



Counselor, Social Worker & Marriage and Family Therapist Board

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Social Worker Professional Standards Committee (SWPSC) Minutes **Thursday, November 20, 2014**

Members Present: Mr. Tim Brady, Dr. Carl Brun, Ms. Erin Michel, Mr. Steve Polovick

Members Absent: Ms. Jennifer Brunner

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

Guests Present: Ms. Rachel Wagenbrenner

1) Meeting Called to Order

Mr. Brady called the meeting to order at 9:35 a.m.

2) Discussion/Approval of the November 20 & 21 Agenda

Mr. Brady asked if any changes or discussion were needed to the Agenda. He then asked to add an item discussing whether or not the Board should move their meeting days from Thursday and Friday to Wednesday and Thursday. Dr. Brun asked to add a discussion of how new members are appointed to the Board. Ms. Michel motioned to approve agenda as amended. Dr. Brun seconded the motion. Motion carried.

3) Approval of the September 18 & 19 Minutes

Mr. Brady asked if any changes or discussion were needed for the September 18 & 19 minutes. Dr. Brun motioned to approve the minutes as written. Mr. Polovick seconded the motion. Motion carried.

4) Investigations

a) Closed cases

Mr. Hegarty thanked Mr. Brady and Dr. Brun for all their hard work in acting as investigative liaisons. Mr. Brady then made a motion to close the following cases, as he had

determined that no actionable offenses had been found. Ms. Michel seconded the motion. Motion carried.

2014-130	Competency. Close with caution.
2014-150	Impairment. Close as unsubstantiated.
2014-155	Record keeping. Close with no violation.
2014-170	Record keeping. Allegation not substantiated.
2014-173	Non-sexual boundaries. Close with caution.
2014-194	Non-sexual boundaries. Close with no violation.
2014-195	Impairment. Close with no violation.
2014-202	Record keeping. Close with caution.
2014-205	Practice on lapsed license. Close with caution.
2014-218	Custody issues. Close with no violation.
2014-230	Record keeping. Close with caution.
2014-233	Defamation. Close as unsubstantiated.
2014-237	Competency. Close with no violation.
2014-240	Practicing without a license. Allegation not substantiated.
2014-244	Record keeping. Allegation not substantiated.
2014-245	Confidentiality/competency. Close with no violation.
2014-254	Unlicensed practice. No violation found.

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

2014-160	Competency. Close with no violation.
2014-165	Custody issues. Close with no violation.
2014-166	Competency. Close with no violation.
2014-169	Custody dispute. Allegation not substantiated.
2014-184	Competency. Close with no violation.
2014-189	Non-sexual boundaries. Close with strong caution.
2014-192	Record keeping. Close with caution.
2014-203	Poor supervision. Close as unsubstantiated.
2014-204	Billing issues. Close with strong caution.
2014-221	Competency. Close with no violation.
2014-234	Competency. Close with no violation.
2014-253	Practice on lapsed license. Close with caution.
2014-262	Practicing without a license. Allegation not substantiated.

b) Consent Agreements

- a) **Mr. Ilija Atanasovski:** Mr. Atanasovski is a licensed social worker. In July 2014, he blurred professional boundaries by buying with his own money an over-the-counter medication for his minor client. He did not seek supervision over this before buying the product. His actions constitute a violation of ORC 4757.36(C)(1) and OAC 4757-5-03(A). Mr. Atanasovski admits to these allegations. His license is hereby reprimanded, and he must complete 8 additional hours of continuing education

in the area of professional ethics. Mr. Brady motioned to accept the consent agreement between the Board and Mr. Atanasovski based on the evidence in the document. Ms. Michel seconded the motion. Motion carried.

- b) **Ms. Robyn J. Kelly:** Ms. Kelly is a licensed independent social worker. In July 2013, during the course of a court evaluation, she accepted one of the involved participants as a therapy client. This inappropriate conduct constitutes a violation of ORC 4757.36(C)(1) and OAC 4757-6-01(F)(1) and (2). Ms. Kelly neither admits to nor denies this allegation. Her license is hereby restricted for one year, during which time she is prohibited from engaging in court evaluations at any time, and she must complete 10 additional hours of continuing education on child custody and ethics. Mr. Polovick motioned to accept the consent agreement between the Board and Ms. Kelly based on the evidence in the document. Dr. Brun seconded the motion. Motion carried.

