



Counselor, Social Worker & Marriage and Family Therapist Board

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STATE OF OHIO

COUNSELOR, SOCIAL WORKER AND MARRIAGE AND FAMILY THERAPIST BOARD

March 18, 2011

Chairperson, Ms. Jennifer Riesbeck-Lee, at the LeVeque Tower, 50 West Broad Street, Columbus, OH, convened the regular meeting of the Board at 1:02 P.M. on March 18, 2011.

Members present were Mr. Timothy Brady, Mr. Robert Nelson, Ms. Mary Venrick, Mr. Don McTigue, Mr. Tommie Robertson, Mr. John Cranley, Dr. Otha Gilyard, Ms. Maureen Cooper, Dr. Terri Hamm, Dr. Deirdre Petrich, Dr. Thomas McGloshen, Ms. Peggy Volters and Mr. Stephen Polovick. Absent: Dr. Victoria Kress. Staff present: Mr. James Rough, Mr. William Hegarty, Ms. Patricia Miller, Ms. Marcia Holleman, Ms. Tracey Hosom, Ms. Tammy Tingle and Mr. Doug Warne.

Also, present: Atty. Leah O'Carroll, Asst. Atty. General and Mr. Jerry Gardner, Elite Continuing Education.

- I.** Discussion and approval of agenda with modifications. Mr. Robertson moved to approve the agenda, seconded by Mr. McTigue. Carried.
- II.** Mr. Brady moved to accept the January 21, 2011, minutes, seconded by Ms. Venrick. Carried.
- III. Executive Director Report presented by Mr. Rough:**

Mr. Rough reported:

1. The following rules were approved by JCARR on March 7, 2011: 4757-6-01, 4757-9-04, 4757-9-05, 4757-13-07, 4757-25-02, 4757-1-07, 4757-3-01, 4757-5-02, 4757-5-03, 4757-5-08, 4757-5-09. The rules will be filed Monday March 21, 2011 and will be effective Friday April 1, 2011.
2. The Board was granted the budget requested, other Board's did not receive what they had requested, our Board has a good budget analyst at OBM. IT changes and travel should be possible and sending out the Newslink, also hope to send investigators out to give additional ethics trainings. Went over the specifics on the budget report.

3. The staff is on top of things. Did not meet with the legislature regarding statute changes with being out so much with his foot, hope to be back to full-time in the next few weeks.
4. The number of licensees still on the increase, over 8,000 counselor licensees for the first time. Will be watching to see if Medicaid cuts has an effect on the number of licensure renewals.

IV. Investigative Report presented by Mr. Hegarty:

Mr. Hegarty reported:

1. Thanked everyone for their work with cases. A good social work hearing was held yesterday.
2. On April 1, 2011, there will be two counselor hearings and on May 19, 2011, there will be one counselor hearing.
3. Thanked Ms. Venrick and Mr. Polovick for bringing in the baked goods.
4. Thirty-eight new cases, the handout shows the various areas traveled for investigations. Improper renewal and competency are the main complaint issues and not from one specific area. Investigation interviews are sometimes held at the Board office or investigators will meet the licensee half way.
5. Mr. Brady questioned how long it takes once a complaint is made to the Board till action is taken. Mr. Hegarty stated it could be four to five months since the Board meets every other month or if waiting on the courts.

V. Legal Update presented by Atty. Leah O'Carroll:

Atty. Leah O'Carroll reported:

1. The case in Cuyahoga County, regarding a request to release confidential Board records is held up in the courts, it was not settled by a mediator. The Medical Board has a similar case but their wording is different from our statute that uses the word "confidential". When the brief is finished hopefully mid April the case will be set for oral arguments but still a few months down the road.

VI. Counselor Professional Standards Committee Report was presented by Ms. Venrick:

Ms. Venrick reported:

1. Eighty-seven PC's and twenty-two PCC's were licensed. Five-hundred and forty counselor trainee letters were sent out. Two-hundred and eleven exam packets were distributed.

2. The exam results show a higher pass rate.
3. Closed eight cases, approved one remediation plan, and discussed correspondences.
4. Discussion regarding the Art Therapist Bill and concern over other types of therapists coming forward.
5. Heard four cases on supervision designation issues, discussed the PCC supervision survey results, and discussed a concern over truthfulness with supervision hours taken and how to make more supervision hours available.

