



Counselor, Social Worker & Marriage and Family Therapist Board

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Social Worker Professional Standards Committee (SWPSC) Minutes **Thursday, November 17, 2011**

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

Staff Present: Mr. Andy Miller, Ms. Patricia Miller, Mr. Doug Warne,
Mr. Jim Rough

1) Meeting Called to Order

Mr. Nelson called the meeting to order at 9:08 a.m.

2) Discussion/Approval of the November 17 & 18 Agenda

Mr. Nelson asked if any changes or discussion was needed for the November 17 & 18 Agenda. Mr. Warne indicated that he would like to add his report on the ASWB (Association of Social Work Boards) Annual Conference.

Mr. Nelson motioned to approve the agenda. Mr. Brady seconded the motion. Motion carried.

3) Approval of the September 15 & 16 Minutes

Mr. Nelson asked if any changes or discussion was needed for the September 15 & 16 minutes. Mr. Brady made a motion to approve the minutes. Mr. McTigue seconded the motion. Motion carried.

4) Approval of Applications for Licensure

A motion was made by Mr. McTigue to approve the 268 LSW applicants and 75 LISW applicants approved by the staff, and the 16 SWA applicants registered by the staff, from September 15, 2011 through November 16, 2011. Seconded by Mr. Brady. Motion carried.

5) Correspondence

Dr. David Kaplan, Chief Professional Officer of the American Counseling Association (ACA), wrote to the SWPSC requesting that the Board adopt and endorse

a new definition of counseling, which had been created and agreed upon by the ACA and the American Association of State Counseling Boards (AASCB). The definition which had been approved by their delegates is as follows:

Counseling is a professional relationship that empowers diverse individuals, families, and groups to accomplish mental health, wellness, education, and career goals.

Dr. Kaplan wrote that the definition has been endorsed by twenty-nine professional organizations. The SWPSC reviewed the definition.

6) Working Meeting

The SWPSC proceeded with a working meeting at 9:18 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, Mr. Nelson, Mr. Warne, and Mr. Miller reviewed an applicant applying for the LSW with a related degree in music therapy. They examined their course worksheet and determined that while she was certainly doing good work in music therapy, the focus of her study was too narrow to meet the broad and diverse requirements needed for social work licensure. As she had not yet applied, Mr. Nelson indicated that the applicant should be encouraged not to proceed since her application would inevitably not be approved.

The Committee adjourned for lunch at 11:20 a.m. and reconvened at 1:45 p.m. to resume the working meeting.

7) ASWB Annual Conference Report

Mr. Warne gave his report on the ASWB Annual Conference at 2:20 p.m. The conference was held the first weekend of November 2011.

Mr. Warne discussed the unique challenges faced by social work boards (or “colleges”) in Canada. In each province, the social work professional organization and the regulatory board are the same agency. In some cases this causes a public perception that the regulatory board is more interested in protecting their professionals than in protecting the public.

The SWPSC discussed the problems being faced by the social work boards in Florida and Minnesota, who are both facing threats of the possible deregulation of social work practice in their states. The ASWB had provided documentation to each attendee on how their board can avoid a “sunset evaluation.”

Financially, the ASWB is doing well. Currently it is required that the state boards are allowed to vote on whether the ASWB can raise exam prices. At the Conference,

delegates were asked to vote on an overturn of this rule, which would allow the ASWB to raise exam prices without input from the delegate boards. Mr. Warne and the Ohio Board joined with the 1/3 of voters necessary to deny the ASWB the ability to unilaterally set prices.

The Committee also discussed the issues that would be raised the next day in their meeting with Dwight Hymans, the ASWB Director of Board Services.

11) Meeting Adjourned

Mr. Nelson excused himself from the meeting at 2:30 p.m. to join the CEU Committee meeting. Before leaving, he gave permission for the meeting to adjourn at 2:50 p.m.

Social Worker Professional Standards Committee (SWPSC) Minutes
Friday, November 18, 2011

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

Staff Present: Mr. Bill Hegarty, Ms. Tracey Hosom, Mr. Andy Miller,
Mr. Jim Rough, Ms. Tammy Tingle, Mr. Doug Warne

Guest Present: Ms. Adrienne Gavula, NASW Relationship Manager; Mr.
Dwight Hymans, ASWB Director of Board Services; Mr.
Glenn Karr, LLC; Ms. Cindy Webb, NASW Liaison

1) Meeting Called to Order

Mr. Nelson called the meeting to order at 9:08 a.m.

