

**MEMORANDUM**

TO: Alisia Clark, Ohio Chemical Dependency Professionals Board

FROM: Travis Butchello, Regulatory Policy Advocate

DATE: December 7, 2017

RE: **CSI Review – Clinical Supervision of Chemical Dependency Counselor Assistants (OAC 4758-6-15)**

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 rule proposed by the Ohio Chemical Dependency Professionals Board. The rule package was submitted to the CSI Office on October 10, 2017 and the public comment period was held open through October 20, 2017. Twenty comments were received during this time and responses to comments were provided to the CSI Office on November 1, 2017.

The rule amends supervision requirements for Chemical Dependency Counselor Assistants (CDCA). Specifically, the rule establishes a supervision requirement for individuals who hold an active chemical dependency counselor assistant credential and work in a clinical setting. The BIA states that the public purpose for the regulation is to ensure consumer protection and instruct license holders on best ethical practices.

As part of the early stakeholder outreach process, the rule was reviewed by the Board's treatment committee and all Board members. The committee is comprised of treatment professionals,

representatives from the Ohio Council, individuals from the Ohio Department of Mental Health and Addiction Services, and Board certificate holders. Based upon the review, the Board received a recommendation to provide supervision options to strengthen CDCA professionals and reduce ethics complaints. As a result, the Board chose to adopt the recommendation and incorporated it into the final draft rule.

Twenty comments were submitted during the CSI public comment period. Many commenters took issue with the requirement that individuals receive one hour of face-to-face clinical supervision for every 40 hours worked in a clinical setting. The commenters noted that this would put unnecessary strain on an already burdened clinical setting. In contrast, some commenters believed that the training hours should be increased further and the allowance of a 60 day grace period from the start of new employment to establish a supervision contract is too lenient. The Board responded to each commenter and noted that the increased ratio for hours of supervision to hours worked was necessary to help decrease ethics violations for assistants and to ensure consumer protections. Remaining comments expressed support for the rule or requested clarification of terms; and the Board responded accordingly.

The rule impacts any individual who holds a CDCA certification with the Board. The Board notes in the BIA that the impact will require individuals to comply with the CDCA certification process and applicants will be permitted to only practice under supervision within the guidelines of the rule. The BIA does not specifically address costs of the application process or potential penalties for non-compliance with the rules, but CSI acknowledges that such costs and penalties for non-compliance may be enforced as determined by the statutory authority granted to the Board. Lastly, the Board emphasizes that the regulatory intent of the rule outweighs any adverse impact because the Board is tasked with verifying all applicants and ensuring they meet the required standards for certification to help protect consumers throughout the state.

Recommendation

For the reasons explained above, this office does not have any recommendations regarding 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.