

# CSI - Ohio

The Common Sense Initiative

## Business Impact Analysis

Agency Name: Ohio Chemical Dependency Professionals Board

Regulation/Package Title: Five Year Rule Review: 11/15

Rule Number(s): 4758-3-01; 4758-5-01; 4758-5-03; 4758-5-04; 4758-5-05; 4758-5-06; 4758-6-01; 4758-6-04; 4758-6-05; 4758-10-01; 4758-13-01; 4758-13-02; 4758-13-03; 4758-13-04; 4758-13-07; 4758-15-01;

Date: 6/20/15

**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Rescinded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.

4758-3-01: This rule outlines fees for applying for a license, certificate or endorsement with the Board. The Board is removing the written exam fee because the written exam is no longer available. We are also changing the term RCH to CEU in all applicable rules and removing the laundry list of credential types for more universal terms where applicable.

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4758-5-01: This rule establishes application requirements for chemical dependency counselor assistants. We are adjusting educational content areas in this rule to match those in the other chemical dependency counselor credentials for consistency and transferability. We are also clarifying that this application requires approved education. The prior term of “training” confused applicants and led them to believe they could use work experience for education.

4758-5-03: This rule establishes application requirements for licensed chemical dependency counselor II. We are adjusting language to allow for the use of online applications. We are also identifying IC&RC domain areas by their number instead of title. Lastly, we are cleaning up language for consistency across credentials.

4758-5-04: This rule establishes application requirements for licensed chemical dependency counselor III. We are adjusting language to allow for the use of online applications. We are also identifying IC&RC domain areas by their number instead of title. Lastly, we are cleaning up language for consistency across credentials.

4758-5-05: This rule establishes application requirements for licensed independent chemical dependency counselor. We are adjusting language to allow for the use of online applications. We are also identifying IC&RC domain areas by their number instead of title. Lastly, we are cleaning up language for consistency across credentials.

4758-5-06: This rule establishes application requirements for licensed independent chemical dependency counselor-clinical supervisor. We are adjusting language to allow for the use of online applications. We are also identifying IC&RC domain areas by their number instead of title. Lastly, we are cleaning up language for consistency across credentials.

4758-6-01: This rule establishes the scope of practice for chemical dependency counselor assistant. We are removing a reference to OMHAS code as this code is being changed to refer licensees to their scope with the board.

4758-6-04: This rule establishes the scope of practice for licensed chemical dependency counselor III. We are removing a reference to OMHAS code as this code is being changed to refer licensees to their scope with the board.

4758-6-05: This rule establishes the scope of practice for licensed independent chemical dependency counselor. We are removing a reference to OMHAS code as this code is being changed to refer licensees to their scope with the board.

4758-10-01: This rule establishes disciplinary guidelines for the board. We are removing a laundry list of credential types for more universal terms where applicable. We are removing a reference to appealing in Franklin County as 119 allows appeals in the county where an individual lives or works. We are increasing the time an individual must wait to reapply after receiving a revocation and removing the term “reinstatement” as revised code does not permit the board to issue reinstatements after a revocation.

4758-13-01: This rule establishes continuing education requirements for chemical dependency counselors. We are removing a laundry list of credential types for more universal terms where applicable. We are replacing the term “recognized clock hour” or “RCH” with “continuing education unit” or “CEU” to be consistent with field terminology. We are removing the limit on hours that can be earned through in-service. We are including language that identifies the Board’s authority to audit renewal hours.

4758-13-02: This rule establishes continuing education requirements for prevention professionals. We are removing a laundry list of credential types for more universal terms where applicable. We are replacing the term “recognized clock hour” or “RCH” with “continuing education unit” or “CEU” to be consistent with field terminology. We are removing the limit on hours that can be earned through in-service. We are including language that identifies the Board’s authority to audit renewal hours.

4758-13-03: This rule establishes special circumstances for renewal. We are removing a laundry list of credential types for more universal terms where applicable. We are replacing the term “recognized clock hour” or “RCH” with “continuing education unit” or “CEU” to be consistent with field terminology. We are adjusting language to allow individuals who have been on inactive status to use renewal hours completed any time during their inactive period.

4758-13-04: This rule defines continuing education. We are replacing the term “recognized clock hour” or “RCH” with “continuing education unit” or “CEU” to be consistent with field terminology. We are adding the content areas for the gambling disorder endorsement.

4758-13-07: This rule establishes approval processes for continuing education. We are replacing the term “recognized clock hour” or “RCH” with “continuing education unit” or “CEU” to be consistent with field terminology. We are adjusting language to allow for the use of online applications. We are adding approval processes for individual post approval of courses.

4758-15-01: This rule establishes IC&RC reciprocity requirements. We are updating the education and practical experience requirements to align with recent IC&RC requirement changes.

**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)?**

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

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

4758-3-01: This rule is necessary so that all applicants know the fees they will be charged by the Board and to ensure the Board applies the same fees for each applicant.

4758-5-01: 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.

4758-5-03: 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.

4758-5-04: 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.

4758-5-05: 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.

4758-5-06: 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.

4758-6-01: This rule is necessary for consumer protection and to instruct individuals on the services they can provide.

4758-6-04: This rule is necessary for consumer protection and to instruct individuals on the services they can provide.

4758-6-05: This rule is necessary for consumer protection and to instruct individuals on the services they can provide.

4758-10-01: This rule is necessary so that all applicants know the board's disciplinary process and so that the Board follows the same process for each applicant.

4758-13-01: This rule is necessary so that all applicants know the requirements for renewal and so that the Board follows the same requirements for each applicant.

