

Fall  
2013  
Issue 1

# News Link



COUNSELOR, SOCIAL  
WORKER & MARRIAGE  
AND FAMILY  
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*If you are not  
sure of the proper  
ethics in any  
given situation;  
talk to your  
supervisor, a  
peer licensee or  
call the Board to  
discuss the issue.  
Don't let things  
get out of hand  
that might result  
in a disciplinary  
situation.*

## House Bill - 232 changing the Board's Statute



Photo courtesy of the Ohio  
Statehouse Photo Archive

Representative Barbara Sears of District 47, west of Toledo, introduced House Bill 232, which passed the House on 11/6/2013. This bill makes major changes to counselor, social worker and marriage and family therapy licensing laws. Following is a short summary of most Sections of the Revised Code with changes.

Sec.s 1701./1705./1785. General corporation law; Limited liability companies; Professional associations; and requires new division 4757.37 and changes to the other professionals Sections of the Revised Code 4723.16, 4725.33, 4729.161, 4731.226, 4731.65, 4732.28, 4734.17, 4734.10, 4755.471 and 4758. *Adds our licensees to these laws, which are for other healthcare boards like Medical, Chiropractic, etc.*

Sec. 2152.72 – adds “licensed” to professional counselor and professional clinical counselor and adds *MFTs to this Section concerning child placement in foster homes.*

Sec. 2305.51 – Mental health professional or organization *not liable for violent behavior by client or patient.* – *adds MFTs*

Sec. 2921.22 – Failure to report a crime or knowledge of a death or burn injury. - *adds MFTs & adds “licensed” to professional counselor and professional clinical counselor to this section concerning failure to report a crime or knowledge of a death or burn injury.*

Sec. 2925.01 - adds “licensed” to professional counselor and professional clinical counselor and *adds MFTs* as professionally licensed persons under this Section that concerns to *drug offenses.*

Sec. 3701.74 – Patient or patient's representative to submit request to examine or obtain copy of medical record. *Adds MFTs – Allows our licensees & Psychologists to send a copy of a patient file to another licensee rather than client, if adverse effect is likely for client*

Sec. 3721.21 adds MFTs & adds “licensed” to professional counselor and professional clinical counselor. *This section concerns Long-term care facility definitions including licensed health professionals.*

Sec. 4731.65 – adds all licensees under conflict of interest limitations on patient referrals

**Chapter 4757 is the enabling statute for our licensure and the board.**

Sec. 4757.01 – adds definition of “Social functioning”: *this section concerns definitions for the board.*

Sec. 4757.03 - adds “licensed” to professional counselor and professional clinical counselor; and simplifies counselor and MFT language for board members and requires five years of practice; at least preceding two years in Ohio, and a member of each professional standards committee shall have a member who has practiced at a public agency. *Allows outgoing board appointees to serve until replaced.*

Sec. 4757.10 adds *rule making authority for counselor, MSW & MFT students to voluntarily apply for trainee status – CT, SWT & MFTT. This section authorizes the board to draft rules to carry out this Chapter of the ORC and specifies rules on certain subjects including treatment for impaired practitioners, training of MFT supervisors, requires good moral character, criminal records checks and fines.*

Sec. 4757.12 – is deleted on line 14 – *Removes the requirement for a professional disclosure statement.*

Sec. 4757.13 – replaces 4757.12 and *requires prominent display of license; private practice licensee must display fee schedule, which shall include board contact information.*

Sec. 4757.16 – This section concerns approval of applications and adds *professional standards committees shall adopt rules for process of application approvals.*



**98.2% of Board licensees renew online and save postage, waiting time, and have a receipt!**

**The board offers an online Laws & Rules CEU program that will meet your 3 hours of ethics. Go to the board's front page and click on item 1. Online Laws & Rules Exam & CEU.**

## HB - 232 Continued

Sec. 4757.21 - adds "licensed" to professional counselor and professional clinical counselor. *This section authorizes Diagnosing and treatment of mental and emotional disorders by licensed professional counselors and licensed professional clinical counselors.*

Sec. 4757.22 - Professional clinical counselor license. *Change to require a CACREP accredited degree for graduates from Ohio schools after 1/1/2018. Requires clinical coursework, but 30 quarter or 20 semester hours removed.*

4757.23 Professional counselor license. *Change to require a CACREP accredited degree for graduates from Ohio schools after 1/1/2018. Non-CACREP applicants from out-of-state schools must meet clinical course requirements.*

Sec. 4757.26 adds "licensed" to professional counselor and professional clinical counselor. *This section concerns social work practice and this change is in supervision of licensed social workers.*

Sec. 4757.27 Independent social worker license. *Removes doctorate as a qualifying degree and requires CSWE accreditation for the Master's degree and in the substitute bill covers start up programs by including Candidacy status approval.*

Sec. 4757.28 Social worker license. *Removes related degree as a qualifying degree.*

