Counselor, Social Worker & Marriage and Family Therapist Board

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Social Worker Professional Standards Committee (SWPSC) Minutes
Thursday, May 21, 2015

Members Present: Dr. Carl Brun, Ms. Lisa Haberbusch, Ms. Erin Michel, Mr. Steve Polovick

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

Guests Present: Ms. Danielle Smith, NASW-OH; Ms. Melissa Wilburn, AAG.

1) Meeting Called to Order

Ms. Michel called the meeting to order at 9:51 a.m.

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

Ms. Michel asked if any changes or discussion were needed to the Agenda. Dr. Brun motioned to approve agenda as written. Ms. Haberbusch seconded the motion. Motion carried.

3) 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. Mr. Haberbusch seconded the motion. Motion carried.

2014-294	Competency. Close with caution.
2015-2	Record keeping. Close with caution.
2015-9	Competency. Close with strong caution.
2015-12	Scope of practice. No violation found.
2015-20	Record keeping. Allegation not substantiated.
2015-24	Failure to report. Close with strong caution.
2015-38	Confidentiality. Close with caution.
2015-40	Competency. Close with caution.
2015-42	Non-sexual boundaries. Close with caution.

2015-43	Record keeping. Close with caution.
2015-46	Audit issues. Close with strong caution.
2015-63	Competency. No violation found.
2015-64	Confidentiality. No violation found.

b) Consent Agreements

a) **Ms. Christel Dzendzel:** Ms. Dzendzel is a licensed social worker. The Board received credible information concerning a multiple relationship involving a client and Ms. Dzendzel in March 2015, a violation of ORC 4757.36(C)(1) and OAC 4757-5-03(A). Ms. Dzendzel admits to this allegation. The Board will allow her to permanently surrender her social work license in lieu of other potential disciplinary action. Mr. Polovick motioned to accept the consent agreement between the Board and Ms. Dzendzel based on the evidence in the document. Dr. Brun seconded the motion. Motion carried.

b) **Ms. Elizabeth A. Babka:** Ms. Babka is a licensed independent social worker. In 2013, Ms. Babka met a client as part of her work at an Ohio correctional facility. Their professional relationship was terminated in January 2014, and after March 2014, Ms. Babka began a personal relationship with this former client, a violation of ORC 4757.36(C)(1) and OAC 4757-5-04. Ms. Babka admits to this allegation. Her license is hereby suspended for three years, during which time she must continue to appropriately renew the license. Ms. Haberbusch motioned to accept the consent agreement between the Board and Ms. Babka based on the evidence in the document. Mr. Polovick seconded the motion. Motion carried.

c) **Mr. James A. Kiriazis:** Mr. Kiriazis is a licensed social worker. In February 2015, Mr. Kiriazis was audited for compliance with continuing education requirements, and was unable to provide proof of the 30 hours needed to have renewed his license, a violation of ORC 4757.36(C)(1) and OAD 4757-11-01(C)(20)(b). Mr. Kiriazis admits to this allegation. The Board will allow him to surrender his social work license in lieu of other potential disciplinary action. Ms. Michel motioned to accept the consent agreement between the Board and Mr. Kiriazis based on the evidence in the document. Dr. Brun seconded the motion. Motion carried.

d) **Ms. Marlene K. Allen:** Ms. Allen is a licensed social worker. In February 2015, Ms. Allen was audited for compliance with continuing education requirements, and was unable to provide proof of the 30 hours needed to have renewed his license, a violation of ORC 4757.36(C)(1) and OAD 4757-11-01(C)(20)(b). Ms. Allen admits to this allegation. The Board will allow her to surrender her social work license in lieu of other potential disciplinary action. Dr. Brun motioned to accept the consent agreement between the Board and Ms. Allen based on the evidence in the document. Ms. Michel seconded the motion. Motion carried.

c) **Goldman Reviews**

a) **Ms. Zaria Davis-Humphries:** Mr. Polovick moved to revoke Ms. Davis-Humphries's social work license. On November 6, 2014, she plead guilty to a felony conviction of USC Sections 1347 and 1349, conspiracy to defraud Medicaid. Her felony conviction in this case constitutes a violation of 4757.36(C)(5). Ms. Michel seconded the motion. Motion carried.

b) **Mr. Jon J. Kuron, Sr.:** Ms. Michel moved to deny Mr. Kuron's application for social work licensure. His record shows three past criminal convictions for domestic violence, and the Board proposed to deny him licensure due to poor moral character. Mr. Kuron did not request a hearing, and Ms. Michel stated that she personally was not comfortable approving his license without a hearing. Ms. Haberbusch seconded the motion to deny. Motion carried.

c) **Ms. Veronica W. Roseborough:** Ms. Haberbusch moved to deny Ms. Roseborough's application for social work licensure. On January 6, 2015, Ms. Roseborough was convicted of receiving stolen property, and sentenced to one year probation. Due to the recentness of this conviction, the Board proposed to deny her application, and she did not request a hearing to contest this. Mr. Polovick seconded the motion to deny. Motion carried.

