



Counselor, Social Worker & Marriage and Family Therapist Board

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Social Worker Professional Standards Committee (SWPSC) Minutes **Thursday, January 19, 2012**

Members Present: Dr. Otha Gilyard, Ms. Jennifer Hadden, Mr. Don McTigue,
Mr. Bob Nelson

Staff Present: Ms. Margaret-Ann Adorjan, Mr. William Hegarty, Ms.
Tracey Hosom, Mr. Andy Miller, Mr. Jim Rough, Ms.
Tammy Tingle, Mr. Doug Warne

1) Meeting Called to Order

Mr. Nelson called the meeting to order at 9:10 a.m.

2) Welcoming New Board Member

Jennifer Hadden introduced herself and discussed her background in community based social work.

3) Investigations

Mr. Hegarty began by explaining the investigations process to Ms. Hadden, and the SWPSC's involvement in that process.

a) Closed Cases

Mr. Nelson made a motion to close the following cases, as he, Mr. Tim Brady, and Mr. Steve Polovick had determined that no actionable offenses had been found. Mr. McTigue seconded the motion. Motion carried.

2011-190	Confidentiality breach. Close with no violation.
2011-209	Confidentiality. Cannot substantiate allegations.
2011-156	Boundary violations. Close with caution.
2011-180	Competency. Close with no violation.
2010-194	Inappropriate mandated report. Close with no violation.
2011-195	Practice outside of scope. Close with no violation.

2011-200	Practice without a license. Close due to no jurisdiction (exempt setting)
2011-205	Record keeping. Close with caution.
2011-211	Competency. Close with caution.
2011-212	Competency. Close with caution.
2011-225	Confidentiality. Close with caution.
2011-228	Record keeping. Close with caution.
2011-237	Sexual harassment. Close due to no jurisdiction (exempt setting)
2011-241	Confidentiality. Close with caution.
2011-251	Competency. Close with strong caution.

b) Executive Session

Mr. Nelson requested that the SWPSC meeting go into Executive Session at 9:15 a.m. for the purpose of discussing investigations. Accepted by a roll call vote: Ms. Hadden—yes, Mr. McTigue—yes, Mr. Nelson - yes.

Mr. Nelson moved that the SWPSC meeting come out of Executive Session at 9:25 a.m. Accepted by a roll call vote: Ms. Hadden—yes, Mr. McTigue—yes, Mr. Nelson - yes.

c) Goldman Review (Licensure)

1) Brenda J. Gray: Mr. Nelson moved to revoke Ms. Gray's social work license because Ms. Gray did not comply with a Board audit for continuing education as required by Ohio Revised Code 4757.36(C)(1) and Ohio Administrative Code 4757-11-01(C)(20)(b). Mr. McTigue seconded the motion. Motion carried.

2) Heather L. Tafelski: Mr. Nelson moved to revoke Ms. Tafelski's social work license because Ms. Tafelski did not comply with a Board audit for continuing education as required by Ohio Revised Code 4757.36(C)(1) and Ohio Administrative Code 4757-11-01(C)(20)(b). Mr. McTigue seconded the motion. Motion carried.

3) Rebecca Vocca: In July 2011, Ms. Vocca signed a consent agreement with the Board, stating that she would begin personal counseling at least twice a month for a one-year period. In November 2011, Ms. Vocca requested that her license be suspended until she could meet the counseling requirements of the consent agreement. The Board sent Ms. Vocca the necessary document to do so, but Ms. Vocca has not communicated with the Board since that time. Mr. McTigue moved to revoke Ms. Vocca's social work license for failing to comply with a consent agreement as required by Ohio Revised Code 4757.36(C)(1) and Ohio Administrative Code 4757-11-01(C)(21). Mr. Nelson seconded the motion. Motion carried.

4) Lisa Hardman: Mr. Nelson moved to revoke Ms. Hardman's social work license because Ms. Hardman did not comply with a Board audit for continuing education as required by Ohio Revised Code 4757.36(C)(1) and Ohio Administrative Code 4757-11-01(C)(20)(b). Mr. McTigue seconded the motion. Motion carried.

d) Executive Session

Dr. Gilyard joined the committee to assist in investigations. Mr. Nelson requested that the SWPSC meeting go into Executive Session at 9:31 a.m. for the purpose of discussing further investigations. Accepted by a roll call vote: Ms. Hadden—yes, Mr. McTigue—yes, Mr. Nelson – yes, Dr. Gilyard—yes.

