



Counselor, Social Worker & Marriage and Family Therapist Board

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State of Ohio Counselor Professional Committee Meeting July 19, 2007

Members Present were: Mr. Jan White, Ms. Randi Cohen, Dr. Victoria Kress, Dr. Susan Huss and Mr. Fred Dailey.

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

Ms. Cohen opened the Counselor Professional Standards Committee (CPSC or “the committee”) meeting at 9:15 a.m., announcing that Mr. White was attending a personnel meeting, and Dr. Kress would join the meeting later. She then confirmed that the position of CPSC Chair must be elected.

CPSC Chair Election

Dr. Huss moved that Mr. White be elected as CSPC Chair. Mr. Dailey seconded. There was no discussion as the motion passed unanimously.

Approval of Agenda

Mr. Dailey moved to approve the agenda, as presented. Dr. Huss seconded. There was no discussion as the motion passed unanimously.

Mr. Dailey left the meeting at 9:18 a.m. and returned at 9:30 a.m.

Ms. Hosom left the meeting at 9:20 a.m. and returned at 9:40 a.m.

Review of Applications for PC and PCC license

The committee discussed different applicants including one (no name given) reviewed by Ms. Cohen. The applicant’s file was ambiguous with regards to how many complaints and infractions were associated with the applicant.

Additionally, they discussed a file (no name given) that was reviewed by Dr. Huss, whereby the applicant was applying for the PCC via endorsement. The supervision was done in Florida. Mrs. Elliott confirmed that hours have been accepted in the past under

similar conditions. It was determined that the hours that were accumulated prior to the completion of their masters program may not be used. The clinical field evaluation was completed by a psychologist for 4/06-10/06. Also, because there was no evidence of post-PC licensure hours on file (4500 would be necessary). It was determined that more information was needed; furthermore, the committee needs clarification with regards to the meaning of having a “limited license” from the state of Michigan.

The committee also discussed the file of Julia Wager, who was applying for a PCC. It was confirmed that her treatment was completed 2/04. The committee requested the original treatment certificate of completion, specifying that they do not want a fax. It was agreed that Wager may be added to the approved list of PCC awardees upon the receipt of the certificate.

The committee went on to, briefly discuss the file of Jacqueline Hostettler, They concluded that they were comfortable placing her on the list of approved licensees.

Mr. White entered at 9:44 and Mr. Mr. Rough entered at 9:46

The committee took a break at 9:50 and returned at 10:01.

The committee briefly discussed ethical issues surrounding board members that provide CEUs, to make certain that all were aware of Ohio ethics law ruling on the issue.

Review of CEU Program/Provider applications.

The committee reviewed CEU applications until they broke for lunch at 11:30 a.m. They returned from lunch at 12:30 p.m. and finished reviewing the applications.

Rule Review

The board reviewed 4757-13-01-(A)-3, 4(c) and 4 (d).

A(3)

Dr. Huss confirmed with Mr. Mr. Rough that the board isn't certain if they have the authority to mandate whom an institution may or may not hire. She also reminded the committee that CACREP is ambiguous in this area as well.

4(c)

Mr. White questioned whether or not it was accurate, but the committee acknowledged that it was agreed upon.

4757-13-01 (k)

Dr. Huss shared that CACREP doesn't require a course in ethics, since it's dispersed throughout the program. It was acknowledged that it will be an issue during the program reviews. Dr. Kress, Ms. Cohen and Dr. Huss agreed that this should stay in, adding that programs will then be penalized if they don't have a course in ethics during program reviews.

13-01-(A)-(4)-(d)-(iv)

Ms. Cohen suggested that this, being a new addition, will potentially cause concerns.

Mr. Dailey expressed how important it is to notify the schools and licensees of these changes. Dr. Huss went on to suggest that, once the rules are approved, the committee request a session at the All Ohio Conference. The committee agreed that this would be a more efficient option than getting a table at the conference.

