

**MEMORANDUM**

TO: Amanda Ferguson, Acting Executive Director, Ohio Chemical Dependency Professionals Board

FROM: Meredith Rockwell, Regulatory Policy Advocate

DATE: February 12, 2013

RE: **CSI Review – HB 284 (OAC 4758-1-01, 4758-1-03, 4758-2-01, 4758-3-01, 4758-4-01, 4758-4-02, 4758-4-03, 4758-5-01, 4758-5-03, 4758-5-04, 4758-5-05, 4758-5-06, 4758-5-07, 4758-5-08, 4758-5-09, 4758-5-10, 4758-6-01, 4758-6-03, 4758-6-04, 4758-6-05, 4758-6-06, 4758-6-07, 4758-6-08, 4758-6-09, 4758-6-10, 4758-8-01, 4758-8-02, 4758-8-03, 4758-10-01, 4758-13-01, 4758-13-02, 4758-13-03, 4758-13-04, 4758-13-05, 4758-15-01, 4758-20-02, 4758-20-05)**

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

This package consists of 31 amended rules and 6 new rules. As explained in the BIA, the 129th General Assembly enacted House Bill 284, which made changes to the licensing structure and processes for chemical dependency counselors and prevention specialists in Ohio. The amendments in this package primarily are being made to bring the rules of the Ohio Chemical Dependency Professionals Board in line with the amendments made to the ORC in that bill. Generally, the legislation and rule package were designed to reduce the burden on applicants obtaining the various treatment and prevention licenses awarded by the Board.

Through the CSI review process, stakeholders raised issues related to entry-level certification and

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reciprocity of licensure. Prior to H.B. 284 the Board issued only one entry-level certification – the Registered Applicant (RA) certification, which was renewable. The legislation changed the RA certification to a one-time non-renewable certification, and additionally offered a new entry-level renewable certification – the Ohio Certified Prevention Specialist Assistant (OCPSA). These changes were made to open up certification to an expanded group, as the workforce was dwindling and obtaining entry into the field was challenging.

Another area of change under the new structure was reciprocity under the International Certification and Reciprocity Consortium (IC&RC). The CSI Office received several comments regarding these proposed changes. Ohio's existing licenses are reciprocal under the IC&RC, but some stakeholders perceived an additional cost associated with obtaining the reciprocity under the proposed rules, while others believed reciprocity was being abandoned entirely. Board staff explained to the CSI Office that licensees holding their licenses on the effective date of the rules will retain their reciprocity. If an existing licensee wants a physical certificate from the IC&RC, though, the IC&RC charges a \$25 fee for obtaining that certificate. The reciprocity, as stated, will continue to exist with or without the physical certificate.

Furthermore, IC&RC reciprocity will be available for future licensees under the rules and the ORC. The criteria for obtaining an initial license were reduced in some instances, which did result in a loss of automatic reciprocity for all licensees applying under the reduced standards. If a licensee meets the increased standards that would qualify them for IC&RC reciprocity, they will merely need to designate that at the time they apply for the license, and the Board will process the application for the Ohio license with IC&RC reciprocity. If a licensee applies under the reduced standards and wishes to obtain IC&RC reciprocity at a later date upon which they have fulfilled the increased standards, the Board has a method for doing that, too.

To summarize, IC&RC reciprocity will continue for existing licensees. There is no additional cost for maintaining this reciprocity, only a \$25 fee for obtaining a physical copy of the certificate. No licensee is required to obtain or display the certificate. For future licensees, an applicant can choose to obtain reciprocity at the time of application, or the applicant can apply under the reduced standards without reciprocity and obtain reciprocity at a later date when he/she has fulfilled the increased standards.

The only other comments the CSI Office received were supportive of the rules, or were about individual issues, not the rules themselves. During the early stakeholder outreach it appears from the description in the BIA that the Board conducted a comprehensive conversation about the format and content of not only the rules, but the applicable ORC sections, too. The Board began working with stakeholders in mid-2007, and has continued the dialogue since that time. The work of the Board and stakeholder groups culminated in December 2012, when the legislature passed the revised licensing structure in H.B. 284. Based on the comments received during the CSI

process and the Board's BIA, the CSI Office concludes that the Board engaged in extensive and thorough stakeholder outreach.

Finally, this rule package is not a five-year review under ORC 119.032, so the CSI review focused primarily on the amendments to the rules. The amendments made did not appear to increase the adverse impact to licensees. In fact, because of the reduced standards for some licensees and the newly created license categories, the adverse impact might be lessened by these amendments. Of course, these changes were actually made to the ORC, so the Board had little discretion to deviate from the standards created by the legislature. Therefore, it appears the Board is justified in the impacts created by these rules. The Board did not go into specific detail in the BIA about the impacts created, but instead looked at the package as a whole. While it might have been easier to identify every possible impact with a more detailed BIA, after reviewing the draft rules and BIA, it appears that all the impacts identified by the Board – certification and licensing fees, which are unchanged, and varying education and examination requirements – are justified by the mere fact that they are required in the ORC. Furthermore, the Board justifies the impact of the regulation as a whole by stating that the Board made the changes in direct response to requests from the stakeholder community. The Board believes these regulations will further its mission to assure high standards of treatment and prevention for all citizens of Ohio through the assurance of a competent, well-trained, and ethical workforce.

Recommendations

For the reasons explained above, the CSI Office does not have any recommendations regarding this rule package.

Conclusion

Based on the above comments, the CSI Office concludes that the Board should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

cc: Mark Hamlin, Lt. Governor's Office