



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

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### **STATE OF OHIO**

### **COUNSELOR, SOCIAL WORKER AND MARRIAGE AND FAMILY THERAPIST BOARD**

**May 20, 2016**

Chairperson, Ms. Margaret Knerr, at the Vern Riffe State Office Tower, 77 South High Street, Columbus, OH, convened the regular meeting of the Board at 1:00p.m. on May 20, 2016. Attended: Dr. Matthew Paylo, Dr. Alan Demmitt, Ms. Erin Michel, Dr. Christin Jungers, Ms. Lisa Haberbusch, Mr. John Heaton, Ms. Anna Bomas, Ms. Stephanie McCloud, Dr. Terri Hamm, Dr. Sara Salkil and Mr. Ryan Pickut. Absent: Dr. Carl Brun, Dr. Otha Gilyard. Staff present: Mr. Brian Carnahan, Ms. Patricia Miller, Mr. Bill Hegarty, Ms. Tracey Hosom. Also present: Ms. Melissa Wilburn, AAG, Mr. Sean Gorby, OCA, Ms. Colleen Dempsey, NASW-Ohio Chapter.

- I. Discussion and approval of agenda. Ms. Knerr requested the executive director's compensation be added to the agenda. Ms. McCloud moved to approve the agenda with the addition of the executive director's compensation, seconded by Ms. Michel. Carried.
- II. Dr. Jungers moved to accept the March 20, 2016, full Board minutes, seconded by Mr. Heaton. Carried.

Ms. Knerr welcomed everyone and thanked the board for their hard work over the last two days and this past year. Thanked everyone for their feedback on budget matters. The staff has been working extra hard, really extra hard without Mr. Ray Lund who left the board. Mr. Carnahan stated it has been difficult without Mr. Lund, he answered all questions and took care of so many things to keep the office running, and some of the staff combined have helped out a great deal. A new person also named Ray will start on the 31<sup>st</sup> of May. Mr. Hegarty, Ms. Hosom and Ms. Tingle were honored by the OAMFT for their helpfulness.

### **III. Executive Director Report presented by Mr. Carnahan:**

#### **Mr. Carnahan reported:**

1. A report was given to each of the Professional Standards Committees.

### **IV. Investigative Report presented by Mr. Hegarty:**

1. Thanked the staff, Dr. Hamm, Dr. Paylo, Dr. Brun and Ms. Haberbusch for the many cases reviewed. The office has been slammed with many new cases, a special thanks to Ms. Haberbusch for reviewing fourteen cases. A total of fifty-four new cases have been received.
2. Much travel has taken place.
3. Competency is the most received complaint and varied across the state. Also problems with licensees practicing on a lapsed license and practicing after only passing the licensure exam.
4. Mr. Hegarty plans to speak on Monday at OSU to a delegation of visiting social workers from China.
5. Prepping some cases for a hearing in July, depending on Ms. Shamansky and Ms. Wilburn's availability a hearing will be in the afternoon.
6. Mr. Hegarty explained A99 under alleged cases on his report.
7. Ms. Knerr thanked Mr. Hegarty and Ms. Hosom for attending the OAMFT conference.

### **V. Legal Update presented by Ms. Wilburn:**

1. Unable to present at the planning committee meeting yesterday.
2. Ms. Wilburn was asked to explain her role with the board. The ORC has a statute that the Attorney General's (AG) is the attorney for the state of Ohio so if a state entity then the AG's office is the attorney. Ms. Wilburn is involved in disciplinary cases, consulting with staff, any presentations to the board as requested by the Executive Director or Board Chair. Ms. Wilburn's role is to make sure the Board is prepared and represented.

Ms. Knerr asked if any board member can call and ask a question. Ms. Wilburn said yes.

Ms. Knerr asked if there are any charges to the Board.

Ms. Wilburn reported the AG pays her salary so no bill is submitted to the Board, it is her job to be the Board's attorney. No personal questions can be answered and Ms. Wilburn does not have a private practice.

