



## Common Sense Initiative

**Mike DeWine**, Governor  
**Jon Husted**, Lt. Governor

**Carrie Kuruc**, Director

### MEMORANDUM

**TO:** Brian Carnahan, Counselor, Social Worker, and Marriage and Family Therapist Board

**FROM:** Ethan Wittkorn, Regulatory Policy Advocate

**DATE:** July 13, 2020

**RE:** CSI Review – COVID-19 Response Rule Changes (OAC 4757-5-13)

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On behalf of Lt. Governor Jon Husted, 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 Board as provided for in ORC 107.54.

### Analysis

This Ohio Counselor, Social Worker, and Marriage and Family Therapist Board (Board) rule package consists of one amended rule. It was submitted to the CSI Office on June 19, 2020, and the public comment period was open through June 29, 2020. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on June 19, 2020.

The proposed rule covers teletherapy standards of conduct and practice for Board licensees, including training and competence expectations, informed consent, confidentiality requirements, and assessments of teletherapy services. Amendments to the rule include updated references to electronic service delivery, clarification of training recommendations, and the addition of circumstances for waiving in person requirements and signed informed consent during the COVID-19 State of Emergency. The Board currently has a similar emergency rule in effect that was filed on April 6, 2020.

During the period of early stakeholder outreach, the Board notified and requested feedback from licensees. One comment was received that requested clarification of training requirements of the rule. No comments were received during the CSI public comment period.

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Impacted communities include licensees of the Board, agencies employing licensees, students, educators, and members of the public. Potential adverse impacts of the rule include requirements of licensees to provide teletherapy services, disciplinary measures for failure to comply with rules, requirements for obtaining informed consent, and the time associated with meeting confidentiality standards for records. Costs to comply with the rule will vary based on the software chosen and any existing hardware already in use for records keeping purposes. The Board states that the rule is necessary to ensure protection of the public and a client's confidentiality, as well as to establish foundations for ethical practice of telehealth services.

### **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.