



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

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### **State of Ohio Counselor Professional Standards Committee Meeting May 19, 2016**

**Members Present:** Dr. Terri Hamm, Dr. Christin Jungers, Dr. Otha Gilyard, Dr. Matthew Paylo and Mr. Ryan Pickut

**Staff Members Present:** Mr. Bill Hegarty, Ms. Tammy Tingle, Ms. Tracey Hosom and Ms. Yolanda Berry

Dr. Hamm called meeting to order at 9:40 a.m.

Dr. Paylo will be leaving at 2:00 p.m. Dr. Gilyard will also be leaving at 2:30 and will not be in attendance for the Counselor Professional Standards Committee meeting on May 20, 2016.

There will be an OCA liaison joining the meeting on May 20, 2016.

#### **I. Discussion/Approval of Agenda**

The agenda was amended to include Ohio Administrative Code Section 4757-13-02 Requirements for licensure as a professional counselor and a formal recognition from committee for the honor received by the CSWMFT Board Investigation Department from the Ohio Association of Marriage and Family Therapist.

Dr. Gilyard moved to approve the amended agenda. Dr. Paylo seconded. There was no further discussion and the motion passed unanimously.

#### **II. Review Applications For LPC/LPCC and Continuing Education**

The committee reviewed applications for LPC/LPCC/provider applications and applications for licensure via endorsement.

A hypothetical situation was discussed among the committee wherein a supervision evaluation resulted in an agreement for licensure with reservations. The decision was due to the trainee's physical limitations. In addition, the supervisor recommended the trainee provide a disclosure statement to clients inclusive of specific wording identifying the trainee's impairments.

After review and discussion the committee determined the supervisor's recommendations were inappropriate and the trainee should be licensed without having to provide a disclosure statement of

physical impairments. Mr. Pickut advised for future reference, in such circumstances as previously mentioned, the committee should be addressed directly to determine the appropriateness of such recommendations.

### **III. Review Continuing Education Program/Provider Applications**

The committee discussed continuing education programs.

### **IV. EXECUTIVE COMMITTEE REPORT – Dr. Christin Jungers**

Mr. Pickut motioned for an executive session to discuss a personnel matter at 10:18 a.m. Dr. Gilyard seconded. Present were Mr. Ryan Pickut, Dr. Matthew Paylo, Dr. Otha Gilyard, Dr. Christin Jungers and Dr. Terri Hamm.

The meeting resumed at 10:35 a.m. Present were Mr. Ryan Pickut, Dr. Matthew Paylo, Dr. Otha Gilyard, Dr. Christin Jungers and Dr. Terri Hamm.

Dr. Jungers reported on a discussion regarding an advisory statement issued by the Ohio Board of Psychology with respect to the practice of sexual orientation change efforts. Indications were that a similar statement from our Board would be beneficial to its members. The committee reviewed and discussed the advisory statement issued by the Ohio Board of Psychology.

A copy of a proposed correspondence response to OAMFT from the Board was distributed to the committee for review. Mr. Pickut noted of particular interest was the initial sentence which covers the rule to protect the public. It was also pointed out that the same standards are found in the Board's code of ethics and provides the ability to address these concerns if necessary.

Mr. Pickut advised he is not opposed to the Board issuance of a statement to the affect that it does not condone any practice harmful to clients. It's not only conversion therapy. An individual will be held accountable if knowingly engage in practices that will cause client harm.

A revised version of the proposed correspondence was distributed to the committee. After review and discussion, the committee agreed to the revised correspondence being acceptable as an email response to OAMFT. It was firmly disagreed with it being a statement from the Board.

Mr. Pickut added from his perspective, a request should be made that OCA strongly investigate what other professional organizations are doing pursuant to sexual change or conversion therapy as well.

Dr. Jungers concluded the executive committee report.

### **V. Investigation Report – Mr. Bill Hegarty**

Mr. Hegarty thanked Dr. Hamm and Dr. Paylo for their assistance over the last couple of weeks with the increased volume of cases.

Dr. Paylo reviewed the following cases and recommended closure as they did not lead to formal discipline:

2015-217	Impairment. Allegations not substantiated.
2015-263	Competency. Close with no violation.
2015-276	Competency. Close with strong caution.
2016-23	Billing. Close with no violation.
2016-51	Non-Sexual boundaries. Close with strong caution.
2016-66	Competency. Close with strong caution.
2017-71	Scope of practice. Allegation not substantiated.
2016-73	Practice without a license. Close with caution.

