



Counselor, Social Worker & Marriage and Family Therapist Board

50 West Broad Street, Suite 1075
Columbus, Ohio 43215-5919
614-466-0912 & Fax 614-728-7790
<http://cswmft.ohio.gov> & cswmft.info@cswb.state.oh.us

State of Ohio Counselor Professional Standards Committee Meeting March 18, 2010

Members Present were: Ms. Francine Packard, Dr. Otha Gilyard, Dr. Victoria Kress, Mrs. Mary Venrick and Dr. Susan Huss.

Staff Present were: Mr. William Hegarty and Mr. James Rough, Ms. Tracey Hosom, Mrs. Rena Elliott, Mr. Simeon Frazier

Kress called the meeting to order at 9:20 am.

Discussion/Approval of Agenda

Huss moved to approve the March 18, 2010 agenda, Venrick seconded. During the discussion period, Kress added “correspondence” to the Thursday agenda. There were no other additions, and the motion passed unanimously.

The committee decided to work on CEU and Program reviews until their colleagues arrived.

At 09:22 Jim Rough entered, and announced that Packard found out about a business meeting at the last minute. She would be late for the day’s committee meeting.

At 09:25, Bill Hegarty entered and announced that, although he’s slated to do the investigation report at 11:00am, he was advised that he would be with the CEU committee at 11am, and would be with the Counselors at 1pm.

Equine Therapy presentation

At 10:00am, Karen Tinsley presented her case regarding the rejection of her Equine therapy program for CEUs.

She’s spoken with Patty Miller, who’d advised that the Counselors were the only group that did not approve of this program for CEUs. . She offered research that she found to support Equine Assistant Psychotherapy (EAP). She stated on several occasions that she was representing herself, and not, at all, affiliated with, national organization, E-Gallop.

Her handouts included bibliographies, and showed the professional journals that published her research.

She acknowledged that she was a new therapist in this area.

Hegarty asked the difference between EAP and “simple” horseback riding, for clarification for Non-Therapists. Tinsley clarified that it is a non-riding, controlled, peaceful environment where this takes place. She gave examples of a mother with unruly children and being assigned to put a halter on the horse together without talking and without touching the horse/donkey. The interaction between the humans would be monitored, and often times, the parties would project their feelings (with each other) onto the horse.

The therapist would process various aspects of the exercise (are limits being followed, does the child take over, does the task get completed, etc.).

Hegarty asked how this is different than a “therapy dog.”

Kinsley stated that she’s new to EAP, but dogs are predators, and horses aren’t. Dogs will loyally return after being beaten by an owner, and a horse will not, so the interaction and responses are different.

Hegarty asked is EAP a clinical technique, modality or non clinical, for supervision purposes.

She stated that a clinician would be there, and there are E-gallop facets that various professionals would be there to satisfy.

Regarding CEUs, she asked if the board recognizes EAP.

Kress confirmed that this is being conceptualized as the horse being used as something to facilitate treatment goals and that in some states, third party payers are acknowledging paying for it, but not in Ohio.

Hegarty stated that there are problems with Social workers and investigations with things like this.

Venrick stated that she has seen benefits with therapy animals, including horses, and asked if videos of horses vs. horses, themselves, would be used during presentations.

Kinsley said that both would be used, and confirmed that waivers are signed, etc. for liability purposes.

Kress asked how she was doing this, and asked how treatment plans were being constructed.

Kinsley shared that she was an observer at this point, but if ISPs and goals were developed with her cohort, and she (the partner) would work on this in the barn with the families, she (Kinsley) would observe it and take it back to the family.

Kress stated that due to access, affordability, and third party payors aren’t using it, it would be limited for how often it would be accessed.

Kinsley shared that it’s not used often and grants pay for most of it.

Hegarty offered that “The question is, ‘should this be approved as a CEU?’”

Huss shared that research was given, but results of the studies weren't shown. Kinsley directed the committee to page 3 of her handout.

Huss stated that her presentation shows that EAP was used in conjunction with another IEP, so she asked if the studies were for EAP or for another Modality.

Kress shared that she wasn't able to read the entire study for each, but Trotter's study was more comprehensive.

Huss shared about whether CEUs and new techniques will enhance the clinicians to the point where, five years later, it will be viable.

Hegarty and Kress offered that there may not be enough information (particularly, more than one controlled study, on which to rely) to make a decision to approve it. The topic would be discussed with the committee.

Kinsley, Elliott, Rough, and Hegarty left at 10:30am

Venrick left to get her photo taken for her State of Ohio Employee identification.