4) **Approval of the March 19 & 20 Minutes**

Ms. Michel asked if any changes or discussion were needed for the March 19 & 20 minutes. Dr. Brun asked to change working in the Old Business section to remove ambiguity. He then motioned to approve the minutes as written. Ms. Haberbusch seconded the motion. Motion carried.

5) **Approval of Applications for Licensure**

The SWPSC reviewed the 159 LSW applicants and 123 LISW applicants approved by the staff, and the 13 SWA applicants registered by the staff, from March 19, 2015 through May 21, 2015. Ms. Haberbusch made a motion to approve the applicants. Dr. Brun seconded the motion. Motion carried.

6) **Old Business**

a) Ms. Michel recapped the SWPSC's previous discussion on same-sex conversion efforts, and whether the Board should take action to ban this practice. Since the last meeting, research articles have been circulated to keep information flowing. In the executive committee, a letter from OAMFT was reviewed, and Ms. Wilburn's legal opinion consulted. Ms. Wilburn stated that several associations have been asking the Board to draft a rule banning this practice, but it is clear, black-letter law that whenever an administrative body acts to promulgate a rule, there has to be statutory authority for that rule. SB74 would provide statutory authority if it passes, but otherwise the authority is

not currently there. Ms. Smith agreed that, as per her own review, the authority of the Board is to regulate competency of individuals, but not to regulate particular therapies, and it does seem that SB74 would need to pass in order for the Board to specifically prohibit this practice. Mr. Carnahan clarified that if the Board received a complaint about this practice, they would investigate and issue caution letters or discipline as appropriate. If would be untrue to say the Board could never investigate the issue. Ms. Wilburn clarified that a minor can also file a complaint without parental consent, but that the parent or guardian would likely need to sign off on the Board having access to the minor or the minor's documentation, which could be a barrier, although a licensee could still be required to submit records with names redacted, especially with a court order. Ms. Smith expressed her concern that according to the Board's rules, a licensee can use non-evidence based practice if the client consents. Ms. Wilburn replied that she did not believe this Board or its investigators employ any techniques that make it more difficult to find information appropriate to a case, and she did not see any roadblocks to putting together a case if there is sufficient harm to a client. Mr. Carnahan also clarified that the particular rule being referenced is designed to cover experimental techniques and practices in early use, whereas in this case there's evidence that the practice is specifically harmful. He also clarified that if SB74 passes, the Board will be obligated to write rules banning the use of this practice on minors. Mr. Hegarty had stated that in the 20 years he's been here, he can't recall a specific complaint on this issue, so there haven't been a massive series of issues driving this Board to ban the therapy among practitioners. Mr. Polovick stated he works with a number of children who deal with sexual identity issues, and expressed his frustration that the Board seems unable to prohibit this practice from being used on them. Dr. Brun expressed a need for caution, that in banning one practice which seems very obviously harmful, the Board could be asked to ban other practices which are more controversial, or have less evidence against them, which would be a difficult and arduous process.

b) Mr. Carnahan updated the committee on a new change to HB4, which clarifies that licensed individuals using this medication on clients would be protected under Good Samaritan laws. He had also clarified in an email to Jason Myers that education and training on naloxone administration would be acceptable for social workers if HB4 passes.

c) Mr. Warne recapped the discussion so far on caseload size regulations. After presenting information from ASWB and NASW, he was asked to follow up with agencies and ODMHAS on the issue. Per ASWB, three states that responded to the survey do not have standards on caseload size. Per ODMHAS, they have given a lot of thought to this issue, but they are not focusing on it, and encourage giving tools to new licensees on how to deal with stress and their large case load. Ms. Michel expressed concern that the problem is not that social workers can't deal with stress, but that agencies are pushing standards that are too high. Ms. Haberbusch stated that it's also a funding issue, that agencies don't have enough money to hire enough people to accomplish what they're trying to do. Mr. Warne also presented a response from Teresa Lampl, who is pushing the idea that new graduates are lacking the skills needed to adapt to the workplace setting., and that the academic and training curriculum are lacking key areas in how to function in a case

management setting.

d) Mr. Warne also presented more information on a question from a non-licensed individual asking if she would be violating Board laws by having her agency provide Child and Family Traumatic Stress Intervention (CFTSI) to clients. Ms. Michel stated that what was described in the correspondence is similar to other things she's seen, that it's an approach where practitioners are given training on how to deal with these specific issues with clients. It doesn't seem to require a license, since no diagnosis and treatment is involved, and though a licensee would of course provide better service, a license is not strictly needed. She stated that she would like to commend the agency for creating a trauma-informed staff and promoting sensitivity to trauma within the agency. The only boundary issue to really look at is whether diagnosis and treatment is involved, and whether the work is in the scope of practice of a domestic violence advocate.