VII. Social Work Professional Standards Committee Report was presented by Mr. Nelson:

Mr. Nelson reported:

1. Approved seven SWA's registrations, one-hundred and thirty SW licenses and seventy-three LISW licenses.
2. Had one hearing and licensed the individual based on moral character.
3. Discussed the issue of required ethics continuing education and Mr. Polovick's request to change the wording of required three hours of ethics to required three hours of ethics or cultural competency. This change could be reflected in the Newslink or an article for NASW.
4. Mr. Robertson asked if an ethics violation took place would an ethics program be taken or a cultural competency program. Mr. Polovick stated cultural competency is relevant today. Mr. Hegarty stated the same ethics trainings are out there so this opens the topic up.

VIII. Marriage and Family Therapist Professional Standards Committee Report was presented by Mr. Tommie Robertson:

Mr. Robertson reported:

1. Approved two IMFT's and two MFT's licensure requests, approved one exam request and approved one supervision hardship.
2. Discussed the drafted rules and have no concerns. The language for provider and program fees is accepted but if a new staff person is not added then the MFTPSC does not want to charge the fees. Fines is a separate issue to be discussed.
3. Discussed the AAMFT conference in the Fall and who would attend.
4. Small amount of progress with increasing the number of licensees. Wright State University is making changes so their program is acceptable. Hoping Ms. Patricia Parr will attend a Board meeting to discuss the issue of the lack of licensees. Trying to work more with other Universities.

IX. Committee Reports

Executive Committee

Ms. Riesbeck-Lee Reported:

-Discussed Mr. Rough's performance evaluation and hope to complete it by the May Board Meeting.

CEU Committee

Mr. Polovick reported:

-Fees and Fines will be discussed under New Business.
-INR issues were discussed and the programs that are being offered that do not meet the requirements for continuing education.
-Survey Monkey results continue to be good.
-Requesting that any changes or suggestions be brought to the CEU Committee regarding continuing education. Ms. Cooper added that if a professional standards committee wants to make a change to continuing education to first bring the issue to the CEU Committee.

Investigations Ad Hoc Committee

Dr. Kress will have a report at the May Board meeting.

X. Old Business:

Continuing Education Fees

-Much discussion took place regarding fees for continuing education programs. Mr. Cranley moved that fees be charged for program approval with exceptions to non-profit agencies or the amount being charged to the licensee to take the program. No second was received.
-Ms. Cooper moved that a program fee of thirty dollars be charged and one-hundred and twenty-five dollars for provider status but only with the approval for an additional staff person, Dr. McGloshen seconded. Carried.
-Mr. Rough explained the rationale behind the amount being charged for continuing education approval to Mr. Cranley. Mr. Cranley asked Mr. Rough if the Associations were aware of the fees and what their comments were, Mr. Rough stated they were aware but had no comments, the non-profit agencies were not supportive of the fees but pay higher prices to other boards. Dr. Gilyard wanted to confirm a process had to be followed before this actually was put in place. Mr. McTigue stated thirty dollars was too high and the one-hundred and twenty-five dollars was too low unless for only one year as a provider. Mr. Brady asked what NASW and ASWB were charging, the amount was not known. Mr. Cranley

again stated he was against charging non-profit agencies to which Mr. Polovick stated Mr. Cranley was missing the point of the fees. Mr. Cranley stated his proposal was to benefit the licensees and they will have to pay the price. Mr. Polovick stated a 501-3-C agency does not mean they are not making any money, they will need to pay the fee for the validity of having the Board's approval. Also stated charging a fee will stop programs from coming in that have no relation to licensees continuing education.

Ms. Cooper moved to adopt the following fee amounts, assuming that the full-time position will be funded. Applicants per rule 4757-9-05 for continuing education program approval shall pay a thirty dollar fee for each application. And, applicants per rule 4757-9-05 for continuing education provider approval shall pay a one hundred and twenty-five dollar fee for each application, Dr. McGloshen seconded. Voting for the motion; Dr. Petrich, Dr. Gilyard, Mr. Polovick, Mr. Brady, Mr. Robertson, Mr. Nelson, Ms. Riesbeck-Lee, Ms. Volters, Ms. Venrick, Dr. Hamm, voting against the motion; Mr. Cranley and Mr. McTigue. Motion Carried.

Continuing Education Fines

Discussion took place regarding agencies not renewing provider status or offering programs beyond their expiration. A cautionary letter will be sent for the first two weeks, a fine of two-hundred and fifty dollars for each time a program is offered during the next two weeks and a five hundred dollar fine for each time a program is offered after a lapse of eight weeks. Mr. Rough will talk to Atty. O'Carroll to determine if the Board has the authority to charge fines. Will have to also go through a public hearing.

