

# CSI - Ohio

The Common Sense Initiative

## Business Impact Analysis

Agency Name: Ohio Chemical Dependency Professionals Board

Regulation/Package Title: HB230 Rules Package

Rule Number(s): 4758-2-01; 4758-4-01; 4758-4-04; 4758-5-08; 4758-5-09; 4758-5-10; 4758-6-07; 4758-6-08; 4758-6-09; 4758-6-10; 4758-8-03

Date: 11/14/16

**Rule Type:**

New

Amended

5-Year Review

Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

### **Regulatory Intent**

**1. Please briefly describe the draft regulation in plain language.**

4758-2-01: This rule provides definitions for all the Board's rules.

- As a result of the passage of HB230, the Board is renaming the prevention credentials to align with the language implemented in the new law. The OCPS I will now be called an OCPS (Ohio Certified Prevention Specialist) and the OCPS II will now be called an OCPC (Ohio Certified Prevention Consultant).
- We are also eliminating the definition for "Alcohol & Other Drug Prevention Services" as it has been replaced with the "Prevention Services" definition. Lastly, we are

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eliminating the definitions for “Human Behavior Related Studies” and “Prevention related field of study” as the prevention credentials will now accept any type of degree.

4758-4-01: This rule establishes application requirements for all applicants. We removing the called out listing of application types from this rule for simplification.

4758-4-04: This rule establishes examination remediation procedures for applicants who fail an exam three consecutive times. This rule is a new requirement of the Board’s membership with IC&RC. IC&RC sets minimum standards and testing requirements nationwide for professionals in this field. IC&RC is requiring that all Boards set examination remediation policies no later than 5/1/17.

4758-5-08: This rule establishes application requirements for Prevention Specialist Assistants (OCPSA).

- We are removing the “alcohol & other drug” specification from the work experience requirement to align with the broadening of scope of this credential to other behavioral health prevention professions.
- We are adjusting education requirements to align with IC&RC domain areas by eliminating Foundation I & II, renaming Domain II and adding the IC&RC Communication Domain. In lieu of Foundation I & II, applicants will now have to demonstrate nine hours of AOD specific prevention education in any of the domains. In lieu of Foundation II, applicants will now have to demonstrate fifteen hours in the Professional Growth & Responsibility Domain. The Board will be incorporating prevention science and models requirements in the Professional Growth & Responsibility Domain.

4758-5-09: This rule establishes application requirements for the Prevention Specialist I certification.

- As a result of the passage of HB230, the Board is renaming the prevention credentials to align with the language implemented in the new law. The OCPS I will now be called an OCPS (Ohio Certified Prevention Specialist).
- We are streamlining the degree requirement by removing the two types of acceptable degrees and simply requiring an associate’s degree or higher. During the application review process the Board found that all degree types were meeting one of the two listed options which negated the reason for having the variations. Thus we are simplifying the language to reflect any degree type.
- We are removing the “alcohol & other drug” specification from the work experience requirement to align with the broadening of scope of this credential to other behavioral health prevention professions.

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- We are adjusting practical experience requirements to align with IC&RC domain areas by renaming the “Education & Skill Development” domain to “Prevention Education & Service Delivery” and adding the IC&RC “Communication” domain.
- We are increasing from 100 to 120 the number of education hours required to align with IC&RC standards and afford certificate holders the ability to reciprocate to other states.
- We are adjusting education requirements to align with IC&RC domain areas by eliminating Foundation I & II, renaming Domain II and adding the IC&RC Communication Domain. In lieu of Foundation I & II, the Board will now require the IC&RC standard of 24 hours of AOD specific prevention education in any of the domains. In lieu of Foundation II, applicants will now have to demonstrate forty hours in the Professional Growth & Responsibility domain. The Board will be incorporating prevention science and models requirements in the Professional Growth & Responsibility Domain.

4758-5-10: This rule establishes application requirements for Prevention Specialist II certification.

- As a result of the passage of HB230, the Board is renaming the prevention credentials to align with the language implemented in the new law. The OCPS II will now be called an OCPC (Ohio Certified Prevention Consultant).
- We are streamlining the degree requirement by removing the two types of acceptable degrees and simply requiring a bachelor’s degree or higher. During the application review process the Board found that all degree types were meeting one of the two listed options which negated the reason for having the variations. Thus we are simplifying the language to reflect any degree type.
- We are removing the “alcohol & other drug” specification from the work experience requirement to align with the broadening of scope of this credential to other behavioral health prevention professions.
- We are adjusting practical experience requirements to align with IC&RC domain areas by renaming the “Education & Skill Development” domain to “Prevention Education & Service Delivery” and adding the IC&RC “Communication” domain.
- We are increasing from 100 to 120 the number of education hours required to align with IC&RC standards and afford certificate holders the ability to reciprocate to other states.
- We are adjusting education requirements to align with IC&RC domain areas by eliminating Foundation I & II, renaming Domain II and adding the IC&RC Communication Domain. In lieu of Foundation I & II, the Board will now require the IC&RC standard of 24 hours of AOD specific prevention education in any of the domains. In lieu of Foundation II, applicants will now have to demonstrate forty

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hours in the Professional Growth & Responsibility domain. The Board will be incorporating prevention science and models requirements in the Professional Growth & Responsibility Domain.

