



Counselor, Social Worker & Marriage and Family Therapist Board

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STATE OF OHIO

COUNSELOR, SOCIAL WORKER AND MARRIAGE AND FAMILY THERAPIST BOARD

JULY 17, 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 July 17, 2009.

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

Also, present; Atty. Leah O'Carroll, Assistant Attorney General, Mr. Henry Lustig, NASW, Dr. David Mann, Ashland Seminary and Ms. Mary DeCenzo, MSW Intern.

- I.** Discussion and approval of agenda.
- II.** Mr. Robertson moved to accept the May 22, 2009, minutes, seconded by Dr. Gilyard. Carried. Mr. Rough reported the electronic board mailing worked well. If anyone needs a printed copy, please let Mr. Rough know prior to the Board meeting.

Mr. Trivison welcomed the visitors to the CSWMFTB meeting. Mr. Trivison also thanked everyone for a good planning meeting yesterday, good input and dialogue, also thanked Mr. Rough, Mr. Hegarty, Ms. Hosom, Ms. Tingle and the rest of the staff.

Mr. Robertson moved to elect Dr. Huss as the Board Chair by acclamation, Dr. Gilyard seconded. Carried.

III. Executive Director Report presented by Mr. Rough:

Mr. Rough reported:

1. Mr. White, Ms. Tucker, Mr. Trivison, and Ms. Huey's term expires October 10, 2009, Mr. Robertson can be re-appointed. Information will be forwarded to the Governor's office.
2. Regarding the budget, travel is limited to in-state only, essential requests should be approved but waiting for OBM guidance.
3. Statute change for mental health hold is in work by OCA and NASW.
4. On-line mandatory renewing is going well.
5. Mr. Robertson moved to accept the board's policy resulting from House Bill 648 (Joe the Plumber Law), Ms. Huey seconded. Carried.
6. Temporary license for professional counselor changed to provisional license per the statute, but will wait for update to the ODMH provider rule for that title use.
7. A copy of the annual report to the governor was given to Mr. Trivison to review and then will be sent to all board members.
8. A public hearing was held on the five year rule review.
9. Civil service exemption is still being worked and hoping to meet with the office of collective bargaining and interested state agencies.
10. Each Committee voiced they are not ready for fines so we will wait for the September meeting.
11. License file ruling effective 10/1/09.
12. Discussed the budget report. Necessary funds for office rent are available so no need to make the payment late. Health care cost increases may be an issue in FY 2011.

IV. Investigative Report presented by Mr. Hegarty:

Mr. Hegarty reported:

1. Ms. Volters replaced Mr. Robertson on the Ad Hoc committee.
2. Three hearings are scheduled two before September and one after. Two of the hearings are disciplinary and one is a licensure hearing.
3. The most complaints received were on sexual boundaries.
4. Thanked Ms. Tingle, Ms. Hosom, Ms. Kreinbrink and the liaisons for their hard work.
5. Ms. Tucker asked what made a case a high, medium or low priority. Mr. Hegarty stated it depends on the severity of the case.
6. Ms. Volters asked if since mandating ethics as part of the renewal hours if any positive change has taken place, Mr. Hegarty reported the number of complaints regarding ethics continues to increase.

V. Legal Update presented by Atty. O'Carroll:

Atty. O'Carroll reported:

1. The Merle Rhodes case is scheduled for a hearing on August 15, 2009, Atty. Wilburn, Atty. O'Carroll, Mr. Hegarty and Ms. Tingle are scheduled to attend.

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

Mr. Robertson reported:

1. Ms. Volters is the new investigative liaison.
2. Reviewed continuing education programs.
3. Approved two requests to take the exam, one MFT licensure application and three IMFT licensure applications.
4. The Committee unanimously elected Mr. Robertson to serve another term as the Committee Chair.

