



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 21, 2010

Acting Chairperson, Ms. Jennifer Riesbeck-Lee, at the LeVeque Tower, 50 West Broad Street, Columbus, OH, convened the regular meeting of the Board at 1:00 P.M. on May 21, 2010.

Members present were Mr. Timothy Brady, Mr. Robert Nelson, Dr. Thomas McGloshen, Ms. Francine Packard, Ms. Peggy Volters, Ms. Mary Venrick, Mr. Steven Polovick, Dr. Deirdre Petrich, Mr. Don McTigue, Mr. Tommie Robertson, Mr. John Cranley IV, and Dr. Victoria White Kress. Absent: Dr. Otha Gilyard and Dr. Susan Norris Huss. Staff present: Mr. James Rough, Mr. William Hegarty, Ms. Patricia Miller, Ms. Marcia Holleman, Ms. Tracey Hosom, and Ms. Tamara Tingle.

Also, present Mr. Henry Lustig, NASW.

Ms. Riesbeck-Lee welcomed everyone.

- I.** Discussion and approval of agenda. Mr. Robertson moved to approve the agenda, seconded by Dr. White Kress. Carried.
- II.** Dr. White Kress moved to accept the March 19, 2010, minutes, seconded by Ms. Volters. Carried.
- III. Executive Director Report presented by Mr. Rough:**

Mr. Rough reported:

1. The written Executive Director's Report given to the Professional Standards Committees will be attached to the minutes.
2. Thanked the staff for their hard work.
3. Report reflecting the number of licensees and budget report distributed.
4. Ordering PC's and should receive them within two weeks, the old PC's are stripped and sent back to the state for auction.

5. Working with the Engineering Board to lessen the IT expense.
6. Boundaries was a large issue at the ASWB conference.

IV. Investigative Report presented by Mr. Hegarty:

Mr. Hegarty reported:

1. Thanked Dr. Petrich for stepping in at the hearing.
2. No July hearings scheduled but one hearing in September.
3. Discussed bartering and child custody in the Committee meetings.
4. Cincinnati is the area with the most complaints.
5. Thanked Ms. Hosom and Ms. Tingle for their hard work

V. Legal Update presented by Mr. Hegarty

Mr. Hegarty reported:

1. The Board responded to Mr. Merle Rhodes' attorney regarding his lost job and plan to sue the Board.

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

Dr. White Kress reported:

1. Applicants were licensed, discussed the exam pass rate, and the concern over low passing rates.
2. The CPSC is not in favor of bartering.
3. Discussed changing the language regarding child custody.
4. Licensure denial hearing took place and the applicant was denied a license.
5. Goldman review.
6. Representatives from a denied continuing education program presented an appeal and the committee requested additional information.

VII. Social Work Professional Standards Committee Report was presented by Ms. Riesbeck-Lee:

Ms. Riesbeck-Lee reported:

1. Licensed one hundred and sixty-nine applicants.
2. Closed fifteen cases, approved three consent agreements and four Goldman Cases.
3. Approved an impaired practitioner evaluation.
4. Responded to correspondence.
5. Met with a denied social work provider.
6. NASW report was given.
7. Continuing education was reviewed.

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

Mr. Robertson reported:

1. Approved three MFT applications, three requests to take the licensure exam and denied one hardship.
2. The committee disapproved bartering and discussed child custody.
3. Working on the supervision rule.
4. Discussed an exam policy if a license is expired.
5. California has a two part exam, written and vignette, MFTPSC will accept the written part as equivalent to Ohio's exam.
6. Thanked Ms. Adorjan for her hard work.

IX. Committee Reports

CEU Committee

Ms. Packard reported:

- Responded to complaints about continuing education programs.
- Will remove the word "automatic" from the continuing education provider language.
- Discussed fines and audit failure.
- Discussed spirituality.

Investigations Ad Hoc Committee

Dr. White Kress reported:

- Discussed a research study of four different interviews for mentoring supervision of licensees reprimanded by the Board. A second round of interviews is scheduled. A productive discussion took place.
- Discussed consent agreements being more detailed.

