



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

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### **STATE OF OHIO**

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

**January 18, 2013**

Chairperson, Ms. Mary Venrick, at the LeVeque Tower, 50 West Broad Street, Columbus, OH, convened the regular meeting of the Board at 1:00 P.M. on January 18, 2013. Mr. Robert Nelson, Mr. Steven Polovick, Ms. Maureen Cooper, Dr. Terri Hamm, Dr. Otha Gilyard, Mr. Timothy Brady, Dr. Christin Jungers, Ms. Margaret Knerr, Dr. Thomas McGloshen and Ms. Jennifer Brunner. Absent: Ms. Stephanie McCloud. Staff present: Mr. James Rough, Mr. William Hegarty, Ms. Patricia Miller, Ms. Tracey Hosom, and Mr. Doug Warne.

Also present: Assistant Attorney General, James Lockwood, Mr. Michael Knerr, Mr. Jerry Gardner, Elite Continuing Education, Mr. Jose Camerino, OAMFT/NASW, Ms. Jamie Adams, Columbus State Community College (CSCC), Ms. Crystal Boney, CSCC, Mr. Daryl Smith, CSCC, Ms. Patti Strickland, CSCC, Ms. Deidre Black, CSCC, Mr. Seth Watt, CSCC, Mr. Henry Cox, CSCC, Mr. Kenneth Jackson, CSCC, Ms. Adrienne Garua, NASW, Ms. Antwanette Brown, NASW.

- I.** Discussion and approval of agenda. Dr. McGloshen moved to approve the agenda, seconded by Mr. Brady. Carried.
- II.** Dr. McGloshen moved to accept the November 16, 2012, minutes, seconded by Dr. Gilyard. Carried.

Election of board chair took place. Dr. Gilyard moved to nominate Ms. Venrick as the new board chair, Ms. Knerr seconded. Carried. A discussion took place if Mr. Robertson, the previously chair was re-appointed.

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

#### **Mr. Rough reported:**

1. Copy of the report given to each of the Professional Standard Committees will be attached to the minutes.

2. Two Marriage and Family Therapist board members are needed and one Social Worker board member is also needed since a board member has resigned.
3. Statute change in House Bill 567 did not go through. The process will need to start from the beginning.
4. Budgets for FY 14 and 15 were completed. The Board's FY 13 budget is in good shape. Mr. Rough will testify at the budget hearings in March or April.
5. Filed rules became effective January 1, 2013.
6. The Supreme Court declined a request to modify Superintendence Rule 66.
7. ODMH Rule 5122-29-30 Medicaid Billable Services will be refiled.
8. Participated in the National Uniform Minimum Dataset for Behavioral Health Professions.
9. Completed work plan issue of adding cultural competency/diversity to become part of our ethics code in the laws and rules.
10. Staff working well together. Mr. Lund is doing a great job, helps others in the office.
11. Reviewed licensure number report and budget report.
12. Mr. Polovick asked about the fees on the report, Mr. Rough went over the fees and also stated a decrease in late fees.

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

**Mr. Hegarty reported:**

1. Thanked Ms. Hosom and Ms. Tingle.
2. Clear conference takes place in April in Texas. Ms. Venrick and Ms. Knerr the investigative liaisons might attend. Mr. Rough stated the full board needs to approve a motion for out-of-state travel.
3. Thirty-nine new cases, the number of cases is consistent. Competency is the most frequent complaint, and then sexual violations.
4. No hearings took place although a notice of hearing for the counselors was issued previously so a counselor licensure denial hearing will be scheduled for May.

**V. Legal Update presented by Mr. Lockwood:**

**Mr. Lockwood reported:**

A notice of appeal was received from Ms. Jill Pritchett, a counselor license denial; Mr. Lockwood will write a brief regarding the denial due to education.

#### **4757-9-04**

A discussion took place regarding the rule change to require 10,000 words for text based programs. After filing the rule change in January 2012 JCARR requested the Board discuss this change with agencies. Ms. Knerr moved to submit the rule change 4757-9-04, Mr. Polovick seconded. Carried. Ms. Brunner voted no.

Ms. Cooper stated she received a comment from the ACA president that the rule change was a mistake and that Ohio was difficult, Ms. Cooper commented our licensees are proud to have tougher standards.

Mr. Polovick stated the changes to continuing education still leave the option to obtain hours through lecture. The Board has shown flexibility with banking. Ohio is proud of their standards.

Ms. Venrick added challenges to the licensees are a good thing.

Ms. Brunner stated she shared the principles of the other board members, but did not agree with this methodology and is concerned for those with reading challenges.

Dr. McGloshen stated this changed was researched by Mr. Rough.

#### **VI. Social Work Professional Standards Committee Report was presented by Mr. Polovick:**

##### **Mr. Polovick reported:**

1. Thanked Mr. Warne and Mr. Miller for their hard work and for always having the Committee prepared.
2. Licensed ninety-two LISW's, one-hundred and fifty-five LSW's, ten SWA's. There are two-hundred and five pending LSW's, one thousand and thirty-eight pending LISW's and one-hundred and four pending SWA's.
3. Discussed Supervision and the confusion, Mr. Warne is working on this issue. The Committee is looking at supervision from several different perspectives.
4. Broke down MSW versus BSW. Researching the LCSW credential from other states' licensure perspective. Mr. Warne and Mr. Miller are discussing this credential with other states and the responses seem to support adding the "C" to the credential.
5. Ms. Hadden resigned from the board so there is a vacancy on the SWPSC.

**VII. Marriage and Family Therapist Professional Standards Committee Report was presented by Dr. McGloshen:**

**Dr. McGloshen reported:**

1. Licensed seven MFT's, reviewed three exam requests and denied two supervision hardship requests.
2. Discussed revisions to three rules and a statute change.
3. The OAMFT conference is in February, discussed sending Ms. Adorjan. Dr. McGloshen and Ms. Knerr who are already members will be in attendance.
4. The committee is short two members so Dr. Gilyard from the CPSC sat in on their meeting as the public member.