Mr. Nelson moved that the SWPSC meeting come out of Executive Session at 9:35 a.m. Accepted by a roll call vote: Ms. Hadden—yes, Mr. McTigue—yes, Mr. Nelson – yes, Dr. Gilyard—yes.

e) Goldman Review (Licensure)

1) Karen E. Stewart: On January 3, 2011, the Board received a statement of complaint regarding Ms. Stewart. Throughout the course of its investigation, the Board found that Ms. Stewart had allegedly violated a patient's confidentiality, and entered into an inappropriate dual-relationship with this patient in violation of Ohio Revised Code 4757.36(C)(1) and Ohio Administrative Code sections 4757-5-02(D)(1) and 4757-5-03(A)(1)(b) through (d), (A)(2), (A)(3), (A)(4)(d), and (A)(5). Mr. McTigue moved to revoke Ms. Stewart's social work license. Dr. Gilyard seconded the motion. Motion carried, with Mr. Nelson abstaining. The SWPSC thanked Dr. Gilyard for his time and assistance.

4) Discussion/Approval of the January 19 & 20 Agenda

Mr. Nelson asked if any changes or discussion was needed for the January 19 & 20 Agenda. Mr. Warne indicated that he would like to make several changes. He added one related degree applicant to the working meeting, and asked to remove "Rule review of 4757-05-02(G) from New Business as this item would be covered by Mr. Rough. He also asked to discuss how much investigations documentation the SWPSC would like to have provided to them in hard copy format at the meetings, since all of this information is emailed to them by Mr. Hegarty prior to each meeting. Mr. Nelson motioned to approve the agenda. Mr. McTigue seconded the motion. Motion carried.

5) Approval of the November 17 & 18 Minutes

Mr. Nelson asked if any changes or discussion was needed for the November 17 & 18 minutes. Mr. Nelson made a motion to approve the minutes. Mr. McTigue seconded the motion. Motion carried.

6) Approval of Applications for Licensure

A motion was made by Mr. McTigue to approve the 144 LSW applicants and 60 LISW applicants approved by the staff, and the 6 SWA applicants registered by the staff, from November 17, 2011 through January 18, 2012. Seconded by Mr. Nelson. Motion carried.

7) Correspondence

A licensed social worker wrote to the board concerned about two forms that her agency was asking her to complete. The first form was an Antipsychotic Utilization Log, a form which simply documents which drugs and dosages have been prescribed to a patient, with the information being taken from nursing notes. The LSW was concerned that if she made an error on this form that it could affect her license if a complaint issue arose. The SWPSC discussed the form, and determined that since it was solely for internal agency documentation and had no effect on patient treatment, she would be okay to complete the form and it would not have any negative effect on her licensure if an issue arose.

The second form the LSW was being asked to complete was titled “Interdisciplinary Progress Notes/Care Conference Notes.” The form contained four items of concern, as the person completing the form was being asked to pass judgment on the following five criteria:

1. If each medication is effectively treating the behavior, Yes = improved or stabilized, No = IDT to re-evaluate.
2. If each medication maintains or improves function.
3. Validate if resident is absent significant side effects.
4. Date of last medication change or dose adjustment.
5. If a GDR attempt or risk vs. benefit analysis is due.

The SWPSC discussed, and came to the consensus that of the five criteria on the form, an LSW would only be able to complete item #4. An LSW’s scope of practice is to observe behavior, not to diagnose and treat. An LSW can describe behavior but cannot make an assessment on the effectiveness of prescription drugs, and cannot medically evaluate the physical condition of a patient or client.

The SWPSC asked Mr. Warne to respond back to the LSW with their consensus opinion, and to thank her for contacting them with this issue.

8) Working Meeting

The SWPSC proceeded with a working meeting at 10:20 a.m. to review pending applications for licensure, files to be audited, CEU Programs & Providers, Related Degree course worksheets, and Licensure Renewal Issues.

