

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

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

Regulation/Package Title: HB-232 Social Work Rule Changes

Rule Number(s): 4757-19-01, 4757-19-02, 4757-19-04, 4757-19-05, 4757-19-08 and 4757-23-01

Date: July 8, 2014

Rule Type:

☐ New

☒ Amended

☐ 5-Year Rule Review

☐ Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

Regulatory Intent

1. Please briefly describe the draft regulation in plain language.

These rules are being filed due to passage of House Bill 232 of the 130th General Assembly signed into law on April 9, 2014 by Governor Kasich. These rules are part of three different Chapters of the Administrative Code under Chapter 4757 of the Revised Code. The following rules have been reviewed by the Board and/or the appropriate Professional Standards Committee. There is a note on each as to the proposed changes. The PSC column denotes if it

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applies to all licensees or only the Counselor (CPSC), Social Worker (SWPSC) or Marriage and Family Therapist (MFTPSC) Professional Standards Committee. The Board appreciates feedback on any and all rules.

Rule #	Title	Comments	PSC
4757-19-01	Social worker trainee applications.	Requires examination for prior licensees that have been unlicensed for seven years or more. Removes related degree paragraphs and wall certificate language.	SWPSC
4757-19-02	Requirements for licensure as an independent social worker.	Adds the CSWE accreditation language from HB-232. Reflects new language for title of LISW with supervision designation. Requires examination for prior licensees that have been unlicensed for seven years or more. Removes related degree references.	SWPSC
4757-19-04	Social Worker examination policy.	Deleted related degree paragraph to reflect change in 4757.28 in HB-232 that removed related degrees for licensure.	
4757-19-05	Social worker trainee applications.	Revisions to rule provide explanation of voluntary nature of the trainee status and reason for the rule and detail of the application process.	SWPSC
4757-19-08	Approval of applications for social worker licenses and registration.	Modifies approval process per changes to section 4757.16 of the Revised Code that allows the professional standards committees to write rules on how applications will be approved. More clearly states the current process.	SWPSC
4757-23-01	Social work supervision.	Revises LISW with supervision designation title and usage to clarify it is for training supervision and not required for work supervision.	SWPSC

2. Please list the Ohio statute authorizing the Agency to adopt this regulation.

Chapter 4757 of the Revised Code includes several Sections that provide rule making authorization including new division (G) of section 4757.10 for student interns and other divisions for general rule making; section 4757.16 for application approval; section 4757.27 for independent social worker; section 4757.28 for social workers; and sections 4757.26 & 4757.27 for supervision.

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3. **Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?**

No.

4. **If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

Not applicable

5. **What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?**

The regulations are needed to carry out the Board's mission in an effective and efficient manner. The Board licenses professional counselors, social workers and marriage and family therapists who provide mental health and other services to residents of Ohio. The Board ensures applicants for licensure meet the requirements established in Chapter 4757 of the Revised Code. The Board ensures that applicants maintain qualifications through requiring continuing education for each license renewal. The Board also provides regulatory oversight and discipline for licensees that do not follow professional standards of conduct.

6. **How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?**

The Chapter 19 rules provide the parameters for social worker licensure at two levels licensed social worker and licensed independent social worker as required by sections 4757.10, 4757.16, 4757.26, 4757.27 & 4757.28 of the Revised Code. Success in the case of the Chapter 19 rules will be measured by having the rules written in plain language for clarity, by no registrant receiving social worker trainee registration or applicants receiving licenses without meeting all requirements and social worker trainees, social workers and independent social worker licensees understanding their scope of practice and providing supervision appropriately per the rules. Success will also be measured by ensuring the board reviews the applications that have legal or ethical issues or other deficiencies as described in rule 4757-19-07. The rule 4757-23-01 will be measured by having the rules written in plain language for clarity, by compliance with supervision rules by social workers and independent social workers, especially as concerns training supervision.

Development of the Regulation

7. **Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.**

Emails were sent via the Board's Listserv to all valid email addresses on 6/2/2014. Those emails had a link to the draft rules on the Board's website. Separate emails were sent to

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all associations that have expressed interest in the last several years in any Board issues. Emails were sent to all social work education programs in Ohio colleges and universities with programs designed to lead to licensure under the Board's laws and rules.

