



Counselor, Social Worker & Marriage and Family Therapist Board

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STATE OF OHIO

COUNSELOR, SOCIAL WORKER AND MARRIAGE AND FAMILY THERAPIST BOARD

JANUARY 16, 2009

Chairperson, Mr. Kenneth Trivison, at the LeVeque Tower, 50 West Broad Street, Columbus, OH, convened the regular meeting of the Board at 1:00 P.M. on January 16, 2009.

Members present were Mr. Timothy Brady, Dr. Otha Gilyard, Mr. Robert Nelson, Mr. Tommie Robertson, Ms. Jennifer Riesbeck-Lee, Dr. Susan Norris Huss, Mr. Jan White, Dr. Victoria White Kress, Mr. John Cranley IV, Dr. Thomas McGloshen, Ms. Francine Packard and Ms. Molly Tucker. Absent: Ms. Karen Huey. Staff present: Mr. James Rough, Mr. Bill Hegarty, Ms. Patricia Miller, Ms. Marcia Holleman, Ms. Tracey Hosom, Ms. Margaret-Ann Adorjan and Ms. Tammy Tingle.

Also, present Atty. Melissa Wilburn, Assistant Attorney General, Mr. Henry Lustig, NASW, and Atty. Glenn Karr.

I. Discussion and approval of agenda.

Mr. Brady acknowledged the financial recession and asked what could be done to help the Board. Discussion.

II. Mr. White moved to accept the November 21, 2008, minutes, seconded by Dr. Gilyard. Carried.

III. Executive Director Report presented by Mr. Rough:

Mr. Rough reported:

1. Recognized Mr. Jose Camerino and Ms. Mary Anne Sharkey Dirck, past Board Members, and their benefit to the Marriage and Family Therapist Committee and the Board. A letter of recognition and a plaque will be sent to them. Welcomed Mr. Cranley, public member to the Marriage and Family Therapist Committee and to the Board.

Mr. Cranley introduced himself; he is an attorney from Cincinnati and a graduate from John Carroll University with a degree in Philosophy and Political Science. He also has a masters in Theological Studies from Harvard Divinity School and received his juris doctorate from Harvard Law School. He ran for congress and was elected to Cincinnati city council four times. In 2002, he co-founded the Ohio Innocence Project at the University of Cincinnati College of Law, a program that involves using prisoners DNA to prove their innocence, four individuals have been released. He is also expecting his first child in April.

2. Distributed the budget report, fines are not to exceed five hundred dollars instead of the original ten thousand dollars requested. The Board is in good shape financially, revenue is on target, spending is under the allotted amount and costs have been reduced in several areas. FY09 is on track with payroll costs. Unable to purchase new computers and servers this year. No word on budget cuts. A breakdown on the spending report was provided and discussed. Mr. White complimented the high income from the social workers due to the number licensed. Mr. Brady asked what is considered normal for fines and does the five hundred dollars allow for inflation. Also Mr. Hegarty stated guidelines are needed. Mr. Rough stated the board will have to develop a rule for the fines and he will get ideas from other states and put the information on the website and in the newsletter, when appropriate.
3. HB 427 passed and will be effective April 7, 2009. A public hearing will be held prior to the March meeting regarding the laws and rules changes and then a final filing will take place in April.
4. Met with Ohio Department of Mental Health regarding reimbursement fees.
5. The laws and rules exam is close to done and should go live this month.
6. The five year rule review should be finished in March or May of this year.
7. Requesting a formal opinion on the use of civil service exemption and will talk to other agencies on the use of this exemption.
8. A guideline for a policy on prayer was not agreed upon by the Counselor Professional Standards Committee.
9. Annual Ethics training must be attended by new Board Members. Information will be sent out.

IV. Investigative Report presented by Mr. Hegarty:

Mr. Hegarty reported:

1. Thanked staff for their hard work.
2. Since January 1, 2009, five new cases have been opened, three social work, and two counselor. The breakdown of the types and

demographics were distributed to the Board. Complaints received are mostly regarding sexual boundary violations. The Columbus area had the most complaints. Thirty two new cases since the November Board Meeting.