Dr. Paylo motioned to close the cases he reviewed for the reasons identified. Mr. Pickut seconded. There was no further discussion and the motion passed unanimously.

Dr. Hamm reviewed the following cases and recommended closure as they did not lead to formal discipline:

2016-7	Abandonment of clients. Close with strong caution.
2016-19	Mandated reporting. Allegations not substantiated.
2016-22	Facebook boundary. Close with a caution.
2016-24	Competency. Close as unsubstantiated.
2016-30	Competency. Allegation not substantiated.
2016-36	Competency. Allegation not substantiated.
2016-38	Impairment. Allegation not substantiated.
2016-42	Custody. Allegation not substantiated.
2016-43	Improper termination. Close with strong caution.
2016-45	Competency. Allegation not substantiated.
2016-82	Billing. Close with no violation.

Dr. Hamm moved to close the cases she reviewed for the reasons identified. Mr. Pickut seconded. There was no further discussion the motion passed unanimously.

Mr. Hegarty presented the following consent agreements for review by the committee:

**Consent Agreement #1**

Ms. Cynthia Daugherty is an LPCC who on or about June 1, 2015 made inappropriate recommendations in a custody setting by allowing a third party to join a counseling session without appropriate authorization. Ms. Daugherty will be disciplined with a reprimand and required to complete ten additional hours of continuing education in ethics and child custody at her expense.

Mr. Picket motioned to accept the Consent Agreement between the Board and Ms. Daugherty. Dr. Gilyard seconded. There was no further discussion and the motion passed unanimously.

**Consent Agreement #2**

Ms. Lisa M. Gojanovic is an LPCC that resigned her position without reasonable notification and appropriate referral for continued client services. Ms. Gojanovic is surrendering her license.

The committee inquired as to the process for reinstatement of her license particular to these circumstances. Ms. Tingle advised that surrendering of her license is permanent.

Mr. Picket motioned to accept the Consent Agreement between the Board and Ms. Gojanovic. Dr. Gilyard seconded. There was no further discussion and the motion passed unanimously.

### Consent Agreement #3

Mr. Jeffrey Williams is an LPCC who entered into an intimate relationship with a current client and bartered with the client's family for services. Mr. Williams will be indefinitely suspended for a minimum of five years. Within the first year Mr. Williams will be required to submit to a mental health evaluation and prior to reinstatement of his license, the Board has the right to order a second mental health evaluation, if so determined.

After discussion of the aforementioned consent agreement, Dr. Paylo motioned to accept the consent agreement between the Board and Mr. Williams. Dr. Jungers seconded. There was no further discussion and the motion passed unanimously.

### Goldman Review

Mr. Hegarty discussed a Board mailing that contained information regarding a specific case involving Ms. Laura Wettstaedt. Dr. Jungers will abstain from voting based on her involvement in reviewing this particular case. This case involves licensure denial due to Ms. Wettstaedt's degree in clinical psychology which does not qualify. A hearing has not been requested.

Mr. Pickut motioned to deny Ms. Wettstaedt's license as she does not meet the educational qualifications. Dr. Gilyard seconded. There was no further discussion and the motion passed unanimously.

Mr. Hegarty introduced two proposed Notices for Hearing Opportunity:

### Case 2015-76

On April 4, 2016 this individual was found guilty in Stark County Court of Common Pleas of a 4<sup>th</sup> degree felony. Moving forward a hearing opportunity will be offered regarding the circumstances surrounding the 4<sup>th</sup> degree felony.

Dr. Jungers motioned to accept the Notice of Opportunity for Hearing. Mr. Pickut seconded. There was no further discussion and the motion passed unanimously.

Mr. Hegarty, upon approval of the Notice of Opportunity for Hearing regarding case 2015-76, advised the committee that the individual involved in this case is Ms. Christina Janevski.

### Case 2015-228

This case involves an individual who in 2015 while employed as a counselor in Cleveland Ohio, sexually harassed coworkers. An opportunity for a hearing will be offered to present the circumstances of this situation in a more formal setting.

Mr. Pickut inquired of the investigation process. Mr. Hegarty explained a completed investigation is where a case has been reviewed and a determination made that the evidence presented is supportive.

Mr. Pickut motioned to accept the Notice of Opportunity for Hearing regarding Case 2015-228. Dr. Gilyard seconded. There was no further discussion and the motion passed unanimously.