XI. New Business:

Dr. Gilyard moved to approve policy 1.8, seconded by Mr. McTigue. Discussion took place. Mr. Cranley requested a time line be incorporated so the CEU committee would not be able to hold up any issues. Dr. McGloshen stated he understood Mr. Cranley's concern. Dr. Gilyard questioned if this has been an issue in the past. Mr. Cranley stated the CEU Committee was upset over the banking hours issue and does not want the Committee to be able to hold up something they do not approve of and didn't want to play politics, that all issues should see the light of day. Mr. Cranley felt some of the Board Members resented him over the banking hours issue he proposed. Mr. Robertson explained committees are needed to help get through more issues and allow the full Board to deal with the larger issues and that each committee should be used to its full capacity. Ms. Riesbeck-Lee stated she found Mr. Cranley's comment of comparing the Board to politics as offensive and that the Board struggles over issues. Mr. Cranley continued to voice his objection over no time limit. Mr.

Rough stated if a board member did not feel an issue was moving fast enough they can go to their own committee to discuss removing their committee member from the CEU committee. Mr. Hegarty stated a timely manner is okay but the committee would have to explain what is being done. Mr. Cranley still objected to this. Dr. Petrich stated she sees all points and did not feel the comment about politicians was a slam, but feels a timely manner is okay and if it causes problems then bring it up with the full board, and also felt individuals should be able to speak without being cut off. Mr. Cranley still objected to this. Dr. Gilyard moved that continuing education issues be brought to the CEU Committee, Mr. McTigue seconded. Carried. Mr. Cranley opposed.

The ASWB Spring Training is in May prior to the next board meeting. Ms. Riesbeck-Lee requested to attend, it is possible to be given a scholarship so there is no cost, but otherwise the cost to the Board would be \$1,200.00. Dr. Petrich moved to send Ms. Riesbeck-Lee and seconded by Dr. Gilyard. Carried. Mr. Robertson added if a scholarship is not awarded the Board will pay the expenses.

XII. Adjourned:

Ms. Riesbeck-Lee thanked everyone and thanked Mr. Rough who continues to struggle with foot problems. Also reminded everyone that March is Social Work Month.

Meeting adjourned at 2:36 P.M.

Jennifer Riesbeck-Lee, LSW, Board Chair



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Executive Committee Meeting Minutes

March 17, 2011

Chairperson, Ms. Jennifer Lee, at the LeVeque Tower, 50 West Broad Street, Columbus, OH, convened the executive committee meeting of the Board at 8:18 a.m. on March 17, 2011.

Members present were Mr. Robert Nelson, Ms. Mary Venrick, Rev. Otha Gilyard and Mr. Tommie Robertson. Staff present: Mr. James Rough

- Approve agenda and minutes - *agenda and minutes were approved*
- Planning Meeting Issues – identify items for follow up as assigned.
 - Items from Prior Year:
 - Process of a statute change in work – Jim assigned
 - Review the budget and revenue projections – **completed for FY12-13**
 - Improve technology use where appropriate – Jim assigned
 - Improve the disciplinary process - task the Investigative Liaison Ad Hoc Committee – *Committee decided to make this committee a standing committee to meet as members need. Need change to Policy 1.8, which is under review by CEU Committee as well.*
 - Many Continuing Education issues are assigned to the CE Committee
 - Consumer Education – Jim will ask associations for input on current fact sheet on web site. OCA responded existing items are good. NASW may propose some changes. Are there other needs to be met? *Mr. Rough checked with FARB, Federation of Associations of Regulatory Boards, but did not find anything the board was not already doing.*
- Budget issues:
 - IT items in process. Discovered that the change I wanted to implement was more complex than expected. We had to purchase a switch for the router and OIT removed their switch. The installation was completed the day before this meeting and the savings will start after April.
 - Budget submitted for FY 2012 & 2013 we are waiting to see what the new Governor may modify.