3. A social worker and counselor case will be distributed in March, and two social worker denial hearings are scheduled for the end of January.
4. Dr. Norris Huss and Dr. White Kress are both investigative liaisons for the counselor professional standards committee. The staff is usually one to two months behind based on the number of complaints received.

V. Legal Update presented by Atty. Wilburn:

Atty. Wilburn reported:

1. A counselor hearing was held in December for Ms. Jessica Evans for impairment. Ms. Evan's attorney requested a full copy of the board investigative file, which is confidential by statute section 4757.18 of the Revised Code. This request went to court. Out of three hundred pages of documentation only eight pages should not be handed over. A request to hand over the file without the eight pages was submitted.
2. No decision on the appeal regarding Mr. Merle Rhodes.
3. The case involving Mr. Keith Roberts was referred to the Magistrate by the Judge and a written response will be sent to the Magistrate from the Board.
4. The bill passed following the Joe the Plumber incident included a Government Management Directive requiring all Boards and Commissions to keep a data base of various actions. Still defining what is considered private.

VI. Marriage and Family Therapist Professional Standards Committee Report was presented by Mr. Robertson:

Mr. Robertson reported:

1. Welcomed Mr. Cranley and recognized Ms. Sharkey Dirck's and Mr. Camerino's contributions to the Board.
2. Mr. Robertson is the Committees new chair.
3. Approved one exam request, one supervision hardship request, one MFT and one IMFT licensure request. Ms. Tucker moved to approve the actions taken by the MFTPSC, seconded by Dr. White Kress. Carried.
4. HB 427 passed
5. Working on the five year rule review.
6. Working on the draft for temporary licensure and exam.

7. Committee felt the increase of fees were acceptable.
8. Thanked Ms. Adorjan for her hard work.

VII. Counselor Professional Standards Committee Report was presented by Dr. White Kress:

Dr. White Kress reported:

1. Ms. Elliott sent out four hundred counselor trainee packets.
2. Approved sixty-two PC and thirty-one PCC licensure requests.
3. Mr. Shawn O'Brien from NBCC will be visiting the Board in the summer to discuss the counselor exam.
4. Some topics for the planning committee include; CE provider, exempt setting, mandated supervision, consumer education and laws and rules exam.
5. Approved the counselor education programs for Bowling Green State University, Heidelberg College, Ohio State University and Wright State University.
6. Discussed a policy for guidelines on the topic of prayer since the laws and rules do not address this topic.
7. Counselor hearing was cancelled.

VIII. Social Worker Professional Standards Committee Report was presented by Ms. Riesbeck-Lee:

Ms. Riesbeck-Lee reported:

1. Approved one-hundred and ninety licensure applications.
2. Approved five supervision designations.
3. Approved one-hundred and eighty-six requests to take the exam and denied five requests.
4. Discussed correspondence and reviewed continuing education issues.
5. Discussed topics for the retreat and the term exemption status.

IX. Committee Reports

E-therapy Committee

Mr. Rough reported:

-The committee did not meet but the work was complete and the draft rule is part of the five-year rule review update to the ethics rules as rule number 4757-5-13.

CEU Committee

Ms. Packard reported:

-Reviewed denial letter sent to an agency regarding their program.

- Discussed consistency between the Committees when approving programs and providers and using the accrediting bodies as a reference for guidelines.
- Requesting to add rule changes to provider status and the provider renewal process. A renewal reminder will be sent three months in advance and penalties applied if renewal not submitted on time.

Investigations Ad Hoc Committee

Dr. Norris Huss reported:

- Committee consists of staff and Board Members. Good discussion took place regarding the process and tasks were assigned.
- Main goal is protecting the public.

X. Old Business:

A special meeting is being planned for July and a report from each Professional Standards Committee is being requested on what accomplishments from the last meeting have been completed.

