



Common Sense Initiative

Mike DeWine, Governor
Jim Tressel, Lt. Governor

Joseph Baker, Director

Business Impact Analysis

Agency, Board, or Commission Name: CSWMFT Board

Rule Contact Name and Contact Information: Brian Carnahan,
brian.carnahan@cswb.ohio.gov; 614.752.5161

Regulation/Package Title (a general description of the rules' substantive content):
2025 Rules Changes – CE and Code of Ethics Update

Rule Number(s): 4757-1-01, 4757-1-05, 4757-1-08, 4757-5-02, 4757-5-03, 4757-5-09, 4757-5-10,
4757-7-03, 4757-9-01, 4757-9-02, 4757-9-03, 4757-9-04, 4757-9-05, 4757-9-06, 4757-9-07, 4757-11-
04, 4757-17-01.

Date of Submission for CSI Review: 3/25/2025

Public Comment Period End Date: 4/15/2025

Rule Type/Number of Rules:

New/ 1 rules

No Change/ 0 rules (FYR? 0)

Amended/ 14 rules (FYR?)

Rescinded/ 3 rules (FYR? 0)

The Common Sense Initiative is established in R.C. 107.61 to eliminate excessive and duplicative rules and regulations that stand in the way of job creation. Under the Common Sense Initiative, agencies must balance the critical objectives of regulations that have an adverse impact on business with the costs of compliance by the regulated parties. Agencies should promote transparency, responsiveness, predictability, and flexibility while developing regulations that are fair and easy to follow. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIPublicComments@governor.ohio.gov

Reason for Submission

1. R.C. 106.03 and 106.031 require agencies, when reviewing a rule, to determine whether the rule has an adverse impact on businesses as defined by R.C. 107.52. If the agency determines that it does, it must complete a business impact analysis and submit the rule for CSI review.

Which adverse impact(s) to businesses has the agency determined the rule(s) create?

The rule(s):

- a. ☒ Requires a license, permit, or any other prior authorization to engage in or operate a line of business.
- b. ☐ Imposes a criminal penalty, a civil penalty, or another sanction, or creates a cause of action for failure to comply with its terms.
- c. ☐ Requires specific expenditures or the report of information as a condition of compliance.
- d. ☐ Is likely to directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies.

Regulatory Intent

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

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

See the attached summary of all proposed rule changes. One rule is proposed for elimination, Rule 4757-1-01. Two rules are proposed to be “collapsed” into another Rule as the three rules are duplicated. This rule is listed above as a “new” rule. Rules 4757-9-02 and 9-03 will be combined with Rule 4757-9-01.

3. Please list the Ohio statute(s) that authorize the agency, board or commission to adopt the rule(s) and the statute(s) that amplify that authority.

ORC 4757.10 authorizes the Board to write administrative rules to implement ORC 4757.

4. 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.

Not applicable.

5. If the regulation implements a federal requirement, but includes provisions not specifically required by the federal government, please explain the rationale for

exceeding the federal requirement.

Not applicable.

- 6. 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)?**

None of the rules in this package could be significantly changed or eliminated without a loss of public protection. The Board, in making any changes to the rules, is mindful of balancing the need for persons to enter the field through fair and effective standards, licensed persons to practice with only the most necessary rules as they themselves must also abide by the rules they write and enforce. The rules in this package are necessary to ensure the public is protected when receiving services and assistance from licensees of the Board.

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

No specific measurements of outputs or outcomes are proposed. The rules outline requirements for completion of continuing education for the recently authorized art therapy and music therapy licenses. Additional updates to the code of ethics are also proposed. As with all updates and revisions, the Board's goal is to offer clear, concise rules that protect the public but do not unduly burden licensees.

- 8. Are any of the proposed rules contained in this rule package being submitted pursuant to R.C. 101.352, 101.353, 106.032, 121.93, or 121.931?**

If yes, please specify the rule number(s), the specific R.C. section requiring this submission, and a detailed explanation.

No.

Development of the Regulation

- 9. 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.

Over 45,00 licensees and stakeholders were invited, via email on January 10, 2025, to submit comments. Information regarding the proposed rule changes was also published on the CSWMFT Board website.

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

Approximately 94 comments were submitted (A discussion memo about the comments and Board responses is attached). Many simply registered objection to the change proposed to the banking of continuing education hours. In response to such comments, the Board is proposing to delay the elimination of CE banking options until July 1, 2026. No other substantive changes were made to the proposed rules following public comment.

11. 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?

No specific data was used in the developing the regulations.

12. 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? *Alternative regulations may include performance-based regulations, which define the required outcome, but do not dictate the process the regulated stakeholders must use to comply.*

No specific alternatives to the proposed rules were considered. No specific performance-based regulations were considered. Generally, to ensure public protection, all licensees must be subject to the same specific regulations that provide clear direction regarding expectations and compliance.

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

The Ohio CSWMFT Board is the sole regulatory authority for the practice of Social Work, Counseling, and Marriage and Family Therapy. The rules proposed pertain only to the three professions regulated by the Board.

14. 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 and effective, licensees will be notified via e-mail and the Board's social media accounts. The revised "laws and rules" PDF maintained by the Board will be revised and reposted to the Board web site. Board staff will be available to answer any questions licensees and stakeholders may have about the rule changes once in effect. The Board provides enough notice of the pending change to licensees for them to prepare any changes. Most of the rule changes do not require specific action on the part of licensees once the rules are in effect.

Adverse Impact to Business

15. Provide a summary of the estimated cost of compliance with the rule(s). Specifically, please do the following:

a. Identify the scope of the impacted business community, and

The impacted community includes members of the public, licensees, students, educators, education programs, and those agencies and practices that employ Board licensees.

b. Quantify and identify the nature of all adverse impact (e.g., fees, fines, employer time for compliance, etc.).

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.

An adverse impact exists because the rules impose requirements for licensed persons. As licensed persons that must learn and comply with the rules. Failure to follow the rules can result in discipline, including license suspension or revocation. The rule changes proposed should result in no direct expenditure of financial resources, nor should the rules limit the ability of licensees to operate effectively as businesspersons. To the degree the rules constrain licensee behavior it is with respect to ethical behavior directly impacting clients and the public. The possible adverse impact cannot be quantified as the changes do not impose any expenditures or institute any fees or penalties.

16. Are there any proposed changes to the rules that will reduce a regulatory burden imposed on the business community? Please identify. (*Reductions in regulatory burden may include streamlining reporting processes, simplifying rules to improve readability, eliminating requirements, reducing compliance time or fees, or other related factors*).

No specific changes are proposed. These rules clarify CE requirements for art therapists and music therapists. Additional changes are proposed for the code of ethics, such as clarifying the licensee role when using software to assist with treatment.

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

The adverse impact is justified because of the public protection focus of the Board's rules. The rules establish a foundation for the ethical practice of regulated professions. The rules do not create significant barriers that impede the ability of existing licensees to practice nor do the rules unduly create barriers to entry for new licensees.

Regulatory Flexibility

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

No. These rules apply to individual licensees. Every attempt has been made to ensure the rules can be understood and targeted to specific public protection issues.

19. 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 rules in question do not currently result in any fees or penalties that require a waiver.

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

The rules apply to practice of the professions by individuals. The Board is available to consult with persons who must comply with the rules. Guidance and clarifications about the rules are issued by the Board to ensure that licensees or agencies/practices that employ licensees who must comply with the rules.