



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

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### **Social Worker Professional Standards Committee (SWPSC) Minutes** **Thursday, March 17, 2016**

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

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

**Guests Present:** Ms. Elisha Beachy, Ms. Sierra Evans, Ms. Mary Beth Lemrick, Ms. Dorothy Martindale, NASW-OH, Ms. Nikki Newlen

#### **1) Meeting Called to Order**

Dr. Brun called the meeting to order at 9:35 a.m.

#### **2) Discussion/Approval of the March 17 & 18 Agenda**

Dr. Brun asked to move New Business from the 18<sup>th</sup> to the 17<sup>th</sup>. Ms. Habermusch motioned to approve the agenda as amended. Ms. Bomas seconded the motion. Motion carried.

#### **3) Approval of the January 21 & 22 Minutes**

Dr. Brun asked if any changes or discussion were needed for the January 21 & 22 minutes. He asked that the word "crop" on page 4 be changed to "group." Ms. Bomas motioned to approve the minutes as amended. Ms. Habermusch seconded the motion. Motion carried.

#### **4) Approval of Applications for Licensure**

The SWPSC reviewed the 114 LSW applicants and 63 LISW applicants approved by the staff, and the 6 SWA applicants registered by the staff, from January 21, 2016, through March 16, 2016. Ms. Habermusch made a motion to approve the applicants. Ms. Bomas seconded the motion. Motion carried.

#### **5) Correspondence**

a) The Committee reviewed a request from a former LSW licensed with a related degree who wished to reapply for licensure, even though related degrees are no longer eligible for

licensure by statute. Mr. Frazier stated that anyone whose license lapses has to meet the current education requirements. The Committee agreed that according to statute, related degree applicants are no longer eligible for licensure, and statute must be followed. The Committee agreed to deny the request.

- b) The SWPSC received a request from a care manager licensed as an LISW, asking whether it's within LISW scope of practice to perform a medication review. Currently, when an LISW completes this process, and RN needs to review it. Dr. Brun asked that more information be provided on what exactly a medication review is. Is the social worker simply gathering information on what the client is taking, or making some kind of assessment of the medication? Ms. Bomas asked about due diligence. Are LISWs relying on a list of medications provided by the client, or is this being double-checked with the doctor? Social workers shouldn't be monitoring medication. Dr. Brun stated that asking questions for the purpose of a biopsychosocial assessment is within a social worker's scope, but social workers can not comment on the effectiveness of drugs. The SWPSC agreed to ask for more information on what a medication review entails.
- c) The SWPSC received a hardship request from an LSW asking to be supervised by an LPCC-S, since she can not afford outside supervision by an LISW-S. The SWPSC discussed, and agreed to stand by precedent that hardship requests due to financial restraints should not be approved. They agreed to deny the request.

#### **6) Executive Director's Report**

Mr. Carnahan reported on the progress of the policy changes regarding the Clinical and Advanced Generalist exams. The lesson learned is that time should have been spent brainstorming scenarios and possible questions that might come up, because it would have helped to head off questions. He reported on meeting with a few educational programs, and he did receive one question from Mt Vernon Nazarene about how the Board makes decisions on licensing applicants with a criminal record. What types of crimes are looked on more harshly? What kind of timeframes are more of a concern? He expressed desire not to create a hardline policy, but programs do feel a challenge in encouraging people to go forward with their education when they don't know if that person can eventually get licensed. He did share with them that crimes against children, the elderly, and sex crimes are the most difficult cases, and the passage of time is always a factor, as well as being provided a strong statement from the applicant describing their journey rather than simply listing things that happened to them. Dr. Brun stated that it's good to also remind people that even though someone is licensed, it's not a guarantee that an employer will be as favorable. Mr. Carnahan also discussed sending out licensure brochures to NASW and educational programs, and is working on Counseling programs and getting addresses for them. He also provided a memo regarding barriers to licensure that are perceived by staff, some of which may be worth considering for a rule change. Rule changes are being filed, and changes are being reasonably spaced out to avoid information overload.

## 7) Investigations

Mr. Hegarty briefly spoke about parenting coordinators, an issue that had been raised at the last meeting. Looking at OAC 4757-6-01, that rule already covers that issue, and a further rule change may not be needed. It basically says that the primary therapist can't make a recommendation on custody, although it may be worth revisiting at some future time to see if non-therapists can make the recommendation. Ms. Tingle stated that the rule also says you can do it if asked to do it *for* the Court, but not *by* the court.

### 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.

2015-243	Competency. Close with no violation.
2015-260	Unlicensed practice. Close with caution.
2016-2	Sexual boundaries. Allegation not substantiated.
2016-5	Competency. Close with a caution.
2016-29	Falsification of records. Close as unsubstantiated.