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

Dr. White Kress reported:

1. Dr. White Kress was re-elected as the Committee Chair for another year.
2. The planning meeting was very valuable.
3. Approved licensure applications.
4. A discussion was held on the licensure exam pass rate.
5. A discussion on independent licensed supervisors and what paperwork they need to sign-off took place and will continue at the September meeting before amending the rules.
6. Discussed endorsement issues with out-of-state applicants. Mr. Robertson asked if issues were relevant to other licensees. Discussion followed that each professional standards committee has to apply its own statute sections.

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

Ms. Riesbeck-Lee reported:

1. Ms. Riesbeck-Lee was re-appointed for another term as Committee Chair.
2. Closed twenty-nine investigative cases, approved two consent agreements, approved three Goldman hearings, one notice of opportunity for a hearing.

3. Approved three hundred and thirty-one license requests, approved three hundred and seventy-four requests to take the exam and denied four requests.
4. Responded to correspondence.
5. Decided to not modify the supervision rule 4757-19-02 (c) (2) regarding the requirement of 1500 of the 3000 hours to be in clinical experience.

IX. Committee Reports

E-therapy Committee

No report was given, committee work is complete.

CEU Committee

Ms. Packard reported:

- Discussed CE provider and co-provider.
- Discussed whether programs that are offered to prepare to take the licensure exam should be counted towards renewal hours.
- University provider status.
- A third tier of continuing education approval.

Investigations Ad Hoc Committee

Mr. Hegarty reported:

- Will continue to work to improve discipline process and monitor licensing practice.
- Training and research to identify issues.
- Continue to work with NASW concerning a monitoring process.

Executive Committee

Mr. Trivison reported:

- Mr. Rough's evaluation is complete and a copy can be requested, Ms. Tucker, Ms. Volters and Mr. Robertson requested a copy.

X. Old Business:

None addressed

XI. New Business:

1. Approval of licenses between board meetings, Mr. Rough will meet with Atty. O'Carroll to discuss wording, we may need to vote on the list of names at the following meetings, section 4757.16 of the Revised Code wording will be reviewed to potentially amend the social work rule.
2. Documentation is needed in the minutes giving the staff approval to license applicants. Mr. Robertson added that any issues with applicants should be set aside for the board meeting.

3. Mr. Hegarty stated a decision on how to correct a license that was granted when it should not have been is needed.

XII. Adjourned:

Ms. Tucker moved to adjourn, seconded by Dr. White Kress. Carried.

Board Chair

Dr. Susan Norris Huss



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State of Ohio Counselor, Social Worker, & Marriage and Family Therapist Board Investigative Liaison Ad Hoc Committee Meeting July 16, 2009

Members Present were: Mr. Tim Brady, Dr. Victoria Kress, and Mr. Tommie Robertson

Staff Present were: Mr. Bill Hegarty, Ms. Tracey Hosom, Ms. Jenny Kreinbrink, and Ms. Tammy Tingle

Guest Present: None

Mr. Hegarty opened the meeting at 11:00 a.m. and reviewed the minutes from the last meeting. He asked for feedback from the liaison's regarding the forms and process.

Dr. Kress said she liked the process, and Mr. Robertson and Mr. Brady concurred. Dr. Kress questioned the time frames listed on consent agreements and if we use standard formulas. Mr. Hegarty explained that we use formulas as a baseline, but may require more or less depending on the facts of the case, or input from the board members. Dr. Kress said she would be more specific in her review of cases with regard to time frames.

Mr. Robertson noted that we need to define the amount of time, for example, if counseling is required for 12 months we should define the amount of sessions, and the amount of time per session. If we do not define the time frame, 15 minutes could count as a session.

Mr. Hegarty said one other option for consent agreements that has been added is a requirement of community service.

Dr. Kress said it would be helpful to have a sheet to refer to as a guideline of options and time frames when becoming an investigative liaison. Mr. Robertson said it is good that liaisons are informed as to what the norms are when they get a case to review.

Mr. Hegarty discussed developing a cover sheet with expectations and instructions to give to the monitors of disciplined licensees. Ms. Kreinbrink will develop the information sheet prior to the next meeting. Mr. Brady said it would be most helpful, and a good starting point for the supervision. To let the licensee know what is going to be covered in the reports the monitor provides.

