

**MEMORANDUM**

TO: Ronald Ross, Ohio Board of Psychology

FROM: Sydney King, Regulatory Policy Advocate

DATE: October 24, 2016

RE: **CSI Review – Supervision Cap and Corrections (OAC 4732-3-01, 4732-9-01, 4732-9-01.2, 4732-9-03, and 4732-13-04)**

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 five amended¹ rules. This rule package was submitted to the CSI Office on August 16, 2016 and the public comment period was open through September 2, 2016.

The rule package includes requirements for licensure as a psychologist, requirements for degrees earned from foreign countries, requirements and timelines for the completion of training prior to eligibility for licensure as a psychologist or as a school psychologist, and requirements for unlicensed individuals delivering psychological or school psychological services under the supervision of a license holder. Many of the amendments to the rules are grammatical. However, the Board amended language regarding the cap on weekly supervisee client hours, currently at 100 hours, and replaced it with a 240 hour cap on the total weekly hours worked among all supervisees. The BIA states that this amendment was based on input received during early stakeholder outreach.

¹ OAC 4731-5-02 is being amended by more than 50% and therefore, the Legislative Service Commission requires the rule be rescinded and replaced with a new rule with the same number.

Stakeholders from the Ohio School Psychologists' Association, the Ohio Psychological Association, and others were included in the rulemaking process. As previously stated, the substantive amendment language is a result of this stakeholder outreach. The rule package was submitted as an amended rule package, not as a five-year statutory rule review, and the Board was only required to review the amended language. The BIA submitted by the Board articulates the adverse impacts with the requirements and supervision requirements. Two comments were received from stakeholders requesting additional information about the new cap requirements. The Board responded providing a detailed explanation and additional clarification to the stakeholders. The BIA states the amendment ultimately allows the stakeholders more flexibility to supervise unlicensed individuals but still provides the public protection by ensuring the services are monitored by competent licensed individuals.

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