c) Goldman Reviews

- a) **Ms. Anita M. Hart:** Dr. Brun moved to revoke Ms. Hart's social work license because she did not comply with a Board audit for continuing education as required by Ohio Revised Code 4757.36(C)(1) and Ohio Administrative Code 4757-11-01(C)(20)(b), and offered no response or communication to the Board regarding said audit. Mr. Brady seconded the motion. Motion carried, with Mr. Polovick recusing himself.
- b) **Ms. Shirley A. Crockett:** Dr. Brun moved to revoke Ms. Crockett's social work license because she did not comply with a Board audit for continuing education as required by Ohio Revised Code 4757.36(C)(1) and Ohio Administrative Code 4757-11-01(C)(20)(b), and offered no response or communication to the Board regarding said audit. Mr. Brady seconded the motion. Motion carried.
- c) **Mr. Emmanuel Leaks, Jr.:** Mr. Brady moved to revoke Mr. Leaks's social work license because he did not comply with a Board audit for continuing education as required by Ohio Revised Code 4757.36(C)(1) and Ohio Administrative Code 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) **Ms. Paula J. Hammond-Herkenhoff:** Mr. Brady moved to revoke Ms. Hammond-Herkenhoff's social work license because she did not comply with a Board audit for continuing education as required by Ohio Revised Code 4757.36(C)(1) and Ohio Administrative Code 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.

5) Approval of Applications for Licensure

The SWPSC reviewed the 291 LSW applicants and 134 LISW applicants approved by the

staff, and the 11 SWA applicants registered by the staff, from September 18, 2014 through November 19, 2014. Ms. Michel made a motion to approve the applicants. Dr. Brun seconded the motion. Motion carried.

6) Correspondence

- a) The Board received a letter from a licensed social worker who was requesting permission to legally adopt two of her former clients. Mr. Hegarty explained that these requests are received from time to time. Technically this is a boundary violation, but on occasion it is clearly the last, best chance for a child to get adopted before they become wards of the state. The licensee is generally fully aware that this is a violation, which is why they have to ask permission, to prevent them from being investigated and/or disciplined for this issue later on. Mr. Hegarty stated his opinion that this case was very similar to past cases that have been approved. Ms. Tingle elaborated that multiple relationship rules are in place to prevent relationships that are harmful or exploitative to the client, which this would not be so long as proper precautions are being followed. Ms. Michel moved to approve the licensee's request for move forward with the adoption, as the Committee did not view it as an impermissible boundary violation. Mr. Polovick seconded the motion. Motion carried.
- b) The SWPSC reviewed an email from a licensee who wished to have her disciplinary record removed from the Board's website, as she had already completed the terms of her consent agreement. The Committee thoroughly reviewed her request. Dr. Brun stated that the consent agreement is clearly listed as a public record document, including information on the nature of the violation, and these documents are updated on the Board's website when the terms of the consent agreement are met. Ms. Michel moved to decline the licensee's request to remove her discipline record. Dr. Brun seconded the motion. Motion carried.
- c) The SWPSC reviewed an email regarding a licensee who is currently completing monitoring for a consent agreement, and also wants to complete his LISW training supervision under a different supervisor. Mr. Warne stated that licensure rules do not prohibit a licensee from undergoing monitoring at the same time that they receive supervision. The Committee agreed that this would be acceptable, so long as the monitor and supervisor are not the same person.
- d) The SWPSC received an anonymous letter from a person or persons discussing the high caseloads of case managers in Ohio. Ms. Michel stated that the concern seemed to be that social workers could end up being reprimanded due to the restraints and productivity demands placed on them by their agencies. Mr. Warne suggested that the Committee could check with other jurisdictions and see if they have language in their rules on case load standards. The SWPSC agreed it was best to look into that issue.
- e) The SWPSC reviewed an email from a social work professor who questioned whether graduates from an MSW program currently in CSWE candidacy status could sit for licensure. Mr. Miller stated that OAC 4757.27 does define a program in candidacy status

as being acceptable for licensure qualification.

7) Old Business

- a) Mr. Warne updated the SWPSC on the progress of his supervision webinar/CEU. He is working to reduce his 72 minute seminar down to 60, and plans to start re-recording in December. He also provided his information to the CPSC and the MFTPSC for comment.
- b) Mr. Miller updated the Committee on the continued progress of E-Licensing 2.0. The launch of the new system has once again been delayed, with a possible launch date of mid-February. The State of Ohio has now begun looking at other software vendors, who may be able to provide a better product in a shorter timeframe. Mr. Miller detailed the state of the current E-Licensing system, and the benefits of acquiring a new system.