Ms. Bomas asked Ms. Wilburn to walk her through the process if an application for licensure is denied.

Ms. Wilburn reported that an official action and notice of a hearing must be sent out from the Board before the applicant can request a hearing. Mr. Hegarty handles the scheduling of the hearing which must be requested by the applicant within 30 days of the mailing of a letter from the Board. The applicant's legal counsel works with Ms. Wilburn. If the applicant cannot afford an attorney they can represent themselves. Ms. Wilburn is cautious when an applicant does represent themselves to make sure they are fully aware of the situation. No attorney is appointed or paid for by the AG or the Board.

Ms. Wilburn then talked about public records and open meetings. A statement was read defining an open meeting. If on social media and discussing board business then the public should be able to attend, even a phone call to discuss board business is an open meeting. Mr. Carnahan is able to send information by e-mail but a discussion cannot take place, a question or comment can be directed to Mr. Carnahan. Ms. Michel asked how board members can have a discussion. Ms. Wilburn replied any board business needs to be an open meeting to the public. Ms. Knerr stated if two board members discuss an issue it should not be to replace a public discussion.

Ms. Knerr thanked Ms. Wilburn for her flexibility yesterday. Mr. Carnahan commented that he has seen Ms. Wilburn in action and she does a nice job of helping the licensee to state their case and be heard, commendable. Ms. Knerr reported that Ms. Wilburn spoke to the applicant and explained why a license was not being awarded and no hearing was requested which was a cost savings to the Board.

Mr. Pickut asked Ms. Wilburn for a Roberts Rules reference. Ms. Wilburn reported role call is required going into executive session but not needed when leaving executive session. Referred Mr. Pickut to google or bing to get a good description of the Roberts Rules.

## **VI. Marriage and Family Therapist Professional Standards Committee Report was presented by Ms McCloud:**

### **Ms. McCloud reported:**

1. Reviewed correspondence, continuing education and licensure applications.
2. Discussed the e-mail from OAMFT and Mr. Carnahan's response.
3. Discussed the compensation for Mr. Carnahan.
4. Discussed giving ideas to Mr. Carnahan at the Planning Committee meeting so they can be put on the full board meeting agenda.
5. Questions will be given to Ms. Wilburn regarding the investigative process.

6. Immunity Issues and Ethics Issues discussion- Ms. McCloud requested something in writing from Ms. Wilburn regarding board members immunity when making a decision on a licensee or an individual applying for a license. Also requested information regarding the ethics issue of not knowing the applicants name before voting on a decision in a hearing.

Ms. McCloud asked why names are not given when reviewing a case but only a case number so a potential conflict of interest or personal liability can be determined. Ms. Wilburn asked if Ms. McCloud's concern was for personal liability when voting on a case for future actions taken by that applicant.

Ms. Wilburn referenced the North Carolina Dental Board case regarding the possible violation of the anti-trust law. Also referred to 9.86 immunity of public officers and employees - Except for civil actions that arise out of the operation of a motor vehicle and civil actions in which the state is the plaintiff, no officer or employee shall be liable in any civil action that arises under the law of this state for damage or injury caused in the performance of his duties, unless the officer's or employee's actions were manifested outside the scope of his employment or official responsibilities, or unless the officer or employee acted with malicious purpose, in bad faith, or in a wanton or reckless manner.

Ms. Wilburn stated if voting on the board's policy or procedures and not acting with malicious, wanton or outside your performance as a board member then you should not be held for personal liability. Ms. Wilburn stated regarding whether this violates the ethics law of the board, she is not sure and advised the board to seek an opinion from the opinion section of the AG's office since this is beyond her scope of practice. The board does have the right to update policies and procedures.

Ms. McCloud said she felt comfortable with Ms. Wilburn's explanation on immunity but still needs to sort through the ethics aspect. Also board members have the ability to excuse themselves from voting on a case.

The board members appreciated the discussion and information from Ms. Wilburn and thanked her for going on the record and for her time.

