



Counselor, Social Worker & Marriage and Family Therapist Board

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STATE OF OHIO

COUNSELOR, SOCIAL WORKER AND MARRIAGE AND FAMILY THERAPIST BOARD

SEPTEMBER 21, 2007

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 September 21, 2007.

Members present were Mr. Timothy Brady, Mr. Jose Camerino, Dr. Theresa Cluse-Tolar, Ms. Randi Cohen, Mr. Fred Dailey, Ms. Karen Huey, Dr. Susan Norris Huss, Dr. Victoria White Kress, Ms. Jennifer Riesbeck-Lee, Dr. William Mosier, Mr. Tommie Robertson, Ms. Mary Anne Sharkey-Dirck, Ms. Molly Tucker and Mr. Jan White. Staff present: Mr. James Rough, Mr. William Hegarty, Ms. Jennifer Kreinbrink, Ms. Patricia Miller, Ms. Tamara Tingle, Ms. Marcia Holleman, Ms. Rena Elliott, Ms. Tracey Hosom and Ms. Margaret-Ann Adorjan.

Also, present Atty. Peter R. Casey IV, Assistant Attorney General, Mr. Henry Lustig, NASW, Atty. Glenn Karr.

Mr. Trivison acknowledged Dr. Cluse-Tolar for her appreciated service to the Board as the Chair of the Board and as a Committee Chair. Ms. Tucker presented Dr. Cluse-Tolar with a state plaque in appreciation for her hard work and said that she was extremely helpful to everyone and although off the board the Committee will continue to bother her by e-mail and hopes to see her back in a year on the Board. Dr. Cluse-Tolar thanked everyone and expressed how much she enjoyed her time on the Board and that she has learned so much. Mr. Trivison also said what a pleasure it was to work with Dr. Cluse-Tolar.

- I.** Discussion and approval of agenda. Mr. White moved to accept the agenda, Ms. Cohen seconded. Carried.
- II.** Ms. Tucker moved to accept the July 20, 2007, minutes, Mr. Brady seconded. Carried.

III. Executive Director Report presented by Mr. Rough:

Mr. Rough reported:

1. The Board will miss Dr. Cluse-Tolar and may need her to return for the November meeting, if a new Board Member is not appointed.
2. The Professional Standards Committees discussed distance learning, bartering, e-therapy and coaching. In addition, the Ohio Counseling Association will propose some changes to the statute so the board should consider other changes they may want at that time.
3. The Board Policy and Procedures reflecting the Board Members responsibilities was revised.
4. Mr. Casey met with the Committees on the endorsement rule and some changes have been made and an endorsement check box will be added to the licensure applications.
5. The majority of rule changes were filed except for the endorsement and counselor rules, which will be filed next week. A Board hearing will be needed for the new rules and the hearing can be held with or without the Board present. Mr. Rough is asking the Board what their preference is for the public hearing.
6. Let Ms. Miller know when the required board member ethics training has been attended so she can add you to payroll.
7. The Marriage and Family Therapy issue is moving slowly but making progress. Representative Webster has agreed to sponsor the bill and a phone appointment has been set up with the Director of the Ohio Department of Mental Health.
8. The Union reviewed the job description for the Certification Licensing Examiner and the result would have been a downgrade for some Commerce employees so the process was stopped.
9. No budget report is available due to problems with the system and the inability to access the report in OAKS system; one will be available in November.
10. A copy of the press release for disciplined licensees was distributed.
11. The number of licensees is growing which is shown in a report that was distributed. Unable to determine if the number is actually increasing due to more licensees that are new or if more licensees are continuing to work.
12. Mr. Rough and Mr. Trivison met with AMFTRB to discuss the MFT exam and felt the meeting went well. Currently there is a high passing rate but with the new version, an expected slightly lower passing rate is predicted.
13. The National Practitioner is a data base the Board can check for all disciplined licensees that are reported to the system and it automatically informs you of any disciplines once the name is entered. The price is expensive, to have 1,000 licensees run through the system the cost is \$3,250. Several questions were asked from Board Members and the decision to have the state of Illinois try the system first and have a discussion afterwards was decided.

