



## ***Counselor, Social Worker & Marriage and Family Therapist Board***

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### **Social Worker Professional Standards Committee (SWPSC) Minutes**

**Thursday, September 20, 2007**

**Members Present:** Mr. Tim Brady, Dr. Theresa Cluse-Tolar, Ms. Karen Huey,  
Ms. Jennifer Riesbeck-Lee, Ms. Molly Tucker  
**Staff Present:** Mr. Bill Hegarty, Ms. Marcia Holleman, Ms. Tracey Hosom,  
Ms. Jennifer Kreinbrink, Mr. Jim Rough, Ms. Tamara Tingle  
**Guests Present:** Mr. P.R. Casey IV, Assistant Attorney General

The SWPSC meeting was called to order by Ms. Tucker at 9:05 a.m.

1. **Discussion/Approval of Agenda**

Ms. Tucker asked if there were any changes or discussion of the agenda. No changes or discussion were made. Dr. Cluse-Tolar made the motion to approve the agenda. Seconded by Ms. Huey. Motion carried.

2. **Approval of July 19th & 20th, 2007 Minutes**

Ms. Tucker asked for the approval of the July 19<sup>th</sup> and 20<sup>th</sup>, 2007 minutes. No changes were made. Dr. Cluse-Tolar made the motion to approve the minutes. Seconded by Mr. Brady. Motion carried.

3. **Working Meeting**

The SWPSC proceeded with a working meeting to Review Pending Applications for Licensure, Files to be Audited, CEU Programs and Providers, and Renewal Issues.

4. **Approval of Applications for Licensure**

A motion was made by Dr. Cluse-Tolar to approve the following applications for licensure. Seconded by Ms. Riesbeck-Lee. Motion carried.

<b>SWA -</b>	<b>3 Applications Approved</b>
<b>LSW -</b>	<b>13 Applications Approved</b>
<b>LSW (Related Degree) -</b>	<b>10 Applications Approved</b>
<b>LISW -</b>	<b>3 Applications Approved</b>

**29** Applicants were Approved for Licensure by the SWPSC at the September 2007 meeting.

**295** Applicants were Licensed by Staff prior to the September 2007 meeting.

A motion was made by Dr. Cluse-Tolar in regards to the other applicants. Seconded by Ms. Riesbeck-Lee. Motion carried.

SWA - 3 Applicants Issued Intents to Deny  
LSW - 4 Applicants with Related Degrees Issued Intents to Deny Exam  
Pre-Approval  
2 Applicants Need Additional Information  
1 Applicant Referred to Investigations

## 5. Investigations

### (A) Closed Cases

Dr. Cluse-Tolar made a motion that the following cases be closed as the investigative staff had determined no actionable offenses had been found. Ms. Huey seconded the motion. Motion carried.

2007-52	2007-60	2007-67	2007-85	2007-103	2007-107
2006-114	2007-121	2007-131	2007-137	2007-140	2007-143
2007-152	2007-160	2007-161	2007-177	2007-151	

### (B) Impairment Order

Dr. Cluse-Tolar made a motion that case number 2007-29 be required to receive a mental health evaluation and the report must be submitted to the Investigations Unit by November 1, 2007. Ms. Riesbeck-Lee seconded the motion. Motion carried.

### (C) Executive Session

Dr. Cluse-Tolar requested that the SWPSC meeting go into Executive Session at 9:57 a.m. to discuss the Goldman Reviews (Disciplinary), Goldman Reviews (Licensure), Consent Agreements, and Notice of Opportunity for Hearings. Accepted by a Unanimous Roll Call Vote.

Ms. Tucker moved that the SWPSC come out of Executive Session at 10:40 a.m. Accepted by a Unanimous Roll Call Vote.

