



Counselor, Social Worker & Marriage and Family Therapist Board

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Social Worker Professional Standards Committee (SWPSC) Minutes **Thursday, May 19, 2016**

Members Present: Ms. Anna Bomas, 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. Bobbi Boyer, Institute for Human Services; Ms. Colleen Dempsey, NASW-OH; Ms. Wendy Chen

1) Meeting Called to Order

Ms. Michel called the meeting to order at 9:44 a.m.

2) Discussion/Approval of the May 19 & 20 Agenda

Ms. Michel asked to move the Executive Committee report to the top of the agenda. Ms. Bomas motioned to approve the agenda as amended. Ms. Haberbusch seconded the motion. Motion carried.

3) Approval of the March 17 & 18 Minutes

Ms. Michel asked if any changes or discussion were needed for the March 17 & 18 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 114 LSW applicants and 59 LISW applicants approved by the staff, and the 10 SWA applicants registered by the staff, from March 17, 2016, through May 18, 2016. Ms. Haberbusch made a motion to approve the applicants. Ms. Bomas seconded the motion. Motion carried.

5) Executive Committee Report

Ms. Michel presented a letter that will be sent to DAS regarding Mr. Carnahan's raise in salary, which does not appear to be equivalent with that of other executive directors based on the number of licensees. On another issue, the state is conducting their routine audit of the CSWMFT Board, and they have asked some questions about the structure of how credit card transactions are collected and held. In previous years, credit card transactions all went to different accounts automatically based on application types, but now they all go into a main holding account, and then a report is processed to account for money received for each application type. The auditors may have an issue with how this is being done. The Committee discussed whether to continue having Board planning sessions on Thursday afternoons, and it was generally agreed that the information presented in these meetings was educational and useful. Ms. Michel asked about topics that should be covered in the future, to which the SWPSC suggested the importance of social workers to agencies in the field, medication review and how it relates to social workers, the senior population, and the definition of macro social work practice. Mr. Miller suggested that he'd seen a good definition from Boston University, and would include that information at the July meeting.

The SWPSC went on to continue their discussion of Sexual Orientation Change Efforts, and whether the Board needs to ban or make a statement on this practice. Ms. Michel pointed out that more and more associations are issuing statements about SOCE, and recently Ohio Association of Marriage and Family Therapists sent Mr. Carnahan an email asking whether the Board has issued any statements or taken a position on this practice. She stated that, as relayed to her by the Board's chairperson, students and supervisees are unclear on whether they should or should not be performing SOCE. She raised the question as to whether the associations or the Board should lead on this issue, why the practice is not specifically prohibited in NASW's code of ethics, and whether it is right to suggest that an adult should be able to pursue SOCE from a CSWMFT licensee if they really want to. The SWPSC reviewed a statement drafted by the Ohio Psychology Board, listing various associations who had issued their own statements against the practice, and providing warning that the Board would likely investigate and discipline licensees who engage in the practice. They also reviewed a statement drafted by Mr. Carnahan for possible adoption by the Board. Ms. Bomas expressed skepticism as to why the Board needed to issue a statement, when the practice seems to be essentially prohibited by the Board's current rules on evidence-based practice. Ms. Habermusch expressed the need to provide firm guidance to licensees, and Ms. Michel stressed the importance of public perception. Ms. Bomas stated that she needed to see more evidence of client harm before she would be comfortable speaking out against the practice, but that she would be willing to look at a statement that reiterates the Board's current rules against harmful practice in general without making an argument regarding SOCE.

6) Investigations

a) Closed cases

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

2015-274	Confidentiality. Allegation not substantiated.
2016-1	Competency. Allegation not substantiated.
2016-10	Custody issues. Close with no violation.
2016-27	Non-sexual boundaries. Allegation not substantiated.
2016-28	Competency. Allegation not substantiated.
2016-32	Record keeping. Close with strong caution.
2016-37	Custody. Close with strong caution.
2016-46	Non-sexual boundaries. Close with a caution.
2016-73	Unlicensed practice. Close with no violation.
2016-77	Employment issues. Close with no jurisdiction.

