



COPY

**STATE OF OHIO
COUNSELOR AND SOCIAL WORKER BOARD**

ADJUDICATION ORDER
in the Matter of:

Isaac Howard
4142 Pompton Court
Dayton, Ohio 45405

IN THE MATTER OF THE ELIGIBILITY OF ISAAC HOWARD TO BE LICENSED AS
A SOCIAL WORKER IN THE STATE OF OHIO.

THE MATTER OF ISAAC HOWARD CAME BEFORE THE OHIO COUNSELOR AND
SOCIAL WORKER BOARD AT ITS MARCH 1998 MEETING.

FINDINGS, ORDER, AND JOURNAL ENTRY

This matter came for consideration after a Notice of Opportunity for Hearing was issued to Isaac Howard by the Ohio Counselor and Social Worker Board on July 22, 1997. An administrative hearing was held on December 11, 1997, at 10:20 a.m. in the offices of the Ohio Counselor and Social Worker Board, 77 S. High Street, Columbus, Ohio 43266, pursuant to Chapters 119 and 4757 of the Ohio Revised Code. The State was represented by Assistant Attorney General Jonathan M. Bowman. Isaac Howard was present and represented himself.

The Board has reviewed the Hearing Officer Report and Recommendations prepared in this case following the administrative hearing, and submitted to the Board on December 11, 1997. The Board adopts in their entirety the Findings of Fact and Conclusions of Law. A copy of the Hearing Officer Report and Recommendations is attached to this Adjudication Order.

THEREFORE, it is hereby ORDERED that for the reasons outlined in this ORDER and in the attached Hearing Officer Report and Recommendations which is hereby incorporated, by reference, into this ORDER, the license of Isaac Howard (S-15008) to practice as a Social Worker in the State of Ohio is

1. Suspended for a minimum of six (6) months in order for HOWARD to receive therapy. HOWARD must enter therapy with a mental health practitioner, at his own expense and pre-approved by the BOARD, for a minimum of twelve (12) sessions. HOWARD's license is suspended during the period of the therapy and remains suspended for a minimum of six months.

2. HOWARD's mental health practitioner will provide written evaluations after the sixth and twelfth sessions. Such evaluations will be sent directly to the BOARD's Investigative Supervisor at the BOARD offices. The evaluations will focus on HOWARD's ability to practice as a social worker, including boundaries and stress and anger management.

3. At the conclusion of HOWARD's therapy and after the BOARD reviews the evaluations, the BOARD will reevaluate HOWARD's ability to practice social work and determine what restrictions, if any, should be placed on HOWARD's social worker license.

This ORDER was approved by unanimous vote of the Members of the Board who reviewed this case.

Motion carried by order of the Counselor and Social Worker Board.

It is hereby certified by this Board that the above language is incorporated into the BOARD's journal in this matter.

APPEAL RIGHTS

Pursuant to Section 119.12 of the Ohio Revised Code, you may appeal from this Order. Such an appeal may be taken to the court of common pleas in the county in which your place of business is located or to the court in the county in which you reside. If you do not have a place of business in Ohio and are not a resident of Ohio, you may appeal to the Court of Common Pleas in Franklin County, Ohio.

Such an appeal, setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of a Notice of Appeal with the State of Ohio Counselor and Social Worker Board and the appropriate Court within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

By Order of the State of Ohio Counselor and Social Worker Board.



Robert Moore, Chair
Ohio Counselor and Social Worker Board

STATE OF OHIO

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COUNSELOR AND SOCIAL WORKER BOARD

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COUNSELOR AND SOCIAL
WORKER BOARD

IN THE MATTER OF THE
LICENSURE OF

Isaac Howard

REPORT AND RECOMMENDATION OF
HEARING EXAMINER

AS A SOCIAL WORKER
IN THE STATE OF OHIO

January 26, 1998

FOR THE APPLICANT:

Isaac Howard

HEARING EXAMINER:

Ronda S. Shamansky
245 East Gay Street
Columbus, Ohio 43215-3210
614/224-9078

FOR THE BOARD:

Jonathan M. Bowman
Assistant Attorney General
Health & Human Services Section
30 E. Broad St., 26th Floor
Columbus, Ohio 43215
614/466-8600