**VIII. Counselor Professional Standards Committee Report was presented by Ms. Cooper:**

**Ms. Cooper reported:**

1. Approved one consent agreement, revoked one license from a Goldman hearing.
2. Ms. Jamie Marich presented to the Committee an appeal on a denied continuing education program.
3. The Committee wants to bring the "L" back in the abbreviation for counselor licensure. Professional Coaches are abbreviated PC's. Requesting the statute be changed and Mr. Rough will discuss this with Rep. Sears.
4. Ohio Council of Behavioral Health is upset about the workplace administration not being counted as continuing education. Discussion to exclude what is not appropriate and to go by CACREP standards and to redefine.
5. Approved one-hundred PC's and thirty-nine PCC's.
6. Reported on test scores.
7. Dr. McGloshen questioned the administrative versus clinical and how would the two be separated so someone is not taking all administrative hours. Mr. Rough stated that times are changing and will try to draft requirements but leave it up to the licensees. Dr. McGloshen stated there is a minimum for ethics but not a maximum for administrative. Ms. Cooper agreed it is something to consider. Ms. Venrick added she did not think it would be a problem. Dr. Gilyard emphasized Mr. Rough's point of view. Dr. McGloshen stated he understood Mr. Rough's comments but still has concerns. Dr. Gilyard also agreed with Dr. McGloshen's concerns. Mr. Polovick also added that leadership is something that needs to be incorporated into the criteria. The burden should be on the agency showing how it fits the criteria.

## **IX. Committee Reports**

### **Executive Committee**

Mr. Rough reported some issues were reviewed.

### **CEU Committee**

Ms. Knerr reported that the 10,000 word rule change was discussed.

### **Investigations Ad Hoc Committee**

Mr. Hegarty reported that Ms. Hosom led an insightful discussion on the investigative process, and the liaisons role. Ms. Cooper thanked Ms. Hosom.

## **X. Old Business:**

1. Off-site planning for the July meeting was discussed. Mr. Polovick stated a few years back the meeting was held at Mohican Lodge and was hoping to use the time from this meeting to go into the community and see licensees. Hoping to make the public more aware of the Board and visiting places such as Children's Hospital, State Mental Hospitals, etc. These visits will provide a perspective when looking at rule changes.

Dr. Gilyard and Ms. Cooper agreed with Mr. Polovick's comments. Mr. Hegarty suggested Community Mental Health where many complaints are received and would be a good place to start. Mr. Polovick also stated to not separate into committees but mix together. Dr. Gilyard stated to make sure the agency knew of the visit. Ms. Cooper, Ms. Knerr, Mr. Nelson volunteered to keep in touch by e-mail with Mr. Polovick. Dr. McGloshen stated this was a good idea to get a sense of what it is like working in a different atmosphere.

## **XI. New Business:**

1. Mr. Rough will either have Mr. Robertson come to Columbus to present him with a proclamation for his service or take the proclamation to him directly.
2. Ms. Cooper moved to send Ms. Venrick and Ms. Knerr to the CLEAR conference, Dr. Gilyard seconded. Carried.
3. Mr. Polovick moved to send someone from the committee to the ASWB Spring Educational conference in April and New Board Member Training in any of the three sessions, Ms. Cooper seconded. Carried.

Ms. Venrick thanked everyone and reminded everyone to leave quietly.

**XII. Adjourned: 3:00 PM**

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Mary Venrick, PC, Board Chair



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#### **Executive Committee Meeting Minutes**

**January 17, 2013**

Chairperson, acting, Dr. Thomas McGloshen, at the LeVeque Tower, 50 West Broad Street, Columbus, OH, convened the executive committee meeting of the Board at 8:19 a.m. on January 17, 2013.

Members present were Mr. Steven Polovick, Ms. Maureen Cooper and Dr. Otha Gilyard.  
Staff present: Mr. James Rough

- Approve agenda and minutes - agenda and minutes were approved.
- Board member appointments: The Governor's office of Boards and Commissions are also aware that we need two appointees from 10/10/2012 expiration. Mr. Rough has followed up and appointments are in work. Mr. Robertson was not re-appointed so we will have to have an election for a new board chair at Friday's meeting. The two vacancies are on the MFT professional standards committees. Additionally, Jennifer Hadden, LSW resigned from the Board earlier this week. Mr. Rough has talked to the Governor's office of Boards and Commissions and they are working on appointments. The Board has been rotating the chair position between the three professional standards committees and the counselors are next in the rotation. Mary Venrick, LPC has volunteered to run for the chair position.
- Budget issues: FY 2013 is in good shape and we should spend much closer to the appropriation limits. Mr. Rough testified before the Health and Human Services Subcommittee of the House Finance and Appropriations Committee on February 20, 2013 for the appropriation level set in House Bill 59 as introduced. The testimony was well received and it appears that the budget will be passed as requested. The Senate should schedule budget hearings in April.
- New House Bill - Mr. Rough has met with Rep. Sears to discuss the getting a new bill introduced early this year.

- We received comments on several rules that need to be reviewed: Rules 4757-9-04, in paragraph (D) the 10,000 words per hour discussion is for CE Committee review and feedback to professional standards committees for their input; and 4757-9-05 SWPSC review for NASW Ohio Chapter CE approvals. Both of these rules require discussion and decisions.
- Planning meeting for July 2013 – off-site – a committee of Mr. Polovick, Mrs. Venrick and Dr. McGloshen have been appointed to discuss the concept.
- Review of July 2012 planning meeting minutes and action items. The following are action items for review, which are change based on the planning meeting results from July 19, 2012 meeting:
  1. Cultural competency/diversity – need for counselors’ and MFTs’ association ethics codes to have citations to become part of our ethics code. – *Track by Jim*
  2. Growth of MFTs - MFT professional standards committee – *in work*
  3. Need for an “S” status for MFTs - MFT professional standards committee – *in work*
  4. Need for Investigator liaison training – CLEAR, AG’s office? – *Bill will track opportunities for training*
  5. Importance for statute bill to pass. – Counselor education programs need to be accredited through CACREP. NASW will lobby for bill passage. – *Jim will track*
  6. Need for effective communication with consumers of services – *NASW Ohio Chapter provided revised language for our online consumer brochure.*
  7. Moral Turpitude issue for licensing or denial of licensing may hinge on definition. – *AAG Lockwood provided information at the November 2012 meeting.*

Meeting adjourned at 8:57 a.m.

