



MEMORANDUM

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

FROM: Mark Hamlin, Director of Regulatory Policy

DATE: August 21, 2014

RE: **CSI Review – Generally-Applied Rules – Five-Year Review (OAC 4757-1-02, 4757-1-04, 4757-1-07, 4757-1-08, 4757-5-02, 4757-5-10, 4757-5-11, 4757-6-01, 4757-6-02, 4757-7-02, 4757-9-06, and 4757-11-02)**

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 twelve rules – one new, seven amended, and four with no changes – being proposed by the Counselor, Social Worker & Marriage and Family Therapist Board. The rules, with the exception of the proposed new 4757-1-08, are being submitted to fulfill the five-year review requirement in ORC 119.032. The rule package was submitted to the CSI Office on August 1, 2014 and comments were accepted through August 13, 2014. One comment was received during the CSI review period, expressing support for the proposed rules.

During the review of the proposed rules, the CSI Office identified inconsistencies within the BIA about exactly what rules were being proposed as part of this package. Specifically, Rules 4757-1-08 and 4757-5-02 were included both in this package and in another package separately submitted for review by the Board. In addition, Rule 4757-9-06 was included in the compilation of rules submitted to CSI, but not included in the rules listed on the BIA or otherwise described in the BIA. After following up with Board staff, it was determined that all three rules were intended to be part of this rule package. The CSI Office requested a revised BIA including Rule 4757-9-06 and

describing its adverse impact, which is related to sources of continuing education licensees may utilize as part of their ongoing licensure requirements. The revised BIA was submitted on August 21, 2014.

The rules in this package address aspects of regulation that apply to all categories of licensees under the Board's authority. The rules contain a number of adverse impacts that are typical of professional licensing regulations including application, licensure, and fee requirements; potential disciplinary actions including fines and actions against a license; ethics standards (including a duty to report any alleged violations); and allowable sources of continuing education. The existing rules also include Board authority to intervene when a practitioner is suspected of being impaired, authority to suspend a license without a hearing (only when there is danger of immediate harm to the public, and the Board indicates in the BIA that this action has never been taken), and responsibilities to consumers (including informed consent and confidentiality). Changes proposed by the Board to the existing rules are largely clarifying in nature or intended to update references to more substantive changes made in other Board rule actions.

The proposed new rule, 4757-1-08, is intended to implement recently-enacted House Bill 98 as well as the recommendations adopted pursuant to Executive Order 2013-05K in Valuing Ohio Veterans: Awarding Credit Toward College & Professional Licenses for Military Experience. The proposed rule defines terms and practices to recognize the educational training and experience of active duty military and veterans. The rule identifies equivalent training and experience for its various licenses, and notes those licenses where no equivalencies exist. The rule also waives certain continuing education requirements, licensing fees, and late and renewal fees for members of the military and their spouses.

Again, no comments were submitted expressing concern that any of the existing or proposed requirements are unnecessarily burdensome. 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.