FINDINGS OF FACT:

1. The hearing on this matter was held on Thursday, December 11, 1997 commencing at 10:20 a.m. in the offices of the Counselor and Social Worker Board, 77 South High Street, Columbus, Ohio. The Board was represented by Jonathan Bowman. The licensee, Isaac Howard, represented himself. The hearing allowed the opportunity for direct and cross examination of witnesses, the submission of documents, and for arguments to be made.
2. The Board has proposed disciplinary action against Mr. Howard's social worker license for alleged violations of the Ohio Revised Code pertaining to the practice of social work, and for alleged violations of the Code of Ethics of the National Association of Social Workers, adopted by the Ohio Board at Rule 4757-21-01(B) of the Ohio Administrative Code. The Board contends that these violations stem from Mr. Howard's alleged physical abuse of a child under his care as a social worker. Specifically, the Board alleges that Mr. Howard violated Paragraph II(G)(3) of the Code of Ethics of the National Association of Social Workers, incorporated into the Ohio Rules at 4757-21-01. That paragraph provides that the social worker should not engage in any action that violates or diminishes the civil or legal rights of clients. R.C. 4757.13(A), recently renumbered as 4757.36(A)(1), gives the Board the authority to revoke, suspend, or place restrictions on a person's license for any violation of the laws or rules governing social work.

The Board notified Mr. Howard of its intention to take action against his license through its Notice of Opportunity for Hearing dated July 22, 1997. State's Exhibit 3. Mr. Howard made a timely request for a hearing through his letter dated August 15, 1997. State's Exhibit 4. Mr. Howard was given notice of the initial hearing date, notice of a continuance of that date, and notice of the hearing ultimately held on December 11, 1997. State's Exhibits 5, 6.

3. At the hearing, the State called witnesses who testified about their knowledge of Mr. Howard's alleged physical attack on Randy McGhee, a 14-year old boy who was assigned to him for therapy. None of the State's witnesses actually witnessed the event, but as coworkers and

supervisors, they were involved in the investigation and aftermath of the incident. The following paragraphs will summarize the testimony from the various witnesses who testified.

4. On February 10, 1997, Isaac Howard was employed as a social worker at Grant Learning Center, a school for severely behaviorally handicapped ("SBH") children in Centerville, Ohio. Grant Learning Center is operated by South Community, Inc., serving grades K-12. (Tr. p. 13) The children who attend this school are those whose emotional or behavioral problems prevent them from being in a mainstream public school setting. (Tr. p. 13) The school's goal is the reintegration of each child back into his or her home school. Only those children whose problems are too severe for them to function in a mainstream school setting graduate from this program. Most are successfully reintegrated into their home school districts. (Tr. p. 15)
5. Each child at Grant Learning Center is assigned an individual therapist, and one of the students assigned to Mr. Howard was Randy McGhee, a 14 year old boy. (Tr. p. 18) From the testimony of the witnesses, Randy appears to have been a particularly challenging student to work with. He had had problems controlling aggressive behavior, and had been reduced to half days because of his behavior problems. (Tr. pp. 33, 38).
6. On February 10, 1997, Mr. Howard found Randy "out of area," in the school's mental health office, pulling out file drawers at a time when he should have been in class. (Tr. p. 17) Mr. Howard redirected Randy out into the hall, and Randy spat in his face. (Tr. p. 17, State's Exhibit 10) In some documents, it is reported that the student also pushed Mr. Howard and made vulgar remarks. (State's Exhibits 11, 13, 17). Notably, in the report made by Lesley Keown immediately following her interview of the student, she notes that the student himself acknowledged pushing Mr. Howard. (State's Exhibit 13, p. 3) At that point, Mr. Howard admits that he "lost it," and either pushed or hit the student. (State's Exhibits 10, 11, Tr. pp. 17, 67) Mr. Howard claims that the incident happened so quickly that he cannot clearly recollect exactly what happened, except that he acknowledges hitting and/or pushing the student. (State's Exhibit 13)

