

# CSI - Ohio

## The Common Sense Initiative

### Business Impact Analysis

Agency Name: State Board of Psychology

Regulation/Package Title: Supervision and Training Requirements

Rule Number(s): 4732-9-01, 4732-9-01.2, 4732-13-02, 4732-13-03, 4732-13-04

Date: March 6, 2018

Rule Type: Amended; Rescind/replace 4732-13-04

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.**

-Rule 4732-9-01 specifies requirements for licensure as a psychologist under various sections of ORC 4732.10. The proposed changes serve to make the pre-licensure training requirements parallel for applicants with degrees from APA-accredited programs and candidates with doctoral degrees from programs without APA accreditation. Previous amendments resulted in more

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stringent requirements for those with APA-accredited degrees, resulting in a lower bar for training supervision for candidates from programs without APA accreditation. By making the training requirements identical regardless of the accreditation status of a given degree program, these changes foster consistency in the pre-licensure training for Ohio's psychologists.

-Rule 4732-9-01.2 contains the requirements for degrees earned from foreign countries. The change is proposed to reduce confusion by stating degrees accredited by the Canadian Psychological Association are exempt from review for equivalence to a U.S. degree, and by correcting a citation to another rule.

-Rule 4732-13-02 contains the purposes of supervision of trainees and other providers. A change is proposed to eliminate confusion about the purpose of mental health worker supervision

-Rule 4732-13-03 contains definitions related to supervision. Changes are proposed to bring the definition of "psychological work supervision" into line with prevailing practice standards in the profession by acknowledging that diagnosis and treatment planning may be delegated to supervisees working under the supervision of a psychologist. This allows psychologists more flexibility to use their judgment in the process of delegating services to supervisees. The second change serves to reduce redundancy and shorten the definition of "psychological umbrella supervision."

-Rule 4732-13-04 is a chapter containing requirements to be met when an unlicensed person is delivering psychological or school psychological services under the supervision of a license holder (either as an "extender" in psychological work supervision or as a trainee toward licensure in psychological training supervision). The proposed change involves rescinding the rule and replacing it with a rule that contains essentially the same requirements clarified and reorganized in a manner that is easier to follow.

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

4732.06

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

No.

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

There are no federal requirements to exceed.

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**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 Psychology Board is responsible for ensuring that safe and competent services of license holders and their supervisees are available to the public, and for ensuring that rules are as clear and consistent as possible. These rules reflect basic definitions and minimal requirements for pre-licensure training and requirements for supervision of providers to foster objective, professional oversight and competent services.

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

Primary changes in this package are: making all pre-licensure training experiences consistent, regardless of the accreditation status of a given doctoral program (Rule 4732-9-01); and, reorganizing the chapter of supervision rules to foster clarity and readability (4732-13-04). Outcomes are anticipated to include less confusion and less effort for applicants, supervisors, and Board staff, because one set of training requirements will result in the use of the same training verification forms (currently non-accredited program graduates need to use separate forms to reflect the less stringent training requirements). Finally, the regulations will be deemed to have successful outcomes if they are clear to the reader and less confusing after correction of erroneous citations.

**Development of the Regulation**

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

Mr. Michael Ranney, Executive Director, Ohio Psychological Association

Ms. Ann Brennan, Executive Director, Ohio School Psychologists Association

Dr. Brad Hedges, Psychologist and Board President

Dr. Tim Lionetti, Director of Training, Walden University

Dr. Paula Shear, Psychologist, Director of Training, University of Cincinnati

Dr. Karen Taylor, Psychologist, Counseling and Consultation, Ohio State

Dr. Jeeseon Park-Saltzman, Psychologist, Counseling and Consultation, Ohio State

Dr. Ronald Ross, Executive Director, Ohio Board of Psychology

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

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A stakeholder meeting was convened on November 30, 2017. The input focused on the reorganization of Rule 4732-13-04 and on the proposed requirement to have one set of training supervision requirements, regardless of academic program, to foster consistency in the training of psychologists. Consensus was reached by the stakeholder group, and was unanimously approved by the Ohio Board of Psychology. Time requirements for weekly supervision of candidates from non-accredited degree programs is essentially being changed from 1 hour weekly to 2 hours weekly, with no changes to the amount of total training time or to fees. Representatives from doctoral programs without APA accreditation asserted that their students should be held to the same minimum standards for training supervision as all other applicants.

**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?**

Consistent training requirements across academic programs is the standard in the U.S., and benchmarking data from other jurisdictions indicate that these proposed changes will result in less confusion and a clear set of training requirements for all supervisors and all psychologists-in-training.

**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?**

The questions before the Board and the stakeholder group related to a pre-meeting consensus that Rule 4732-9-01 needed to be amended to make the training requirements the same regardless of academic program, and that Rule 4732-13-04 could be improved by rescinding it and filing a reorganized rule. Given the context, the only alternative was to avoid clarifying the rules.

**11. Did the Agency specifically consider a performance-based regulation? Please explain.**

No. This is not a set of regulations amendable to measuring performance per se.

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

Chapter 4732 of the Administrative Code contains the only regulations in Ohio granting an agency authority to govern the practice of psychology and the practice of school psychology outside of school settings.

**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.**

In this package, the primary implementation strategy will be to notify all license holders of the changes, and to decommission old training verification forms, currently in use for applicants without doctoral degrees accredited by the APA. This would be done via our email

list serve, eLicense Ohio instructions, website, and through the Ohio Psychological Association and Ohio School Psychologists Association.

### **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**

The impacted business community includes license holders and their supervisees.

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

The proposed changes to citations do not have adverse impact. The proposed changes to Rule 4732-9-01 includes additional required supervision time to meet minimum consensus standards across the country, and to ensure applicants from programs without APA accreditation receive the same level of supervision and pre-training oversight as other applicants.

**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.*

Time requirements for weekly supervision of candidates from non-accredited degree programs is essentially being changed from 1 hour weekly to 2 hours weekly, with no changes to the amount of training time or to fees. The proposed increase in supervision time is to the minimum requirement, and nearly all candidates’ verification forms already evidence compliance with the proposed rule. Therefore, the increase is not anticipated to increase the time burden for a large majority of students and supervisors.

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

Stakeholders representing doctoral programs without APA accreditation support the proposed requirement to make supervision/training requirements the same as those for candidates from accredited programs. Members of the public are entitled to know that all candidates for licensure, regardless of the doctoral program, are required to demonstrate evidence of the same frequency and intensity of supervision meetings.

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## **Regulatory Flexibility**

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

No. The public looks to the Board to ensure that reasonable steps are taken to ensure that the education, training, experience, and conduct of supervisees and license holders are monitored.

**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?**

The board does not have fining authority and these rules do not involve waiver of paperwork violations.

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

The Executive Director and staff field daily phone calls from license holders and supervisees about supervision issues, and provide information about regulations and policy. The Board's website contains FAQ's and links to laws and rules.