

NOTICE OF PUBLIC HEARING

THE STATE OF OHIO ~ COUNSELOR, SOCIAL WORKER & MARRIAGE AND FAMILY THERAPIST BOARD, pursuant to CHAPTER 119., OHIO REVISED CODE, hereby gives notice that it will conduct a public hearing for the purpose of considering: rescinded rule 4757-13-04; amended rules 4757-1-04, 4757-3-01, 4757-5-09, 4757-5-12, 4757-7-01, 4757-11-01, 4757-13-02, 4757-13-06, 4757-17-01, 4757-19-05 and 4757-23-01 of the Ohio Administrative Code.

Rescinded:

4757-13-04 Rule rescinded due to lapse of statutory authority.

Amended:

4757-1-04 Defines criminal records check per House Bill 104 and sections 4757.101, 4776.02 & 4776.03 of the Revised Code and online application changes.

4757-3-01 Delete references to rule 4757-13-04 of the Administrative Code, which is being rescinded, in paragraph (T) of this rule.

4757-5-09 Adds the requirement that all records be kept in a secure location.

4757-5-12 More accurately reflects required language from section 4757.12 of the Revised Code for the professional disclosure statement.

4757-7-01 Added language for online renewal process.

4757-11-01 Adds social worker trainee to paragraph (10) of this rule requiring them to not practice beyond their scope of practice and deletes a duplicative paragraph (12), which is covered under paragraph (9) of this rule.

4757-13-02 Delete reference to rule 4757-13-04 of the Administrative Code that is being rescinded.

4757-13-06 Delete reference to rule 4757-13-04 of the Administrative Code that is being rescinded. Corrects wrong reference to rule 4757-13-02, which should be 4757-13-03.

4757-17-01 Deletes reference to rule 4757-13-04, which is being rescinded. Also modified paragraph (E) for counselor trainee status to better clarify qualifying requirements. New format is much easier for applicants to follow and incorporates reference to new requirement for criminal records check, which was added to rule 4757-1-04 as required by House Bill 104 of the 127th General Assembly.

4757-19-05 Adds a purpose statement and better outlines requirements for applicants for social worker trainee registration including: good moral character; criminal records check required by statute change in House Bill 104 of the 127th General Assembly; defines scope of practice and supervision; and intent for use only at school approved field placement sites.

4757-23-01 Defines training supervision for social workers; removes language that independent social workers cannot charge a fee for providing training supervision; and adds a requirement that supervision forms be submitted to the board by supervisors within thirty days of receipt from the supervisee.

The public hearing on the proposed actions of the Counselor, Social Worker & Marriage and Family Therapist Board is scheduled for Tuesday, September 9, 2008. The hearing will begin at 2:00 p.m. at the LeVeque Tower, 50 West Broad Street Suite 1075, Columbus, Ohio 43215, and from time to time thereafter as may be required by the Board to hear all relevant testimony, oral or written, by any person affected by the proposed action, his/her attorney, or both.

The full text of the proposed rules will be available on the Board's website, <http://cswmft.ohio.gov>. All interested persons will be given an opportunity to be heard. Those persons who wish to provide oral testimony at the hearing are encouraged to inform the Board prior to the hearing date and may be given preference in the order of their testimony. Persons interested in providing written comments in lieu of oral testimony may direct them to the attention of James R. Rough, Executive Director, Counselor, Social Worker & Marriage and Family Therapist Board, 50 West Broad Street Suite 1075, Columbus, Ohio 43215-5919. These written comments must be received by the Board before the close of the hearing record.

Copies of the proposed Rules will be on file with the Secretary of State, the Legislative Service Commission, and the Joint Committee on Agency Rule Review, at least thirty days prior to the public hearing, and are available at the Counselor, Social Worker & Marriage and Family Therapist Board Offices at the aforementioned address.

COUNSELOR, SOCIAL WORKER & MARRIAGE AND FAMILY THERAPIST BOARD

By: _____
James R. Rough, Executive Director

***** DRAFT – NOT FOR FILING *****

4757-1-04 **Applications of first licensure.**

- (A) All applicants for first licensure as a professional counselor, social worker, professional clinical counselor, independent social worker, marriage and family therapist, independent marriage and family therapist, or for registration of title as a social work assistant, counselor trainee or social worker trainee, shall file with the executive director of the board an online application; or a written application, signed and duly notarized, on a form prescribed by the board. Any person who knowingly makes a false statement on a written application or electronic application may be found guilty of falsification under section 2921.13 of the Revised Code, a misdemeanor of the first degree. Applications will be maintained for two years from the date of receipt by the board. Applications which remain incomplete after two years ~~will be invalid~~ shall be considered abandoned. The license application and fee will be forfeit and individuals seeking licensure will be required to re-apply.
- (B) The appropriate non-refundable fee, shall accompany the application for licensure or registration.
- (C) All applicants for licensure or registration shall provide:
- (1) Grade transcripts showing all coursework and/or academic degrees necessary to meet the education requirements for the license or registration for which the applicant is applying.
 - (a) Such transcripts shall bear the official seal of the college or university and the signature of the registrar. Transcripts shall be sent directly to the board office by the college or university. The applicant shall bear sole responsibility for transcripts sent directly from the college or university to the board office.
 - (b) If an applicant's transcript does not clearly indicate that he/she meets the education requirements for the license for which they are applying, the applicant shall provide additional information about their coursework in a manner prescribed by the board.
 - (2) Notarized statements, on a form prescribed by the board, to document all professional employment experience required by any rule under this chapter, or for licensure or registration by the board. Notarized statements, if required, shall be completed by the person(s) who supervised the required professional employment experience, or who are judged by the board to be in a position to make a professional judgment about the nature of the applicant's duties and the quality of their work, and who meet the criteria established for such respondents by the board in any rules under this chapter.

*** DRAFT – NOT FOR FILING ***

(D) Applicants for any license or certificate of registration issued by the board shall be of good moral character. The board may, in its discretion, deny any application for licensure or certification if the board finds that the applicant was convicted of, plead guilty to, plead no contest to, a felony or misdemeanor involving moral turpitude or for acts committed which would constitute a felony or misdemeanor involving moral turpitude if committed in Ohio. The board shall consider the number and timing of any convictions and the relationship those convictions may have to the practice for which the applicant has made application for licensure or certification. The board shall consider an applicant's fitness to practice a part of the good moral character requirements. The board at its discretion may request any of the following to help determine good moral character and fitness to practice: a criminal records check, a criminal background check or a psychological evaluation.

(E) All applicants for an initial license or registration shall submit a request to the bureau of criminal identification and investigation for a criminal records check of the applicant per sections 4776.02 and 4776.03 of the Revised Code and shall include a federal bureau of identification criminal records check request. This requirement applies to all initial applications for professional counselor, social worker, professional clinical counselor, independent social worker, marriage and family therapist, independent marriage and family therapist, or for registration of title as a social work assistant, counselor trainee or social worker trainee. The applications for criminal records check shall comply with section 109.572 of the Revised Code. The criminal records check shall be received at least one year prior to licensure or a new criminal records check shall be required. Section 4776.02 of the Revised Code requires that all fingerprint reports be sent directly to the board office from the bureau of criminal identification and investigation. Any fingerprint results mailed to or from some other source shall not be accepted.

(1) Applicants in the state of Ohio shall go to a county sheriff's office or other agency approved by Ohio's attorney general to request an electronic criminal records check and submit fingerprints to the bureau of criminal identification and investigation. A link to electronic fingerprint sites is available on the board's web page under "forms".

(a) Each applicant shall pay the fee to the agency scanning their fingerprints and provide the bureau of criminal identification and investigation with the applicant's name and address and with the board's name and address as the results addressee. The agency code fingerprint card shall be "1AB002".

(b) An applicant who has poor fingerprint quality on the electronic scanning shall be notified by the board to request a waiver from electronic scanning and mailed the required forms for submission of ink rolled fingerprints. The bureau of criminal identification and investigation has suggested using cornhuskers lotion when having difficulties getting a good electronic scan.

***** DRAFT – NOT FOR FILING *****

- (c) The applicant shall ask the superintendent of the bureau of criminal identification and investigation in the criminal records check request to obtain from the federal bureau of investigation any information it has pertaining to the applicant.
- (2) Applicants outside the state of Ohio shall go to a police agency in their state and complete the blank criminal records check cards provided to them by the board and submit fingerprints by mailing the completed forms directly to the bureau of criminal identification and investigation.

