



Counselor, Social Worker & Marriage and Family Therapist Board

77 South High Street, 24th Floor, Room 2468

Columbus, Ohio 43215-6171

614-466-0912 & Fax 614-728-7790

<http://cswmft.ohio.gov> & cswmft.info@cswb.ohio.gov

To: CSWMFT Board Licensees and Stakeholders

From: Brian Carnahan

Re: CSWMFT Board Draft Rules – Opportunity to Comment (comment period expires **3/31/2016**)

Date: March 20, 2017

The Board intends to file with the Joint Committee on Agency Rule Review a change in license fees. On July 22, 2016, the Board approved an increase in fees defined in Ohio Administrative Code Chapter 4757-1-05 (License fees). The fee increase was proposed to coincide with the Board's submission of its Fiscal Year 2018-2019 budget.

Information regarding the proposed increase in license application, license renewal, and continuing education program and provider fees, was posted to the CSWMFT Board web site for comment in August 2016. Licensees and stakeholders were notified of the rules via the Board email list, Facebook, and Twitter. The Board received comments expressing general concerns about increasing fees and the impact of the increase on licensees and applicants. Comments were also received that indicated an understanding that the fee increase was appropriate given the rationale (to meet increasing information technology and other operating costs) for it and the length of time since the last increase (inception of the Board).

Licensees and stakeholders are welcome to comment on the proposed increase in fees to me by e-mail at brian.carnahan@cswb.ohio.gov. Commenters are also encouraged to copy the Common Sense Initiative at CSIOhio@governor.ohio.gov. Comments must be submitted by **March 31, 2017**.

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Counselor, Social Worker, & Marriage and Family Therapist Board

Regulation/Package Title: 2017 Application and Renewal Fees

Rule Number(s): 4757-1-05 License Fees

Date: March 6, 2017

Rule Type:

New
X 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 Rescinded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.

Please include the key provisions of the regulation as well as any proposed amendments.

The proposed amendment raises the fees for application and renewal of licensure by \$20-\$25 dollars depending on license type. The amendment increases continuing education program approval fees by \$30 dollars and provider approval fees by \$125.

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

ORC 119.03

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- 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?**

If yes, please briefly explain the source and substance of the federal requirement.

Not applicable.

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

Not applicable.

- 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)?**

The rule amendment ensures the Board has sufficient revenue to maintain its public protection responsibilities.

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

The Board will continue to maintain operations and report outcomes to the Governor and General Assembly on an annual basis as required by law.

Development of the Regulation

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

If applicable, please include the date and medium by which the stakeholders were initially contacted.

The proposed amendments have been discussed in public Professional Standards Committee meetings and the full Board meeting. In July, 2016, the Board approved the fee changes in anticipation of increased expenses in the 2018-2019 biennium. All licensees were invited to comment, via an e-mail to all licensees and stakeholders, in August 2016. The Board also shared information on the proposed fee increases in social media and its newsletter.

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

Licensees and stakeholders were notified of the planned changes via the Board's listserv and newsletter.

The Board received comments expressing general concerns about increasing fees and the impact of the increase on licensees. Given the modest salaries many licensees earn, the Board acted slowly to implement the increase. Many messages were also received that, while not

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expressing excitement about increase fees, indicated an understanding that the fee increase was appropriate given the rationale for it and the length of time since the last increase (inception of the Board).

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?

No scientific data were used. The proposed rule amendment addresses a fee increase.

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?

Not applicable. The Board has reduced all discretionary expenditures to limit the fee increase.

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.

Not applicable. The amended rule proposes fees for service.

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

Not applicable.

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.

Any changes will be communicated to licensees via the Board newsletter and social media such as Facebook and Twitter. A notice will also be posted to the Board web site.

Adverse Impact to Business

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

a. Identify the scope of the impacted business community;

All licensees and future licensees of the CSWMFT Board.

b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and

All applicants and licensees will experience an increase in fees, the first such increase since the inception of the Board.

c. Quantify the expected adverse impact from the regulation.

The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a

“representative business.” Please include the source for your information/estimated impact.

All licensees will see an increase of \$20-\$25 per each license renewal (every two years). All new applicants for licensure will pay \$20-\$25 more per application. Entities providing continuing education programs will pay \$30 more per program, while providers of programs will pay an additional \$125. While this does raise the cost for individual licensees and businesses, the additional fees ensure the Board is able to maintain its level of service.

