Counselor, Social Worker & Marriage and Family Therapist Board

50 West Broad Street, Suite 1075
Columbus, Ohio 43215-5919
614-466-0912 & Fax 614-728-7790
http:/cswmft.ohio.gov & cswmft.info@cswb.state.oh.us

State of Ohio
Counselor Professional Standards Committee Meeting
September 24, 2015

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

Staff Present: Brian Carnahan, Tammy Tingle, Tracy Hosom, Patty Miller, Rena Elliott and Simeon Frazier

Guests Present: Glenn Karr, Eric McClelland, LPC ; Cohen, Licensed Psychologist

Hamm called the meeting to order at 9:55 a.m.

I. Discussion/Approval of Agenda

Hamm shared that the agenda seems aggressive, for both days. She, then, conditionally, moved the "Kentucky Reciprocity agreement" to Thursday, if time permits.
The committee confirmed that they will be visited by a Music Therapy contingent, but not the Art Therapy contingent.
Jungers moved to approve the, amended, agenda. Paylo seconded. There was no further discussion, and the motion passed, unanimously.

Carnahan entered at 9:55am, to distribute copies of SB 33, and left at 9:56 am

II. Executive Committee Report

Hamm reported that, regarding reciprocity with the Ohio Chemical Dependency board, the counselors were the only committee to allow the 6 hours to transfer to meet the Counselor requirements. During the November meeting, the Chemical Dependency executive director will visit to discuss what she believes would be appropriate CEUs. At that time, the counselors will revisit their decision to accept the hours.
The committee will meet to discuss Carnahan's evaluation with each other, then with Carnahan.
SB 33's Cultural Competency bill requires a CEU that requires cultural competency. It's a healthcare related bill that included the Counselors & Social Workers, and the board, by name.

The committee believes that this is supported in their code of ethics. They wonder whether or not this is necessary. Additionally, with this bill, "Cultural Competency" is defined by the bill, not by the committee.
Carnahan wants the committees to discuss it to determine whether or not a letter that supports it. Carnahan believes that the legislation should lie in the hands of the committees, rather than a senate bill.
Gilyard confirmed that Charleta Tavares is sponsoring the bill. He shared that he will call her office, to speak with her, personally, to find out why it's being pushed, as he knows her, and is impressed with her. Beneath any political implications, he wants to know that inspires this bill.
Hamm shared that Carnahan requests an answer tomorrow, so the committee will discuss.
Jungers asked what the difference would be between making a statement between this bill, and the "conversion therapy" bill.
Hamm shared that, because the board is named in this bill, if it passes, then it will, directly, affect the board's licensees, whereas that wasn't the case, in the "conversion therapy" bill.
Hamm shared that this isn't a political issue, and she believes that the board should respond to it. She believes that a bill determining training what should be done, rather than the professionals.
Paylo asked where the board ought to stand with respect to making statements of one bill, over another, so the board needs to determine the criteria whereby the board responds to a proposed bill. An example of criteria is whether or not the licensees are directly affected.
Venrick asked the ramifications of us not responding.
The committee shared that Carnahan believes that it gives up position to the legislators, even though this is part of the code of ethics.
Gilyard shared that this is, primarily up to the legislators, so when they vote, if they want to pass it, they will, whether or not the board responds, but this is an opportunity for the board to place its mark on the decision.
The committee believes that the content, the process, and the outcomes have a different political flavor from the "conversion therapy" issue, but Paylo believes that if the board writes a letter, then it will, likely, be used, politically, one way or the other. He believes that it should be revisited whether or not statements about bills should be made by the board. He believes this, in spite of the fact that he read and appreciates/agrees with the bill.

Tingle entered at 10:12am
Hosom entered at 10:15am

Paylo stated that it isn't clear what the role of the board is, in this instance. If the board's role is to make statements, then he has no problem doing this, but, only, if it's within the confines of the role. Currently, he sees that, both, statements shouldn't be made, in order to be consistent, across the board, AND, that this is in the best interest of the profession.

The consensus of the committee appeared to be that statements shouldn't be made in this case, particularly, since they didn't make a statement regarding the "conversion therapy" bill. Picking and choosing is difficult to justify. If the board decides that it is their role to make statements, then it puts them in the middle of political issues that the board shouldn't occupy.
Gilyard shared that he believes that this doesn't seem to be the consensus opinion of all three professional standards committees, and that Carnahan is likely receiving encouragement to pursue it from non-counselors.
The committee is concerned that this will make this a part of their regular practice, making it more political/too political.
They agreed that it is likely that Carnahan is the executive director of the board, so regardless of his stance, what he states will be assigned to all three professions, by default, because he represents all three, simultaneously.

