



Counselor, Social Worker & Marriage and Family Therapist Board

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Social Worker Professional Standards Committee (SWPSC) Minutes

Thursday, November 19, 2009

Members Present: Mr. Tim Brady, Ms. Karen Huey, Mr. Bob Nelson,
Ms. Jennifer Riesbeck-Lee

Staff Present: Ms. Margaret-Ann Adorjan, Ms. Rena Elliott,
Mr. Bill Hegarty, Ms. Marcia Holleman, Ms. Tracey Hosom,
Ms. Jenny Kreinbrink, Ms. Patty Miller, Mr. Jim Rough,
Ms. Tammy Tingle

Guests Present: Mr. Thomas McGloshen, MFTPSC member,
Ms. Leah O'Carroll, Assistant Attorney General,
Ms. Rhonda Shamansky, hearing officer

1. 9:15 a.m. – SWPSC Administrative Denial Hearing

The matter of the eligibility of Robert P. Reynold to be licensed as a social worker in the state of Ohio came before the Social Worker Professional Standards Committee on November 19, 2009. Members present were Mr. Brady, Ms. Huey, and Ms. Riesbeck-Lee.

A Notice of Proposed Opportunity for Hearing was issued to Mr. Reynold by the Counselor, Social Worker, & Marriage and Family Therapist Board on July 17, 2009. An administrative hearing was held on November 19, 2009. Assistant Attorney General Leah O'Carroll represented the State. Mr. Reynold was not present.

Mr. Hegarty requested that the SWPSC Meeting go into Executive Session at 9:30 a.m. to discuss the denial of Mr. Reynold to be licensed as a social worker. Accepted By A Unanimous Roll Call Vote.

At 9:32 a.m. Ms. Riesbeck-Lee moved to come out of executive session. Accepted By A Unanimous Roll Call Vote.

The Social Worker Professional Standards Committee reviewed all the evidence and determined that Mr. Reynold will not be licensed as a social worker.

2. Meeting Called to Order

Ms. Riesbeck-Lee called the meeting to order at 9:40 a.m.

3. **Discussion/Approval of the November 19th & 20th, 2009 Agenda**

Ms. Riesbeck-Lee asked if there were any changes or discussion of the November 19th and 20th, 2009 agenda. The committee asked that the issue to re-discuss approval of 30 CEU's online be moved from Friday to Thursday. Ms. Huey made a motion to approve the agenda with the one change. Seconded by Mr. Brady. Motion carried.

4. **Approval of the September 17th & 18th, 2009 Minutes**

Ms. Riesbeck-Lee asked if there were any changes or discussion of the September 17th and 18th, 2009 minutes. No changes or discussion were made. Mr. Brady made the motion to approve the minutes. Seconded by Mr. Nelson. Motion carried.

5. **Investigations**

(A) **Closed Cases**

Mr. Brady made a motion that the following cases be closed as he had determined no actionable offenses had been found. Ms. Huey seconded the motion. Motion carried.

2009-144 2009-150 2009-161 2009-164 2009-177
2009-179 2009-184 2009-218

Mr. Nelson made a motion that the following cases be closed as he had determined no actionable offenses had been found. Ms. Huey seconded the motion. Motion carried.

2009-152 2009-160 2009-166 2009-182 2009-187
2009-196 2009-200

(B) **Executive Session**

Ms. Riesbeck-Lee requested that the SWPSC meeting go into Executive Session at 10:30 a.m. to discuss the Hearing Officer Report, Consent Agreements, and Goldman Reviews (Licensure and Discipline). Accepted by a Roll Call Vote – Mr. Brady –yes, Ms. Huey – yes, Mr. Nelson – yes, and Ms. Riesbeck-Lee - yes.

Ms. Riesbeck-Lee moved that the SWPSC come out of Executive Session at 10:46 a.m. Accepted by a Roll Call Vote – Mr. Brady –yes, Ms. Huey – yes, Mr. Nelson – yes, and Ms. Riesbeck-Lee – yes.

(C) **Notice of Opportunity for Hearing**

Lakesha Smith, LSW – Ms. Huey made a motion to concur with the hearing officer's report and revoke the license of Ms. Smith. Seconded by Mr. Brady. Motion carried.

(D) **Consent Agreements**

Sheryl L. Ascherl, LISW-S - A motion was made by Ms. Huey to accept the Consent Agreement between the Board and Ms. Ascherl. Seconded by Mr. Brady. Motion carried.

Calvin Hall, LSW - A motion was made by Ms. Huey to accept the Consent Agreement between the Board and Mr. Hall. Seconded by Mr. Brady. Motion carried.

Anne L. Halm, LSW - A motion was made by Ms. Huey to accept the Consent Agreement between the Board and Ms. Halm. Seconded by Mr. Brady. Motion carried.

