

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio Chemical Dependency Professionals Board

Regulation/Package Title: Five Year Rule Review: 10/15

Rule Number(s): 4758-4-01; 4758-8-01; 4758-8-02

Date: _____

Rule Type:

New

5-Year Review

Amended

Rescinded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.

4758-4-01: This rule outlines general procedures for applying for a license, certificate or endorsement with the Board. The Board is making several minor amendments to this rule in preparation for a transition from paper applications to online applications. Additionally, the Board is correcting a few typographical errors from prior submissions.

4758-8-01: This rule establishes the code of ethical conduct for chemical dependency counselors licensed by the Board. We are adjusting terminology in this rule to match field practice.

4758-8-02: This rule establishes the code of ethical conduct for clinical supervisors licensed by the Board. We are adjusting terminology in this rule to more clearly articulate intent.

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.

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)?

4758-4-01: This rule is necessary so that all applicants know the process for applying and so that the Board follows the same process for each applicant.

4758-8-01: This rule is necessary for consumer protection.

4758-8-02: This rule is necessary for consumer protection.

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

4758-4-01: Success of this regulation will be measured by the number of properly submitted applications.

4758-8-01: Success of this regulation will be measured by assessing the number of ethics complaint the Board receives and the violation areas represented by these complaints.

4758-8-02: Success of this regulation will be measured by assessing the number of ethics complaint the Board receives and the violation areas represented by these complaints.

Development of the Regulation

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

4758-4-01: This rule was reviewed by the Board's Treatment & Prevention Committees. These committees meet quarterly, consist of public stakeholders and include representation

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

CSIOhio@governor.ohio.gov

from OhioMHAS, ADAPAO, The Ohio Council, treatment providers, prevention providers and board licensees/certificate holders.

4758-8-01: This rule was reviewed by the Board’s Treatment & Education Committees. These committees meet quarterly, consist of public stakeholders and include representation from OhioMHAS, The Ohio Council, University of Cincinnati, Columbus State Community College, treatment providers, CEU providers and board licensees/certificate holders.

4758-8-02: This rule was reviewed by the Board’s Treatment Committee. This committee meets quarterly, consists of public stakeholders and includes representation from OhioMHAS, The Ohio Council, treatment providers, and board licensees/certificate holders.

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

4758-4-01: The stakeholders supported the Board’s desire to move to online applications and the proposed amendments to prepare for that process.

4758-8-01: The Education Committee asked that the Board change the term “dual relationship” to “multiple relationship” to account for a shift in the field surrounding this terminology. The Board accepted that modification.

4758-8-02: The stakeholders supported the Board’s desire to clarify language and intent in the rule.

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?

4758-4-01: No alternatives were considered as this is a standardized process for submitting applications.

4758-8-01: No alternatives were considered as this rule is currently functioning appropriately and achieving the desired outcome.

4758-8-02: No alternatives were considered as this rule is currently functioning appropriately and achieving the desired outcome.

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.*

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

CSIOhio@governor.ohio.gov

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:

4758-4-01

- a. Any individual applying for a license, certificate or endorsement 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, when applicable are \$150.

4758-8-01:

- a. Any individual applying for or holding a license, certificate or endorsement with the Board.
- 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 suspended or revoked if found in violation of this rule.

4758-8-02:

- a. Any individual applying for or holding a clinical supervisory level license with the Board.
- 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 suspended or revoked if found in violation of this rule.

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

CSIOhio@governor.ohio.gov

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

4758-4-01: The Board is required to verify applicants meet required standards for licensure, certification, endorsement. This rule and its adverse impact is necessary to fulfill this mission. The Board is further required to charge fees for its services to sufficiently cover the cost of those services.

4758-8-01: This rule is necessary for consumer protection.

4758-8-02: This rule is necessary for consumer protection.

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