



Common Sense Initiative

Mike DeWine, *Governor*
Jon Husted, *Lt. Governor*

Joseph Baker, *Director*

MEMORANDUM

TO: Jill Smock, Ohio Chemical Dependency Professionals Board

FROM: Caleb White, Business Advocate

DATE: January 12, 2024

RE: **CSI Review – Updating SUD Language, Updating Codes of Ethical Practice, Removing Duplicative Language, Updating Education Content Areas Affected by July 23 License Requirement Rules and HB 509 Changes, and Adding Reciprocity Rule to Align with ORC (OAC 4758-4-01 through 4758-4-04, 4758-5-01, 4758-6-01, 4758-6-04, 4758-6-05, 4758-6-11 through 4758-6-15, 4758-8-01 through 4758-8-03, 4758-10-01, 4758-13-02 through 4758-13-07, 4758-14-01, 4758-15-01, and 4758-15-02)**

On behalf of Lt. Governor Jon Husted, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Board as provided for in ORC 107.54.

Analysis

This rule package consists of one new rule, twenty-two amended rules, and two rescinded rules proposed by the Ohio Chemical Dependency Professionals Board (Board) as a part of the statutory five-year review process. This rule package was submitted to the CSI Office on December 8, 2023, and the public comment period was held open through December 19, 2023. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on December 8, 2023.

The rules in this package establish various licensing, examination, and continuing education requirements, as well as scopes of practice, ethical codes, license reciprocity, and disciplinary actions as they relate to substance use disorder (SUD) professionals licensed or certified by the Board. Ohio Administrative Code (OAC) 4758-4-01 through 4758-4-04 establishes the process and requirements surrounding licensure or certification by the Board. OAC 4758-4-02 and 4758-4-03 are proposed to be rescinded as they are no longer applicable. OAC 4758-4-01 and 4758-4-04 are

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amended to be more aligned with current requirements, require a candidate to pass their exam within three years of when they are approved to take the examination, as well as clarify, update, and streamline language. OAC 4758-5-01 establishes the requirements for the certification of a Chemical Dependency Counselor Assistant (CDCA). This rule is amended to align its requirements with other rules, update educational content titles, require an hour of education to be completed in an ethics course specified by the Board, increase the time frame in which fifty percent of one's college coursework is eligible to be used towards meeting certification requirements from coursework completed in the last two years to coursework completed in the last five years, specify that the education completed to satisfy the requirements of a CDCA preliminary certification cannot be used to satisfy the requirements of a CDCA renewable certification, as well as update and streamline language and terminology.

OAC 4758-6-01, 4758-6-04, 4758-6-05, 4758-6-11 through 4758-6-14 establishes the scope of practice for CDCAs, Licensed Chemical Dependency Counselors (LCDC), Licensed Independent Chemical Dependency Counselors (LICDC), and Licensed Independent Chemical Dependency Counselor-Clinical Supervisors (LICDC-CS). These rules are amended to update the scopes of practice to include family counseling, update terminology, remove two supervision requirements for LICDCs, add a missing supervision requirement for LCDC IIs with a gambling disorder endorsement, and eliminate duplicative language. OAC 4758-6-15 establishes the requirements for the clinical supervision of CDCAs and is amended to clarify the applicability of this rule when a CDCA holds a certification but performs work not under the scope of practice.

OAC 4758-8-01 through 4758-8-03 establishes the code of ethics for Chemical Dependency Counselors, Clinical Supervisors, and prevention professionals. These rules are amended to define misdemeanor offenses, add clarifying language, clarify how supervision can be conducted, clarify language surrounding relationships and sexual conduct, add a reference to the Board's safe-haven program for licensees and certificate holders that are impaired, add a requirement for licensees or certificate holders to comply with all reporting requirements, add requirements for licensees or certificate holders to report their contact information to the board, and align language with other ethical codes.

OAC 4758-10-01 outlines when and what actions the Board may take against licensees, certificate holders, applicants, and endorsees. This rule is amended to update terminology, define misdemeanor offenses, remove duplicative language, change the timeline a licensee, certificate holder, applicant, and endorsee may reapply after the denial of their credential from five years to one year, as well as update and streamline language.

OAC 4758-13-02 through 4758-13-04, 4758-13-06, and 4758-13-07 contain various continuing education requirements for chemical dependency counselors and prevention certificate holders. These rules are amended to align them with other rules, update terminology, update educational content titles, clarify what documentation the Board may request from a continuing education unit provider, clarify where participant attendance is to be electronically submitted, and eliminate language surrounding post program approval.

OAC 4758-14-01 outlines the procedure for receiving Master's endorsement from the Board. This rule is amended to update the title and terminology, update educational coursework titles, align educational hours with another recently enacted rule, and remove the requirement to conduct a site visit as a part of the process.

OAC 4758-145-01 establishes the Board's certification reciprocity with the International Certification and Reciprocity Consortium (IC and RC). This rule is amended to update the title and align the focus of the rule to be more aligned with IC and RC requirements to be reciprocal to other states. OAC 4758-15-02 is a new rule to govern individuals seeking reciprocity in Ohio that are not governed by IC and RC Boards and to align the Board's rules with the statutory requirements outlined in the ORC and Ohio Senate Bill 131 of the 134th General Assembly.

During early stakeholder outreach, the Board shared the rules with the Board's Treatment, Education and Training, Ethics, and Prevention Committees. These committees are comprised of individuals that consist of members of various professional associations such as The Ohio Council, Ohio Association of Recovery Providers, Ohio Association of Alcoholism and Drug Addiction Counselors, Ohio Coalition of Associate Degree Human Service Educators, Ohio Prevention Professionals Association, along with representatives of treatment and prevention agencies, continuing education providers, colleges and universities, and individual license/certificate holders. During this period the Board received suggestions to replace the term "chemical dependency" with "substance use disorder," clarify CDCA supervision requirements, align the ethical codes with their professional codes of ethical practices, and replace the term "accreditation" with the term "endorsement." The Board elected to amend these rules to adopt these suggested changes. During the CSI public comment period the Board received comments from two individuals. The first comment asked for more flexibility surrounding licensing requirements for individuals currently in college and working towards their CDCA license. The Board responded that the changes to the requirements were intended to provide more flexibility but decided to reword the language to eliminate confusion. The second comment expressed support for the changes which remove the term senior citizen and replace it with "65+" and expressed that reciprocity should be accessible to SUD counselors both nationally and internationally based on their education, licensure levels, and successful completion of licensure exams to practice. The Board responded that it merely references its requirements to meet the standards set by the IC and RC and is unable to change the requirements to hold a reciprocal license or prescribe reciprocity procedures. The Board does state that the new reciprocity rule in the package allows for SUD counselors nationally and internationally to receive certification or licensure in Ohio through reciprocity without coming into Ohio through an IC and RC Board, and this should allow those in the field that currently work in other states to more easily obtain licensure or certification in Ohio.

The business community impacted includes 13,880 individuals that are certified or licensed by the Board. The adverse impacts to business include the costs associated with obtaining and maintaining a license or certification such as continuing education requirements and licensing fees, in addition to disciplinary actions for violations of Ethics Practice or Professional Conduct which can result in warnings reprimands, remedial courses, and the suspension or revocation of a license. The Board

also notes that the amendments to these rules which may result in a reduction in adverse impacts include changes that more clearly delineate when a CDCA's certification is closed as an inactive certification and clarify when the individual can no longer provide billable services. The Board states the adverse impacts to business are justified to ensure that SUD professionals have obtained the necessary levels of education and experience and adhere to the minimal standards of their practice.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the Board should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.