



Counselor, Social Worker & Marriage and Family Therapist Board

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Social Worker Professional Standards Committee (SWPSC) Minutes **Thursday, January 21, 2016**

Members Present: Ms. Anna Bomas, Dr. Carl Brun, Ms. Lisa Haberbusch, Ms. Erin Michel

Staff Present: Mr. Brian Carnahan, Mr. Simeon Frazier, Mr. Bill Hegarty, Ms. Tracey Hosom, Mr. Andy Miller, Ms. Tammy Tingle

Guests Present: Ms. Danielle Smith, NASW-OH; Ms. Linda Helm, Ohio State University

1) Meeting Called to Order

Ms. Michel called the meeting to order at 9:33 a.m.

2) Discussion/Approval of the January 21 & 22 Agenda

Ms. Michel asked to add an item to the agenda, revisiting options available to the Board when asked to take action on specific issues. Ms. Michel then motioned to approve the agenda as amended. Dr. Brun seconded the motion. Motion carried.

3) Approval of the November 19 & 20 Minutes

Ms. Michel asked if any changes or discussion were needed for the November 19 & 20 minutes. Ms. Haberbusch motioned to approve the minutes as written. Ms. Bomas seconded the motion. Motion carried.

4) Approval of Applications for Licensure

The SWPSC reviewed the 137 LSW applicants and 58 LISW applicants approved by the staff, and the 9 SWA applicants registered by the staff, from November 19, 2015, through January 21, 2016. Dr. Brun made a motion to approve the applicants. Ms. Haberbusch seconded the motion. Motion carried.

5) Correspondence

- a) Ms. Helm explained that the Ohio State University School of Social Work, having a history with the development of supervision CEUs, is interested in how the LISW-S is being used in the field. She proposed putting together a survey to find out how licensees earned their LISW-S, how they're currently using it (whether supervising applicants for LISW, or clinical or administrative supervision, in addition to whether they charge for supervision), the kind of supervision models they're using, and how they're going about implementing and understanding their role. The survey would ask these questions and discuss curriculum guidelines. Ms. Helm asked to partner with the Board to gain the appropriate email addresses, and also to ask input. Ms. Bomas asked how many people were grandfathered into the LISW-S. Mr. Miller answered that somewhere between 3000—4000 of the 5600 LISW-S licensees active today appear to have been grandfathered in. Ms. Smith stated that a lot of people think the LISW-S is for clinical supervision, a role that needs to be clarified; Dr. Brun agreed, and stated that many educators also have it, and that a lot of employers require it for their staff. Mr. Carnahan stated that the Board could definitely provide email addresses and input, but he hesitated to use Board resources to actually send out the survey. Ms. Helm agreed, and clarified that Ohio State will administer the survey and perform data analysis; she also clarified that no specific deadline had been put in place for this, which would allow them time to come up with the survey questions and seek Board input. The SWPSC discussed the process, and asked Ms. Helm to come up with a list of questions that she could pass along individually to Board members and Board staff for comment, then construct a survey instrument to be reviewed at a later Board meeting. Ms. Haberbusch asked about the supervision log audit process, and Mr. Miller answered that staff are required by rule to randomly audit a percentage of supervision logs, although audits are also performed when there are questions about the veracity of the Professional Employment Reference forms.
- b) Mr. Miller presented a response from Ms. Kim Mobley with the Ohio Department of Medicaid, following up on an issue discussed at the last Board meeting. It was clarified by Ms. Mobley that she agreed with the Board's analysis, and would work to ensure social work licensees are not practicing medically.

6) Investigations

a) **Closed cases**

Dr. Brun made a motion to close the following cases, as he had determined that no actionable offenses had been found. Ms. Haberbusch seconded the motion. Motion carried.

2015-176	Competency. Close with no violation.
2015-190	Improper Termination. Close with caution.
2015-191	Confidentiality. Close with no violation.
2015-193	Non-sexual boundaries. Close with caution.
2015-197	Competency. Close with no violation.

