

**Office of the Governor Regulatory
Compliance Division**

**Rule Submission Memorandum Template
Updated October 9, 2020**

To: Erin Bennett, Regulatory Compliance Division Director

From: Darrel Spinks, Executive Director, Texas Behavioral Health Executive Council

Date: August 5, 2022

Subject: Rule 463.35, Requirements for Professional Development

Note: This memorandum, the proposed rule, and any amendments should be submitted to the Regulatory Compliance Division as a single, combined PDF.

The Texas Behavioral Health Executive Council has proposed new rule 22 Texas Administrative Code Section 463.35, as published in the August 5, 2022, issue of the *Texas Register*. The proposed rule may affect market competition and is submitted to the Regulatory Compliance Division for review. The PDF version of the preamble and text of the proposed rule as published in the *Texas Register*, and the language of any amendments to the proposed rule that the Texas Behavioral Health Executive Council intends to adopt, are attached to this memorandum.

Include if Applicable: The Texas Behavioral Health Executive Council does not request an expedited review of the proposed rule. The next regularly scheduled meeting dates for the Texas State Board of Examiners of Psychologist are on August 18th and then November 10th. The comment period for the proposed rule will not close before the August 18th meeting so the rule, and any public comments on the rule, will be reviewed at the November 10th meeting. Therefore an expedited review does not appear necessary.

To facilitate the Regulatory Compliance Division's review of the proposed rule, the Texas Behavioral Health Executive Council provides answers to the following questions.

1. Briefly describe the proposed rule.

The proposed rule pertains to the professional development requirements for psychological licensees (e.g. LPAs, LSSPs, and LPs). This is a repeal and replace of

the current rule pertaining to professional development, 22 TAC 463.35. Other license types regulated by the Executive Council typically use the term continuing education, but psychology uses the term professional development.

2. What is the purpose of the proposed rule?

This proposed new rule is intended to streamline all the continuing education/professional development into a rule formatted similarly to the other Boards under the Executive Council. Additionally, this rule adds and changes some of the requirements for each renewal cycle. For example, licensees will be able to carry forward up to ten hours from the previous cycle if they were not used, licensees can opt to take the jurisprudence examination for one hour of ethics credit, and lastly licensees can now claim up to one hour of self-study continuing education credit.

3. Describe any relevant factual background to the proposed rule and the impetus for the state agency to consider rulemaking.

The Executive Council created a Standardization Committee with the goal of identifying areas where the underlying behavioral health boards have similarities. Once certain areas were identified the Standardization Committee would work to draft model rules for those areas in the hope of standardizing some of those requirements across all the professions. The intent of this standardization effort is to create greater efficiencies in agency processes as well as clearer requirements for all licensees. For example, there are some individuals that hold licenses from more than one Board, so keeping up with the numerous different rules and requirements can be burdensome on both the licensee and agency staff. The Standardization Committee consists of four Executive Council Members, one from each underlying Board, and members of the public, e.g. representatives from professional associations, licensees, and members of the public familiar with these professions.

One of the first areas identified by the Standardization Committee was continuing education. A draft of a single replacement rule was discussed for each of the four Boards. While there was general agreement regarding the framework of the rule, some details for the rule were specific to each Board. For example, the number of hours required for each renewal cycle is currently different for each Board: professional counseling is 24 hours, marriage and family therapy is 30 hours, psychology is 40 hours, and social work is 30 hours; and the proposed rule kept these same requirements. What this proposed rule does is standardize the requirements for which hours or courses will count towards these required hours. Several years in the past some of these Boards, but not all, would preapprove continuing education providers, as a mechanism to ensure the requisite standards for continuing education were met. After the Sunset Commission's review of these Boards a management action

recommended reform of the rules pertaining to approving continuing education providers, and subsequently such rule requirements were repealed and the Boards no longer approve continuing education providers. As a means of vetting the providers of continuing education, but not moving back to the repealed system of the agency reviewing and approving providers, the Standardization Committee reviewed and accepted an alternative approach that is currently in the Psychology Board's rules. The Psychology Board's rule pertaining to continuing education requires licensees to obtain at least fifty percent of their continuing education from an approved provider. Per current 22 Tex. Admin Code Sec. 463.35(f), an approved provider is:

national, regional, state, or local psychological associations; public school districts; regional service centers for public school districts; state or federal agencies; or psychology programs, or counseling centers which host accredited psychology training programs, at regionally accredited institutions of higher education; and other formally organized groups providing professional development that is directly related to the practice of psychology.