Mr. Robertson questioned if the monitor is aware that the licensee is violating the laws, or doing similar things as they were disciplined for, what is their responsibility to inform

the board? Would they need a release? Mr. Hegarty said it would fall under the mandatory duty to report, no release is required as they are not a client, and the supervision arrangement would be waived as part of informed consent even if it were for a counseling requirement

Dr. Kress discussed developing a list of standard questions to ask current monitors. Feedback from them as to issues they see, the approach they take, and their general feedback are instrumental to developing training for other licensees that would like to provide monitoring. The committee discussed if would be better to survey, or conduct interviews. Interviews were chosen as the best format. Dr. Kress will take questions from the liaisons and investigative staff and develop a standard set of questions for the interviews.

Mr. Hegarty summarized the meeting, and closed with looking to the questions being developed for the next meeting, and more specific language included in consent agreements.

The ad hoc committee meeting adjourned at 11:55 a.m.

Susan Norris Huss, PhD., PC
Chairperson



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Minutes Board Planning Meeting Thursday, July 16, 2009

Members present: Tim Brady, John Cranley, Karen Huey, Robert Nelson, Dr. Otha Gilyard, Dr. Thomas McGloshen, Francine Packard, Tommie Robertson, Molly Tucker, Jennifer Riesbeck-Lee, Peggy Volters, Dr. Victoria White Kress, Kenneth Trivison, and Jan White

Staff present: Jim Rough, Bill Hegarty, Tracey Hosom, and Tammy Tingle

Guests: Cindi Webb, NASW; Henry Lustig, NASW; Pam Patton, NASW; Glenn Karr, Esq.; and Mary Decenzo

2:00 – 3:00 – General Discussion

1. Introductions
2. Add Art Therapy bill and licensure verifications as topics.
3. Overview efforts following the 2008 retreat: Jim Rough discussed the development of the E-therapy rule; discussed there was no consensus on Program Provider status. The civil service exemption is still being worked. ODH still needs to provide requested input and NASW is moving forward on removing the exemptions through legislative change. There may be a problem in Cuyahoga County with regard to the exemption. There are agency employment/union issues to consider. This is not a work force issue. There is a possibility of a grandparenting provision. With regard to consumer protection the consumer pamphlet is on-line and there is a Consumer Bill of Rights also on the Board's website.
4. License verification: Tommie Robertson wanted to discuss the process of applying for license in Ohio from another state. Can an official verification of another state's license be done via the internet? There were issues of whether the discipline is available on the other state's website as well as if the state website has complete information we would need here in Ohio. How do we determine if the information is legitimate? The Board needs to plan for future use as some form of this inevitable. Our mandate is public protection. The verification of the applicant's exam score could corroborate the state's verification. Should we require a copy of the out of state license application file be submitted?
5. Similarities/Differences of the three committees: All use electronic means to obtain information. The networking and discussion of ideas is a positive thing. There are more

similarities than differences. All three independent license types can diagnose and treat without supervision.

6. Art Therapy bill: This bill was not added to the budget bill. It will likely need to be introduced as a stand-alone bill. If art therapists are made part of the Board, it is important that the processes within the Bill for renewal, etc., be similar to the processes the other three committees use. There was discussion of whether the Board should have input on the bill – does the new license enhance our Board? Does it add credibility to the Board? The Board needs to prepare in the event they are licensed and made part of the Board.

7. Legislative role of the Board: Protection of the public is our mandate. Any legislative role needs to be well thought-out. The Board needs to work together with the associations.

8. Other: Glenn Karr presented information on the need for uniform requirements of licensees within a number of statutory sections that apply differently to the various mental health licensees. Henry Lustig stated that the state boards need to cooperate especially in the area of electronic data.

