**MEMORANDUM**

**TO:** Ronald Ross, Ohio Board of Psychology

**FROM:** Paula Steele, Regulatory Policy Advocate

**DATE:** January 21, 2015

**RE:** **CSI Review – Part 2, Five-Year Review Package** (OAC 4732-1-02, 4732-1-03, 4732-1-05, 4732-1-06, 4732-2-01, 4732-2-02, 4732-7-01, 4732-9-01, 4732-9-02, 4732-11-01, 4732-11-04, 4732-11-05, 4732-13-04, 4732-15-01, 4732-17-01, 4732-17-02, 4732-17-03)

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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This Ohio Board of Psychology rule package consists of seventeen proposed rules – fifteen amended[1] and two rescinded – and is being submitted as a five-year review as required by Ohio statute. The proposed rules address aspects of licensure, continuing education (CE), supervision of unlicensed persons, professional conduct and the disciplinary process for Board licensees. This rule package was submitted to the CSI Office on November 20, 2014 with the comment period ending on December 5, 2014. One comment was received during the public comment period.

Most of the adverse impacts identified in the proposed rules and reflected in the BIA are prescribed in statute – fees and CE requirements, for example. Statute provides the Board with an upper and lower limit for reinstatement fees. In the amended rule the Board, with support of stakeholders, chose to increase the reinstatement to the upper limit of $250 in order to encourage

[1] One of the existing rules is being amended by more than 50 percent. Therefore, the Legislative Service Commission requires that the existing rule be rescinded and replaced by a new rule that has the same rule number.

compliance with timely biennial renewals.

After the comment period ended, the CSI Office was provided with a corrected version of rule 4732-1-06 *Biennial Registration*, because the original amended version had been inadvertently written in a way that would require retired licensees to pay a $250 penalty fee if they later chose to practice. The Board felt that the originally-submitted amended rule created an unintentional burden on small business.

The Board engaged stakeholders in "hands-on" rule review sessions from which the amendments were generated. The public comment submitted during the CSI review expressed concern that removing some of the current language in the rules, as proposed, would limit the number of qualified psychologists needed for increasing demands. Board staff responded to the commenter that the amendments reflect changes in the law and clarified the Board's position.

After reviewing the proposed rules and BIA, the CSI Office has determined that the rule package satisfactorily meets the standards espoused by the CSI Office, and the purpose of the rules justifies the adverse impact identified in the BIA.

**Recommendations**

For the reasons described above, the CSI Office has no recommendations regarding 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.

cc: Mark Hamlin, Lt. Governor's Office