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Board Chair



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### **CEU Committee Meeting Minutes**

**January 17, 2013**

Chairperson, Ms. Margaret (Charlie) Knerr, IMFT, at the LeVeque Tower, 50 West Broad Street, Columbus, OH, convened the CEU committee meeting of the Board at 11:05 a.m. on January 17, 2013.

Members present were Dr. Chrissy Jungers, PCC and Robert Nelson, LISW. Staff present: Mr. James Rough, Executive Director, Ms. Rhonda Franklin, Renewal Coordinator, Ms. Patricia Miller, Continuing Education Coordinator, Ms. Paula Broome, Continuing Education Audit Coordinator and Mr. Jerry Gardner, V.P. of Elite Continuing Education.

1. Elected new chair since Jennifer Hadden, LSW had resigned from the board. Ms. Knerr was elected.
2. Approve agenda and minutes from November – committee approved minutes and agenda.
3. Planning Meeting issues – *no specific CEU issues were raised as all identified items are in work already. Mr. Rough has sent initial follow up emails with Canada and OSU on continuing competency. Mr. Rough's meeting with OSU was rescheduled for after this board meeting.*
4. Ms. Broome's report on CE audit process. Issues with programs and providers for committee review. *The audits are progressing well.*
5. Survey results: A copy of comments since the last meeting will be provided for review. *A copy was available and no issue for discussion emerged.*
6. Mr. Rough was contacted by JCARR during rule filing process and filed rule 4757-9-04 "To-Be-Refiled". Rule comments on 4757-9-04 requirement of 10,000 words per hour for text based CEUs were received. Elite Continuing Education met with Mr. Rough on January 7<sup>th</sup> and provided a letter, see attached. We also received a letter from ContinuingEdCourses.Net, please see attached letter. *The committee discussed the inputs from Elite and ContinuingEdCourses.Net and heard a re-iteration of Elite's issues from Mr. Gardner's perspective. Committee members will discuss with their respective professional standards committees. The committee*

*discussed the rule making process and how the Joint Committee on Agency Rule Review, JCARR, fits in that process. JCARR may invalidate a rule that does not have clear statutory authority and under the Common Sense Initiative can invalidate a rule that they deem has an adverse impact on business that is not justified.*

7. *Patty- A few questions regarding the rule change of 10,000 words per hour. How to handle the word count in the interim, which the committee decided to continue what we have been doing until the rule is finalized.*
8. *University of Toledo provider renewal: The University of Toledo needs to submit additional information for their provider renewal, once received Ms. Miller can review the renewal request.*
9. *Home Study - The sixty minutes for a one CEU home study program can include the evaluation form and post-test.*

Committee adjourned at 11:55 a.m.

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Ms. Margaret (Charlie) Knerr  
CEU Committee Chair



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### **Investigative Liaison Ad Hoc Committee Meeting January 17, 2013**

**Members Present were:** Mr. Tim Brady, Mr. Robert Nelson, Ms. Maureen Cooper, Ms. Charlie Knerr, and Ms. Mary Venrick

**Staff Present were:** Ms. Margaret Ann Adorjan, Mr. Bill Hegarty, Ms. Tracey Hosom, and Ms. Tammy Tingle

**Guest Present:** None

Mr. Hegarty opened the meeting at 1 p.m.

Ms. Hosom presented a training program for Investigative Liaisons. The training reviewed the investigative process, discussed the role and expectations of the liaisons, and parameters of the disciplinary process.

Mr. Hegarty reminded the committee that we would review the sample contracts for further discussion at the March Board meeting. He closed the meeting.

**The ad hoc committee meeting adjourned at 1:50 p.m.**

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William L. Hegarty  
Deputy Director



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March 14, 2013

Executive Director's Report

### **Board Meeting Dates and Rooms**

#### **Thursday March 21, 2013**

Executive Committee – Executive Director's Office at 8:15 a.m.  
SWPSC - Conference Room – 9:00 a.m.  
MFTPSC - Conference Room – 9:00 a.m.  
CPSC - Conference Room – 9:00 a.m.  
CEU Committee – Executive Director's Office at 11:00 a.m.  
Investigative Liaison Committee – Deputy Director's Office – 1:00 p.m.

#### **Friday March 22, 2013**

SWPSC - Conference Room – 9:00 a.m.  
MFTPSC - Conference Room – 9:00 a.m.  
CPSC - Conference Room – 9:00 a.m.  
Board Meeting – LeVeque Tower 15<sup>th</sup> Floor Petroleum Board – 1:00 p.m.

### **Issues to Discuss**

#### **Full Board Issues:**

The following Board members have appointments that expired 10/10/2012 for which a new appointment has not been made:

Name	Type	Home Town	Expiration	1st or 2nd Appt
<b>Vacant</b>	MFT		10/10/12	
<b>Vacant</b>	MFT		10/10/12	
<b>Vacant</b>	LSW		10/10/14	

The Governor's director of boards and commissions plans to make appointments for these openings. Additionally, we have a LSW position open. I have been in consistent contact with the Governor's office concerning these appointments.

### **Ohio Ethics Commission – Financial Disclosure Annual Report:**

Ohio's law requires many public officials and employees to file personal financial disclosure statements each year. The Ethics Commission administers the financial disclosure requirement for those officials and employees. The reports are due by May 15, 2013 for all board members who had any service in calendar year 2012. I sent the travel information for 2012 from the OAKS system reports, if any, to all board members with service in 2012.

### **Legislation:**

I had a meeting with Rep. Sears and the bill has been sent to the Legislative Services Commission (LSC) for drafting. The budget changes have priority at LSC and we will hopefully have a draft soon.

### **Budget:**

The current budget, FY 2013, is well within limits as the reports show. We will have excess funds at the end of the year for several reasons: shortage of board members (no pay or travel); licensing system charge half of expected amount; and DAS did not charge for the printing for the first half of the fiscal year due to prior over charges. The FY 2014-2015 budget was submitted and we had our House hearing. The Senate will follow and we should get what we asked in the way of appropriations.

There are two new issues that may impact the budget.

The state is changing from Centrex telephones to voice over internet protocol (VoIP). While it appears it will save money over time the infrastructure implementation may be expensive.

Fortunately, it will happen in the next few months and we have extra budget room this fiscal year. I am waiting on some final pricing for the LAN switch to finalize the projected expenses.