Inactive Status - Tabled as it is expensive and will be requested to be built into the next major change of the eLicensing software.

XI. New Business:

Mr. Brady voiced his concern about the recession and the effect on the Board. Mr. Hegarty added that some mental health centers are closing and the question regarding records and who is responsible for the records has been brought up. This will be discussed with the Ohio Department of Mental Health. Mr. Rough and Mr. Hegarty will both look into what to do with old files.

Mr. Cranley requested what services are being provided free of charge to the Board that a fee may be charged in the future such as attorney general services and what services are paid from the general fund, Mr. Rough will look into this. Also voiced concern that money is made for many agencies from continuing education but the Board does not charge a fee for their approval. Dr. Gilyard cautioned to wait and see what actually happens with the current economic situation before making a lot of changes. Mr. Karr stated he makes no money from his offered trainings. Dr. McGloshen asked about the fees for IT issues and Mr. Rough said there were none. Atty. Wilburn stated that she did not feel the Board would be billed for assistant attorney general's fees in the future.

Mr. Trivison reviewed Mr. Rough's evaluation from all Board Members and will have the final draft at the March meeting and then Mr. Rough can give any feedback.

Mr. Trivison thanked the Board and staff for all their hard work and reminded everyone to quietly leave the room so as to not disturb the Petroleum Storage Tank Release Compensation Board office.

XII. Adjourned:

Mr. Cranley moved to adjourn, seconded by Dr. White Kress. Carried.

Board Chair
Kenneth E. Trivison



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January 15 & 16, 2009

Chairperson, Mr. Kenneth Trivison, at the LeVeque Tower, 50 West Broad Street, Columbus, OH, convened the executive committee meeting of the Board at 8:30 a.m. on January 15, 2009.

Members present were Ms. Molly Tucker and Dr. Victoria White Kress. Staff present: Mr. James Rough

The executive committee met and reviewed the goals established in last July's planning meeting. The following notes apply.

- Similarities & Differences - PSCs
 - Determine July 16, 2009 for next planning meeting
- eTherapy – eTherapy Committee
 - Committee work completed and rule is part of five year rule filing with other ethics rules
- C.E. Provider Status – CEU Committee
 - Review definition of Provider status – CEU committee has proposed changes to the rule for provider status
 - Develop licensee feedback and responsibility for CE – item included in Fall/Winter newsletter.
- Civil Service Exemption - PSCs
 - Definition of meaning of statute section 4757.41 (A)(5) via formal AG opinion – opinion requested and waiting formal opinion.
 - Continue to identify all parties potentially impacted by any change to the statute – in work with PCSAO, ODMH, ODADAS, DOR and MRDD in agreement. Ohio Department of Health may have an issue. Still need to complete discussions with DYS and unions.
- Consumer Education - PSCs

- Develop comprehensive consumer education plan. We need to define what else is needed. We have a new eTherapy consumer guide.
- Inactive Status – Ad Hoc Committee
 - Review possibilities and report to PSCs – committee waiting for input from eLicensing IT staff via Mr. Rough to gain an idea of staff time required to implement this idea.

The committee agreed to meet again on January 16, 2009 at 11:00 a.m. to review input on the executive director's annual review, which will be presented to him at the March meeting.

Meeting adjourned at 9:05 a.m.

Chairperson, Mr. Kenneth Trivison, at the LeVeque Tower, 50 West Broad Street, Columbus, OH, convened the executive committee meeting of the Board at 11:00 a.m. on January 16, 2009.

Members present were Mr. Tommie Robertson, Ms. Jennifer Riesbeck Lee and Dr. Victoria White Kress.

All board members had provided comments on Mr. Rough's annual evaluation through the professional standards committees and the executive committee discussed how to best gather the information into a single document.

Committee adjourned at 11:40 a.m.

Kenneth E. Trivison, M.A.

