



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

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### **State of Ohio Counselor Professional Standards Committee Meeting May 21, 2015**

**Members Present:** Matthew Paylo, Mary Venrick, Otha Gilyard, Terri Hamm, and Christin Jungers

**Staff Present:** Brian Carnahan, Bill Hegarty, Tammy Tingle, Tracy Hosom, Rena Elliott and Simeon Frazier

**Guests Present:** Melissa Wilburn, AAG

Hamm called the meeting to order at 10:00 a.m.

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

Jungers added "endorsement" to the agenda.

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

#### **II. Endorsement**

Jungers shared that there is a Texas license that is questioning the rules regarding endorsement. The application suggests that there is no additional testing requirement if one tested for the level of licensure, in their own state, that they desire in Ohio.

Gilyard reported that there was discussion regarding the budget. The budget seems to be alright.

Paylo confirmed that the Texas independent licensure requires the NCE.

Hamm shared that Texas, only, has 1 tier of licensure.

Jungers shared that "4-B" of the rule can share that their examination requirement isn't substantially similar as the rules state. The application may need to be reviewed.

#### **III. Executive Committee**

Hamm shared that Carnahan shared that the Operation Feed campaign was successful. The Board offices should be moved to the Riffe by the end of June '15.

Board member requirements for the CSWMFT are unique and extensive, making it challenging, at times, to fulfill the requirements.

#### **IV. Investigation Report**

A. Hegarty thanked Venrick and Maureen Cooper for serving in the liaison capacity. He, then, passed out the cases for review. He, then, shared the process with Paylo.

##### **1. Reviewed Cases Recommended for Closure**

Venrick moved to close the 5 cases that she reviewed, and the 1 case that Maureen Cooper reviewed.

Venrick's cases included:

- 2014-284 Billing issues. No violation substantiated
- 2015-8 Non-sexual boundaries; Close with strong caution.
- 2015-11 Competency; No violation substantiated.
- 2015-16 Competency; Close with strong caution.
- 2015-27 Mandated reporting; Close with caution.

Cooper's cases included:

- 2015-39 Competency; No violation found.

Jungers seconded. There was no additional discussion as the motion passed, unanimously.

Hegarty shared how to proceed if discipline is recommended, after review.

Hegarty discussed "Endorsement Consent Agreements" sharing that the committee is allowing out of state licensees to practice while supplementing their education, testing, and experiences to meet Ohio requirements.

Since the March '15 board meeting, 9 people were granted licensed via endorsement:

1. Denise James, LPC
2. Judith McCloskey, LPC
3. Keeli Cook, LPCC
4. Megan Hutchens, LPC
5. Allison Regan, LPC
6. Brittany King, LPC
7. Julie Morig, LPC
8. Courtney Goldstein, LPC
9. Heilee Carter, LPCC

Hegarty, then, shared with Paylo, what a Goldman Hearing was.

##### **B. Goldman Cases**

Hegarty discussed a Goldman case

##### **1. Denise Conrad-LPC**

She renewed her license without proof of completing any CEUs.

Jungers moved to discipline the licensee, by revoking her license. Gilyard seconded. There was no further discussion and the motion passed unanimously.

### **C. Proposed Consent Agreements**

#### ***1. Laura Eschelman, LPC***

She is an LPC that engaged in a sexual relationship with a former client, prematurely (5 years) according to the rules.

Venrick moved to, indefinitely, suspend her license for a minimum of 5 years, require health evaluations, and not be allowed to engage in private practice moving forward. Jungers seconded. During the discussion, whereby Gilyard shared that he believed that 5 years was excessive, as far as having to wait before pursuing a relationship with a former client.

Voting "Aye": Paylo, Venrick, Jungers, and Hamm.

Voting "Nay": Gilyard.

The motion passed via majority decision.

#### ***2. John Rehak, LPC***

He is an LPC that was convicted in Ohio of Medicaid fraud (a felony). He offered a permanent surrender of his license. With this, he won't be allowed to apply for any license under the CSWMFT jurisdiction.

Hegarty shared, with the committee, the process of taking a case to a hearing.

Gilyard moved to revoke the license. Jungers seconded. There was no further discussion and the motion passed unanimously.