The committee agreed that their report is that responding to this would not be consistent with the stance that they took on the "conversion therapy" bill, so they didn't want to respond.

III. Investigator Report

Tammy Tingle thanked Hamm and Venrick for reviewing cases.

A. Reviewed Cases Recommended for Closure

Hegarty passed out the cases to the Committee that were recommended for closure, since they did not lead to formal discipline.

Venrick shared that 2-3 cases were sent to her, exceeding 130 pages, apiece.
Venrick moved to close the 10 cases that she reviewed.
Cases included:

2015-90 Practice without a license. Close with caution
2015-61 Practice without a license. Close with caution
2015-94 Improper supervision. Close with a caution.
2015-104 Non-Sexual boundaries. Close with strong caution.
2015-118 Competency/custody. No violation found.
2015-119 Competency/custody. No violation found.
2015-132 Competency. No violation found.
2014-133 Competency. Allegation not substantiated
2015-165 Unlicensed Practice. No violation found
2015-178 Possible impairment. No violation found.

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

Hamm moved to close the 6 cases that she reviewed.
Cases included:

2015-59 Record Keeping. Close with caution.
2015-134 Record Keeping. Close-Lack of jurisdiction
2015-143 Records. Allegation not substantiated.
2015-147 Competency-Close-lack of jurisdiction.
2015-166 Competency. Close with caution
2015-167 Competency. Allegation not substantiated.

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

Hamm shared that, though, this is Venrick's last meeting, and another liaison will need to be appointed. Tingle confirmed that she will continue to work as the liaison until she is replaced.

Hosom shared that any of the non-public committee members that may be interested in being a liaison should let Bill Hegarty know.

B. **Goldman Review**
Tingle shared what a "Goldman review" is, and discussed the following Goldman cases:

1. *Abbey Barwick- disc. LPC*
Tingle shared that a complaint of a practitioner didn't pass a breathalyzer at work, suggesting that she was impaired. Additionally, she falsified case notes. She didn't avail herself to a hearing.

Jungers moved to revoke her license due to her audit failure. Gilyard seconded.

2. *Nancy Bubenzer-disc. LPC*
Tingle reported that Bubebzer failed her audit, and falsified her documents, disqualifying her from going into "Inactive Staus."
She didn't avail herself to the appeal process, and didn't request a hearing.

Gilyard moved to revoke her license. Jungers seconded. During the discussion period, Venrick confirmed that with a suspension, he would be able to come back after the suspension period. Hamm confirmed that he opted not to defend himself against the charges. There was no additional discussion, as the motion passed, unanimously.

C. **Proposed Consent Agreements**
1. *Richard Johnson, LPCC*
Licensee is accused of sexually harassing a client. He hasn't confirmed or denied it. He agreed to be monitored for 1 year.

Gilyard moved to accept the consent agreement where her license is surrendered. Jungers seconded. There was no, additional, discussion, as the motion passed, unanimously.

2. *Irene Piwtorak-LPC*
   She falsified time of a group.

   Jungers moved to accept the agreement to be reprimanded, and will submit to complete the board pre-approved online CEU, by MEXH '16
   Gilyard seconded. There was no additional discussion, as the motion passed, unanimously.

3. *Thomas Russell, LPCC*
   He blurred professional boundaries by touching a client. It was done to comfort, but the client didn't like it. The ISP wasn't signed by the client, and was done late.
   Venrick Moved to accept the consent agreement. Gilyard seconded. There was no, additional, discussion, as the motion passed, unanimously.

D. <u>Eugene Burkhammer Request</u>

For the remainder of his professional career, his license was restricted in the past, due to discipline, whereby he's not permitted to counsel clients under the age of 18, individually, or in a family counseling session. He didn't request a hearing, a long time ago. It wasn't fought, back in 2012. Now, he's harmed by it being in his file, so he's requesting the consideration that the restriction be lifted.

Jungers moved to deny his request maintain the current discipline/restriction against the license and the licensee, as there was insufficient evidence suggesting that there has been anything done from a remediation/therapeutic/rehabilitation standpoint to justify it. Venrick Seconded. There was no additional discussion, as the motion passed, unanimously.

E. <u>Licensure Endorsment Consent Agreements</u>

Jungers moved to accept and approve the endorsement consent agreements for the following applicants.