### (D) Goldman Reviews (Disciplinary)

**Lisa A. Depoussaint-Little, LSW** – On July 20, 2007, the Board issued a Notice of Opportunity for Hearing to Ms. Depoussaint-Little to provide an opportunity to request a hearing on the Board's proposal to discipline her because she failed to comply with a November 17, 2006 Consent Agreement where she was to have completed a Board approved college or university ethics course by December 31, 2006. On November 17, 2006, the Board granted Ms. Depoussaint-Little an extension until May 1, 2007 to complete the coursework requirement. The Board did not receive a hearing request from Ms. Depoussaint-Little. On June 5, 2007, the Board sent Ms. Depoussaint-Little a letter inquiring about the ethics course and the Board did not receive a reply. On June 27, 2007, the Board e-mailed and telephoned Ms. Depoussaint-Little's attorney of record about the ethics course but did not receive a response. A motion was made by Ms. Huey to revoke Ms. Depoussaint-Little's social work license. Seconded by Ms. Riesbeck-Lee. Dr. Cluse-Tolar recused herself. Motion carried.

**Juliet C. Passon, LSW** – On July 20, 2007, the Board issued a Notice of Opportunity for Hearing to Ms. Passon to provide an opportunity to request a hearing on the Board's proposal to discipline her due to engaging in a sexual relationship with a client. In February 2006, the Board had received a complaint against Ms. Passon alleging a sexual boundary violation with a client. On February 12, 2007, Tammy Tingle, a Board investigator, requested a meeting with Ms. Passon on March 1, 2007. Ms. Passon's attorney responded to Ms. Tingle's letter claiming the 5<sup>th</sup> Amendment on behalf of his client. Ms. Passon's license is currently lapsed but she is able to renew the license. The Board did not receive a hearing request from Ms. Passon. A motion was made by Ms. Huey to revoke Ms. Passon's social work license. Seconded by Ms. Riesbeck-Lee. Dr. Cluse-Tolar recused herself. Motion carried.

**Mary L. Shumard, LSW** – On July 20, 2007, the Board issued a Notice of Opportunity for Hearing to Ms. Shumard to provide an opportunity to request a hearing on the Board's proposal to discipline her because she did not comply with a Board audit for continuing education in violation of Ohio Revised Code 4757.36(A)(1) and Ohio Administrative Code 4757-11-01(C)(21)(b). The Board did not receive a hearing request from Ms. Shumard. Based on underlying facts gleaned during the course of Mr. Hegarty's job duties as Deputy Director to substantiate the aforementioned, Dr. Cluse-Tolar moved to revoke Ms. Shumard's social work license. Seconded by Ms. Riesbeck-Lee. Motion carried.

**(E) Goldman Reviews (Licensure)**

**Nichole L. Bates** – On July 25, 2007, the Board issued a Notice of Opportunity for Hearing to Ms. Bates to provide an opportunity to request a hearing on the Board's proposal to deny her a Social Work license because, on the date of her application, she did not possess a qualifying degree in social work as required by Ohio Revised Code 4757.28(B) and Ohio Administrative Code Section 4757-19-01(C)(2). The Board did not receive a hearing request by Ms. Bates. Based on underlying facts gleaned during the course of Ms. Holleman's job duties as a Licensure Examiner to substantiate the aforementioned, the SWPSC voted to deny Ms. Bates her Social Work license application at the September 20, 2007 meeting. A motion was made by Ms. Huey to deny the application for licensure as a Social Worker to Ms. Bates. Seconded by Ms. Riesbeck-Lee. Dr. Cluse-Tolar recused herself. Motion carried.

**Charmaine T. Beard** – On July 25, 2007, the Board issued a Notice of Opportunity for Hearing to Ms. Beard to provide an opportunity to request a hearing on the Board's proposal to deny her a Social Work license because, on the date of her application, she did not possess a qualifying degree in social work as required by Ohio Revised Code 4757.28(B) and Ohio Administrative Code Section 4757-19-01(C)(3). The Board did not receive a hearing request by Ms. Beard. Based on underlying facts gleaned during the course of Ms. Holleman's job duties as a Licensure Examiner to substantiate the aforementioned, the SWPSC voted to deny Ms. Beard her Social Work license application at the September 20, 2007 meeting. A motion was made by Ms. Huey to deny the application for licensure as a Social Worker to Ms. Beard. Seconded by Ms. Riesbeck-Lee. Dr. Cluse-Tolar recused herself. Motion carried.

