



# Electronic Rule Filing

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It is hereby confirmed that the Counselor, Social Worker, and Marriage and Family Therapist Board **original filed** the following rule(s) pursuant to section 119.03 of the Ohio Revised Code.

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## ORIGINAL FILE

Rule Number	Type	FYR?	JE Date	Eff Date	Next FYR	Tagline
4757-9-04	Amendment	N	06/09/2010			Clock hours for continuing professional education.
4757-9-05	Amendment	N	06/09/2010			Approval of continuing professional education programs required for renewal of licenses and certificates of registration issued by the board.
4757-13-08	New	N	06/09/2010			Approval of applications for professional counselor licenses.
4757-19-08	Amendment	N	06/09/2010			Approval of applications for social worker licenses and registration.
4757-25-07	Amendment	N	06/09/2010			Approval of applications for marriage and family therapist licenses.
4757-31-01	New	N	06/09/2010			Procedures for accessing confidential personal information.
4757-31-02	New	N	06/09/2010			Valid reasons for accessing confidential personal information.
4757-31-03	New	N	06/09/2010			Confidentiality statutes.
4757-31-04	New	N	06/09/2010			Restricting and logging access to confidential personal information in computerized personal information systems.

## 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: new rules 4757-27-01 and 4757-27-02; amended rule 4757-29-01 of the Ohio Administrative Code.

### New:

4757-13-08 **Approval of applications for professional counselor licenses.** Defines the process of approval of applications and is in accordance with Governor Strickland's common sense rule policy.

4757-31-01 **Procedures for accessing confidential personal information.** This rule implements the Joe the Plumber law and establishes access rules for CPI.

4757-31-02 **Valid reasons for accessing confidential personal information.** This rule implements the Joe the Plumber law and establishes board rules for accessing CPI.

4757-31-03 **Confidentiality statutes.** This rule implements the Joe the Plumber law and identifies what information that the board maintains that is confidential and not releasable under public records requests.

4757-31-04 **Restricting and logging access to confidential personal information in computerized personal information systems.** This rule implements the Joe the Plumber law and establishes board access to CPI within the systems maintained by the board.

### Amended:

4757-9-04 **Clock hours for continuing professional education.** Rule change allows social workers and marriage and family therapists to complete all continuing education hours via distance learning.

4757-9-05 **Approval of continuing professional education programs required for renewal of licenses and certificates of registration issued by the board.** Approves the association of social work boards (ASWB) as an approver of providers of social worker continuing education (CE) programs. Approves the national association of social work (NASW) and its approved state chapters as an approver of social worker continuing education (CE) programs. Change requires program sponsors and providers to: maintain records of program content, presenter qualifications and individual participation, and individual evaluation forms for five years and make such records available, if the board requests them. Change includes a new paragraph allowing the board to audit any CE program offered under this rule.

4757-19-08 **Approval of applications for social worker licenses and registrations.** Defines the process of approval of applications and is in accordance with Governor Strickland's common sense rule policy.

4757-25-07 **Approval of applications for marriage and family therapist licenses.** Defines the process of approval of applications and is in accordance with Governor Strickland's common sense rule policy.

The public hearing on the proposed actions of the Counselor, Social Worker & Marriage and Family Therapist Board is scheduled for Tuesday, May 11, 2010. 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

4757-9-04

**Clock hours for continuing professional education.**

A "clock hour" is sixty minutes spent in a program meeting the requirements for renewal of a license or certificate of registration issued by the board. Clock hours exclude refreshment breaks, receptions and other social gatherings, and meals that do not include an acceptable program.

- (A) Fifteen clock hours will be granted for one academic semester hour. Ten clock hours will be granted for one academic quarter hour.
- (B) Ten clock hours will be granted for a journal article qualifying under rule 4757-9-06 of the Administrative Code. Thirty clock hours will be granted for a book qualifying under rule 4757-9-06 of the Administrative Code.
- (C) Credit may be awarded for first time presentations at the rate of 1.5 hours for every hour of the actual, board approved, presentation, up to ten hours per renewal period.
- (D) The number of clock hours granted for a program offered by an approved provider will be determined by the definition of clock hour in this rule.
- (E) ~~An individual~~ Counselors may earn up to fifteen hours of continuing professional education per renewal period in distance learning credit as defined in paragraph (A)(11) of rule 4757-9-06 of the Administrative Code. Social workers and marriage and family therapists may earn all hours of continuing professional education per renewal period in distance learning credit as defined in paragraph (A)(11) of rule 4757-9-06 of the Administrative Code.