 - (a) Each applicant shall pay the fee to the agency completing the fingerprinting and to the bureau of criminal identification and investigation for both the Ohio and federal bureau of investigation records checks. Applicants shall follow the directions provided with the fingerprint cards. The applicant shall ask the superintendent of the bureau of criminal identification and investigation in the request to obtain from the federal bureau of investigation any information it has pertaining to the applicant. Part of that application requires a waiver from electronic submission form citing out-of-state as the reason.
 - (b) An applicant requesting a criminal records check shall provide the bureau of criminal identification and investigation with the applicant's name and address and with the board's name and address as the results addressee. The agency code on the fingerprint card shall be "1AB002".
- (3) The board shall not issue a license or registration until receipt of the criminal records check and any follow-up actions are completed.
- (4) The results of any criminal records check conducted pursuant to a request made under this chapter and any report containing those results, including any information the federal bureau of investigation provides, are not public records for purposes of section 149.43 of the Revised Code and shall not be made available to any person or for any purpose other than as follows:

 - (a) The superintendent of the bureau of criminal identification and investigation shall make the results available to the board for use in determining, under chapter 4757 of the Revised Code, whether the applicant who is the subject of the criminal records check should be granted a license under that chapter.
 - (b) The board shall make the results available to the applicant who is the subject of the criminal records check or to the applicant's representative upon their written request.

*** DRAFT – NOT FOR FILING ***

4757-3-01 **Definitions.**

The following meanings will apply to all rules promulgated by the counselor, social worker, and marriage and family therapy board, unless in a specific paragraph under one of the counselor, social worker, and marriage and family therapist board rules, the word or term is explicitly defined or used in different manner.

- (A) The terms "practice of professional counseling," "clinical counseling principles, methods, or procedures," "social work," "accredited educational institution," and "mental and emotional disorders" shall for the purposes of these rule have the same meanings as are set forth for each under section 4757.01 of the Revised Code.
- (B) The terms "renewal," "renewed," "license," and "licensee" shall for the purposes of these rules have the same meanings as are set forth each under section 4757.01 of the Revised Code.
- (C) "Agency" means an organization which has a clearly defined mission statement with goals and objectives that include the provision of counseling, social work, and/or marriage and family therapy services, and which is recognized by a unit of government or others authorized to legitimize its functions. In addition, it shall have clearly defined lines of authority, a formal decision-making process, and differentiated staff roles with written job descriptions. Agency settings include private non-profit organizations, public organizations, and others approved by the board that are engaged in the practice of social work, counseling, and/or marriage and family therapy. It does not include settings in which social work, counseling, and/or marriage and family therapy is engaged in as a private practitioner, as a member of a partnership, or as a member of a group practice.
- (D) "Applicant" means individual who has:
 - (1) Filed with the executive director of the board a completed application for licensure as a professional clinical counselor, professional counselor, independent marriage and family therapist, marriage and family therapist, independent social worker, social worker, or for registration of title as a social work assistant, on forms prescribed by the board; and
 - (2) Signed the application form and had it notarized or submitted via the online application process; and,
 - (3) Paid the appropriate fee.
- (E) "Application" means an online application or a written application, on forms prescribed by the board, filed with the executive director of the board, wherein the applicant has provided all the information required for the license the applicant desires.

*** DRAFT – NOT FOR FILING ***

- (F) "Board" means the counselor, social worker, and marriage and family therapist board. When the board is cited that may be the full board or one of the appropriate professional standards committee.
- (G) "Board office" means the business office of the counselor, social worker, and marriage and family therapist board.
- (H) "Civil service employee" means an individual employed by the state, the counties, cities, city health districts, general health districts, and city school districts thereof, as defined in division (A) of section 124.01 the Revised Code.
- (I) "Counseling" means the practice of professional counseling as defined in division (A) of section 4757.01 of the Revised Code for a fee salary, or other consideration.
- (J) "Coursework" means a college or university course at an accredited educational institution in which the applicant was enrolled for credit.
- (1) "Graduate coursework" for counselor and marriage and family therapist applicants means any coursework taken for a grade that meets the requirements of a post-baccalaureate degree and in which the applicant was enrolled after receiving their baccalaureate degree and in which the applicant received a grade of "B-" or higher.
- (2) "Graduate coursework" for social worker applicants means any coursework taken for a grade that meets the requirements of a post-baccalaureate degree and in which the applicant was enrolled and received credit after receiving their baccalaureate degree.
- (3) "Undergraduate coursework" means any coursework taken for a grade which is recognized by the granting institution as undergraduate coursework in which the applicant received a grade of "C-" or higher.
- (K) "Employee," "employed," "employment," and "experience" all refer to work for a fee or salary, not including practicum and/or internship experiences taken as part of an educational program, that falls within the scope of practice of the license for which the applicant is applying.
- (L) "License fee" means the fee(s) established by the board for the processing of applications and/or the issuance of licenses.
- (M) "Master's degree or Ph.D. degree in social work" means a degree granted from programs accredited by the "Council on Social Work Education."
- (N) "Private practice" and "private practitioner" mean an individual who independently, in partnership, or in corporation practices counseling, social work, or marriage and

*** DRAFT – NOT FOR FILING ***

family therapy as defined in section 4757.01 of the Revised Code and sets up his/her own condition of exchange with those clients, and identifies himself/herself in any manner as a counselor, social worker, or marriage and family therapist in offering such services. Professional counselors and marriage and family therapists shall do so under supervision as required by sections 4757.21 and 4757.30 of the Revised Code. Social workers may not engage in private practice per division (C) of section 4757.26 of the Revised Code.

- (O) "Scope of practice" means the services, methods, and techniques, in which and the areas for which, an individual is licensed or registered under Chapter 4757. of the Revised Code and under agency 4757 of the Administrative Code.
- (P) "Social work" means the application of specialized knowledge of human development and behavior and social, economic, and cultural systems in directly assisting individuals, families, and groups to improve or restore their capacity for social functioning, including counseling, the use of psychosocial interventions, and social psychotherapy for a fee, salary, or other consideration.
 - (1) "Psychosocial interventions" means the application of social work that involves individual, dyadic, family, or group interventions that utilize treatment modalities such as a family systems therapy, client centered advocacy, environmental modifications, community organization and/or organizational change. These modalities are implemented in crisis, short-term, and long-term therapeutic interventions directed at reducing, increasing, enhancing, maintaining, or changing target behaviors, areas of functioning, or environmental structures or processes.
 - (2) "Social psychotherapy" means the application of social work toward the goal of enhancement and maintenance of psychosocial functioning of individuals, families, and small groups. It includes interventions directed to interpersonal interactions, intra-psychic, dynamics, and life-support and management issues. It also includes the professional application of social work theory and methods to the treatment and prevention of psychosocial dysfunction, disability, or impairment, including mental and emotional disorders. Social psychotherapy consists of assessment; diagnosis; treatment, including psychotherapy and counseling; consultation; and evaluation.
 - (3) "Social services" mean those activities which improve and maintain an individual's functioning in institutions, at home, or in the community and which do not require the specialized knowledge of social work, counseling, psychosocial interventions, or social psychotherapy. For individuals performing only social services licensure is not required pursuant to Chapter 4757. of the Revised Code.

***** DRAFT – NOT FOR FILING *****

- (Q) For the purpose of the counselor, social worker, and marriage and family therapist board rules and the licenses granted under them, the board adopts the following titles and meanings:
- (1) "Professional Counselor" means a counselor who has been licensed by the board to engage in the practice of professional counseling as defined in division (A) of section 4757.01 of the Revised Code.
 - (2) "Professional Clinical Counselor" means a counselor licensed by the board to engage in the practice of professional counseling and to engage in the unsupervised diagnosis and treatment of mental and emotional disorders and conditions as defined in division (A) of section 4757.01 of the Revised Code.
 - (3) "Independent Social Worker" means a social worker licensed by the board to engage in social work as defined in division (C) of section 4757.01 of the Revised Code.
 - (4) "Social Worker" means a social worker licensed by the board to engage in social work as defined in division (C) of section 4757.01 of the Revised Code.
 - (5) "Registered Social Work Assistant" means an individual issued a certificate of registration by the board in accordance with division (C) of section 4757.29 of the Revised Code.
 - (6) "Independent Marriage and Family Therapist" means a marriage and family therapist licensed by the board to engage in marriage and family therapy as defined in division (G) of section 4757.01 of the Revised Code.
 - (7) "Marriage and Family Therapist" means a marriage and family therapist licensed by the board to engage in marriage and family therapy as defined in division (G) of section 4757.01 of the Revised Code.
 - (8) "Supervising Professional Counselor" means a counselor who has been licensed by the board to engage in the practice of professional counseling as defined in division (A) of section 4757.01 of the Revised Code and been awarded supervisory designation per paragraph (E) of rule 4757-17-01 of the Administrative Code.
 - (9) "Supervising Professional Clinical Counselor" means a counselor licensed by the board to engage in the practice of professional counseling and to engage in the unsupervised diagnosis and treatment of mental and emotional disorders and conditions as defined in division (A) of section 4757.01 of the Revised Code and been awarded supervisory designation per paragraph (E) of rule 4757-17-01 of the Administrative Code.