14. The Marriage and Family Therapist Regulatory Board meeting went very well, the topics included supervision, portability, endorsement, statute, exam, rules and other issues. Many similarities and differences were found. Mr. Rough will be on the Competency Committee that was formed. Competency is not necessarily provided through continuing education programs.
15. Ms. Cohen asked about the ethics exam, Mr. Rough stated the exam is in the final stages of website development and will be e-mailed to all Board Members and then to the Universities and lastly to individuals who offered to help with the questions on the exam. The cost will be anywhere from \$5.00 to \$10.00. The exam will be more of a rule review and hopefully by next year will be used for continuing education and will be a requirement in addition to the ethics requirement.
16. The staff has been great, working well together. Mr. Casey and the Board Members are always available for questions. The staff cares about their job and it shows.

IV. Investigative Report presented by Mr. Hegarty:

Mr. Hegarty reported:

1. Thanked his staff for their hard work and Dr. Cluse-Tolar for all her hard work as the liaison for investigations.
2. Since July 17, 2007, forty-two new cases have been opened, twenty-six social workers, fifteen counselors and one unlicensed. Total cases opened from January 1, 2007, thru September 18, 2007, is one-hundred and eighty-eight. The breakdown of the types and demographics were distributed to the Board. Complaints received are mostly regarding incompetence and renewals. The Columbus area has the most complaints. The number of complaints has increased.
3. The staff has traveled to Akron, Beachwood, Brunswick, Cincinnati, Cleveland five times, Columbus four times, Dayton, Euclid, Mansfield, Ravenna, Toledo three times, Troy, Vermillion, Walton Hills, Westerville, and Worthington.
4. A counselor discipline hearing will be scheduled.

The Board welcomed Dr. Mosier who has been out serving his second term in the Iraq war. Dr. Mosier informed the Board he has been requested to serve another year so will not be able to continue with the Board.

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

Atty. Casey reported:

1. Two cases are under appeal, Mr. Keith Robertson in the Mahoning County Court of Appeals, waiting on a briefing schedule, possibly in the next month. The other case is INR, an agency that offers

- continuing education programs and is at the Franklin County Common Pleas Court.
2. A difficult counselor licensure denial case was held involving endorsement, a rule problem added difficulty to the case.
 3. Mr. Casey stated he is looking forward to working with Mr. Brady who is the new social work liaison.

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

Ms. Tucker reported:

1. Thanked Ms. Holleman and Ms. Kreinbrink for the wonderful job they are doing which makes the meetings easy.
2. Reviewed many professional continuing education requests and provider renewals. Audited ten percent of the licensure applications, thirty-four are pending.
3. Discussed renewal issues, licensed three hundred and twenty-four applicants, three hundred and fourteen were pre-approved to the exam and were pre-approved by Ms. Holleman and Ms. Kreinbrink. Seventeen cases were closed. Mr. Brady will do a great job as the Investigator Liaison.
4. The SWPSC also had two Goldman Hearings, approved three consent agreements, five hearing officer reports and one impairment order. Discussed the endorsement issue and are ready to move forward.
5. A letter was received from ASWB regarding an individual leaving the testing center and not returning quickly, the Board was glad that ASWB reported the incident.
6. Dr. Cluse-Tolar moved to send Ms. Tucker and Mr. Rough to the ASWB Fall Meeting in San Antonio, TX, seconded by Mr. Trivison. Carried. The Board will only need to pay wages and meals as the rest is covered by ASWB and most of the meals are included.
7. Mr. Rough has requested a formal opinion as to whether agencies such as ASWB and NBCC can pay for Board Member expenses. Mr. Robertson moved that if the agencies were not permitted to pay the expenses then the Board would reimburse the Board Members and Mr. Rough, seconded by Dr. Cluse-Tolar. Carried.
8. Definitions were discussed since the statute is being opened.
9. A consensus was met regarding bartering.
10. Ms. Huey, Personnel Committee reported how the Policy and Procedures will be implemented.
11. Administrative Social Work will continue to be discussed.
12. Mr. Glenn Karr gave a great update on a proposed Internet Therapy rule.
13. The first LISW supervisory designee is Dr. Cluse-Tolar.
14. The Board brochure was reviewed and one correction was made.

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

Ms. Sharkey Dirck reported:

1. Thanked Dr. Cluse-Tolar for doing a great job and bringing the Board through some difficult times.
2. Wonderful to see Dr. Mosier and sad to hear he will be leaving again.
3. Two marriage and family therapist and one independent marriage and family therapist applicants were licensed. Ms. Tucker moved to approve the individuals for licensure, seconded by Dr. Cluse-Tolar. Carried.
4. Seven requests to take the exam were reviewed and three hardships were denied.
5. Mr. Trivison and Mr. Rough attended the MFTRB meeting.
6. The MFTPSC is requesting disciplinary actions taken to be distributed before the meeting.
7. Discussed Internet Therapy and the high risks involved.
8. Requested an interpretation of a rule which was explained by Mr. Casey.
9. Minor change to the brochure.
10. Ms. Adorjan is doing a nice job and the new Investigative Liaison will be Mr. Robertson.

