

**MEMORANDUM**

**TO:** Brian Carnahan, Executive Director, Counselor, Social Worker & Marriage and Family Therapist Board

**FROM:** Sophia Papadimos, Regulatory Policy Advocate

**DATE:** March 8, 2016

**RE:** **CSI Review – 2015 Updates (OAC 4757-3-01, 4757-3-02, 4757-5-02, 4757-5-03, 4757-5-04, 4757-5-13, 4757-9-01, 4757-9-02, 4757-9-03, 4757-9-06, 4757-13-02, 4757-13-03, 4757-15-02, 4757-17-01, 4757-19-06, 4757-21-03, 4757-25-01, 4757-25-02, 4757-25-04, and 4757-25-05)**

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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 twenty amended rules proposed by the Counselor, Social Worker & Marriage and Family Therapist Board. The rule package was submitted to the CSI Office on December 2, 2015 and comments were accepted through January 4, 2016. Four comments were received during the CSI review period.

The proposed amendments remove an exception related to sexual misconduct and prohibit online/virtual relationships with clients. The draft package also includes revisions to the Marriage and Family Therapy educational requirements. Lastly, the status of being a "clinical resident" has been eliminated.

In August 2015 the Board posted the proposed amendments to its website and notified licensees via the Board's listserv. The Board incorporated the feedback into the proposed rules. Of the four

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comments received, two focused on the general rule-making process. One comment was in regard to the requirement that communications be encrypted. The commenter advised that the use of smartphones made such encryption difficult and suggested that the Board allow for the client to waive the encryption requirement with proper disclosure. The Board has decided to incorporate this waiver. The last comment received was in regard to specific terminology, which the Board has decided to keep.

While the BIA states that the proposed amendments do not create additional adverse impacts, and in fact, remove some impacts by eliminating requirements related to clinical residents; the CSI Office found additional impacts during its review process. The CSI Office does view educational requirements as impacts under ORC 107.52. The amendments to the requirements elaborate on the required areas of study and provide more details regarding the classwork and research that is necessary. Subsequent conversations with the Board revealed that more detailed requirements are in an effort to be more aligned with national accreditation standards.

After reviewing the proposed rules as associate BIA, the CSI Office has determined that purpose of the rules is justified.

### **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.