

**MEMORANDUM**

**TO:** Alisia Clark, Ohio Chemical Dependency Professionals Board

**FROM:** Jacob Ritzenthaler, Regulatory Policy Advocate

**DATE:** September 6, 2018

**RE:** **CSI Review – Five Year Review Rules (OAC 4758-4-02, 4758-4-03, 4758-4-04, 4758-5-07 through 4758-5-10, 4758-6-07 through 4758-6-10, 4758-13-01, and 4758-13-02)**

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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 contains seven amended<sup>1</sup> rules, five no-change rules, and one rescinded rule proposed by the Ohio Chemical Dependency Professionals Board (Board) as part of the statutory five-year rule review requirement. The rule package was submitted to the CSI Office on June 18, 2018 and the public comment period was held open through July 11, 2018.

The rules in this package set forth the requirements for certification and continuing education through the Board, as well as scope of practice for certain fields. Ohio Administrative Code (OAC) 4758-4-02 details the transition of licensed independent chemical dependency counselors to licensed independent chemical dependency counselor-clinical supervisor and is being rescinded as

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<sup>1</sup> OAC 4758-6-07 through 4758-6-10 are being amended to the extent that the Legislative Service Commission requires the Department to rescind the rules and replace them with new rules of the same rule number.

the timeframe of the rule has expired. OAC 4758-4-03 sets forth the examination process for Department of Transportation substance abuse professionals and is being proposed without changes. OAC 4758-4-04 sets forth the procedure for exam remediation and is being amended to remove language that states a Board-trained remediation mentor will meet with and prepare a remedial action plan with the examination candidate. OAC 4758-5-07 through 4758-5-10 establish certification requirements for registered applicants, Ohio certified prevention specialist assistants, Ohio certified prevention specialists, and Ohio prevention consultants. These rules are being proposed without changes. OAC 4758-6-07 through 4758-6-10 set forth the scope of practice for registered applicants, Ohio certified prevention specialist assistants, Ohio certified prevention specialists, and Ohio prevention consultants. The rules are being amended to align with federal Substance Abuse Mental Health Services Administration Center for Substance Abuse Prevention strategies (SAMHSA/CSAP), as well as the International Certification & Reciprocity Consortium (ICRC) domain areas. These changes explicitly allow certified professionals to perform activities related to prevention and education. Supervision requirements have also been amended to provide greater clarity. OAC 4758-13-01 and 4758-13-02 establish continuing education requirements for chemical dependency counselors and prevention certificate holders and are being amended to include volunteer service as an acceptable source of continuing education credit, in accordance with House Bill 290 of the 131<sup>st</sup> General Assembly.

During early stakeholder outreach, the Board reviewed the rules with the Board's Prevention Committee and Treatment Committee, which include members from various industry stakeholder groups. During this time, both committees recommended that the Board should assist individuals in creating remedial action plans. The Board stated that it was removing language from the rules that designates a Board-trained remediation mentor be made available because it does not currently staff an education specialist that could fill this role and voted to amend the rules to remove the provision. The Treatment Committee supported the rescission of OAC 4758-4-02 and for keeping OAC 4758-4-03. The Prevention Committee suggested amending OAC 4758-6-06 through 4758-6-10 to align with SAMHSA/CSAP and ICRC standards. The Board adopted each of these recommendations into the rules. During the CSI public comment period, the Board received three comments that supported the amendments being made to the rules.

The business community impacted by these rules includes any individuals seeking certification or endorsement for a position through the Board. The adverse costs created by the rules include time spent adhering to the requirements of the rules and the monetary cost of fees. Both chemical dependency counselors and prevention certificate holders are required to complete 40 hours of continuing education in a two year period. Application fees cost \$120 for Department of Transportation substance abuse professionals and \$50 for registered applicants, Ohio certified prevention specialist assistants, Ohio certified prevention specialists, and Ohio prevention

consultants. Fees for chemical dependency counselors and prevention certificate holders to renew certification cost \$150 every two years. The Board states in the BIA that the rules and adverse impacts are necessary to protect consumers by ensuring that applicants meet standards for proper service provision.

### **Recommendations**

For the reasons described above, the CSI Office has no recommendations on this rule package.

### **Conclusion**

Based on its review of the proposed rule package, the CSI Office recommends the Ohio Chemical Dependency Professionals Board should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.