



Counselor, Social Worker & Marriage and Family Therapist Board

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State of Ohio Counselor Professional Standards Committee Meeting July 17, 2014

Members Present: Mary Venrick, Otha Gilyard, Terri Hamm, and Maureen Cooper

Staff Present: James Rough, Bill Hegarty, Rhonda Franklin, Tammy Tingle, Tracy Hosom and Simeon Frazier

Guests Present: None

There was a hearing, earlier, in the day. The CPSC Meeting began later than usual, as a result.

Cooper called the meeting to order at 10:40 a.m.

I. Election of New Counselor Professional Standards Committee Chairperson

Gilyard moved that Hamm serve as the new CPSC Chair. Venrick seconded. There was no additional discussion as the motion passed, unanimously.

II. Discussion/Approval of Agenda

Cooper added "CEU Report" and "Investigations."

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

Hamm shared concerns that the CEU work may suffer if Christine Jungers has to, now, do endorsements and reviews, since Hamm is the new chair. She asked that the committee consider replacing her as the CEU committee representative. Venrick volunteered.

III. Executive Committee Report

Cooper reported that the Governor's office was working to fill the MFT vacancy.

The common sense initiative is still being reviewed.

The new licensing system is on course to be active 11/17/14. The CSWMFT board is one of the first boards to try it.

Paylo will present the OCA's view on peer consultation on Friday.

The Supervisor/Supervisee rule review doesn't have a lot of feedback. There was discussion regarding Board member attendance, and there was a reminder that there is an attendance requirement of a minimum of 60% for each committee and board member.

There was a hiring update: Venrick, Gilyard, and Cooper are on the hiring committee. The pool of applicants was down to 7. After the phone interviews, the top 3 candidates will be interviewed in person.

Hegarty entered at 10:55am

Hosom and Tingle entered at 11:00am

IV. Investigations

Hegarty reminded the committee to fulfill their attendance requirements. Venrick was asked to sit in on the Social Worker Professional Standards Committee meeting so they could have quorum, as she's a social worker. Hegarty passed out cases that were reviewed by Venrick and Maureen Cooper.

Venrick moved to close the 7 cases that she reviewed. They included:

- 2013-273 Custody issues. Close with no violation.
- 2014-42 Boundary issues. Closed with no violation.
- 2014-91 Custody issues. Closed with no violation.
- 2014-92 Improper Billing. Closed with strong caution
- 2014-96 Non-Sexual Boundaries. Closed with caution
- 2014-102 Non-Sexual boundaries. Close with Caution and Recommendation.
- 2014-111 Confidentiality. Close with Caution

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

Cooper moved to close the 4 cases that she reviewed. They included:

- 2014-87 Competency. No violation found
- 2014-99 Billing issues. Closed with a caution
- 2014-104 Competency. Close with no violation
- 2014-105 Unlicensed Practice. Close with caution

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

A. Proposed Notice of Hearing 2014-26 Mandy Ervin

Hegarty passed out case 2014-26, outlining that in May '14, the CPSC voted to require an impairment evaluation. The Ervin didn't comply.

Cooper moved to move forward with the notice of opportunity for hearing.

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

B. Consent Agreement for Cynthia Reichley

With this case, the licensee did not secure the father's consent before treating a child.

Venrick moved to move forward with the Consent Agreement. Gilyard seconded. There was no additional discussion as the motion passed, unanimously.

C. Consent Agreement for Gregory Kokosko

This was a case regarding improper supervision. The supervision credential would be suspended for 1 year. After 1 year, it may be reinstated upon request, along with proof of completing 3 hours of pre-approved Supervision based CEUs.

D. Consent Agreement for Martin T. Williams

This was a case where the LPCC was convicted of Medicaid fraud. He will not be able to counsel through the October '14 lapse/expiration of his LPCC license.

Cooper moved to accept the agreement. Gilyard seconded. There was no additional discussion as the motion passed, unanimously.

E. Goldman Review for Ruth Langer

This was a case whereby an audit revealed that her 30 CEUs weren't confirmed.

Cooper moved to revoke the license. Gilyard seconded. There was no additional discussion as the motion passed, unanimously.

F. John Potter

This was a request to modify a consent agreement. He requested to lift the restriction of "No private practice, or functioning as a director of an agency" until June of 2015, and reduce the restriction by 1 year due to his belief that he's engaged in sufficient remorse.

