Rule Summary and Fiscal Analysis
<u>Part A</u> - General Questions

Rule Number: 4757-5-13

Rule Type: Amendment

Rule Title/Tagline: Standards of practice and professional conduct: teletherapy.

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

Division:

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I.   <u>Rule Summary</u>

   1.   **Is this a five year rule review?** No

         A.   **What is the rule's five year review date?** 7/3/2023

   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, 4757.11

   5.   **What statute(s) does the rule implement or amplify?** 4757.11

   6.   **What are the reasons for proposing the rule?**

         The proposed revisions incorporate temporary rule changes adopted during the
         pandemic that have proved to be effective in expanding client access to services.

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

         Rule 4757-5-13 (Teletherapy) defines the requirements when providing services via
         teletherapy (also known as telehealth). The revisions to the rule establish in the
         permanent rule provisions adopted temporarily during the pandemic, to include
         waiving an initial face to face (video or in-person) license-client meeting and written

consent. Additionally, the Rule is revised to mirror language included in HB 122 that directs licensees to follow state and federal privacy and confidentiality requirements. This change will ensure the rule can address the unique nature of providing services in a range of settings, including health care settings, and primary, secondary, and post-secondary education settings.

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.   <u>Fiscal Analysis</u>

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

    N/A

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

    N/A

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.**

N/A

III. Common Sense Initiative (CSI) Questions

16. Was this rule filed with the Common Sense Initiative Office? Yes

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

  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

  C. Does this rule require specific expenditures or the report of information as a condition of compliance? No

  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

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