The Committee continued to work on CEUs and Program approvals. The meeting resumed at 1:05pm.

Packard and Gilyard were in attendance.

Investigation Report

Hegarty distributed a document regarding reporting HIV/STD issues, regarding if there is a client with HIV and has an identifiable partner, is there a duty to report to the 3rd party. According to 3701.243, the counselor "May" notify, but according to 2903.11, it's considered felonious assault, when a client knows and the PCC must report it as a felony.

Huss confirmed that counselors are identified, by law, as healthcare providers.

Hegarty confirmed this as accurate. He also confirmed that there are several statutes that aren't under the Board's jurisdiction. He recommended indicating everything in case notes.

Hegarty distributed cases Huss and Kress reviewed over the last 4 months.

Gilyard moved to close the cases that Kress reviewed and recommended for closure due to no actionable offense over the last 4 months.

Huss seconded. There was no additional discussion and the motion passed unanimously.

Huss moved to close the cases she reviewed and recommended for closure due to no actionable offense over the last 4 months.

Gilyard seconded. There was no additional discussion and the motion passed unanimously.

Hegarty passed out a request for Tonya Watts, PCC, to be primary caregiver to a 14 year old, former, client. In the past, this has been allowed (given age, likelihood child would be adopted) and care has eventually ended.

Packard said that she's fine with it, even though she's concerned; she feels that, given the circumstances, the most successful chance for a healthy situation would be with a professional.

Kress stated that she has concerns about how this plays out, given statistics. The committee determined that there are no rules being violated, and it doesn't require the committee's blessing.

Huss suggested sending a letter stating that the committee appreciates her professionalism, and that they see no problem with it.

Hegarty recommended executive session.

The committee entered executive session at 1:19pm via roll call with all parties answering "Yes".

They returned from Executive Session at 1:31pm.

Ronald Zidian

Packard moved to accept the proposed consent agreement. Gilyard seconded. There was no additional discussion and the motion passed unanimously.

Barbara Tudas

Huss moved to accept the proposed consent agreement. Gilyard seconded. There was no additional discussion and the motion passed unanimously.

Victoria Keplar Didato

Packard moved to accept the Proposed Consent Agreement. Gilyard seconded. There was no additional discussion and the motion passed unanimously.

Hegarty passed out an anonymous complaint against the entire University of Cincinnati Counseling Program for the committee's perusal.

Hegarty and Hosom left at 1:35pm

Elliott entered at 1:45pm

The committee agreed, because this complaint was anonymous, and that there is no specific request, then there was no recourse to follow. There is no way to follow up without a documented accuser, but this is a complaint against a faculty member.

Gilyard expressed concern that there should be a sensitivity on the board's part because the complaint is written in the tone of fear, and that he'd like to discuss this with Hegarty, who (then returned to the meeting at 1:50) confirmed that it was an issue. Gilyard shared that he would like to see Hegarty notify U.C. that the committee received this complaint as a courtesy.

Kress asked how productive would it be to notify the licensee listed in the complaint. Packard agrees that there are no options since the complaint was anonymous, but it was received and discussed, so no additional notification should be sent.

Executive Report Discussion

Kress reminded the committee to submit financial disclosure statements.

\$14,000 came out of the budget regarding unforeseen items, and Rough is trying to pull funds from other areas.

Kress confirmed with committee that the committee was agreeable to fines and discipline for CEU hours fraudulently claimed (parameters haven't been established).

FERPA issues regarding releasing received transcripts haven't, yet, been reconciled.

The Executive Director evaluation will be concluded in May.

CEU Report

Packard reported that the minutes were reviewed and the agenda was approved.

They discussed Patty Miller manually reviewing CEUs. A particular CEU was found to be exclusively medical, and not counseling based.

She also discussed another Post-Program approval that wasn't authentic, and wouldn't be counted.

She discussed methods of directing licenses to the survey monkey to notify the board with feedback.

Regarding banking hours, the CEU committee voted against banking due to the concerns with having to change rules of keeping track of 60 CEUs over 4 years instead of 30 over 2 years. Also, others may gather 60 CEUs over 2 years and not do anything for the other 2 years, which would defeat the purpose of Continuing Education.

Rough will come to the CPSC meeting to discuss a way to do this.

Remediation Plans

Renee Aikens

Elliott showed that Aikens is looking to complete a workshop for the NCMHCE.

Kress advised that this has been approved, before.

Huss moved to approve the request to take Richard Smith's NCE/NCMHCE workshop as sufficient remediation. Gilyard seconded.