Melissa L. Siet, LSW - A motion was made by Ms. Huey to accept the Consent Agreement between the Board and Ms. Siet. Seconded by Mr. Brady. Motion carried.

Cornelius Vines, LSW - A motion was made by Ms. Huey to accept the Consent Agreement between the Board and Mr. Vines. Seconded by Mr. Brady. Motion carried.

(E) Goldman Reviews (Licensure)

Nathaniel A. Fincham – A motion was made by Ms. Huey to deny Mr. Fincham’s licensure application for not possessing a qualifying degree in social work. Seconded by Mr. Brady. Mr. Nelson recused himself. Motion carried.

Rona D. Huckabee – A motion was made by Ms. Huey to deny social worker assistant registration to Ms. Huckabee for not possessing the necessary coursework requirements. Seconded by Mr. Brady. Motion carried.

(F) Goldman Review (Disciplinary)

Kristin Fisher, LSW – A motion was made by Ms. Huey to revoke Ms. Fisher’s social worker license based on the Board’s proposal to discipline her due to falsifying client case notes by claiming to have provided services to clients when no services were actually provided and for failing to cooperate in an investigation against her license. She did not request a hearing. Seconded by Mr. Brady. Motion carried.

6. Working Meeting

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

7. Approval of Applications for Licensure

A motion was made by Mr. Brady to approve the following applications for licensure. Seconded by Ms. Huey. Motion carried.

SWA -	1 Application Approved
LSW -	4 Applications Approved
LSW (Related Degree) -	2 Applications Approved
LISW -	2 Applications Approved

9 Applicants were approved for licensure by the SWPSC at the November 2009 meeting.

216 Applicants were licensed by staff prior to the November 2009 meeting. A motion was made by Mr. Brady to approve applicants licensed by staff from September 21, 2009 to November 18, 2009. Seconded by Ms. Huey. Motion carried.

A motion was made by Mr. Brady in regards to the other applicants. Seconded by Ms. Huey. Motion carried.

LSW (Related Degree) - 3 Applicants with a related degree issued intent to deny exam pre-approval

LSW (Related Degree) - 2 Applicants need to submit additional information in regards to their practicum

Remediation Plan - 3 Applicants remediation plans approved

8. Correspondence

Ms. Brandy Niemiller submitted a hardship request asking permission to count the independent licensure supervision hours she has accumulated as well as future hours under a clinical psychologist. The committee reviewed and discussed all the information that was submitted. Mr. Brady made a motion to deny the hardship request for Ms. Brandy Niemiller. Seconded by Ms. Huey. Motion carried.

9. Association of Social Work Boards (ASWB)

The committee reviewed and discussed the ASWB examination fee increase and also their question and answer page.

10. Old Business

The committee re-discussed approving social workers to complete all 30 of their CEU's online. They discussed the prospect of completing all the hours through distance learning. They also mentioned that having all the CEU's online is congruent with the current technological times and that having them all online is not a requirement, but an option. Ms. Riesbeck-Lee mentioned that Mr. John Cranley, MFTPSC member, will be writing a rule to bank CEU's and they will discuss that issue at the full Board meeting.

Mr. Nelson moved to bring off the table the drafted rule of 4757-9-04(E) for the SWPSC to vote. Seconded by Ms. Huey. No discussion. Motion carried. Mr. Nelson made a motion to approve the following language in 4757-9-04(E): Counselors and marriage and family therapists may earn up to fifteen hours of continuing professional education per renewal period in distance learning credit as defined in paragraph (A)(11) of rule 4757-9-06 of the Administrative Code. Social workers may earn all hours of continuing professional education per renewal period in distance learning credit as defined in paragraph (A)(11) of rule 4757-9-06 of the Administrative Code. Seconded by Ms. Huey. Mr. Brady is a "nay" vote. Motion carried.

11. Meeting Adjourned

A motion was made by Ms. Huey to adjourn the meeting at 4:10 p.m. Seconded by Mr. Brady. Motion carried.

Social Worker Professional Standards Committee (SWPSC) Minutes

Friday, November 20, 2009

Members Present: Mr. Tim Brady, Mr. Bob Nelson, Ms. Jennifer Riesbeck-Lee
Staff Present: Mr. Bill Hegarty, Ms. Marcia Holleman, Ms. Jenny Kreinbrink,
Mr. Jim Rough
Guest Present: Ms. Sharon Hanger, NASW Board Treasurer and Taskforce Chair,
Mr. Glenn Karr, Attorney-at-Law, Mr. Henry Lustig, NASW Liaison,
Ms. Allie Riley, Wesley Family Services, Ms. Aleyse Swilling,
Wesley Family Services, Ms. Cindy Webb, Executive Director of NASW

1. **Meeting Called to Order**

Ms. Riesbeck-Lee called the meeting to order at 9:05 a.m.