Dr. Huss shared that the programs must meet the standard listed in 4757-13-07-4-(a), and consequently doesn't need to be listed in 4757-13-01-4-(c)-(i) and 4757-13-01-4-(d)-(i).

Dr. Fortson, Chair of the Department of Counseling Resources at Wright State University, arrived at 1:53 p.m. and the committee introduced themselves individually.

Dr. Fortson

Dr. Fortson outlined the issue in Dayton. He's been providing site supervision to a student at the V.A. He's also working to establish a temporary provision whereby persons without a PC-S and/or PCC-S may provide training supervision at the site until PC-S and PCC-S are hired. His recommended timeline for this is 1-2 years. Mr. White confirmed that the number of students affected is a couple of students a year at WSU. Ms. Cohen confirmed that they (WSU) have explored off-site supervision. Fortson stated that it was done in the past, and acknowledges it as another possibility, but he felt that now is a good time to raise the issue. Dr. Huss asked if there was an indication that the V.A. is actually interested hiring PC-PCCs, to which Fortson replied, "Other than the law that was passed, no." He stated that he doesn't want to create a situation where the V.A. takes longer to hire due to the provision, but he believes that it would be advantageous.

17-01-(A)

The committee debated whether or not the 1:20 ratio of supervision was consistent with "1 hour of face to face supervision" per week outlined in 1457-13-01 regarding the practicum and internship.

Ms. Cohen advised that she'd prefer that the students meet weekly.

Mr. Rough and Ms. Cohen then suggested splitting 4757-17-01 in to sections A (for Counselor Trainees) and B (for Clinical Residents). A would require one face to face hour of individual supervision per week and B would require one hour for every 20 hours worked.

Dr. Fortson left at 2:33 p.m.

Mr. Hegarty distributed a list of cases recommendations for closure.

Dr. Huss moved to close the outlined cases (2006-170 through 2007-129). Dr. Kress seconded. There was no discussion as the motion passed unanimously.

Hegarty requested the committee go into executive session. During executive session roll call, all members answered with "Yes."

The committee entered executive session to discuss a consent agreement for case 2007-108, at 2:38 p.m.

The committee returned from executive session at 2:47 p.m. based on an affirmative roll call vote.

Dr. Kress moved to order an impairment/substance abuse mental health evaluation for case 2007-108. Ms. Cohen seconded. There was no discussion and the motion passed unanimously. As the investigating officer Dr. Huss recused herself.

Dr. Kress moved to approve the consent agreement of Ronald Kovacs. Ms. Cohen seconded. There was no discussion and the motion passed unanimously. As the investigating officer, Dr. Huss recused herself.

Mr. Hegarty left at 2:50 p.m. The committee then took a break. They returned from the break at 2:58 p.m.

Mr. Rough distributed the changes in the rule that were discussed earlier in the day. The committee, then, discussed the changes.

The committee then discussed the presentation made by Dr. Fortson. They felt that this was not a case of hardship, particularly, given the option of off-site supervision. Ms. Cohen suggested that it did not appear that this was necessary, even though she applauds Dr. Fortson's advocacy. Mr. Dailey requested clarification on how the training is different, and why it was necessary. Ms. Cohen explained the differences between being a psychologist and a professional counselor in terms of their training, and how the perspective on which the supervision is based would be different.

Mr. Dailey and Dr. Kress voiced concerns with being consistent, as they are leery with the potential precedent. Mr. White noted that there are times that one should break

from consistency, but this didn't appear to be one of those times. Ms. Hosom reiterated the stance that this is an incentive for the V.A. not to hire a PC.

Dr. Kress shared that she believed that this may be an issue for the professional organization to address. The committee concluded that the request would not be granted.

Mrs. Elliott requested Mr. Rough complete a letter to Dr. Fortson, denying the request.

The committee then opted to strategize how to proceed with program reviews.

Rule Review

17-01(C)-(5)

The committee identified that listing requirements for, both, Counselor Trainee and Clinical resident blurs the meaning. Dr. Kress recommended making reference to the rules via the rule number, rather than reiterating and outlining each point in the same section.