7) Correspondence

a) Mr. Warne presented correspondence from a licensee asking if Facetime is an acceptable program to use in providing training supervision. The Board has previously determined that Skype is acceptable, as long as proper safeguards are followed, but haven't discussed video chat on a smart phone as opposed to a computer. The Committee agreed that this was not significantly different enough to cause concern, and Facetime is acceptable.

b) Mr. Warne presented a hardship request from a licensee which had been previously denied, and which the licensee asked to be reconsidered. The larger issue is, does the Committee still want to deny hardship requests where the licensee claims they are unable to afford supervision? Hardship requests have been approved in the past because the licensee is working in specialty areas of practice that may require input from someone knowledgeable in that practice who is outside the profession. Requests based on geographic remoteness were previously approved, but because of video chat that's not as much of an issue. Ms. Michel acknowledged that supervision is certainly very expensive, and gave her recommendation that the licensee should seek to find someone, at her agency or otherwise, who would be willing to pay for the supervision. But the Board does require a certain amount of supervision, and there's nothing specifically barring her from earning that supervision. The Committee decided not to overturn the previous decision to deny the licensee's hardship request.

8) Working Meeting

The SWPSC began its working meeting at 1:00 p.m. to review pending applications for licensure, files to be audited, CEU Programs & Providers, supervision records, hardship requests, and licensure renewal and reinstatement issues.

9) Meeting Adjourned

The meeting was adjourned at 3:00 p.m.

Social Worker Professional Standards Committee (SWPSC) Minutes
Friday, May 22, 2015

Members Present: Dr. Carl Brun, Ms. Lisa Haberbusch, Ms. Erin Michel, Mr. Steve Polovick

Staff Present: Mr. Brian Carnahan, Ms. Tracey Hosom, Mr. Andy Miller, Mr. Doug Warne

Guests Present: Mr. Glenn Karr, Esq.; Ms. Sarah Patterson; Ms. Danielle Smith, NASW-OH

1) **Meeting Called to Order**

Ms. Michel called the meeting to order at 9:28 a.m.

2) **Executive Committee Report**

Ms. Michel reported that the Committee talked about moving the Board meeting date for September due to MFT and Counseling conferences conflicting with the established date. The proposal was to move it to Sept. 24th and 25th. The SWPSC agreed to change the date. The Executive Committee also discussed clearly defining an hour of client contact, and an hour of supervision, since some people round up. This would address training, not billing. Ms. Michel discussed the introduction of legislation to license music therapists, which would make them part of the medical board. There are issues regarding whether this is a profession or a modality, the level of education needed to earn this potential license, title protection, diagnosis and treatment, and how this would fit in with the Board overall, because if the medical board doesn't want to take on these licensees, it's likely the CSWMFT Board would be the next place they could go. The bill does have bipartisan support and 15 cosponsors. Ms. Michel stated there are education programs in Ohio for music therapy, and from what she knows these practices require very specialized training and knowledge, which fills a need. However, the issue is that schools are creating degree programs based on what students want, and it's up to regulatory Boards to bridge the gap between these programs and the requirements for a profession. The general consensus of the Executive Committee was not to create a separate profession, but make it a registration or modality. Mr. Polovick stated that with 300 music therapists practicing in Ohio, it was his opinion that someone should be providing regulation of the profession.

Dr. Brun discussed plans for the July planning meeting. Ms. Michel discussed a self-assessment for Board members that had been recently developed, which could provide valuable feedback and issues for discussion. She also discussed the importance of each committee providing feedback and information to the others, and the need to build in more dialogue and discussion between the groups. Ms. Michel also provided an update on Medicaid reimbursement language which has been placed into a bill. 85% reimbursement language has been proposed, and the goal is to have it in effect by October.

3) **New Business**

a) Mr. Warne discussed a phone call he received from a hospital in Toledo. There's a new law that hospitals must have policies and procedures in place regarding opioid diversion, and the hospice worker wanted to know if these new requirements are in the scope of practice of a social worker. The main issue is a requirement for counting pills to be destroyed or disposed of. The bill doesn't affect administering medication, it only has to do with ensuring that no drugs are retained by a patient's family. They have a year to implement this. The SWPSC briefly discussed the issue to prepare for a larger discussion later on, closer to the implementation date.

b) Mr. Warne presented a series of proposed rule changes. A change to 4757-3-01 will add a definition of counseling and social functioning to the social work scope of practice. A change to 4757-21-03 will differentiate the scope of practice for an LISW from the scope of practice for an LISW-S. Other proposed changes to 4757-5-2 and 5-3 will approach issues of technology in practice, privacy, and data security. Language has also been proposed to get rid of independent study for CEUs, which the SWPSC agreed with. Ms. Michel asked about a change to 4757-5-02(D)(5), which would apparently allow a client who is court-ordered to come to counseling to refuse participation. She stated that it seemed to be more of a patient's rights issue, and may not require a rule change.

