

**MEMORANDUM**

TO: James R. Rough, Executive Director, Counselor, Social Worker & Marriage and Family Therapist Board

FROM: Mark Hamlin, Director of Regulatory Policy

DATE: August 12, 2014

RE: **CSI Review – House Bill 232 General Rule Changes (OAC 4757-1-05, 4757-3-01, 4757-3-02, 4757-5-12, 4757-7-01, 4757-7-03, and 4757-11-01)**

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 rule package consists of seven rules – five amended and two new – being proposed by the Counselor, Social Worker & Marriage and Family Therapist Board. The rules are being submitted partly to fulfill the five-year review requirement in ORC 119.032 and partly in response to recently-enacted House Bill 232. The proposed rules relate to the various licensed professionals regulated by the Board. Aspects of House Bill 232 affecting specific licensee types are addressed in rule packages submitted separately by the Board. The rule package was submitted to the CSI Office on July 9, 2014 and comments were accepted through July 24, 2014. Three comments were received during the CSI review period.

As mentioned above, the rules in this package address aspects of the Board's regulation that apply regardless of license type. Proposed new rule 4757-7-03 creates a new "inactive status" for licensees who agree not to practice while in this status, but who want the ability to return to active status without the steps involved in restoring a lapsed license. The amended rules establish a fee schedule for the inactive status and for late completion of continuing education requirements for renewal, include references and language changes to be consistent with other changes proposed in

the more specific licensee rules, and add language related to the e-licensing system. Proposed new rule 4757-5-12 is in an incomplete state and seems intended to solicit feedback from stakeholders and from the Board's various standards committees about whether the rule is necessary and if so, what elements of a fee schedule should be dictated in rule.

The BIA submitted by the Board identifies a number of specific adverse impacts from these proposed rules, but focuses on the license fees outlined in rule 4757-1-05, and especially the new fees for inactive status and late completion of continuing education. In each case, these new fees represent alternative means of regulation intended to provide greater flexibility (and less expense) to the licensee without undermining the public safety mission of the Board. No comments were submitted expressing concern that the fees will be overly burdensome.

Of the three comments submitted on this package, two were supportive. The third expressed a desire for a more appropriate means for a licensee to retire, rather than allowing the license to lapse. The response from Board staff indicates a belief that the inactive status created within these rules will address the commenter's concerns. The CSI Office agrees that the purpose of the proposed rules justifies the adverse impacts they create.

Recommendations

For the reasons discussed above, the CSI Office does not have any recommendations for 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.