

**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 Social Worker Rule Changes (OAC 4757-19-01, 4757-19-02, 4757-19-04, 4757-19-05, 4757-19-08 and 4757-23-01)**

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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 six amended rules 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 Social Workers and Independent Social Workers. Aspects of House Bill 232 affecting other 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. Six comments were received during the CSI review period.

As mentioned above, the rules in this package primarily address regulation of Social Workers and Independent Social Workers. The proposed changes to the rules create a seven-year window between an applicant's examination and his or her application for licensure to the Board, specify that educational institutions are to be accredited by the Council on Social Work Education, require applicants to hold a Master's Degree in Social Work, clarify the purpose and requirements of the voluntary Social Worker Trainee status, and clarify the training supervision requirements that currently exist. Many of these provisions were required by House Bill 232.

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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 six comments submitted on this package, two were supportive. Two expressed concerns with the proposals, but the concerns were with the underlying statutory requirements on which the rules are based. The fifth comment expressed a specific concern related to the time in which a graduate of a Masters in Social Work program must take the licensure exam. According to Board staff, this concern will be considered by the Board before final action. The final comment related to a specific situation the licensee was experiencing, and the Board is attempting to help resolve the issue.

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.