The proposed new continuing education rule was modeled after this standard and expanded upon this list of approved providers. Proposed 22 Tex. Admin. Code Sec. 463.35(e) states:

Licensees must obtain at least fifty percent of their continuing education hours from one or more of the following providers: (1) an international, national, regional, state, or local association of medical, mental, or behavioral health professionals; (2) public school districts, charter schools, or education service centers; (3) city, county, state, or federal governmental entities; (4) an institution of higher education accredited by a regional accrediting organization recognized by the Council for Higher Education Accreditation, the Texas Higher Education Coordinating Board, or the United States Department of Education; (5) religious or charitable organizations devoted to improving the mental or behavioral health of individuals; or (6) any provider approved or endorsed by a provider listed herein.

This rule was published for comment on August 5, 2022, and the comment period closes on September 4, 2022, so currently the Executive Council has not received comments on this proposed rule. Numerous comments were received that voiced concerns regarding the proposed new social work and marriage and family therapy continuing education rules. Additionally, the LPC Board voted and approved a similar rule to be sent to the Executive Council for review and possible publication in the *Texas Register*. Upon the LPC Board's approval but prior to publication this agency received several comments regarding this

approved provider list, which either opposed it or requested additional providers be added to the list. These comments raised a potential issue, by the agency only accepting up to fifty percent of the required continuing education hours from providers not on the rule's approved provider list that could have a possible anticompetitive effect because those on the list are able to offer more services, e.g. acceptable hours, to licensees. Those comments, regarding the LPC, MFT, and SW rules, were provided in a previous submission regarding the MFT and SW rules so they have not been included in this submission but they can be provided upon request.

4. Describe the legal authority for the proposed rule.
 - a. Is the proposed rule specifically required or authorized by state statute? If so, list the statute(s).

Yes, see Sections 501.1515(1)(C), 507.153(1)(C), and 507.157 of the Occupations Code.

- b. Is the proposed rule within the scope of the state agency's general authority to regulate in a given occupation or industry? If so, describe how the proposed rule is within the scope, and reference the applicable state statute(s).

Yes, the Executive Council regulates the professions of marriage and family therapy, professional counseling, psychology, and social work. Specifically, the Executive Council, in conjunction with the underlying Boards, has specific statutory authority requiring this agency to adopt continuing education requirements for licensees to maintain their licenses.

5. Describe the process that the state agency followed in developing the proposed rule, including any public hearings held, public comments invited, studies conducted, and data collected or analyzed.

As discussed above, the proposed rule is a product of the Executive Council's Standardization Committee which involved discussion and collaboration from agency staff, members of the public, stakeholders or members of associations, licensees, and Council/Board Members. Once the Standardization Committee recommended the rule it was brought before each Board for consideration and approval at a public meeting. Once approved by the Board it was forwarded to the Council for consideration and approval at a public meeting, and once the Council approved the draft rule it was published in the *Texas Register* for formal public comment.

6. Describe the harm that the proposed rule is intended to address and how the proposed rule will address the harm.

Generally speaking, the harm the entire rule is intended to address is to ensure that licensees remain educated and competent in the subject matter they are licensed to practice. Specifically, the part of the rule that may have anticompetitive effects is intended to ensure that the continuing education licensees are receiving is coming from sources that have a level of organization and oversight that ensures the quality of coursework provided; such as, institutions of higher education accredited by a regional accrediting organization recognized by the Council for Higher Education Accreditation.

7. Do any less restrictive alternatives to the proposed rule exist for addressing the same harm? If so, include a comparison of the proposed rule to the alternatives and a justification for not pursuing a less restrictive alternative. If no less restrictive alternatives exist, explain why.

There are possibly less restrictive alternatives that could be considered, such as including other individuals in the approved provider list as the LPC rule commenters requested. But including all licensees and other licensed professionals, such as attorneys, to align with these comments will potentially frustrate the purpose for this part of the rule. To allow licensees to receive all, and not just fifty percent, of their required continuing education from one individual licensee or attorney would mean all of that education would come from a single source that was not reviewed, edited, vetted, or the like by any other source or individual. Therefore, the verification of the quality of such continuing education would be difficult to determine. Psychology has long since used a similar list of organizations that licensees must obtain continuing education from, see former rule 22 TAC 461.11 adopted in 1993 which required one-third of the required hours to come from a national, state, or local association, a university, or the like. Since this requirement has existed in psychology's rules for almost thirty years it is hard to imagine this change will have much, if any, negative impact.