4758-6-07: This rule establishes the scope of practice for Registered Applicants.

- We are removing the “alcohol & other drug” references to align with broadened scope now in statute.
- We are adjusting the names of OCPS I & II to align with HB230 revisions to statute.
- We are removing LICDC-CS, LICDC and LCDC III as eligible supervisors for this credential type. OhioMHAS removed these from the list of eligible supervisors of prevention services in a recent rule change. We are adjusting our rules similarly.

4758-6-08: This rule establishes the scope of practice for Prevention Specialist Assistants.

- We are removing the “alcohol & other drug” references to align with broadened scope now in statute.
- We are adjusting the names of OCPS I & II to align with HB230 revisions to statute.
- We are removing LICDC-CS, LICDC and LCDC III as eligible supervisors for this credential type. OhioMHAS removed these from the list of eligible supervisors of prevention services in a recent rule change. We are adjusting our rules similarly.

4758-6-09: This rule establishes the scope of practice for Prevention Specialists. We are adjusting the name from OCPS I to OCPS to align with HB230 revisions to statute.

4758-6-10: This rule establishes the scope of practice for Prevention Consultants. We are adjusting the name from OCPS II to OCPC to align with HB230 revisions to statute.

4758-8-03: This rule establishes the code of ethics for prevention professionals. We are adjusting the names of OCPS I & II to align with HB230 revisions to statute.

**2. Please list the Ohio statute authorizing the Agency to adopt this regulation.**

4758.20

**3. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?**

No

**4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

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It is the requirement of each state to set its own licensing/practicing requirements.

**5. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?**

4758-2-01: This rule is necessary so that the public can understand the definitions associated with all the Board's rules.

4758-4-01: This rule is necessary so that all applicants know the process for applying for a credential with the Board.

4758-4-04: This rule is necessary so that all applicants know the exam remediation policies of the Board and so that the Board can demonstrate compliance with IC&RC requirements.

4758-5-08: This rule is necessary so that all applicants know the requirements for applying and so that the Board follows the same requirements for each applicant.

4758-5-09: This rule is necessary so that all applicants know the requirements for applying and so that the Board follows the same requirements for each applicant.

4758-5-10: This rule is necessary so that all applicants know the requirements for applying and so that the Board follows the same requirements for each applicant.

4758-6-07: This rule is necessary for consumer protection and to instruct individuals on the services they can provide.

4758-6-08: This rule is necessary for consumer protection and to instruct individuals on the services they can provide.

4758-6-09: This rule is necessary for consumer protection and to instruct individuals on the services they can provide.

4758-6-10: This rule is necessary for consumer protection and to instruct individuals on the services they can provide.

4758-8-03: This rule is necessary for consumer protection and to instruct individuals on how to practice ethically.

**6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?**

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Success of all of these rules will be verified if all applications are successfully processed using these standards and applicants can read, understand and comply with the rules as worded.

### **Development of the Regulation**

#### **7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.**

All rules were reviewed by the Board’s Prevention Committee and all Board members. The Exam Remediation Rule (4758-4-04) was also reviewed by the Treatment Committee.

The Prevention committee meets every other month, consists of public stakeholders and includes representation from OhioMHAS, ADAPAO, prevention providers, Drug Free Action Alliance and board certificate holders.

The Treatment committee meets quarterly, consists of public stakeholders and includes representation from OhioMHAS, The Ohio Council, treatment providers, and board license holders.

#### **8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?**

4758-2-01: The Prevention Committee determined that with the names for prevention credentials, individuals who hold these credentials should now be called “prevention professionals” instead of “prevention specialists”. The Board adopted this recommendation.

4758-4-04: The Prevention Committee recommended that individuals be able to request assistance in creating a remedial action plan. This committee also recommended remediation occur after three attempts. The Treatment Committee agreed with these recommendations. The Board adopted these recommendation.

4758-5-08: The Prevention Committee recommended the elimination of Foundation I & II and the incorporation of these hours into the IC&RC Domains. The committee determined that the Professional Growth & Development domain should have its hours increased and that this domain should incorporate prevention science and models. The Board adopted this recommendation.