1. *Suzanne Andreyev-LPCC*

2. *Gina Burdett-LPCC*

3. *Amy Chiconas-LPCC*

4. *Chana Hersh-LPCC*

5. *Deborah Klecha-LPCC*

6. *Julie Taltoan-LPCC*

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

II. Executive Committee Report (continued)

Hamm passed out a policy, drafted by Carnahan regarding "Complaints involving Board Members."
Should anything happen in the future, it gives a protocol for what to follow, moving forward.

Hamm, then, passed out a document, drafted by Carnahan, in response to Charlie Knerr request regarding a Conversion Therapy statement, providing options that are available to the board, at any given time.

With this protocol in place, the same, could, be applied to, both, the statements from the previous board meeting, and the current one.

The committee agreed that, without the official protocol, in both cases, option #1 was selected "Status quo: We listen, we wait, we take no action at this time."

Hamm shared that it would be great that the professional association make a statement, and in the meantime, Hegarty would be given the responsibility to respond to the statement, in the context of the protocol issued, and the OCA (or ACA) statement.
Hamm, then discussed the "Draft Rules." She referenced "Old Business" outlining that CR status, and certain supervision restrictions were deleted.
The committee agreed that the 6 limit supervisee be removed from the rule.

Charlie was uncomfortable moving on the statement that was drafted regarding Electronic Delivery of Services, as she doesn't believe that it's, yet, been discussed, enough.
The committee decided to review the draft, and determine whether or not they are in agreement with what is written.
Gilyard shared that it is a very big issue, given the climate of society, and the impact that technology, and particularly social media, have.
The committee agreed that they are fine with the rules, with the exception of the "electronic service delivery," portion, as they'd like more time to discuss it.

IV. Renewal Issues

Franklin shared that a licensee wanted credit for editing a book MFTs and Social Workers said "No."
The same decision was made for a licensee requesting credit for translating a book from Hungarian to English.

Jungers stated that she'd be interested in allowing credit for editing a book, as she's edited 2 books, before, and understands, when done properly, what's involved, and it, in the process, becomes professional development. She also said that an editor is considered an author

Franklin stated that it's not in the law, but authoring is credit worthy.

Paylo stated that he's edited a book, before, and he understands the degree of work involved.

Gilyard and Jungers believed that she should have credit for, both, the chapter that she authored, and the entire book that she edited.

Franklin reminded that credit for a full book is 30 hours. A journal article garners a maximum of 10 hours. She, also, shared that only 10 hours is earned for teaching a college course.

Paylo reminded the committee that the book is self-published, and not published by an academic publisher.

Gilyard suggested no more than half (15 hours), but the committee stated that their position is influenced once they determined that the book wasn't published by an academic publisher, and only the school (Ohio University).

Franklin shared that she has 2 journal articles, and 2 chapters in the book.
They agreed that 10 hours (for editing), and 10 & 10 hours, apiece, for the 2 chapters she authored and co-authored would be appropriate.

V. Supervision Designation when the applicant was awarded an LPCC via consent agreement

Frazier asked how the committee wished him to handle LPCC-S applicants that were awarded their license via consent agreement (discipline vs. coursework). The rules don't currently address that consent agreements in a licensure file doesn't, disqualify eligibility for the credential.

The committee agreed that this would be done on a case by case basis, whereby the coordinator would bring it to a member of the CPSC to make the determination.

At 11:59am, the committee adjourned until 1:30 for lunch.

They returned from lunch at 1:27pm

VI. The Eneagram Center of the Ohio Valley and Mr. Glenn Karr Presentation on Continuing Education Approval

Eric McClelland, PC from Dayton and Cheryl Cohen, Licensed Psychologist passed out a power point presentation (printed) and their bibliography and presented based on the neuro biological basics of their theory, including testable predictions, and meeting the criteria of being useful, that it has depth, and can account for individual differences, etc.
In a 3 fold focus, the methodology comes from mindfulness focus, and sematic practices. They're suggesting that it carries the same type of legitimacy as other practices that are approved by this board.
They refer to it as a "Mindfulness Practice."

Jungers asked of the spiritual assumptions behind this, and how are the clients advised of this. She asked how this is brought to the conversation, in the spirit of being culturally competent.

Cohen shared that it's no more spiritual than the average mindfulness practices.

She also shared that the board's recent denial after 15 years of approval was confusing to them.

Karr passed out a handout that discussed "the evidence based rule."
Jungers shared that it would strengthen their position to include resources that are not, only, in enneagram publications.

They left at 2:00 pm

There was concern that the bibliography included, mostly, enneagram journals and resources, and a lot of the presentation appeared to the committee that they were outlining "mindfulness."

Furthermore, Jungers expressed concern that there was not any mention of how the client will be made aware of the spiritual component to which they'd be introduce, in the practice, in the spirit of full disclosure.

