

**Rule Summary and Fiscal Analysis (Part A)****State Board of Psychology**

Agency Name

Division

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**4732-17-01**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**General rules of professional conduct pursuant to section  
4732.17 of the Revised Code.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

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: **4732.06**

5. Statute(s) the rule, as filed, amplifies or implements: **4732.17**

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

The primary purpose for this filing is to add rules that would govern the practice of psychology and the supervision of psychological work via distance communication technologies, such as video conferencing, internet chat, email, and telephone ("telepsychology"). This is the primary rule setting forth proposed requirements for the use of telepsychology in the Rules of Professional Conduct. Second, there are two (2) typographical errors corrected.

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:

OAC 4732-17-01 contains the Psychology Board's Rules of Professional Conduct. Typographical errors are proposed to be corrected at 4732-17-01 (A)(4) and (H)(1). The major change is in the proposed addition of new paragraph 4732-17-01 (I) Telepsychology. The practice of psychology has included the use of distance communications for many years, and this rule is important to outline parameters and requirements for the board's licensees who engage in this practice, with client welfare being paramount. The proposed rule: reiterates the definition of "telepsychology"; restricts its use to persons licensed by the Ohio Board, such that those without the Ohio license are prohibited from providing this type of psychological service to those domiciled in Ohio; requires competence in the use of the distance communication technology selected and competence in the practice of telepsychology from a clinical perspective; requires that substantial informed consent information is presented to and received from the client and that the limits of confidentiality, when limited, are made overt to the client (e.g., when using non-encrypted messages); contains requirements for the storage of electronic information; and, exempts from the rule those licensees using telepsychology for scheduling, billing, and emergency or unusual circumstances (e.g., checking in with a client between face-to-face sessions). Overall, because our licensees are already using telepsychology in their practices, the Board must promulgate rules setting guidelines and standards for practice in this area. Failure to do so would deprive clients and patients of critical information about the services and would deprive licensees of clear parameters.

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:

Under 4732-17-01 (I)(6)(a)(ii) an addition was made at the end of the sentence previously ending with the words "rendering the service." The rule now reads "...involved in rendering the service or can use a personal aid or assistive device to benefit from the service." This was a change voted on by the Board at its June 3, 2011 meeting and I forgot to make the change before filing this package.

12. 119.032 Rule Review Date: **7/1/2014**

(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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Not Applicable.

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

Not Applicable.

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:

The Board's licensees may need to invest in telecommunications equipment should they wish to provide supervision using telepsychology according to these proposed rules. Equipment and costs vary widely, prohibiting one from making an accurate estimate of the costs associated. No licensee is required to use telepsychology in the supervisory relationship, so every dollar spent in order to become compliant with the rule would be a voluntary business investment.

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**