There was no additional discussion and the motion passed unanimously.

Recap

Kress shared with Gilyard and Packard what they missed during the morning's meeting, regarding Equine Science Therapy.

Huss moved to deny the appeal for CEUs for Equine Science. Packard seconded. There was no additional discussion and the motion passed unanimously.

Huss initiated discussion regarding CEUs for Life Coaching.

Packard identified that this is considered separate from counseling so she questions why applicants are seeking CEU approval from the Board.

The committee took a break at 2:45pm.

Kress looked at the Gestalt Institute of Cleveland and it is legitimately associated. The committee will reject it and it is not approvable to the license.

Correspondence

Deborah Fitzwater

Kress shared that 1500 hours in Training Supervision for her PCC were completed. She, now, wants to work for free at her church (the committee identified this as the first issue) and have several good friends that volunteered to supervise her (the committee identified this as the second issue).

Kress shared that a church, in certain settings, could be an appropriate setting, but there are boundary and ethical issues that are suggested in counseling in your own church using a friend as a supervisor. She also suggested sending a letter that she review advising of potential issues.

Packard moved to write a letter of caution.

Gilyard seconded. There was no additional discussion and the motion passed unanimously.

Samuel Manz

He received an internship in a school setting and asked that as many school hours as possible be accumulated for a clinical internship.

The committee discussed that, by the tone of the letter, Manz understands that his site, and/or duties may not qualify him to accumulate hours.

Huss moved to send a letter stating that an internship must be done in accordance with the rules.

Gilyard seconded. There was no additional discussion and the motion passed unanimously.

Stephanie Marshall

Her Consent agreement mandated coursework to be completed and is now asking for an extension.

Huss moved to deny her request. Packard seconded. There was no additional discussion and the motion passed unanimously.

Alisa Powell

She failed the licensure exam in 1992 and got counseling for test anxiety. She wants to know if she may take the test, again (for the 4th time) She is an LSW, and not a PC.

Huss moved that Powell must submit a remediation plan.
Gilyard seconded. There was no additional discussion and the motion passed unanimously.

Linda Rodgers

She wants the psychologist supervision that she received to be counted and accepted.
Packard moved that she must do 3000 post-PC hours with a PCC-S as her training supervisor.
Huss seconded. There was no additional discussion and the motion passed unanimously.

Kristine Tedesco

This is a hardship case for PCC-S supervision, after unsuccessfully going through an exhaustive list of supervising counselors.
Huss moved to deny this request.
Gilyard seconded. There was no additional discussion and the motion passed unanimously.

The agenda for Thursday was completed at 3:17pm, but the committee continued to work on CEUs and programs.

**State of Ohio
Counselor Professional Standards Committee Meeting
March 19, 2010**

Members Present: Dr. Susan Huss, Dr. Otha Gilyard, Dr. Victoria Kress, Ms. Francine Packard, Ms. Mary Venrick.

Staff Present: Mrs. Rena Elliott, Ms. Tracy Hosom, Mr. Jim Rough, Mr. Simeon Frazier

Guests Present: None

Kress called the meeting to order at 9:06 a.m.

Gilyard moved to approved agenda. Venrick seconded.

During the discussion, Kress added “Rule Review, Banking CEUs, and OCA Ad Hoc meeting.” She also reminded the committee that the correspondence was removed, as it was addressed, on Thursday.

Huss added “Face to Face Supervision”.

There was no additional discussion and the motion passed unanimously.

Approval of January Minutes

Kress made the following corrections:

Under the “Web Cam supervision-Face to Face supervision” section, the words “In the Laws & Rules” was added to read “Committee researched face to face supervision in the laws & rules.”

The word “if” was removed to read “Huss asked the question does it fall under electronic services definition in the law?”

In the section discussing the OCA, the word words “open for any” were replaced with “for providing” to read “Kress thanked the OCA for attending board meetings and for providing feedback.”

She also added Shubert to complete the name of the Ohio Counseling Association President-Elect, Kelly Shubert.

Packard moved to accept the amended minutes. Gilyard seconded. There was no additional discussion and the motion passed unanimously.

Approval of PC list

Packard moved to approve the list of PCs with the additional two that were added due to requirements being met.

Gilyard seconded. There was no additional discussion and the motion passed unanimously.

Approval of PCC list

Gilyard move to approve the PCC list.

Packard seconded. There was no additional discussion and the motion passed unanimously.

Executive Director Report

Rough reported that Don McTigue was the new Social Worker public member. He is a former Assistant Attorney General.

