



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

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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](mailto:cswmft.info@cswb.state.oh.us)

### **STATE OF OHIO**

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

**JULY 18, 2008**

Chairperson, Mr. Kenneth Trivison, at the LeVeque Tower, 50 West Broad Street, Columbus, OH, convened the regular meeting of the Board at 1:00 P.M. on July 18, 2008.

Members present were Mr. Timothy Brady, Ms. Karen Huey, Mr. Jose Camerino, Dr. Victoria White Kress, Ms. Francine Packard, Mr. Jan White, Dr. Otha Gilyard, Mr. Robert Nelson, Ms. Molly Tucker, Mr. Tommie Robertson, and Ms. Mary Anne Sharkey. Absent: Ms. Jennifer Riesbeck-Lee and Dr. Susan Norris Huss Staff present: Mr. James Rough, Ms. Patricia Miller, Ms. Marcia Holleman, Ms. Tracey Hosom and Ms. Tammy Tingle.

Also, present Atty. Peter R. Casey IV, Assistant Attorney General

Mr. Trivison welcomed Dr. Otha Gilyard, public member, to the Board and to the Counselor Professional Standards Committee.

- I.** Discussion and approval of agenda. Ms. Tucker moved to accept the agenda, seconded by Mr. White. Carried.

Mr. White moved to nominate Mr. Trivison to be re-elected as the Board Chair for another term, seconded by Ms. Huey. Carried. Mr. Trivison thanked everyone.

- II.** Ms. Tucker moved to accept the May 16, 2008, minutes, seconded by Dr. White Kress. Carried.

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

**Mr. Rough reported:**

1. Most items were covered in the Professional Standards Committee reports.
2. Will discuss renewal fees under old business.
3. The language for Good Moral Character is approved by all three professional standards committees.

4. Total of 30,566 licensees, the number continues to increase, distributed a detailed report with totals. When the MFT bill is passed the number of licensees should increase.
5. Distributed the budget report, hope to purchase new computers in FY09. Revenue report discussed and where various funds are spent. Mr. Robertson requested details of what agencies are specifically paid for if possible.

Mr. Trivison thanked Mr. Rough for being able to make it through the planning meetings with his back pain.

#### **IV. Investigative Report presented by Ms. Tammy Tingle:**

##### **Ms. Tingle reported:**

Since May 14, 2008, fifty-three new cases have been opened, thirty two social workers, and twenty-one counselors. The breakdown of the types and demographics were distributed to the Board. Complaints received are mostly regarding boundary issues and audits. The Columbus area had the most complaints.

#### **V. Legal Update presented by Atty. Casey IV, Esquire:**

Mr. Trivison complimented Atty. Casey on handling the counselor case that was held Thursday, he handled it very humanely and gave the individual a chance to cite their case.

##### **Atty. Casey reported:**

1. Two cases are in the Appellate Court, Mr. Keith Roberts and Mr. Frederick LaMarr.

**Mr. Roberts** – Waiting for the Brief schedule. Mr. Roberts was charged with being an impaired practitioner. The CSWMFT needed to show use of alcohol or drugs. The other side argued that alcohol or drugs must be the cause of the issue with the client. The Ohio Medical Board had a case with the same issue and won so the Court of Appeals is saying you do not need to show a direct cause. Atty. Casey was then able to combat the appeal. Many or all Boards have similar language in their laws and rules so this was a good decision.

**Mr. LaMarr** – Hearing was held in front of the CPSC, licensure qualifications not met and appeal was denied.

2. **Institute for Natural Resources (INR)** – The case has been settled and is closed. The hope is that INR will work with staff and communicate about potential issues and will then renew their provider status in one year, July of 2009.

**VI. Social Work Professional Standards Committee Report was presented by Ms. Tucker:**

**Ms. Tucker reported:**

1. Ms. Riesbeck-Lee was elected as the new SWPSC Chair.
2. A total of three hundred and eighteen licensure requests were approved, seventeen social work assistants, two-hundred and nineteen social work, five social work with related degrees and seventy-seven independent social work.
3. Three hundred and ninety-two requests for supervision status were approved.
4. Investigations were reviewed, four notices of opportunity for a hearing, six consent agreements, two Goldman hearings and four Goldman discipline hearings.
5. Discussed the exemption of civil service employees, clinical and administrative social work and art therapy.