8. Indicate how the proposed rule affects market competition (See Section 57.105(d), Texas Occupations Code).
 - It creates a barrier to market participation in the state.
 - It results in higher prices or reduced competition for a product or service provided by or to a license holder in the state.
 - It both creates a barrier to market participation in the state and results in higher prices or reduced competition for a product or service provided by or to a license holder in the state.
9. Describe the specific impact that the proposed rule will have on market competition and how that effect is consistent with state policy as established by the

Legislature in state statute.

As indicated in the LPC rule comments, there are some licensees that are solo practitioners and they provide, as part of their business, continuing education courses to other licensees. The rule will not allow licensees to receive all of their continuing education from these types of providers, this agency will only count up to fifty percent of these types of course credits towards the total required hours. By not allowing these types of providers, e.g. individual licensees and/or solo practice providers, to provide all of the required continuing education then it could put these types of providers at a disadvantage when compared to those on the approved list, such as universities. If these types of providers can no longer be a one stop shop for all of a licensee's continuing education needs then it could reduce the competition for the types of providers in the market place, or it could increase costs because it will require these type of providers to be reviewed and approved or endorsed by an approved provider, such as a university or professional association, which in turn could result in increased costs to the consumer licensees. But, as stated above, this requirement has existed in one shape or another in psychology's rules for almost 30 years, so it is difficult to imagine that this rule change will have much of an impact on the current marketplace for continuing education providers to psychology licensees.

10. Does the proposed rule relate to a question that is the subject of an opinion request pending before the Office of the Attorney General? Does the proposed rule relate to an opinion previously issued by the Office of the Attorney General?

No.

11. Does the proposed rule relate to a matter on which there is pending litigation or a final court order?

No.

12. Is there anything else that the state agency would like the Regulatory Compliance Division to know about the proposed rule?

No.

Note: In addition to this memorandum and its required attachments, the state agency must provide copies of the state agency's administrative records regarding the proposed rule, including any information or comments that the state agency received from the public regarding the proposed rule. A state agency is not required to submit any privileged or confidential information to the Regulatory Compliance Division.

Regulatory Flexibility Analysis for Small and Micro-Businesses and Rural Communities. Mr. Spinks has determined that the proposed repeal will have no adverse economic effect on small businesses, micro-businesses, or rural communities. Thus, the Executive Council is not required to prepare a regulatory flexibility analysis pursuant to §2006.002 of the Tex. Gov't Code.

Local Employment Impact Statement. Mr. Spinks has determined that the proposed repeal will have no impact on local employment or a local economy. Thus, the Executive Council is not required to prepare a local employment impact statement pursuant to §2001.022 of the Tex. Gov't Code.

Requirement for Rules Increasing Costs to Regulated Persons. The proposed repeal does not impose any new or additional costs to regulated persons, state agencies, special districts, or local governments; therefore, pursuant to §2001.0045 of the Tex. Gov't Code, no repeal or amendment of another rule is required to offset any increased costs. Additionally, no repeal or amendment of another rule is required because the proposed repeal is necessary to protect the health, safety, and welfare of the residents of this state and because regulatory costs imposed by the Executive Council on licensees is not expected to increase.

Government Growth Impact Statement. For the first five-year period the proposed repeal is in effect, the Executive Council estimates that the proposed repeal will have no effect on government growth. The proposed repeal does not create or eliminate a government program; it does not require the creation or elimination of employee positions; it does not require the increase or decrease in future legislative appropriations to the agency; it does not require an increase or decrease in fees paid to this agency; it does not create a new regulation; it does not expand an existing regulation; it does not increase or decrease the number of individuals subject to the rule's applicability; and it does not positively or adversely affect the state's economy.

Takings Impact Assessment. Mr. Spinks has determined that there are no private real property interests affected by the proposed repeal. Thus, the Executive Council is not required to prepare a takings impact assessment pursuant to §2007.043 of the Tex. Gov't Code.

Request for Public Comments. Comments on the proposed repeal may be submitted to Brenda Skiff, Executive Assistant, Texas Behavioral Health Executive Council, 1801 Congress Ave., Ste. 7-300, Austin, Texas 78701, or by email to rules@bhec.texas.gov. The deadline for receipt of comments is 5:00 p.m., Central Time, on September 4, 2022, which is at least 30 days from the date of publication in the *Texas Register*.

Statutory Authority. The repeal is proposed under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council proposes this repeal pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §501.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Psychologists previously voted and, by a majority, approved to propose this repeal to the Executive Council. The repeal is specifically authorized by §501.1515 of

the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also proposes this repeal in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this repeal to the Executive Council. Therefore, the Executive Council has complied with Chapters 501 and 507 of the Tex. Occ. Code and may propose this repeal.

