



OHIO COUNSELOR, SOCIAL WORKER & MARRIAGE AND FAMILY THERAPIST BOARD

Guide to Rule Making Process

Theresa Cluse-Tolar, LISW Chair
Glenn Abraham, LISW Member
Linda Barson, IMFT Member
Rocky Black, Public Member
Randi Cohen, PCC Member
Jose Camerino, IMFT Member
Susan Norris Huss, PC Member
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William Mosier, MD Member
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Kenneth Trivison, IMFT Member
Jan White, PC Member
Joseph Williams, Public Member

Bob Taft, Governor

James Rough, Executive Director

This guide is being provided as required by Ohio Revised Code (ORC) 119.0311. The intent is to encourage public participation and access to the rule making process by all interested parties.

The Counselor, Social Worker and Marriage and Family Therapist Board (Board) is authorized by ORC 4757 to adopt rules to carry out the requirements established in ORC 4757. The Board in adopting rules must follow the ORC 119.03 requirements through the Joint Committee on Agency Rule Review (JCARR). This process is formalized and will be reflected in the following information as it applies to the Boards rule making activity.

The following information is provided in order to answer the questions of why, when and how the Board adopts rules. There are three basic scenarios in which rules are reviewed or new rules proposed.

1. First, when a change to the ORC 4757 is passed by the House, Senate and signed by the Governor, then rules may be initiated or changed to reflect that change of law.
2. Second, ORC 119 requires a five-year review of each rule to ensure that the rule is still needed and accurately reflects the proper statute.
3. Third, the Board perceives a problem with existing rules that don't meet the changing work environment, needs or other complications.

Once the decision is made that a rule needs to be changed for one of the above reasons the following process begins.

1. The Board at its regularly scheduled meetings discusses the rule in question. The staff usually provides proposed language of the revised or new rule.
2. The Board, if in agreement, approves the rule. The staff then drafts the rule per JCARR formatting and files the rule with JCARR, Legislative Service Commission (LSC) and the Secretary of State.
3. If the Board does not agree with the proposed rule, it may redraft at the meeting or ask the staff to answer specific questions at the next Board meeting, etc.
4. Once the rule is filed with JCARR, LSC & Secretary of State, the Board holds a public hearing concerning the rule. The public hearing is publicized in the Register of Ohio online at www.registerofohio.state.oh.us. The meeting is also publicized on the Boards web page at <http://cswmft.ohio.gov>. The public hearing is held at the regularly scheduled Board meeting within 30 to 40 days of the filing date with JCARR.
5. The public hearing is held at the Board meeting as scheduled. Public comments are considered and if the Board agrees the rule may be modified. If modified the rule must be filed with JCARR as a refiled rule, which may extend JCARR's jurisdiction.
6. JCARR holds a public hearing as scheduled by its requirements following the Boards public hearing. A schedule of JCARR hearings can be received via mail or email by contacting JCARR at 614-466-4086.
7. JCARR at its hearing will review the rule and allow its adoption or recommend invalidation. Should JCARR recommend invalidation, normally the Board will

withdraw the proposed rule and start the process over to address the concerns raised by JCARR.

8. Once JCARR has held its hearing and approves the rule, the rule is final filed after JCARR jurisdiction expires. The rule becomes effective no sooner than ten days following the final filing date with JCARR, LSC and the Secretary of State and becomes effective on the date listed on the rule. The Board normally selects an effective date of the 1st of the month following the JCARR hearing, if JCARR's jurisdiction is completed or passed.

The process outlined above is a simplified version of the rule making process for the Board. The Board actively encourages the public, licensees and associations to be involved and attend Board meetings / public hearings during the rule making process. Should you have any questions concerning the Board's rule making process contact Jim Rough at 614-466-0912 or email at cswmft.info@cswb.state.oh.us or regular mail to Counselor, Social Worker and Marriage and Family Therapist Board 50 West Broad Street Suite 1075 Columbus, Ohio 43215-5919.