Upon approval of the Notice of Hearing by the committee, Mr. Hegarty advised that the individual involved with this case is Mr. Corry Appline.

#### Endorsement Consent Agreements

Mr. Hegarty discussed two endorsement consent agreements that were previously offered involving out-of-state applicants requesting Ohio licensure based on educational criteria. These consent agreements were approved for Ms. Teresa Lawhead, LPCC and Ms. Joni Blum, LPC.

Dr. Gilyard inquired as to whether a log is kept that contain the number of varying incidents such as those presented today that would also include the most frequent types of offenses. Mr. Hegarty advised that information is logged into the Board's system under specific categories. The current computer system has the ability to generate a report based on allegations that are received.

With regard to frequency of offenses, Mr. Hegarty informed the committee that some offenses include record keeping, falsification of records (i.e., notes of sessions that didn't take place), custody evaluations (inappropriate custody statements), sexual boundary issues (complaints received) and impairment cases which are increasing, particularly opiate and alcohol issues.

The committee discussed with Mr. Hegarty the concerns and issues involving scope of practice, client care, and competency based counseling and referrals.

Mr. Hegarty concluded the investigative report.

#### **VI. CEU Committee Meeting – Addams Conference Room 1:00 pm**

Attended by Mr. Ryan Pickut.

#### **VII. CEU Committee Report - Mr. Ryan Pickut**

Mr. Pickut reported there were additional updates from the social work continuing education survey.

There were two main concerns which were the quality of continuing education and employers that indicate their support of continuing education efforts but are opposed to the allowance of time to attend workshops. Mr. Pickut exemplified that for instance, someone with a tenure of ten years or longer who acquires several weeks of vacation time, would find it difficult to take off due to productivity requirements. As a business, it's a balance between time off and productivity (billable time) quota. Mr. Picket continued to explain this from an employer's point of view.

Mr. Pickut reported on another concern of emails received by the Board's Audit Department that had been achieved due to a system setting. This will not affect licensees. Mr. Carnahan is working with the Audit Department and steps are being taken to rectify this situation.

**VIII. Ohio Administrative Code 4757-13-02 (B)**

Ohio Administrative Code 4757-13-02 (B) Successfully complete the licensure examination prescribed by the Counselor Professional Standards Committee. Applicants for the professional counselor exam shall have passed the required examination within two years of application date unless they are currently licensed in an equivalent capacity in another state and passed the prescribed examination as part of the licensure requirement in that state.

The committee discussed license renewal and expiration, various circumstances for the expiration of a license and NBCC policy with regard to time-frame for examinations.

After discussion and review of OAC 4757-13-02(B), the committee agreed to a revision of this rule that will state applicants shall have passed the required examination within 5 years and with regard to an expired license, will extended to seven years.

Dr. Gilyard motioned to approve the revision to Ohio Administrative Code 4757-13-02(B) to indicate that applicants shall have passed the required examination within five years of the application date and if the license has expired, the time frame will be seven years. Dr. Jungers seconded. There was no further discussion and the motion passed unanimously.

Additional information was received that a previous revision to OAC 4757-13-02(B) that removed the time frame altogether had been sent to JCARR. It was also noted that this revision could be pulled at the committee's discretion.

After further consideration by the committee it was agreed to proceed with the previous revision that removed the time-frame altogether. In addition, with respect to the license expiration time-frame it was determined this will be evaluated on a case by case basis.

Dr. Gilyard left the meeting at 2:30 p.m.

Dr. Hamm recommended identifying NBCC's policy regarding the time-frame for examinations and consider a revision that will concur with their policy. This will apply to both the examination and license expiration accordingly which is clean, consistent and good rationale. Once more information is gathered from NBCC, this issue will be placed back on the agenda.

Mr. Pickut motioned to vacate the previous motion regarding the examination rule Ohio Administrative Code 4757-13-02(B). Dr. Jungers seconded. There was no further discussion and the motion passed unanimously.

Dr. Hamm informed Mr. Carnahan that the committee agreed to proceed with the previous revision of OAC 4757-13-02(B).

**XI. Recognition of the CSWMFT Board Investigation Department**

The committee extended congratulations to Mr. Bill Hegarty, Ms. Tammy Tingle and Ms. Tracy Hosom of the CSWMFT Board Investigation Department for receiving the annual service award from the OAMFT for their outstanding investigative work.

**X. Planning Meeting 3:30 – 5PM Addams Conference Room**

The planning meeting will include discussions regarding the role of AAG, good moral character, background checks and additional subsequent agenda topics.