We are now part of the first group of boards to implement a new licensing system starting in April that is expected to go live this fall. I do not expect an increase over the prior system annual cost, but am not sure they know exactly what costs will be and there may be unexpected costs that arise. The implementation costs are part of the purchase price, which was funded from all of the boards from funds in the 4K90 fund, Boards & Commissions depository fund within OBM (Office of Budget and Management).

### **Travel – Liaison Investigative Training**

The CLEAR, Council on Licensure, Enforcement and Regulation, has announced their 2013 training classes for investigators. Tammy & Tracey and maybe professional standards committee members, who are performing investigative liaison for discipline actions, may attend trainings in 2013. Budget review shows we have the funds this year to pay for travel and payroll for board members to attend. There are two ASWB new board member trainings scheduled for July 12-14, 2013 and August 23-25, 2013. If board members would like to attend please let Mr. Rough know.

### **Ohio Administrative Code changes ~ Rules:**

#### **Five Year Rule Review -**

Two rules were delayed from final filing due to issues raised and only one needs discussion by the professional standards committees as noted:

CEU Committee & each professional standards committee– the 10,000 word requirement added to 4757-9-04, Clock hours for continuing professional education. We received comments from the JCARR, Joint Committee on Agency Rule Review, chair and vice-chair on rule 4757-9-04

paragraph (D) the 10,000 words per hour discussion. They were very clear that they considered the rule to have adverse impact. See paragraph below. The CE Committee needs to review the rule and provide feedback to professional standards committees and possible discussion at the full board meeting on Friday. We may want to discuss the options and decide at the May meeting. The following is from the revised JCARR Procedures Manual:

When JCARR receives a rule that has an adverse impact and has been reviewed by the CSI, JCARR will analyze the rule's regulatory intent and determine if adverse impact on business is justifiable. If in the analysis it is determined the regulatory intent is not justified (new prong), the JCARR Committee will vote to make a recommendation to create a concurrent resolution to invalidate the rule.

Rule 4757-9-05 "Approval of continuing professional education programs required for renewal of licenses and certificates of registration issued by the board" (rule that sets requirements for CE programs, CE providers, and other details of CE), changes concerning NASW approval have been resolved by the Social Worker PSC.

I planned to file them both at the same time, but if 4757-9-04 is going to be delayed I may file 4757-9-05 instead of waiting.

### **ODMH Rule 5122-29-30 – Medicaid Billable Services**

ODMH is in the process of filing a change to add CPST service under the approved services billable by licensed MFTs & IMFTs without using the "QMHS" title. ODMH anticipates this will go into effect April 1, 2013 (I emailed for an update and am waiting for a response). MFTs & IMFTs were added in the past and a court case resulted in ODMH having to revert to an earlier version of the rule for reasons having nothing to do with MFTs or IMFTs. The case was settled a year ago and now ODMH can once again include the MFTs and IMFTs on the billing matrix.

### **National Uniform Minimum Dataset (MDS) for Behavioral Health Professions**

I have another working group phone-meeting scheduled later this month to review the questions for mental health counselors. This project is currently focusing on Psychiatrists, Psychologists, Social Workers, Marriage and Family Therapists, Mental Health Counselors (Licensed Professional Counselors), and Substance Abuse/Addiction Counselors. Additional behavioral health professions may be added later.

The National Center for Health Workforce Analysis (NCHWA) in HRSA's Bureau of Health Professions has made the development and implementation of a uniform minimum dataset (MDS) for the health professions a priority. The MDS is a set of basic questions on the demographic, educational, credentialing and practice characteristics of health professionals. Our licensing process did not require date of birth in the first ten or so years of licensing and we do not have DOB for the majority of those licensed during those times. I hope to add that question to the renewals with the new licensing system.

### **HIPAA New Rules Released:**

Glenn Karr brought the following to our attention: HIPAA released some new rules that included an explanation of the use of emails with clients. See attached documents. NBCC also released new ethics language concerning electronic service delivery. We need to review our rule, 4757-5-13 "Standards of practice and professional conduct: electronic service delivery (internet, email, teleconference, etc.)", in light of these two releases to incorporate best practices. Staff will provide a draft for the meeting in May.

**Executive Director Work Plan:** review the results of the Planning Meeting and issues for future resolution. Below issues are based on the outcome of the planning meeting. I will review these issues with the Executive Committee at this meeting.

1. Cultural competency/diversity – need for counselors’ and MFTs’ association ethics codes to have citations to become part of our ethics code in paragraph (G) of 4757-5-02.
2. Growth of MFTs
3. Need for an “S” status for MFTs
4. Need for Investigator liaison training – CLEAR, AG’s Office
5. Importance for statute bill to pass
6. Need for effective communication with consumers of services
7. Moral Turpitude issue for licensing or denial of licensing may hinge on definition in other statute sections than Chapter 4757. – **completed** AAG Lockwood addressed at November board meeting.

Sincerely,

James R. Rough  
Executive Director



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## **AGENDA**

**March 22, 2013**

1. Discussion of Agenda
2. Possible election of new chair of the Board
3. Approval of Minutes of January 17, 2013 Board Meeting
4. Executive Director's Report
5. Deputy Director's Report
6. Legal Update
7. Marriage and Family Therapist Professional Standards Committee Report
8. Counselor Professional Standards Committee Report
9. Social Work Professional Standards Committee Report
10. Standing Committee Reports
  - a. Executive Committee
  - b. Continuing Education Committee
  - c. Investigative Liaison Committee
11. Old Business
  - a. Off-site planning meeting for next year
  - b. Rule 4757-9-04 – 10,000 words per hour requirement
12. New Business
13. Chairman Comments



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Also present: Assistant Attorney General, James Lockwood, Mr. Michael Knerr, Mr. Jerry Gardner, Elite Continuing Education, Mr. Jose Camerino, OAMFT/NASW, Ms. Jamie Adams, Columbus State Community College (CSCC), Ms. Crystal Boney, CSCC, Mr. Daryl Smith, CSCC, Ms. Patti Strickland, CSCC, Ms. Deidre Black, CSCC, Mr. Seth Watt, CSCC, Mr. Henry Cox, CSCC, Mr. Kenneth Jackson, CSCC, Ms. Adrienne Garua, NASW, Ms. Antwanette Brown, NASW.