VIII. Counselor Professional Standards Committee Report was presented by Mr. White:

Mr. White reported:

1. The CPSC thanked Dr. Cluse-Tolar for her leadership, dedication and will miss her. Also thanked the staff and appreciate their hard work.
2. Licensed one-hundred and twelve PC applicants and forty-nine PCC's.
3. Closed many cases.
4. One-hundred and nineteen applicants took the first tier NCE exam and one-hundred passed. Five took the clinical second tier and all passed.
5. A great presentation was given by Mr. Glenn Karr on E-Therapy.
6. Informative discussion was held on bartering, audits, endorsement, and some changes to the brochure.
7. Three members of the CPSC are up for re-appointment, Ms. Cohen, Mr. Daily and Dr. Norris Huss.

IX. Old Business:

1. The Personnel Committee report was given by Ms. Huey. The Committee met on Thursday to discuss the new evaluation form used for the Director and will send it out to the Board Members for review. The Committee welcomes any comments, hopes to finalize the form in March of 2008. Reviewed the policy and procedures and will be incorporating the Governor's ethics

requirement and the Board's and Committee's responsibilities and more definition of what this entails. One policy change was to change "may" from "shall" for staff performance reviews.

2. Ms. Tucker moved to accept changes to the following policies 1.1, 1.8, 2.2, 2.3, and for new policy 2.10, seconded by Ms. Riesbeck-Lee. Carried.
3. Mr. Brady questioned if incorporating the Governor's ethics requirement what happens when a new Governor steps in. The consensus of the Board was it should still be done due to the importance.
4. Mr. Camerino gave the Continuing Education Committee report. Mr. Hegarty will deal with disciplinary actions resulting from audit findings on a case-by-case basis. An LISW license was revoked for not complying with an audit. No communication from the licensee will result in revoking their license but if communication is received then the cautionary letter will be sent out. The News Link, the board's semi-annual newsletter, will talk about the importance of the audit.
5. Mr. Camerino reported on the Ad Hoc Committee regarding the issue of Bartering. Reviewed and updated the laws, 4757-5-03, multiple relationships and 4757-5-08 regarding payment for services. Mr. Camerino moved to approve these updates, seconded by Dr. Norris Huss. Carried. Ms. Tucker thanked Mr. Camerino for his hard work.
6. Mr. Casey discussed endorsement with the MFTPSC. Mr. Camerino moved to approve the endorsement rule for marriage and family therapist, seconded by Mr. Trivison. Carried.
7. The Committees should discuss the requested changes by OCA and any other statute changes and bring the changes to the full board meeting in November
8. Mr. Trivison discussed the issue of Board Members being present for Public Hearings. Ms. Cohen stated if Board Members are to be present at the Public Hearing to have the hearing on Thursdays. Mr. Rough suggested a hearing be held the week before a board meeting. Mr. Dailey stated, why delay a hearing for the full Board, Ms. Tucker agreed. Mr. Robertson agrees but sometimes the issues are something the Board should be present for to have a better perception to the public, Mr. Brady and Dr. Cluse-Tolar agree it is important to have the Board present but when is it important.

Mr. Rough suggested another alternative, to have a second public hearings if controversial issues are raised then the Board can be present for a second public hearing. This process would be made known to the public. Mr. Dailey stated to touch base with the community and if they don't respond, it will be known if perfunctory or not. Mr. Dailey agrees with the Board not being present at the public hearing. Mr. Brady added the staff is there to report to the Board and a court reporter is present too. The Board directs Mr. Rough to have a public hearing without the Board present.

9. Internet Therapy will be on the November Board meeting agenda. Mr. Glenn Karr will talk with the MFTPSC at the November meeting.

X. New Business:

1. Ms. Tucker moved for Ms. Sharkey Dirck to attend a Public Members on Regulatory Boards Conference by Citizen Advocacy Center in Seattle, WA, in October, seconded by Mr. Robertson. Carried.
2. Mr. Trivison thanked everyone for their hard work.

XI. Adjourned:

Mr. Dailey moved to adjourn, seconded by Ms. Tucker. Motion passed unanimously and the meeting is adjourned. (3:30 p.m.)

Board Chair
Kenneth Trivison