2) Old Business

Mr. Warne stated that the definition of social work had already been discussed in the SWPSC's previous meeting, and a solid conclusion had been reached. He saw no need for further discussion.

3) New Business

The ASWB General Counsel sent information to the Board to make them aware of a recent ancillary judicial ruling. In a recent worker's compensation case, the judge reportedly ruled that one of the witnesses, a Licensed Clinical Social Worker, was not qualified to provide diagnosis of a mental condition. In the state in question, the practice of social work is defined as follows: "The practice of clinical social work requires the application of specialized clinical knowledge and advanced clinical skills in the areas of prevention, assessment, diagnosis, and treatment of mental, emotional, and behavioral and addiction disorders." The local state Board and its predecessors have read the act to allow LCSWs to make diagnoses of mental and behavioral disorders as part of their practice, which the ASWB agrees with. However, the judge reportedly responded favorably to the objecting attorney's argument that the above definition only qualifies an LCSW to use his/her skills in working with clients already diagnosed by a third party. At the time of the ASWB's writing, it was not known whether the judge actually made a ruling on this issue.

It was the opinion of the ASWB that a judicial ruling specific to a particular witness and his/her capacity to be recognized as an expert will have little, if any, precedent setting effect on the social work regulatory board. The social work board is the agency created and empowered to interpret the scope of practice of social work, and an evidentiary ruling in a case not directly related to the social work model practice

act is of little concern to the ASWB. They wanted to make sure the SWPSC was aware of this issue and their opinion.

4) Investigations

a) Closed Cases

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

2011-167	Competency. Allegation not substantiated.
2011-170	Scope of Practice. Close with no violation.
2011-176	Slander. Close with no violation/no jurisdiction.
2011-178	Competency. Close with no violation.
2011-201	Practice without a license. Close with strong caution.
2011-223	Conviction unrelated to license. Close with caution.

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

2010-117	Custody dispute issues. Close with caution.
2011-133	Misrepresentation of credentials. Close with caution.
2011-137	Competency. Close with no violation.
2011-141	Rudeness/abuse of clients. Close with no violation.
2011-172	Competency. Close with caution.
2011-188	Abandonment of client. Cannot substantiate.
2011-224	Practice on a lapsed license. Close with 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: Mr. Brady—yes, Mr. McTigue—yes, Mr. Nelson - yes. Guests were asked to please leave the room.

Mr. Nelson moved that the SWPSC meeting come out of Executive Session at 9:22 a.m. Accepted by a roll call vote: Mr. Brady—yes, Mr. McTigue—yes, Mr. Nelson - yes. Guests were invited to return to the meeting room.

c) Consent Agreements

1) Mr. Alan M. Spears: On or about July 4 or 5, 2011, Mr. Spears, while employed at an agency in West Carrollton, Ohio, stole medication from a client of the agency. Mr. Spears self-reported this action to his supervisors and admitted to

a chemical dependency. Mr. Spears' actions constitute a violation of Ohio Revised Code Section 4757.36(C)(1) and (C)(6) and Ohio Administrative Code Section 4757-11-01(C)(5), (8), and (12).

Mr. McTigue made a motion to accept the consent agreement between the Board and Mr. Spears based on the evidence in the document. Mr. Brady seconded the motion. Motion carried.

d) Goldman Review (Licensure)

1) Ann Kagarise: Mr. McTigue moved to revoke Ms. Kagarise's social work license because Ms. Kagarise 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. Brady seconded the motion. Motion carried.

2) Cazzell M. Smith: Mr. Brady moved to revoke Mr. Smith's social work license because Mr. Smith 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) Deborah J. Allen: Mr. Nelson moved to revoke Ms. Allen's social work license because Ms. Allen 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. Brady seconded the motion. Motion carried.

4) Lesley R. Lindahl: Mr. Brady moved to revoke Ms. Lindahl's social work license because Ms. Lindahl 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.