Gilyard moved that the restriction remain in place. Venrick seconded. There was no additional discussion as the motion passed, unanimously.

Hegarty reported that there will be no hearings for September, and that there will be a Counselor Denial Hearing in November.

Hegarty, Hosom, and Tingle left at 11:15

Rough entered at 11:20 and passed out a draft of the Veteran Rule 4757-1-08 (as of 5/23/14)

V. Counselor Trainee issues

A. Applicant I

Applicant received CT status on 2/21/14, but according to personal statement, was convicted of a DUI in April 2014. She states that she had an insulin reaction with blood glucose of < 40, compromising her lucidity. She provided proof of completing an 8 hour class for DUI/DIP, in July '14. The Committee said that if her court documents appear to justify it, per CT coordinator, then CT status may be extended.

B. Applicant II.

Electronic CRC arrived on 4/16/14, but it showed a Hit. Hard copy of FBI arrived 5/22/14; Hard Copy of BCII pending.

Per personal statement and supporting court records, applicant was found guilty of a DUI in 1996. As a 1st time offender, the 120 Day jail term and \$1500 fine was reduced to 1 year probation and \$300.

In 1997, the applicant was indicted for a 1993 federal drug conspiracy charge (Conspiracy to import heroin). On 9/20/02, she pled guilty, and was sentenced to 72 months in federal prison.

The initial Incidents occurred 21 and 18 years ago, respectively. Satisfaction of court requirements occurred 17 and 6 years ago, respectively.

Committee agreed to award CT status. Hamm initialed CT application.

C. Applicant III

Per applicant's personal statement, CRC, and provided court documents, in 2011, the applicant was convicted for "Structuring Transactions to evade reporting requirements." a Class D Felony, according to the US District court of the Northern District of Ohio.

According to the personal statement, he sold a business of his, and withdrew money (\$200,000) in increments of \$9,500, as banks must report to the IRS any cash transaction exceeding \$10,000.

Applicant was placed on 2 years' probation (terminated via a 9/19/13 email from the Courtroom Deputy of the Honorable Jack Zouhary U.S. District Court- Northern District of Ohio; and the termination notice on 9/18/13)

Applicant was fined \$2,000, and a \$100 assessment, and 100 hours of Community service.

Applicant had to forfeit his interest in a boat and a car registered to him. Committee agreed that there are moral character concerns and denied the CT application based on "Felony Criminal Conviction."

D. Applicant IV

Applicant's personal statement revealed a 1979 felony conviction of "Involuntary Manslaughter," resulting from self-defense of a physically abusive spouse. She also revealed a history of drug and alcohol abuse. A phone conversation revealed that the drugs included heroin, and cocaine. She entered into a treatment in programs At Ramar "P.O.P. residential program" for 30 plus days. She returned for aftercare and individual counseling. She stated that she's been committed to recovery since 1998. She is licensed as a nurse, and according to her adjudication order from the Ohio Board of Nursing, her license was reprimanded, for not revealing her criminal history on her nursing application. Court Documents (via Court of Common Pleas journal entry) received 7/16/14. Document confirms offense of "Involuntary Manslaughter", a first degree felony. There was a finding of guilty. Her sentence included incarceration at the Ohio State Reformatory for Women in Marysville, OH for "Not less than four years and not more than the maximum of twenty five years." In the same entry, it was "Further ordered that the said defendant be given credit for all time served," though the applicant shared that she was. The committee agreed to award CT status, once CRC hard copies are received, and are consistent with rest of file.

E. Applicant V.

Applicant answered "No" on question #10 of the CT application, however, the Electronic CRC (received 6/9/14) revealed a hit.

The applicant's personal statement (reinforced by the court document, later, submitted) revealed a March '08 arrest for "Reckless Operation on Street/Highway without due regard" (amended from original charge of "Driving while under the influence of alcohol drugs or combination of them"), as he passed his field sobriety test.

He was found guilty of the minor misdemeanor, sentenced to pay a \$250 fine and court costs, 30 days in jail (27 days suspended), ordered to complete a DIP within 60 days (by 7/7/10), and active probation for 1 year (from 5/3/10-5/3/11) with limited driving privileges (probation fees, etc.).

