

# CSI - Ohio

## The Common Sense Initiative

### Business Impact Analysis

Agency Name: Ohio Chemical Dependency Professionals Board

Regulation/Package Title: CDP Five Year Review

Rule Number(s): 4758-4-02, 4758-4-03, 4758-5-07, 4758-5-08, 4758-5-09, 4758-5-10,  
4758-6-06, 4758-6-07, 4758-6-08, 4758-6-09, 4758-6-10, 4758-4-04 4758-13-02 and 4758-  
13-01

Date: June 18, 2018

**Rule Type:**

<input type="checkbox"/> New	<input checked="" type="checkbox"/> 5-Year Review
<input checked="" type="checkbox"/> Amended	<input checked="" type="checkbox"/> Rescinded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.

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4758-4-02: This rule grandfathered Licensed Independent Chemical Dependency Counselors into Clinical Supervisors.

- We are rescinding this rule.

4758-4-03: This rule establishes the examination process for the Department of Transportation/Substance Abuse Professionals.

- No change

4758-5-07: This rule establishes the certification requirements for the registered applicant (RA).

- No Change

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4758-5-08: This rule establishes the certification requirements for the Ohio certified prevention specialists assistants (OCPSA)

- No Change

4758-5-09: This rule establishes the requirements for certification of Ohio prevention specialists (OCPS).

- No Change

4758-5-10: This rule establishes the requirements for the Ohio prevention consultant (OCPC).

- No Change

4758-6-07: This rule establishes the scope of practice for the registered applicant (RA).

- We are adjusting the scope of practice to align with the six federal Substance Abuse Mental Health Services Administration Center for Substance Abuse Prevention strategies by adding information dissemination, prevention education, alternatives, problem deification and referral, community based processes and environmental strategies.
- We are adjusting the scope of practice to align with the six International Certification & Reciprocity Consortium domain areas by adding planning and evaluation, education and service delivery, communication, community organization, public policy and environmental change, and professional growth and responsibility.
- We are adjusting the supervision requirements.

4758-6-08: This rule establishes the scope of practice for certified prevention specialists assistants (OCPSA).

- We are adjusting the scope of practice to align with the six federal Substance Abuse Mental Health Services Administration Center for Substance Abuse Prevention strategies by adding information dissemination, prevention education, alternatives, problem deification and referral, community based processes and environmental strategies.

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- We are adjusting the scope of practice to align with the six International Certification & Reciprocity Consortium domain areas by adding planning and evaluation, education and service delivery, communication, community organization, public policy and environmental change, and professional growth and responsibility.
- We are adjusting the supervision requirements.

4758-6-09: This rule establishes the scope of practice for Ohio certified prevention specialists (OCPS).

- We are adjusting the scope of practice to align with the six federal Substance Abuse Mental Health Services Administration Center for Substance Abuse Prevention strategies by adding information dissemination, prevention education, alternatives, problem deification and referral, community based processes and environmental strategies.
- We are adjusting the scope of practice to align with the six International Certification & Reciprocity Consortium domain areas by adding planning and evaluation, education and service delivery, communication, community organization, public policy and environmental change, and professional growth and responsibility.
- We are adjusting the supervision requirements.

4758-6-10: This rule establishes the scope of practice for Ohio certified prevention consultants (OCPC).

- We are adjusting the scope of practice to align with the six federal Substance Abuse Mental Health Services Administration Center for Substance Abuse Prevention strategies by adding information dissemination, prevention education, alternatives, problem deification and referral, community based processes and environmental strategies.
- We are adjusting the scope of practice to align with the six International Certification & Reciprocity Consortium domain areas by adding planning and evaluation, education and service delivery, communication, community organization, public policy and environmental change, and professional growth and responsibility.
- We are adjusting the supervision requirements.

4758-4-04: This rule establishes the examination remediation policy.

- We are removing (A)(2)(a) and (A)(2)(b). The Board will not provide a trained remediation mentor, the applicant will work closely with their supervisor or education sponsored support to ensure they are able to receive a passing score on the exam.

4758-13-01: This rule establishes the volunteer hours for Ohio licensed, certified and/or endorsed chemical dependency professionals.

- HB290 requirement to include volunteer hours as continuing education.
- We amended the rule to include the volunteer hour provision.

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4758-13-02: This rule establishes the volunteer hours for prevention specialists.

- HB290 requirement to include volunteer hours as continuing education.
- We amended the rule to include the volunteer hour provision.

**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)?**

4758-4-02: This rule is being rescinded.

4758-4-03: This rule is necessary so that all Department of Transportation/Substance use professionals understand the requirements to take the exam and so that the Board follows the same requirements.

4758-5-07: This rule is necessary so that all applicants know the requirements for applying and so that the Board follows the same requirements for each applicant.

4758-5-08: This rule is necessary so that all applicants know the requirements for applying and so that the Board follows the same requirements for each applicant.

4758-5-09: This rule is necessary so that all applicants know the requirements for applying and so that the Board follows the same requirements for each applicant.

4758-5-10: This rule is necessary so that all applicants know the requirements for applying and so that the Board follows the same requirements for each applicant.

4758-6-07: This rule is necessary for consumer protection and to instruct individuals on the services they can provide.