Executive Committee

Ms. Riesbeck-Lee Reported:

- Mr. Rough's evaluation will be completed at the July meeting, the forms are with Dr. Norris Huss who was unable to attend.
- Discussed budget issues.
- Discussed retreat issues.

X. Old Business:

None addressed

XI. New Business:

-Two policies were voted on.

Mr. Cranley moved to approve deleting personnel committee from policy 1.8, Dr. McGloshen seconded. Carried.

Mr. Cranley moved to approve a minor change to the language of confidential from policy 1.10, Ms. Venrick seconded. Carried.

July 2010 Retreat Meeting

Chair comments- A list of some of the topics for the July meeting include; continuing education changes, the amount agencies are charging for continuing education, program and provider fees, reciprocity, marketing of MFT/IMFT, test passing rates, discrepancy between the three committees (spirituality, equine therapy), supervision and types of records, ethics.

Mr. Rough requested a decision regarding charging for continuing education approval from the Board at the July meeting. Program approval \$25.00 and provider approval \$100.00 for examples. Add this to the CEU issues for the meeting.

Any ethics questions are to be given to Mr. Hegarty ahead of time.

First part of the meeting is to go through the issues and the second part to list issues to work on in the next year. Also discuss issues not completed from the last planning meeting.

The meeting will be held in the Vern Riffe Building or Ohio Departing on Aging in the Leveque Tower.

Mr. Polovick asked if professional wills are stressed to licensees. What happens with client files if something happens to the licensee. Mr. Hegarty stated it is a requirement but follow-up does not always take place. Discussion took place.

XII. Adjourned:

Ms. Riesbeck-Lee declared the meeting adjourned.

Board Chair



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Executive Committee Meeting

May 20, 2010

Chairperson, Ms. Jennifer Lee, at the LeVeque Tower, 50 West Broad Street, Columbus, OH, convened the executive committee meeting of the Board at 8:15 a.m. on May 20, 2010.

Members present were Mr. Tommie Robertson and Dr. Victoria White Kress.
Staff present: Mr. James Rough

- Committee approved agenda and minutes
- Planning Meeting Issues – review progress
 - Location for July 15 – Riffe 31st floor East B Conference Room
Discussed food options and left to Mr. Rough to determine what will work best. SWPSC input on maximum expense is \$10 for lunch and \$15 for dinner.
 - Mr. Robertson .
- Planning Meeting Issues – review progress since July 2009
 - Assess the many CEU issues raised – task the CEU Committee
 - Start the process of a statute change – 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
 - Discussed the upcoming planning meeting topics and ensure professional standards committee discussion.
 - Discussed the Ad Hoc Committee for Investigative Liaisons and the research ongoing concerning input from discipline supervisors/monitors.
- Budget issues
 - Between the executive director’s report sent to board members on May 12, 2010 and the meeting the budget issues resolved.

- We have enough funds to complete this fiscal year and purchase the new PCs needed for staff due to PCs being over five years old.
 - Mr. Rough will request Controlling Board approval for additional funds for FY 2011 for payroll and Auditor's biennial audit.
- Rule 4757-1-07 Standard fines for discipline actions. The CSPC would like to fine, please see new draft. Each Professional Standards Committee will be able to make its own decisions on implementation/use or not.
 - Mr. Rough's annual evaluation will be presented by Dr. Huss in July 2010.
 - The AGs office is still discussing the applicability of FERPA to the boards. Our AAG has recommended continuing with the policy of not releasing copies of transcripts until the issue is resolved in the AG's office.
 - Policy 1.8 needs to be updated to remove the Personnel Committee. We need a motion at the full board meeting. Committee agreed to make the motion at the meeting.
 - Policy 1.10 changes from Confidential Personal Information rule implementation needs approval and a motion at the full board meeting. Committee agreed to make the motion at the meeting.
 - House Bill 8 – Autism – discussed actions Mr. Rough should take if the bill moves. The Bill was changed deleting mention of board licensees.
 - Rule 66 of Rules of Superintendence, which are Supreme Court rules for Ohio courts to follow. Mr. Rough discovered this rule, which addresses court appointment of guardians on grounds of mental incompetency. In the rule, only physicians and clinical psychologists may provide the initial assessment. The rule approved in 1997 intentionally left out LISWs and other board licensees. An LISW who works in that arena encountered this issue. In his case, due to the refusal of the prospective ward to see a psychiatrist the LISW was appointed by the court to complete the initial assessment. Mr. Rough will work with associations to request a review of this rule.
 - Mr. Robertson asked the committee to consider appointment of an Ad Hoc Committee to discuss the retention of therapists in Ohio and help increase the number of licensees. Mr. Rough noted that the number of licensees had grown significantly since 2005 from approximately 28,500 to 31,300. The Committee agreed to table this issue.

