

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4757-11-01

Rule Type: Amendment

Rule Title/Tagline: Denial, and disciplinary action for licenses or certificates of registration issued by the counselor, social worker, and marriage and family therapist board.

Agency Name: Counselor, Social Worker, and Marriage and Family Therapist Board

Division:

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I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 11/29/2021
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 4757.10
5. What statute(s) does the rule implement or amplify? 4757.36
6. What are the reasons for proposing the rule?

This is an existing rule regarding licensure denial proposed for revision.

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

Defines when the Board may discipline a licensee or registrant, including but not limited to violations of ORC 4757, impairment, a felony conviction, misdemeanor conviction in the course of practice, and failing to provide appropriate supervision.

The rule is necessary so that licensees are aware of the consequences of violations of ORC 4757/OAC 4757.

- Specifies the Board may take disciplinary on a supervision endorsement when a licensee holding an endorsement violates ORC/OAC 4757. The Board is finding that licensees with supervision designation are not properly supervising. This change would allow the Board to remove a supervision endorsement, eliminating the licensee's authority to supervise. Proposed changes:
- Indicates that supervisors may be disciplined for failing to report to the Board violations committed by persons under their supervision. The Board has identified issues with supervision resulting from investigations of other issues.
- Added language specifying that independent licensees with a supervision endorsement can be disciplined for failing to submit required evaluations of supervisees as well as other violations of ORC/OAC 4757.
- Remove references to good moral character
- Add ORC 9.79 as a reason for licensure denial.

8. **Does the rule incorporate material by reference?** No
9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

Not Applicable

10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

11. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0.00

Not applicable.

12. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Not applicable.

13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No
14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No
15. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not applicable.

III. Common Sense Initiative (CSI) Questions

16. Was this rule filed with the Common Sense Initiative Office? No
17. Does this rule have an adverse impact on business? No
 - A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No
N/A
 - 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? No
N/A
 - C. Does this rule require specific expenditures or the report of information as a condition of compliance? No
N/A
 - D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No
N/A

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No

A. How many new regulatory restrictions do you propose adding?

Not Applicable

B. How many existing regulatory restrictions do you propose removing?

Not Applicable