- Need to continue the discussion of CE Provider fees for which a document is attached.
- Review proposed rule change for fees in rule 4757-1-05 & 4757-1-07 for fines of CE Program and Providers who offer programs after the expiration of their approval. *Members to discuss in their Professional Standards Committee meetings.*
- Policy Reviews: *Approved and motion needed for approval at the full board meeting. The CEU Committee change may or may not be ready for approval at this meeting.*
 - Policy 1.8 Board Committees
- Art Therapy bill will be introduced in next few weeks. How do we want to address the issues?
 - The scope of practice will be similar to counselors less the “diagnosis”.
 - I asked them to include a paragraph equivalent to 4757.21 and 4757.26 that says where they can practice and supervised by whom. If that flies they would be supervised by independent licensees.
 - *The committee discussed Mr. Rough testifying against this bill as it adds cost and confusion to the operation of the board. The members did not support a separate license for art therapists or other specialty areas of practice.*
- The executive director of the Juvenile Sex Offender Treatment Program Certification Advisory Board has contacted Mr. Rough for discussion of some rule changes as those changes include the practice of our board’s licensees. Mr. Rough discussed some diagnosis issues with Dr. Kress and is working on a response.
- The committee asked Mr. Rough to leave while they discussed his annual evaluation.

Meeting adjourned at 9:10 a.m.

Board Chair
Jennifer Lee



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CEU Committee Meeting Minutes

March 17, 2011

Chairperson, Mr. Steven Polovick, LSW, at the LeVeque Tower, 50 West Broad Street, Columbus, OH, convened the CEU committee meeting of the Board at 11:05 a.m. on March 17, 2011.

Members present were Ms. Maureen Cooper, PCC and Dr. Thomas McGloshen, IMFT, PCC. Staff present: Mr. James Rough, Executive Director, Ms. Rhonda Franklin, Renewal Coordinator, Ms. Patricia Miller, Continuing Education Coordinator.

1. Approved agenda and minutes from January

2. Planning Meeting issues – discuss priorities and identify follow-up.
 - a. Review proposed rule changes for implementing CE Program and Provider fees. CE Provider Fee see attached. Also proposed language changes. *Committee had a great deal of discussion about charging fees. One issue not previously discussed is that many providers have either one provider number, which includes counselors and social workers or two provider numbers one for counselors and one for social workers. We have seen circumstances where because it is a board approved provider, which is stated in advertising; counselors assume approved for them even though the course is for social workers and vice versa. The committee discussed how to reduce the confusion in this circumstance. Committee will review a rule change adding an “Approved for List license types” on advertising or pamphlets.*

The committee discussed the fees for agencies with multiple provider numbers, which was determined to be a fee for each provider number. An agency would only have one fee for a provider number that includes counselor, social workers and MFTs.

Committee asked to have expiration dates added to the web site lists for programs and providers.
 - b. Review proposed rule for the use of fines for using provider status or program approval after it has expired.

Committee approved revised language that change fine levels from “ a fine of \$250”or... “\$500” to “a fine of up to \$250” or...”up to \$500”. Mr. Rough needs to ask board’s AAG to review the proposed fine rule to ensure it is consistent with statute section 4757.36.

3. INR (Institute for Natural Resources) *Mr. Rough received the following in an email from INR’s attorney Eric Plinke: “In follow up to our conversation yesterday, I am writing to confirm that I have spoken with my client, INR, and they will become compliant with the counselor courses by addressing the content and presenter issues you identified or will be ceasing offering CE courses to Ohio counselors altogether.”*
4. Survey results: see attached document.
5. With accepting 15 hours for counselors and all 30 hours on-line for social workers and MFT’s is there a formula or standard of length, number of words that should be agreed upon so counting the number of hours has a standard to work from. (Previously brought up but no clear answer with which to distinguish a metric.) *See attached ASWB proposal on this issue. ASWB is recommending 10,000 words per hour of CEUs and an actual testing of the time and complexity of questions. Committee agreed the issue needs additional discussion. Mr. Rough will follow up with ASWB as they work on this issue.*
6. If CE provider and program fees are adopted and a new position created, what are the job’s position description and responsibilities: include 50% to 100% CE audit of licensees and traveling and auditing CE programs? How will programs to be visited be chosen, who would pick them? *The committee reviewed the position description provided by Mr. Rough.*
7. What is the purpose and authority of the CEU Committee? *See the attached proposed change to Policy 1.8. The committee discussed and approved the change to the policy as written.*
8. Summa Health System in Akron – see attached email. Their program referenced has been approved. They see the year wait for provider status as punishing, which is the intent. *The committee discussed the input and recognized the concerns raised. The committee did approve of Summa applying for a new provider number including both counselors and social workers upon renewal date this summer of their social work provider number.*
9. Dr. McGloshen distributed some documents on spirituality CEUs that he thought were particularly good to be shared with the Professional Standards Committees.