7. Randy sustained an injury, a cut with heavy bleeding requiring 15 stitches, running along the point where his left ear attaches to his head. (Tr. p. 58, State's Exhibit 1) There is some conflicting information over exactly how large a wound this was, but most reports indicate that it measured between one inch and one and a quarter inches in length. (Tr. pp. 59-60, State's Exhibit 8) There is also controversy over exactly what caused the injury. Administrative assistant Beth Brink testified that she spoke with Randy shortly after the incident, and although he told her that Mr. Howard had hit him and choked him, he could not remember specifically how his ear got cut. (Tr. p. 55, 58, State's Exhibit 15) There was a suggestion at one point during the testimony that perhaps Randy had fallen against some lockers that were in the hall, and that that could have caused the cut. However, this was not substantiated by testimony of anyone who saw the incident.

8. The details of the altercation remain vague. None of the State's witnesses actually saw the incident, and Randy gave several different descriptions of how the incident occurred in the various interviews conducted of him by police and school officials. Randy reported to Lesley Keown that Mr. Howard had "grabbed his neck, pulled him out of the office, hit him, and kned him in the head." (State's Exhibit 13) He told Peg Rinaldi, the school's educational supervisor, that Mr. Howard had "strangled, hit, and pushed him against a wall." (Tr. p. 27, State's Exhibit 14) He told Beth Brink that Mr. Howard had "grabbed him by the throat, hit him in the head with his fist, kicked him, and shoved him into the wall." (State's Exhibit 15) He told the police that Mr. Howard "put him in a headlock and began punching him with a closed fist." (State's Exhibit 17) All of these different explanations appear to have been given within several hours of each other.

9. Mr. Howard's supervisor, Lesley Keown, was informed of the incident as she returned to the school that day, just after it occurred. (Tr. p. 16) She testified that she first checked that the student was safe, then talked with Mr. Howard, who acknowledged that he "lost it." (Tr. pp. 16-17) Ms. Keown testified at the hearing that because

many SBH clients can be physically aggressive, all employees at Grant receive special training in nonviolent crisis prevention. (Tr. pp. 22-23) They learn single-person restraint holds, as well as "team control" restraint of an aggressive client. (Tr. pp. 22-23) Ms. Keown testified that Mr. Howard had completed the required training as of December 1, 1996, and that he had been trained in techniques that he could have used to de-escalate this crisis. (Tr. pp. 24-25) She testified that Mr. Howard could have shouted for help from another team member, since he was in an area where there are classrooms and where another team member could have come quickly to his assistance. (Tr. pp. 25-26) Likewise, he could have realized that his frustration level was too high and simply left the situation, asking another team member to handle it instead. (Tr. pp. 25-27)

10. After speaking with Mr. Howard, Ms. Keown then called her supervisor, Dianne Herman, and requested that she come to the school. (Tr. pp. 16-17.) Ms. Herman did come to the school, and together they interviewed both parties, made a report to Children's Services, and reported the incident to the police at the request of Randy's mother. (Tr. pp. 65-67, 22) Mr. Howard was placed on investigatory suspension from his employment that same day, and at Ms. Herman's recommendation, he was subsequently terminated from his employment. (Tr. pp. 22, 76, State's Exhibit 11) Randy's only permanent injury is a small scar along his head where his ear attaches. (Tr. pp. 37-38) However, Ms. Keown did testify that this event had a negative impact on the school's ability to make its students feel safe, particularly with respect to Randy McGhee and two other students who witnessed the incident. (Tr. pp. 31-32.)

DISCUSSION

Although the details of the incident are vague, there is no question that Isaac Howard physically abused his client, Randy McGhee, and that to do so was a violation of the Code of Ethics. For this reason, the Board has full authority to take whatever action it deems appropriate against his license, including revocation. There is also no question that Mr. Howard's physical assault on this student was a very serious mistake, and that some kind of disciplinary action should be taken against his license. However, I am persuaded to believe that this was, as Mr. Howard described it in his opening statement, "an aberration," and for this reason, I am inclined to

recommend some action less severe than the permanent revocation of his license. (Tr. p. 12) Mr. Howard testified that in his ten years of experience in counseling children, individuals, and families, this was "the first and only time I ever lost control." (Tr. p. 84) Lesley Keown testified that she had no knowledge of Mr. Howard's having been physically aggressive with any other client, and Dianne Herman testified that this incident seemed "otherwise out of character for Mr. Howard." (Tr. pp. 46, 81)