Applicant completed DIP, court entry reflected as 7/12/14

- Hard copies received 7/17/14, confirmed conviction of "Operate with disregard for safety of persons or property," with a 30 day jail sentence (27 days suspended), 1 year probation, a fine of \$250, and \$108 court costs.

Rough reported that a Counselor Trainee denial could qualify for a hearing, per the rule change taking affect July '14.

The committee continued to work on programs and provider applications until they broke for lunch and the annual planning meeting.

**State of Ohio
Counselor Professional Standards Committee Meeting
July 18, 2014**

Members Present: Mary Venrick, Otha Gilyard, Terri Hamm, and Maureen Cooper

Staff Present: Rena Elliott, Bill Hegarty, Tracey Hosom, Jim Rough and Simeon Frazier

Guests Present: Matt Paylo (OCA)

Venrick called the meeting to order at 9:05 a.m.

I. Approval of Agenda

Paylo's discussion regarding "Peer Consultation" was placed under "Old Business." "Additional CT issues" was added under "New Business."

Cooper moved to accept the amended agenda. Gilyard seconded. There was no additional discussion as the motion passed, unanimously.

II. Approval of May 2014 Minutes

Venrick shared that in the "Approval of March 2014 minutes" section, she was listed as seconding her own motion. The "second" was replaced to reflect Gilyard seconded Venrick's motion.

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

III. Old Business

A. HB 232 Rules

"Fees, Fines, & Inactive Status" changes to be renewed and approved.

1. Regarding Fines: Gilyard moved to accept the changes. Venrick seconded. There was no additional discussion as the motion passed, unanimously.
2. Regarding Fees: Cooper moved to accept the changes. Gilyard seconded. There was no additional discussion as the motion passed, unanimously.
3. Regarding Inactive status: Gilyard moved to accept the changes. Venrick seconded. There was no additional discussion as the motion passed, unanimously.

IV. Counselor Application Coordinator Report

- A. Elliott reported that, since the last board meeting, Frazier processed 612 Counselor Trainee/Clinical Resident, and PCC-S applications. She shared that she sent 90 examination approvals.

V. Licensure Approval

A. LPC License

Gilyard moved to approve the 184 LPC applicants. Venrick seconded. There was no, further, discussion, as the motion passed, unanimously.

B. PCC applicants

Gilyard moved to approve the 72 LPCC applicants. Cooper seconded. There was no, additional discussion, as the motion passed, unanimously.

VI. Old Business

Paylo reported that Dr. Victoria Kress helped define “Peer Consultation” that helped provide context and rationale for LPC inclusion, and action items to move it forward to include it in the All-Ohio and OCA forums.

Gilyard discussed the proposal that OCA, due to its status as a provider, OCA members may receive 3 CEUs. It appeared as it was being presented as though the CEUs would be granted, simply for being a member, particularly, since 3 newsletters are published, with valid and timely articles, but it was made clear that this wasn’t the case.

Cooper shared concerns that the articles may or may not be read. The committee agreed that it may be plausible if, like the ACA, there were a check and balance of a post article exam to indicate readership.

Paylo stated that it’s not written down, but he’s inclined to believe that it would be a free benefit to the members.

Hamm asked if Kress wanted to work with Rough before he as to prepare a draft rule for this.

Cooper shared concerns, separately, that the rest of the Peer Consultation issue is going through the OCA, and this should be able to be approved sans OCA involvement. The concern is that it may be premature to approve a rule must, first, be in place before the proposal should be going through the OCA. Cooper also shared concern that the definition of “Peer Consultation” is too narrow by allowing only one (1) person getting CEU credit for the process. There was discussion whether or not the time should be divided based on how long items are presented versus the subject matter, as it may be more valuable in scope.

She shared that she believes guidelines should be established, but there is a lot of merit in the idea.

Paylo shared that he understands that the board is busy then received confirmation from with the committee that they would be open to proposals and ideas, since the OCA is pushing this externally.

The committee agreed that they were open, and looked forward to seeing the ideas.

VII. Correspondence

Hamm shared concerns that applicants were trying to get approval via correspondence through the board rather than applying, and going through the staff.

A. Colleen Crilley

The documents that were provided documents 12 credits of CEUs and she wants to receive out of state programs approved (via post program approval). The board is fine with the 12 hours of CEUs (post program) and supplying additional 12, as required. They agreed that her experience in Tennessee is fine, but she must secure the “supervision of supervision” by an LPCC-S

Gilyard moved to approve Crilley’s 12 hours, via post program approval, and her Tennessee experience, with the understanding that she must secure the additional 12 hours, as required, and secure the “supervision of supervision” by an LPCC-S.