**David Caldwell** – On July 25, 2007, the Board issued a Notice of Opportunity for Hearing to Mr. Caldwell to provide an opportunity to request a hearing on the Board's proposal to deny him a Social Work Assistant registration based on the fact he had not complied with a previously approved consent agreement between the Board and Mr. Caldwell. The Board did not receive a hearing request by Mr. Caldwell. Based on underlying facts gleaned during the course of Ms. Kreinbrink's job duties as a Licensure Examiner to substantiate the aforementioned, the SWPSC

voted to deny Mr. Caldwell his Social Work Assistant application at the September 20, 2007 meeting. A motion was made by Ms. Huey to deny the application for licensure as Social Work Assistant to Mr. Caldwell. Seconded by Ms. Riesbeck-Lee. Dr. Cluse-Tolar recused herself. Motion carried.

**Kristin L. Devaney** – On July 25, 2007, the Board issued a Notice of Opportunity for hearing to Ms. Devaney to provide an opportunity to request a hearing on the Board's proposal to deny her a Social Work Assistant registration because, on the date of her application, she did not possess the necessary requirements set forth in Ohio Revised Code 4757.29(A) and Ohio Administrative Code Section 4757-19-03(B). The Board did not receive a hearing request by Ms. Devaney. Based on underlying facts gleaned during the course of Ms. Kreinbrink's job duties as a Licensure Examiner to substantiate the aforementioned, the SWPSC voted to deny Ms. Devaney her Social Work Assistant application at the September 20, 2007 meeting. A motion was made by Dr. Cluse-Tolar to deny the application for licensure as Social Work Assistant to Ms. Devaney. Seconded by Ms. Riesbeck-Lee. Ms. Huey recused herself. Motion carried.

**Robin K. Francis** – On July 25, 2007, the Board issued a Notice of Opportunity for hearing to Ms. Francis to provide an opportunity to request a hearing on the Board's proposal to deny her a Social Work Assistant registration because, on the date of her application, she did not possess the necessary requirements set forth in Ohio Revised Code 4757.29(A) and Ohio Administrative Code Section 4757-19-03(B). The Board did not receive a hearing request by Ms. Francis. Based on underlying facts gleaned during the course of Ms. Kreinbrink's job duties as a Licensure Examiner to substantiate the aforementioned, the SWPSC voted to deny Ms. Francis her Social Work Assistant application at the September 20, 2007 meeting. A motion was made by Dr. Cluse-Tolar to deny the application for licensure as Social Work Assistant to Ms. Francis. Seconded by Mr. Brady. Ms. Huey recused herself. Motion carried.

**Erik J. Hanson** – On July 25, 2007, the Board issued a Notice of Opportunity for hearing to Mr. Hanson to provide an opportunity to request a hearing on the Board's proposal to deny him a Social Work Assistant registration because, on the date of his application, he did not possess the necessary requirements set forth in Ohio Revised Code 4757.29 and Ohio Administrative Code Section 4757-19-03(B). The Board did not receive a hearing request by Mr. Hanson. Based on underlying facts gleaned during the course of Ms. Kreinbrink's job duties as a Licensure Examiner to substantiate the aforementioned, the SWPSC voted to deny Mr. Hanson his Social Work Assistant application at the September 20, 2007 meeting. A motion was made by Dr. Cluse-Tolar to deny the application for licensure as Social Work Assistant to Mr. Hanson. Seconded by Ms. Riesbeck-Lee. Ms. Huey recused herself. Motion carried.

**Lorraine Petitti** – On July 25, 2007, the Board issued a Notice of Opportunity for Hearing to Ms. Petitti to provide an opportunity to request a hearing on the Board's proposal to deny her a Social Work license because, on the date of her application, she did not possess a qualifying degree in social work as required by Ohio Revised Code 4757.28(B) and Ohio Administrative Code Section 4757-19-01(C)(2). The Board did not receive a hearing request by Ms. Petitti. Based on underlying facts gleaned during the course of Ms. Holleman's job duties as a Licensure Examiner to substantiate the aforementioned, the SWPSC voted to deny Ms. Petitti her Social Work license application at the September 20, 2007 meeting. A motion was made by Ms. Huey to deny the application for licensure as a Social Worker to Ms. Petitti. Seconded by Ms. Riesbeck-Lee. Dr. Cluse-Tolar recused herself. Motion carried.

