

**MEMORANDUM**

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

FROM: Sophia Papadimos, Regulatory Policy Assistant

DATE: February 12, 2014

RE: **CSI Review – Various Amended Rules (OAC 4757-7-01, 4757-9-02, 4757-9-05, 4757-9-07, 4757-17-01, 4757-21-03, 4757-25-01, 4757-25-04)**

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 eight amended rules being reviewed by the Counselor, Social Worker and Marriage and Family Therapist Board (CSWMFT). Three of the rules (OAC 4757-9-07, OAC 4757-25-01, and OAC 4757-25-04) are being reviewed pursuant to the five-year review requirement of ORC 119.032.

During the public comment period this rule package received twenty-six comments, a majority of the comments pertained to rule 4757-19-04, which related to examinations for licensed independent social workers but is no longer a part of this package due to ongoing conversations between CSWMFT and relevant stakeholders. CSWMFT will wait to file OAC 4757-19-04 until more research is conducted and an agreement is reached. CSWMFT was able to work with stakeholders to address the remaining concerns regarding the other rules. As a result, revised draft rules were submitted to the CSI Office reflecting stakeholder input.

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The draft rules pertain to licensing, continuing education requirements, counseling supervision, and scope of practice for an independent social worker. OAC 4757-7-01 makes it easier for veterans and their spouses to maintain or attain their licenses. OAC 4757-9-02 broadens the administrative continuing education subject matter that may be used for license renewal. OAC 4757-9-05 articulates the continuing education programs required for renewal of licenses and certificates of registration issued by the Board. The changes that have been made to this rule are for clarification purposes. OAC 4757-9-07 adds a new requirement that states licensees cannot take the same continuing education course more than once within the same renewal period as part of the thirty-hour requirement for license renewal. OAC 4757-17-01 pertains to counselor supervision. Previously three of the six hours for continuing education in supervision could be earned through peer supervision, but that clause has now been eliminated. OAC 4757-21-03 explains the scope of practice for an independent social worker. OAC 4757-25-01 impacts the education requirements for admission to the examination for marriage and family therapists. The Board increased the number of internship hours to match the requirement from the national accrediting body for marriage and family therapy degrees. OAC 4757-25-04 relates to requirements for licensure as an independent marriage and family therapist. The rule now requires that 500 of the 1,000 client contact hours shall be with couples and/or families present.

The adverse impacts of the abovementioned rules are the time and money required for the continuing education programs. Thirty hours of continuing education are required for the renewal of a professional counselor or a professional clinical counselor license. Some of these courses are offered for free but some can cost as much as several thousand dollars. The adverse impact of OAC 4757-9-05 is the potential to lose the ability to offer continuing education courses to the Board's licensees if found not in compliance. A licensee can also be fined from \$100 to \$5,000 for failures to comply. OAC 4757-25-01 increases the number of internship hours required for admission to the examination for marriage and family therapists. However, an effective date of January 1, 2015 has been proposed to ensure students enrolling prior to that date are not negatively impacted. Requirements for continuing education are authorized under section 4757.33 of the Ohio Revised Code. The Board has justified the impact from these rules based on the need to ensure professional counselors, social workers and marriage and family therapists are providing adequate mental health and other services to residents of Ohio. Therefore, the CSI Office has determined that the rules satisfactorily meet the standards espoused by the CSI Office, and the purpose of the rules is justified.

Recommendations

The CSI Office does not have any recommendations for this rule package.

Conclusion

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

Review.