*** DRAFT – NOT FOR FILING ***

- (10) "Supervising Independent Social Worker" means a social worker licensed by the board to engage in social work as defined in division (C) of section 4757.01 of the Revised Code and been awarded supervisory designation per paragraph (D) of rule 4757-23-01 of the Administrative Code.
- (R) "Counseling experience" means the applicant's primary employment responsibility was in counseling, supervision of a counseling program, or direct involvement in the administration or policy division of a counseling program.
- (S) "Clinical resident means a professional counselor engaged in training supervision while seeking licensure as a professional clinical counselor. The title to be used for this designation will be "professional counselor/clinical resident". A person may use this title until they have completed the three thousand hours required for the professional clinical counselor license.
- (T) "Counselor trainee" means an individual who is seeking licensure as a professional counselor ~~or a professional clinical counselor who~~ and has filed a training agreement with the board [per paragraph \(E\) of rule 4757-17-01 of the Administrative Code](#) and who is currently enrolled in either a practicum or internship in a counselor education program as defined in [paragraph \(A\)\(4\) of rule 4757-13-01](#) ~~4757-13-01~~ of the Administrative Code. ~~Individuals seeking licensure under rule 4757-13-04 of the Administrative Code, who have passed the LPC examination prior to December 31, 1998, may also use the designation of counselor trainee while they are completing the requirements for licensure as a professional counselor.~~
- (U) "Doctoral internship" means a doctoral internship which is taken in a counselor education program which is approved by the counselor professional standards committee or at a counselor education program which meets the criteria of a committee approved program.
- (V) "Impaired or impairment" means the presence of the disorder of alcoholism, substance abuse, mental illness or other debilitating conditions.
- (W) "Impaired treatment program" means a plan of care and rehabilitation services provided by organizations or persons authorized by the board to provide such services.
- (X) "Impairment program" means a program for the prevention, detection, intervention, rehabilitation, and monitoring of impaired counselors or social workers.
- (Y) "Practice of marriage and family therapy" means the practice of marriage and family therapy as defined in division (H) of section 4757.01 of the Revised Code, for a fee, salary or other consideration.

***** DRAFT – NOT FOR FILING *****

- (Z) "Client" as used in agency 4757 of the Administrative Code, means a patient or consumer of services or that person's legal guardian, or any other receiver of mental health services.
- (AA) "Social worker trainee" is an individual who is a graduate student seeking licensure as a social worker or an independent social worker who is currently enrolled in a practicum, internship or field work course in a social work education program accredited by the "Council on Social Work Education" (CSWE).
- (BB) "Independent Contractor" means an individual who meets the internal revenue service (IRS) definition as an independent contractor in (IRS) publication 15-A, which can be found at <http://www.irs.gov/pub/irs-pdf/p15a.pdf>.
- (CC) "Peer Supervision" means the joint or mutual discussion of issues in supervision by supervising counselors for the purpose of improving the quality of supervision.
- (DD) "First-hand knowledge" means the direct knowledge of a supervisee's work through audio tape and/or video tape and/or live supervision.

*** DRAFT – NOT FOR FILING ***

4757-5-09 **Standards of ethical practice and professional conduct: record keeping.**

- (A) Record keeping requirements: For each client/consumer of services, a licensee or registrant shall keep records of the dates of counseling, social work, or marriage and family therapy services, types of counseling, social work, or marriage and family therapy services, termination, and billing information. Records held by the licensee shall be kept for seven years. Records held or owned by government agencies or educational institutions are not subject to this requirement. [Licensees shall keep all records in a secure location and shall allow only authorized persons access to records.](#)
- (B) Counselors, social workers, and marriage and family therapists shall take reasonable steps to ensure that documentation in records is accurate and reflects the services provided. Dates reflected in case notes shall be accurate with respect to dates of service and when the case note was written. Clinical records shall include but not be limited to appropriate diagnosis, if any; individual service plans; in-take assessments; informed consent documents; and releases of information documents.
- (C) Counselors, social workers, and marriage and family therapists shall include sufficient and timely documentation in records to facilitate the delivery of services and to ensure continuity of services provided to clients in the future.
- (D) Counselors', social workers', and marriage and family therapists' documentation shall protect clients' privacy to the extent that it is possible and appropriate and shall include only information that is directly relevant to the delivery of services.
- (E) Counselors, social workers, and marriage and family therapists shall store records following termination of services to ensure reasonable future access. Records should be maintained as required by this rule unless a longer retention period is required by statute or relevant contracts
- (F) Counselors, social workers, and marriage and family therapists shall provide clients with reasonable access to records concerning the client. Counselors, social workers, and marriage and family therapists who are concerned that clients' access to their records could cause serious misunderstanding or harm to the client shall provide assistance in interpreting the records and consultation with the client regarding the records. Licensees should limit clients' access to their records, or portions of their records, only in exceptional circumstances when there is compelling evidence that such access would cause serious harm to the client. Both the clients' requests and the rationale for withholding some or all of the records shall be documented in the clients' files. When providing clients with access to their records, licensees shall take steps to protect the confidentiality of other individuals identified or discussed in such records.

***** DRAFT – NOT FOR FILING *****

- (G) A counselor, social worker, or marriage and family therapist shall not condone, partake, assist in billing irregularities or fraud with respect to insurance companies or direct billing.
- (H) Counselors, social workers and marriage and family therapists shall be aware of and adhere to divisions (H)(1) and (H)(2) of section 3109.051 of the Revised Code. That section in part states: "a parent of a child who is not the residential parent of the child is entitled to access, under the same terms and conditions under which access is provided to the residential parent, to any record that is related to the child and to which the residential parent of the child legally is provided access...unless the court determines that it would not be in the best interest of the child for the parent who is not the residential parent to have access to the records under those same terms and conditions...any keeper of a record who knowingly fails to comply with the order or division (H) of this section is in contempt of court." A complete reading and understanding of this section is mandatory for any counselor, social worker or marriage and family therapist providing services for children.
- (I) When counselors, social workers, or marriage and family therapists leave a practice, they shall follow a prepared plan for transfer of clients and files. Counselors, social workers, or marriage and family therapists shall prepare and disseminate to an identified colleague or "records custodian" a plan for the transfer of clients and files in the case of their incapacitation, death, or termination of practice.

***** DRAFT – NOT FOR FILING *****

4757-5-12 **Standards of ethical practice and professional conduct: professional disclosure for counselors, social workers and marriage and family therapists.**

(A) Section 4757.12 of the Revised Code requires that a client cannot be charged for professional counseling, social work or marriage and family therapy services unless one of the following applies:

- (1) Prior to the performance of services, the client is furnished a copy of a professional disclosure statement containing the information described in paragraph (C) of this rule; or
- (2) A professional disclosure statement containing the information described in paragraph (C) of this rule is displayed in a conspicuous location at the place where the services are performed and a copy of the statement is provided to the client upon request.

(B) In order to comply with paragraph (A) of this rule the statement shall contain:

- (1) The name, title, business address, and business phone number of the licensee performing the services.
- (2) The formal professional education of the licensee, including their academic degrees, the institutions awarding those degrees and the dates awarded.
 - (a) "Formal professional education" means the licensee's academic training related to counseling, social work and/or marriage and family therapy, which meets the educational requirements for licensure.
 - (b) Academic degrees that do not meet the requirements for licensure, including degrees that do not come from accredited education institutions, are not formal professional education as defined in this rule and shall not be listed on the professional disclosure statement.
- (3) The licensee's areas of competence and the services they provide as follows:
 - (a) The professional counselor's areas of competence and the services they provide. The practice of counseling and the delivery of those services are defined in division (A) of section 4757.01 of the Revised Code and in rules 4757-15-01 and 4757-15-02 of the Administrative Code. The counseling areas of competence and services are required to be listed on the professional statement;
 - (b) The social worker's areas of competence and the services they provide. The practice of social work and the delivery of those services are defined in

*** DRAFT – NOT FOR FILING ***

division (C) of section 4757.01 of the Revised Code and in rules 4757-21-01, 4757-21-02, and 4757-21-03 of the Administrative Code. The social work areas of competence and services are required to be listed on the professional statement; or