**(F) Consent Agreements**

**Daniel Heffner, LSW** – Mr. Heffner entered into a Consent Agreement on the basis of the following stipulations, admissions and understandings:

Ms. Heffner is a licensed social worker licensed to practice social work in the State of Ohio, and is subject to the laws and rules of Ohio regulating the practice of social work as outlined in Ohio Revised Code Chapter 4757 and Ohio Administrative Code Chapter 4757. Mr. Heffner received his social work license on November 15, 1996.

In late 2006 through May 2007, while Mr. Heffner was employed at South Community Behavioral Healthcare, Dayton, Ohio, he created false and inaccurate progress notes that were added to the client's clinical record. Inaccurate records constitute a violation of Ohio Revised Code Section 4757.36(A)(1) and Ohio Administrative Code Section 4757-5-01(I)(1).

Mr. Heffner admits the allegations referenced above.

A motion was made by Ms. Huey to accept the Consent Agreement based on the following terms and conditions. Seconded by Mr. Brady. Dr. Cluse-Tolar abstained. Motion carried.

1. Mr. Heffner's license to practice social work is hereby **Reprimanded**.
2. Mr. Heffner must comply with the agency's corrective plan which includes taking an ethics training, turning in progress notes to the agency's program manager for review, and discussing his caseload in weekly supervision with the program manager to assure competency. The Board will obtain a written statement from the agency that Mr. Heffner has complied with the agency's corrective plan.

**Jackie Lowe-Stevenson, LISW** – Ms. Lowe-Stevenson entered into a Consent Agreement on the basis of the following stipulations, admissions and understandings:

Ms. Lowe-Stevenson is a licensed independent social worker licensed to practice social work in the State of Ohio, and is subject to the laws and rules of Ohio regulating the practice of social work as outlined in Ohio Revised Code Chapter 4757 and Ohio Administrative Code Chapter 4757. Ms. Lowe-Stevenson received her independent license on April 5, 1986.

On May 5, 2005, while Ms. Lowe-Stevenson provided life coaching services to a client, the client was injured in an accident as she sat on a horse and fell from the horse during coaching services. Ms. Lowe-Stevenson did not clearly differentiate between which services she provided within her license, and which were not within her license. Inaccurate record keeping is a violation of O.R.C. 4757.36(A)(1) and O.A.C. 4757-5-1(I)(1).

Ms. Lowe-Stevenson admits the allegations referenced above.

A motion was made by Ms. Huey to accept the Consent Agreement based on the following terms and conditions. Seconded by Mr. Brady. Dr. Cluse-Tolar abstained. Motion carried.

1. Ms. Lowe-Stevenson must take an additional six (6) hours in social work ethics continuing education. All hours must be pre-approved by the Board's Deputy Director or his designee. Once Ms. Lowe-Stevenson successfully completes this continuing education, she must send verification directly to the attention of the Investigation Unit at the Board office. The certificates verifying completion are due in the Board office no later than March 18, 2008. The credit earned from the workshops may not be used

toward the thirty (30) hours continuing education required for license renewal. All costs associated with continuing education are at the expense of Ms. Lowe-Stevenson.

2. Ms. Lowe-Stevenson shall provide clients with either a contract for Life Coaching, or a contract for therapy. These will clearly be differentiated.

**Jeffrey M. Strauss, LSW** – Mr. Strauss entered into a Consent Agreement on the basis of the following stipulations, admissions and understandings:

Ms. Strauss is a licensed social worker licensed to practice social work in the State of Ohio, and is subject to the laws and rules of Ohio regulating the practice of social work as outlined in Ohio Revised Code Chapter 4757 and Ohio Administrative Code Chapter 4757. Mr. Strauss received his social work license on November 22, 2002.

In 2006, Mr. Strauss renewed his social work license through November 22, 2008. On January 22, 2007, Mr. Strauss was audited for continuing education compliance. Mr. Strauss submitted copies of continuing education credits but upon Board review it was determined that only 6 hours of the required 30 hours met the requirements set out in OAC 4757-9-05.

Mr. Strauss admits the allegations referenced above.