Meeting Adjourned.



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Dr. Terri Hamm, Chairperson  
Counselor Professional Standards Committee



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### **State of Ohio Counselor Professional Standards Committee Meeting May 20, 2016**

**Members Present:** Mr. Ryan Pickut, Dr. Matthew Paylo, Dr. Terri Hamm and Dr. Christin Jungers

**Members Absent:** Dr. Oltha Gilyard

**Staff Present:** Ms. Yolanda Berry, Ms. Rena Elliott and Mr. Brian Carnahan

**Visitors Present:** Glenn Karr, Esquire and Sean Gorby, OCA Liaison

Dr. Hamm called the meeting to order at 9:45 a.m.

#### **I. Discussion/Approval of Agenda**

The agenda was amended to include a continuation of the Executive Committee Report from May 19, 2016.

Mr. Pickut motioned to approve the amended agenda. Dr. Paylo seconded. There was no further discussion and the motion passed unanimously.

#### **II. Approval of March 17-18, 2016 Minutes**

Dr. Hamm thanked Ms. Berry for the minutes and Dr. Paylo commented their succinctness.

Mr. Pickut moved to accept the minutes from March 17-18, 2016. Dr. Jungers seconded. There was no further discussion and the motion passed unanimously.

#### **III. Motion to Approve Applicants Licensed by Staff from 3/19/16 – 5/20/16**

Dr. Jungers motioned to approve the licensure of 61 Professional Counselors. Mr. Pickut seconded. There was no further discussion and the motion passed unanimously.

Dr. Paylo motioned to approve the licensure of 46 Professional Clinical Counselors. Mr. Pickut seconded. There was no further discussion and the motion passed unanimously.

#### **IV. Executive Director Report – Mr. Brian Carnahan**

Mr. Carnahan shared updates with respect to the functions of the Executive Board chairperson, the probability of upcoming discussions regarding the election of the Executive Board Chairperson and appointing committee chairs. The statute states that any officer of the Board can hold their position for two consecutive years. Previous practice has been to rotate although this is not stipulated in the statute.

The committee informed Mr. Carnahan that Dr. Matthew Paylo has accepted the nomination for the position of Executive Board Chairperson.

There was discussion with Mr. Carnahan on voting procedures, availability/absenteeism of committee members over the next couple of months and meeting options.

Mr. Carnahan reported on his meeting with Medicaid; billing issues and reimbursement rates. Trainees are not being excluded from reimbursement. There continues to be a reimbursement rate of 85% for all of our licensees and 100% for psychologists and psychologist assistants. Clarifications were made specifically with social workers in terms of social work assistants' services being eligible for billing under the supervisor's independent license, however there are numerous issues that the associations will have to come to terms with.

Mr. Carnahan discussed the Board audit advising that previous issues with processing deposits and reconciling credit card payments have been resolved. A former process was discontinued and reconciliations are performed on a monthly basis. There is currently an extremely rigorous process that will be minimized over time once all applications are on-line.

Mr. Carnahan distributed and discussed information regarding the current budget for 2016 and projected budget for 2017. There were some increased non-recurring expenses, however the Board is on track for the year.

Regarding the 2017 budget, these figures differ due to no encumbrances or expenditures as yet. Projected figures include the anticipated increase in the Executive Director's compensation, compensation for fifteen board members, 6 meetings and travel expenses. The revenue is unchanged as there's stable growth moving forward.

Mr. Carnahan also discussed the Board's current fee structure and the potential for minimal increases in fees. This minimal increase would put the Board in an excellent position for the future and provide an allowance for additional long term investments that would benefit licensees.

Mr. Pickut inquired of the figure that was transferred to the occupational licensing fund for fiscal year 2015. Mr. Carnahan advised that figure was approximately \$160,000 to \$170,000 adding that this year the Board is significantly exceeding this amount.

Mr. Pickut requested that the committee be provided a copy of the budget/financial report at subsequent committee meetings or quarterly. Mr. Carnahan assured that a better report will be provided in the future.

Mr. Carnahan concluded his report.

**V. Application Coordinators Report – Ms. Yolanda Berry and Ms. Rena Elliott**

Ms. Berry reported that there were 300 applications processed which were a combination of Counselor Trainees, Counselor Trainee Extensions and Supervision Designation applications.