Effective:

R.C. 119.032 review dates: 09/20/2012

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Certification

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Date

Promulgated Under: 119.03  
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Rule Amplifies: 4757.33  
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4757-9-05

**Approval of continuing professional education programs required for renewal of licenses and certificates of registration issued by the board.**

The goals of the board's continuing professional education requirements are to assist licensees: in maintaining and expanding professional competence and expertise, in becoming aware of new professional issues and developments; and in providing responsible, quality and competent service to clients and community. Continuing education to promote personal growth of the licensee shall not be accepted.

Continuing education credits may be obtained in several ways: attendance at programs offered by approved providers, approved programs, post-approved programs, publications as cited in paragraph (B) of rule 4757-9-06 of the Administrative Code and presentations as cited in paragraph (C) of rule 4757-9-06 of the Administrative Code. The board or its designee shall approve providers, programs, and offer post-program approval under the following guidelines.

Any individual or business providing continuing education courses for this board's licensees shall comply with federal law title III of the Americans with disabilities act "ADA". Continuing education programs shall be offered in locations and in a manner, which are accessible to persons with disabilities, or offer alternative accessible arrangements for such persons. Individuals or businesses who hold provider status or are approved to provide individual programs are required to provide auxiliary aides and services that are necessary to ensure equal access to the goods, services, facilities, privileges or accommodations that it offers unless an undue burden or a fundamental alteration would result. Issues on undue burden or disability accommodations should be addressed to the federal department of justice "ADA" technical assistance section. The technical assistance section can be reached through searching online for the contact number. In May 2007 the number was 800-514-0301 and online at [www.ada.gov](http://www.ada.gov).

(A) The following meanings shall ~~will~~ apply to all continuing education rules promulgated by the counselor, social worker, and marriage and family therapy board.

(1) "Provider Status" means an individual or entity granted approval to develop continuing education program offerings without prior approval from the board for each program offered. All continuing education offerings shall utilize the same provider authorization number assigned by the board. A licensed individual shall review each CEU program as noted on the provider application or most recent renewal application on file with the board.

(2) "Co-sponsorship" means an approved provider works jointly with another entity to develop and offer a joint program by both entities. The continuing education program developed may use the approved provider's CEU provider number and the approved provider shall ~~must~~ keep all records as listed in paragraph (B)(5)(h) of rule 4757-9-05 of the Administrative Code. Only the

board may authorize a CEU program when an entity with provider status has not been directly involved as a co-sponsor.

(B) Guidelines for continuing education program approval:

- (1) Academic courses offered in accredited education institutions by counseling, social work, and marriage and family therapy degree programs as defined in paragraphs (A) of rule 4757-13-01, (C)(1)(g) of rule 4757-19-01 and (A)(1) of rule 4757-25-01 of the Administrative Code, are automatically granted program approval. Transcripts and/or grade reports shall be used to document this training.
- (2) Approved programs may be sponsored by departments of accredited educational institutions; national, regional, state, or local professional organizations or associations; public or private human service agencies or organizations; private consultants; or individuals. In order to obtain approved status from the board, a program shall meet the following requirements:
  - (a) The program shall be presented by competent individuals as documented by appropriate academic training and professionally recognized experience. Presenters should have an identifiable involvement with human services. In approving a particular presenter the board shall be guided by the following range of presenter qualifications:
    - (i) Counselors, social workers or marriage and family therapists with appropriate expertise in the content area shall clearly be accepted.
    - (ii) Related professionals with the ability to connect content to counseling, social work or marriage and family therapy practice shall usually be accepted.
    - (iii) Expert presenters with no apparent link to counseling, social work and marriage and family therapy, or related practice may or may not be acceptable based upon content to be presented and intended audience.
    - (iv) Presenters with no apparent professional qualifications nor link to social work, counseling, marriage and family therapy, or human services shall not be accepted.
    - (v) Presenters providing training in practice areas that would require licensure shall show evidence of current licensure in Ohio or

another state.