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.

2015-219	Impairment. Allegation not substantiated.
2015-252	Confidentiality. Close with no violation.
2015-280	Competency. Close with no violation.
2016-15	Competency. Close with no violation.
2016-16	Mandated report. Close with a caution.
2016-21	Impairment. Allegation not substantiated.
2016-26	Non-sexual boundaries. Allegation not substantiated.
2016-31	Impairment. Close with caution.
2016-33	Impairment. Close with caution.
2016-34	Competency. Allegation not substantiated.
2016-35	Records. Close with caution.
2016-39	Record keeping. Close with strong caution.

b) Goldman Reviews

- a) **Ms. Shari L. Lymon:** Ms. Haberbusch motioned to revoke Ms. Lymon'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), and offered no response or communication to the Board regarding said audit. Ms. Michel seconded the motion. Motion carried.
- b) **Ms. Elizabeth E. Jones:** Ms. Michel motioned to revoke Ms. Jones'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. Ms. Haberbusch seconded the motion. Motion carried.

c) Consent Agreements

- a) **Ms. Megan Graham Hammond:** Ms. Graham Hammond is a licensed social worker. In November 2015, while employed as a social worker at an agency in Columbus, Ohio,

she forged the signature of the mother of her client, a violation of ORC 4757.36(C)(1) and OAC 4757-5-09(B). Ms. Graham Hammond admits to these allegations. Her license to practice social work is hereby reprimanded. Mr. Hegarty clarified that this is only a reprimand because they're dealing with a criminal case and the criminal court holds jurisdiction. Ms. Michel motioned to accept the consent agreement between Ms. Graham Hammond and the Board, based on the evidence in the document. Ms. Bomas seconded the motion. Motion carried.

- b) **Mr. Gavin D. Herzog:** Mr. Herzog is a licensed social worker. In December 2015, while employed at an agency in Dublin, Ohio, he falsified client records by creating case notes that reflected services to clients that were not provided, a violation of ORC 4757.36(C)(1) and OAC 4757-5-09(B). Mr. Herzog admits to these allegations. His license to practice social work is hereby reprimanded. Mr. Hegarty clarified that a reprimand is sufficient in this case, since the discipline will be publicly visible to any future employers, and the licensee will likely be dropped from insurance panels. Ms. Bomas motioned to accept the consent agreement between Mr. Herzog and the Board, based on the evidence in the document. Ms. Michel seconded the motion. Motion carried.

d) Adoption Issue

The SWPSC reviewed a request from Ms. E. Nicole Kaptiy, LSW, to adopt a child who had been a former client of hers. Mr. Hegarty explained that according to precedent, the Board has allowed this in situations where it is clearly the last, best option for the child. He expressed confidence that the licensee understood the need to request permission, and fully understands that she can not treat the child as a client again following adoption. Ms. Haberbusch approved the adoption request. Ms. Michel seconded the motion. Motion carried.

e) Impairment Order

Mr. Hegarty stated that Investigative staff have reviewed a case where they are asking to order a licensee into mental health impairment evaluation. The case has been reviewed by Dr. Brun, and is case number 2016-17. Ms. Michel motioned to order the impairment evaluation. Ms. Bomas seconded the motion. Motion carried.

7) Correspondence

- a) Mr. Miller presented a request from a licensee, Eleanor Bolar, who wishes to use the title of Doctor in her practice. According to OAC 4757-5-02(A)(1), in order to use that title in their mental health practice, the licensee needs to hold a doctoral degree in a field related to mental health from an accredited institution. The SWPSC reviewed the coursework and determined that the coursework clearly falls under the field of mental health, including a very solid dissertation. Ms. Haberbusch moved that Eleanor Bolar be allowed to use the title of Doctor in her practice. Ms. Michel seconded the motion. Motion carried.