Gilyard and Hegarty discussed the range of discipline. Gilyard shared that everyone makes mistakes and that they don't always require the revocation of their license.

Hosom shared that less than 20% of the (over) 300 cases that are reviewed each year require revocation as discipline.

Venrick reminded the committee that the job is to protect the public.

#### ***3. Timothy Butler, LPCC***

He violated boundaries.

Gilyard moved that Butler take 6 hours of CEUs, personality disorder training, and enter personal counseling.

Jungers seconded. There was no additional discussion as the motion passed, unanimously.

Gilyard thanked Hegarty for his explanations.

Hosom and Tingle left the meeting at 10:50 a.m.

### **III. Executive Committee (continued)**

Hegarty shared that there is a request to change the dates of the September Board meeting from 9/17/15-9/18/15 to 9/24/15-9/25/15, since MFT board and CLEAR have meetings. Board and staff members wish to attend. The committee is fine with this.

Gilyard shared that, moving forward, he appreciates the consistency of the board's meeting dates, rather than moving the dates around. The committee, mostly, agrees.

## **V. Music Therapy**

HB 184, regarding music therapists, has made the proposal requesting for title protection under a licensed person. They aren't asking to diagnose and treat mental and emotional disorders. If a (non-DX & TX) "Creative Arts" license were able to exist under the supervision of an independent mental health licensee.

### *A. Expressive Art Therapy*

Paylo suggested that there may be concern that they may want to renegotiate their scope of practice, once under the Board's umbrella.

Hamm shared that the way the law would be written could prevent that, particularly, if the scope of practice was listed, similarly, to that of a Bachelors level LSW.

After looking at the description, it appears that it's being presented as a modality/specialization, however, in practice; it seems to be a profession, similar to counselors.

The committee discussed what's good for the counselors as a profession. There was concern that constant political conflict would be a part of the board.

Paylo shared that he appreciates Carnahan working to get on the front end of this.

The committee expressed concern that, if, as a committee, they're saying that they are open to this, they'll have to have good reasons for it. So far, they don't believe that they have any, yet.

They feel that this is a modality and not a profession. If they wanted to be licensed, as counselors, that would be fine.

The committee agreed that there is research that shows that there is value to this. Gilyard shared that, in the school system, there are teachers that do well with their students, and are helpful to the students' growth, but if they want to be a counselor, they must get a counselor degree. The belief is that changing disciplines requires the proper training.

The committee believes that this is a modality, but they could become counselors if they met the requirements for the LPC license.

Paylo read through the scope of their national vision via their national certification board and shared, looking at the full picture, it's likely that they want, ultimately, the full scope of practice for counselors.

Hosom entered at 11:40 a.m.

*B. Conversion Therapy*

The secretary of the Ohio AMFT Board wrote a memo for the CSWMFT board, asking that conversion therapy be banned via SB 74 or any other method to protect citizens (that are minors) in Ohio. There is already a “Black Letter” administrative law that doesn’t require the board to do anything additionally to strengthen it, so it’s (seemingly) already protected.

Additionally, the people (clergy) that are affected are not licensees.

Hamm shared that the code of ethics already covers this.

Paylo confirmed that the counselors don’t have a problem with this. They’ve disciplined 0 licensees about this.

The committee agrees that the board doesn’t need to act on this.

The committee took a break for lunch at noon, and returned at 2:30 p.m.

AAG, Wilburn shared that “Black Letter Law” is a basic principle stating that a statute must exist in order for a rule to be applied. Rule is a recipe to administer the statute. The rule operationalizes the statute.

Gilyard shared that, in lieu of Wilburn’s clarification, that action isn’t required. He agreed that it would be premature to take action.

Carnahan entered at 2:45 p.m.

The committee is in agreement that they should wait to see how this plays out, legislatively, etc.

Wilburn discussed with committees that whether or not something occurs within the context of therapy, they still investigate complaints to look for violations in laws and rules. If they are, they can result in discipline, otherwise, it wouldn’t. They’d look for “standard of care,” etc. The committee believes that, based on their policies, clients seem to be protected.

Paylo shared that, as the committee continues the discussion, it would be prudent to share that they don’t back any non-evidence based practice.