10. Ms. Miller raised an issue of a provider who had an attendee at a CE program who worked the entire first part of the program on a laptop. They asked him to cease, but he continued to work on his laptop. The provider wanted to know if they could deny the hours of the CE program after he was asked to stop working on his laptop. The committee discussed the issue at length. The committee decided that the provider could ask that person to leave and if the actions continued then they could refuse to give him a certificate for the whole of the CEU. The provider should notify the attendee that this is their policy when asking an attendee to stop non-program related activity during a CE program.

Committee adjourned at 12:10 p.m.

Mr. Steven Polovick
CEU Committee Chair



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March 9, 2011

Executive Director's Report

Board Meeting Dates and Rooms

Thursday March 17, 2011

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 – Building Conference Room on Mezzanine at 11:00 a.m.

Counselor denial hearing (Goodwin) - March 17th at 9:15 a.m.

Social Work denial hearing (Rodriguez) - hearing March 17th at 2:30 p.m.

Friday March 18, 2011

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 15th Floor Petroleum Board – 1:00 p.m.

Issues to Discuss

I will be reviewing the proposed statute changes with the Social Worker Professional Standards Committee to ensure they understand the changes proposed and NASW's input. We are still looking for a sponsor to introduce the proposed statute changes. As soon as my foot allows I will be meeting with the Chair of the House Health Committee to discuss this issue. Copy of proposed changes are attached.

Attached is an explanation of a review of 60+ CE Providers and the number of programs offered, hours and charges. I made some recommendations based on that information. The CEU committee will discuss it with me in detail. I will discuss it with each professional standards committee as part of my report.

The National Association of Social Workers and Public Children Services Association of Ohio celebrate March as Social Work Month. The theme this year is *Social Workers Change Futures*.

We are still waiting for the Governor's budget proposal to see if the board will be impacted. The budget will be announced March 15. We need to continue the discussion of fees for CE programs and provider status at this meeting in order to be ready to write the rule, if that fee is added to the budget bill. Enclosed are draft rule changes to implement that change. Rules 4757-1-05 for fees and 4757-1-07 for fines would both change.

The following rules had a JCARR hearing on March 7, 2011 and will be final filed approximately March 21 with an effective date of April 1, 2011.

New:

4757-1-07 Discipline actions that may include fines.

Revised:

4757-3-01 Change to definition of accepted CSWE MSW degrees in paragraph (M).

4757-5-02 Responsibility to clients/consumers of services as to competency in supervision.
New paragraph (I) in rule.

4757-5-03 Removes bartering from Standards of ethical practice and professional conduct:
multiple relationships.

4757-5-08 Removes bartering from Standards of ethical practice and professional conduct:
payment for services.

4757-5-09 Adds a requirement for independent practitioners to identify a keeper of records in
the event of their untimely ability to take care of the records themselves.

4757-6-01 Provides more detailed guidance when a licensee with a client involved in a
custody, visitation and/or guardianship case is forced into court.

4757-9-04 Provides licensees with the opportunity to bank up to twelve hours from a prior
renewal for a current renewal.

4757-9-05 Changes the continuing education provider section for university programs in
counseling, social work or marriage and family therapy to align with other
providers.

4757-13-07 Removes inappropriate reference to CACREP accreditation standards in the rule.

4757-25-02 Defines the examination requirement for a lapsed Marriage and Family Therapist
or Independent Marriage and Family Therapist licensee applying for a new
license.

The Art Therapists are working with Senator Skindell to have another bill introduced. They expect that to happen in the next few weeks. Senator Skindell was Representative Skindell in last years House of Representatives and was their sponsor then. I will be discussing the particulars of the Bill as it proceeds with the Art Therapists and let eh board members know the progress.

Executive Director Work Plan: review the results of the Planning Meeting and issues for future resolution. I removed the completed items as reported last board meeting.

- 2010 Planning Meeting Issues were discussed and assigned as follows:
 - Items from Prior Year:
 - Process of a statute change in work – Jim assigned
 - Review the budget and revenue projections – Jim assigned
 - Improve technology use where appropriate – Jim assigned
 - Improve the disciplinary process - task the Investigative Liaison Ad Hoc Committee
 - Many Continuing Education issues are assigned to the CE Committee
 - Consumer Education – Jim will ask associations for input on current fact sheet on web site. OCA responded existing items are good. NASW may propose some changes. Are there other needs to be met?

Sincerely,

James R. Rough
Executive Director