- (b) The program shall meet the professional needs of the intended clientele, which shall include counselors, social workers, and/or marriage and family therapists.
- (c) The program shall have a minimum duration of one clock hour.
- (d) The program shall have written goals and objectives which are responsive to the needs of prospective counselor, social worker and marriage and family therapist attendees. Applications shall include agendas with content and timeframes for each session of the program.
- (e) The program shall be related to counseling, social work and/or marriage and family therapy content areas as listed in rules 4757-9-01, 4757-9-02 and 4757-9-03 of the Administrative Code. Individuals or organizations seeking approval for programs with content, which is not clearly related to these content areas for generalist theory or practice or specifically referenced in counseling, social work and marriage and family therapy accredited academic training programs may be required to provide the following additional information to substantiate the direct applicability of the content to social work, marriage and family therapy, and/or counseling professionals.
  - (i) Explain and justify the content applicability to counseling, social work and marriage and family therapy theory or practice and the implications for generalist practice.
  - (ii) Programs with content in areas or subjects not specifically taught or referenced in counseling, social work and marriage and family therapy curriculum, in order to be approved, require inclusion with the application of peer reviewed journal articles, which validate the direct application to counselors, social workers and marriage and family therapists of the theory or intervention, which is the focus of the continuing education program.
  - (iii) Peer reviewed journals shall meet the following criteria: (a) have an independent editorial board, (b) be sponsored by a national professional society for counseling, social work, marriage and family therapy, psychology or psychiatry, and (c) have paid subscribers. Articles appearing in publications dealing with the specific program topic area shall not constitute validation.



- (f) The program shall be disseminated via appropriate instructional methods, such as lecture, group discussion, video, film, computer or other electronic means, written materials, or interactive teleconferencing.
- (g) The program shall include an evaluation component directly related to its stated goals and objectives.
- (h) The program shall be offered in a place and manner which is accessible to persons who are physically challenged.
- (i) The program approval request shall be submitted for review, on a form designated by the board, at least sixty days prior to the scheduled program date. Program approval requests received on or after the date of the program shall be denied.
- (j) The program's promotional information shall state that program approval has either been applied for or has been granted, and to which license(s) renewal requirements the program shall apply.
- (k) The sponsor of the program shall provide program participants certificates of completion which contain the following information:
  - (i) The title and date(s) of the program and the board's program approval number;
  - (ii) The name of the sponsoring agency or organization;
  - (iii) The name of the participant and the number of clock hours of continuing professional education earned by the participant;
  - (iv) The signature of the instructor or the official representative of the sponsoring organization;
  - (v) The hours of ethics, distance learning and/or supervision included in the program if any; and
  - (vi) A blank space on the certificate of completion in which the participant may place their registration or license number.
- (l) The sponsor shall ensure that the program conforms to the planned hours

of attendance, attendance certificates are given to attendees after the end of the program and that any late arrivals or early departees are given certificates accurately reflecting their actual times of attendance.

(m) The sponsor shall maintain records of program content, presenter qualifications and individual participation, and individual evaluation forms for five years and make such records available, if the board requests them;

(C) Guidelines for provider approval:

- (1) Approved provider status for newly approved providers ~~shall~~ ~~will~~ be granted for a one-year period and is subject to renewal for two year periods if the provider meets the requirements of this rule.
- (2) Providers for counselor and marriage and family therapist programs are not independent authorizing entities for CEU programs offered by other entities. Providers for social work programs are not independent authorizing entities for CEU programs offered by other entities except that national social work associations may be approved as independent providers per paragraph (D) of this rule. CEU offerings that include outside presenters, that are not co-sponsorships, shall be submitted separately and independently to the board for approval. If approved, that program ~~shall~~ ~~will~~ use the individual program number of the applying entity.
- (3) Providers may use their own numbers for presentations by this board's staff members, for example ethics or licensing presentations
- (4) The board may refuse to renew the approved status of any provider who fails to comply with the requirements of this rule. Approved provider status may be withdrawn for cause.
- (5) Programs offered by a provider while that provider does not have approved status shall not be accepted by the board toward fulfillment of license renewal requirements unless program approval for such programs was obtained as set forth in this rule.
- (6) Provider status is automatically accorded to counseling degree programs, social work degree programs and marriage and family therapy degree programs as defined in rules 4757-13-01, 4757-19-01 and 4757-25-01 of the Administrative Code in accredited educational institutions. Transcripts or grade cards shall serve as evidence of completed coursework. If the licensee audits an approved course, a letter from the professor shall be required to

verify actual number of hours of attendance, which shall be used to determine hours of continuing education credit granted. Continuing education programs offered by these providers shall meet the requirements from paragraphs (B)(5)(c) to (B)(5)(j) of this rule and the following:

- (a) Make application on a form as required by the board, which shall be approved for two years; and
  - (b) Apply for renewal of approved provider status two months prior to the desired two-year period with a synopsis of all programs provided during the prior two years.
- (7) The board may grant approved status to providers not automatically approved in paragraph (B)(4) of this rule. Such providers may include but are not limited to: national regional, state, or local professional organizations, public or private human service agencies, private consultants or individuals. The applicant for approved provider status shall meet the following requirements:
- (a) Make application for approval status on a form provided by the board at least two months prior to the date of the first scheduled program offering. A list of proposed programs and program goals shall be included with the application.
  - (b) Submit to the board, no later than two months before the end of the probationary period, a synopsis of all programs during the previous ten months;
  - (c) Apply for renewal of approved provider status two months prior to the desired two-year period;
  - (d) Provide or arrange for appropriate educational facilities and instructional aids and offer programs and facilities that are accessible to persons who are handicapped.
  - (e) Have program presenters who have the professionally recognized skills to conduct the programs being offered in accordance with paragraph (A) of this rule;
  - (f) Conduct programs that satisfy one or more of the program areas in counseling, social work or marriage and family therapy as defined in rules 4757-9-01, 4757-9-02 and 4757-9-03 of the Administrative Code and/or in counseling, social work or marriage and family therapy as

defined in division (A), (C) or (H) of section 4757.01 of the Revised Code;

- (g) Include an evaluation component in all programs offered;
- (h) Maintains records of program content, presenter qualifications and individual participation, and individual ~~summary~~ of evaluation forms for five years and make such records available, if the board requests them;
- (i) Furnish to each participant a certificate of completion that includes the following information:
  - (i) Name of the provider and the approved provider number;
  - (ii) The name of the participant and a blank space on the certificate of completion in which the participant may place their registration or license number;
  - (iii) The title and date(s) of the program;
  - (iv) The hours of ethics, distance learning and/or supervision included in the program if any;
  - (v) The signature of the instructor or the official representative of the sponsoring organization; and
  - (vi) The number of clock hours of continuing professional education earned by the participant.
- (j) Indicate, on any promotional literature disseminated, the provider number issued by the board and the license(s) renewal requirements to which the program(s) shall apply.
- (k) Each program shall have review and or input by a counselor, social worker and/or marriage and family therapist as appropriate.
- (l) Provider status shall not be approved for applicants that plan to provide less than five programs during the initial approval year nor renewed for applicants that plan to offer less than eight programs during a two-year renewal period. These applicants should request individual program

approvals.

- (m) The provider shall ensure that the program conforms to the planned hours of attendance, attendance certificates are given to attendees after the end of the program and that any late arrivals or early departees are given certificates accurately reflecting their actual times of attendance.

(D) The board has the right to an unannounced audit of any approved continuing education program offered under this rule. The staff member or board member auditing the program may not claim continuing education credit for the course without paying the requisite fee, if any.

(E) Social work association provider approval and provider status:

(1) The board approves and adopts by reference in these rules the association of social work board's approval process for continuing education providers set forth in the publication entitled "ACE Provider Guidelines," effective April 12, 2004 and as thereafter amended, which is available from the association of social work boards (ASWB), 400 south ridge parkway, suite b, Culpeper, VA 22701 at no cost on the association's website at [http://www.aswb.org/ace\\_guide.pdf](http://www.aswb.org/ace_guide.pdf). A link to the guidelines are available on the board's web site under social work forms.

(2) Any course accredited by the ASWB shall be accepted by this board for continuing social work education. If the course materials say "ACE Approved" or "approved as a provider for continuing education by the Association of Social Work Boards", it is acceptable.

(3) The board approves and adopts by reference in these rules the national association of social workers (NASW) continuing education approval program set forth in the publication entitled "Continuing Education Approval Program," effective 2006 and as thereafter amended, which is available from the national association of social workers, 750 first street, ne, Suite 700 Washington, DC 20002-4241 at no cost on the association's website at <http://www.socialworkers.org/ce/approval.asp>. A link to the guidelines is available on the board's web site under social worker forms.

(4) Any course accredited by NASW shall be accepted by this board for continuing social work education. If the course materials say "NASW Approved" with a NASW approval number or "NASW State Chapter Approved" with a NASW approval number, it is acceptable.

(5) Other national social worker associations may apply for similar approval. In order to be approved they shall provide proof that their programs are substantially similar to the ASWB and/or NASW continuing education approval processes.

(6) The social worker professional standards committee shall review the provider status of the associations under this paragraph as part of Chapter 119. of the Revised Code five year rule review process.