2015-199 Non-sexual boundaries. Close with no violation.
2015-221 Competency. Close with no violation.
2015-233 Competency/social media. Close with no violation.
2015-237 Competency. No violation found.

Ms. Haberbusch made a motion to close the following cases, as she had determined that no actionable offenses had been found. Ms. Michel seconded the motion. Motion carried.

2015-187 Competency. Close with a caution.
2015-189 Scope of practice. Close with a strong caution.
2015-200 Competency. Close with no violation.
2015-203 Improper termination. Close with strong caution.
2015-205 Custody. Close with no violation.
2015-222 Non-sexual boundaries. Close with no violation.
2015-238 Competency. Close with caution.
2015-246 Competency. Close with no violation

b) Goldman Reviews

Mr. James Opelt: Ms. Haberbusch motioned to revoke Mr. Opelt's social work license because he did not comply with a Board audit for continuing education as required by ORC 4757.36(C)(1) and OAC 4757-11-01(C)(20)(b), and offered no response or communication to the Board regarding said audit. Dr. Brun seconded the motion. Motion carried.

c) Hearing Officer Report

Ms. Linda M. Coleman: Dr. Brun motioned to revoke Ms. Coleman's social work license for the reasons laid out in a report generated on November 19, 2015, the results of a disciplinary hearing held on October 27, 2015. Ms. Coleman had been convicted of one count of Illegal Conveyance of Weapons, Drugs of Abuse, or Intoxicating Liquor onto the Grounds of a Specified Government facility, a third-degree felony. Ms. Michel seconded the motion. Motion carried.

7) ASWB Report

Mr. Carnahan reported that ASWB staff are planning to make a recommendation to their board concerning the various state Boards' use of the exams, and will likely ask states to begin only using the exams as intended. They are willing to consider exceptions, but staff didn't think that our current policy of allowing applicants to take the clinical and advanced generalist exams right out of school is a valid exception. Ms. Haberbusch asked about the Master's exam; Mr. Carnahan responded that since Ohio doesn't have a separate LMSW license, it shouldn't be hard to justify not using the Master's exam. Mr. Carnahan anticipated that he will hear from a number of licensees in opposition, but there really isn't an option. Ohio doesn't have the resources to write and administer its own exam, and as license mobility moves forward, it's best to follow national standards. This would be an interior

policy change, which does not require a rule change or statute change since the exams are not named in the laws and rules. If the policy change does cause pass rates to go down, that will tell us that the clinical exam isn't actually a good measure of practice, which would be a good reason to reevaluate, but for now it's best to be in compliance with ASWB exam policy. Dr. Brun stated it would be advisable to wait to make this change until after the current group of students graduate, since they've already started preparing for particular exams. Ms. Smith asked whether the Ohio Council and other organizations should be contacted for their input; Mr. Carnahan responded that he was willing to contact them, but he didn't believe that advocacy efforts against ASWB would make much difference.

8) Executive Committee Report

Ms. Michel reported that the Chemical Dependency Professionals Board would be stopping by to discuss CEU reciprocity. She also discussed a report generated by Mr. Carnahan, with input from staff, regarding barriers to licensure. Ms. Michel then informed the SWPSC of the possibility of ASWB bringing a Board training to Ohio, which would require at least 30 participants. Mr. Carnahan has been engaging staff from neighboring states to attend, and has about 20 people interested.

Ms. Michel also discussed legislative response to the North Carolina dental board ruling. Ms. Smith stated that some legislators are concerned that in light of this ruling, Ohio currently has a lot of Boards regulating various professions, and bills have been introduced to add more public members, add another step in the rulemaking process, or even do away with professional regulation altogether. A stakeholder meeting had been scheduled, but no representatives from the Board were planning to attend. Ms. Michel expressed her opinion that this is largely paranoia generated from dentists in North Carolina overstepping their bounds and cracking down on practices they shouldn't have touched, which isn't related to what the SWPSC is doing. Mr. Carnahan stated, with regard to the stakeholder's meeting, that a lot of professional associations are attending, but he didn't plan to attend since it's largely an external effort so far. None of his contacts in the House, Senate, or Governor's office seemed concerned, and the CSWMFT Board has a different structure and different practices from the NC Dental Board.