A motion was made by Ms. Huey to accept the Consent Agreement based on the following terms and conditions. Seconded by Mr. Brady. Motion carried.

1. The Board will allow Mr. Strauss to surrender his social work license in lieu of potential disciplinary action. This surrender is permanent and precludes Mr. Strauss from applying for a social work, counselor, or marriage and family therapist license in the State of Ohio in the future.

**(G) Notice of Opportunity for Hearings**

**Pamela J. Douglas, LSW** – In April 2007, Ms. Douglas' social work license was audited for compliance with continuing education requirements. In July 2007 and August 2007, Ms. Douglas was requested to comply with the audit requirements but the Board did not receive any communication from her. To date, Ms. Douglas has yet to respond to the Board's April 2007 audit. Not complying with the audit requirement constitutes a violation of Ohio Revised Code Section 4757.36(A)(1) and Ohio Administrative Code Section 4757-11-01(C)(21)(b).

A motion was made by Ms. Huey to accept the Notice of Opportunity for Hearing to Ms. Douglas based on these allegations. Seconded by Mr. Brady. Motion carried.

**Debbie D. Heuser, LSW** – In April 2007, Ms. Heuser's social work license was audited for compliance with continuing education requirements. In July 2007 and August 2007, Ms. Heuser was requested to comply with the audit requirements but the Board did not receive any communication from her. To date, Ms. Heuser has yet to respond to the Board's April 2007 audit. Not complying with the audit requirement constitutes a violation of Ohio Revised Code Section 4757.36(A)(1) and Ohio Administrative Code Section 4757-11-01(C)(21)(b).

A motion was made by Dr. Cluse-Tolar to accept the Notice of Opportunity for Hearing to Ms. Heuser based on these allegations. Seconded by Ms. Riesbeck-Lee. Motion carried.

**Charles A. Startup, LISW** – Beginning approximately in April 2006, through on or about February 2007, while employed in a private practice in Oberlin, Ohio, Mr. Startup submitted 14 claims for minor Client #1, 14 claims for minor Client #2, and 15 claims for Client #3. Mr. Startup billed #3's insurance for treatment or services for these clients that he did not provide. This conduct constitutes a violation of Ohio Administrative Code Section 4757-5-01(I)(1) and (6).

A motion was made by Ms. Huey to accept the Notice of Opportunity for Hearing to Mr. Startup based on these allegations. Seconded by Ms. Riesbeck-Lee. Dr. Cluse-Tolar abstained. Motion carried.

**Derek C. Whitmore, LSW** – On or about March 12, 2007, Mr. Whitmore renewed his social work license through March 17, 2009. As part of that renewal, Mr. Whitmore indicated he had completed the 30 hours of continuing education hours. On April 26, 2007, Mr. Whitmore was informed that his license was the subject of a random audit. On May 14, 2007, Mr. Whitmore called the office stating that his car had been stolen and been set on fire and all the documentation was in the vehicle. He was unable to provide the Board with a copy of the police report or insurance claim to substantiate his assertion. Mr. Whitmore was also unable to provide replacement certificates to prove his attendance at continuing education workshops. His failure to comply with the Board's audit constitutes a violation of Ohio Revised Code Section 4757.36(A)(1) and Ohio Administrative Code Section 4757-11-01(C)(17).

A motion was made by Dr. Cluse-Tolar to accept the Notice of Opportunity for Hearing to Mr. Whitmore based on these allegations. Seconded by Ms. Riesbeck-Lee. Motion carried.

**Kenneth G. Zaczkowski, LSW** – On March 16, 2007, Mr. Zaczkowski entered into a consent agreement with the Board. Mr. Zaczkowski failed to comply with the terms of the consent agreement. Specifically, the consent agreement required him to complete 6 hours of continuing education in ethics by July, 2007, he has not complied with this requirement. This conduct constitutes a violation of Ohio Revised Code Section 4757.36(A)(1) and Ohio Administrative Code Section 4757-11-01(C)(22).

A motion was made by Ms. Riesbeck-Lee to accept the Notice of Opportunity for Hearing to Mr. Zaczkowski based on these allegations. Seconded by Mr. Brady. Motion carried.