## **VII. Counselor Professional Standards Committee Report was presented by Dr. Hamm:**

### **Dr. Hamm reported:**

1. Revisited a rule change to 4757-13-02, removing the two year expiration for test scores. Mr. Carnahan will wait on filing this change until after the NBCC conference is attended next week. Also, the NBCC

policy that if a license expires does the exam need to be taken again will follow the NBCC policy.

2. The investigators attended the meeting and discussed competency, scope of practice, and when to refer if outside your scope of practice.
3. Sixty-one LPC and forty-six LPCC applications were approved.
4. Issues from the Executive Committee were discussed and the budget was reviewed.
5. Discussed the OAMFT correspondence and agreed with Mr. Carnahan's response.

#### **VIII. Social Worker Professional Standards Committee Report was presented by Ms. Michel:**

##### **Ms. Michel reported:**

1. Issued fifty-nine LISW's, one-hundred and fourteen LSW's and ten SWA's.
2. Reviewed correspondence regarding scope of practice.
3. Discussed the use of the doctoral title from a non-social work program when referencing ones social work license. The Committee endorsed this.
4. Discussed re-licensing someone who has been out of the country for seven years and is now returning. The decision is to not simply re-license due to the many changes that would of taken place in social work.
5. A change for taking the exam for the LISW license was discussed. An applicant must wait two years after receiving their degree and completed their required training supervision before taking the exam. An MSW can now take the masters exam.

#### **IX. Committee Reports**

##### **Executive Committee – Ms. Knerr**

1. Mr. Carnahan is continuing to monitor Medicaid and someone from Medicaid will present at the July meeting so gather you're questions.
2. The Planning Committee will be reviewed at the July meeting.
3. Discussed compensation for the executive director.

##### **CEU Committee - Mr. Pickut**

1. Discussion on the ceu survey results; comments on the quality and employer support for staff to complete their ceu's.
2. Ms. Broome gave an audit report, an e-mail glitch automatically archived some e-mails causing some audits to be missed.
3. Ms. Miller brought up a few ceu issues.

4. Ms. Franklin reported questions regarding individuals that are in an inactive status returning to active status regarding supervision designation and ethics. For consistency all three licenses will require six ceu's be completed in supervision and six ceu's in ethics to return to active status.
5. Mr. Hegarty received a question from a licensee regarding signing off on a form to allow an individual's dog attend work with him. Requested any information on therapy dogs or the use of dogs in therapy. Ms. Miller stated it is a topic that a few questions have been received on regarding ceu's. The agenda with specific content and presenters resumes will be reviewed on an individual basis since this is a new topic coming in for ceu credit. Mr. Hegarty stated a licensee was questioning whether the person only wanted to bring their pet to work and was asking for a request to be signed. Some discussion took place and future requests would be reviewed on an individual basis at this time. Ms. Knerr stated this could be a topic for the planning committee.

#### **Planning Committee – Ms. Knerr**

1. A good discussion was held regarding the e-mail from OAMFT.

#### **Investigative Liaisons – Mr. Hegarty**

No meeting.

#### **X. New Business:**

Mr. Carnahan thought the board policy manual was approved in January but no record of the approval taking place was found. The policy manual still needs updated since it references the Leveque Tower and not the current location of the Vern Riffe Tower regarding evacuation plans. Also some staff changes. Ms. Michele moved to approve the board policy manual, seconded by Ms. Salkil. Carried.

Ms. McCloud moved to approve the increase in the hourly wage for Mr. Carnahan by \$7.44 increasing his salary to \$100,227, seconded by Dr. Demmitt. Carried.

Ms. McCloud moved to review the executive director's compensation annually to make sure it is aligned with DAS and the economic standard, seconded by Ms. Michel. Carried.

#### **XI. Old Business:**

No updates.

Ms. Knerr thanked everyone and wished them safe travels.

**XII. Adjourned: 2:15 PM**

  
Board Chair  
Ms. Margaret Knerr, IMFT-S