Sec. 4757.29 Certificate of registration as social work assistant. *Removes outdated and no longer applicable language.*

Sec. 4757.30 Marriage and family therapist license; independent therapist license. *Adds clarifying language for supervised practice.*

Sec. 4757.31 Fees; deposit of receipts; vouchers. *Adds a non-discipline fee for late completion of continuing education requirements for renewal.*

Sec. 4757. *to add an inactive status for licensees not currently using their license, but wanting to maintain it for future use without continuing education.*

Sec. 4757.33 Continuing education; additional coursework for certain social workers. *Removes the related degree initial continuing education requirement.*

Sec. 4757.36 Grounds for disciplinary action; reinstatement. *Changes recommended by*

*Attorney General's office. And adds CT, SWT & MFTT and registrants of CE program and provider statuses to discipline section.*

Sec. 4757.37 *This is a new section creating language for the professional corporations and LLCs.*

Sec. 4757.38 *Adds language recommended by the Attorney General's office to improve investigations and is based on court cases from other licensing boards.*

Sec. 4757.41 *Exceptions from provisions. Removes the exemption for civil service employees who are licensed and those with less than 2 years of service at the time change goes into effect. Exempts rehabilitation counselors providing services under 3304.17 and in substitute bill adds an exemption for rehabilitation counselors holding a national certification as a certified rehabilitation counselor to enable private practice. Exempts case-workers for unlicensed public children services agency under section 5153.112. – in substitute bill - PCSAO requested addition of division (E) to this section clarifying the child welfare agencies cannot be required to hire licensed social workers.*

Sec. 5101.61 & 3721.21 & 3721.22 *Adult protective services definitions & Reporting abuse, neglect or exploitation of adult & Long-term care facility definitions & Reporting abuse or neglect of resident or misappropriation of property – adds MFTs*

Sec. 5123.61 *Reporting abuse, neglect, and other major unusual incidents. – adds MFTs & Counselors*

Sec. *Temporary language in Section 3 – Department of Administrative Services has one year to implement the changes in Section 4757.41.*

Quite a few Sections of the ORC were omitted from this list in each case the only change was to add "licensed" to PC and PCC language.

Here is a link to the whole description and language: <http://cswmft.ohio.gov/pdfs/HB-232.pdf>

Here is a link to the Legislative Service Commission documents on the bill: [http://www.legislature.state.oh.us/bills.cfm?ID=130\\_HB\\_232](http://www.legislature.state.oh.us/bills.cfm?ID=130_HB_232)

## Disciplinary Actions Taken Against Licensees



### Social Workers:

**Sarah Bruce** (LSW) Record keeping issues. Reprimand of license.  
**Dana R. Baker** (LSW) Boundary issues. Monitoring of licensee.  
**Rebecca Barlow** (LSW) Improper renewal/audit. Revoked.  
**Ann Chambers-Harris** (LSW) Improper renewal/audit. Surrender of license  
**Andrew Ward** (LSW) (LSW) Improper renewal/audit. Surrender of license  
**Michele Croston** (SWA) Improper renewal/audit. Surrender of registration  
**Gary Ritchie** (LSW) Sexual harassment of a client. Revoked.  
**Virginia Young** (LSW) Improper renewal/audit. Surrender of license.  
**David Sturdivant** (LSW) Improper renewal/audit. Surrender of license.  
**Cheryl McRae** (LSW) Improper renewal/audit. Surrender of license  
**Pat Russell-Campbell** (SWA) Improper renewal/audit. Surrender of registration.  
**Carol A. Allegretti** (LSW) Improper renewal/audit. Surrender of license  
**Randy Harrington** (LSW) Improper renewal/audit. Surrender of license.  
**Sharon Crestsinger** (LISW) Failure to cooperate in an investigation. Surrender of license.  
**Ronald Ploetz** (LSW) Improper renewal/audit. Surrender of license.  
**Kathleen H. Jones** (LSW) Improper renewal/audit. Revocation of license.

**Miko Moorman** (SWA) Improper renewal/audit. Revocation of registration.  
**Jennifer L. Hosek** (LSW) Improper renewal/audit. Revocation of license.  
**Keith R. Cherry** (LISW) Improper renewal/audit. Revocation of license.  
**E. Bobette Arnold** (LSW) Improper renewal/audit. Revocation of license.  
**Tia Toner** (SWA) Improper renewal/audit. Revocation of registration.  
**Dawn Hartson** (SWA) Improper renewal/audit. Revocation of registration.  
**Maurice Winston** (LSW) Improper renewal/audit. Revocation of license.  
**Michele Herman** (LISW) Improper renewal/audit. Revocation of license.  
**Stacy D. Scott** (LSW) Improper renewal/audit. Revocation of license.  
**Counselors:**  
**Annie M. Gay** (LPC) Improper renewal/audit. Revoked.  
**Joanne Shannon** (LPC) Improper renewal/audit. Surrender of license  
**Paul Toriello** (LPC) Improper renewal/audit. Surrender of license  
**James Mark Cowley** (LPC) Sexual relationship with client. Surrender of license  
**Rebecca Riales** (LPCC) Improper renewal/audit. Revoked  
**Mark R. McCarthy** (LPCC) Inappropriate relationship with client. Suspension and personal counseling.  
**Ehren Beil** (LPC) Sexual boundaries with a former client. Suspension and mental health assessment  
**John Potter** (LPC) Incomplete records. Restriction on license, counseling  
**Arthur Mandara** (LPC) Improper renewal/audit. Surrender of license.  
**Michele Aluoch** (LPCC) Improper supervision. Surrender of Supervision designation.