2. **Executive Director's Report**

The following Board appointments expired on October 10, 2009: Mr. Tommie Robertson was reappointed and Ms. Huey has not been replaced as of this date. Ms. Molly Tucker, Mr. Ken Trivison, and Mr. Jan White have been replaced by Mr. Steven Polovick, Ms. Deirdre Petrich, and Ms. Mary Venrick respectively.

Mr. Rough sent the members a list of staff proposed statute changes to Chapter 4757 of the Revised Code for the committees to consider and amend, add to or delete.

He mentioned that Sec. 5122.31 change from HB 1 may create issues of confidentiality.

Mr. Rough thanked Mr. Robertson, who identified the PASSR rule and ODMH matrix inconsistencies; we were able to work with ODMH to fix both of these items in rules, which will be effective December 1, 2009.

The Board signed a second Memorandum of Understanding with ODJFS for mutual reporting of known issues to each other following the expiration of the prior agreement. He stated that we would rarely know if improper billing were happening as we do not look at billing, but the investigators may come across it.

January 1, 2010 is the start date to require the laws and rule examination online for all LSW, LISW, PC, PCC, MFT and IMFT applicants. The charge will be \$10. All schools and associations have been notified. The laws and rules exam is up and running in the live mode and the newsletter highlighted its availability. The scenarios have been added to get the CEU up to 3 hours and the charge is \$30.

The BMV agreed to a change in their rule and Mr. Rough forwarded the proposed language for inclusion in the rule.

The travel claims process had major changes starting October 1, 2009 and all claims will be entered into the OAKS system. The per diem for meals has risen to \$56. Mr. Rough stated that it would be about \$800 more per meeting for the \$56 per diem meals. He would like members to tell him if they want the \$56 or less for meals.

The budget will require close monitoring throughout the fiscal year and Mr. Rough may have to go to the Controlling Board for fiscal year 2011.

The Mental Health Hold bill has not been introduced and Representative Yates has sent out requesting sponsors.

The Art Therapy Bill has not been scheduled for a hearing. Mr. Rough talked to the sponsor's aide and they are anticipating a hearing in early 2010.

The SWPSC and the MFTPSC has permitted the approval of applications between meetings, but the AAG has proposed a change to the existing process. The CPSC needs to discuss the issue and decide to go forward or not.

The Board mailed renewals for January through June 2010 with online renewal information only.

The five-year rule review items are complete and were final filed on October 18, which is when the statute changes go into effect from House Bill 1.

Rule 4757-1-07 concerning fines needs additional discussion and Mr. Rough has only received one input so far. He has asked OCBHP, OACCA, OAC, NASW and OAMFT for input. He asked our AAG for input on making the fines an administrative versus disciplinary action. The statute change may not allow that process.

In regards to the civil service exemption, we have an agreement between all known parties. Rep. Goyal may make an amendment to include the language in House Bill 62 at the next hearing. Ms. Webb has submitted talking points to Rep. Goyal on NASW's behalf. OACCA, OCBHP, and NASW will lobby on this change.

Mr. Rough attended the ASWB Annual Meeting. He discussed what some of the other states and Canadian provinces are doing.

He mentioned that the five-year rule review has been final filed and that the planning meeting issues were discussed and assigned.

3. **Old Business**

Re-Discuss Approval of ASWB ACE Programs – The committee reviewed the questions that Ms. Miller posed in regards to the ACE approval. Mr. Rough discussed about ACE approving providers. He also said that NASW approves programs and they are eligible to be a provider. Ms. Webb mentioned that NASW Ohio is only one of three or four states where national NASW is not a provider. Mr. Rough said Ms. Webb needs to request that NASW Ohio become a provider and that they have the same provider number as NASW National.

Mr. Nelson made a motion to have Mr. Rough draft a rule giving national social worker associations approval as providers and the associations would approve programs without the SWPSC reviewing it. Seconded by Mr. Brady. Motion carried. Ms. Riesbeck-Lee tabled the motion until the January meeting.

BMV Rule – The SWPSC reviewed the email from Mr. Rough stating that the BMV is willing to accept proposed language to amend their rule to include appropriately trained licensees. They reviewed the proposed language and thought it was fine.

Civil Service Exemption – Mr. Rough stated that he met with the Office of Collective Bargaining and the Union SEIU. The meeting went well and we have an agreement on temporary language to implement the removal of the exemption in division (A)(5) of section 4757.41 of the Revised Code. Mr. Ed Hogan, NASW lobbyist, will discuss the agreement with Rep. Goyal for inclusion in HB 62.