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4758-6-08: This rule is necessary for consumer protection and to instruct individuals on the services they can provide.

4758-6-09: This rule is necessary for consumer protection and to instruct individuals on the services they can provide.

4758-6-10: This rule is necessary for consumer protection and to instruct individuals on the services they can provide.

4758-4-04: This rule is necessary so that all applicants know the exam remediation policies of the Board and so that the Board can demonstrate compliance with IC&RC requirements.

4758-4-04: This rule is necessary so that all applicants know the exam remediation policies of the Board and so that the Board can demonstrate compliance with IC&RC requirements.

4758-13-01: This rule is necessary so that the Board complies with HB290.

4758-13-02: This rule is necessary so that the Board complies with HB290.

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

Success of all of these rules will be verified if all applications are successfully processed using these standards and applicants can read, understand and comply with the rules 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.**

All rules were reviewed by the Board's Prevention Committee and all Board members. Rules 4758-4-02 and 4758-4-03 were also reviewed by the Treatment Committee. The Treatment committee meets quarterly, consists of public stakeholders and includes representation from OhioMHAS, The Ohio Council, treatment providers, and board license holders.

The Prevention committee meets every other month, consists of public stakeholders and includes representation from OhioMHAS, ADAPAO, prevention providers, Drug Free

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Action Alliance and board certificate holders. The Prevention Committee reviewed rules 4758-5-07, 4758-5-08, 4758-5-09, 4758-5-10, 4758-6-06, 4758-6-07, 4758-6-08, 4758-6-09, and 4758-6-10.

4758-4-04: The Prevention Committee recommended that individuals be able to request assistance in creating a remedial action plan. This committee also recommended remediation occur after three attempts. The Treatment Committee agreed with these recommendations. The Board currently does not staff an education specialist that can mentor the applicant. The Board voted to remove this provision.

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

4758-4-02: The Treatment Committee recommended that the rule be rescinded. The Board adopted this recommendation.

4758-4-03: The Treatment Committee recommended that the rule remain due to the centralized testing system in place. Keeping this rule ensures there is an alternative process in place to allow individuals to test for the DOT/SAP. The Board adopted this recommendation.

4758-6-06 thru 4758-6-10: The Prevention Committee recommended that the scope of practice aligns with SAMHSA/CSAT and IC&RC. The committee recommended including in the scope of practice supervision requirements for each prevention credential. 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

**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?**

4758-6-07 – 4758-6-10: The prevention committee considered using the IC&RC Domains to align the scope of practice. They ultimately decided on incorporating both the IC&RC Domains and the SAMHSA/CSAT content areas. Incorporating both allows the scope of practice to align with the work delivery in the behavioral health system.

**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:**

4758-4-02:

- a. No impact
- b. No impact
- c. No adverse effects the grandfathering period has ended.

4758-4-03:

- a. Any individual who is seeking a DOT/SAP certification exam
- b. Individuals will be required to submit an application and comply with the conditions/requirements of that application.
- c. Application fee of \$120.

4758-5-07

- a. Any individual applying for a RA with the Board.
- b. Individuals will be required to submit an application and comply with the conditions/requirements of that application.
- c. Application fees are \$50

4758-5-08

- a. Any individual applying for a OCPSA with the Board.
- b. Individuals will be required to submit an application and comply with the conditions/requirements of that application.
- c. Application fees are \$50

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4758-5-09

- a. Any individual applying for a OCPS with the Board.
- b. Individuals will be required to submit an application and comply with the conditions/requirements of that application.
- c. Application fees are \$50

4758-5-10

- a. Any individual applying for a OCPC with the Board.
- b. Individuals will be required to submit an application and comply with the conditions/requirements of that application.
- c. Application fees are \$50

4758-6-07

- a. Any individual applying for a RA 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.

4758-6-08

- a. Any individual applying for a OCPSA 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.

4758-6-09

- a. Any individual applying for a OCPS certification with the Board.
- b. Individuals will be permitted to only practice under the guidelines of this rule.
- c. Individuals may not practice outside of their scope.

4758-6-10

- a. Any individual applying for a OCPC certification with the Board.
- b. Individuals will be permitted to only practice under the guidelines of this rule.
- c. Individuals may not practice outside of their scope.

4758-4-04:

- a. Any individual applying for a license, certificate or endorsement or an educational entity applying with the Board which requires completion of an examination.
- b. Individuals will be required to comply with remediation after three failed examination attempts.

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- c. Remediation needs will be determined on a case by case basis and may include time spent in additional study efforts, money expended to utilize study resources. Remediation may also delay an applicant from re-testing, thereby delay them from obtaining their license.

4758-13-01

- a. Any individual applying for a license, certificate or endorsement or an educational entity applying with the Board which requires completion of an examination.
- d. Individuals will be required to submit a renewal application and comply with the conditions/requirements of that application.
- e. Renewal fees are \$150.

4758-13-02:

- b. Any individual applying for a license, certificate or endorsement or an educational entity applying with the Board which requires completion of an examination.
- f. Individuals will be required to submit a renewal application and comply with the conditions/requirements of that application.
- g. Renewal fees are \$150.

**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. The Board is further required to charge fees for its services to sufficiently cover the cost of those services.

**Regulatory Flexibility**

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

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N/A