**VII. Marriage and Family Therapist Professional Standards Committee Report was presented by Ms. Sharkey Dirck:**

**Ms. Sharkey Dirck reported:**

1. Three marriage and family licensure applications and two independent marriage and family licensure applications were reviewed. Dr. White Kress moved to approve the five applicants for licensure, seconded by Ms. Tucker. Carried.
2. Two requests to take the licensure exam were received, one was denied.
3. One hardship for supervision was denied.
4. Senator Coughlin was receptive to the MFT Bill and Director Stevenson of Ohio Department of Mental Health attended a meeting with the senator that was very helpful.
5. Ms. Sharkey Dirck was re-elected the Committee Chair.
6. Revenues and fines were discussed and voluntary non-active status was also discussed.

**VIII. Counselor Professional Standards Committee Report was presented by Dr. White Kress:**

**Dr. White Kress reported:**

1. Dr. White Kress was elected as the new Committee Chair.
2. Welcomed Dr. Gilyard who will be a valuable addition to the Board.
3. Thanked Ms. Elliott and Mr. Frazier for their hard work.
4. Appreciated the retreat and hope to have more.
5. Discussed "what is a counseling degree"; is it counseling psychology, Christian counseling, etc.
6. Supervision hardship requests were reviewed.
7. Licensure denial hearing took place regarding the individual's degree.

8. Discussion on Art Therapy.
9. One hundred and eleven individuals were approved for professional counselor licensure, and forty-two for professional clinical counselor licensure.
10. one-hundred and eight individuals took the NCE exam and one-hundred passed, eighteen took the NCMCHE exam and thirteen passed.

**IX. Old Business:**

1. **Electronic Service Delivery** – Dr. White Kress reported a meeting has been scheduled.
2. **Continuing Education Committee**  
Ms. Packard reported:
  1. The definition of provider status is being revised.
  2. Non-compliance issues were discussed.
  3. A couple complaints regarding continuing education programs were received.
  4. Re-visiting what is acceptable topics for continuing professional education as each Committee seems to have different views on some topics.
3. **Executive Committee/Personnel Committee**  
Mr. White moved to delete the Personnel Committee and responsibilities of the Personnel Committee be a part of the Executive Committee, moved to change board policies 1.8 and 2.7 to reflect that change, seconded by Ms. Huey. Carried.

Ms. Sharkey Dirck moved for the Ad Hoc Committee to review voluntary inactive status for non-practicing licensees, seconded by Mr. Robertson. Carried. The Ad Hoc Committee will include Mr. Robertson, Mr. White, Dr. White Kress and Ms. Huey. Mr. Rough will have appointment papers.

Ms. Sharkey Dirck moved to increase the proposed late fees from thirty dollars to fifty dollars except the social work assistant late fee to be twenty dollars, seconded by Mr. Robertson. Carried. Mr. Gilyard asked if the fee would increase the processing time, discussion took place.

If the proposed maximum fine of one thousand dollars per violation is part of the budget it may not be possible to change the amount so an increase to a maximum of ten thousand dollars per violation was discussed. A request for this fine was previously denied. Ms. Sharkey Dirck moved that the maximum fine be changed to ten thousand dollars per violation in the proposed budget, seconded by Mr. Robertson. Discussion followed between Atty. Casey and Mr. Rough that we could request language to allow the board to set fines by rule without a minimum or maximum, which would provide the greatest flexibility. Atty. Casey stated that he thought that would work. The motion was amended for that approach and was carried.

**X. New Business:**

Atty. Casey reported on an e-mail from the Governors Legal Office with a reminder of the statutory regulatory meeting attendance for Board Members and to report to the Governor's office if Board Members are not attending the meetings. Ms. Huey suggested Mr. Rough put the Board Members attendance in his report. Mr. Rough clarified that each day is considered one meeting.

Mr. Hegarty took the minutes for the retreat on Thursday and Mr. Hegarty with Mr. Rough will draft the minutes and include items for future discussions.

Mr. Trivison reported on a discussion of the day-to-day business of the office with Ms. Adorjan in the MFTPSC meeting and that Ms. Franklin, also gave an overview of a basic day at the Board office.

**XI. Adjourned:**

Mr. Trivison thanked everyone. Mr. Gilyard moved to adjourn, seconded by Ms. Packard. Carried.

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Board Chair  
Kenneth E. Trivison