4) **Executive Director's Report**

Mr. Carnahan reported that he had recently testified on the Board's budget. It was a difficult discussion, because the Board's office space is decreasing by 50%, yet rent is increasing by over 10%. One board member has resigned, two more have been added. A public member is still needed for the SWPSC. A new E-Licensing system is in development, and the Board is not involved in the pilot program but Mr. Carnahan is part of the steering committee. The new platform will enable even more to be done online. The CPSC is expected to begin discussing reciprocity agreements, and it's obvious that if license mobility is going to happen for social workers, it's going to involve talking to individual states and coming to arrangements one by one. Ohio licensees could have trouble going to other states since Ohio only has one independent licensure status instead of two. Mr. Carnahan tried to get an amendment added to the budget bill to reduce the amount of CEUs for SWAs from 30 to 15, but wasn't able to. Other options are being sought. All Boards and commissions are being asked to provide information to licensees regarding how to recognize and prevent human trafficking.

5) **NASW Report**

Ms. Smith reported that NASW-OH earned a grant from the national chapter to conduct a survey of social workers on salaries, which may reveal what specific jobs in specific areas pay. The annual conference is also coming up in November.

6) ASWB Report

Mr. Warne presented a license mobility summary that was provided by ASWB, with highlights of their discussion. One of the biggest takeaways is how quickly they want to make this happen, with the goal being a 2017 rollout. Mr. Carnahan clarified that the Board's statute does allow for agreements with other states. Mr. Warne also presented pass rates for individual schools in Ohio.

7) Correspondence

a) Mr. Warne presented an email from a licensee who was concerned about a number of medically oriented tasks she was being asked to perform. Past decisions have stated that social work licensees can ask questions and record responses to be given to medical practitioners, but can't analyze or interpret the medical data themselves. If licensees have the background, education, and training to perform psychoeducation, they can practice this as well, but many social workers don't have knowledge in physical areas. The SWPSC reviewed a number of questionnaires that agency employees were being asked to administer to clients, including questions and talking points on asthma, insulin, eye care, home oxygen use, and others. Ms. Haberbusch stated that one could argue that since the appropriate responses are written into the assessments, no specialized knowledge is needed to give them, but that this assessment is most appropriately performed by a nurse. Ms. Michel agreed, and stated that a social worker couldn't possibly answer any questions that a client might have on topics related to the questionnaires. A social worker is simply not going to have the background knowledge necessary to perform this work with accuracy. The SWPSC agreed that these assessments are not in the scope of practice for a social worker.

b) The Committee reviewed an email from a licensee with questions about OEI treatment (Observed and Experiential Integration). Mr. Hegarty had already spoken to her, and the licensee is neither using this practice nor is planning to, but he wanted the Committee to be aware of it. He had emphasized to the licensee that the Board frowns on experimental techniques being used with children. Dr. Brun stated that large agencies who receive federal dollars will typically to have committees who review treatment methods being used by their practitioners, and they generally take care of issues like this.

8) CEU Committee Report

Ms. Haberbusch reported that the Committee discussed creating an emeritus license, which would allow inactive licensees to perform limited supervision and other practices. They also talked about CEU provider numbers; agencies have asked if they order an online course and have their employees take it, can they stamp it and offer it for CEU? The Committee determined that best practice would be to have the provider of the online course seek approval themselves. Dr. Brun stated that providers will routinely bring in speakers and presenters from outside, but it is up to them to review each speaker and determine whether the presenter is appropriate. Ms. Michel agreed that bringing in outside presenters is common and appropriate, but that a purchased program is different because there's no

opportunity to ask the presenter to change any inappropriate content. Mr. Haberbusch also discussed a request from a social worker asking for an extension to complete her CEU hours after her renewal date; since Rhonda Franklin knows the licensee personally, she had asked that the committee review the request. The SWPSC looked it over, and Ms. Michel motioned to approve the request for three additional months submitted by the licensee. Dr. Brun seconded the motion. Motion carried. Ms. Haberbusch then brought forward a CEU request regarding a program that would use phone apps to help victims of PTSD. This CEU would provide info on how to use the apps. Ms. Michel stated that the course seems to be focused on how to connect clients to resources, though the main question is whether the course is relevant enough for social work practitioners. The Committee reviewed the course and agreed to approve it. Mr. Polovick also asked if the SWPSC could be informed on how the course goes, so they know how to handle similar issues in the future.

9) <u>Meeting Adjourned</u>

The meeting was adjourned at 11:40 p.m.

Ms. Erin Michel, Chairperson