Ms. Cohen identified that there are four elements requiring their own section (PC with "diagnosis," PC without "diagnosis," PCC with "diagnosis," and PCC without "diagnosis")

Dr. Huss returned at 3:50 p.m.

The committee agreed that it is less confusing if the training supervision does not include the Counselor Trainees.

Mr. Rough reminded the committee that, if the Counselor Trainee was to be removed from training supervision, then it must be consistent throughout the laws and rules.

The committee then discussed the merits of leaving in the word "individual" with regards to the definition of "Training Supervision" for Clinical Resident status.

Mr. Dailey confirmed with the committee that most Clinical Residents are participating in group training supervision. Ms. Cohen asked the committee if they are essentially eliminating group supervision. The committee agreed that using "individual" gives clearer parameters with regards to supervision; however, group supervision is a valuable tool.

Mr. Dailey reminded the committee that they did not have to wait 5 years to review this again; adding that if it doesn't appear that it is working, it can be changed.

Dr. Huss restated that the V.A. issue is neither an employment nor a hardship issue. She also volunteered to do all four program reviews and will ask questions, if she has any.

Mr. White recommended coming in early to exclusively address program reviews. The committee agreed to review the programs in the morning. They would arrive when they could, and the official meeting begins at 9:00 a.m.

The committee concluded that the 4,500 hour requirement must be met as outlined in 4757-17-01 (F), so it will be removed from 4757-13-01 and left in 4757-13-04.

The meeting adjourned at 4:30 p.m.

**State of Ohio
Counselor Professional Committee Meeting
July 20, 2007**

Members Present: Ms. Cohen , Mr. White, Dr. Huss, and Dr. Kress

Staff Present: Patty Miller, Mr. Mr. Rough, Hosom, Elliott and Frazier

Guests Present: Jean Underfer-Babalis (OACES representative)

Mr. White called the meeting to order at 9:08 a.m. and welcomed Underfer-Babalis to the meeting.

Approval of Agenda

Ms. Cohen moved to approve the agenda. Mr. Dailey seconded. During the discussion, Dr. Huss added "University Program Approval" for the approval under New Business. The motion passed unanimously.

Approval of Minutes

Dr. Kress moved to approve the minutes from the May meeting. Ms. Cohen seconded. During the discussion, the following changes were made.

- Under Review Applications for PC and PCC, when discussing Dorothy McNeil, the word "evidence" replaced the word proof to read "Dr. Kress stated that she would like to see evidence of sobriety..."
- In the same section, a typo was corrected to read "...she has been at her job for five years and will be supervised."
- Under "CEU's and Program Applications", it was clarified that "Dr. Huss explained to Mr. Dailey, the process and goal of provider approvals."
- Under "Glenn Karr," Dr. Kress' comments were corrected to read "Dr. Kress confirmed that sex addiction is not in the DSM, but it is a real mental health problem."

Approval of Applications for Licensure

Dr. Kress moved to approve the list of PCs. Ms. Cohen seconded. There was no discussion and the motion passed unanimously.

Dr. Huss moved to approve the list of PCCs. Ms. Cohen seconded. There was no discussion and the motion passed unanimously.

Intent to Deny

Nancy Davenport

Dr. Huss moved to deny her request for licensure as her graduate degree is not a degree in counseling. Mr. Dailey seconded. During the discussion, it was outlined that this is a degree in education. The major was education, and there was no indication that this was a degree in counseling. As an LPC, she was licensed in Illinois but she did not meet the coursework requirements for Ohio. The motion passed unanimously.

Counselor Applications Coordinator's Report

Mrs. Elliott reported that Mr. Frasier submitted 440 Counselor Trainee/Clinical Resident letters. She mailed 119 Examination packets. Of May's NCE applicant's 61 passed 4 did not pass.

Of the May NCMHCE applicants 4 passed.