8) New Business

Mr. Brady asked the SWPSC for their thoughts on moving Board meeting days from Thursday and Friday to Wednesday and Thursday, the rationale being that staff would have an additional workday immediately following the meetings, and Board members may be able to stay longer if they didn't need to hurry out to beat Friday traffic. Dr. Brun and Ms. Michel both spoke out strongly against the idea, as their schedules could not be changed. Ms. Hosom suggested that if nothing else, the full Board meeting on Friday could be moved back a little later to encourage attendance. The SWPSC agreed that they did not support moving the Board meeting dates, but did support putting in a full day on Fridays.

9) Working Meeting

The SWPSC began its working meeting at 11:00 a.m. to review pending applications for licensure, files to be audited, CEU Programs & Providers, supervision records, hardship requests, and licensure renewal and reinstatement issues. The Committee then broke for lunch at 12:00 p.m., and resumed their working meeting at 1:00 while Ms. Michel attended the CEU Committee meeting.

10) CEU Committee Report

Ms. Michel reported on a "continuing competency" pilot program that had been launched by Ohio State University, experimenting with the idea of awarding CEU for individual development plans. The pilot program is now on hold because licensees did not wish to pay to participate in the program. OAC 4757-1-07 recently came effective, allowing the Board to charge non-disciplinary fees for licensees who do not complete all CEUs needed for an audit. Also discussed was an unnamed Board member who, as an approved CEU provider, recently awarded CEUs to a coworker who attended a Board meeting and a meeting with an elected official. This was seen as an abuse of authority, and was referred to Investigations. Ms. Patty Miller recently reviewed a course that was offered by an individual with a BA in Music; the course dealt with "conscious discipline." Ms. Michel asked the SWPSC if any of

them had heard of this concept. No one had. She went on to discuss an agency, Talbert House in Cincinnati, whose provider status was recently suspended due to documentation not matching up. They will need to take corrective action before their status is reinstated. And finally, she discussed an LISW who had requested post-program approval for a conference on the justice system. The LISW worked as a presenter, discussing how judges supervise their courtrooms, and has asked for supervision CEU approval. Her explanation of the course does not show social work supervision content, and she's been asked to provide her PowerPoint presentation for further evidence.

After this, the SWPSC resumed their working meeting.

11) Meeting Adjourned

The meeting was adjourned at 2:30 p.m.

Social Worker Professional Standards Committee (SWPSC) Minutes
Friday, November 21, 2014

Members Present: Mr. Tim Brady, Ms. Jennifer Brunner, Dr. Carl Brun, Ms. Erin Michel, Mr. Steve Polovick

Staff Present: Mr. Brian Carnahan, Mr. Bill Hegarty, Mr. Andy Miller, Mr. Doug Warne

Guests Present: Mr. Glenn Karr, Esq.

1) Meeting Called to Order

Mr. Brady called the meeting to order at 9:40 a.m.

2) New Business

Mr. Warne updated the SWPSC on the Board's new website, designed by Ms. Paula Broome. The site is up and running, and has been well-received by staff and licensees.

3) NASW Report

Mr. Brady informed the Committee that since NASW-Ohio's annual conference was the same day as this meeting, staff from NASW would not be attending to provide a report.

Mr. Carnahan presented a letter that will be submitted to NASW National regarding their approval of CEUs. After consulting with the AAG, it was decided that the idea of drafting a Memorandum of Understanding was too binding and not workable. Too many details and standards would need to be laid out in the document to make it feasible. Ohio law does, however, allow the Board to require that they are in compliance with the Board's laws and rules. To that end, Mr. Carnahan drafted the letter, laying out the Board's expectations and viewpoints. He recently reviewed some examples of courses that were denied by NASW, and they generally aligned with what the Board would have denied. NASW will not be asked to submit courses to Ohio for oversight, and the Board will try not to restrict their ability to approve programs in general. Mr. Carnahan proposed the formation of an independent advisory group to look into trends in social work practice, and see how this relates to approved CEU topics. He admitted that this approach was not likely to satisfy every issue that's on the table, but the Board needs to use caution when placing restrictions on businesses and business owners. He did also note that New York and New Jersey have both recently restricted NASW National approval, so NASW knows there's an issue. Ms. Michel agreed that more than one person at NASW is concerned about losing approval, and they will take any communication from the Board seriously.