- (c) The marriage and family therapist's areas of competence and the services they provide. The practice of marriage and family therapy and the delivery of those services are defined in division (H) of section 4757.01 of the Revised Code. The marriage and family therapist areas of competence and services are required to be listed on the professional statement.
- (4) For a licensee employed in a private practice, partnership, or group practice, a fee schedule shall be listed by type of service or hourly rate.
 - (5) The type of license(s) held by the individual and the license number(s).
 - (6) At the bottom of the first page of the professional disclosure statement, the following words shall appear, "[This information is required by the counselor, social worker, and marriage and family therapist board, which regulates the practices of professional counseling, social work, and marriage and family therapy in this state.](#) If you have complaints about professional services from a counselor, social worker and/or marriage and family therapist contact the Ohio Counselor, Social Worker, and Marriage and Family Therapist Board, 50 West Board Street, Suite 1075, Columbus, OH 43215. Phone (614) 466-0912. Website: www.cswmft.ohio.gov."
- (C) The following legal and ethical principles apply in providing the professional disclosure statement:
- (1) The provision of the professional disclosure statement is the sole responsibility of the licensee. A copy of the professional disclosure statement shall be submitted to the board upon request;
 - (2) The purpose of professional disclosure is to provide sufficient information to aid the client/consumer of services, or the public in making informed judgments and choices on matters concerning the provision of counseling, social work and/or marriage and family therapy services; and
 - (3) When choosing areas of competence and services provided to be listed on their professional disclosure statement, licensees shall be guided by paragraph (A)(1) of rule 4757-5-02 of the Administrative Code. "Counselors, social workers and marriage and family therapist shall not misrepresent directly, indirectly, or by implication their professional qualifications such as education, specialized training, experience, and/or area(s) of competence."

***** DRAFT – NOT FOR FILING *****

- (D) In listing areas of competence and services provided on the professional disclosure statement, licensees shall adhere to their scope of practice and delivery of services as referenced in paragraph (B)(3)(a), (B)(3)(b), or (B)(3)(c) of this rule and rules 4757-5-02 and 4757-11-01 of the Administrative Code.

***** DRAFT – NOT FOR FILING *****

4757-7-01 **Renewal of license or certificate of registration.**

Any license or certificate of registration issued by the board expires two years from the date it is issued or renewed. The provisions of section 4757.32 of the Revised Code shall apply to all applications for renewal of licenses and certificates of registration.

- (A) The renewal applicant shall file the required renewal forms in a manner prescribed by the board and shall pay the appropriate renewal fee. For the purposes of renewing online, the board shall supply the applicant with an user identification and password. The use of the user identification and password provided by the board is solely the responsibility of the licensee to whom it is issued and shall be limited to filing a renewal application or updating the address. The user identification and password shall constitute the legally recognized signature for the purposes of this rule and may not be transferred, distributed or shared with any other person. Any person who knowingly makes a false statement on a renewal application or electronic application may be found guilty of falsification under section 2921.13 of the Revised Code, a misdemeanor of the first degree.
- (B) The renewal applicant shall demonstrate in a manner prescribed by the board that the applicant has met the continuing professional education requirements for any license or certificate of registration that the applicant holds.
- (1) The continuing professional education required for renewal shall have been acquired subsequent to the issue of, or the last renewal of, the license or certificate of registration.
 - (2) Renewal applicants who hold two or more licenses issued by this board shall satisfy the continuing professional education requirements for each license they wish to renew. Continuing professional education used to renew one license or certificate of registration issued by this board may be used to renew another license or certificate of registration if it is approved for that license or certificate of registration.
 - (3) The board may waive the continuing professional education requirements for persons unable to meet them because of disability, residence abroad, military service, or other reasonable cause. Such requests for waiver must be accompanied by documentation acceptable to the board per paragraph (D) of this rule.
- (C) Except as stated in paragraph (B)(3) of this rule, the licenses or certificates of registration of persons who do not meet their continuing professional requirements shall expire two years from the date of issuance. The board shall renew any license or certificate of registration that has been lapsed for two years or less upon application by the former licensee or registrant, documentation that the continuing professional education requirement for renewal has been met, and payment of the

*** DRAFT – NOT FOR FILING ***

renewal fee. That restoration shall be for the remainder of the two years from the expiration date of that license. Individuals not renewing within two years of their expiration date will be required to reapply for licensure as a new applicant.

- (1) Thirty hours of continuing professional education shall be required to renew a license or certificate of registration that has been lapsed, unless it is the first renewal of an individual who was licensed as a social worker with a related degree. Those individuals shall be required to complete the social work coursework requirement.
 - (2) For all renewals , all licensees and registrants shall complete three hours of the thirty required hours in the area of social work, counseling, or marriage and family therapy ethics whichever applies.
- (D) Waiver of continuing education requirements shall be processed as delineated in this rule. Waivers shall be requested using forms delineated by the board. Waiver of continuing education may be for the full thirty hours or any part thereof or a partial waiver of any or all of the hours that shall be completed by a future date per a consent agreement. Waivers should be requested with at least thirty days lead time to allow processing prior to the expiration of a license for those licensees practicing in Ohio. A licensee whose license renewal date has passed shall not practice until they have renewed or they shall be in violation of section 4757.02 of the Revised Code and subject to administrative action up to and including revocation of their license.
- (1) Licensees who are disabled during a renewal period may receive a full waiver for renewal following disability. Proof of inability to work shall be provided for this waiver. A waiver will be required for each subsequent renewal. Once the licensee is practicing he/she shall be required to complete the continuing education requirements unless they are granted another waiver.
 - (2) Licensees residing abroad may take appropriate continuing education courses in that country and submit post approval requests per paragraph (C) of rule 4757-9-05 of the Administrative Code. Should appropriate courses not be available they may apply for a complete or partial waiver of continuing education hours needed for renewal. Once he/she returns to the United States the licensee shall complete the required continuing education hours for the next renewal.
 - (3) Military members on active duty outside of Ohio may receive a complete or partial waiver of all continuing education hours upon providing proof of orders outside of Ohio. Military members in Ohio may provide proof that they are unable to complete continuing education in order to receive a full or partial waiver of continuing education hours required.

***** DRAFT – NOT FOR FILING *****

- (4) Other reasonable causes may be submitted in writing requesting full or partial waiver of continuing education or future completion of continuing education hours needed to complete the thirty hours required.
- (5) If a waiver is granted, the licensee shall renew immediately, and their file annotated as to the status of their waiver and any due date for completion of additional continuing education hours. Any licensee required to complete future continuing education hours shall complete a consent agreement prior to renewing their license.
- (6) If a licensee is not practicing, a waiver shall not be granted unless the licensee is a military member or disabled and unable to work.

***** DRAFT – NOT FOR FILING *****

4757-11-01 **Denial, and disciplinary action for licenses or certificates of registration issued by the counselor, social worker, and marriage and family therapist board.**

The board may refuse to admit for examination, issue, renew, or may suspend, revoke, reprimand or place restrictions on any license or certificate of registration applied for or issued under Chapter 4757. of the Revised Code, or may take other disciplinary action against any licensee or registrant, if that person has:

- (A) Failed to meet the education, experience, examination, good moral character or other requirements set forth in Chapter 4757. of the Revised Code; and/or,
- (B) Violated any provision of the code of ethical practice or professional conduct or committed any other violation of professional behavior contained in the rules; and/or,
- (C) Committed a violation of any provision of Chapter 4757. of the Revised Code, or of rules adopted under it, including the provisions of section 4757.36 of the Revised Code; to include any of the following:
 - (1) Knowingly made a false statement in an application for licensure or registration, or in renewal of a license or certificate of registration;
 - (2) Accepted a commission or rebate for referring persons to any professionals licensed, certified, or registered by any court or board, commission, department, division, or other agency of the state, including, but not limited to, professionals in counseling, social work, or marriage and family therapy or in fields related to counseling, social work, or marriage and family therapy;
 - (3) Failed to comply with section 4757.12 of the Revised Code;
 - (4) Been denied, revoked, suspended or had restrictions placed on any license including, but not limited, to licensure to practice counseling, social work, or marriage and family therapy for any reason other than failure to renew in another state or jurisdiction;
 - (5) Used a controlled substance or alcoholic beverage to the extent that it impaired their ability to perform properly as a professional counselor, professional clinical counselor, counselor trainee, social work assistant, social worker, independent social worker, marriage and family therapist, or independent marriage and family therapist;
 - (6) Been convicted of, pled guilty to, pled no contest to, or had a judicial finding of guilt imposed in this state or in any other state of a misdemeanor committed in the course of practice as a professional counselor, professional clinical

*** DRAFT – NOT FOR FILING ***

counselor, counselor trainee, social work assistant, social worker, independent social worker, marriage and family therapist, or independent marriage and family therapist;