~~(D)~~(E) Post program approval:

- (1) Social work licensees or registrants shall apply on a form prescribed by the board for post-approval for relevant distance learning, out of state continuing professional education programs and coursework in related disciplines.
- (2) Counselor licensees shall apply on a form prescribed by the board for post-approval for relevant distance learning, out of state continuing professional education programs and coursework in related disciplines.
- (3) Licensees shall apply for post-program approval, on a form designated by the board, within ninety days of completing a program.
- (4) Marriage and family therapists may apply on a form prescribed by the board for post-approval for relevant distance learning, out of state continuing professional education programs and coursework in related disciplines.
- (5) To obtain a post-program approval, the licensee shall provide the following:
  - (a) Documentation that the program presenter(s) met the requirements of paragraph (A)(2)(a) of this rule;
  - (b) A copy of the program brochure and other documentation to demonstrate that the program met the requirements of paragraphs (A)(2)(b) to (A)(2)(f) of this rule;
  - (c) A certificate of completion, transcripts, grade card, or signed statement from the presenter to demonstrate the licensee's attendance at the program or course.

Effective:

R.C. 119.032 review dates: 09/20/2014

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Certification

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Date

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10-18-09

4757-13-08

**Approval of applications for professional counselor licenses.**

Applications for professional counselor licenses shall be approved per sections 4757.04, 4757.16, 4757.22 and 4757.23 of the Revised Code and this rule.

(A) Applications that meet the basic requirements as detailed below shall be approved upon receipt of all applicable parts. The counselor professional standards committee (CPSC) may retroactively vote whether to approve licenses issued between board meetings.

(B) Applications for professional counselor license that meet the basic requirements for licensure in section 4757.23 of the Revised Code and rules 4757-1-04 and 4757-13-01 of the Administrative Code shall be approved if the following conditions are met:

(1) A complete application for professional counselor per rule 4757-1-04 of the Administrative Code is received with no questions requiring review by the CPSC such as felony convictions, loss of license in another state, etc.

(2) Transcript(s) provided directly from an accredited educational institution of a master's or doctoral degree in professional counseling that meets paragraph (A) of rule 4757-13-01 of the Administrative Code.

(3) Proof of passing an examination acceptable to the CPSC for the purpose of determining ability to practice as a professional counselor.

(4) Documentation of internship experience on a form prescribed by the CPSC per paragraph (A)(4)(d) of rule 4757-13-01 of the Administrative Code.

(C) Applications for professional clinical counselor license that meet the basic requirements for licensure in section 4757.22 of the Revised Code and rules 4757-1-04 and 4757-13-03 of the Administrative Code shall be approved if the following conditions are met:

(1) A complete application for professional clinical counselor per rule 4757-1-04 of the Administrative Code is received with no questions requiring review by the CPSC such as felony convictions, loss of license in another state, etc.

(2) Transcript(s) is provided directly from an accredited educational institution of a master's or doctoral degree in professional clinical counselor that meets paragraph (A) of rule 4757-13-01 of the Administrative Code.

(3) Proof of completion of at least two years of post-licensure professional counselor experience as required in paragraph (A) of rule 4757-13-03 of the Administrative Code.

(4) Proof of passing examination acceptable to the CPSC for the purpose of determining ability to practice as a professional clinical counselor.



(5) Proof of passing a field evaluation per paragraph (B) of rule 4757-13-03 of the Administrative Code.

(D) Complete applications that meet the following conditions shall be held for the CPSC review at the next regularly scheduled meeting, if received at least ten days prior to the meeting.

(1) All applications that have answered questions requiring review by the CPSC such as felony convictions, loss of license in another state, etc.

(2) All applications with questionable qualifying degrees.

(3) All applications which staff is not comfortable approving without the CPSC's review.

Effective:

R.C. 119.032 review dates:

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Certification

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Date

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Rule Amplifies:	4757.04, 4757.16, 4757.22, 4757.23

4757-19-08

**Approval of applications for social worker licenses and registration.**

Applications for social worker licenses and registration shall be approved per section 4757.04, 4757.16, 4757.27, 4757.28 and 4757.29 of the Revised Code and this rule. The staff of the Board shall review all applications and process as follows:

(A) Applications that meet the basic requirements as detailed below shall be approved upon receipt of all applicable parts. ~~Ten per cent of applications approved by staff shall be reviewed by the social worker professional standards committee at the following meeting for quality control purposes.~~ The social worker professional standards committee (SWPSC) may retroactively vote whether to approve licenses issued between board meetings.