- b) Mr. Frazier received a request from LaCinda Jones, a licensee who is the equivalent of an LSW in KY. She will be applying for an Ohio LISW in the future, and wanted to make sure that her supervised experience as a Social Service Worker I in the Boone County Trial Office will be accepted at that time. Ms. Haberbusch motioned to approve the supervised experience. Ms. Bomas seconded the motion. Motion carried.

8) **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.

9) **Meeting Adjourned**

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

Social Worker Professional Standards Committee (SWPSC) Minutes
Friday, May 20, 2016

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

Staff Present: Mr. Brian Carnahan, Mr. Simeon Frazier, Ms. Tracey Hosom, Mr. Andy Miller

Guests Present: Ms. Colleen Dempsey, NASW-OH; Ms. Wendy Chen

1) **Meeting Called to Order**

Ms. Michel called the meeting to order at 9:54 a.m. Ms. Michel motioned to amend the agenda to add three items to Correspondence. Ms. Haberbusch seconded the motion. Motion carried.

2) **Old Business**

The SWPSC reviewed information from Lesley Jordan, who was inquiring whether social workers could perform medication review. Ms. Michel questioned whether this was something more similar to a medication audit, matching two sets of information for the client file. Ms. Haberbusch expressed concern that in this case, licensees are talking to a client to find out how and where and when they're taking medication. If an error occurs and the client starts taking the wrong medication, that would be an issue. From a quality assurance perspective, a social worker could audit what has been done previously, but to enter the information in would be risky. Ms. Michel agreed that this could be someone assessing the fidelity of the administration of medication, as opposed to making a determination whether someone needs it, which sounds

more like a quality assurance assessment. Ms. Haberbusch stated that she didn't think a nurse would like to see a social worker looking at medications and contacting CareSource to say a client should or shouldn't be on a certain pill. Ms. Bomas agreed that when it comes to liability, nurses are able to advise patients on the consequences of what they're doing if they take drugs off-label, but social workers don't have that training. Ms. Haberbusch expressed concerns over timing; if an RN is reviewing this information, how longer afterward is it reviewed? There could be life or death issues involved if medication is being taken improperly. Ms. Michel summed up that there are concerns with liability and accuracy of documentation, and it is a concern that social work licensees would be used in this capacity. Ms. Haberbusch stated that this sounds too much like medication monitoring, and while she recognized that social workers are not intentionally monitoring medication or commenting on effectiveness, she didn't see how this process could best be completed without monitoring.

3) **New Business**

Mr. Miller discussed a recent situation that came up where a licensee who was previously licensed in Ohio reapplied for the LISW. This individual is currently licensed in another country. OAC 4757-19-02 states that applicants need to have passed the exam within the last seven years unless they are currently licensed in another "state," but does not mention other nations. He stated that in his opinion, the rule was written this way because licensure and social work practice in other countries can differ widely, as opposed to other states where things are much more similar. He asked whether, in the SWPSC's opinion, the rule could be broadly interpreted to mean "another jurisdiction" instead of "another state." The SWPSC agreed that they would not make an exception to this rule, and that "another state" would strictly refer to jurisdictions under the ASWB umbrella.

4) **Executive Committee Report**

Ms. Michel stated that in July, the Board will review current Board planning meeting structure. She proposed that at the end of each planning meeting members give feedback on what they'd like to discuss. She also informed the committee that questions are being raised on whether committees should be voting on closed cases that are being reviewed by only one member. The issue is, since the full committee votes to close the cases, is the full committee liable even if only one person reviews it? Currently one person reviews each case in the event that there's a hearing, but the issue is being examined to make sure this is proper procedure.

The SWPSC then reviewed an official response that will be sent from the Board to OAMFT regarding the SOCE issue, as well as documents from NASW, NASW's official statement, and their official policy in the code of ethics. Ms. Michel stated that following the Board's ample discussion on this issue, to make a decision now the Board needs to use the Roberts Rules of order and move forward. She also stated that she finds it disrespectful to ignore any inquiries on this issue from outside organizations, and that the Board should be prepared to respond if asked. Ms. Haberbusch agreed, and stated that since NASW released a statement originally in 1992, it seemed to her that this was not a current political issue, but rather one that's been ongoing for a while.

