

Rule Summary and Fiscal Analysis (Part A)**Counselor, Social Worker, and Marriage and Family Therapist Board**

Agency Name

Division

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4757-11-01

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

**Denial, and disciplinary action for licenses or certificates of
registration issued by the counselor, social worker, and
marriage and family therapist board.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **Yes**

Bill Number: **HB232**General Assembly: **130**Sponsor: **Rep. Sears**

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: **4757.10**

5. Statute(s) the rule, as filed, amplifies or implements: **4757.36**

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

Five year rule review and changes to implement HB-232.

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:

We added "licensed" to professional counselor and professional clinical counselor titles; added marriage and family therapist trainee, social worker trainee to appropriate paragraphs; and added practicing while holding a license in an inactive status as a violation of statute and rule.

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. If applicable, indicate each specific paragraph of the rule that has been modified:

Not Applicable.

12. 119.032 Rule Review Date: **8/15/2014**

(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:

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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:

Rule 4757-11-01 only has a burden for licensees and registrants who do not comply with the board's statutes and rules and are investigated for that failure. If a licensee is investigated depending on the case facts, the costs could be minimal including providing a written response or more serious may involve hiring an attorney and having a hearing. In the minimal case, the cost is time to provide a thoughtful response and perhaps an interview with a Board investigator. In a serious case, attorney fees and potential sanctions on a license could lead to a major expense of \$3,000 to \$7,000. The vast majority of cases have small expenses due to the nature of the violations. Serious violations cost more and having discipline on your license may impact future employment. The costs are based on input from attorneys who have represented clients in discipline cases before the Board.

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**

S.B. 2 (129th General Assembly) Questions

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **Yes**

Rule states practicing without a valid license is a violation of statute and rule.

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**

The rule states: The board may refuse to admit for examination, issue, renew, or may suspend, revoke, reprimand or place restrictions on any license or certificate of registration applied for or issued under Chapter 4757. of the Revised Code, or may take other disciplinary action against any licensee or registrant, if that person has violated board laws and/or rules.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **Yes**

The rule requires licensees and registrants to cooperate in investigations and to submit any records or documents, written statements or explanations that have been requested or subpoenaed by the board.