(1) Applications for independent social worker license that meet the basic requirements for licensure in section 4757.27 of the Revised Code and rule 4757-19-02 of the Administrative Code shall be approved if the following conditions are met:

- (a) Process application for independent social worker received with no questions requiring review by the SWPSC ~~board~~ such as felony convictions, loss of license in another state, etc.
- (b) Transcript provided directly from an accredited educational institution of a master's or doctoral degree in social work.
- (c) Proof of completion of at least two years of post-master's degree social work experience supervised by an independent social worker.
- (d) Proof of passing an examination administered by the SWPSC ~~board~~ for the purpose of determining ability to practice as an independent social worker.

(2) Applications for social worker license that meet the basic requirements for licensure in section 4757.28 of the Revised Code and rule 4757-19-01 of the Administrative Code shall be approved if the following conditions are met:

- (a) Applications for social worker received with no questions requiring review by the SWPSC ~~board~~ such as felony convictions, loss of license in another state, etc.
- (b) Transcript provided directly from an accredited educational institution of a bachelor's, master's or doctoral degree in social work.

- (c) Proof of passing an examination administered by the SWPSC ~~board~~ for the purpose of determining ability to practice as a social worker.
- (3) Applications for social worker assistant registration shall be approved if the following conditions are met:
- (a) Applications for social worker assistant received with no questions requiring review by the SWPSC ~~board~~ such as felony convictions, loss of license in another state, etc.
  - (b) Transcript provided directly from an accredited educational institution of an associate degree in social service technology or a bachelor's degree that is equivalent to an associate degree in social service technology or a related bachelor's or higher degree that clearly meets the requirements of rule 4757-19-03 of the Administrative Code.
- (B) Complete applications that meet the following conditions shall be held for the social worker professional standards committee review and approval at the next regularly scheduled meeting, if received at least ten days prior to the meeting.
- (1) All applications that have answered questions requiring review by the SWPSC ~~board~~ such as felony convictions, loss of license in another state, etc.
  - (2) All applications from related degree applicants.
  - (3) All applications with degrees from non-accredited universities.
  - (4) All applications which staff is not comfortable approving without the SWPSC's ~~social worker professional standards committee's~~ review.

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Certification

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Prior Effective Dates: 9-20-07

4757-25-07

**Approval of applications for marriage and family therapist licenses.**

Applications for marriage and family therapist licenses shall be approved per sections 4757.04, 4757.16 and section 4757.30 of the Revised Code and this rule. ~~The staff of the board shall review all applications and process as follows:~~

(A) Applications that meet the basic requirements as detailed below shall be approved upon receipt of all applicable parts. All applications approved by staff shall be reviewed by the marriage and family therapist professional standards committee (MFTPSC) at the following meeting for quality control purposes.

(1) Applications for independent marriage and family therapist license that meet the basic requirements for licensure in section 4757.30 of the Revised Code and rule 4757-25-04 of the Administrative Code shall be approved if the following conditions are met:

(a) Process application for independent marriage and family therapist received with no questions requiring review by the MFTPSC board such as felony convictions, loss of license in another state, etc.

(b) Transcript provided directly from an accredited educational institution of a master's or doctoral degree in marriage and family therapy or related degree that meets paragraph (B) of rule 4757-25-01 of the Administrative Code.

(c) Proof of completion of at least two years of post-master's degree marriage and family therapist experience supervised by a supervisor that meets paragraph (C)(1) of rule 4757-29-01 of the Administrative Code.

(d) Proof of passing an examination acceptable to the MFTPSC board for the purpose of determining ability to practice as an independent marriage and family therapist.

(2) Applications for marriage and family therapist license that meet the basic requirements for licensure in section 4757.30 of the Revised Code and rule 4757-25-03 of the Administrative Code shall be approved if the following conditions are met:

(a) Process application for marriage and family therapist received with no questions requiring review by the MFTPSC board such as felony convictions, loss of license in another state, etc.

(b) Transcript provided directly from an accredited educational institution of

a master's or doctoral degree in marriage and family therapy or related degree that meets paragraph (B) of rule 4757-25-01 of the Administrative Code.