Hosom reminded the committee that this was presented as a tool to use with other practice.

Venrick shared that she'd be alright approving them, as similar items have been approved in the past.

Based on the information presented, Paylo shared that it's grounded in theory, and not as rigorous as he'd like it.

Hosom shared that information that was presented didn't strengthen their position with respect to utilizing it for CEUs for a training.

Patty Miller shared that she'd have to research whether or not the counselors have been approving them, or not.

Hamm and Gilyard left at 2:31pm, for the Executive Committee Meeting to discuss Carnahan's evaluation. After-which, they will be meeting regarding the Music Therapy presentation.

The CPSC, essentially, adjourned for the day at 2:33

State of Ohio
Counselor Professional Standards Committee Meeting
September 25, 2015

Members Present: Matt Paylo, Mary Venrick, Christin Jungers,

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

Guests Present: Ryan Pickut (OCA)

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

I. Discussion and Approval of Agenda

Hamm moved "Reciprocity Agreement with Kentucky to the front"
Jungers moved to accept the amended agenda. Paylo seconded. There was no additional discussion and the motion passed unanimously.

II. Approval of July 2015 Minutes

The change was made to ensure that the typos were adjusted. Additionally, Jungers confirmed that "Conversion Therapy" was what was discussed, rather than the typo that was listed.
Venrick moved to accept the minutes, as amended. Jungers seconded. There was no additional discussion and the motion passed unanimously.

III. Executive Director Report

Carnahan shared that there was no response to the Ennegram presentation required. The music therapy presentation took place.
The removal of the Clinical Residency has occurred without much backlash.
In the Ohio rules, there is a requirement for counselors to have a B- or higher in a core program, but it isn't a CACREP requirement. In a couple of programs, with respect to endorsement, this could, potentially, be an issue. Carnahan suggested that the other disciplines don't have the requirement, but more so that, the recommendation is to remove it to remain consistent with CACREP. He stated that the board still, ought, to look at transcripts, and look for trends, but it would probably be better.
Hamm shared that her recollection of the discussion was that they were fairly strong with their desire to keep the B- requirement. Jungers shared that there was a benefit that she saw to keeping it. Carnahan asked the committee, and they agreed that the student struggling to make that grade is the same student profile that struggles to pass the licensure exam.
After discussion, the committee believed that passing the exam shows mastery of the content. They wish to be consistent, though; they understand that, if they take it out, then universities won't automatically feel compelled to accommodate their policy.
Elliott believes that most schools in Ohio abide by the Ohio rule, which is based in CACREP.
Hosom shared that the board bases licensure of minimal competency based on the degree, the exam, and experience. She believes that the school should be the entity that determines whether or not you get their degree.
Paylo believes that there should be some responsibility on the university to vet to involve them more in the licensure process.
It was shared that with respect to backgrounds of applicants, the board can't/won't guarantee a result, but offenses against children, the elderly, and of a sexual nature are weighed more heavily.
Hamm shared that due diligence in admissions often varies between state universities and private universities. Her concern is that when the board lowers standards, then it would possibly adversely affect the prospects of quality entrants into the profession when filtered by universities with lesser expectations in their due diligence. The committee agreed to table the decision regarding whether or not anything will be changed. In the meantime, the rule is still on the books, and will be adhered to, accordingly.

IV. Old Business

A. Reciprocity agreement with Kentucky

The question was asked regarding a licensee that has a non-CACREP reciprocity agreement with Kentucky, and then wanted to get licensed in Ohio.
Without the board requiring disclosure, there is no way to identify two-tiered reciprocity.
Venrick shared that it was unlikely that it would frequently occur.
Paylo shared that there will be layered complications to this, as more states will be involved.
Jungers shared that as this evolves, no group will get all that they want, but it only occurs when similar compromises are made. She also shared that credibility to the profession is given when base qualifications are met.
Carnahan reminded the committee that the "5 year" requirement would be moved. He proposed that there should be some standard of practicing in KY via reciprocity for an agreed upon amount of time, to prevent people circumventing Ohio requirements by quickly getting licensed in KY, and turning that around to a prompt Ohio application. With a track record of practice, then there is another avenue to vet. By making the CACREP requirement valid, then the course review may be an avenue for filtering.
Carnahan shared that Virginia was interested in signing a reciprocity agreement with TN and KY. They are not, yet, CACREP, but they (VA) are considering it. With the proposal, it would be a reasonable vetting for any cross-boarding applicant.
Paylo asked how OCA would receive this. Hamm believed that giving a little would be understood as a part of the process.
The belief is that, at a point, the practice would be a matter of consideration.
Hamm shared that there is a compromise that would occur. Until standards are changed, then reciprocity agreements will not occur between VA or TN, but through KY as a filter.
Paylo confirmed that, for reciprocity purposes that the 2 year experience piece is considered, but they would, otherwise, be treated as Ohio residential applicants.
Jungers moved to accept the reciprocity agreement with Kentucky with the recommended change, being that a two-tiered reciprocity applicant (applicant from a state other than KY) that has a reciprocal agreement with KY, would need to have practiced for a minimum of 2 years in the state with whom they are connected with for reciprocity KY original applicants would be approved immediately. Two tiered applicants would need to meet the additional 2 year requirement. Venrick seconded. There was no additional discussion as the motion passed, unanimously.