Meeting adjourned at 9:07 a.m.

Board Chair
Susan Norris Huss



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CEU Committee Meeting Minutes

May 20, 2010

Chairperson, Ms. Francine Packard, PCC, at the LeVeque Tower, 50 West Broad Street, Columbus, OH, convened the CEU committee meeting of the Board at 2:05 p.m. on May 20, 2010.

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

Committee approved the agenda and the minutes of the March meeting.

1. New Business
 - a. Complaint against CareStar, previously a social work provider was resolved prior to the meeting.
 - b. INR Letter was reviewed. *The letter noted NASW had approved the Swine Flu course and others. However, the letter completely ignored that the program was also approved for counselors and did not address how it fit within their scope of practice. NASW Ohio Chapter provided input from their National office and from local social workers in public health, home health care, hospitals and clinics. The input provided reasons why the training was appropriate within those social workers' practice.*
 - c. *Mr. Rough will seek input from the SWPSC on the different standards of approval between NASW and the SWPSC and write INR an appropriate response. Counselors noted that Swine Flu was inappropriate for counselors.*
 - d. Clarification of 4757-9-05 (C)(6) - Provider status is automatically accorded to counseling degree programs, social work degree programs and marriage and family therapy degree programs... *Committee agreed to propose a change to this language to remove 'automatically' and delineate requirement for these programs to apply. The university/college program requirements will follow the same requirements as all providers.*
 - e. Complaint received regarding an ethics program offered by The Collins Group. *The complaint was reviewed and a prior complaint. Mr. Collins applied for Provider status, which will be reviewed by the professional standards committees at this month's meeting.*

- f. NASW Approval – as noted in paragraph 1.b. above INR offered “Swine Flu” a program approved by NASW, which was denied by the SWPSC. This discussion focused on NASW approving a program after the SWPSC denied a program in general. The Social Worker Professional Standards Committee will need to discuss this issue.
 - g. Windsor Laurelwood Center for Behavioral Medicine was given approval for a program titled Substance Abuse Prevention-Partnering with the Community to be offered on 5/12/2010. Several days prior to the program the presenter cancelled and a new program and presenter was offered on 5/12/2010 but approval was requested after the offering. A request was made for the sign-in sheet and the program was denied as it was received after the fact.
2. Old Business Continuing items from March
- a. How do we improve quality of CEUs: discussed last meeting
 - i. CEU comment option is on the board’s renewal page and web site
 - ii. Use of Survey Monkey – see survey responses – 51 of 54 survey responses were highly positive. Two average responses related to selection of the course due to cost and proximity rather than content. The one negative response will result in follow up and potential investigation.
 - iii. Committee was very happy with survey responses and looks forward to future results.
 - b. What is appropriate use of fines with CEU audit failures?

The CPSC desires to use fines for CEU audit failures. A new draft rule 4757-1-07 is enclosed for review.
 - c. Dr. McGloshen’s response to RMT II - Redemptive Marital Therapy Part II for committee review. *The response elicited a long and intensive discussion of appropriate spirituality and therapy programs and differentiating what was acceptable and not. The committee approved the language proposed by Dr. McGloshen and Mr. Rough will draft the letter for review prior to mailing to the RMT program contact.*

Ms. Packard really enjoyed the dialogue and input from Ms. Franklin and further discussion of the spirituality issue.