9) Five-Year Rule Review

Mr. Rough came in to discuss the Board's five-year rule review, and the changes being proposed to the Board's statutes. He discussed the following rules changes, which would affect social workers and the SWPSC:

- a) **4757-01-01:** Due to Ohio's Common Sense Initiative, rules may need to be changed and added to require advance public notice of any future rules changes. Mr. Rough discussed his plans to establish a list-serve email group, Twitter account, and Facebook page to notify affected licensees in advance of any proposed changes and allow them the ability to comment, which would meet some requirements of the Initiative. He also stated that he would review public records law to verify what it says about posting unapproved meeting minutes for public view.
- b) **4757-05-03:** This rule and 4757-05-08 are being changed to prohibit bartering with regard to the acceptance of payment for professional services. Section C of this rule is being amended to require that any LSW testifying in a child custody case must review ethical rules and codes of conduct related to this issue before testifying.
- c) **4757-05-13:** Mr. Rough hopes to review the Board's standards of practice and professional conduct related to electronic service delivery. He has reached out to national associations for input and comment.
- d) **4757-09-03:** The continuing education requirement for Social Work Assistants will be reduced from 30 CEUs every renewal period to 15 CEUs.
- e) **4757-11-03:** Language is being added to allow the Board's compliance coordinator to access investigative records, and allowing all investigative files to be scanned into the Board's electronic document management system for permanent storage.
- f) **4757-17-01:** Paragraph B will be removed from this rule, which exempted professional counselors applying for supervision prior to 9/1/2008 from meeting certain requirements. Since that date is past and all new supervisory applicants complete the same requirements, this outdated paragraph is being removed.
- g) **4757-19-01:** Applicants are no longer required to fax their ASWB exam scores to the Board.
- h) **4757-19-02:** Supervised experience requirements for LISW licensure will include three thousand hours of work for a fee, salary, or other consideration. Previously it could only be for a fee or salary.
- i) **4757-21-01:** A comma will be removed in order to correct an error in the scope of practice for social work assistants. The rule previously read that

SWA registrees could perform “intake, assessment and referral.” This will be changed to read “intake assessment and referral.”

- j) **4757-21-02:** Mr. Rough indicated that the scope of practice for a social worker mentions that a social worker can perform “counseling,” but counseling for social workers is not defined elsewhere in the laws and rules. Mr. Rough asked that the SWPSC create a definition for counseling to be added to the rules, with the understanding that the difference between counseling and social psychotherapy is primarily that counseling does not include the diagnosis and treatment of mental and emotional disorders.
- k) **4757-21-03:** A line was added to section (C)(5) to clarify that the licensing requirements for independent social workers is outlined in 4757-23-01 of the Administrative Code.

Following the discussion of the five-year rule review, the SWPSC returned to their working meeting.

11) **Meeting Adjourned**

Mr. Nelson adjourned the meeting at 1:00 p.m.

Social Worker Professional Standards Committee (SWPSC) Minutes
Friday, January 20, 2012

Members Present: Mr. Don McTigue, Mr. Bob Nelson

Staff Present: Mr. Andy Miller, Mr. Doug Warne

Guest Present: Mr. Glenn Karr, LLC

1) Meeting Called to Order

Mr. Nelson called the meeting to order at 9:00 a.m. As the SWPSC did not have a quorum present, all agenda items outside of the working meeting were suspended. Mr. Karr excused himself from attending the rest of the meeting as there would be no major issues discussed.

2) Working Meeting

The SWPSC proceeded with a working meeting at 9:00 a.m. to review pending applications for licensure, files to be audited, CEU Programs & Providers, and Licensure Renewal Issues. In the course of the working meeting the SWPSC evaluated two supervision hardship requests, detailed below.

3) Hardship Requests

- a) A licensee wrote to request that the SWPSC allow her to receive training supervision for her LISW from a licensed psychiatrist, as the other LISWs at her work site were unable to provide supervision and she would like to ensure that her supervisor also works in her field. The SWPSC concluded that the licensee resides in a well-populated area and cannot reasonably demonstrate that there are no available LISW-S licensees in her area to supervise her. She also does not need the LISW, and the committee was concerned that the psychiatrist would not be able to provide the specific social work knowledge needed to practice as a LISW.
- b) A licensee wrote to request that she be allowed to receive training supervision from a Professional Clinical Counselor, due mainly to financial restraints and the Counselor's level of knowledge in the licensee's specific field. The SWPSC concluded that the licensee resides in a well-populated area and cannot reasonably demonstrate that there are no available LISW-S licensees in her area to supervise her. The concern also arose that a Counselor would not be able to provide appropriate preparatory training to practice as an LISW.

Mr. Warne was asked to respond to these licensees and inform them that their hardship requests were denied.

4) **Meeting Adjourned**

The meeting was adjourned at 12:00 p.m.

Mr. Robert Nelson, Chairperson