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11. Reviewed licensure number report and budget report.
12. Mr. Polovick asked about the fees on the report, Mr. Rough went over the fees and also stated a decrease in late fees.

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

##### **Mr. Hegarty reported:**

1. Thanked Ms. Hosom and Ms. Tingle.
2. Clear conference takes place in April in Texas. Ms. Venrick and Ms. Knerr the investigative liaisons might attend. Mr. Rough stated the full board needs to approve a motion for out-of-state travel.
3. Thirty-nine new cases, the number of cases is consistent. Competency is the most frequent complaint, and then sexual violations.
4. No hearings took place although a notice of hearing for the counselors was issued previously so a counselor licensure denial hearing will be scheduled for May.

#### **V. Legal Update presented by Mr. Lockwood:**

##### **Mr. Lockwood reported:**

A notice of appeal was received from Ms. Jill Pritchett, a counselor license denial; Mr. Lockwood will write a brief regarding the denial due to education.

## **4757-9-04**

A discussion took place regarding the rule change to require 10,000 words for text based programs. After filing the rule change in January 2012 JCARR requested the Board discuss this change with agencies. Ms. Knerr moved to submit the rule change 4757-9-04, Mr. Polovick seconded. Carried. Ms. Brunner voted no.

Ms. Cooper stated she received a comment from the ACA president that the rule change was a mistake and that Ohio was difficult, Ms. Cooper commented our licensees are proud to have tougher standards.

Mr. Polovick stated the changes to continuing education still leave the option to obtain hours through lecture. The Board has shown flexibility with banking. Ohio is proud of their standards.

Ms. Venrick added challenges to the licensees are a good thing.

Ms. Brunner stated she shared the principles of the other board members, but did not agree with this methodology and is concerned for those with reading challenges.

Dr. McGloshen stated this changed was researched by Mr. Rough.

## **VI. Social Work Professional Standards Committee Report was presented by Mr. Polovick:**

### **Mr. Polovick reported:**

1. Thanked Mr. Warne and Mr. Miller for their hard work and for always having the Committee prepared.
2. Licensed ninety-two LISW's, one-hundred and fifty-five LSW's, ten SWA's. There are two-hundred and five pending LSW's, one thousand and thirty-eight pending LISW's and one-hundred and four pending SWA's.
3. Discussed Supervision and the confusion, Mr. Warne is working on this issue. The Committee is looking at supervision from several different perspectives.
4. Broke down MSW versus BSW. Researching the LCSW credential from other states' licensure perspective. Mr. Warne and Mr. Miller are discussing this credential with other states and the responses seem to support adding the "C" to the credential.
5. Ms. Hadden resigned from the board so there is a vacancy on the SWPSC.

**VII. Marriage and Family Therapist Professional Standards Committee Report was presented by Dr. McGloshen:**

**Dr. McGloshen reported:**

1. Licensed seven MFT's, reviewed three exam requests and denied two supervision hardship requests.
2. Discussed revisions to three rules and a statute change.
3. The OAMFT conference is in February, discussed sending Ms. Adorjan. Dr. McGloshen and Ms. Knerr who are already members will be in attendance.
4. The committee is short two members so Dr. Gilyard from the CPSC sat in on their meeting as the public member.

**VIII. Counselor Professional Standards Committee Report was presented by Ms. Cooper:**

**Ms. Cooper reported:**

1. Approved one consent agreement, revoked one license from a Goldman hearing.
2. Ms. Jamie Marich presented to the Committee an appeal on a denied continuing education program.
3. The Committee wants to bring the "L" back in the abbreviation for counselor licensure. Professional Coaches are abbreviated PC's. Requesting the statute be changed and Mr. Rough will discuss this with Rep. Sears.
4. Ohio Council of Behavioral Health is upset about the workplace administration not being counted as continuing education. Discussion to exclude what is not appropriate and to go by CACREP standards and to redefine.
5. Approved one-hundred PC's and thirty-nine PCC's.
6. Reported on test scores.
7. Dr. McGloshen questioned the administrative versus clinical and how would the two be separated so someone is not taking all administrative hours. Mr. Rough stated that times are changing and will try to draft requirements but leave it up to the licensees. Dr. McGloshen stated there is a minimum for ethics but not a maximum for administrative. Ms. Cooper agreed it is something to consider. Ms. Venrick added she did not think it would be a problem. Dr. Gilyard emphasized Mr. Rough's point of view. Dr. McGloshen stated he understood Mr. Rough's comments but still has concerns. Dr. Gilyard also agreed with Dr. McGloshen's concerns. Mr. Polovick also added that leadership is something that needs to be incorporated into the criteria. The burden should be on the agency showing how it fits the criteria.

## **IX. Committee Reports**

### **Executive Committee**

Mr. Rough reported some issues were reviewed.

### **CEU Committee**

Ms. Knerr reported that the 10,000 word rule change was discussed.

### **Investigations Ad Hoc Committee**

Mr. Hegarty reported that Ms. Hosom led an insightful discussion on the investigative process, and the liaisons role. Ms. Cooper thanked Ms. Hosom.

## **X. Old Business:**

1. Off-site planning for the July meeting was discussed. Mr. Polovick stated a few years back the meeting was held at Mohican Lodge and was hoping to use the time from this meeting to go into the community and see licensees. Hoping to make the public more aware of the Board and visiting places such as Children's Hospital, State Mental Hospitals, etc. These visits will provide a perspective when looking at rule changes.

Dr. Gilyard and Ms. Cooper agreed with Mr. Polovicks comments. Mr. Hegarty suggested Community Mental Health where many complaints are received and would be a good place to start. Mr. Polovick also stated to not separate into committees but mix together. Dr. Gilyard stated to make sure the agency knew of the visit. Ms. Cooper, Ms. Knerr, Mr. Nelson volunteered to keep in touch by e-mail with Mr. Polovick. Dr. McGloshen stated this was a good idea to get a sense of what it is like working in a different atmosphere.

## **XI. New Business:**

1. Mr. Rough will either have Mr. Robertson come to Columbus to present him with a proclamation for his service or take the proclamation to him directly.
2. Ms. Cooper moved to send Ms. Venrick and Ms. Knerr to the CLEAR conference, Dr. Gilyard seconded. Carried.
3. Mr. Polovick moved to send someone from the committee to the ASWB Spring Educational conference in April and New Board Member Training in any of the three sessions, Ms. Cooper seconded. Carried.

