



## MEMORANDUM

**TO:** James Rough, Counselor, Social Worker, and Marriage and Family Therapist Board

**FROM:** Jeffrey R. Kasler

**DATE:** September 14, 2012

**RE:** CSI Review – Board Adoption Rules

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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

The proposed rule package consists of 14 rules subject to the five-year review requirement of ORC 119.032. Three of the rules are being proposed with amendments, while the remaining eleven rules are being proposed with no changes. The regulations are in place to guide the Counselor, Social Worker, and Marriage and Family Therapist Board in efficiently and effectively carrying out its mission of licensing professional counselors, social workers, and marriage and family therapists in Ohio.

### Regulatory Intent

The Board must ensure that applicants for licensure meet established statutory requirements and also must maintain oversight of continuing education requirements needed for license renewal. The Board also disciplines licensees who do not adhere to statutorily established professional standards.

Some of the rules in this package pertain to Board processes in the reporting of Board activities by the executive director and others provide the guidelines for the expected ethical practices of all

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licensees.

### *Development of the Regulation*

The Board sent the rules to all representatives on its Listserv via email. They also sent separate emails to all associations that have expressed an interest in Board issues over the years and, finally, they emailed the rules to all counselor, social worker, and marriage and family therapist education programs offered at Ohio's colleges and universities.

The Board received minimal feedback, none of which requested any significant change to the rules.

### *Adverse Impact*

The impacted regulated community consists of Ohio licensed counselors, social workers, and marriage and family therapists. In its Business Impact Analysis (BIA), the Board indicates that any adverse impact from the rules under review would occur only for licensees who violate the established ethical practices provision. In the event a licensee is investigated, that individual may incur a minimal cost associated with the time needed to provide a response to an investigator and perhaps meet with an investigator.

It is possible that a licensee may incur financial sanctions as the result of unethical behavior; the Board estimates this cost could range from \$3,000 to \$7,000. This cost estimate is based on feedback from attorneys who in the past have represented licensees in disputes with the Board. However, the Board notes that historically a vast majority of cases have minimal expenses for the licensee. The Board justifies this adverse impact by the need to have and enforce ethical standards for these licensed professions in order to protect the public.

### **Recommendations**

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

### **Conclusion**

Based on its review of the proposed rule package, the CSI Office recommends the Board should proceed in filing the proposed rules with JCARR.