5) Patricia A. Robinson: Mr. Nelson moved to revoke Ms. Robinson's social work license because Ms. Robinson 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. Brady seconded the motion. Motion carried.

5) New Business—Correspondence

1) An LISW-S wrote to the SWPSC about a supervisee she recently oversaw. The supervisee was not licensed as an LSW at the time, however the supervisor was not aware that she needed to be, and charged a fee for the supervision hours. The

supervisor requested that the hours still count toward the supervisee's eventual LISW requirements, since it was not her mistake.

The SWPSC agreed unanimously not to count these hours toward the supervisee's LISW requirements, since the supervisee was not licensed as an LSW in Ohio or any other state at the time, or at the time of the meeting. It was agreed that the committee must legally work within their rules and statutes at all times, no matter the circumstances.

- 2) **Hardship request:** An LSW was having trouble locating an LISW-S who would provide supervision in his area. He located a licensed MD who was willing to provide the supervision and had some knowledge in the area of practice the LSW is pursuing.

The SWPSC discussed this request for the MD to provide supervision, and agreed unanimously to reject. The committee was concerned that the supervision received from an LISW-S is different in essential ways from the supervision provided by an MD, and that an MD would likely not provide the kind of knowledge which would prepare an LSW for the Clinical Exam. In addition, the LSW's area is well populated with other social workers, he did not seem to urgently need an LISW license, and to approve his request would have set a bad precedent.

6) **ASWB Report and Discussion**

Mr. Hyman began with a discussion of the history of the Clinical exam. He described how the ASWB conducts a practice analysis every seven years, and that in the most recent practice analysis an effort was made to remove most of the clinical content from the Advanced Generalist exam. Starting in 2012, the Advanced Generalist exam will be more geared toward macro practitioners than ever before. Therefore, the ASWB does not support usage of the Advanced Generalist exam for workers in a clinical area. Donna DeAngelis, Executive Director of the ASWB, sent a letter to the Board dated August 24, 2011, detailing what the ASWB saw as the appropriate usage of the exams, and that by allowing LISWs to be licensed in Ohio with either exam, the Board would be in violation of those usage expectations. The ASWB's concern was that an applicant could take the Advanced Generalist exam, become licensed as an LISW, and be legally able to practice in a clinical setting without having the appropriate knowledge base.

Mr. Hyman asked what measures the Board has in place to prevent this situation, and whether the public has any way of verifying a social worker's areas of expertise in the state of Ohio. Mr. Rough answered that the Board requires every practicing social worker to have a professional disclosure statement they can provide to clients. Mr. Hyman felt that the Board had no measure to verify that LISWs working in a clinical setting have minimal clinical competency, even with the disclosure statement. He indicated that if a complaint were filed against a social worker who had taken the

Advanced Generalist exam and was working in a clinical setting, the ASWB could not defend the Board in court.

Mr. Hyman described what he saw as the ideal solution, which was to have two types of licensure, one for micro workers and one for macro workers. He presented “Knowledge, Skills, and Abilities” documents prepared by the ASWB, showing the differences between the exams, and how the Advanced Generalist is not designed to test clinical knowledge and asks no questions about the diagnosis and treatment of mental and emotional disorders. It was his opinion that the Advanced Generalist exam would continue to be administered less frequently than the Clinical exam, as most licensed social workers work in clinical settings, and few states have actually established a separate macro social work license. Other states evaluate applicants’ transcripts to determine if the applicant is genuinely qualified for the Clinical Exam. He expressed concern at Ms. Webb’s assertion that many schools will simply advise their students to take the Clinical exam regardless of their interest, since it has a higher pass rate. Ms. Webb stated that, similarly, many generalist practitioners are concerned with the prospect of being forced to take the Clinical exam to qualify for licensure.

Mr. Hyman summed up the gist of his message, which was that the ASWB would continue to administer whichever exams the Ohio Board wanted them to, but that the Board needed to be fully aware of the drastic changes being made to the Advanced Generalist exam. He reiterated that the ideal solution was to require two licenses. Mr. Rough responded that Ohio licensees are licensed according to the medical licensing model. The medical board licenses a doctor as a doctor only, and does not license by specialized types. He also raised the question as to how the Board could even require a generalist practitioner to hold a license, since people who are not social workers perform the exact same jobs. Mr. Hyman responded that other Boards believe that anyone with a social work degree is doing social work, even if it overlaps with other areas. An employee with a social work degree, in these states, must always be licensed, and some states will penalize people who practice without a license and are doing generalist work.