Committee adjourned at 4:00 p.m.

Francine Packard, PCC, Chair



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May 10, 2010

Executive Director's Report

Board Meeting Dates and Rooms

Thursday May 20, 2010

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.

Ad Hoc Committee for Investigative Liaisons – 1:30 p.m. Bill's Office

CPSC - Deborah Starr hearing is set for the Thursday, May 20th meeting at 9:15. The Counselors and the Social Workers will switch rooms for this month's meetings

Friday May 21, 2010

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

Board members appointments that expire 10/10/2010:

- ❖ Susan Huss is completing her second term and is not eligible for re-appointment
- ❖ Francine Packard is completing her first term and will not apply for a second term
- ❖ Bob Nelson is completing his first term
- ❖ Otha Gilyard is completing his first term

Attached is a list of staff proposed statute changes to Chapter 4757 of the Revised Code for the committees to consider and amend, add to or delete. There is an explanation for each proposed change at the beginning of each item. Detail was added to the statute sections brought to our attention by Glenn Karr.

Comments received concerning HB 8 Autism follow: It's interesting that in HB 8 on autism, although counselors can treat, only psychologists and physicians can write the treatment plan. And it doesn't look like social workers can even treat, unless they fall under the "therapeutic" category.

Like the HB8 issue, I recently received a call from a LISW concerning Guardianships initial report, which by rules of superintendence for the courts of Ohio rule 66 paragraph (A) can only be provided by a physician or clinical psychologist. The follow up reports can be done under division (A)(1)(i) of section 2011.49 of the Revised Code, which includes LISWs and PCCs. The rules are under the Commission on the Rules of Superintendence for Ohio Courts and we can write to them requesting a change to rule 66. See rule 66 attached.

HB 62, which includes the deletion of the civil service exemption, had a hearing in the senate on May 11, 2010 for sponsor testimony. Interested parties are encouraged to write Senator Hughes, Committee chairman, to encourage additional hearings.

Mental Health Hold – HB281 has had three hearings. I will testify as a proponent when the next hearing is scheduled.

The Art Therapy Bill HB208 has had three hearings. The bill has had significant input, but we have not received a copy of the new draft bill.

House Bill 495 SUNSET REVIEW RECOMMENDATIONS to eliminate or consolidate boards and commissions under the Sunset review process does not apply to professional licensure boards including ours.

A legislative proposal/draft bill from the office of Rep. Barbara Boyd would amend the Ohio counselor law by allowing a masters degree in clinical or counseling psychology to serve as a sufficient degree toward the educational requirements for the PC & PCC license. NASW, OCA and others oppose this action. Should the board write a letter to Rep. Boyd or wait for the bill filing and testify against the bill? See enclosed copy of the proposed legislation.

Our budget will require close monitoring through the final days of the fiscal year, please see reports enclosed. We filed for a Controlling Board approval of an increase in budget authority for FY 2010 & 2011, which I sent by email to all board members. The increased funds are primarily related to payroll costs for Cost Savings Days, increased health insurance and the biennial audit in FY 2011. The State Auditor lost General Revenue funding (GRF) and we will pay approximately \$15,000, which is covered in the Controlling Board request.

One unknown for FY 2010 of additional savings/costs is hearings of which we have three scheduled this month by Ronda Shamansky. I don't think our allotment of funds for hearings will cover the full costs of these three hearings. I plan to ask Ronda for a best guess. I plan to replace the 14 PCs at a cost of approximately \$8,610 (or part of them for less). The governor's office and Office of Budget and Management are working on this issue.

We have initiated some IT changes that should result in significant savings for FY 2011. We are working with the Ohio Engineers and Surveyors Board to use the same router with a faster Internet connection. We will have some setup costs, but will save \$700+ a month between the two boards. We are also planning to use a contractor for PC and server maintenance, which will

save a significant amount. The savings will depend on the contract for which bids are being received.