Ms. Venrick thanked everyone and reminded everyone to leave quietly.

**XII. Adjourned: 3:00 PM**

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Mary Venrick, PC, Board Chair

DRAFT

<b>CSW - # of Cred by Prefix and Status</b>		
Report generated on 3/1/2013 at 7:19:23 AM		
Prefix	Credential Status	Count
C	ACTIVE	4945
C	ACTIVE IN RENEWAL	449
C	ACTIVE IN RENEWAL - CE PENDING	4
C	ACTIVE IN RENEWAL - PAID	78
C	Application Incomplete	86
C	DECEASED	18
C	DENIED	116
C	EXAM PENDING	929
C	EXPIRED	9259
C	FAILED TO RENEW	393
C	FAILED TO RENEW - PAID	7
C	LAPSED	9
C	NEVER LICENSED	396
C	PENDING	463
C	REVOKED	4
C	SURRENDERED	1
C	Surrendered in Lieu of Discipline	7
C	SUSPENDED	4
C	UPGRADE	6149
<b>Credential Prefix Totals</b>		<b>23317</b>
E	ACTIVE	4093
E	ACTIVE IN RENEWAL	553
E	ACTIVE IN RENEWAL - CE PENDING	1
E	ACTIVE IN RENEWAL - PAID	121
E	Application Incomplete	72
E	DECEASED	32
E	DENIED	7
E	EXAM PENDING	472
E	EXPIRED	1302
E	FAILED TO RENEW	230
E	FAILED TO RENEW - PAID	2
E	NEVER LICENSED	37
E	PENDING	23
E	REVOKED	14
E	Surrendered in Lieu of Discipline	9
E	SUSPENDED	7
E	UPGRADE	805
<b>Credential Prefix Totals</b>		<b>7780</b>
F	ACTIVE	159
F	ACTIVE IN RENEWAL	34
F	ACTIVE IN RENEWAL - PAID	6
F	Application Incomplete	10
F	DECEASED	3
F	DENIED	1
F	EXAM PENDING	5
F	EXPIRED	34
F	FAILED TO RENEW	18
F	NEVER LICENSED	5
F	PENDING	11
<b>Credential Prefix Totals</b>		<b>286</b>
I	ACTIVE	6731
I	ACTIVE IN RENEWAL	883
I	ACTIVE IN RENEWAL - PAID	236
I	DECEASED	54
I	DENIED	3
I	EXPIRED	3896
I	FAILED TO RENEW	459
I	FAILED TO RENEW - PAID	6
I	LAPSED	1
I	NEVER LICENSED	185
I	PENDING	189
I	REVOKED	12
I	SURRENDERED	1

<b>CSW - # of Active Cred by Prefix and Stat</b>			
Report generated on 3/1/2013 at 7:20:15 AM			
Prefix	Subcat	Credential Status	Count
C		ACTIVE	3087
C		ACTIVE IN RENEWAL	423
C		ACTIVE IN RENEWAL - PAID	70
C		FAILED TO RENEW - PAID	7
C	CR	ACTIVE	978
C	PROV	ACTIVE	3
C	SUPV	ACTIVE	252
C	SUPV	ACTIVE IN RENEWAL	26
C	SUPV	ACTIVE IN RENEWAL - PAID	8
C	TRNE	ACTIVE	614
<b>PC (no CR or CT)</b>			<b>3876</b>
E		ACTIVE	1747
E		ACTIVE IN RENEWAL	220
E		ACTIVE IN RENEWAL - PAID	47
E	SUPV	ACTIVE	2346
E	SUPV	ACTIVE IN RENEWAL	333
E	SUPV	ACTIVE IN RENEWAL - PAID	74
E	SUPV	FAILED TO RENEW - PAID	2
<b>PCC</b>			<b>4769</b>
F		ACTIVE	159
F		ACTIVE IN RENEWAL	34
F		ACTIVE IN RENEWAL - PAID	6
<b>IMFT</b>			<b>199</b>
I		ACTIVE	2302
I		ACTIVE IN RENEWAL	321
I		ACTIVE IN RENEWAL - PAID	72
I		FAILED TO RENEW - PAID	4
I	SUPV	ACTIVE	4429
I	SUPV	ACTIVE IN RENEWAL	562
I	SUPV	ACTIVE IN RENEWAL - PAID	164
I	SUPV	FAILED TO RENEW - PAID	2
<b>LISW</b>			<b>7856</b>
M		ACTIVE	98
M		ACTIVE IN RENEWAL	13
M		ACTIVE IN RENEWAL - PAID	4
<b>MFT</b>			<b>115</b>
S		ACTIVE	13174
S		ACTIVE IN RENEWAL	2260
S		ACTIVE IN RENEWAL - PAID	474
S		FAILED TO RENEW - PAID	31
S	TEMP	ACTIVE	3
S	TRNE	ACTIVE	516
<b>LSW (no SWT)</b>			<b>15942</b>
W		ACTIVE	467
W		ACTIVE IN RENEWAL	91
W		ACTIVE IN RENEWAL - PAID	17
W		FAILED TO RENEW - PAID	2
<b>SWA</b>			<b>577</b>
<b>Total</b>			<b>33334</b>

Active totals include Active, Active-In-Renewal, Active in Renewal-Paid and Failed to Renew-PAID  
 For all licenses totals come from totals in right hand column. Those totals include all from right columns except CRs, SWTs & TRNEs.