Lastly, the Executive Council proposes this repeal under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

No other code, articles or statutes are affected by this section.

§463.35. *Professional Development.*

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 20, 2022.

TRD-202202739

Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Psychologists

Earliest possible date of adoption: September 4, 2022

For further information, please call: (512) 305-7706



22 TAC §463.35

The Texas Behavioral Health Executive Council proposes new §463.35, relating to Requirements for Professional Development.

Overview and Explanation of the Proposed Rule. This proposed new rule is intended to streamline all the continuing education into a rule formatted similarly to the other Boards under the Executive Council. Additionally, this rule adds and changes some of the requirements for each renewal cycle. For example, licensees will be able to carry forward up to ten hours from the previous cycle if they were not used, licensees can opt to take the jurisprudence examination for one hour of ethics credit, and lastly licensees can now claim up to one hour of self-study continuing education credit.

Fiscal Note. Darrel D. Spinks, Executive Director of the Executive Council, has determined that for the first five-year period the proposed rule is in effect, there will be no additional estimated cost, reduction in costs, or loss or increase in revenue to the state or local governments as a result of enforcing or administering the rule. Additionally, Mr. Spinks has determined that enforcing or administering the rule does not have foreseeable implications relating to the costs or revenues of state or local government.

Public Benefit. Mr. Spinks has determined for the first five-year period the proposed rule is in effect there will be a benefit to licensees, applicants, and the general public because the proposed rule will provide greater clarity and consistency in the Executive Council's rules. Mr. Spinks has also determined that for each year of the first five years the rule is in effect, the public benefit anticipated as a result of enforcing the rule will be to help the Executive Council protect the public.

Probable Economic Costs. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no additional economic costs to persons required to comply with this rule.

Small Business, Micro-Business, and Rural Community Impact Statement. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no adverse effect on small businesses, micro-businesses, or rural communities.

Regulatory Flexibility Analysis for Small and Micro-Businesses and Rural Communities. Mr. Spinks has determined that the proposed rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities. Thus, the Executive Council is not required to prepare a regulatory flexibility analysis pursuant to §2006.002 of the Tex. Gov't Code.

Local Employment Impact Statement. Mr. Spinks has determined that the proposed rule will have no impact on local employment or a local economy. Thus, the Executive Council is not required to prepare a local employment impact statement pursuant to §2001.022 of the Tex. Gov't Code.

Requirement for Rules Increasing Costs to Regulated Persons. The proposed rule does not impose any new or additional costs to regulated persons, state agencies, special districts, or local governments; therefore, pursuant to §2001.0045 of the Tex. Gov't Code, no repeal or amendment of another rule is required to offset any increased costs. Additionally, no repeal or amendment of another rule is required because the proposed rule is necessary to protect the health, safety, and welfare of the residents of this state and because regulatory costs imposed by the Executive Council on licensees is not expected to increase.

Government Growth Impact Statement. For the first five-year period the proposed rule is in effect, the Executive Council estimates that the proposed rule will have no effect on government growth. The proposed rule does not create or eliminate a government program; it does not require the creation or elimination of employee positions; it does not require the increase or decrease in future legislative appropriations to this agency; it does not require an increase or decrease in fees paid to the agency; it does not create a new regulation; it does not expand an existing regulation; it does not increase or decrease the number of individuals subject to the rule's applicability; and it does not positively or adversely affect the state's economy.

Takings Impact Assessment. Mr. Spinks has determined that there are no private real property interests affected by the proposed rule. Thus, the Executive Council is not required to prepare a takings impact assessment pursuant to §2007.043 of the Tex. Gov't Code.

Request for Public Comments. Comments on the proposed rule may be submitted to Brenda Skiff, Executive Assistant, Texas Behavioral Health Executive Council, 1801 Congress Ave., Ste. 7-300, Austin, Texas 78701, or by email to rules@bhec.texas.gov. The deadline for receipt of comments

is 5:00 p.m., Central Time, on September 4, 2022, which is at least 30 days from the date of publication in the *Texas Register*.

Statutory Authority. The rule is proposed under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council proposes this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §501.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Psychologists previously voted and, by a majority, approved to propose this rule to the Executive Council. The rule is specifically authorized by §501.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also proposes this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 501 and 507 of the Tex. Occ. Code and may propose this rule.

Lastly, the Executive Council proposes this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

No other code, articles or statutes are affected by this section.

§465.35. Requirements for Professional Development.

(a) Minimum Professional Development Hours Required.

(1) A licensee must complete 40 hours of professional development during each renewal period that they hold a license. The 40 hours of professional development must include six (6) hours in ethics and six (6) hours in cultural diversity or competency.