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

2015-256	Competency. Close with no violation.
2015-257	Competency. Close with no violation.
2015-262	Billing issues. Close with a caution.
2016-3	Record keeping. Close with caution.
2016-12	Record keeping. Close with strong caution.
2016-18	Application issue. Close with no jurisdiction.
2016-20	Competency. Close with a caution.

### b) **Goldman Reviews**

a) **Mr. Charles E. Campbell:** Ms. Haberbusch motioned to revoke Mr. Campbell's independent 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.

b) **Ms. Chynia M. Dickerson:** Dr. Brun motioned to revoke Ms. Dickerson's social work assistant registration because she 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). She appears to have completed her hours, but has chosen not to complete the required paperwork to document it. Ms. Bomas seconded the motion. Motion carried.

c) **Mr. Clifford Gunderson:** Ms. Bomas motioned to revoke Mr. Gunderson'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.

- d) **Mr. Kevin Hodges:** Dr. Brun motioned to revoke Mr. Hodges's social work assistant registration 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). He demonstrated completion of roughly half of the required CEUs, but never responded to any of the Board's follow-up communications regarding the other half. Ms. Bomas seconded the motion. Motion carried.
- e) **Ms. Gwendolyn Newsom:** Ms. Haberbusch motioned to revoke Ms. Newsom's social work license because she 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) Consent Agreement**

**Mr. Peter Whitt:** Mr. Whitt is a licensed social worker. In August 2015, he was audited for compliance with CEU requirements. He was unable to provide proof of the 30 hours needed to have renewed his license, a violation of ORC 4757.36(C)(1) and OAC 4757-11-01(C)(20)(b). Mr. Whitt admits to these statements. His license to practice social work is hereby suspended indefinitely, until he provides evidence of completion of the required 30 hours of continuing education. Ms. Haberbusch motioned to accept the consent agreement between Mr. Whitt and the Board, based on the evidence in the document. Dr. Brun seconded the motion. Motion carried.

**8) New Business**

- a) Mr. Miller presented a proposed rule change for OAC 4757-19-02. Currently, the application requirements for LISW licensure state that applicants need to have passed the exam within 7 years, unless licensed in another state. Staff's interpretation has always been that "another state" also includes Ohio, and that LSWs who have taken the Clinical or Advanced Generalist exam previously would not need to re-test for the LISW as long as their LSW licenses are active. The SWPSC agreed with this interpretation. However, Mr. Miller asked that they pass a rule change formalizing this interpretation, and inserting Ohio into the rule to make it abundantly clear. Ms. Bomas motioned to approve the draft rule change for 4757-19-02. Dr. Brun seconded the motion. Motion carried.
- b) Mr. Frazier raised an issue related to the practice of social work. He noticed that with regard to the PER forms documenting supervision for LISW licensure, a lot of people are not specifically performing licensed practice (they're performing case management, for example). That work does fall under the broad practice of social work, so it's been accepted for supervised experience, however he wondered if the supervised experience should be

licensed practice only. Dr. Brun stated that scope of practice requirements prohibit someone from practicing outside their competency, so if someone practiced in a non-licensed setting for two years and then earned an LISW, that would be okay. Social work scope of practice includes social services, and supervision rules don't require that a person has to do *everything* that's under the social work scope of practice, only that they're working within that scope and within their competencies. It's up to the supervisor and supervisee to determine whether a licensee is practicing at a higher level and document that. Social workers who are licensed and trained bring a lot to the table that a person with no license or training would bring, and that bridges the gap a little bit. Even if the social worker's job is only to perform an intake assessment, they're still thinking about other ways to help people beyond that. Mr. Frazier asked if he is within his right to go back to licensees and ask for clarification on their job duties. Dr. Brun stated that would be fine, and if there's any question whether or not a log specifies that a person is practicing social work, more information can always be requested. If the job description is vague and doesn't say enough, the Board can request logs or other supporting documentation to show the work being done. The social work scope of practice does include many jobs that don't require licensure, but they practice at a higher level because they do have the social work education and the license.

#### 9) **Old Business**

The SWPSC reviewed a job description from a Chaplain working for the Ohio Department of Mental Health. They determined that her work did constitute social work, and she could use the supervised experience to earn an LISW.

Dr. Brun asked the students attending the meeting whether they had any questions. One student asked whether licensees typically divide up their supervised experience between licensed duties and non-licensed duties, and if they do, is that better? Is it up to the licensee to be aware of the restrictions they face because of competency? Mr. Frazier stated that is up to the licensee to act within their scope, yes. Dr. Brun stated that licensees do often perform more than they're strictly asked to do.

#### 10) **Working Meeting**

After breaking for lunch at 11:48 a.m., 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.