While the Board is raising some fees, it will be reducing a cost for initial license applications when it discontinues the use of the “laws and rules” exam, which normally costs applicants \$10.00. While a modest reduction, it does off-set some costs for applicants.

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

The Board cannot fulfill its public protection role without increasing revenue. As the revenue is earned through charging fees to applicants and licensees, revenue can only be increased by increasing fees.

Regulatory Flexibility

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

No exemption is provided for small businesses.

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?

119.14 is not applicable to this amended rule.

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

The proposed change is an amendment to a rule allowing the Board to impose certain fees. No additional compliance requirements are imposed.

4757-1-05

License fees.

License fees shall be established by the board in amounts not to exceed the maximum allowable under section 4757.31 of the Revised Code. Fees are subject to change by action of the board, the controlling board, and/or the general assembly.

(A) Fees shall be paid by credit card, certified check or money order made payable to "Treasurer, State of Ohio."

(B) Fees shall be submitted to the board office at the time of the initial application. Renewal fees shall be the same as initial licensure or registration fees.

(C) Fees are not refundable.

(D) Fees for a two-year license, registration of title or reinstatement from an inactive status are as follows. Late renewal shall incur an additional fee of forty dollars except social ~~worker~~work assistant late renewal shall be twenty dollars.

(1) For licensed professional clinical counselor the fee is ~~seventy-five~~one hundred dollars;

(2) For licensed professional counselor the fee is ~~sixty~~eighty dollars;

(3) For independent social worker the fee is ~~seventy-five~~one hundred dollars;

(4) For social worker the fee is ~~sixty~~ eighty dollars;

(5) For social ~~worker~~ work assistant the fee is ~~forty~~sixty dollars.

(6) For social work temporary license the fee is twenty dollars.

(7) For independent marriage and family therapist the fee is ~~seventy-five~~one hundred dollars;

(8) For marriage and family therapist the fee is ~~sixty~~eighty dollars;

(9) For marriage and family therapist temporary license the fee is twenty dollars.

(E) Fees for a two-year license or registration of title in an inactive status as defined by rule 4757-7-03 of the Administrative Code are as follows. Late renewal shall incur an additional fee of twenty dollars except social worker assistant late renewal shall be ten dollars.

- (1) For professional clinical counselor the fee is fifty dollars;
 - (2) For professional counselor the fee is forty dollars;
 - (3) For independent social worker the fee is fifty dollars;
 - (4) For social worker the fee is forty dollars;
 - (5) For social ~~worker~~work assistant the fee is twenty dollars;
 - (6) For independent marriage and family therapist the fee is fifty dollars; and
 - (7) For marriage and family therapist the fee is forty dollars.
- (F) Board provided continuing education program fees shall be ten dollars per continuing education hour. The board laws and rules examination for initial licensure shall be ten dollars.
- (G) Licensees requesting written board certification of their licensure to other states or entities shall pay a twenty-five dollar fee for that verification.
- (H) Licensees requesting replacement wall certificates for name changes or any other reason shall pay a fifteen dollar fee for that wall certificate.
- (I) Applicants per rule 4757-9-05 of the Administrative Code for continuing education program approval shall pay a ~~thirtysixty~~ dollar fee for each application.
- (J) Applicants per rule 4757-9-05 of the Administrative Code for continuing education provider approval shall pay a ~~one hundred twenty five dollar~~two hundred and fifty dollar fee for each application.
- (K) The first incident in which a licensee fails to complete his/her continuing education for renewal as defined in division (A)(10) of section 4757.31 of the Revised Code and as defined in paragraph (HH) of rule 4757-3-01 of the administrative Code, the fee shall be as enumerated in this paragraph. For a second incidence, refer to paragraph (C) of rule 4757-1-07 of the administrative Code.
- (1) For renewal of a license or registration with one to fifteen hours of continuing education less than required shall be fifty dollars;

- (2) For renewal of a license or registration with sixteen to thirty hours of continuing education less than required shall be one hundred dollars; and
- (3) For renewal of a license or registration with enough hours, but without the required ethics or supervision continuing education hours shall be fifty dollars.