Mr. Rough raised an issue of greater concern to him, that licensees with a Bachelor’s degree are allowed to diagnose and treat mental and emotional disorders in the state of Ohio, and Bachelor’s programs do not train students in this area. Mr. Hyman agreed this was an issue, and Mr. Nelson asked Mr. Warne to put this topic on the agenda for the committee’s January 2012 meeting.

Mr. Nelson brought a new topic to the table. Board staff had recently come across some CEUs approved by the ASWB which were outside the realm of social work. He asked if the ASWB could make their approval process more transparent to the Board, and provide more documentation on which courses are approved and why. Mr. Hyman responded that any approved provider’s course must meet ACE guidelines. If the ASWB receives a complaint about a particular course from the Board, they can audit the course, and they do also audit random courses. He assured the SWPSC that

the ACE committee has high standards for approval, and can work to eliminate weak courses.

7) NASW Report

Ms. Webb reported that Danielle Smith, NASW-OH Executive Director, was not present that day as she was attending the NASW Executive Council meeting. The Council was discussing the need to create a national standard for any CEUs approved by the NASW state chapters, and also intended to draft a letter to the National chapter asking for standards to be reviewed.

Ms. Webb reported that the NASW is currently working to revamp and expand exam preparation capabilities and offerings, and that they plan to work closely with the Board to provide enhanced licensure assistance.

Mr. Brady asked if the NASW Ohio chapter approves CEU workshops, and whether Ohio approval was equal to National approval. Ms. Webb answered that Ohio does approve programs, and that National only approves programs that will be offered in multiple states. Any programs offered solely in Ohio can be approved by the Ohio chapter, though not many programs request NASW approval since Board approval is free. Mr. Nelson clarified that another state could not approve an Ohio program, that only National had that ability, and Ms. Webb agreed. Mr. Warne explained to the committee that currently the Board's laws and rules say that any program approved by any state's NASW chapter will be accepted by the Board, though that was not the intent when the rule was drafted. A rule change is in process that would only allow acceptance of programs approved by the Ohio chapter or the National chapter.

8) Executive Committee Report

Mr. Nelson reported that Mr. Rough's Executive Directors Report highlighted issues discussed in the Executive Committee Meeting, and there were no further issues to discuss.

9) CEU Committee Report

Mr. Nelson reported that the CEU Committee's meeting would be discussed at the full board meeting, and that he had nothing of immediate importance to report to the SWPSC. Mr. Nelson excused himself from the room to attend a meeting regarding discipline of a licensee, and gave permission for the meeting to adjourn following Mr. Rough's Executive Director Report.

10) Executive Director's Report

Mr. Rough discussed new staff initiatives to streamline the application process, as detailed in the recent NASW-OH newsletter. Staff had begun employing an

electronic checklist to track incoming documents, which applicants are able to view via an online system. This enhancement allows applicants to track their application status in real time, without the need to contact the Board by phone or e-mail.

Mr. Rough also reported that the new public member of the MFTPSC stated that she had a possible conflict of interest and did not attend the day's meetings at her own prerogative. The governor's office is investigating to see if there is a legitimate problem. Legislation continues to move forward, and the budget for the coming fiscal year is also on track due to the defeat of Senate Bill 5 and the air of uncertainty created by its placement on the ballot. New CEU Provider and Program approval and wall certificate fees are planned to go into effect on April 1, 2012. A new staff member will likely be hired on March 12 or 26. With the additional fees being generated, the Board should continue to operate well within their budget, and even came in under budget for the previous fiscal year.

Mr. Rough reminded committee members that ethics training would be conducted at the full Board meeting, and that the 5-Year Rule Review needs to be completed, so Board members should review the changes made and be sure that all of the documented changes make sense and are written as they intended.

11) Meeting Adjourned

The meeting was adjourned at 11:45 a.m.

Mr. Robert Nelson, Chairperson