Credential Prefixes  
**C= PC M= MFT**  
**E= PCC R= counselor assistant**  
**F= IMFT S= LSW**  
**I= LISW W= SWA**

I	Surrendered in Lieu of Discipline	5
I	SUSPENDED	4
I	UPGRADE	5635
<b>Credential Prefix Totals</b>		<b>18300</b>
M	ACTIVE	98
M	ACTIVE IN RENEWAL	13
M	ACTIVE IN RENEWAL - PAID	4
M	Application Incomplete	36
M	DECEASED	2
M	DENIED	12
M	EXAM PENDING	53
M	EXPIRED	19
M	FAILED TO RENEW	10
M	NEVER LICENSED	30
M	PENDING	13
M	UPGRADE	37
<b>Credential Prefix Totals</b>		<b>327</b>
R	EXPIRED	523
R	REVOKED	2
<b>Credential Prefix Totals</b>		<b>525</b>
S	ACTIVE	13693
S	ACTIVE IN RENEWAL	2260
S	ACTIVE IN RENEWAL - CE PENDING	1
S	ACTIVE IN RENEWAL - INCOMPLETE	1
S	ACTIVE IN RENEWAL - PAID	474
S	DECEASED	61
S	DENIED	76
S	EXPIRED	20320
S	FAILED TO RENEW	1253
S	FAILED TO RENEW - PAID	31
S	NEVER LICENSED	1528
S	PENDING	1333
S	REVOKED	79
S	SURRENDERED	3
S	Surrendered in Lieu of Discipline	18
S	SUSPENDED	11
S	UPGRADE	3888
<b>Credential Prefix Totals</b>		<b>45030</b>
W	ACTIVE	467
W	ACTIVE IN RENEWAL	91
W	ACTIVE IN RENEWAL - PAID	17
W	DECEASED	2
W	DENIED	31
W	EXPIRED	1833
W	FAILED TO RENEW	174
W	FAILED TO RENEW - PAID	2
W	NEVER LICENSED	104
W	PENDING	109
W	REVOKED	12
W	Surrendered in Lieu of Discipline	2
W	SUSPENDED	1
W	UPGRADE	168
<b>Credential Prefix Totals</b>		<b>3013</b>
<b>Grand Totals</b>		<b>98578</b>

We clarify that covered entities are permitted to send individuals unencrypted emails if they have advised the individual of the risk, and the individual still prefers the unencrypted email. We disagree that the “duty to warn” individuals of risks associated with unencrypted email would be unduly burdensome on covered entities and believe this is a necessary step in protecting the protected health information. We do not expect covered entities to educate individuals about encryption technology and the information security. Rather, we merely expect the covered entity to notify the individual that there may be some level of risk that the information in the email could be read by a third party. If individuals are notified of the risks and still prefer unencrypted email, the individual has the right to receive protected health information in that way, and covered entities are not responsible for unauthorized access of protected health information while in transmission to the individual based on the individual’s request. Further, covered entities are not responsible for safeguarding information once delivered to the individual.

**4757-5-13 Standards of practice and professional conduct: electronic service delivery (internet, email, teleconference, etc.).**

Electronic service delivery is defined in paragraph (EE) of rule 4757-3-01 of the Administrative Code. Licensees are reminded that standards of ethical practice and professional conduct rules 4757-5-01 to 4757-5-12 of the Administrative Code apply to electronic service delivery.

(A) These standards govern the practice of electronic service delivery and address practices that are unique to electronic service delivery and electronic service delivery practitioners.

(1) All practitioners providing counseling, social work or marriage and family therapy via electronic service delivery to Ohio citizens shall be licensed in Ohio.

(2) All licensees of this board providing services to clients outside the state of Ohio shall comply with the laws and rules of that jurisdiction.

(3) Electronic service delivery shall require an initial face-to-face meeting, which may be via video/audio electronically, to verify the identity of the electronic service delivery client. At that meeting steps shall be taken to address impostor concerns, such as by using passwords to identify the client in future electronic contacts.

(4) Informed consent shall include information defining electronic service delivery as practiced by the licensee and the potential risks and ethical considerations per paragraph (B) of rule 4757-5-02 of the Administrative Code.

(a) Licensees shall obtain written informed consent.

(b) Licensees shall not provide services without client signed informed consent.

(5) Licensees shall provide links to websites for all of their certification bodies and licensure boards to facilitate consumer protection.

(6) Licensees shall identify an appropriately trained professional who can provide local assistance, including crisis intervention, if needed. Licensees shall provide electronic service delivery clients the local crisis hotline telephone number and the local emergency mental health telephone number.

(7) Licensees shall provide a link to the board's online license verification site on their web page. They shall also have a copy of the professional disclosure statement available on their web site per rule 4757-5-12 of the Administrative Code.

(B) Confidentiality in electronic service delivery shall be maintained by the licensee:

(1) Licensees shall use encryption methods for electronic service delivery; and

(2) Shall inform electronic service delivery clients details of data record storage.

#### **Added to 4757-3-01 Definitions**

(EE) "electronic service delivery" (electronic therapy, cyber therapy, e-therapy. etc.) means counseling, social work or marriage and family therapy in any form offered or rendered primarily by electronic or technology-assisted approaches when the counselor, social worker or marriage and family therapist and the client are not located in the same place during delivery of services.



## NATIONAL BOARD FOR CERTIFIED COUNSELORS (NBCC) POLICY REGARDING THE PROVISION OF DISTANCE PROFESSIONAL SERVICES

### INTRODUCTION

The National Board for Certified Counselors (NBCC) is a not-for-profit organization dedicated to the identification of counselors who have voluntarily met national standards based on research in the profession. NBCC's mission also includes the promotion of quality assurance and professionalism in counseling practice.

In connection with the mission to promote quality assurance, NBCC recognized the potential impact of computers on the counseling profession decades ago. After conducting research with experts in the field, NBCC adopted the *Standards for the Ethical Practice of WebCounseling* in 1997, the first of such standards in the mental health profession. Given the evolution of the technology in this area, the NBCC Board of Directors has regularly reviewed these standards and adopted revised policies such as *The Practice of Internet Counseling*.

The most recent review of the practice of Internet counseling supports a revision in the standards, and the resulting information demonstrated the following fundamental concepts:

1. Counseling through distance means presents unique ethical dilemmas to professional counselors.
2. Related technology continues to advance and be used more by increasing numbers of professional counselors.
3. Use of technology by counselors continues to evolve.

In light of this information, the policy regarding Internet counseling has been revised, and this document, the *NBCC Policy Regarding the Provision of Distance Professional Services*, replaces previous editions.

One of the most recognizable differences in this policy is the use of the term "distance professional services." Rather than focusing only on the provision of "Internet counseling," this policy expands the terminology to include other types of professional services that are starting to be used more in distance formats.

Other key terms with regard to this policy include:

*Face-to-face* refers to services that involve the synchronous interaction between an individual or groups of people using what is seen and heard in person to communicate.

*Distance professional services* involve the use of electronic or other means (e.g., telephones or computers) to provide services such as counseling, supervision, consultation or education.