The meeting adjourned at 2:53p.m.

**State of Ohio  
Counselor Professional Standards Committee Meeting  
May 22, 2015**

**Members Present:** Matt Paylo, Mary Venrick, Christin Jungers, Otha Gilyard, and Terri Hamm

**Staff Present:** Brian Carnahan, Bill Hegarty, Tracey Hosom, Rhonda Franklin, and Simeon Frazier

**Guests Present:** None

Hamm called the meeting to order at 9:35 a.m.

**I. Discussion and Approval of Agenda**

Hamm added "Executive Committee Report."

Jungers moved to accept the amended agenda. Paylo seconded. There was no additional discussion and the motion passed unanimously.

**II. Approval of May 2015 Minutes**

Jungers moved to accept the minutes, as presented. Gilyard seconded. There was no additional discussion and the motion passed unanimously.

**III. Executive Committee Report**

Hamm offered an updated.

***A. Medicaid***

Carnahan has been discussing an increase of 35% (to 85%, up from 50%) reimbursement to counselors, beginning October '15.

***B. Length of an hour***

In other committees, discussion is occurring regarding "how to define 1 hour or 1 year. The committee believes that there's a difference between treatment and training.

50 minutes = 1 hour of treatment, but people don't want to accept 45/50/55 minutes of training.

Venrick shared that Medicaid hours include greater than 53 minutes of therapy.

Jungers shared that additional time is spent documenting, bringing work home, etc. as documentation is part of the job, and credit should be received, particularly, since licensees are subject to ethics violations discipline, for not documenting properly. Jungers believes that CACREP doesn't see this as a problem.

Venrick shared that insurance companies may see this as problematic.

The committee agrees to leave this up to the training supervision.

*C. Change in September Board meeting*

The September meeting was changed to the 24<sup>th</sup>-25<sup>th</sup>.

*D. Conversion Therapy*

The Ohio NASW rep. will come to the board meeting, today to present information regarding SB 74 and conversion therapy, giving the board options regarding how they may respond.

They'd prefer the board respond in addition to the bill being passed.

The committee agrees that, since the bill hasn't passed some of this is premature, particularly, since the board is covered by the code of ethics.

Paylo shared that, though, there are strong opinions on the subject, the board isn't in the business of making laws. It must, however, determine what (if any) is the role of the board in this.

Gilyard expressed discomfort that the board is being asked to line up on one side or the other, when the stance isn't required.

Jungers shared that the Code of Ethics is broad enough to not need to take a stand on everything that brings harm to clients.

Hamm shared that it is not the board's role to dictate which theories to choose, and that the code of ethics mandates that counselors not harm clients.

Gilyard shared that the whole thing is "unfortunate, because it seems a tragic situation is being taken advantage of."

The committee believes that the code of ethics mandates that we not harm clients, or use any theory that would harm clients. An additional rule would be redundant

Hegarty entered the room at 10:02 a.m.

*E. Music Therapy*

Discussion surrounded what would be done with "Expressive Therapy." The committee would like to see a bachelors level sub-group (akin to the LSW). If they wanted a masters level license, they would need to choose/upgrade to a Counselor/Social Worker/Marriage & Family Therapist license.

This will not create a "4<sup>th</sup> group," but, at the bachelor's level, it will be a subgroup of the existing 3 levels. The same would exist for Art therapists, or any other expressive therapist.

Hegarty shared that at the end of the day, this will be a legislative issue, which could result in any number of endings, including subgroup or up to, full "4<sup>th</sup> group" licensure with autonomy, etc. based on political clout.

Hegarty shared that if it were to go that direction, the Board would be one of many entities that has "input" on scope of practice, etc. but no control.

**IV. Approval of Counselor License Applications**

**A. LPC**

Jungers moved to license the 55 applicants for the PC license. Venrick seconded. There was no additional discussion and the motion passed unanimously.

**B. LPCC applicants**

Jungers moved to license the 48 applicants. Paylo seconded. There was no additional discussion and the motion passed unanimously.

**V. Counselor Application Coordinator's Report**

Elliott reported that, since the last board meeting, Frazier processed 558 Counselor Trainee/Clinical Resident applications.