- (7) Been convicted of, pled guilty to, pled no contest to, or had a judicial finding of guilt imposed in this state or any other state or jurisdiction of a felony or any crime involving moral turpitude;
- (8) Committed any act that could be considered a crime in the state of Ohio. The board will refer this information to local law enforcement;
- (9) In the case of a professional counselor professional clinical counselor, or counselor trainee practiced professional counseling outside of their scope of practice;
- (10) In the case of a [social worker trainee](#), social worker or independent social worker, practiced social work outside their scope of practice, or a social work assistant who practices social work or practices outside their scope of practice;
- (11) In the case of a marriage and family therapist, or independent marriage and family therapist, practiced marriage and family therapy outside their scope of practice;
- ~~(12) In the case of a professional counselor, or counselor trainee, engaged in the diagnosis or treatment of mental and emotional disorders without the supervision of a professional clinical counselor, a psychologist, psychiatrist, or an independent social worker.~~
- ~~(13)~~(12) Sold, given away, diverted, or administered drugs for other than legal purposes; or been convicted of, pled guilty to, pled no contest to, or had a judicial finding of guilt imposed for violating any municipal, state, county or federal drug law;
- ~~(14)~~(13) Been professionally diagnosed as having an impairment of the ability to practice according to acceptable and prevailing standards of professional counseling, social work, and marriage and family therapy because of a physical or mental disability or drug or alcohol addiction;
- ~~(15)~~(14) Been adjudged by a probate court that the applicant for licensure, licensee, or registrant is mentally ill or mentally incompetent. The board may restore the license or registration or review the application for licensure or registration upon the adjudication by a probate court of the person's restoration to competency or upon submission to the board of other proof of competency;
- ~~(16)~~(15) Engaging or aiding and abetting an individual to engage in the practice of professional counseling, social work, or marriage and family therapy without a

*** DRAFT – NOT FOR FILING ***

license, or falsely using the title of counselor, social worker, or marriage and family therapist;

~~(17)~~(16) Failure to submit any records or documents, written statements or explanations that have been requested or subpoenaed by the board;

~~(18)~~(17) Failure to report any relevant information to the board concerning a counselor, marriage and family therapist, social worker, social work assistant, applicant, or trainee who is incapable of engaging in the practice of counseling, marriage and family therapy, or social work with reasonable skill, competence, and safety to the public, or failure to report any alleged violations of this act or rules adopted under it;

~~(19)~~(18) Failure to cooperate in any investigation concerning allegations to their or another licensee's or registrant's license or registration;

~~(20)~~(19) Failure to maintain appropriate standards of care. Standards of care shall be defined as what an ordinary, reasonable professional with similar training would have done in a similar circumstance;

~~(21)~~(20) The counselor, social worker, and marriage and family therapist board, under the provisions of the license or registration renewal requirements set forth in rule 4757-7-01 of the Administrative Code, has the authority to discipline a licensee or registrant who:

(a) Falsifies the renewal form by stating they have completed the required thirty hours of continuing education at the time they signed the renewal, if it is proven they have not completed the continuing education at that time.

(b) When audited, cannot present proof of thirty hours of approved continuing education.

~~(22)~~(21) Failure to adhere to any conditions set forth in a board approved adjudication order or consent agreement; ~~and/or~~;

~~(23)~~(22) Failure to cooperate in any investigation concerning allegations to their own or another licensee's or registrant's license or registration.

(D) One year or more after the suspension or revocation of a license or certificate or registration under this rule, the former licensee may apply and application for reinstatement may be made to the board. The board may accept or deny ~~refuse~~ an application for reinstatement. If a license has been suspended or revoked, the board may require an examination for reinstatement.

(E) The board shall investigate evidence that appears to show that any person has violated any provision of this chapter or any rule of the board. In the absence of bad faith,

***** DRAFT – NOT FOR FILING *****

any person who reports such information or who testifies before the board in any adjudication conducted under Chapter 119. of the Revised Code shall not be liable for civil damages as a result of the report or testimony.

- (F) Information received by the board pursuant to an investigation is confidential in accordance with section 4757.38 of the Revised Code and shall not be subject to discovery in any civil action. If the investigation requires a review of client records, the investigation and proceedings shall be conducted in such a manner as to protect client confidentiality.

***** DRAFT – NOT FOR FILING *****

4757-13-02 **Requirements for licensure as a professional counselor.**

All applicants for licensure as a professional counselor shall:

- (A) Meet the educational requirements as established in rule 4757-13-01, ~~4757-13-04~~ or 4757-13-06 of the Administrative Code.
- (B) Successfully complete the licensure examination prescribed by the counselor professional standards committee. Applicants for the professional counselor examination shall have passed the required examination within two years of application date unless they are currently licensed in an equivalent capacity in another state and passed the prescribed examination as part of the licensure requirements in that state.
- (C) Be of good moral character.
- (D) Have met all of the initial application requirements established in rule 4757-1-04 of the Administrative Code.

*** DRAFT – NOT FOR FILING ***

4757-13-04

Requirements for licensure as a professional counselor with degrees awarded prior to September 18, 1998.

This rule is being rescinded due to expiration of legislative authority for the rule.

The requirements for licensure as a licensed professional counselor are generally set forth in section 4757.23 of the Revised Code and Section 5 of Amended Substitute Senate Bill 223 of the 121st General Assembly.

(A) Pertaining to the educational requirements, the board further describes:

(1) A "graduate degree in counseling" is defined as a degree that meets all of the following criteria:

(a) The degree and/or the official transcript of course work must clearly indicate, that the degree awarded is a degree in counseling. Graduate degrees in other human service areas such as psychology, social work and marriage and family therapy are not considered degrees in counseling.

(b) The program must be clearly identified as a counseling program. Such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional counselors.

(c) The counseling program must stand as a recognizable organizational entity within the institution and have a counseling faculty who are appropriately licensed as professional counselors or professional clinical counselors.

(d) The counseling program must be an organized sequence of study that includes graduate coursework in each of the ten areas of counselor training;

(i) Counseling theory: includes a study of basic theories, principles of counseling and philosophical bases of the helping relationship;

(ii) Counseling techniques: includes individual counseling practices, methods, facilitative skills, and the application of these skills;

(iii) Practicum and/or internship:

(a) A practicum includes a supervised training experience, acceptable to the board, consisting of the provision of counseling to bonafide clients, and/or groups seeking services from counselors.

(i) Prior to the completion of the acceptable practicum the student must have completed a course in counseling theory and a course in counseling techniques.

*** DRAFT – NOT FOR FILING ***

- (ii) The practicum, in all cases, must be under the direction of a faculty member, who is a qualified graduate faculty member.
 - (iii) The supervisor's critique of the trainees work shall take place through face-to-face contact. Face to face contact may include electronic media only if prior board approval is granted.
 - (iv) The training supervisee's work may be reviewed and critiqued either through live supervision or audio or video tape.
 - (v) Those students or counselor trainees who are intending to use the practicum experience to meet the experience requirements of the board must report their practicum experiences within thirty days of the successful completion of the practicum.
- (b) Internship: includes an on-the-job experience in professional counseling acceptable to the board, under the tutelage of an on-site supervisor who is a professional clinical counselor, professional counselor or is a licensed independent mental health professional acceptable to the board.
- (iv) Human growth and development: includes studies that provide a broad understanding of the nature and needs of individuals at all developmental levels. Emphasis is placed on psychological, sociological, and physiological approaches, human behavior, (normal and abnormal), personality theory, and learning theory;
 - (v) Social and cultural foundations: includes studies of change, ethnic groups, subcultures, changing roles of women, sexism, racism, ethnocentrism, urban and rural societies, population patterns, cultural mores, use of leisure time, and differing life patterns;
 - (vi) Group: includes the study of group dynamics, group processes, practices and methods of group counseling, supervised practice, facilitative skills and theory and types of groups;
 - (vii) Life-style and career development: includes vocational-choice theory, relationship of career choice to life-style, sources of occupational and educational information, approaches to career decision-making processes, and career development exploration techniques;
 - (viii) Appraisal of the individual through testing includes the development of a framework for understanding the individual, methods of data-gathering and interpretation, case study approaches, individual and group psychological and educational testing and the study of individual differences with consideration of ethnic, cultural and gender factors;

***** DRAFT – NOT FOR FILING *****

(ix) Research and evaluation: includes statistics, research design, the development of research and demonstration proposals, as well as the development and evaluation of program objectives;

(x) Professional, legal, and ethical: includes the study of professional counseling organizations, codes of ethics, legal considerations standards of preparation, certification and licensure including the Ohio licensure law, and the professional role identity of counselors.

(B) Pertaining to supervised experience in counseling the following is required:

(1) An applicant with a masters degree in counseling must have completed three years of supervised experience in counseling at least two of which must be completed after the award of the degree.

