

**MEMORANDUM**

TO: Amanda Ferguson, Ohio Chemical Dependency Professionals Board

FROM: Emily Kaylor, Regulatory Policy Advocate

DATE: December 15, 2016

RE: **CSI Review – Miscellaneous Amendments (OAC 4758-2-01, 4758-4-01, 4758-4-04, 4758-5-08, 4758-5-09, 4758-5-10, 4758-6-07, 4758-6-08, 4758-6-09, 4758-6-10, and 4758-8-03)**

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 one new and ten amended rules submitted by the Ohio Chemical Dependency Professionals Board. It was submitted to the CSI Office on November 15, 2016 and the comment period closed on December 1, 2016. Three comments were received during this time.

The rules are generally related to definitions, application requirements, scope of practice, and code of ethics for prevention professionals. The rules make changes based on legislative requirements in House Bill 230 of the 131st General Assembly in addition to amendments made at the request of the Board's Prevention Committee. Some of the amendments include title changes, adjusting education requirements, and removing some eligible supervisors in accordance with Department of Mental Health and Addiction Services changes. The new rule establishes that individuals who have failed the exam three times must complete a remedial action plan that allows them to re-test a fourth time. The International Certification and Reciprocity Consortium required that member states set examination remediation policies by May 1, 2017.

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For stakeholder outreach, the Board utilized its Prevention Committee and Treatment Committee to review the rules and suggest changes. These committees are composed of public stakeholders, individuals from state agencies, and representatives from organizations related to mental and behavioral health and addiction services. The BIA details the adverse impacts of each rule. Some of the listed impacts include time for applications, education, and potential examination remediation; license reprimand, suspension, or revocation; and fees ranging from \$10 to \$150 that are established in a rule not part of this package.

Three comments were received during the CSI comment period. One referenced a rule from another agency and one asked a clarifying question, both of which the Board responded to accordingly. The third comment expressed concern regarding the change of the title from Ohio Certified Prevention Specialist II (OCPS II) to Ohio Certified Prevention Consultant (OCPC) as it will require some expenditure to change business cards, name tags, and other items bearing an individual's title. However, this change is a legislative requirement of House Bill 230 which changed a prevention specialist II certificate to a prevention consultant certificate.

After reviewing the proposed rules and the BIA, the CSI Office has determined that the rules satisfactorily meet the standards espoused by the CSI Office, and the purpose of the rule package is justified.

Recommendation

For the reasons explained 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 Ohio Chemical Dependency Professionals Board should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.