

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio Chemical Dependency Professionals Board

Regulation/Package Title: Gambling Endorsement Package

Rule Number(s): 4758-2-01, 4758-3-01, 4758-4-01, 4758-5-11, 4758-6-01, 4758-6-04, 4758-6-05, 4758-6-07, 4758-6-08, 4758-6-09, 4758-6-10, 4758-6-11, 4758-6-12, 4758-6-13, 4758-6-14, 4758-8-01, 4758-10-01, 4758-13-01, 4758-13-04, 4758-13-06

Date: 11/18/14

Rule Type:

☒ New

☒ Amended

☐ 5-Year 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☐ Rescinded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.

Please include the key provisions of the regulation as well as any proposed amendments.

This package establishes rules which create the gambling disorder endorsement application and review process. It further establishes rules which broaden the scope of prevention professionals.

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- 4758-2-01 provides a definition of Gambling Disorder
- 4758-3-01 establishes the application fee for the Gambling Disorder Endorsement
- 4758-4-01 establishes the application process for the Gambling Disorder Endorsement
- 4758-5-11 establishes the application requirements for the Gambling Disorder Endorsement
- 4758-6-01 adds an authorized supervisor per HB483
- 4758-6-04 adds an authorized supervisor per HB483
- 4758-6-05 adds an authorized supervisor per HB483
- 4758-6-07 adds an authorized supervisor per HB483
- 4758-6-08 adds an authorized supervisor per HB483
- 4758-6-09 adjusts scope of practice provisions per HB483
- 4758-6-10 adjusts scope of practice provisions per HB483
- 4758-6-11 creates scope of practice provisions per HB483
- 4758-6-12 creates scope of practice provisions per HB483
- 4758-6-13 creates scope of practice provisions per HB483
- 4758-6-14 creates scope of practice provisions per HB483
- 4758-8-01 adjusts the code of ethics to include gambling disorder treatment and providers
- 4758-10-01 adjusts disciplinary procedures to include gambling disorder treatment and providers
- 4758-13-01 adjusts CEU requirements to include the gambling disorder endorsement
- 4758-13-01 adjusts CEU requirements to include the gambling disorder endorsement
- 4758-13-04 adjusts CEU definitions to include the gambling disorder endorsement
- 4758-13-06 adjusts expired license procedures to include the gambling disorder endorsement

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

Ohio Revised Code 4758.48, 4758.60, 4758.20

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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?**

If yes, please briefly explain the source and substance of the federal requirement.

No

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

N/A

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)?**

HB483 adopted language in 4758.48 which created a gambling disorder endorsement. HB 483 also expanded the scope of practice for prevention professionals in 4758.60. ORC 4758.20 requires that the Board adopt rules relevant to these legislative changes.

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

The success of these regulations will be demonstrated by a competent and well qualified workforce able to provide prevention and treatment of gambling disorder.

Development of the Regulation

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

If applicable, please include the date and medium by which the stakeholders were initially contacted.

The Treatment Committee of the Board, which is comprised of both board members and stakeholders were instrumental in the development of these rules. Additionally, the Board worked closely with the Ohio Department of Mental Health and Addiction Services on developing these rules.

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

The stakeholders discussed the education content area requirements and determined it would be most effective to match those with the national testing requirements. It also determined it would not prescribe the number of hours needed in each area to enable applicants greater options when completing the trainings.

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?**

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The Board reviewed the International Certification Examination for Gambling Counselors core content created by the National Council on Problem Gambling to establish the educational content areas for the gambling disorder endorsement.

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?

The Board considered offering the gambling disorder endorsement to licenses outside of its jurisdiction, however the boards which license those professionals did not want their licensees to be able to obtain an endorsement from our Board.

The stakeholders group discussed requiring applicants for the endorsement to be supervised by a nationally credentialed gambling counselor supervisor. The Board decided this would create a barrier to application since there are less than five nationally credentialed gambling counselor supervisors currently in Ohio.

The stakeholders group discussed the number of CEUs required to renew the gambling disorder endorsement and initially proposed a higher number of hours than the Board finally established. It was determined that a lower number of hours would sufficiently address continued competency and provide the credential holder greater flexibility in completing renewal requirements.

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.*

N/A

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

The Board's current rules do not include provisions for a gambling disorder endorsement or for an increased scope for prevention professionals.

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 Board will create a gambling disorder endorsement application. The Board will further create policies and procedures for processing these applications and shall train staff accordingly. The Board will notify eligible credential holders of the new endorsement and the increased scope provisions. The Board will provide CEU providers with the educational content areas for the development of coursework in these areas.

Adverse Impact to Business

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

Individuals who hold an LCDC II, LCDC III, LICDC or LICDC-CS will be eligible to apply for the gambling disorder endorsement as a means of increasing their scope of practice in this area. Should they choose to do so they will be required to complete 30 hours of education and file an application with the Board. The application fee will be \$50.00. OMHAS is offering free training in this area, however individuals may also seek out for cost trainings should they so choose.

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

The Board is required to set minimum standards to assure its credential holders are competent and qualified. The Board is further required to establish fees sufficient for the operation of the Board.

Regulatory Flexibility

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

N/A

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?

N/A

18. What resources are available to assist small businesses with compliance of the regulation?

The OMHAS is offering free training in this area.

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