(2) Each year of supervised experience in counseling required under this rule must meet the following criteria:

(a) It consists of a least one thousand five hundred hours of work for a fee or salary in which the applicant was primarily engaged in the direct provision of counseling services as defined in division (A) of section 4757.01 of the Revised Code. If during a twelve month period, the applicants supervised experience totaled less than one thousand five hundred hours credit will be granted for the fraction of a year's experience represented by the number of hours worked.

(b) The experience must be under the supervision of a professional counselor, a professional clinical counselor, a psychologist, a psychiatrist, or an independent social worker.

(c) One year of the three years experience may be unpaid experience and may have been completed as a part of the educational requirements during the practicum or internship experience.

(d) In order for the experience to be counted the applicant must register as a counselor trainee with the board within thirty days of the beginning of the experience.

(C) Applicants applying under this rule must successfully complete the professional counselor examination prior to December 31, 1998.

(1) Prior to being approved to sit for the examination an applicant must have had their masters degree in counseling reviewed and approved by the counselor professional standards committee.

***** DRAFT – NOT FOR FILING *****

(2) Applicant's who are denied admission to the examination will be afforded an opportunity for a hearing pursuant to Chapter 119. of the Revised Code.

(D) Applicants must be of good moral character

(E) Applicants must have met all of the initial application requirements established in rule 4757-1-04 of the Administrative Code.

***** DRAFT – NOT FOR FILING *****

4757-13-06 **Endorsement of a professional counselor or professional clinical counselor license.**

- (A) An applicant requesting licensure as a professional counselor or professional clinical counselor via endorsement shall submit to the board all of the following:
- (1) A completed licensure application for the level of licensure for which the applicant is seeking licensure;
 - (2) The required fee established by the board under paragraph (B) of rule 4757-1-05 of the Administrative Code;
 - (3) An official statement, which indicates applicant is currently licensed, certified, registered, or otherwise authorized to practice as a professional counselor or professional clinical counselor in another jurisdiction;
 - (4) An official statement from any and all jurisdictions where the applicant is currently or has been previously licensed, certified, registered, or otherwise authorized to practice as a professional counselor or professional clinical counselor indicating whether the applicant is in good standing and whether disciplinary action has been taken or is pending against the applicant;
 - (5) All transcripts of undergraduate and graduate education, if any;
 - (6) If the applicant has taken another jurisdiction's professional counselor or professional clinical counselor licensure exam, documentation of whether the applicant passed that exam;
 - (7) Any additional documentation requested by the board that would assist the board in making a determination based on paragraphs (B)(1) to (B)(8) of this rule.
- (B) The counselor professional standards committee may consider the following factors to determine whether to grant the applicant a license via endorsement:
- (1) Whether the applicant possesses a degree in counseling awarded by an appropriately accredited institution whose program is clearly identified as a counseling program that confers a counseling degree;
 - (2) Whether the applicant's coursework is substantially similar to the requirements in paragraphs (A)(4) and (A)(5) of rule 4757-13-01 of the Administrative Code;
 - (3) Whether the hourly amount of the applicant's degree coursework is substantially similar to the hours required in division (B)(3) of section 4757.23 of the Revised Code;

*** DRAFT – NOT FOR FILING ***

- (4) Whether the applicant has passed a state professional counselor or professional clinical counselor licensure exam that is substantially similar to Ohio's examination;
- (5) Whether the applicant for professional clinical counselor has substantially equivalent supervised experience required by division (B)(4) of section 4757.22 of the Revised Code and paragraph (A)(2) and/or (A)(3) of rule [4757-13-03-4757-13-02](#) of the Administrative Code;
- (6) Whether the applicant's license is currently in good standing in another jurisdiction and whether applicant has been disciplined in another jurisdiction;
- (7) The number of years the applicant has practiced as a professional counselor or professional clinical counselor in another jurisdiction; and
- ~~(8) If the degree was awarded prior to September 18, 1998, whether the applicant substantially meets the requirements of rule 4757-13-04 of the Administrative Code.~~

***** DRAFT – NOT FOR FILING *****

4757-17-01 **Counseling supervision.**

This rule applies to all professional counselors registered as clinical residents who are working toward licensure as professional clinical counselors and counselor trainees seeking licensure under rules 4757-13-01, [and](#) 4757-13-03 ~~and 4757-13-04~~ of the Administrative Code. This rule also applies to professional counselors who are diagnosing and treating mental and emotional disorders under the work supervision of an independently licensed mental health professional.

(A) Definition of supervision:

- (1) "Training supervision" is supervision of all individuals who are gaining the experience required for a license as a professional clinical counselor, or a license as a professional counselor under rule 4757-13-01 ~~or 4757-13-04~~ of the Administrative Code, or a counselor trainee registered with the board and enrolled in a practicum or internship class under paragraph (E) of this rule. This type of supervision requires extensive time and involvement on the part of the supervisor in order to help supervisees improve their skills and/or learn new skills. Training supervision shall include an average of one hour of face-to-face contact between the supervisor and supervisee for every twenty hours of work by the supervisee.
- (2) "Work supervision" is supervision required of professional counselors who are engaging in the diagnosis and treatment of mental and emotional disorders and who are not registered with the board for training purposes. Professional counselors shall disclose to their clients in writing that they are engaging in the diagnosis and treatment of mental and emotional disorders under the supervision of an appropriately licensed mental health professional. The supervisee shall also disclose to their clients in writing the name(s) of the said professional(s).
- (3) "Group supervision" is board approved supervision that consists of not more than six supervisees for one supervisor.

(B) Purposes of training supervision:

- (1) To provide for the protection of consumer and client welfare;
- (2) To provide that supervisees function within the limits of their competence; and
- (3) To provide training in activities relevant to the supervisee's position and academic background.

(C) Requirements pertaining to training supervision:

***** DRAFT – NOT FOR FILING *****

- (1) A professional clinical counselor or professional counselor providing supervision shall:
 - (a) Have demonstrated competence in the area in which they are supervising;
 - (b) Have training in supervision theory and practice;
 - (c) Have training in legal and ethical issues relevant to counseling;
 - (d) Have training in multicultural counseling competencies as defined by the board;
 - (e) Have a board issued supervision designation; and
 - (f) Complete and forward to the board all supervision evaluation forms required by the board within thirty days of receipt of the form from a supervisee.
- (2) Training supervisees may not choose a supervisor who is a family member or who is related to them in any way.
- (3) Professional counselors who are registered with the board for training supervision and engaging in the supervised diagnosis and treatment of mental and emotional disorders shall not collect fees in their own names. All billings shall be in the name of the employing agency or the licensed supervisor.
- (4) All supervisee reports dealing with client welfare shall be co-signed by the supervisor.
- (5) Professional counselors who engage in the diagnosis and treatment of mental and emotional disorders shall do so under the work supervision of a professional clinical counselor, a psychologist, a psychiatrist, or an independent social worker with a clinical area of competence. All clinical residents engaging in training supervision for licensure as professional clinical counselors shall be under the supervision of a professional clinical counselor with supervision designation. All counselor trainees engaging in training supervision for licensure as professional counselors shall be under the supervision of a professional counselor with supervision designation or professional clinical counselor with supervision designation except that a professional clinical counselors with supervision designation shall supervise the counselor trainee when diagnosing and treating mental and emotional disorders. Requests for exceptions to this rule for training supervision, due to hardship, shall be made in writing to the board. A board approved supervisor shall not supervise more than six supervisees who are registered at one time with this board. Training supervision provided under paragraph (E)(1) of this rule shall count toward the six supervisee limit.

***** DRAFT – NOT FOR FILING *****

- (6) Individuals in the process of completing the supervised experience required for licensure may be employed on a paid basis as long as they are practicing within the scope of practice of the license for which they are applying, and are properly licensed or registered with the board.
 - (7) Supervisees presenting supervision experience from another state shall provide the vita of their supervisors to demonstrate that their supervisors are licensed to supervise the diagnosis and treatment of mental and emotional disorders and thus are acceptable to the board.
 - (8) In the event that a supervisee is practicing under work supervision while registered for training supervision, the rules for training supervision shall supersede the rules for work supervision.
 - (9) Nothing in this rule shall prevent professional counselors from practicing independently within their scope of practice.
- (D) Registration of training supervision for those seeking professional clinical counselor licensure:
- (1) A written training supervision agreement, on a form designated by the board, shall be filed with the board at the beginning the training experience. All applications for clinical resident shall be made per procedures established by the counselor professional standards committee. Changes per paragraph (D)(4) of this rule to the clinical resident status shall be made in the manner required by the counselor professional standards committee. The status of these applications shall not be "active" until the supervision documentation is complete in its entirety and shall be verified from the board online license verification system.
 - (2) This form shall be used to obtain "clinical resident" status as defined in paragraph (S) of rule 4757-3-01 of the Administrative Code to enable the clinical resident to accumulate and document hours toward professional clinical counselor licensure.
 - (3) Filing of the written training supervision agreement with the board shall be the sole responsibility of the licensee or registrant.
 - (4) In the event that it is necessary for the supervisee to change or add supervisors, sites or duties the supervisee shall be responsible to contact the board within thirty days of such a change and provide the following information:
 - (a) Notification of a change or addition to supervisors, sites, duties, licensure, or registration renewal status of either supervisor, clinical resident or professional counselor license of the clinical resident; and

*** DRAFT – NOT FOR FILING ***

- (b) Clinical residents shall partially complete a "supervision evaluation and verification" form with data elements required from supervisee within thirty days of changing supervisors and provide that form for final completion by their former supervisor to document hours accrued. The supervisor shall complete that form and submit it to the board within thirty days of receipt from the supervisee.