Ms. Brunner asked if NASW had seen the letter yet; Mr. Carnahan replied that they had not, but that the letter communicates things they really wouldn't be able to disagree with. The letter is simply reminding them that they should be in compliance with Ohio's rules. Ms.

Brunner motioned to amend the letter as follows: instead of saying the Board “will consider” creating an advisory group, the language will read “is open to.” Ms. Michel seconded the motion. Motion carried. Ms. Michel motioned to approve the letter as amended and send to NASW. Dr. Brun seconded the motion. Dr. Brun also commented that, based on the vote, the Committee needed to decide whether this was the final outcome of the discussion, and whether they were now choosing not to re-file the rule change revoking NASW National approval. Mr. Brady stated that he was voting against this motion, because he did not think the Board should give up the right to regulate its own CEU standards forever. He called for a roll call vote on the motion to send the letter. Mr. Polovick—abstain; Ms. Michel—yes; Dr. Brun—yes; Ms. Brunner—yes; Mr. Brady—no. Motion carried. Ms. Brunner moved that since the work of the NASW task force has now been brought to a resolution, the matter has been closed and the rule change to revoke NASW approval will not be refiled unless reintroduced. Dr. Brun seconded the motion. Motion carried.

4) **Executive Committee Report**

Mr. Polovick reported that the Board’s laws and rules PDF has been recently updated. The Board will soon be asked to evaluate the new Executive Director on his work, and will be required to complete ethics training. It was decided not to move Board meeting days, since it didn’t work for members’ schedules. The ASWB is encouraging Board members to attend their new board member training, which Mr. Polovick recommended.

He also raised the issue again of the unnamed Board member who had allegedly issued an improper CEU to a fellow employee at their agency. The agency is an approved provider with the Board, and this particular issue was discovered in an audit of the employee’s license renewal. Mr. Polovick and Mr. Hegarty had initially been asked to approach the Board member in question to advise them on the inappropriateness of their conduct; since this was primarily a CEU issue and the Board member did not use their credentials on that CEU, the Executive Committee had decided to handle the matter internally, rather than launch an investigation (which would require the participation of another Ohio licensing Board, in order to ensure objectivity in handling the matter). The SWPSC disagree with this approach. Ms. Brunner motioned to request that Mr. Carnahan file a formal complaint on this matter, and ensure that the investigation be comprehensive enough that it will capture any other instances of abuse of power on the part of this Board member. Ms. Michel seconded the motion. Motion carried, with Mr. Polovick abstaining.

5) **Executive Director’s Report**

Mr. Carnahan reported on Board appointments, with seven potential vacancies opening up (depending on reappointments). Boards and Commissions are aware of the issue. He also recently submitted a workforce development plan with no planned changes to staffing, although there are some staff members nearing retirement age within five years. Similarly, major financial changes to the budget are also not expected. Rules based on HB232 are not in effect, with a few more rules going into effect in December. Finally, he advised the Committee on an individual coming in to speak to the Board on a CEU program that was denied last year; the speaker will be making an appeal for approval in person. Ms. Miller

provided written information on why the course was denied initially.

6) ASWB Report

Mr. Warne reported on the ASWB's Fall Delegate Assembly. He reported that the ASWB needs to maintain a large cash reserve to cover legal defense of their organization and the various state licensing boards. At the spring meeting, the ASWB will discuss mobility across state lines, as well as technology in social work practice. They've developed a task force to address these issues, and have developed a model practice act for the regulation of technology in practice. There are many issues that have been raised on this topic, including licensees' responsibility in ensuring that their clients are comfortable and confident with the technology used. Mr. Polovick stressed the point that these concerns are immediate; technology and processes that were futuristic a short time ago are in existence now.

7) New Business

Mr. Brady asked to raise one last issue. The day before, he reviewed supervision logs from an applicant whose supervision sessions occurred every 3-4 weeks, and were up to 8 hours long. He proposed gathering some data on how often supervisees are receiving their supervision, and possibly considering adding a frequency requirement to the rule. Mr. Miller stated that the current rule does require two full years of supervised work experience, which has always been understood to mean that the 150 hours of supervision should be spread fairly evenly throughout, although a strict timeframe is not specified. Mr. Warne asked if the Committee would like this to be looked at. Mr. Polovick replied that it could certainly be added to the agenda if needed.

8) Meeting Adjourned

The meeting was adjourned at 12:00 p.m.

Ms. Erin Michel, Chairperson