- (c) Proof of passing an examination acceptable to the MFTPSC board for the purpose of determining ability to practice as an marriage and family therapist.
- (B) Complete applications that meet the following conditions shall be held for the MFTPSC marriage and family therapist professional standards committee review at the next regularly scheduled meeting, if received at least ten days prior to the meeting.
- (1) All applications that have answered questions requiring review by the MFTPSC board such as felony convictions, loss of license in another state, etc.
  - (2) All applications with related degrees.
  - (3) All applications which staff is not comfortable approving without the MFTPSC's marriage and family therapist professional standards committee's review.

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R.C. 119.032 review dates: 09/20/2014

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Certification

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Date

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Statutory Authority: 4757.10  
Rule Amplifies: 4757.04, 4757.16, 4757.30  
Prior Effective Dates: 10-18-09



4757-31-01

**Procedures for accessing confidential personal information.**

For personal information systems, whether manual or computer systems, that contain confidential personal information, the board shall do the following:

(A) Criteria for accessing confidential personal information. Personal information systems of the board are managed on a "need-to-know" basis whereby the information owner determines the level of access required for an employee of the board to fulfill his/her job duties. The determination of access to confidential personal information shall be approved by the employee's supervisor and the information owner prior to providing the employee with access to confidential personal information within a personal information system. The board shall establish procedures for determining a revision to an employee's access to confidential personal information upon a change to that employee's job duties including, but not limited to, transfer or termination. Whenever an employee's job duties no longer require access to confidential personal information in a personal information system, the employee's access to confidential personal information shall be removed.

(B) Individual's request for a list of confidential personal information. Upon the signed written request of any individual for a list of confidential personal information about the individual maintained by the agency, the agency shall do all of the following:

(1) Verify the identity of the individual by a method that provides safeguards commensurate with the risk associated with the confidential personal information;

(2) Provide to the individual the list of confidential personal information that does not relate to an investigation about the individual or is otherwise not excluded from the scope of Chapter 1347. of the Revised Code; and

(3) If all information relates to an investigation about that individual, inform the individual that the agency has no confidential personal information about the individual that is responsive to the individual's request.

(C) Notice of invalid access.

(1) Upon discovery or notification that confidential personal information of a person has been accessed by an employee for an invalid reason, the board shall notify the person whose information was invalidly accessed as soon as practical and to the extent known at the time. However, the board shall delay notification for a period of time necessary to ensure that the notification would not delay or impede an investigation or jeopardize homeland or national security. Additionally, the board may delay the notification consistent with any measures necessary to determine the scope of the invalid access, including which individuals' confidential personal information

invalidly was accessed, and to restore the reasonable integrity of the system.

"Investigation" as used in this paragraph means the investigation of the circumstances and involvement of an employee surrounding the invalid access of the confidential personal information. Once the board determines that notification would not delay or impede an investigation, the board shall disclose the access to confidential personal information made for an invalid reason to the person.

- (2) Notification provided by the board shall inform the person of the type of confidential personal information accessed and the date(s) of the invalid access.
- (3) Notification may be made by any method reasonably designed to accurately inform the person of the invalid access, including written, electronic, or telephone notice.

(D) Appointment of a data privacy point of contact. The board's executive director shall designate an employee of the board to serve as the data privacy point of contact. The data privacy point of contact shall work with the chief privacy officer within the office of information technology to assist the board with both the implementation of privacy protections for the confidential personal information that the board maintains and compliance with section 1347.15 of the Revised Code and the rules adopted pursuant to the authority provided by that chapter.

(E) Completion of a privacy impact assessment. The board's executive director shall designate an employee of the board to serve as the data privacy point of contact who shall timely complete the privacy impact assessment form developed by the office of information technology.

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4757-31-02

**Valid reasons for accessing confidential personal information.**

Pursuant to the requirements of division (B)(2) of section 1347.15 of the Revised Code, this rule contains a list of valid reasons, directly related to the board's exercise of its powers or duties, for which only employees of the board may access confidential personal information (CPI) regardless of whether the personal information system is a manual system or computer system:

(A) Performing the following functions constitute valid reasons for authorized employees of the board to access confidential personal information:

- (1) Responding to a public records request;
- (2) Responding to a request from an individual for the list of CPI the board maintains on that individual;
- (3) Administering a constitutional provision or duty;
- (4) Administering a statutory provision or duty;
- (5) Administering an administrative rule provision or duty;
- (6) Complying with any state or federal program requirements;
- (7) Processing or payment of vendors billing;
- (8) Auditing purposes;
- (9) Licensure or registration processes;
- (10) Investigation or law enforcement purposes;
- (11) Administrative hearings;
- (12) Human resource matters (e.g., hiring, promotion, demotion, discharge, salary/compensation issues, leave requests/issues, time card approvals/issues);
- (13) Complying with an executive order or policy;
- (14) Complying with a board policy or a state administrative policy issued by the department of administrative services, the office of budget and management or other similar state agency; or
- (15) Complying with a collective bargaining agreement provision.
- (16) Complying with a collective bargaining agreement provision.