(E) Registration of training supervision for practicum or internship for counselor trainee status:

- (1) Students enrolled in a practicum or internship prior to receiving their counseling degree are eligible for "counselor trainee" status as defined in paragraph (T) of rule 4757-3-01 of the Administrative Code, if they are doing so in Ohio. ~~Students are not required by the board to have counselor trainee status to complete their practicum or internship requirements, including the provision of supervised counseling services, but may be required to obtain registration as a counselor trainee by the supervising agency as a condition of acceptance for practicum or internship. A student may also voluntarily choose to apply for registration as a counselor trainee.~~ Applicants for counselor trainee status shall: ~~apply on a form specified by the board and provide proof of enrollment in a master's level practicum or internship course. A copy of the university's online enrollment document shall be acceptable; or a letter, email or facsimile from the professor, counseling office or registrar stating the applicant is enrolled. The status of these applications shall not be made "active" until the form is completed properly and the board receives email confirmation from the supervisor. Counselor trainees shall be supervised by professional clinical counselors with supervision designation when diagnosing and treating mental and emotional disorders.~~

(a) Be of good moral character;

(b) Provide criminal records checks per paragraph (E) of rule 4757-1-04 of the Administrative Code;

(c) Apply on a form specified by the board and comply with rule 4757-4-01 of the Administrative Code;

(d) Provide proof of enrollment in a master's or doctoral-level level practicum or internship course. A copy of the university's online enrollment document shall be acceptable; or a letter, email or facsimile from the professor, counseling office or registrar stating the applicant is enrolled;

~~(a)~~(e) Applicants shall document proof of counselor trainee status using the board's online license verification system at <https://license.ohio.gov>. Trainee status shall be active only within the dates displayed on that system.

*** DRAFT – NOT FOR FILING ***

The dates of that registration shall be up to a month ~~four weeks~~ past the end of the term enrolled;

~~(b)(f) Applicants enrolling for a subsequent practicum or internship course need not complete a new application, but shall provide~~ Provide proof of enrollment as specified in paragraph (E)(1)(c) of this rule for their existing registration to be extended through the dates of that course. A separate application may be required for practicum and internship;

(g) Have the same scope of practice as a professional counselor in rule 4757-15-01 of the Administrative Code, but require much closer supervision during the training process; and

(h) Counselor trainee status is not a substitute for licensure and is only valid at the school approved field placement site(s) where the student is completing his or her field placement, and through the dates listed on the board's online license verification system.

~~(2) Individuals seeking training supervision under paragraph (B)(2) of rule 4757-13-04 of the Administrative Code are eligible for "counselor trainee" status as defined in paragraph (T) of rule 4757-3-01 of the Administrative Code. These individuals shall file an application with the board online for counselor trainee status. In order to be approved the following shall be required:~~

~~(a) A written training supervision agreement, on a form designated by the board, shall be confirmed by the training supervisee and training supervisor and filed with the board. The application is required within thirty days of starting the supervised experience for that experience to be accepted by the board; and~~

~~(b) Proof of eligibility via transcript showing a conferred master's degree in counseling that meets the requirements of rule 4757-13-04 of the Administrative Code earned prior to September 18, 1998. A student copy shall be acceptable, however, a transcript received directly from the college or university shall be required for licensure.~~

~~(c) Applicants engaging a new supervisor or extending a supervisory agreement need not complete a new application, but shall provide proof of supervision as specified in paragraph (E)(2)(a) of this rule for their existing registration to be extended through the dates requested or modified for the new supervisor.~~

~~(3)~~(2) Ensuring the counselor trainee is properly registered and listed on the licensure web site <https://license.ohio.gov> is primarily the responsibility of the counselor trainee, but shall be monitored by the work place supervisor or agency at time of placement and subsequent extensions of counselor trainee status.

*** DRAFT – NOT FOR FILING ***

(F) Requirements for applying for a supervising counselor designation.

- (1) Professional clinical counselors or professional counselors applying for supervising counselor status shall meet the following minimum requirements after August 31, 2008.
 - (a) Document a minimum of twenty-four hours of academic preparation or board approved continuing education coursework in counselor supervision training including training six hours in each area as follows:
 - (i) Assessment, evaluation and remediation which includes initial, formative and summative assessment of supervisee knowledge, skills and self-awareness; components of evaluation e.g. evaluation criteria and expectations, supervisory procedures, methods for monitoring (both direct and indirect observation) supervisee performance, formal and informal feedback mechanisms, and evaluation processes (both summative and formative), and processes and procedures for remediation of supervisee skills, knowledge, and personal effectiveness and self-awareness;
 - (ii) Counselor development which includes models of supervision, learning models, stages of development and transitions in supervisee/supervisor development, knowledge and skills related to supervision intervention options, awareness of individual differences and learning styles of supervisor and supervisee, awareness and acknowledgement of cultural differences and multicultural competencies needed by supervisors, recognition of relational dynamics in the supervisory relationship, and awareness of the developmental process of the supervisory relationship itself;
 - (iii) Management and administration which includes organizational processes and procedures for recordkeeping, reporting, monitoring of supervisee's cases, collaboration, research and evaluation; agency or institutional policies and procedures for handling emergencies, case assignment and case management, roles and responsibilities of supervisors and supervisees, and expectations of supervisory process within the institution or agency; institutional processes for managing multiple roles of supervisors, and summative and formative evaluation processes; and
 - (iv) Professional responsibilities which includes ethical and legal issues in supervision includes dual relationships, competence, due process in evaluation, informed consent, types of supervisor liability, privileged communication, consultation, etc.; regulatory issues include Ohio laws governing the practice of counseling and counseling supervision,

***** DRAFT – NOT FOR FILING *****

professional standards and credentialing processes in counseling, reimbursement eligibility and procedures, and related institutional or agency procedures.

- (b) The board shall waive the requirements in paragraphs (F)(1)(a)(i) to (F)(1)(a)(iv) and (F)(1)(e) of this rule for existing professional counselors and professional clinical counselors who apply prior to September 1, 2008 for the supervisory designation if they meet the other requirements of paragraph (F) of this rule. These applicants shall complete a minimum of ten hours of academic preparation or board approved continuing education coursework in counselor supervision training.
 - (c) Each professional clinical counselor shall obtain a minimum of one year and fifteen hundred hours of clinical experience, post professional clinical counselor licensure, which shall include the diagnosis and treatment of mental and emotional disorders.
 - (d) Each professional counselor shall obtain four thousand five hundred hours experience post licensure including, but not limited to, work in areas such as career counseling, personal growth, supervised diagnosis and treatment of mental and emotional disorders, etc. All supervision of diagnosis and treatment of mental and emotional disorders shall be per section 4757.21 of the Revised Code and rules 4757-15-01 and 4757-15-02 of the Administrative Code.
 - (e) The fifteen hundred hours shall include at least one supervision of supervision experience, which has been supervised for a minimum of five hours and consists of the applicant providing ten hours of supervision to at least one supervisee. The supervisor providing supervision of the supervision process shall be a professional clinical counselor with a supervising counselor designation.
 - (f) Comply with all current or future association for counseling education and supervision "ACES" and American counseling association "ACA" ethical standards pertaining to the supervisory relationship.
 - (g) Document applicant's familiarity with significant legal, ethical, and clinical issues relevant to the supervisory relationship on a form prescribed by the board.
- (2) All supervising counselors shall maintain supervising counselor status by obtaining six hours of counselor professional standards committee approved continuing professional education in supervision. Three of the required six hours may be met through a minimum of six hours of peer supervision, which shall address one or more core supervision content requirements and shall be

*** DRAFT – NOT FOR FILING ***

with other licensed mental health providers, and shall be documented as such, including participants' names, topics discussed and dates met.