**March NCE:**

56 applicants took the exam. 47 passed, 9 were unsuccessful.

**March NCMHCE:**

27 applicants took the exam. 20 passed, 7 were unsuccessful.

Regarding the **April NCE:**

96 applicants took the exam. 84 passed, 12 were unsuccessful.

**April NCMHCE:**

40 applicants took the exam. 27 passed, 13 were unsuccessful.

AMP processed this. This is no longer the case.

There are, now, 7 Ohio sites to sit for the exam.

**VI. CEU Report**

Venrick reported that Broome shared audit results.

There were 516 audits.

Only 1 person didn't complete the necessary CEUs (down from 7-8).

7 failed the audit fee.

18 were sent to investigations.

14 renewed with less than 30 hours (that number is down, also).

Regarding Interactive status:

170 are now inactive.

35 have applications turned in.

There is CE Broker, they have a 1 year pilot program to conduct monthly audit.

They can sign up for free and be exempt from the next round of audits. The fee will be \$29/year.

Regarding the Chemical Dependency board:

They want to have reciprocity with them, regarding CEUs.

Relias Learning has 2 companies. Their management system company has an ongoing list of workshops that can be utilized.

**VII. Old Business**

There was no old business to discuss.

### **VIII. New Business**

- A. Venrick discussed a case where child abuse wasn't reported in a timely manner(2151.421 Reporting child abuse or neglect)  
"Timely manner" is not defined (at least, not well) it was discussed that the urgency matters. Imminent danger vs. not is a consideration.  
Venrick shared that her agency prefers "24 hours," but that isn't defined, nor is any evaluation threshold.  
Hamm shared that if this is done, the board would need to be the one to add it, but it should probably be left up to the professional to determine.

Paylo shared that his training s that, even, without all the facts, with suspicion is what should be done. Though the belief is that agencies should maintain this, they believe that 24 hours is a good rule of thumb.

Paylo also shared that someone that reports "late" should be considered differently than those that didn't report at all.

In the meantime, the committee agreed to leave it as it is.

### **IX. Reciprocity Agreement between Ohio and Kentucky**

Hamm reported that Kentucky entered into an agreement with Tennessee and now seeks an agreement with Ohio.

KY only has 1 exam (NCE). Ohio will still require the NCMHCE for the LPCC. The agreement for the LPC would still be automatic. They will submit the agreement for review in July.

It will be distributed to the committee when it comes in.

The committee agrees that endorsing a different standard is the only way to reach towards portability.

### **X. Rule Changes**

The Committee seems to be fine with the proposed rule changes.

### **XI. Correspondence**

- A. *Robert Kahrl*

The committee agrees that nothing was changed in November regarding the hour requirement, so Rena or Simeon should respond to advise.

### **XII. Remediation Plans**

- A. *Julionne Brown-Little*

She will meet with Kathleen Hylan and take the workshop.

Jungers moved to accept the remediation plan. Gilyard seconded. There was no additional discussion and the motion passed unanimously.

- B. *Candice Shell*

She will take the AATBS program.

Jungers moved to accept the remediation plan. Venrick seconded. There was no additional discussion and the motion passed unanimously.

C. *John K. Waite*

He is not proposing to take training.

Jungers moved to deny his plan as it is insufficient. The committee also recommended taking a study course (they listed AATBS, or something found on the NBCC website, as examples).

XI. Correspondence (continued)

B. *Stephanie Lamb*

She wanted to do home study for all 30 CEUs.

Venrick moved to deny the request as only 15 are permitted by law. Paylo seconded.

There was no additional discussion and the motion passed unanimously.

They also offered a recommendation to go into inactive status and complete 15 hours online, as permitted by law.

C. *Renee Anderson*

She is a PCC-S asking if she may be approved for online CEUs. She would get 49 hours costing > \$1,000. The committee agrees that she can take 15 hours and bank 12 hours.

Venrick moved to deny the request, as rules and regulations allow, only, for 15 online acceptable CEUs and banking 12 hours. Jungers seconded. There was no additional discussion and the motion passed unanimously.

The Meeting Adjourned at **12:25 p.m.**



**Terri Hamm, Counselor Professional Standards Committee, Chair**