(B) To the extent that the general processes described in paragraph (A) of this rule do not cover the following circumstances, for the purpose of carrying out specific duties of the board, authorized employees would also have valid reasons for accessing CPI in these following circumstances:

- (1) Board investigators and the executive director may review CPI of individuals who are subject to investigation for alleged misconduct that may result in licensure or registration discipline. Such employees may review CPI of individuals who are not the subject of the investigation, but who otherwise may be witnesses with information related to the investigation. CPI may be reviewed by such employees and members of the board in professional conduct matters that become the subject of administrative hearings.
- (2) Employees assigned to the continuing education audit may review CPI of licensees and registrants who are being audited for the purpose of carrying out that program.
- (3) Employees assigned to registration, certification and licensure may review CPI of persons who hold or are applying for a license or registration issued by the board for the purpose of carrying out the counselor, social worker or marriage and family therapist licensing program.
- (4) Employees assigned to the renewal section may review CPI of persons who are applying for renewal of a license or registration issued by the board for the purpose of carrying out the counselor, social worker or marriage and family therapist licensing program.
- (5) Employees assigned to fiscal and human resource positions may review CPI of vendors billing the agency for services rendered and employees of the board for payroll and other human resource activities for the purpose of carrying out the counselor, social worker or marriage and family therapist board's daily activities.

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Rule Amplifies:	1347.15

4757-31-03

**Confidentiality statutes.**

The following federal statutes or regulations or state statutes and administrative rules make personal information maintained by the agency confidential and identify the confidential personal information within the scope of rules promulgated by this agency in accordance with section 1347.15 of the Revised Code:

(A) Social security numbers: 5 U.S.C. 552a., unless the individual was told that the number would be disclosed.

(B) "Bureau of Criminal Investigation and Information" criminal records check results: section 4776.04 of the Revised Code.

(C) Investigation files are confidential per section 4757.38 of the Revised Code.

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4757-31-04

**Restricting and logging access to confidential personal information in computerized personal information systems.**

For personal information systems that are computer systems and contain confidential personal information, the agency shall do the following:

(A) Access restrictions. Access to confidential personal information that is kept electronically shall require a password or other authentication measure.

(B) Acquisition of a new computer system. When the agency acquires a new computer system that stores, manages or contains confidential personal information, the agency shall include a mechanism for recording specific access by employees of the agency to confidential personal information in the system.

(C) Upgrading existing computer systems. When the agency modifies an existing computer system that stores, manages or contains confidential personal information, the agency shall make a determination whether the modification constitutes an upgrade. Any upgrades to a computer system shall include a mechanism for recording specific access by employees of the agency to confidential personal information in the system.

(D) Logging requirements regarding confidential personal information in existing computer systems.

(1) The agency shall require employees of the agency who access confidential personal information within computer systems to maintain a log that records that access.

(2) Access to confidential information is not required to be entered into the log under the following circumstances:

(a) The employee of the agency is accessing confidential personal information for official agency purposes, including research, and the access is not specifically directed toward a specifically named individual or a group of specifically named individuals.

(b) The employee of the agency is accessing confidential personal information for routine office procedures and the access is not specifically directed toward a specifically named individual or a group of specifically named individuals.

(c) The employee of the agency comes into incidental contact with confidential personal information and the access of the information is not specifically directed toward a specifically named individual or a group of specifically named individuals.

(d) The employee of the agency accesses confidential personal information about an individual based upon a request made under either of the

following circumstances:

(i) The individual requests confidential personal information about himself/herself.

(ii) The individual makes a request that the agency takes some action on that individual's behalf and accessing the confidential personal information is required in order to consider or process that request.

(3) For purposes of this paragraph, the agency may choose the form or forms of logging, whether in electronic or paper formats.

(E) Log management. Nothing in this rule limits the agency from requiring logging in any circumstance that it deems necessary. The agency shall issue a policy that specifies the following:

(1) Who shall maintain the log;

(2) What information shall be captured in the log;

(3) How the log is to be stored; and

(4) How long information kept in the log is to be retained.

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