Regarding the June NCE applicants, of the 56 candidates, 53 passed, and 3 did not pass. Of the 6 NCMHCE candidates all 6 passed.

Dr. Huss shared that she is disturbed that the passage rate is in the high 90%, sharing that it brings to question the validity of the test.

Ms. Cohen asked if the email communication for general information was working well. Rena advised that it was. The committee then discussed the electronic process of Counselor Trainees and Clinical Residents. Frazier advised that it was a slow process, but Mr. Rough and he will meet to see if it can be streamlined.

Old Business

Bartering

The committee discussed that they believed that they've come to a conclusion with this issue, but it doesn't occur often. Ms. Cohen confirmed that bartering must currently be pre-approved. Dr. Huss confirmed that an ad hoc subcommittee hasn't yet been formed. Mr. Dailey suggested that removing the rule surrounding bartering. He outlined that by removing bartering as an element, and dealing with the professional concerns that it

was meant to address (i.e. tax laws and dual relationships) it would make for a clearer rule.

Mr. White conceded that Dr. Huss' recommendation of a board ad hoc subcommittee would be best.

Dr. Huss stated that she will move that the committee be formed, including each of the board's licenses, at the full board meeting, pending a meeting with Mr. Rough.

Informed Consent/Professional Disclosure Statements

Dr. Huss discussed an email that was sent, requesting that a Professional Disclosure Statement not be furnished by everyone involved. The committee agreed that it should be in plain site, on a wall, and made available upon request. They went on to discuss how it became part of the discussion. The committee confirmed that it was part of the law, along with the rule. Ms. Hosom discussed the process of investigating the issue. Mr. Dailey shared how other commissions have had treated similar offenses, including not displaying proper signs, as punishable offenses.

Correspondence

Deanna Henderson

She was supervised by an LSW for her internship. She is requesting that her PC license be granted. Ms. Cohen discussed how this internship occurred in 2004, and the rules were clear. Also, the committee outlined that, as a pre-approved program, OSU should not have approved this. They agreed that her issue should be with OSU.

Dr. Huss moved to deny the request. Dr. Kress seconded. There was no further discussion and the motion passed unanimously.

Dr. Huss left the meeting at 9:54 and returned at 10:56

Leslie Marshall

Dr. Huss moved to deny the request. Mr. Dailey seconded.

During the discussion, Mrs. Elliot was asked to check to see if the supervisor, Kevin Heckathorn, has the Supervising Counselor Designation. Dr. Huss shared that this will be a request for post program approval (not including the hours that have been completed), because this was not registered, and she was not providing the initial diagnosis. Mr. White asked if this would be acceptable as indirect hours. Mrs. Elliott asked how this would be documented on a form. They decided that, as it was presented, it looks as though she is enacting an educational plan, and not necessarily acting as a mental health counselor.

The motion failed unanimously. Dr. Kress abstained from the vote.

The committee then discussed how they feel, philosophically, about this. Dr. Huss read the law to the committee, stating that she felt that the applicant hasn't sufficiently proven that a clinical site was inherent.

The committee then discussed whether or not she is acting as a counselor and what the law says with respect to indirect hours being accumulated.

Mr. Dailey moved to deny the request since it will not be at a clinical site. Dr. Kress seconded. During the discussion, Dr. Huss added that there is no contractual arrangement to provide clinical services at this site, as she is employed by the school. Mr. Dailey requested that Dr. Huss' addition be added to his motion. Dr. Kress stated that the applicant is not diagnosing or treating at the site. The motion to deny passed unanimously.

Executive Director's Report

Mr. Rough welcomed new board members Tim Brady and Tommy Robertson and provided drafts of the internet policy rule to the committee.

He shared that he did a May press release for suspensions and revocations. He then passed out a portion of the rule filing.

Mr. Rough announced that HB 104, regarding criminal background checks, passed in the house.

He then shared that there was a Union issue. He explained that employees with the title "Certification License Examiner" will possibly have their class redefined, as it has two levels. He then sought to see if the entire staff, with the exception of Mrs. Elliott, could have their position descriptions changed to more accurately reflect what they do, that their classifications may also be changed.

