

**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 Counselor Rule Changes (OAC 4757-9-02, 4757-13-01, 4757-13-03, 4757-13-07, 4757-13-08, 4757-13-09, 4757-15-01, 4757-15-02, and 4757-17-01)**

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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 eight amended rules and one new rule being proposed by the Counselor, Social Worker & Marriage and Family Therapist Board in response to recently-enacted House Bill 232. The proposed rules relate primarily to regulation of Licensed Professional Counselors and Licensed Professional Clinical Counselors. Aspects of House Bill 232 affecting other licensee types are addressed in separate rule packages submitted by the Board. The rule package was submitted to the CSI Office on July 9, 2014 and comments were accepted through July 24, 2014. Five comments were received during the CSI review period.

As mentioned above, the rules in this package primarily address regulation of Licensed Professional Counselors and Licensed Professional Clinical Counselors. The addition of the word "Licensed" in these two titles was a requirement of House Bill 232, and a number of the proposed amendments in the rule package are making this update in references throughout the rules. The existing rules include educational requirements for applicants, as well as standards for approval of educational programs. The proposed rules establish that applicants with degrees accredited by the

Council for Accreditation of Counselor & Related Educational Programs (CACREP) will automatically meet the educational requirements for licensure. In addition, the rules require that all education programs must be accredited by CACREP by January 1, 2018. Finally, proposed new rule 4757-13-09 creates a voluntary “Counselor Trainee” status that students may pursue. All of the changes described above were required by House Bill 232.

The BIA submitted by the Board identifies a number of specific adverse impacts from these proposed rules, including application fees, degree requirements, supervised experience requirements, criminal records checks, and examination requirements. However, these requirements are either authorized by statute or, in some cases, specifically mandated by statute in order for the Board to meet its mission of public safety by establishing minimum standards for professionals practicing in these areas. Of the five comments submitted on this package, two were supportive. One offered a suggestion to reduce financial impacts for licensees with limited incomes who practice on a limited basis. According to Board staff, this concern will be addressed through creation of an “inactive status” outside of this rule package. The fourth comment related to a specific situation the licensee was experiencing, and Board staff offered suggestions to resolve the issue. The final comment expressed support for the rule provisions related to CACREP accreditation but suggested that the Board needs to retain flexibility to approve programs that should be acceptable despite a lack of accreditation. However, the recently-enacted House Bill 232 creates a statutory requirement that does not grant the Board this flexibility.

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.