Board Chair
Kenneth E. Trivison



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Chairperson, Mr. Kenneth Trivison, at the LeVeque Tower, 50 West Broad Street, Columbus, OH, convened the ad hoc inactive status committee meeting of the Board at 8:30 A.M. on January 15, 2009.

Members present were Mr. Tommie Robertson, Jennifer Lee (for Karen Huey) and Mr. Jan White. Staff present: Mr. James Rough

The ad hoc inactive status committee met to discuss possible implementation of an inactive status. That status would allow a licensee to renew without performing continuing education, but not to practice. Once they return to practice they would have to meet continuing education requirements as established by rules adopted by the board.

The committee members first discussed if it made sense to have such a status and decided that some licensees would like to take advantage of such an option. The next issue addressed was can we implement it without undue hardship on the staff. Mr. Rough discussed the options of implementation with the eLicensing IT staff and the Cosmetology Board, which currently has such a status. The Cosmetology Board uses the term "escrow" for their inactive status. Mr. Rough reported that the Cosmetology Board methodology was very labor intensive for Cosmetology. The IT staff opined that the changes needed to make it more functional would be difficult and expensive to implement.

Mr. Robertson recommended that the executive director request that the next generation of licensing system address the inactive status in a better or more functional way that will minimize staff interventions. The committee members agreed and will recommend to the board to table the inactive status until the next major upgrade or change of licensure systems is under discussion.

Committee Chair
Tommie L. Robertson



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January 15, 2009

CEU Committee Minutes:

Committee Attendance: Ms. Francine Packard, PCC, Dr. Thomas McGloshen, IMFT, PCC, Mr. Robert Nelson, LISW; Mr. James Rough, Executive Director and Ms. Patty Miller, CE Coordinator

The CEU committee discussed the following items:

Reviewed a copy of the denial letter sent to Mr. Moyer (Mr. Happy).

Reviewed copies of five CE programs with different decisions by the Professional Standards Committees. Discussed that the program outcomes were valid, but in order to achieve consistency there were several things to recommend to the committees.

1. Before denying a program or provider application, request input from another professional standards committee member. Appeals should be reviewed by a different committee member than the individual whom denied the original request.
2. If each professional standards committee used its accrediting body's program content as a guideline for acceptable subject matter, results may vary but the standard would remain consistent.

Universities must follow the same renewal process as other approved providers.

The CEU Committee approved a request from Ursuline College to offer an 8 hour college course in their counseling department as an 8 hour program for social workers and to request pre-approval from the Board.

An email and copy of 4757-9-06 were reviewed for clarification of paragraph (C)(2).

An individual who presents programs as a full-time job cannot obtain CE hours but an individual who presents programs as a part-time job can obtain CE hours. Committee Members did not know why this provision exists, and will discuss this rule with their respective professional standards committees.

The current policy is if a provider does not renew their provider status within six months of their renewal date they no longer can renew but have to re-apply after one year and must submit programs on an individual basis. The programs offered during the lapsed time are accepted to not hurt the licensee. Ms. Miller suggested that if they missed their renewal date and by the next board meeting still have not renewed, they may no longer renew at this point and have to wait two years to re-apply as a provider. The committee requested that renewal notices be sent at least three months prior to the renewal date. If not renewed on time, they lose provider status for one year. This would require a rule change to implement. Mr. Rough will draft language for the March meeting.

Ms. Miller received a call this morning from Cincinnati Children's Hospital, a social work provider, regarding a question on one of their programs and they informed the Board they would not be renewing in September but would continue to use their provider approval until their renewal date.

The committee determined that their CEU provider status is valid until September. Additionally, if a CEU provider does not renew, they are still obligated to provide a list of programs offered for the period prior to non-renewal.

The executive committee has tasked the CEU committee with the following:

- C.E. Provider Status – CEU Committee
 - Review definition of Provider status – in draft language
 - Develop licensee feedback and responsibility for CE – working on how to accomplish

Signature Approving Minutes