Ms. Michel raised another issue regarding concerns over custody, and whether a licensee is providing therapy or simply performing advocacy or evaluation. The Psychology board recently changed a rule to make sure licensees are not performing both roles, and it may be advisable to do the same for the CSWMFT Board. Ms. Habermusch stated that she's always found the rules clear: if parents are getting divorced, lawyers will sometimes ask social workers to see the child and then make an evaluation on which parent should have custody, but unless the social worker is involved in an evaluation of both homes they can't do that. Unless a court FORCES the licensee to give an opinion, they're not allowed to provide one. The only reason social workers should testify on whether someone is a fit parent is if they are aware of clear issues of abuse, although that can still be difficult since people aren't always truthful.

Ms. Michel informed the SWPSC that the state is not allowing a salary increase for Mr. Carnahan's position, even though the increase was approved by the Board. She then asked to reexamine the menu of options available to the Board for responding to contentious issues. Dr. Brun stressed that he wanted the Board to be able to issue a resolution if appropriate. Ms. Hosom stressed that any option on that list would have been approved by the AAG, and that it's worth questioning whether a resolution would need to be passed by the full Board, or whether a committee alone could do it. Mr. Frazier suggested that it would also be worth verifying exactly what level of issues can require this consideration. Mr. Carnahan responded that he would be willing to consult with the AAG on these issues, and discuss them further with the full Board. He pointed out that these options are simply policies, and wouldn't be strictly binding or confining to future members of the Board. Ms. Michel responded that she would raise this issue with the Executive Committee, so that hopefully they could vote on whether resolutions could be issued for other situations in the future.

9) Working Meeting

After breaking for lunch, the SWPSC began its working meeting to review pending applications for licensure, files to be audited, CEU Programs & Providers, supervision records, hardship requests, and licensure renewal and reinstatement issues. Ms. Bomas attended the CEU Committee Meeting at 1:00 p.m., and Dr. Brun and Ms. Habermusch attended the Investigative Liaison meeting at 2:00 p.m.

10) Meeting Adjourned

The meeting was adjourned at 3:30 p.m.

Social Worker Professional Standards Committee (SWPSC) Minutes
Friday, January 22, 2016

Members Present: Ms. Anna Bomas, Dr. Carl Brun, Ms. Lisa Habermusch, Ms. Erin Michel

Staff Present: Mr. Brian Carnahan, Mr. Simeon Frazier, Mr. Bill Hegarty, Mr. Andy Miller,

Guests Present: Mr. Glenn Karr, Esq.; Ms. Lori Criss, The Ohio Council of Behavioral Health & Family Services Providers; Dr. Grover Gilmore, Case Western Reserve University; Dr. Tom Gregoire, Ohio State University; Dr. Cathleen Lewandowski, Cleveland State University; Ms. Danielle Smith, NASW-OH;

1) Meeting Called to Order

Ms. Michel called the meeting to order at 9:37 a.m.

2) NASW Report

Ms. Smith reported that Cindy Webb is now working as a private practice consultant for NASW, so if licensees have questions on private practice they can come to her. She also stated that NASW Ohio is now helping encourage individuals to send in complaints to the Board if they've gone through sexual orientation change efforts (SOCE) under a social worker or counselor. She is planning to include something in NASW's newsletter that people can cut out and give to their clients on the complaint process. Dr. Brun suggested that it would be good to consult Mr. Hegarty about what makes a good complaint and what information the Board needs. Ms. Smith expressed concern that too much time may have passed on many of these cases to easily perform an investigation, but she is hopeful. Mr. Karr reported that the Cincinnati city council voted to ban conversion therapy for minors, and Dayton probably will do the same. The Psychology Board is likely going to issue a statement, since they have a rule that allows them to ban the practice. He also brought up a bill that has been introduced which would allow psychologists to prescribe medicine; the issue has come up before, but they don't anticipate any changes under this administration, especially since the APA is opposed. The SWPSC agreed that they would not be in support of such a bill.

