detail description of the adverse impacts in the BIA. The costs include creating and retaining records related to the counseling services, developing an assessment report, and creating a treatment plan. ODA states the rule is necessary to comply with statutory requirements but also to ensure consumers are receiving care from quality providers.

After reviewing the proposed rule and the BIA, the CSI Office has determined that the rule satisfactorily meets the standards espoused by the CSI Office, and the purpose of the rule is justified.

Recommendation

For the reasons explained above this office does not have any recommendations regarding this rule package.

Conclusion

Based on the above comments, the CSI Office concludes that the Department should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

cc: Mark Hamlin, Lt. Governor's Office