Carnahan left at 10:31am

B. Enneagram Discussion/Decision

The committee believed that, based on the material presented, there wasn't sufficient cause to change their position on rejecting their program.
Paylo moved to uphold their denial as they saw no sufficient cause based on their presentation, and the included material, that it was base in theory was limited, and that supporting evidence was tangential.
Jungers seconded. There was no further discussion as the motion passed, unanimously.

C. **Rule Changes**

I. 4757-5-02-G(1)(2)

The social workers found some inconsistencies. Under #2, MFTs aren't listed. Under #1, it discusses that sexual orientation, gender identity etc. is under #2, but not under #1. Those corrections will be made by Carnahan, so it is consistent in both paragraphs. The vote on the rule changes (with exception of electronic service delivery) will be done in the full board meeting.

D. Outstanding Old Business items for November '15 meeting

1. B- issue
2. Advanced Testing

V. Approval of Counselor License Applications

A. LPC

Venrick moved to license the 190 applicants for the PC license. Jungers seconded. There was no additional discussion and the motion passed unanimously.

B. LPCC applicants

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

C. Counselor Application Coordinator's Report

Frazier reported that, since the last board meeting; he processed 800 Counselor Trainee/Clinical Resident applications.

VI. Correspondence

1. American Association of State Counseling Boards- Dr. Susan Hammonds-White and Dr. Robert Smith

The committee shared that Ohio matches the recommendation, but Ohio has 2 tiers of licensure, and needs to know what the AASCB proposes for states with 2 tiers.
To identify as an LPC for the independent practitioner, in Ohio, the licensees loses credibility.
The committee will forward this to Carnahan for a response.

2. ***AASCB- Ms. Karen Enegess***
   The committee agreed that endorsements will be qualified as being licensed, and having accumulated 5 years of experience, with the understanding that there is a point whereby experience considered strongly, in lieu of some courses missing on the licensee's transcript. Beyond the sufficient experience, the educational component was valued the strongest. Moving forward, Out of state licensed applicants with less than 5 years of experience will be reviewed separately, and case-by-case, subjected to course review.
   The committee is instructing Carnahan that they are alright with the spirit of the AASCB requests. They'll discuss how to handle the testing class with regard whether or not to relent it, and whether or not it will be considered to be foundational, since CACREP accreditation became the standard.

3. ***Mr. William DePieore-FYI***
   The committee received the correspondence, but will not change their stance.

4. ***Ms. Vlencia Dickerson***
   The committee agreed to share with her that, going through Ohio, the committee is holding steadfast to the B- requirement that exists.

5. ***Ms. Sheri Eisengart***
   The committee shared that there are more expensive options, but there are also less expensive options, so those should be pursued.

6. ***Counselor Leter***
   A group of counselors are concerned that the standards have been lowered by some of the changes the committee has made. The committee appreciates their concerns. The committee suggests that the counselor should refer to previous minutes to discover the rationale behind some of the changes. It is also recommended that the counselors may accrue as many supervision hours that they wish for additional professional development.

7. ***Ms. Randi Motz***
   The applicant is requesting that hours earned in a PhD Psychology program, pre-PC, be qualified for the PCC requirement. The committee will not agree to do this.

Venrick shared that they discussed Human Trafficking, the CEU Broker program, and the renewal letters. There were 800 PC letters that didn't reach their destinations. They will be re-sent. Those that ask for extensions to complete CEUs a number of times, adjustments can be made.

VII. Remediation Plan

A. Kimberley D. Hart-Ogburn

The committee accepts her remediation plan. In addition to this, they share with her that the Association for Advanced Training in the Behavioral Sciences NCE & NCMHCE study Packages have proven to be helpful to other students.

The Meeting Adjourned at **11:45 p.m.**

_____

Terri Hamm, Counselor Professional Standards Committee, Chair