4758-5-09 & 4758-5-10: In addition to similar information provided in 4758-5-08 above, the Prevention Committee recommended the merging of the two degree options into one overall degree requirement. The Board adopted this recommendation.

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4758-6-07 & 4758-6-08: The Prevention Committee recommended eliminating LICDC-CS, LICDC and LCDC III professionals as eligible supervisors in order to align with OhioMHAS rule revisions. The Board adopted this recommendation.

**9. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?**

N/A

**10. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?**

4758-2-01: The Prevention Committee considered using the term "preventionist" to identify prevention certification holders. They ultimately decided "prevention professional" as the most appropriate term.

4758-5-08, 4758-5-09 & 4758-5-10: The Prevention Committee considered maintaining the Board's Foundation I & II education requirements but ultimately decided to align with IC&RC's standards. The committee determined it could still accomplish the goals of Foundation I & II through incorporation into the other domains and that utilizing only the domains would make the collection of education hours more straight forward for applicants.

4758-5-09 & 4758-5-10: The Prevention Committee considered increasing the number of hours in human behavior related studies to make an unrelated degree acceptable for prevention certification. The committee discussed that the degree requirement should either accept all degree types or be established in such a way that it truly did filter out certain degree types. Ultimately, the committee decided it did not see a benefit to limiting who could apply based on degree type and recommended to simplify the requirement to any degree of the required level.

**11. Did the Agency specifically consider a performance-based regulation? Please explain. *Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.***

No

**12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?**

These rules only govern licensees/certificate holders of the Board and therefore aren't duplicative.

**13. Please describe the Agency’s plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.**

Once approved, the rule will be distributed to stakeholders and staff will be trained accordingly.

**Adverse Impact to Business**

**14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:**

4758-2-01:

- a. Any individual wanting to understand the rules of the Board.
- b. N/A
- c. N/A

4758-4-01:

- a. Any individual applying for a license, certificate or endorsement or an educational entity applying with the Board.
- b. Individuals will be required to submit an application and comply with the conditions/requirements of that application.
- c. Application fees range from \$10 - \$50. Examination fees are \$150.

4758-4-04:

- a. Any individual applying for a license, certificate or endorsement or an educational entity applying with the Board which requires completion of an examination.
- b. Individuals will be required to comply with remediation after three failed examination attempts.
- c. Remediation needs will be determined on a case by case basis and may include time spent in additional study efforts, money expended to utilize study resources. Remediation may also delay an applicant from re-testing, thereby delay them from obtaining their license.

4758-5-08:

- a. Any individual applying for an OCPSA with the Board.
- b. Individuals will be required to submit an application and comply with the conditions/requirements of that application.
- c. Application fees are \$50.

4758-5-09:

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- a. Any individual applying for an OCPS with the Board.
- b. Individuals will be required to submit an application and comply with the conditions/requirements of that application.
- c. Application fees are \$50. Examination fees are \$150.

4758-5-10:

- a. Any individual applying for an OCPC with the Board.
- b. Individuals will be required to submit an application and comply with the conditions/requirements of that application.
- c. Application fees are \$50. Examination fees are \$150.

4758-6-07:

- a. Any individual who holds an RA certification with the Board.
- b. Individuals will be permitted to only practice under supervision within the guidelines of this rule.
- c. Individuals must have a supervisor.

4758-6-08:

- a. Any individual who holds an OCPSA certification with the Board.
- b. Individuals will be permitted to only practice under supervision within the guidelines of this rule.
- c. Individuals must have a supervisor.

4758-6-09:

- a. Any individual who holds an OCPS certification with the Board.
- b. Individuals will be permitted to only practice within the guidelines of this rule.
- c. Individuals may not practice outside of their scope.

4758-6-10:

- a. Any individual who holds an OCPC certification with the Board.
- b. Individuals will be permitted to only practice within the guidelines of this rule.
- c. Individuals may not practice outside of their scope.

4758-8-03:

- a. Any individual applying for or holding an RA, OCPSA, OCPS or OCPC.
- b. Individuals will be required to abide by the code of ethics and may be disciplined by the Board if found in violation.
- c. Individuals may have their license reprimanded, suspended or revoked if found in violation of this rule.

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**15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?**

The Board is tasked with assuring consumer protection by verifying applicants meet required standards for licensure, certification, and/or endorsement. These rules and their adverse impact are necessary to fulfill this mission. The Board is further required to charge fees for its services to sufficiently cover the cost of those services.

**Regulatory Flexibility**

**16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.**

N/A

**17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?**

N/A

**18. What resources are available to assist small businesses with compliance of the regulation?**

N/A