5) Executive Director's Report

Mr. Carnahan began by discussing the budget for fiscal year 2016, which he stated was a little tighter in previous years because of IT changes, the Board's audit, and an uptick in state travel, but he expected that the year should still end with a small surplus. He disclosed that he's begun discussions to add more staff members for 2017 to deal with workload increases. Ms. Bomas asked if the Board had ever used collections agencies to collect on unpaid CEU audit fines; Mr. Carnahan answered that he had not done so, and didn't expect to. He stated that he is considering raising licensure fees, which have not been raised in 30 years, due to upcoming projected costs (including the new licensure system, new document management system, and adding new staff such as an investigator and a training officer to perform live presentations throughout the state). He reported that he and the Board chair had compiled a list of chairperson duties. He also reported that he spoke to Medicaid about coming to talk about their behavioral health redesign. There are some questions on what Trainees and SWAs could bill for. He also discussed more possible changes to the exam policy, which will likely include the Board beginning to use the ASWB Master's exam. They've also stated they want applicants to not be able to test in their final semester, but it looks like they're willing to bend on that because it won't affect the reliability and validity of the tests. Mr. Miller confirmed that pass rates and costs for the Master's exam are essentially the same as the Bachelor's exam. Mr. Carnahan confirmed that there were no plans to change the license structure by creating an LMSW, and that LSW applicants with a Master's degree will simply take the Master's exam instead. ASWB should be sending this recommendation around July, after which the change will be made.

6) NASW Report

Ms. Dempsey reported on efforts by NASW Ohio and the Ohio State College of Social Work to compile a survey on social work supervision, for which they will be seeking Board member input. She also reported on efforts to ensure that SWTs are recognized by Medicaid, so that agencies can continue to use interns as they're using them now and have an incentive to take interns on. Regarding SOCE, they've put on about five presentations, getting the word out about the complaint reporting process and the importance of reporting. NASW Ohio should soon be submitting a complaint regarding a practice in Cincinnati that is practicing SOCE.

7) Correspondence

- a) The SWPSC reviewed a hardship request from a licensee who has changed responsibilities several times and has been supervised by LISW-S's, but has also been supervised by other practitioners and wants it to count toward her LISW supervised experience. Ms. Michel asked if her out-of-state supervision could be counted; Mr. Frazier responded that it's a jurisdictional issue, that if the supervision is completed according to the other state's rules, Ohio can accept that supervision under endorsement. Ms. Michel moved to deny the hardship request on the grounds that an LISW-S is required for supervision, and the licensee lives in a geographic area where LISW-S licensees are plentiful. Ms. Bomas seconded the motion. Motion carried.

- b) The SWPSC reviewed a hardship request from another licensee requesting supervision from a non-LISW-S. Ms. Bomas expressed concern that the licensee didn't even have her MSW yet; by the time she earns her Master's degree, there may be supervisors available. Ms. Michel motioned to deny the hardship request. Ms. Habermusch seconded the motion. Motion carried.
- c) The SWPSC reviewed a request from Ms. Anne Tapia, an LSW working as a Regional Autism Advisory Council Coordinator. She asked whether her work in this position would count as supervised practice to earn an LISW. Ms. Bomas stated that the work definitely appeared to be social work, involving linking resources between agencies. Ms. Michel moved to agree that the job descriptions provided are appropriate for supervised experience needed to earn an LISW. Ms. Habermusch seconded the motion. Motion carried.

8) CEU Committee Report

Ms. Bomas reported that Ms. Broome recently discovered a number of CEU audits that were archived by the auto-archive settings in her email and were therefore not completed. It's been corrected, and Ms. Broome will review those audits now. Another issue that came up was Elite CEU; they are approved for social workers but not the other two professions, and were apparently advertising themselves as being approved for all licensees. Ms. Broome had to call them and make clear that they were not approved for counselors or MFTs.

9) Meeting Adjourned

The meeting was adjourned at 11:47 a.m.

 MSW LSW 2/24/16

Ms. Erin Michel, Chairperson