4:00 – 5:00 Continuing Education

1. New definition for Provider status is in the revised rules that we filed.

2. Bob Nelson and Molly Tucker discussed the ASWB ACE program: ASWB has a process where they review providers and grant approval as appropriate. 38 jurisdictions have stated if ACE says the provider is ok then the state would agree with that decision. It was brought up that other organizations may also want this ability – NASW and OCA were given as examples. This Board would still review programs/providers but a third tier approval may help with the work flow. AASCB and AMFTRB do not offer this service. If we allowed this third tier, we would need to verify that the process remains stringent.

3. Consider the possibility of charging for provider status before offering a third tier option was discussed.

4. Dr. Gilyard stated that the purpose of the CE was to enhance skills.

5. There needs to be consistency of decisions to approve within and across the PSCs – do we have listed criteria to encourage uniformity? It was discussed that there is a need to carefully review the documentation submitted and the current process really does not allow this due to time constraints.

6. Need to have licensees show proof of having completed the continuing education before being able to renew. The 20% audit failure is not acceptable. Is there a website or data base where the licensee can input CEUs and they could not renew unless the database shows the necessary hours have been completed? It was discussed this would not be easy or inexpensive necessarily.

7. Banking of CEU hours: Limit the number of hours a person could carry over to the next renewal cycle. How would this be monitored with staffing limitations? There is more than just hardship requests to this issue and should be looked at as career management. As an example the attorneys can bank up to 12 CEU hours. This would provide flexibility in career management. There needs to be a discussion about whether we should even have banking before we discuss how to implement it.

8. Guests: Cindi Webb stated that NASW has offered before to assist in the provider review. She believes that NASW's process is a rigorous one. There may be software that the Michigan chapter of NASW uses that tracks CEUs for licensees. Banking provides flexibility.

4:00 – 4:45 Discipline

1. Looking at ways to improve processes. The Board reviewed info and forms from other state boards to determine if our forms were adequate or could be improved.

2. Monitoring the overall professional development and issues as opposed to requiring non-clinical supervision. The Board will look at improving communication between the monitors, the sanctioned licensee, and the Board. Looking at conducting in-person or telephone interviews of monitors to see what they thought of the process including the positives and the negatives. Also the possibility of conducting a focus group. Drs. White Kress and Norris Huss are looking at presenting a training for monitors at OCA in 2010. NASW is going to start providing trainings for monitors/supervisors. The goal is protecting the public.

3. Need to have competent impairment evaluations done when needed.

4. Guests: Glenn Karr thought we were consistent in our processes and decisions. Each case is different with mitigating or aggravating conditions. There was a discussion of some of the pros and cons of diversion programs where a state entity separate from the licensing board will deal with an impaired practitioner. Mr. Karr also spoke of the need for the statute regulating business entities and incorporating be updated to reflect our licensees. Many of the statutes do not list the MFTs as they are a fairly new license type. Cindi Webb stated that the area of impaired practitioners is also important to NASW. NASW will no longer be reviewing the consent agreements and they are hoping to present training on monitoring.

4:45 – 5:00 Budget

1. Jim explained this is an on-going issue and he will keep the Board members informed as he obtains new information. He is trying to determine if monies can be moved from one category to another, and what information needs to be provided to OBM. Is there something else we should be doing other than the cuts the Board has already made? There was discussion for the three committees to discuss the use of fines as that will be considered formal discipline. There is also the affect on licensees who are reported to the National Practitioner Databank, especially from managed care companies.

5:00 – 6:00 Multiple Issues

1. Consumer Education: Need to work closely with professional associations.
2. Phone Therapy: This should now be covered under the new e-therapy rule. Glenn Karr stated that our requirement for an initial face to face meeting between licensee and client may limit access of our licensees to clients.
3. Professional Disclosure Statements: They are required under the statute. Does it really serve a practical purpose? Do the consumers utilize them?
4. Wish list of statute changes
 - a. Permanent revocation status
 - b. Use of e-mails as part of record keeping, license verification, etc.
 - c. Civil service exemption
 - d. CT and SWT status
 - e. Definition of social work and modalities
 - f. Supervision of dually licensed individuals – would they need separate supervision for each license type?
5. HIPAA – electronic security rules – the new rules that go into effect in February 2010 have more muscle to them – increased sanctions.