*Please make sure you have completed your continuing education requirements before you renew.*

*For 2012, the audits show a non-compliance rate of 10.1%!*

*Several licenses have been revoked and other disciplinary actions taken! Don't let it be you!*

## When will I get my Renewal Card - Audit Postcard

The board prints the **wallet cards** that verify renewal at the end of each month. We order them through our licensing system, which creates the documents to be printed. They are then sent to the state printing service, where due to the card stock being an odd setup for the offset presses, they wait to do so at the end of a day. They are then sent to mailing center and go on there way to you.

The **audit postcards** are likewise ordered through the licensing system, which creates the documents to be printed. We do so at the end of the month and since they are simple card stock, they get printed promptly and in the mail to the recipients. Many licensees who get the audit postcard before their wallet card, think that means there was a renewal problem. Not so, renewal and audit are separate processes.



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*The Board regulates the practice of counseling, social work and marriage and family therapy for the State of Ohio.*

## Ethics- Peer Consultation

There may be times, whether you are a newly minted counselor, social worker, or marriage and family therapist, or have long since been independently licensed, that you aren't sure how to proceed with a particular situation. In most cases it is far easier for the new practitioner to ask for advice. Obviously most new practitioners have designated clinical supervisors, and mandated supervision requirements for diagnosis and treatment. So it is the PCC, LISW, and IMFT practitioners who have been in practice either independently, or as part of an agency, that may feel they no longer need to consult with, or seek advice from, other professionals.

Whatever situation you may fall into, it is always best practice to seek peer review for difficult cases, for cases in which you aren't confident, or for dealing with specific competencies that you may not have fully developed. So many times in the course of investigating a complaint it becomes clear that the licensee has not sought peer review. Who did you consult with about this? No one. I met with one independent practitioner who works in a particularly rural area of the State;

she organized a group of other isolated practitioners over a six county area. They meet at a regular interval to discuss cases, and serve as a resource to each other.

OAC 4757-5-02 (A) (2) Licensees and registrants shall practice only within the competency areas for which they are qualified by education and training. Licensees and registrants shall maintain appropriate standards of care based on their individual professional license. **Standards of care shall be defined as what an ordinary reasonable professional with similar training would have done in a similar circumstance.**

You don't have to be rurally located to benefit from regular peer review, or consultation. Sometimes simply verbalizing a dilemma to another practitioner clarifies the situation in your own mind. And as always, when in doubt call the Board.

Questions or comments you would like to see addressed under the "Ethics Issues" column may be sent to:

[Tracey.Hosom@cswb.state.oh.us](mailto:Tracey.Hosom@cswb.state.oh.us)

## Ethics - Audit Revocations

Recently someone asked me, why are people losing their license just because they haven't completed an audit, when someone else gets a simple suspension for a sexual boundary violation? A good question, as the list of disciplined licensee's seems to include more and more audit revocations, and other disciplinary actions against practitioners that fail audits.

The Board has increased the amount of random audits up to approximately 50% of renewals, so the chances that you will be audited have dramatically increased. However, the licensees that are revoked are primarily due to a lack of response to the audit. If you ignore the audit, or even fail to respond to an audit because you failed to keep a current address on file with the Board, the Board may revoke your license. The Board is willing to work with licensees who have misplaced- certificates or have other minor issues, but we can't work with licensees who do not respond.

4757-11-01 (C) (20) The counselor, social

worker, and marriage and family therapist board, under the provisions of the license or registration renewal requirements set forth in rule 4757-7-01 of the Administrative Code, has the authority to discipline a licensee or registrant who:

- (a) Falsifies the renewal form by stating they have completed the required thirty hours of continuing education at the time they signed the renewal, if it is proven they have not completed the continuing education at that time;
- (b) When audited, cannot present proof of thirty hours of approved continuing education.

It is easier than it has been in the past to obtain continuing education including some free and online options. Make sure that you have obtained the requisite 30 hours, and have proof of the hours, to avoid becoming an audit fail statistic that your friends read about in the Newslink.

Questions or comments may be sent to:

[Tracey.Hosom@cswb.state.oh.us](mailto:Tracey.Hosom@cswb.state.oh.us)