Ms. Smith also inquired about an organization called Mental Health America who are running a pro bono program with volunteer counselors, in order to serve populations without insurance. NASW has never endorsed the organization because there may be holes in their liability practice, supervision, and record keeping. She asked if any billing issues had ever been encountered with pro bono organizations. Mr. Hegarty responded that if someone is doing pro bono work, all the same rules apply to people doing paid work, with the only exceptions being if someone is working in an exempt setting. He could not recall having any issues with Mental Health America in particular. Mr. Karr also raised an issue regarding

parenting coordinating, which the Psychology Board is allowing their licensees to do. He asked whether a social worker would be in violation of the forensic work rule if they performed parenting coordinating. Mr. Hegarty responded that this is a new practice, where people who are not primary therapists see a need for a parent to drop off their child at a central place as part of visitation with the other parent. Under current rules, it would be a boundary violation for the child's therapist to be involved in this, but a parenting coordinator is not a therapist and can make a recommendation on which parent could have custody. The Board has been asked to make a rule change guidance allowing licensees to act as a parenting coordinator so long as they're not the primary care therapist, which Mr. Hegarty personally saw as being worth considering. Under 4757-6-01, custodial and guardianship issues are discussed, and that would be a good place to clarify. Most people who contact the Board regarding custody are simply looking for guidance.

3) **New Business**

Mr. Miller discussed Board staff's current process with regard to Professional Employment Reference forms, and what happens when a supervisee does not recommend their supervisee for independent licensure. Currently in these situations, the supervised time is simply not counted, and he asked to clarify whether this was best practice. The SWPSC agreed that it would be inappropriate to ignore a supervisor's recommendation. Mr. Frazier asked whether it would make a difference if the denial occurred early in supervision, but later hours under a different supervisor were recommended? The SWPSC agreed that it would not make a difference. Dr. Brun stated that best practice would be to contact the supervisor and clarify whether they really did intend to make a denial, and not to count the hours if the supervisor meant it. If the supervisee contests it, a letter can be sent to the Board for review.

4) **Old Business**

a) Dr. Gilmore spoke on educators' concerns regarding the current exam structure. In his eyes, the pass rate has been very poor; he saw it as a testament to field educators that 60 to 70 percent of people could pass the Clinical or Advanced Generalist exams. He expressed his preference that those exams be based on knowledge and skills applicants acquired while working, not theories they remembered from school; this will improve supervision by helping to put theory into practice. Dr. Gregoire agreed that there's an important distinction between the ability to recite theory and the ability to perform work, and when the state certifies someone as being competent to practice, they should have taken the appropriate exam for it. He anticipated that this will also increase test scores. Mr. Carnahan inquired what resources the schools are providing to help post-graduates pass the exam. Dr. Gregoire responded that they provide students with prep material, and will likely expand in this situation; they also provide continuing education and help licensees find supervision. Dr. Lewandowski stated that Cleveland State ensures that licensure prep materials are available to alumni as well as students, and offer workshops as well as material offered by AATBS (Association for Advanced Training in the Behavioral Sciences). Dr. Gilmore stated that Case Western has faculty who provide pro bono supervision to licensees. Ms. Criss stated that while this decision essentially ends discussion about the exam, it doesn't end the discussion on workforce development. She