Action Issues:

Each board member spoke of their concerns in the summary session of the meeting without identification these are the issues.

- The integrity of the overall board is high and has spill over to our colleagues
- Expressed confidence in finance and the board's political actions
- Wants to evaluate CEU programs that include spirituality and/or religion
- Wants to ensure an appropriate level of effort is given to CEU provider reviews
- Acknowledge the members leaving the board after years of service
- Technology needs to be balanced between tradition and what is possible. Evaluate what is best and adopt without haste.
- Like to see complete CEU reporting and completion in order to renew. This would change the audit process and enable banking of CEUs.
- Quality of CEUs is an issue – there are many free high quality online programs such as Trauma Focus from University of South Carolina and Grief CVT
- Is our system abetting failure of CE audits
- How with CEs can we keep from penalizing compliant licensees while addressing the non-compliant ones
- Wants to track CEUs for spirituality
- All 30 CEUs should be able to be distance learning
- Banking of CEUs needs more discussion – complete in one year – what is the best option
- How do we plan for:

- Revenue falling off
- Are fees adequate for our needs
- Address Glenn Karr's statute inconsistencies
- Remove CE audit and pre-register CEUs in next three years
 - Standardize and professionalize CEUs
- Improve technology and limitations that impact CEUs and other areas in next year
- Audit CEU programs by staff or board member attendance or review of ratings
- NASW Ohio Chapter provided information on Michigan NASW tracking CEUs for their board. Can we partner with them to monitor CEUs or have access to the program that tracks CEUs
- Protection of the public is our most urgent responsibility, which means the highest priority in the next year is to continue to improve our discipline processes
- Add the third tier of CEU provider approval for appropriate organizations like ASWB's ACE program
- Improve ethics training and discipline
- Enact statute changes within the next three years

Summation discussion

The Board Members each expressed their views as to what was their primary concern after having discussed the various issues brought up. The majority of concerns revolved around Continuing Education. Members expressed a desire to evaluate and track CEU programs that address religion and spirituality. They wanted adequate time set aside so they can appropriately review the CEU programs that come in front of them. They also wanted licensees to be able to present proof of the 30 hours of continuing education prior to renewing their license, which may include the possibility of banking of CEU hours. There was concern that in overhauling the CEU and audit processes we are punishing those who have been compliant with CEU requirements. The quality of CEU programs is always important and there are very high quality free online programs available – Trauma Focus from the University of South Carolina was given as an example – which led to a discussion of the possibility of all 30 hours done by distance learning. Members mentioned that staff and board members may need to audit CEU programs to ensure professionalism and appropriateness. The possibility of partnering with an outside organization to review the CEU programs should be pursued.

Members also felt that the Board has to plan for our revenues falling short and considering if our fees are adequate to our needs. The statutory inconsistencies discussed by Glenn Karr need to be addressed by the associations and the Board. The Board would like to enact appropriate statutory changes within our own statute within the next three years. The integrity of the Board is high and we need to acknowledge those Board members who are leaving us after serving.

Changes in technology are inevitable and we need to balance between tradition and what is possible. It is important that we remain current with the new technologies that are emerging.

As the Board's mission is the protection of the public, it is essential that the disciplinary process be continued to be reviewed and improved upon where possible.

Planning Priorities for FY 2010

1. Assess the many CEU issues raised – task the CEU Committee
2. Start the process of a statute change – who assigned
3. Review the budget and revenue projections – who assigned
4. Improve technology use where appropriate – who assigned
5. Improve the disciplinary process task the Investigative Liaison Ad Hoc Committee

Signature

Date



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STATE OF OHIO

COUNSELOR, SOCIAL WORKER AND MARRIAGE AND FAMILY THERAPIST BOARD

Executive Committee Meeting

July 17, 2009

Chairperson, Mr. Kenneth Trivison, at the LeVeque Tower, 50 West Broad Street, Columbus, OH, convened the executive committee meeting of the Board at 8:35 a.m. on July 17, 2009.