He simplified his work plan and asked the committee to identify what must be addressed.

Dr. Huss asked for Mr. Rough's input on forming an ad hoc committee regarding bartering. He agreed that it was a good idea, and it was decided that Dr. Huss would make the motion to move forward at the full board meeting.

Mr. Rough shared that he filed the rules early, and consequently, the public hearing is Friday July 20th. Because of this, the last opportunity to make any changes was 5 p.m. that day. In order to have the public's concerns be considered, he shared that he'll re-file the rules as T.B.R. (To Be Re-filed).

Lastly, he shared that the OPA is taking exception to the CSWMFT rules with regards to diagnosing and treating. He shared that they requested removing language involving MFTs diagnosing and treating.

Dr. Huss shared that there has been adequate opportunities for dialogue.

The committee took a break at 10:41 and returned at 10:54

Correspondence

Laura Vega

Ms. Vega asked that her failing score on the examination be accepted since she missed by one point and English is her second language. Dr. Huss moved to deny the request; Dr. Kress seconded. During the discussion, it was stated that the NBCC offers the NCE in Spanish, and she should solicit the NBCC for this option. The motion passed unanimously

Jan Murphy

She requested that she be able to use her Doctoral title in her clinical practice. Her doctorate is a M.Div.

Dr. Kress moved to deny the request; Mr. Dailey seconded. During the discussion, Dr. Huss suggested including the law cited in her letter. The motion passed unanimously.

University Program Approval

Dr. Huss moved to approve Youngstown State University's program for another five years. Mr. Dailey seconded. During the discussion, Dr. Huss shared that Mr. White and she learned a lot during the process of review.

The motion passed unanimously. Dr. Kress recused herself as she put the presentation together.

The committee expressed difficulty with some of the program submissions, finding, only, a portion of the information that was requested. They will place Program Approval on the agenda for the next meeting. Also, they will create a checklist to identify how the program satisfied the requirement to place on top of the file.

CEU Committee

The committee met and did not find anything additional for Mr. Rough to do regarding the high rate of non-compliance.

Ms. Underfer-Babalis asked why 10% of audits replaced the previous audit percentage of 100%. Dr. Huss explained that it constituted too high a proportion of the staff's time.

Ms. Miller discussed her concern that providers purchase a program's provider number and then presents under that provider number without ever having submitted the program to the board. Dr. Huss also shared that fees may be paid to use provider numbers. Ms. Cohen questioned whether or not this was legal.

Ms. Miller asked when the denials should take place, given the new rules. The unanimous answer was "immediately."

Mr. Rough passed out the edited Consumer Brochure, for the committees to review. He requested recommendations by the next board meeting.

Personnel Committee Report

Mr. White shared, per Mr. Dailey's recommendation, that all board members will take part in evaluations. They will try to do so electronically, but it has not yet been determined.

Remediation Plan

Dr. Huss shared that one applicant agreed to a remediation plan, submitted a plan, and took different coursework than what was presented. It was sent back to her identifying that she did not meet the remediation requirement.

Ms. Underfer-Babalis asked if there were any foreseeable parameters that a prospective candidate may use to gauge whether or not they should expect to get licensed, if they have had a felony conviction. Dr. Huss answered that this is done on a case by case basis. Also, Dr. Kress shared that it depends on the current board members, and the information that is presented. Dr. Huss also shared that they are moving to background checks, but when it's not clearly defined in the law, then it depends on the collective opinion of the board. Mr. Rough added that one should be in good standing with the justice system; offenses occurring a long time ago suggest that change has occurred. Also, professionals and peers should be able to offer a good report, and then the candidate would stand a good chance of getting licensed. Mr. Dailey stated that you can't commit this board to the decisions of a future board.

Mr. Dailey moved to adjourn; Dr. Huss seconded

The meeting adjourned at 11:24 a.m.