



Common Sense Initiative

Mike DeWine, *Governor*
Jim Tressel, *Lt. Governor*

Joseph Baker, *Director*

MEMORANDUM

TO: Brian Carnahan, Ohio Counselor, Social Worker, and Marriage and Family Therapy Board

FROM: Michael Bender, Business Advocate

DATE: May 15, 2025

RE: CSI Review – 2025 Rule Changes – CE and Code of Ethics Update (OAC 4757-1-01, 4757-1-05, 4757-1-08, 4757-5-02, 4757-5-03, 4757-5-09, 4757-5-10, 4757-7-03, 4757-9-01, 4757-9-02, 4757-9-03, 4757-9-04, 4757-9-05, 4757-9-06, 4757-9-07, 4757-11-04, and 4757-17-01)

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 Board as provided for in ORC 107.54.

Analysis

This rule package consists of one new rule, thirteen amended rules, and four rescinded rules proposed by the Ohio Counselor, Social Worker, and Marriage and Family Therapist Board (Board) as part of the statutory five-year review process. This rule package was submitted to the CSI Office on March 25, 2025, and the public comment period was held open through April 15, 2025. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on March 25, 2025.

Ohio Administrative Code (OAC) 4757-1-01 provides for the adoption of rules and methods of public notice for a public hearing by the Board. The rule is proposed for rescission. OAC 4757-1-05

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIPublicComments@governor.ohio.gov

establishes the fees for licenses and registrations issued by the Board. The rule is amended to set the fee for a privilege to practice as a counselor as authorized under ORC 4757.51 at \$25. OAC 4757-1-08 describes how an individual can obtain a military license as a counselor, social worker, or marriage and family therapist. The rule is amended to incorporate the United States Space Force and any other military service branch that is designated by the U.S. Congress as a part of the U.S. Armed Forces.

OAC 4757-5-02 establishes the standards of ethical practice and professional conduct for licensees and registrants with respect to clients and consumers. The rule is amended to relocate a provision and clarify that licensees and registrants cannot abuse or threaten clients in writing. OAC 4757-5-03 establishes the standards of ethical practice and professional conduct for licensees and registrants with respect to multiple relationships with individuals encountered in a professional or non-professional setting. The rule is amended to clarify what is considered exploitation of a client and that certain actions must be taken when a multiple relationship is recognized and cannot be avoided. OAC 4757-5-09 establishes the standards of ethical practice and professional conduct for licensees and registrants with respect to recordkeeping. The rule is amended to require all notes, assessments, diagnoses, treatment plans, and correspondence regarding or for a client to be developed and approved by the licensee or registrant. OAC 4757-5-10 establishes the standards of ethical practice and professional conduct for licensees and registrants with respect to reporting unethical actions. The rule is amended to require licensees and registrants to report to the Board at the time of conviction any felony or any other judicial action in lieu of a conviction of a felony and require licensees who hold a Board certification which is used to qualify as a licensed professional art therapist or licensed professional music therapist to report to the Board any ethics complaints filed with or disciplinary actions taken by the Art Therapy Certification Board, the Certification Board for Music Therapists, or the respective successor to these two organizations. OAC 4757-7-03 allows a licensee or registrant to apply for inactive-escrow status and outlines the process for doing so. The rule is amended to clarify that licensees and registrants may do this if they do not plan to engage in active practice for one or more renewal cycles.

The existing versions of OAC 4757-9-01, 4757-9-02, and 4757-9-03 are proposed for rescission, as their contents are consolidated into new rule OAC 4757-9-01. The new version of OAC 4757-9-01 contains the continuing education requirements for renewal of licenses and registrations issued by the Board. OAC 4757-9-04 sets the parameters for how clock hours are granted for continuing professional education. The rule is amended to remove a provision concerning the banking of continuing education hours. OAC 4757-9-05 provides for the approval of continuing professional education programs required for renewal of licenses and registrations issued by the Board. The rule is amended to clarify the definition of “provider” and “provider status,” allow national associations or associations of state regulatory boards with members of the art therapy and music therapy professions to be approved for association approval status, remove a provision concerning information that provider associations must report to the Board, list associations that sponsor or offer

programs or approve providers that are considered approved for continuing education credit, and require licensees to provide a transcript to the Board if they submit a college or university course for post program approval. OAC 4757-9-06 describes appropriate sources of continuing professional education. The rule is amended to require college courses to be relevant to the practice of a licensee's profession to be considered for continuing education credit and authorize the Board to grant up to ten hours of continuing professional education credit per renewal period to licensees who author journal articles or books related to their profession or for teaching or conducting a presentation. OAC 4757-9-07 sets forth requirements for the documentation of continuing professional education required for renewal of a license or registration. The rule is amended to update a citation. OAC 4757-11-04 establishes the procedures for hearings before the Board. The rule is amended to clarify that the Board is authorized to direct an attorney hearing examiner to collect additional testimony or evidence to support a submitted report and recommendations. OAC 4757-17-01 01 contains the supervision requirements for licensed professional counselors. The rule is amended to remove the requirement for an applicant for a training supervision designation to document his or her familiarity with certain issues relevant to the supervisory relationship.

During early stakeholder outreach, the Board invited over 45,000 licensees and stakeholders via email on January 10, 2025, to submit comments on the proposed rules. The Board also published information on the proposed rule changes to its website. More than ninety comments were submitted, with many objecting to the proposed elimination of banking continuing education hours. The Board subsequently proposed delaying the elimination of banking continuing education hours to July 1, 2026, but explained that licensure boards typically do not allow the banking of continuing education hours for a number of reasons, particularly to ensure ongoing competency on the part of licensees and account for new developments in their respective fields. One commenter considered the requirement to report any convictions or alternatives to criminal convictions to be a potential source of shame and harm to licensees. The Board replied that the requirement supports its public protection mandate. Several commenters believed that the limits on the number of hours that can be claimed from publishing or teaching were too low. While acknowledging the benefits of publishing and teaching, the Board asserted that the primary purpose of continuing education was to receive training and education from others. Several commenters also questioned the need for the compact privilege fee. According to the Board, this fee is necessary to ensure that it can pay the costs associated with participating in the Counseling Compact. No comments were received during the CSI public comment period, although the Board made a number of technical corrections to the rules.

The business community impacted by the rules includes counselors, social workers, marriage and family therapists, art therapists, music therapists, students, educators, education programs, and businesses that employ Board licensees. The adverse impacts created by the rules include the time and costs associated with the undergoing the application process, obtaining licensure, paying fees, completing the necessary education and experience, obtaining continuing education, passing

examination, maintaining records and information, abiding by the standards of ethical practice and professional conduct, working within the proper scope of practice, and providing or receiving supervision. Licensure fees for individuals, including late renewal fees, range from \$10-\$100. Applicants for continuing education provider approval must pay a fee of \$125 for each application, while applicants for association provider approval status may be charged a fee of \$500 for each application. Licensees and registrants must complete a total of thirty hours of continuing education within a two-year period, although those who hold a registration as a social work assistant must only complete fifteen hours of continuing education. Applicants for restoration of an inactive-escrow license are required to complete forty-five hours of continuing education. Licensed professional clinical counselors applying for training supervision designation must document a minimum of twenty-four hours of academic preparation or Board-approved continuing education coursework in counselor supervision training and obtain one year and 1,500 hours of clinical experience. Failure to comply with the rules can result in discipline such as license suspension or revocation. The Board states that the adverse impacts to business are justified to implement statutory requirements and ensure the public is protected when receiving services and assistance from Board licensees.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the Board should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.