expressed concern over a lack of qualified supervisors to provide the kind of supervision licensees need to advance, and proposed a forum on how to bring more LISW-S's into the workforce. It's hard to make a decision on an employee when you're not aware whether or not they can eventually pass the exam to earn an LISW. There are also concerns with the multiple choice format of the test, and situations where a practitioner knows so much about their own work that it might impede them from successfully choosing a correct answer based on overall social work theory. With the VA being the largest employer of social workers in the country, it's hard to keep up with the payscale being offered by federal employers, an issue that's being looked at by the Office on Workforce Transformation. Dr. Lewandowski inquired about jobs that only require an LSW but prefer an LISW. Ms. Smith agreed that there is definitely employer misunderstanding out there, because a lot of people think an LISW-S is needed for many situations where it's not, simply because it's the top license. Ms. Criss discussed issues related to Medicare and the Affordable Care Act, and the changing fees for service reimbursement as the system moves toward managed care. Some policies the Ohio Council is working to overturn, such as allowing LISWs to bill at a higher rate than LSWs for the same service. Dr. Gilmore stated that workforce retention will be improved if social workers are able to enter the profession and get appropriate supervision more easily. However, psychometrics do show that the longer people are away from an environment where they're completing multiple choice tests, the more trouble they have with exams, which is why they provide study material to everyone as much as possible. Ms. Smith agreed that a lot of passing the exam involves strategy on how to choose the right answer, rather than content. Dr. Gregoire expressed the need for curriculum to be in line with the needs of the community and what licensees need in order to practice.

Dr. Brun reiterated the need for all concerned organizations to have the same message regarding the exam, and why this change is being made. Ms. Michel stated that it's important not to simply blame ASWB, since this is a choice the Board supports. Dr. Gregoire asked about the additional costs that will be incurred by licensees; Mr. Carnahan responded that while it's true applicants will be facing a total of \$500 in exam fees, the Board has always suggested to applicants that they take both exams in order to help them find work faster. If someone fails the clinical exam and has to retake it, they've already taken two tests, which defeats the purpose. He stated that he will ask ASWB to set the deadline for the change at June 30, so that graduating students will have time to take the exams they've already been preparing for, and to give time for the message to get out. Applicants are approved to test for a six-month window, so anyone who submits their request before June 30th can still take the Clinical exam after that date. Ms. Smith asked whether licensees will be required to complete two full years of supervised experience, since some states only require 18 months. Mr. Miller responded that in his view, ASWB would only support two full years. Ms. Criss stated that while her membership will not be enthusiastic about this decision, it's worth pointing out that this is a quality standard in place across the United States, and it's good that Ohio is moving toward that.

- b) The SWPSC looked over a revised agenda from Dr. Paula Britton for her *Management and Administration: Supervisory Issues* course. Mr. Miller inquired whether this course

can be accepted for supervision credit for social workers, and whether it provides knowledge applicable to functioning as an LISW-S. Dr. Brun stated that it is important for licensees to understand that an LISW-S is not a manager or an administrator, but a training supervisor. Ms. Michel stated that in her opinion, since the course had previously been approved, it could continue to be so. For future CEUs, the SWPSC should have ongoing conversations about how administrative functions fit into training supervision to make sure licensees are following the correct definitions. The Committee agreed. Ms. Habermusch suggested that Dr. Britton may want to consider adding information related directly to training supervision.

- c) The SWPSC reviewed a job description from an LSW working as a chaplain, who is seeking to use her position to earn supervised experience for the LISW. Dr. Brun expressed concern that a large percentage of her time is devoted to religious work. Ms. Michel expressed concern over the phrase 'clinical pastoral education,' which could be blurring the boundaries between spirituality and social work. Integrating spirituality into helping people become well and balanced can be a positive thing, but it's hard to determine in this case exactly how the chaplain is interacting with clients. Ms. Bomas stated that working on an inter-disciplinary team would necessitate a balance between pastoral duties and social work. Ms. Habermusch stated that in this position, it would be likely that only religiously-inclined clients would be coming to her. Dr. Brun recalled that at the November meeting, the Board had asked this individual for additional documentation besides a job description, and that those items were still needed to make a decision.
- d) Ms. Michel once again discussed the Board's menu of actions for contentious issues; she had expressed the SWPSC's questions to the Executive Committee, and the issues will be discussed before the full Board. The idea of the SWPSC issuing a resolution on its own was not positively received. Regarding CEU reciprocity with Chemical Dependency Counselors, the current thought process is to accept CEUs for dually-licensed people to begin with, and see where things go from there.

5) Meeting Adjourned

The meeting was adjourned at 12:05 p.m.



Ms. Erin Michel, Chairperson