Members present were Ms. Jennifer Lee, Mr. Tommie Robertson and Dr. Victoria White Kress. Ms. Karen Huey arrived at 9:05 a.m. Staff present: Mr. James Rough

- Members approved the agenda and minutes
- Discussed the Planning Meeting and thought everything was addressed on the draft agenda
- Budget issues – the board is waiting for final word from Office of Budget and Management on guidance for allotting the final appropriation.
- Rule 4757-1-07 Standard fines for discipline actions – discussed the impact of formal discipline on licensees. Quite often disciplined licensees are removed from insurance panels and other payees. Instituting fines may result in more formal discipline.
- Rule 4757-1-05 Fees – the fee rule will be filed following the board meeting in order to institute the late fee, license verification fee and continuing education fee.
- Rule issues -
- Policy – Access to confidential personal information – Joe the Plumber law compliance. We did not approve at our meeting in May – need a motion to approve the policy.

- Release of Jim's evaluation - not given out in May

The executive committee met and reviewed the goals established in last July's planning meeting and the agenda for July 16, 2009 meeting. The committee discussed the budget issues and a potential 30% cut of non-payroll operating budget and its impacts. Discussed releasing Mr. Rough's evaluation at the board meeting. Committee chairs will discuss input with committees.

Committee approved the policy drafted by Mr. Rough for compliance with the Joe the Plumber law otherwise known as section ORC 1347.15 of the Revised Code. The policy is based on input from the state working group and has been reviewed by the board's attorney.

Need to move for approval at the full board meeting.

Meeting adjourned at 9:06 a.m.

Board Chair
Susan Norris Huss



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July 16, 2009

CEU Committee Minutes:

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

If a provider co-sponsors a program with another agency that does not have the Board's approval does a representative or someone from the provider agency need to be present at the program offering. The Committee agreed a representative from the approved provider agency does not need to be present at the program.

May a program to prepare for the licensing exam count as continuing education credit? The committee agreed this was acceptable if it meets the content requirements of the appropriate Chapter 4757-9 rule specifying CE content for each license type.

The committee reviewed the Ohio Association of Senior Centers, a social worker provider, renewal packet. Many of the programs are not professional continuing education and several of the presenters do not have the credentials to present to social workers. The agency is not renewing since they will not be offering eight programs in the next two years, but submitted their report. The Board accepts the programs for licensees who took the programs. Should there be repercussion on the agency when many programs clearly were inappropriate? The committee agreed Ohio Association of Senior Centers should get a closer look should they re-apply for provider status. The main issue is keeping track of the problem for future applications.

If a provider is re-applying and has not met the required five programs in the first year or eight programs every two years, may Ms. Miller send out a denial letter when the packet is received? The committee agreed Ms. Miller may deny them and the professional standards committees will review any appeals.

Do Universities with provider status need to renew and meet the five programs in the first year and eight every two years requirement, also does the renewal information need to be reviewed by the Board? Rule 4757-9-05 (B)(4) pertains, which says they will be approved, but they must apply and renew each two years. The committee does want to review provider renewals from Universities.

The committee discussed taking appropriate disciplinary action against all CEU audit failures. The committee reviewed the proposed rule for fines 4757-1-07 and the impact of formal

discipline on licensees. Members will discuss this issue with their respective professional standards committees.

The committee discussed banking hours and the CPSC and SWPSC were not in favor of moving forward with that option. The MFTPSC is in favor. Additional discussion will take place at the full board planning meeting later this day.

The committee discussed the ASWB ACE program, which in essence is an approver of CE providers for social work for 38 states not including Ohio. The SWPSC believes this program to be very stringent in its process and more thorough reviews of CE providers than our board is performing. They would like to consider a third tier of CEU provider status that could approve programs. The other members were skeptical of such a status. Additional discussions will take place at future meetings.

Signature Approving Minutes