#### 11) **SWPSC Administrative Denial Hearing**

The matter of the eligibility of Ms. Kaitlin M. Cooper to become a Licensed Social Worker (LSW) in the state of Ohio came before the Ohio Counselor, Social Worker & Marriage and Family Therapist Board's Social Worker Professional Standards Committee on March 17, 2016. Members present were Ms. Bomas, Ms. Haberbush, and Ms. Michel.

A Notice of Proposed Opportunity for Hearing was issued to Ms. Cooper by the Counselor, Social Worker, & Marriage and Family Therapist Board on May 26, 2015, and the administrative hearing was held on March 17, 2016 at 1:30 p.m. at 77 South High Street, Columbus OH, 43215, pursuant to Chapter 119 and Section 4757 of the Ohio Revised Code. The State was represented by Assistant Attorney General Melissa L. Wilburn. Ms. Cooper was present and represented by counsel, Mr. James Leo, Esq.

After hearing testimony and reviewing state evidence, the SWPSC entered into executive session to discuss the denial of Ms. Cooper's application for licensure. The SWPSC determined that Ms. Cooper does not have an addiction, and supports and commends her for her current positive choices. They hereby order that Ms. Cooper be licensed as a social worker with the following requirement: that Ms. Cooper must receive personal counseling from a Board approved independently licensed mental health practitioner for a period of two years.

**12) Meeting Adjourned**

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

**Social Worker Professional Standards Committee (SWPSC) Minutes**  
**Friday, March 18, 2016**

**Members Present:** Ms. Anna Bomas, Dr. Carl Brun,

**Staff Present:** Mr. Simeon Frazier, Mr. Andy Miller

**Guests Present:** Ms. Colleen Dempsey, NASW-OH

**1) Meeting Called to Order**

Dr. Brun called the meeting to order at 9:58 a.m. Given that a quorum of members were not present, Dr. Brun reminded the Committee that discussions could be held and information gathered, but no decisions could be made.

**2) NASW Report**

Ms. Dempsey reported on NASW Ohio's continued efforts regarding a ban on sexual orientation change efforts. The psychiatrists' association voted for a ban on conversion therapy, and the Psychologist Board will issue a statement next week regarding their rule that prohibits practice of non-evidence based practice; it should specifically name conversion therapy. NASW gave a presentation to an LGBT coalition last week on how to build support and how to file complaints with various boards. There's not likely to be any movement from the legislature. Dr. Brun pointed out that the Board has added gender identity and expression to non-discrimination rules, which hopefully will help. Ms. Dempsey continued by saying that NASW is providing individuals with information on how to file a complaint. Some people

aren't comfortable stepping forward, but they try to explain that anonymous complaints can be problematic. NASW Ohio has also been working to communicate recent changes to the Board's exam structure.

### 3) **CEU Committee Report**

Dr. Brun presented a CE Program and Provider Guideline sheet recently written up by Paula Broome. It has guidelines on the process and common errors that people make; there are no changes to the process, just an outline of what's currently done. One item that was controversial was an item discussing when Agency X earns a provider number, and then purchases a product by another provider. There's nothing that says they can't do it, but what the Board does want to say is that they can't approve a pre-packaged program that has been previously denied by the Board. It's hard to spot that violation, but if Patty Miller sees it during the renewal process, she could choose not to renew their provider status for the next year. There was disagreement, however, on how much the Board should be publicly discussing this issue. Dr. Brun confirmed that if the provider status renewal is denied, it does not retroactively take away the approval of a program a licensee previously took. There was also a proposal someone submitted for "professional development on the use of emotional support animals." They haven't submitted this CEU for approval yet, but wanted to know how the Board viewed their topic. Ms. Bomas and Dr. Brun both stated their support for support animals as a whole. Ms. Bomas did express one concern regarding the certification process, because individuals can claim anything as a support animal if that animal keeps them calm. But the program on the whole is very good. Ms. Bomas also promised to seek outside opinions on this issue before the CEU request came in. Ms. Dempsey stated that, depending on the content, a course on service animals could even serve as cultural competency with disabled populations.

### 4) **ASWB Report**

ASWB's Spring Education meeting is April 28-30, and if focused on license mobility. Dr. Brun reported that many states have LMSW and LCSW licenses, which Ohio doesn't, so it may be worth reviewing this to make sure people can easily move from state to state. Mr. Miller stated that it can be difficult moving from Ohio to another state, but it's fairly for out of state applicants to come here, since Ohio's endorsement rules are not strict. Dr. Brun encouraged Ms. Bomas to attend ASWB's New Board Member training in Washington D.C., which he highly recommended.

### 5) **Meeting Adjourned**

Following their discussion, the SWPSC returned to their working meeting. The meeting was adjourned at 11:45 a.m.



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Ms. Erin Michel, Chairperson

