

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio Chemical Dependency Professionals Board

Regulation/Package Title: Clinical Supervision of Chemical Dependency Counselor Assistants

Rule Number(s): 4758-6-15

Date: October 6, 2017

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☐ Rescinded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.

4758-6-15: This rule establishes the supervision requirements for Chemical Dependency Counselor Assistants (CDCA). This rule is a supervision requirement for individuals who hold an active chemical dependency counselor assistant credential and who work in a clinical setting.

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

4758.20

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.

It is the requirement of each state to set its own licensing/practicing requirements.

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)?

4758-6-15: This rule is necessary for consumer protection and to instruct individuals on how to practice ethically.

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

Success of these rules will be verified if credentialed professionals are able to understand and comply with the code of ethics and scope of practice as worded.

Development of the Regulation

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

The rule was reviewed by the Board's Treatment Committee and all Board members. The Treatment Committee meets quarterly, consists of treatment professionals, the Ohio Council, OhioMHAS and board certificate holders.

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

The Treatment Committee recommended to provide supervision options to strengthen CDCA professionals and reduce ethics complaints. The Board adopted this recommendation.

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?

N/A

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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 Treatment Committee discussed increasing the education requirements for chemical dependency counselor assistants. The committee released a field study and determined that formalized supervision, board specific ethics training and increased education would help to reduce ethical misconduct.

11. Did the Agency specifically consider a performance-based regulation? Please explain.
No

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

These rules only govern licensees/certificate holders of the board and therefore aren't duplicative.

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.

Once approved, the rule will be distributed to stakeholders and staff will be trained accordingly.

Adverse Impact to Business

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

- a. Any individual who holds a chemical dependency counselor assistant (CDCA) certification with the Board.
- b. Individuals will be permitted to only practice under supervision within the guidelines of this rule.
- c. Individuals must have a supervisor.

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

The Board is tasked with assuring consumer protection by verifying applicants meet required standards for licensure, certification, and/or endorsement. These rules and their adverse impact are necessary to fulfill this mission.

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?

N/A