8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?

Much input was received and minor changes made prior to filing. There was no serious level of disagreement received with these rules.

9. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?

This question does not apply to most of these proposed rules. The educational and exam requirements are national requirements, established in accordance with appropriate standards. Other rules are outlining processes followed by the Board in accordance with provisions of the Ohio Revised Code.

10. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?

Since these rules govern statutorily mandated requirements and the Board did not receive any significant level of opposition to the rules as written, the Board did not consider alternative regulations.

11. Did the Agency specifically consider a performance-based regulation? Please explain.

Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.

This question does not apply to these rules.

12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?

The board is the only agency writing rules for licensure and renewal of licensed professional counselors and licensed professional clinical counselors.

13. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.

The rules once the filing process is complete are readily available on the Board's website and a Listserv email will be sent to all licensees with information on the changes. There are no large changes in these draft rules. The most significant change is the change to the title as of the supervision designation from one of "supervising independent social worker" to "independent social worker with training supervision designation." There

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remains significant confusion over the meaning of the supervision designation as many agencies and insurance companies inferred that the title was required for work supervision, which was never the intent.

Adverse Impact to Business

14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:

a. Identify the scope of the impacted business community;

Licensed social workers and independent social workers and their employers for Chapter 4757-19 rules and rule 4757-23-01.

b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and

State law requires individuals seeking to practice social work to comply with the laws and rules in the State of Ohio. Applicants have to comply with application fees, have acceptable degrees, have supervised experience for the independent social worker license, criminal records checks, passing scores on the licensure exam, provide transcripts directly to the board from the granting institution, etc. Another adverse impact is completing the application process in a timely manner, which if not done can limit employment opportunities. The change to section 4757.16 allows the board to establish clear authority for the approval process for applications that clearly meet all requirements of licensure and approve them without waiting for board meetings and board member review. These applications would be graduates of appropriately accredited schools, with passing exam scores, applications on file with their criminal records checks saying “No Hit” and all other items for licensure met.

c. Quantify the expected adverse impact from the regulation.

The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a “representative business.” Please include the source for your information/estimated impact.

Licensure fees are \$60 for social workers and \$75 for independent social workers per rule 4757-5-01. A master’s degree can cost anywhere from \$21,000 to \$80,000 depending on the school attended based on tuition costs. The licensure exam for social workers is \$230 and for independent social workers \$260 per contract with the national provider. The cost for the criminal records check is \$22 for the BCI and \$24 for the FBI, plus a processing fee that may be charged by the entity processing the fingerprints.

15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?

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The Board is tasked with public protection by ensuring that applicants for licensure have met minimal standards required by statute to ensure that the individual will be a safe and competent social worker. The requirements for the criminal records check and the license are established in state law.

Regulatory Flexibility

16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.

These are individual applicant focused rules. In all instances, there are no alternative means of meeting the requirements. The statute requires specific degrees, examination, criminal records checks, and applications; and for independent social workers' supervised practice for two years.

17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?

The Board generally does not fine or penalize for minor paperwork in which case the licensee would receive a letter of caution. More serious paperwork violations can result in serious consequences. The Board has reviewed section 119.14 and is addressing it in a separate filing of rule 4757-1-07.

18. What resources are available to assist small businesses with compliance of the regulation? *The Board and its staff are dedicated to working with members of the regulated community and the public to ensure that the consumers of professional counseling, social work and marriage and family therapy services in Ohio receive safe and effective services from the Board's licensees. As a result, the following resources are available:*

Board's mailing address:

50 West Broad Street, Suite 1075

Columbus, Ohio 43215

Board's phone number: 614-466-0912

Board's fax number: 614-728-7790

Board's website: <http://cswmft.ohio.gov>

Board's email: cswmft.info@cswb.state.oh.us

Board's Facebook: <http://www.facebook.com/pages/Ohio-Counselor-Social-Worker-Marriage-and-Family-Therapist-Board/349684261728174>