Rough confirmed that Gilyard and Venrick completed their Ohio Ethics Commission Disclosure Statement.

Venrick is confirming that it was received.

Packard will send hers to Patty Miller.

Rules

The BMV rule was changed, effective 3/8/10, as no one testified at the JCARR or public hearings. Independent CSWMFTs may sign off on forms regarding the “alcohol changes”, if they have appropriate education, training and experience in addiction work.

He sent the committee an email from D.D. (Formerly MRDD) services. Regarding “counseling” use in the job title they were using.

Budget Issues

Rough passed out budget issues that occurred last week. \$18,000 of non-payroll funds must be transferred to payroll.

He will go to the controlling board for several reasons, including replacing the computers.

The Mental Health Hold House Bill 281 had three hearings and no one testified in person at the last hearing.

The Art Therapy Bill

Rough, an OCA representative, and OSW representative, and an ODMA representative met and agreed that the bill was poorly worded.

Packard asked if it would be a license or a certificate.

Rough answered that it would be a license, but clarified that a lot would need to be defined, first.

He talked with associations regarding statute changes, and none were prepared to discuss issues in February, all, however, are working on it.

Banking Hours

Regarding Banking hours, there needs to be further discussion and input from associations.

Kress wanted to discuss New Business items while Rough was present.

New Business

Kress shared, at the last board meeting, that Glenn Karr brought up rules regarding releasing testing protocols for a counselor are different than that of a psychologist. The ACA doesn't mention it, but ours do, and due to copyright violations, we may not release testing protocols. Ours say that you may.

Packard asked if this concerns content or types of tests that were taken.

Kress proposed removing the word “protocol” from the rule.

Huss asked if “Protocol” was the word used in the law? Yes, it is part of paragraph (D)(2) of rule 4757-5-06.

Packard and Kress agreed that questionnaires may not be released. All agreed that scores are the raw data that may be released.

Hegarty entered at 9:30am.

It was discussed that raw data may be sent, only, to qualified persons to interpret it. Answers, scores, summaries, and other items in the rule that will be cleared up by Rough and Hegarty proposing a change to the rule.

The APA says that raw and scaled scores, client responses to stimuli..., etc.

The Committee will adopt the APA’s definition of “Raw Test Data.”

Rough shared that 4757-13-01 includes pre-requisites for practicum, “theories & techniques” in the 2007 version, but was removed in the five year rule review filed in 2008. The Committee asked Rough to draft a rule change to add that provision to the rule.

Kress and Rough agreed that “first hand knowledge” is in the definitions, but, not used in any rule. It will be addressed at the next five year rule review.

Application Coordinator Report

Elliott reported that from November, 2009 – January 2010, Simeon processed 601 Counselor Trainee and Clinical Resident applications.

From January, 2010 – March, 2010 he processed 648 applications.

Since the last meeting in January, 227 exam packets were mailed.

In January, 42 candidates took the NCE. 35 passed, 7 were unsuccessful.

23 candidates took the NCMHCE. 11 passed, 12 were unsuccessful.

Upon hearing of the NCMHCE scores, discussion ensued, concerning the high failure rate.

The committee feels that it should be determined why such a high fail rate and what can be done.

Kress stated that she thinks this is a big problem, and nearly a crisis.

Huss asked if it is the board’s responsibility to provide avenues to increase passage rates, if so, then they must decide how it will be done.

Gilyard believes someone must take responsibility and the board should start.

Packard, Kress and Huss discussed a potential ad hoc committee to really assess the statistics.

Kress shared that she will research this further, as she is highly concerned, particularly, finding a consultant and discussing with Rough regarding Ohio passage rates, cut off scores, and gathering further data.

Passage rates of other states that use this exam, other questions are looking at the NCHMCE, checking reliability, whether or not the test is needed, if there should be a law change. Etc.

Packard asked if people were taking the test before or after 2 years of being licensed, and if there was a correlation between the times, along with corresponding pass/fail rates.

Gilyard and Huss agreed that, at the next meeting, information should be gathered and discussed.

Elliott reported that one of the persons that failed the NCMHCE was an applicant via endorsement.

For the February 2010 exams, Elliott reported that there were 29 NCE candidates. 25 passed, and 4 were unsuccessful.

For the NCMHCE, there were 17 candidates. 11 passed, and 6 were unsuccessful.

New Business II

Rule Review

Huss shared that draft rule 4757-1-07(A)(1) is unclear, and should be re-worded more clearly.