Ms. Riesbeck-Lee said she is worried that children services agencies will change the title of social worker to case manager or some other title, but they will still be doing the same duties. Ms. Webb mentioned that children services agencies would probably not have backed the exemption if we forced them to become social workers. Mr. Rough said that these agencies are going to have a behavioral health series. He also said they would have 90 days to negotiate with the union about the people without a license and then a year from the exemption passage everything must be in place. Ms. Hanger said state level agencies are on board for removing the exemption. Mr. Rough said the SWPSC needs to define the practice of social work and what duties need to have a license.

4. **New Business**

Change in Ohio Mental Health Law – There was a language change in ODMH statute that was included in the operating budget bill (HB 1) passed in July 2009. This was an amendment to O.R.C. 5122.31(A)(7) and it became effective October 16, 2009. Mr. Brady discussed the title Qualified Mental Health Specialist (QMHS) and the law. He was wondering if the CPST rule would change and if that change would be Medicaid driven. A Trained Other is now the title QMHS.

Continuing Competence Program – Mr. Rough learned of Ontario's continuing competence program which is based on an annual self-assessment and learning plan in lieu of CEU's. If the SWPSC approves this plan, then The Ohio State University's College of Social Work wants to do a pilot program with 200 social workers using the continued competence program. Mr. Rough said this program is a different way to look at competency.

Moral Turpitude – Mr. Hegarty and Ms. Holleman said the issue of moral turpitude came up because of applicants denied licensure due to poor moral character and wanted to know how we can define poor moral character. The SWPSC decided that the member reviewing the pending licensure applications needs to keep moral turpitude in mind. Ms. Hanger posed the question of what other states are doing to deal with this issue.

SWPSC Proposed Future Statute Changes – The committee reviewed and discussed the list of potential changes they would like to make if the statute opens and that this is a running list.

Licensure Emeritus Status – The committee reviewed Texas' rule in regards to the emeritus status. Mr. Rough said that Ohio could potentially do this because the state's IT department makes computer changes every few years. Mr. Karr said that the Ohio Medical Board has this status. Mr. Lustig asked if emeritus status licensees could be Board members and the committee will need to check with Mr. Rough. Ms. Riesbeck-Lee suggested that this status be discussed at the next full Board retreat.

Proposed Changes to Chapter 4757 of the Revised Code – The SWPSC reviewed and discussed these proposed changes. They would like an explanation on why we want these changes.

Definition of Counseling for Social Workers – The committee will table this discussion until the January 2010 meeting.

Mental Health Hold Bill – Mr. Brady discussed Rep. Yuko’s testimony and how there are some other professionals that were not listed in his testimony that can do this hold.

5. **National Association of Social Workers (NASW)**

Ms. Webb said she submitted a letter requesting that the committee review Administrative Code 4757-23-01, Social Work Supervision, to amend the language to include supervision for those practicing in settings that involve the performance of psychosocial interventions at an administrative or clinical level. NASW Ohio will submit language for the committee to review at the January meeting.

She said that they want to ensure distance learning CEU’s take the amount of time to match with the number of CEU hours given and they want to ensure the quality of the CEU’s. Mr. Nelson said that the CEU Ad Hoc Committee is also looking at the quality of CEU’s.

Ms. Webb said Ms. Sandra Stephenson, Director of ODMH, does not support the art therapist’s having a license and it should be a modality.

NASW wants to promote volunteerism in conjunction with the emeritus status.

Ms. Webb referred the committee to the CEU packet for program approval. The SWPSC would like Ms. Webb to discuss this packet at the January meeting when the other two members will attend.

6. **New Business**

Hardship Request – Ms. L. Alice McKenney submitted a hardship request asking permission to count the supervision towards independent licensure under a LPCC-S that she received from April 2008 to November 2008. The committee reviewed and discussed all the information that was submitted. Ms. Tucker made a motion to approve the hardship request for Ms. L. Alice McKenney. Seconded by Ms. Huey. Mr. Brady was a “nay” vote. Motion carried.

Social Work Grid for Scope of Practice – The committee reviewed and discussed Michigan’s social work grid for scope of practice for their licensees.

Art Therapist Bill – The SWPSC discussed the art therapist bill so that they can be added to the CSWMFT Board. Ms. Webb does not believe that this bill will move forward. Mr. Rough will need to give the committee more information.

7. **CEU Ad Hoc Committee Report**

Mr. Nelson said the committee is working on making sure that there is consistency within each committee when it comes to approval of CEU’s, but there does not have to be consistency with the whole Board.

8. Executive Ad Hoc Committee Report

Ms. Riesbeck-Lee said the committee discussed the change in travel expenses, the Board's organizational chart, and disaster plan.

9. Meeting Adjourned

Mr. Brady moved to adjourn the meeting at 12:04 p.m. Seconded by Mr. Nelson. Motion carried.

Ms. Jennifer Riesbeck-Lee, Chairperson