In order to comply with Revised Code section 1347.15, I have filed new rules 4757-31-01 through 04 and modified board policy 1.10 for review by the Executive Committee for approval at the May meeting. State guidelines requested the CPI rules be filed by June 30, 2010. The rules were drafted from templates provided by a state working group to ensure proper compliance with that statute section. I have used the templates and modified them to fit the board's laws, rules and policies. I forwarded those rules to the executive committee for review prior to filing. On May 11, 2010, the Public Hearing was held and no comments on these rules were received. The Chief Security Officer for the state held training sessions on the rules in late April and we will need to add a definitions rule. I pulled the four filed rules and will re-file the five rules re-numbered to make the definitions rule # 4757-31-01 per LSC guidance.

The following rules need review by the professional standards committees.

1. Rule 4757-1-07 concerning fines needs additional discussion. The CPSC wants to go forward with fines for CE audit failure. The copy of 4757-1-07 enclosed has a change to say each professional standards committee may use the fines at its discretion.
2. The investigators have proposed an additional paragraph on supervision be added to rule 4757-5-02. We have had several cases where the trainee alleges that his/her supervisor allows someone else to provide supervision and the original supervisor would sign as the training supervisor. We have had supervisors say they were only providing work supervision when the trainee thought it was training supervision. The proposed language is attached. The CPSC & MFTSPSC have approved this change.

I have contacted all of the associations concerning proposed statute changes and most are still in work. OCBHP has provided their input, which includes a request to delete the professional disclosure statements from section 4757.12 of the Revised Code.

Enclosed is a memo on how to implement the banking of continuing education hours for the CEU committee to discuss and forward to the Professional Standards Committees. We have received input from a number of associations, which are almost all in support of banking. See CE Committee documents for responses.

Rhonda Franklin, renewal coordinator, suggested modifying the semi-annual January to June and the July to December renewal mailings to a quarterly mailing. We investigated and this change should not increase costs for mailing or printing. Mailing quarterly should help eliminate the May-June and November-December recipients receiving the renewal so early that the form is lost in the pending pile. We would like to start this in the Fall with a November mailing to the January to March 2011 renewals and a February mailing to the April to June 2011 renewals.

The approval of closure of the office for the Friday after Thanksgiving is from DAS HR:
Please consider this email as DAS approval of your request for closure on:

- Friday, November 26, 2010.

Your agency will be responsible for developing a communication plan to put your customers on notice of the closure. As indicated earlier, the state is committed to minimal customer service disruption as a result of cost savings days and effectively communicating agency closures to both internal and external customers is an important step in minimizing any disruption.

We will comply through web site posting, emails and a notice on our front door.

The Executive Committee will present me the annual evaluation for March 6, 2009 through March 5, 2010 at this meeting.

July Planning Meeting Topics:

- ❖ CE program and provider charge
- ❖ regulating amount charged to professions for continuing education,
- ❖ reciprocity from other states,
- ❖ marketing MFT/IMFT licensure,
- ❖ passing test score,
- ❖ discrepancy between the three committees regarding continuing education such as spirituality and equine therapy
- ❖ supervision.
- ❖ have ethical questions given to Mr. Hegarty ahead of time and then discuss them at the meeting.

Executive Director Work Plan: accomplishments for Fiscal Year 2010.

- Worked closely with ODMH resulting in improved Matrix approval of our licensees/registrants
- Laws and Rules exam live for 3 hours CE and for licensure applicants
- Continue to bring issue to the committees for discussion
- Helped HB62 on the civil service exemption issue pass the House
- Continue communications with all university licensure programs, associations and licensees
- Planning Meeting Issues were discussed and assigned as follows:
 - Assess the many CEU issues raised - task the CEU Committee – process started
 - Start the process of a statute change - task executive director – emailed associations asking for input by end of February 2010.
 - Review the budget and revenue projections - task executive director – see report
 - Improve technology use where appropriate - task executive director – survey monkey, revised web site
 - Improve the licensee disciplinary process - task the Investigative Liaison Ad Hoc Committee – in work

Sincerely,

James R. Rough
Executive Director