*Counseling* is a professional relationship that empowers diverse individuals, families and groups to accomplish mental health, wellness, education and career goals.

*Supervision* is a contracted, hierarchical relationship between two or more professionals. The intended focus of supervision is on the augmentation of a supervisee's professional services.

*Consultation* is a deliberate agreement between two or more professionals to work together to increase the effectiveness of professional services in relation to a specific individual (client, student or supervisee).

Common methods for the provision of distance professional services include the following:

- *Telephone-based* refers to the synchronous distance interaction in which information is received only through audio means.
- *E-mail-based* refers to the asynchronous distance interaction in which information is received through written text messages or e-mail.
- *Chat-based* refers to the synchronous distance interaction in which information is received through written messages.
- *Video-based* refers to the synchronous distance interaction in which information is received via video and audio mechanisms.
- *Social network-based* refers to the synchronous or asynchronous distance interaction in which information is exchanged through social networking mechanisms.

All of the above-mentioned examples of distance professional services may be conducted with individuals, couples, families or group members.

*The NBCC Policy Regarding the Provision of Distance Professional Services* identifies specific actions National Certified Counselors (NCCs) must take when providing distance services. NBCC recognizes that some counselors provide a combination of face-to-face and distance services even in the context of one particular client or supervisee; therefore, the standards described in this policy supplement the directives identified in the National Board for Certified Counselors (NBCC) *Code of Ethics*.

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## STANDARDS FOR DISTANCE PROFESSIONAL SERVICES

1. NCCs shall adhere to all NBCC policies and procedures, including the *Code of Ethics*.
2. NCCs shall provide only those services for which they are qualified by education and experience. NCCs shall also consider their qualifications to offer such service via distance means.
3. NCCs shall carefully adhere to legal regulations before providing distance services. This review shall include legal regulations from the state in which the counselor is located as well as those from the recipient's location. Given that NCCs may be offering distance services to individuals in different states at any one time, the NCC shall document relevant state regulations in the respective record(s).
4. NCCs shall ensure that any electronic means used in distance service provision are in compliance with current regulatory standards.
5. NCCs shall use encryption security for all digital technology communications of a therapeutic type. Information regarding security should be communicated to individuals who receive distance services. Despite the use of precautions, distance service recipients shall be informed of the potential hazards of distance communications. Not the least of these considerations is the warning about entering private information when using a public access or computer that is on a shared network. NCCs shall caution recipients of distance services against using "auto-remember" user names and passwords. NCCs shall also inform recipients of distance services to consider employers' policies relating to the use of work computers for personal communications.
6. To prevent the loss of digital communications or records, NCCs who provide distance services shall maintain secure backup systems. If the backup system is also a digital mechanism, this too shall offer encryption-level security. This information shall be provided to the recipient of professional services.

7. NCCs shall screen potential distance service recipients for appropriateness to receive services via distance methods. These considerations shall be documented in the records.
8. During the screening or intake process, NCCs shall provide potential recipients with a detailed written description of the distance counseling process and service provision. This information shall be specific to the identified service delivery type and include considerations for that particular individual. These considerations shall include the appropriateness of distance counseling in relation to the specific goal, the format of service delivery, the associated needs (i.e., computer with certain capabilities, etc.), the limitations of confidentiality, the possibility of technological failure, anticipated response time to electronic communication, and any additional considerations necessary to assist the potential recipient in reaching a determination about the appropriateness of this service delivery format for their need(s).
9. Because of the ease in which digital communications can inadvertently be sent to other individuals, NCCs shall adopt behaviors to prevent the distribution of confidential information to unauthorized individuals. NCCs shall discuss actions the recipient may take to reduce the possibility that they will send information to other individuals by mistake.
10. NCCs shall provide recipients of distance professional services with information concerning their professional credentials and links to the respective credentialing organization Web sites.
11. NCCs, either prior to or during the initial session, shall inform recipients of the purposes, goals, procedures, limitations, potential risks, and benefits of services and techniques. NCCs also shall provide information about rights and responsibilities as appropriate to the counseling setting. As a part of this type of service provision, NCCs shall discuss with recipients the associated challenges that may occur when communicating through distance means.
12. In the event that the recipient of distance services is a minor or is unable to provide legal consent, the NCC shall obtain a legal guardian's consent prior to the provision of distance services. Furthermore, NCCs shall retain copies of documentation indicating the legal guardian's identity in the recipient's file.
13. NCCs shall avoid the use of public social media sources (e.g., tweets, blogs, etc.) to provide confidential information. To facilitate the secure provision of information, NCCs shall provide in writing the appropriate ways to contact them.
14. NCCs shall provide recipients of distance services with specific written procedures regarding emergency situations. This information shall include emergency responders near the recipient's home location. Given the increased dangers intrinsic to providing certain distance professional services, NCCs shall take reasonable steps to secure reasonable referrals for recipients when needed.
15. NCCs shall develop written procedures for verifying the identity of the recipient at each instance of receiving distance services. Examples of verification means include the use of code words or phrases.
16. NCCs shall limit use of information obtained through social media sources (e.g., Facebook, LinkedIn, Twitter, etc.) in accordance with established practice procedures provided to the recipient at the initiation of services.
17. NCCs shall provide information concerning locations where members of the public may access the internet free of charge or provide information regarding the location of complimentary Web communication services.
18. NCCs shall retain copies of all written communications with distance service recipients. Examples of written communications include e-mail/text messages, instant messages and histories of chat-based discussions even if they are related to housekeeping issues such as change of contact information or scheduling appointments.

19. At a minimum, NCCs shall retain distance service records for a minimum of five years unless state laws require additional time. Due to the nature of most distance services, it may be convenient for NCCs to retain records for longer durations, and thus may be considered useful for research or other professional activities. NCCs shall limit the use of records to those permitted by law, professional standards and as specified by the agreement with the respective recipient of distance services.
  
20. In recognition of the inherent ethical implications which may arise, NCCs shall develop written procedures for the use of social media and other related digital technology with current and former recipients. These written procedures shall, at a minimum, provide appropriate protections against the disclosure of confidential information and the creation of multiple relationships. These procedures shall also stipulate that personal accounts be distinct from any used for professional purposes.

Approved by the NBCC Board of Directors: July 31, 2012

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