- (3) Professional ~~counselors and professional~~ clinical counselors engaged in training supervision shall be called "supervising counselors" per ~~paragraph~~~~paragraphs~~ ~~(Q)(8) and~~ (Q)(9) of rule 4757-3-01 of the Administrative Code. They shall have adequate training, knowledge, and skill to render competent clinical supervision and shall meet the criteria for work and training supervision as defined in paragraphs (A)(1) and (A)(2) of this rule. Professional counselors engaged in training supervision shall be called "supervising counselors" per paragraph (Q)(8) of rule 4757-3-01 of the Administrative Code. They shall have adequate training, knowledge, and skill to render competent non-clinical supervision and shall meet the criteria for training supervision as defined in paragraph (A)(1) of this rule and shall not supervise the diagnosis and treatment of mental and emotional disorders.

*** DRAFT – NOT FOR FILING ***

4757-19-05 Social worker trainee applications.

Registration of training supervision shall be only for master's level students from council on social work education "CSWE" accredited programs that who are not licensed as social workers. The purpose of social worker trainee status is to aid non-licensed master's level social work students to acquire field placement at an agency that receives public funds. Students are not required to have social worker trainee status to complete their field placement requirements, including the provision of supervised psychosocial interventions, but may be required to obtain registration as a social worker trainee by the supervising agency as a condition of acceptance for field placement. A student may also voluntarily choose to obtain registration. Applicants shall:~~Applicants for trainee status shall complete the board online application or request form. In order to be approved one of the following documents shall be required.~~

(A) Be of good moral character. ~~Provide~~ proof of enrollment in a master's level field education course (practicum/internship/field work). A copy of the university's online enrollment document shall be acceptable; or a letter, email or facsimile from the professor, social work office or registrar stating the applicant is enrolled.

(B) Complete a criminal records check per paragraph (E) of rule 4757-1-04 of the Administrative Code.

(C) Provide proof of enrollment in a master's level field education course (practicum/internship/field work). A copy of the university's online enrollment document shall be acceptable; or a letter, email or facsimile from the professor, social work office or registrar stating the applicant is enrolled.

~~(B)~~(D) ~~Applicants shall document~~ Document proof of enrollment using the board's online license verification system at <https://license.ohio.gov>. Trainee status shall be active only within the dates displayed on that system. The dates of that registration shall be up to one month~~four weeks~~ past the end of the term enrolled.

~~(C)~~(E) ~~Applicants enrolling for a subsequent field education course need not re-apply, but shall provide~~ Provide proof of enrollment as specified in paragraph (A) of this rule for their existing registration to be extended through the dates of that course.

(F) Have the same scope of practice as a licensed social worker in rule 4757-21-02 of the Administrative Code.

(G) Be supervised at a field placement by a licensed social worker with a master's degree in social work or a licensed independent social worker with or without supervision designation. Those applicants treating and diagnosing mental and emotional disorders shall receive training supervision only by a licensed independent social worker with a supervision designation.

***** DRAFT – NOT FOR FILING *****

(H) Social worker trainee status is not a substitute for licensure and is only valid at the school approved field placement site(s) where the student is completing his or her field placement through the dates listed on the board's online license verification system.

***** DRAFT – NOT FOR FILING *****

4757-23-01 **Social work supervision.**

This rule applies to all social work assistants; to all social workers employed in a private practice, partnership, or group practice; to all social workers engaged in social psychotherapy; and to all social workers seeking licensure as independent social workers.

(A) Definitions of social work supervision:

- (1) "Clinical supervision" of social workers performing social psychotherapy and social workers employed in a private practice, partnership, or group practice means the quantitative and qualitative evaluation of the supervisee's performance; professional guidance to the supervisee; approval of the supervisee's intervention plans and their implementation; the assumption of responsibility for the welfare of the supervisee's clients; and assurance that the supervisee functions within the limits of their license. The assessment, diagnosis, treatment plan, revisions to the treatment plan and transfer or termination shall be cosigned by the supervisor and shall be available to the board upon request.
- (2) "Training supervision" means supervision for the purposes of obtaining a license and/or development of new areas of proficiency while providing services to clients. The training supervisor is responsible for the professional growth of the supervisee. Training supervision may be individual supervision or group supervision.
 - (a) "Individual supervision" means face-to-face contact between a supervisor and an individual supervisee in a private session wherein the supervisor and supervisee deal with problems unique to the practice of that supervisee.
 - (b) "Group supervision" means face-to-face contact between a supervisor and a small group (not to exceed six supervisees) in a private session wherein practice problems are dealt with that are similar in nature and complexity to all supervisees in the group.

(B) "~~Clinical~~" supervision requirements.

- (1) A social worker engaged in social psychotherapy in an agency setting shall be supervised by an independent social worker, a professional clinical counselor, a psychologist, a psychiatrist or a registered nurse with a master's degree with a specialty in psychiatric nursing.
- (2) A social worker working as an employee of a partnership, group or private practice shall be supervised in all practice of social work by a supervisor listed in paragraph (B)(1) of this rule.

*** DRAFT – NOT FOR FILING ***

(C) Training supervision of licensed social workers by licensed independent social workers with a supervision designation requires the supervisor to:

- (1) Have demonstrated competence in the area in which they are supervising;
- (2) Have training in supervision theory and practice;
- (3) Have training in legal and ethical issues relevant to counseling, psychosocial interventions and social psychotherapy;
- (4) Complete and forward to the board all supervision evaluation forms required by the board within thirty days of receipt of the form from a supervisee.

~~(C)~~(D) Requirements for social work professional training supervision to qualify for licensure as an independent social worker:

- (1) One hour of individual or group supervision for each twenty hours of work by the supervisee.
- ~~(2) The supervisee shall not pay a fee or make any other form of remuneration to the supervisor. Individuals who are unable to secure unpaid supervision may request an exception to this rule from the social work professional standards committee.~~
- ~~(3)~~(2) Employment experience obtained after October 10, 1986, that is required for licensure as an independent social worker, shall be supervised by a independent social worker.
- ~~(4)~~(3) Records of training supervision shall be maintained by the supervisee and made available to the board upon request. The supervision records shall contain information concerning the dates of supervision, content and goals of supervision. The supervisor and shall sign the supervision records be signed off on by supervisor at least quarterly to document their review.
- ~~(5)~~(4) No business relationship for profit between a supervisor and a supervisee except as an employee of said supervisor if the experience is to be counted toward the fulfillment of the licensure requirement unless a specific exemption has been granted in writing by the committee prior to the beginning of the training experience.
- ~~(6)~~(5) There shall be no direct family relationship between the supervisor and the supervisee if the experience is to be counted toward the fulfillment of the licensure requirement.
- ~~(7)~~(6) Certification that the requirements of this rule have been met shall be submitted by the applicant on a form designated by the board at time of licensure application.

*** DRAFT – NOT FOR FILING ***

~~(8)~~(7) If the training supervision is occurring in Ohio, the supervisee and the supervisor shall be licensed in Ohio.

~~(D)~~(E) Requirements for social work professional training in supervision to qualify for a supervisory designation:

(1) After September 1, 2008, only independent social workers who have obtained a supervisory designation shall provide training supervision.

(a) Applicants for supervisory designation after September 1, 2008 shall apply on forms required by the board and shall document at least the following requirements.

(i) One year post licensure experience as an independent social worker; and

(ii) Training in supervision of at least nine hours of continuing education in committee approved supervision programs or one master's level supervision course, which shall be completed as follows: between the date the applicant received the independent social worker and the date the applicant is applying for the supervision designation using continuing education training; or complete a master's level supervision course from an accredited university within the last three years.

(b) The board shall waive the requirements in paragraphs (D)(1)(a)(i) and (D)(1)(a)(ii) of this rule for existing licensed independent social workers who apply prior to September 1, 2008 for the supervisory designation.

(2) All supervising independent social workers shall maintain supervisory status by obtaining three hours of social workers professional standards committee approved continuing professional education in supervision or a master's level course in supervision each renewal period.

(3) If the minimum of nine hours of academic preparation is continuing education coursework, it shall be board approved. The continuing education coursework in social work training supervision shall include each area as follows:

(a) The coursework shall total nine clock hours of didactic and interactional instruction; and

(b) The coursework shall contain content that satisfies the following learning objectives.

(i) The participant will become familiar with the major models of supervision for social work;

*** DRAFT – NOT FOR FILING ***

- (ii) Gain skills to develop a personal model of supervision, drawn from existing models of supervision;
- (iii) Understand the co-evolving dynamics of licensee-client and supervisor-licensee-client relationships;
- (iv) Explore distinctive issues that arise in supervision;
- (v) Address the contextual variables in practice such as culture, gender, ethnicity, power and economics;
- (vi) Become familiar with the ethical, legal and regulatory issues of supervision; and
- (vii) Understand the role of evaluation in supervision.