



## Common Sense Initiative

**Mike DeWine**, Governor  
**Jon Husted**, Lt. Governor

**Carrie Kuruc**, Director

### MEMORANDUM

**TO:** Brian Carnahan, Counselor, Social Worker & Marriage and Family Therapist Board

**FROM:** Paula Steele, Common Sense Initiative Office

**DATE:** May 7, 2019

**RE:** CSI Review – 2019 Rule Changes (OAC 4757-1-05, 4757-3-01, 4757-5-03, 4757-5-10, 4757-5-13, 4757-9-01, 4757-13-01, 4757-13-07, 4757-17-01, 4757-25-01, 4757-25-03 and 4757-29-01)

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On behalf of Lt. Governor Jon Husted, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) 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

This rule package contains twelve amended rules being proposed by the Counselor, Social Worker & Marriage and Family Therapist Board (Board). One of the draft rules, OAC 4757-5-10, is being reviewed pursuant to the five-year review requirement in Ohio statute. The rule package was submitted to the CSI Office on April 4, 2019 with a public comment period held open through April 22, 2019. Eight individuals submitted comments.

The proposed rules address a wide range of subjects that generally can be grouped as license fees, definitions, code of ethics, continuing education, licensing of counselors, supervision of counselors, licensing of marriage therapists and marriage and family therapy supervision. Most of the amendments seek to clarify, correct, and update to comply with statute.

Most of the comments were to seek clarification of the changes. Three of the commenters however, objected to the Board removing the ability to pay license fees with a check or money order. In the

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

[CSIPublicComments@governor.ohio.gov](mailto:CSIPublicComments@governor.ohio.gov)

amended rule (OAC 4757-1-05), the Board requires all transactions be completed online. The Board responded to each individual and explained that the online processing and payment requirement enhanced security, increased convenience, and reduced processing time. One commenter provided comments on several rules. The Board responded to each concern raised and provided a response explaining why the Board chose the amended language.

According to the BIA, the Board solicited licensees and stakeholders for feedback on the draft rules. A few substantive comments were submitted, and the Board considered each one, including a suggestion it incorporated to apply Board requirements for electronic delivery to all technology-assisted interactions with clients.

The adverse impacts are identified as the time and effort for licensees to adjust paper and web forms. Not-yet-accredited new counselor education programs will have to apply for temporary approval – estimated to cost approximately \$1360, and licensees not using Board-compliant technology may have to purchase new software or equipment.

According to the BIA, the changes in the draft rules are necessary to provide proper disclosure to those being served by licensees, provide for secure technology, and comply with changes in statute that require counselor education programs meet certain accreditation standards.

### **Recommendations**

Based on the information above, the CSI Office has no recommendations on this rule package.

### **Conclusion**

The CSI Office concludes that the Board should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.