(2) A licensee may carry forward to the next renewal period a maximum of 10 hours accrued during the current renewal period if those hours are not needed for renewal.

(b) Acceptable ethics hours include, but are not limited to, professional development on:

(1) state or federal laws, including agency rules, relevant to the practice of psychology;

(2) practice guidelines established by local, regional, state, national, or international professional organizations;

(3) training or education designed to demonstrate or affirm the ideals and responsibilities of the profession; and

(4) training or education intended to assist licensees in determining appropriate decision-making and behavior, improve consistency in or enhance the professional delivery of services, and provide a minimum acceptable level of practice.

(c) Acceptable cultural diversity or competency hours include, but are not limited to, professional development regarding age, disability, ethnicity, gender, gender identity, language, national origin, race, religion, culture, sexual orientation, and socio-economic status.

(d) Acceptable Professional Development Activities.

(1) All professional development hours must have been received during the renewal period, unless allowed under subsection (a)(2) of this section, and be directly related to the practice of psychology;

(2) The Council shall make the determination as to whether the activity claimed by the licensee is directly related to the practice of psychology;

(3) Except for hours claimed under subsection (g) of this section, all professional development hours obtained must be designated by the provider in a letter, email, certificate, or transcript that displays the licensee's name, topic covered, date(s) of training, and hours of credit earned; and

(4) Multiple instances or occurrences of a professional development activity may not be claimed for the same renewal period.

(e) Licensees must obtain at least fifty percent of their professional development hours from one or more of the following providers:

(1) an international, national, regional, state, or local association of medical, mental, or behavioral health professionals;

(2) public school districts, charter schools, or education service centers;

(3) city, county, state, or federal governmental entities;

(4) an institution of higher education accredited by a regional accrediting organization recognized by the Council for Higher Education Accreditation, the Texas Higher Education Coordinating Board, or the United States Department of Education;

(5) religious or charitable organizations devoted to improving the mental or behavioral health of individuals; or

(6) any provider approved or endorsed by a provider listed herein.

(f) Licensees shall receive credit for professional development activities according to the number of hours designated by the provider, or if no such designation, on a one-for-one basis with one credit hour for each hour spent in the professional development activity.

(g) Licensees may claim professional development credit for each of the following activities:

(1) Passage of the jurisprudence examination. Licensees who pass the jurisprudence examination may claim one (1) hour of professional development in ethics.

(2) Preparing and giving a presentation at a professional development activity. The maximum number of hours that may be claimed for this activity is five (5) hours.

(3) Authoring a book or peer reviewed article. The maximum number of hours that may be claimed for this activity is five (5) hours.

(4) Teaching or attending a graduate level course. The maximum number of hours that may be claimed for this activity is five (5) hours.

(5) Self-study. The maximum number of hours that may be claimed for this activity is one (1) hour.

(6) Successful completion of a training course on human trafficking prevention described by §116.002 of the Occupations Code. Licensees who complete this training may claim one (1) hour of professional development credit.

(7) The Council does not pre-evaluate or pre-approve professional development providers or hours.

(8) Licensees shall maintain proof of professional development compliance for a minimum of three (3) years after the applicable renewal period.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 20, 2022.

TRD-202202740

Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Psychologists

Earliest possible date of adoption: September 4, 2022

For further information, please call: (512) 305-7706



PART 34. TEXAS STATE BOARD OF SOCIAL WORKER EXAMINERS

CHAPTER 781. SOCIAL WORKER LICENSURE

SUBCHAPTER B. RULES OF PRACTICE

22 TAC §781.304

The Texas Behavioral Health Executive Council proposes amended §781.304, relating to Relationships with Clients.

Overview and Explanation of the Proposed Rule. The proposed amendment removes duplicative language that is currently stated in §781.310, pertaining to billing and financial relationships.

Fiscal Note. Darrel D. Spinks, Executive Director of the Executive Council, has determined that for the first five-year period the proposed rule is in effect, there will be no additional estimated cost, reduction in costs, or loss or increase in revenue to the state or local governments as a result of enforcing or administering the rule. Additionally, Mr. Spinks has determined that enforcing or administering the rule does not have foreseeable implications relating to the costs or revenues of state or local government.

Public Benefit. Mr. Spinks has determined for the first five-year period the proposed rule is in effect there will be a benefit to licensees, applicants, and the general public because the proposed rule will provide greater clarity and consistency in the Executive Council's rules. Mr. Spinks has also determined that for each year of the first five years the rule is in effect, the public benefit anticipated as a result of enforcing the rule will be to help the Executive Council protect the public.