

# CSI - Ohio

The Common Sense Initiative

## Business Impact Analysis

**Agency Name:** State Board of Psychology

**Regulation/Package Title:** Delete notary requirement and penalty fee reference

**Rule Number(s):** 4732-1-02, 4732-1-06

**Rule Type:**

√ Amendments

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 4732-1-02 specifies requirements for the initial application for a license as a psychologist or school psychologist, including reciprocity/mobility credential options for psychologists, requirements for transcripts under certain circumstances, and requirements for verification of experience and supervised training. This rule is proposed to be amended to remove the requirement that the application and statements regarding the applicant's training experience be notarized. This is a reduction in burden and would align the rule with the Pending implementation of electronic applications and training verification statements in eLicense 3.0.

Rule 4732-1-06 addresses the requirements for biennial license renewal, including CE compliance, and requirements for reinstatement of a license that expired or placed in retired

status. The rule needs to be corrected to clarify that a license placed into retired status can be reinstated within 5 years without monetary penalty.

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

ORC 4732.06, 4732.10, 4732.141

**3. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program? If yes, please briefly explain the source and substance of the federal requirement.**

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.

**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)?**

These rules clarify and expand upon statutory requirements for initial licensure and biennial registration to practice psychology or school psychology. The education and training requirements for licensure are in law and rules and are necessary to provide the public with assurance that licensees have met minimal standards for practice and [provide clear notice to applicants. The regulation also provides detail about the requirements to reinstate an expired or retired status license. The rule needs to be corrected to clarify that a license placed into retired status can be reinstated within 5 years *without penalty*.

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

The regulations will be deemed to have successful outcomes if they are clear to the reader and additional work to clarify the rules is not required by the Board staff. The proposed elimination of the notarized application form and statements will be advertised as part of the eLicensing 3.0 release, wherein licensure applicants and license holders will submit information online, and training verification statements submitted “under oath” by third parties will still be required, but without the unnecessary and burdensome notary process. Anecdotal data about the ease of the new process will be monitored as a measure of success.

**Development of the Regulation**

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

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Ohio Psychological Association (OPA)  
The Association of State and Provincial Psychology Boards  
DAS-OIT—feedback from other boards that do not require notarized forms

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

Stakeholders who helped draft the rules (OPA) recalled that there was no intention to have a monetary penalty for reinstatement of a retired license, and that the reference (“plus the penalty fee”) in rule 4732-1-06 (E)(2)(a) was an error and contradictory to another reference in (E) stating “without penalty.” This confirmed the Board’s stance that the reference to the penalty fee in (E)(2)(a) was an error. Relative to eliminating the requirement for a notary public, others, including colleagues at Ohio regulatory boards and other state boards of psychology, assisted in clarifying that the requirement for a paper notarized application statement was outdated, and that the online application process should proceed based on a paradigm of information and documents submitted “under oath,” so that the notarized application and statements could be eliminated for ease of online submissions.

**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?**

N/A

**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?**

There was discussion about retaining the requirement to have application information notarized as a separate paper-scanned upload into the eLicensing 3.0 portal, although the reduction of burden and ease of submitting information into the portal “under oath” without a notary signature outweighed any perceived benefit of requiring an actual notary’s witnessing of the applicant’s signature. It was clear that the reference to a penalty fee associated with the reinstatement of the retired license status was just an error.

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

The Board did not consider any performance-based regulations in this package because the specific rules are not conducive to a performance-based approach.

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

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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.**

Initial license applicants applying in the online application portal eLicensing 3.0 will see instructions devoid of any requirements to have information notarized. The Board’s list serve and website and association list serves will be used to disseminate information about the correction to the error about the penalty for retired licensees wishing to reinstate.

**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;**

Applicants for the psychologist and school psychologist licenses  
Retired license holders seeking reinstatement

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

Time: Applicant compliance with general application requirements in the online portal, licensee’s time to complete the biennial renewal information and CE, and expired and retired licensees’ compliance with reinstatement requirements.

Fees: The costs of applying for an initial license (4732.15) and for reinstating an expired or retired license (4732.14) are set in law.

**c. Quantify the expected adverse impact from the regulation.**

Specific to the proposed changes, there is a reduction in adverse impact by eliminating the requirement for notarized information and forms, and clarification that the license reinstatement penalty is waived for those in retired status.

Becoming a psychologist or school psychologist requires compliance with educational requirements and supervised training and experience. Law and rules require the completion of 3,600 hours of supervised training for psychologist licensure, and 3 years of full-time experience post-master’s degree internship for the school psychologist license.

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

These proposed changes are sought to correct an error and to prepare for online electronic applications in eLicense 3.0 by making the application process less cumbersome by eliminating the notary requirement. Overall, the application and biennial renewal requirements and fees are set in law, and the rules serve to echo and/or clarify the requirements.

**Regulatory Flexibility**

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

Yes. Rule 4732-1-02 provides exemptions from the requirement to submit academic transcripts and statements of experience for those meeting professional mobility credentials listed in (B). The public looks to the Board to ensure that reasonable steps are taken to review the education, training, experience, and criminal histories of prospective license holders.

**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 licensure, biennial renewal, and reinstatement processes include specific requirements for compliance that do involve “paperwork” violations that might be amenable to waiver.

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

The Board website.

The Board staff is comprised of 5 individuals available during business hours by phone and email.

The Executive Director’s direct dial telephone number and email address are published on the Board’s website.