Gilyard moved to accept 4757-13-01 (A)(4)(iii) as drafted using the language from the 2007 rule that states that courses in counseling theory and techniques be required prior to starting the practicum, Packard seconded. There was no additional discussion and the motion passed unanimously.

Banking CEUs

The primary concern is that new systems would need to be created, and licensees would need to hold certificates for four years, not two. This change would require a rule filing. Kress shared that she doesn't have strong feelings either way.

Packard shared that if it will be done, it should be done appropriately, using the example of getting other agencies to do this, all at once.

The Committee discussed that banking more than five or six CEUs goes against the spirit of continuing education, and potentially hurts the public if a licensee were to get 60 CEUs in two years, then go two years without any additional CEUs being earned.

Packard reported that the CEU committee voted, unanimously, against it.

Gilyard moved to discuss, and then vote on the subject of banking hours. Packard seconded. The motion passed unanimously.

Gilyard believes people that this involves should have a stronger say in this discussion than him as a public committee member. He went on to discuss pros& cons of both sides of the issue.

Kress discussed that it may encourage people to take more “Good” CEUs.

Packard thought that it would encourage people to take more risks with the types of CEUs they could take.

Huss shared that the reason to get CEUs is to supplement learning.

Kress shared that practically speaking, it provides options people need, particularly, when people cannot always afford CEUs.

Kress reminded the committee that 15 CEUs may be done on line, and many CEUs are free.

Venrick and Packard felt that it was approached improperly, and that they feel rushed. They’d rather not make a rushed decision and vote on this at a later time.

Rough entered.

Gilyard moved to reject the current plan to receive more information regarding how many hours may be banked and what is the process of implementation.

Gilyard then withdrew the motion.

Huss moved to reject the proposal as presented to the CEU committee.

Venrick seconded; Kress recused herself as she is not certain. There was no additional discussion and the motion passed with four aye votes to no nay votes.

Ad Hoc Committee

Huss and Kress discussed whether or not the CPSC or the OCA would be the party to set the committee. The Ad Hoc committee to discuss the second tier examination was initially supposed to meet and, later, gather input from other parties.

Huss believes that the CPSC should set up the committee, as she believes that the CPSC has no power to have the OCA form a committee.

Kress found in the January minutes that the original plan was to have it be a joint committee.

Hus shared that the minutes should be adjusted to reflect that it would be a CSWMFT Ad Hoc committee that would have members of OCA and OACES, if they so desired, to determine questions that would be asked to the NBCC.

The CPSC agreed that this is a CPSC issue.

Gilyard moved to withdraw the Ad Hoc committee and that this remain a CPSC issue. Venrick seconded. There was no additional discussion and the motion passed unanimously.

Face to Face Supervision

Kress shared that there is not a list of information regarding indicating the quality of a face to face supervision relationship, even though most prefer face to face supervision.

Venrick and Packard shared how there are persons at their agencies that are not in the office often and she speaks a lot to the supervisees on the phone.

Discussion ensued regarding whether or not telephone supervision is as valuable to face to face supervision and it was agreed that face to face is more valuable.

They also discussed that the changes in technology will continue and that there is already a law regarding e-therapy, and it could potentially be an issue.

Kress shared that the issue seemed to be whether or not there is an opinion on electronic supervision.

Gilyard shared his feelings of reservation as some things are lost with not being face to face, particularly, seeing body language.

Kress recalled a group supervision discussion by phone and stated that it really affected the quality of the supervision, as she wasn't able to read body language and participants were reserved, as they couldn't necessarily tell when one person was finished speaking, and when another was about to speak, so it went from several speaking over each other, to everyone being very reserved, and not speaking as freely.

Hegarty entered at 11:00.

Huss asked Hegarty if the rules required a committee vote.

Hegarty shared that it doesn't require a full board vote if it only involved the counselors; otherwise, it should go to the full board.

Kress left at 11:05, leaving Packard to assume the role as the committee chair in Kress' absence.

Rule Change Votes

The committee agreed that fines for CEU violations are appropriate.

Gilyard moved to develop a rule related to CEU audit violation fines.

Huss seconded. There was no additional discussion and the motion passed unanimously.

The committee agrees with 4757-1-07 (A)(1) is unclear, and that they will not vote on it.

Huss moved to accept 4757-9-05-C-2

Gilyard seconded. There was no additional discussion and the motion passed unanimously.

Huss moved to adopt the New Paragraph, 4757-5-02 (I)

Gilyard seconded. There was no additional discussion and the motion passed unanimously.

Meeting adjourned at 11:25 a.m.

Victoria Kress White, Chair