4758-13-02: This rule is necessary so that all applicants know the requirements for renewal and so that the Board follows the same requirements for each applicant.

4758-13-03: This rule is necessary so that all applicants know how to apply for inactive status or senior status and so that the Board follows the same requirements for each applicant.

4758-13-04: This rule is necessary so that all applicants know the educational categories appropriate for renewal and so that the Board follows the same requirements for each applicant.

4758-13-07: This rule is necessary so that all applicants know the approval process for educational hours and so that the Board follows the same requirements for each applicant.

4758-15-01: This rule is necessary so that all applicants know the IC&RC reciprocity requirements and so that the Board follows the same requirements for each applicant.

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

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**

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**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 relevant committees: Treatment Committee, Prevention Committee and/or Education Committee.

These committees meet quarterly, consist of public stakeholders and include representation from OhioMHAS, ADAPAO, The Ohio Council, treatment providers, prevention providers, educational providers, University of Cincinnati, Columbus State Community College, 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?**

4758-3-01: The Education Committee championed the use of the term "CEU" instead of "RCH" for consistency in the field. The Board accepted that modification.

4758-5-01: Columbus State Community College and board staff requested that the Board adjust educational content areas in this rule to match those in the other chemical dependency counselor credentials for consistency and transferability. The Board accepted that modification.

4758-5-03: The Treatment Committee strongly supported the use of language that would allow the board to move towards online applications.

4758-5-04: The Treatment Committee strongly supported the use of language that would allow the board to move towards online applications.

4758-5-05: The Treatment Committee strongly supported the use of language that would allow the board to move towards online applications.

4758-5-06: The Treatment Committee strongly supported the use of language that would allow the board to move towards online applications.

4758-6-01: The Treatment Committee supported the removal of the OMHAS code citation.

4758-6-04: The Treatment Committee supported the removal of the OMHAS code citation.

4758-6-05: The Treatment Committee supported the removal of the OMHAS code citation.

4758-10-01: The Treatment & Prevention Committees acknowledged the need to remove a reference to appealing in Franklin County as 119 allows appeals in the county where an individual lives or works. They also agreed that the Board should increase the time an individual must wait to reapply after receiving a revocation.

4758-13-01: The Education Committee championed the use of the term “CEU” instead of “RCH” for consistency in the field. They also questioned why the board limited the number of hours that can be earned through in-service and suggested removal of this limit. The Board accepted the modifications.

4758-13-02: The Education Committee championed the use of the term “CEU” instead of “RCH” for consistency in the field. They also questioned why the board limited the number of hours that can be earned through in-service and suggested removal of this limit. The Board accepted the modifications.

4758-13-03: The Education Committee championed the use of the term “CEU” instead of “RCH” for consistency in the field. They also questioned why the board limited the timeframe to two years that an inactive licensee could earn renewal hours and suggested the hours be completed any time during their inactive period. The Board accepted the modifications.

4758-13-04: The Education Committee championed the use of the term “CEU” instead of “RCH” for consistency in the field.

4758-13-07: The Education Committee championed the use of the term “CEU” instead of “RCH” for consistency in the field. They also strongly supported the use of language that would allow the board to move towards online applications.

4758-15-01: The Treatment & Prevention Committees acknowledged the need to update the education and practical experience requirements to align with recent IC&RC requirement changes and ensure that licensees can transfer to other states.

**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?**

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No alternatives to these rules were presented for consideration.

**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:**

4758-3-01:

- a. Any individual applying for a license, certificate or endorsement or an educational entity applying with the Board.
- b. Individuals will be required to pay the identified application fees.
- c. Application fees range from \$5-\$700.

4758-5-01:

- a. Any individual applying for a CDCA certification 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.

4758-5-03:

- a. Any individual applying for a LCDC II license 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, when applicable are \$150.

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4758-5-04:

- a. Any individual applying for a LCDC III license 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, when applicable are \$150.

4758-5-05:

- a. Any individual applying for a LICDC license 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, when applicable are \$150.

4758-5-06:

- a. Any individual applying for a LICDC-CS license 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, when applicable are \$150.

4758-6-01:

- a. Any individual who holds a CDCA 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.

4758-6-04:

- a. Any individual who holds a LCDC III license with the Board.
- b. Individuals will be permitted to only practice within the guidelines of this rule.
- c. Individuals may not practice independently.

4758-6-05:

- a. Any individual who holds a LICDC license 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.

4758-10-01:

- 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.

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- c. Individuals may have their license suspended or revoked if found in violation of this rule.

4758-13-01:

- a. Any individual who renews a license with the Board.
- b. Individuals must complete education hours every two years.
- c. Individuals must pay the appropriate renewal fees from \$15 - \$175.

4758-13-02:

- a. Any individual who renews a license with the Board.
- b. Individuals must complete education hours every two years.
- c. Individuals must pay the appropriate renewal fees from \$15 - \$175.

4758-13-03:

- a. Any individual who renews a license with the Board.
- b. Individuals must complete education hours every two years.
- c. Individuals must pay the appropriate renewal fees from \$15 - \$80.

4758-13-04:

- a. Any individual who renews a license with the Board.
- b. Individuals must complete education hours every two years.
- c. Individuals must complete hours within one or more of the identified areas.

4758-13-07:

- a. Any individual seeking continuing education approval with the Board.
- b. Individuals must submit applications for approval of hours.
- c. Individuals must pay the appropriate continuing education fees from \$0 - \$700.

4758-15-01:

- a. Any individual who seeks reciprocity with IC&RC.
- b. Individuals must complete an application and all requirements.
- c. Individuals must pay the appropriate application fee of \$100.

**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.

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**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