Dr. Paylo inquired if a student's only option to renew counselor trainee status was on the actual day of expiration. Ms. Berry indicated that students are able to renew CT status prior to the expiration date which includes a sixty day grace period from the actual end of the term.

Dr. Hamm informed the committee that she received an email from Ms. Elliott that will be utilized as the examination report.

**VI. Old Business**

Old business will be tabled and discussed at a future date.

**VII. Lunch 11:45 a.m. – 12:45 p.m. – Addams Conference Room**

**VIII. Correspondence**

**Ms. Kathleen Kutsko**

Ms. Kutsko is requesting a special review of her qualifications for acceptance as a Licensed Professional Clinical Counselor. She obtained her Professional Counselor license in 1995.

After review and consideration of Ms. Kutsko's request, the committee determined that she be required to obtain two years of clinical experience post-LPC licensure.

**Scott Knapp**

Mr. Knapp has written to the Counselor Professional Standards Committee expressing several ideas regarding counselor and social work student internships and a concern regarding current expectations of internship sites. Mr. Knapp has also requested the committee consider establishing a development committee, a credentialing or certification agencies, an annual award/grant program and screening of current regulations.

After review the committee determined that Mr. Knapp's requests are out of the scope of the Counselor Professional Standards Committee and recommended Mr. Knapp collaborate with OCA regarding his concerns.

Dr. Hamm provided Mr. Sean Gorby, OCA liaison in attendance, with a copy of Mr. Knapp's letter for their review.

**IX. Remediation Plans**

Tina Donovan

Ms. Donovan has attempted to pass the National Clinical Mental Health Counseling Examination (NCMHCE) on three separate occasions. Ms. Donovan is requesting to retake the examination outlining a preparatory plan that includes the purchase and utilization of appropriate materials and attending the preparation workshop in Ohio.

Mr. Pickut motioned to approve the proposed remediation plan of Ms. Donovan. Dr. Paylo seconded. There was no further discussion and the motion passed unanimously.

Robin Heinz

Ms. Heinz has made three unsuccessful attempts to pass the NCMHCE relating difficulty with attention deficit/hyperactivity disorder. Ms. Heinz's is requesting to retake the examination outlining a preparatory plan of utilizing NCMHCE materials and programs such as the NCMHCE Clinical Examination Workshop provided by Jonathan Maletz. This program also provides access to workshop materials for six months.

The committee recommended approval of Ms. Heinz's remediation plan with the suggestion that she request special accommodations (i.e. Extended testing time and a separate room).

Dr. Jungers motioned that Ms. Heinz's remediation plan be approved and also include taking advantage of any available accommodations. Dr. Paylo seconded. There was no further discussion and the motion passed unanimously.

Dana Starks

Ms. Starks has made three unsuccessful attempts to pass the NCE and is requesting approval to attend the NCE review workshop to assist with preparation.

The committee discussed the approval Ms. Stark's remediation plan and strongly recommended the utilization of workshops provided by AATBS which are extremely beneficial.

Mr. Pickut motioned to approve Ms. Starks' remediation plan with the additional recommendation that Ms. Starks strongly consider the recommendation of utilizing AATBS workshops. Dr. Jungers seconded. There was no further discussion and the motion passed unanimously.

**X. Executive Committee Report – Dr. Christin Jungers – Continued From May 19, 2016**

Dr. Jungers reported that Executive Committee had inquired as to the position of the Counselor Professional Standards Committee with respect to the Executive Director's salary. After discussion the committee agreed to the proposed salary increase for the Executive Director and to notify Ms. Knerr accordingly.

Dr. Jungers informed the committee of a discussion in the Executive Committee meeting regarding reviewing and voting on cases where limited information has been provided (i.e. case number and a brief recommendation only) and the concern of liability.

The committee discussed the concerns of limited information, recommendation of cases and liability. Dr. Hamm noted that the Board's Investigation Department is very thorough and have also considered and included her proposed recommendations on cases. Dr. Paylo added that he has reviewed cases without recommendations that were difficult in terms of being time consuming and would have valued recommendations.

Mr. Pickut noted that in terms of client safety if a difficult case were received with no recommendations there would be an inclination to make a less restrictive decision so the case moves forward in processing.

The committee reviewed and processed information from the Planning Committee meeting that was held May 19, 2016 which included discussion regarding the agendas for planning meetings, its purpose and evaluating the effectiveness of this type of meeting.

Meeting Adjourned.



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Dr. Terri Hamm, Chairperson  
Counselor Professional Standards Committee