



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

ADJUDICATION ORDER

in the Matter of:

Merle J. Rhodes
3946 Darcie Drive
Zanesville, OH 43701

IN THE MATTER OF THE ELIGIBILITY OF MERLE J. RHODES TO MAINTAIN LICENSURE AS A PROFESSIONAL CLINICAL COUNELOR IN THE STATE OF OHIO.

THE MATTER OF MERLE J. RHODES CAME BEFORE THE COUNSELOR PROFESSIONAL STANDARDS COMMITTEE OF THE OHIO COUNSELOR, SOCIAL WORKER, AND MARRIAGE AND FAMILY THERAPIST BOARD ON MARCH 20, 2008.

This matter came for consideration after a Notice of Opportunity for Hearing was issued to Merle J. Rhodes by the Counselor, Social Worker, and Marriage and Family Therapist Board on May 19, 2007. An administrative hearing was held on November 26, 2007, at 9:00 a.m. and reconvened on December 18, 2007, in the offices of the Ohio Counselor, Social Worker, and Marriage and Family Therapist Board, 50 West Broad Street, Columbus, Ohio 43215, pursuant to Chapter 119 and Section 4757 of the Ohio Revised Code. The State was represented by Assistant Attorney General Peter R. Casey, IV. Merle J. Rhodes was present and represented by counsel, William Walker.

State's Exhibits

1. Notice of Opportunity for Hearing dated May 19, 2007, to Mr. Rhodes
2. Letter dated June 13, 2007, to the Board from Mr. Walker requesting a hearing.
3. Letter dated June 16, 2007, from the Board to Mr. Walker scheduling an administrative hearing and then continuing said hearing.

- 4a. Letter dated October 3, 2007, from the Board to Mr. Walker scheduling an administrative hearing for November 26, 2007.
- 4b. Letter dated October 30, 2007, from the Board to Mr. Walker scheduling an administrative hearing for November 26, 2007.
5. Typed statement signed by Brian Wik and Melissa Vance dated November 29, 2005
6. Letter dated December 19, 2005, from Ross County Job and Family Services
7. Letter dated December 23, 2005, from Hocking Valley Community Residential Center to Jeff Rhodes
8. Letter dated January 10, 2006, from Hocking Valley Community Residential Center to the Board
9. Letter dated June 27, 2007, from the Board to Charles Campbell regarding expert witness services.
10. Resume of Charles E. Campbell, LPCC
11. Letter dated July 16, 2007 from Charles Campbell to the Board
12. Typed statement prepared by Merle Rhodes
13. State of Ohio's closing argument

Respondent's Exhibits

- A. Copy of Mr. Rhodes' Licensed Professional Clinical Counselor certificate
- B. Copy of Mr. Rhodes Supervising Counselor certificate
- C. Respondents' Hearing Memorandum dated November 26, 2007
- D. Respondent's Objection and Motion in Limine to Exclude Unsworn Testimonial Hearsay dated November 26, 2007
- E. Licensee's Post-Hearing Brief dated January 28, 2008

FINDINGS, ORDER, AND JOURNAL ENTRY

The Counselor Professional Standards Committee has reviewed the Hearing Officer Report and Recommendations prepared in this case following the administrative hearing. The Committee also reviewed the objections to the Hearing Officer Report and Recommendations filed by Mr. Walker. The evidence was made available to the Committee to review. The Committee finds that Mr. Rhodes violated Ohio Revised Code Section 4757.36(A)(1) and Ohio Administrative Code Sections 4757-5-01(B)(1)(b) and 4757-11-01(C)(20) since Mr. Rhodes did not maintain the appropriate standards of care expected of a licensed professional clinical counselor. The Committee accepts the Findings of Fact and Conclusions of Law presented in the Hearing Officer Report and Recommendations in their entirety. Due to the facts of the case, including that this case involved a minor, was at a residential facility that provided therapeutic mental health services and the importance of professionalism expected of a licensed professional clinical counselor, the Committee modifies the Recommended Order of the Hearing Officer Report and Recommendations by the following:

The Committee Orders the following with regard to Mr. Rhodes' license to practice clinical counseling (E-0001268):

1. Mr. Rhodes' license to practice counseling is suspended for one year beginning April 1, 2008, through March 31, 2009. Mr. Rhodes is responsible for all licensure renewal obligations during this period of time.
2. After Mr. Rhodes serves his suspension and returns to work as a counselor, he must receive face-to face supervision, by an individual pre-approved by the Board, in writing, one-hour every week for a period of 2 years. Mr. Rhodes should not select a supervisor with which he has a prior relationship. If any previous relationship with the supervisor exists, Mr. Rhodes must provide full disclosure of such a relationship in the request for supervisor approval. The 2-year supervision period will not begin until Mr. Rhodes' supervisor is approved. Supervision should focus on, but not limited to, Mr. Rhodes' role in professional relationships and ethical decision-making. Mr. Rhodes' supervisor is required to submit a report to the Board, quarterly, detailing topics discussed during supervision sessions, areas of concern, and areas for improvement. At the end of the 2-year supervised period, Mr. Rhodes' supervisor will make a final report encompassing the 2 years of supervision. If Mr. Rhodes' supervisor is concerned with Mr. Rhodes' practice at any time the Board should be notified immediately. It is Mr. Rhodes' responsibility to ensure that the Board receives the supervisor's reports. All costs associated with the supervision are at the expense of Mr. Rhodes.

3. Mr. Rhodes' supervision credential is suspended during the time of his suspension and supervision. At the end of the supervised period of time, Mr. Rhodes may re-apply for the supervision credential.

This ORDER was approved by unanimous vote of the Members of the Committee who voted on this case. Dr. Susan Huss recused herself from the vote and did not participate in any discussion of the case.

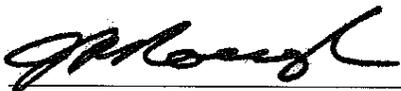
Motion carried by order of the Social Worker Professional Standards Committee of the Ohio Counselor, Social Worker, and Marriage and Family Therapist Board.

APPEAL RIGHTS

Under the provisions of Ohio Revised Code Section 119.12, any party adversely affected by an order of an agency issued pursuant to an adjudication denying an applicant admission to an examination, or denying the issuance or renewal of a license or registration of a license, or revoking or suspending a license, may appeal from the order of the agency to the court of common pleas of the county in which the place of business of the licensee is located or the county in which the licensee is a resident. If any such party is not a resident of and has no place of business in Ohio, the party may appeal to the court of common pleas of Franklin County

This *Order* may be appealed in accordance with Section 119.12 of the Ohio Revised Code by filing the original Notice of Appeal with the Ohio Counselor, Social Worker, and Marriage and Family Therapy Board, 50 West Broad Street, Suite 1075, Columbus, Ohio 43215, and also a copy of that Notice of Appeal with the Court of Common Pleas in the county of the party's place of business, or in the county in which the party is a resident. The Notice of Appeal shall set forth the Order appealed from and the grounds of the Party's appeal. Such Notice of Appeal and copy shall be filed and must be delivered within fifteen (15) days after the mailing of this *Adjudication Order*.

By Order of the State of Ohio Counselor, Social Worker, and Marriage and Family Therapist Board.



James R. Rough, Executive Director

3/21/08
Date

Certified Mail Receipt #7005 1160 0004 7285 5469 – Mr. Rhodes
Certified Mail Receipt #7005 1160 0004 7285 5452 – Mr. Walker