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

B. Julia Erickenson

Her PhD is in counseling. Her Masters is not in counseling. Her test results are no longer valid. She requests her additional testing requirement be waived.

Gilyard shared that he’d be inclined to waive a request to sit for the test, again, as he considers the intense learning of a PhD to be similar to the exam.

Rough entered at 10:03am

Rough shared that there is also the option of awarding a license under consent agreement, with the usual requirements.

Gilyard moved to award the PC license under consent agreement, provided that she passed the NCE within 6 months. Cooper seconded. There was no, additional discussion, as the motion passed, unanimously.

Cooper moved to enter executive session to review the NBCC exam contract. The committee answered the roll call with “Yes” at 10:13am. The committee exited executive session at 10:20am.

Cooper moved that the Executive Director be empowered to negotiate with the NBCC per the discussion during executive session. Gilyard seconded. There was no, additional discussion, as the motion passed, unanimously.

The committee took a break at 10:21am, and returned from break at 10:27am

C. Jayne Makstaller

The committee shared that they understand that the applicant is wanting additional coursework waived for her 48 hour degree in lieu of her 31 years of experience.

Cooper moved to deny Makstaller's request. Gilyard seconded. There was no, additional discussion, as the motion passed, unanimously.

D. Jennifer J. Mesko-Kimmich

This is a hardship request for supervision.

Gilyard moved to deny the hardship request. Venrick seconded. There was no, additional discussion, as the motion passed, unanimously.

E. Angela Speed

This is a hardship request as Speed is employed by the VA and there isn't a critical mass of supervisors from which to pull.

The committee discussed the scarcity of counselors in the VA with the understanding that the supervisory experience by an LPCC-S secured at the VA would assist in reinforcing the counselor identity.

Cooper moved to allow the supervision of a Neuropsychologist in Speed's current position. Venrick seconded. There was no, additional discussion, as the motion passed, unanimously.

VIII. Executive Director Report

Rough reported that the board appointments are considered. Jungers re-applied, already.

The statute changed to state, more clearly, that the committee will consist of 4 LPCs/LPCCs (2 and 2).

The planning meeting went well.

Rough shared that it was his honor to serve as the executive director.

HB232 rules are out for CSI comment until 7/24/14. He'll get a response and file with JCARR.

The 5 year rule review was sent out for comment. 3 additional rule and veteran rule is included. Supervisory rule will be dropped, as it is not ready.

The website has a "Role making" link.

2014 was ended with an excess in payroll/non-payroll funds. There was an extra \$16,000 in the budget to pay for the health insurance increases (which ended up being "0.")

E-License 2 access is in the office with new system with the current data should be available on 8/6/14.

IX. Correspondence (Continued)

F. Shannon Trueblood

Venrick moved to approve Trueblood's supervisor request. Cooper seconded. There was no, additional discussion, as the motion passed, unanimously.

G. Rachel Oiler

The applicant is requesting that the LISW-S that under whom she's been operating be allowed to serve as her training supervisor.

Cooper moved to empower Frazier to discuss, with the applicant, the agency's involvement (particularly, asking if the agency refused to enter into the agreement for off-site training supervision), and then make a decision., as the board would, otherwise feel inclined to deny as it would, otherwise be considered outside of the committee's practice.

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

X. Counselor Trainee/Clinical Resident Issues (Continued)

H. Applicant 5

The committee agreed to approve the CT status despite the minor misdemeanor.

XI. Remediation Plans

A. David Galik

The applicant is requesting the use of the association for Advanced Training in the Behavioral Science's study package.

Cooper moved to accept this as a sufficient remediation plan for the NCMHCE. Gilyard seconded. There was no, additional discussion, as the motion passed, unanimously.

B. Lori Pyles

The applicant is requesting the use of the NCE review as sufficient remediation. Gilyard moved to approve the request, and added the recommendation to consider, instead, the association for Advanced Training in the Behavioral Science's study package; as it isn't an endorsement, but it appears that it may increase the likelihood of passing. Venrick seconded. There was no, additional discussion, as the motion passed, unanimously.

The Meeting Adjourned at 11:26 a.m.



Terri Hamm, Chair