## **6. Executive Director's Report**

The SWPSC reviewed and discussed the Endorsement Rule draft from Mr. Casey. Mr. Casey discussed this rule and the purpose for its change. The only suggested change was to 4757-19-07(A)(6) to include the word "master's" after "bachelor's."

## **7. ASWB**

The SWPSC reviewed the material from ASWB in regards to their annual meeting in San Antonio, Texas from November 9-11, 2007. Ms. Tucker would like to attend the meeting.

Mr. Rough distributed information in regards to ASWB's delegate assembly. He is nominated for Treasurer.

The SWPSC discussed the letter and documentation regarding the examination irregularity with an Ohio applicant, Angela Schneider. A motion was made by Ms. Huey to have Ms. Schneider re-test with ASWB. Seconded by Ms. Riesbeck-Lee. Motion carried.

**8. Old Business**

The SWPSC discussed bartering and the Ad Hoc Committee's changes. The Ad Hoc Committee has agreed on changes to the multiple relationship rule and payment rule, 4757-5-03 and 4757-5-08. The changes state: bartering is a form of multiple relationships and shall comply with the multiple relationship rule. If a licensee barterers, they have to document in the client's file why it is in the client's best interest to do so as well as follow the other criterion in the rule.

Ms. Tucker reported on ASWB's ACE Committee and their process for provider status. Mr. Rough will look into how Ohio can accept ACE provider status and the steps in the process for the November meeting.

The SWPSC discussed the definitions that have been tabled from previous meetings. They also mentioned that if the statute opens up, then they would like to make some changes. Ms. Holleman and Ms. Kreinbrink will keep a continuous list of potential statute changes. A motion was made by Ms. Huey to leave the statute as is and to use those general definitions. Seconded by Ms. Tucker. Motion carried.

**9. Personnel Committee**

Ms. Huey reported that this committee has a proposed evaluation sheet for the executive director's evaluation. She said that the committee will review it and the evaluation will be sent to Board members in January and will be adopted in March.

In addition, they have adopted the Governor's executive order and the identified committees.

**10. Adjournment**

A motion was made by Mr. Brady to adjourn the meeting at 4:14 p.m. Seconded by Ms. Riesbeck-Lee. Motion carried.

## Social Worker Professional Standards Committee (SWPSC) Minutes

Friday, September 21, 2007

**Members Present:** Mr. Tim Brady, Dr. Theresa Cluse-Tolar, Ms. Jennifer Riesbeck-Lee, Ms. Molly Tucker

**Staff Present:** Mr. Bill Hegarty, Ms. Marcia Holleman, Ms. Jennifer Kreinbrink, Mr. Jim Rough

**Guest Present:** Mr. Jose Camerino, Marriage and Family Therapist Professional Standards Committee member, Mr. Glenn Karr, Attorney-at-Law, Mr. Henry Lustig, National Association of Social Workers (NASW) Liaison

The SWPSC meeting was called to order by Ms. Tucker at 9:00 a.m. Seconded by Dr. Cluse-Tolar. Motion carried.

### **1. Administrative Social Work**

The SWPSC discussed administrative social work in further detail. Mr. Lustig distributed information and discussed the differences between administrative and clinical social work. He discussed the possibility of defining “clinical setting.” Further discussion will occur at the November meeting.

### **2. Internet Therapy**

Ms. Tucker gave a history of this topic to Mr. Brady. The SWPSC discussed the Internet Therapy draft. Mr. Karr spoke and distributed information about “TeleHealth/eTherapy” and who already accepts this type of therapy. He also mentioned which states and agencies are in the forefront. The SWPSC is in favor of the Internet Therapy drafted rule and they will move forward with it.

### **3. CEU Committee**

Dr. Cluse-Tolar spoke about the CEU audit failure discipline progression memo. She said that a vast majority of individuals will receive caution letters, but some may receive administrative action. Each audit failure will be handled on a case-by-case basis.

### **4. Adjournment**

A motion was made by Dr. Cluse-Tolar to adjourn the meeting at 11:30 p.m. Seconded by Ms. Riesbeck-Lee. Motion carried.

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Ms. Molly Tucker, Chairperson