

**MEMORANDUM**

TO: James Rough, Counselor, Social Worker, and Marriage and Family Therapist Board

FROM: Mark Hamlin, Director of Regulatory Policy

DATE: September 20, 2012

RE: **CSI Review – Continuing Education Rules**

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

Analysis

The proposed rule package consists of five rules. All are being proposed with amendments, and three are subject to a five-year review under ORC 119.032. The regulations are in place to guide the Board in efficiently and effectively carrying out its mission of licensing professional counselors, social workers, and marriage and family therapists in Ohio. The Board must ensure that applicants for licensure meet established statutory requirements and also must maintain oversight of continuing education requirements need for license renewal.

Regulatory Intent

The proposed rules establish the parameters for licensees' continuing education. Specifically, the rules reduce continuing education hours for Professional Counselors, Professional Clinical Counselors, and Social Worker Assistants. The rules also clarify the entities that qualify to provide continuing education to licensees. For home study continuing education courses, rule 4757-9-04 requires 10,000 words per hour for courses that are primarily reading-based.

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Development of the Regulation

The Board sent the rules to all representatives on its Listserv via email. They also sent separate emails to all associations that have expressed an interest in Board issues over the years and, finally, they emailed the rules to all counselor, social worker, and marriage and family therapist education programs offered at Ohio's colleges and universities.

The bulk of the feedback was supportive of the rule changes. However, continuing education providers who administer distance learning or home study courses expressed concern with the potential increase in costs they may incur due to the proposed rules.

Adverse Impact

The regulated community consists of the following: licensed counselors, social workers, and marriage and family therapists; companies and individuals providing continuing education courses to licensees; and companies and individuals providing continuing education to licensees via correspondence, home study or distance learning that are primarily text-based reading courses.

Licensees may have to pay the fees for their continuing education courses. According to the Board's Business Impact Analysis, an average cost per hour is \$5 to \$25. For a licensee who is required by the proposed rules to have 30 hours of continuing education every two years, that means a potential cost of \$75 to \$375 annually.

Stakeholders did comment on one component of this rule package: a proposal related to home study continuing education, primarily text-based resources. Under the Board's proposal, these resources would be required to consist of 10,000 words per CE hour. Although this requirement is new, the Board indicated that the change represents an increase from the current average of approximately 4,000 words per hour for these text-based credits. In its BIA and in follow-up discussions with CSI, the Board indicated that it conducted research to understand average reading speeds in order to determine an appropriate standard, and the Board found 10,000 words was reasonable based on that research. The Board has received some support for and some complaints about the proposed standard, but has not received any suggestions of an alternative standard and rational justification. The Board acknowledges that the proposed change will impact licensees, who will have to increase the amount of text-based material needed for the same CE credit, as well as the businesses that produce this material. However, it justifies the change due to the need to establish a standard for issuing credit that reflects the actual work performed by the licensee. That said, the Board also indicated that it is still willing to meet with stakeholders and discuss alternative proposals that meet the balance between the goals of continuing education and the needs of businesses.

Recommendations

For the reasons described above, the CSI Office has no recommendations on this rule package.

Conclusion

Based on its review of the proposed rule package, the CSI Office recommends the Board should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.