To his credit, Mr. Howard has taken full responsibility for this serious mistake ever since it occurred. He has never tried to fabricate a claim of self-defense or deny personal responsibility for it, even though the student himself acknowledged pushing Mr. Howard in the report given to Leslie Keown. (State's Exhibit 13, p. 3) Mr. Howard testified during the hearing that he was under great emotional stress at the time this incident occurred, although he fully acknowledges that this does not excuse his inappropriate response. (Tr. p. 84) I think this testimony is worth summarizing only because it lends weight to the conclusion that this incident is a one-time occurrence that probably would not have happened absent the unusually stressful events going on in Mr. Howard's life at that time. Mr. Howard testified that his three-month old granddaughter had recently died, and that his daughter was scheduled to leave to serve in the Air Force the next day after the altercation. (Tr. p. 84) Moreover, there was testimony that Mr. Howard had been with this particular student for several hours that day, and that this student had such severe problems that he had been reduced to a half-day schedule. (Tr. pp. 67-68, 38) These facts in no way justify Mr. Howard's behavior; however, I believe they may show that on that day, many factors came together at an inopportune time to produce a very tragic mistake. Mr. Howard testified that he has regretted this incident since the day it happened, and I believe that his remorse is sincere. (Tr. p. 85) According to Mr. Howard's testimony, following the incident, he voluntarily began counseling, and continued it until April 1997. (Tr. p. 84)

I found the testimony of Dianne Herman very balanced and compelling. Although she was the person who recommended Mr. Howard's termination because of this incident, she admitted that "generally, . . . he's a good therapist." (Tr. p. 80) She added that Mr. Howard has very good diagnostic skills, that he can clinically assess a situation and render a valid DSM-IV diagnosis, and that "his clinical judgments are typically right on target." (Tr. pp. 79-80) Because he appears to be an otherwise skilled social worker, and because I do not believe anything like this will ever happen again in his

career, I am not inclined to recommend that the Board revoke his license permanently.

This is a case where the Board is by far the most appropriate body to determine what penalty is called for. Those Board members who are experts in social work may very well find that because Mr. Howard was specially trained to deal with very troubled clients like Randy McGhee, his conduct was so egregious as to mandate the revocation of his license. However, as a layperson, I would recommend that the Board suspend Mr. Howard's license for a period of perhaps six months. Although that may not seem like a very long time when compared to revocation, it could be compared to a fine amounting to half of his yearly salary. During the time that Mr. Howard's license is suspended, I would recommend that the Board enter into an agreement with Mr. Howard whereby as a condition of getting his license reinstated, he must get additional counseling and undergo an evaluation of his emotional fitness to practice by a therapist of the Board's choosing. Only after being assured of his fitness to practice would the Board reinstate his license. Moreover, because Mr. Howard admitted that he found SBH clients far more difficult to work with than any other clients, and because R.C. Section 4757.36(A) does give the Board the authority to "restrict" a license, I would recommend that Mr. Howard's license be restricted to individual and family therapy not involving children with the same kind of problems as the SBH students at Grant. The Board, in its discretion, may choose to go further and restrict his license to practicing with adult clients only.

CONCLUSION OF LAW

I conclude that Mr. Howard violated Section II(G)(3) of the Code of Ethics of the National Association of Social Workers, adopted by the Ohio Board at Rule 4757-21-01, and that R.C. 4757.13 (now renumbered as R.C. 4757.36(A)(1)) gives the Board the authority to suspend, restrict, and/or revoke his license to practice social work.

RECOMMENDATION

For the reasons detailed in this report, I recommend that the Board suspend Mr. Howard's license for six months during which time Mr. Howard shall undergo additional counseling as specified by the Board, with reinstatement conditioned upon Mr. Howard's agreeing to have an evaluation of his fitness to practice by a therapist of the Board's choosing. Finally, I

recommend that the Board consider restricting Mr. Howard's practice to individual, marriage, and family therapy not involving SBH children.

Ronda S. Shamansky
Ronda S. Shamansky
Hearing Examiner