



Counselor, Social Worker & Marriage and Family Therapist Board

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Social Worker Professional Standards Committee (SWPSC) Minutes **Thursday, November 19, 2015**

- 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, Ms. Tracey Hosom, Mr. Andy Miller, Ms. Tammy Tingle
- Guests Present:** Ms. Danielle Smith and Ms. Victoria Shields (intern), NASW-OH

1) Meeting Called to Order

Ms. Michel called the meeting to order at 9:31 a.m.

2) Discussion/Approval of the November 19 & 21 Agenda

Ms. Michel asked if any changes were needed to the Agenda. Mr. Frazier asked to add an item to Correspondence. Ms. Michel motioned to approve agenda as amended. Ms. Habermusch seconded the motion. Motion carried.

3) Approval of the September 24 & 25 Minutes

Ms. Michel asked if any changes or discussion were needed for the September 24 & 25 minutes. Ms. Michel then motioned to approve the minutes as written. Ms. Habermusch seconded the motion. Motion carried.

4) Approval of Applications for Licensure

The SWPSC reviewed the 236 LSW applicants and 112 LISW applicants approved by the staff, and the 11 SWA applicants registered by the staff, from September 14, 2015 through November 19, 2015. Ms. Michel made a motion to approve the applicants. Ms. Bomas seconded the motion. Motion carried.

5) Investigations

a) Closed cases

Ms. Haberbusch 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.

2015-88	Record keeping. Close with a strong caution.
2015-121	Custody issues. Close with a caution.
2015-148	Possible impairment. Close with caution.
2015-171	Child custody. No violation found.
2015-231	Practice on a lapsed license. Close with caution.

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.

2015-139	Record keeping. Close with a caution.
2015-163	Competency. Close with a strong caution.
2015-170	Record keeping. Allegation not substantiated.
2015-173	Boundary issues. Allegation not substantiated.
2015-184	Practice on a lapsed license. Close with caution.
2015-185	Boundaries. Close with strong caution.

b) Consent Agreements

- a) **Mr. Ryan Cerrone:** Mr. Cerrone is a licensed social worker. In May 2015, while employed at an agency in Toledo, Ohio, Mr. Cerrone engaged in a multiple relationship with a former minor client of the agency, a violation of ORC 4757.36(A)(1) and OAC 4757-5-03(A). Mr. Cerrone admits to this allegation. His license to practice is hereby reprimanded, and he must complete six additional continuing education credits in professional ethics. Ms. Haberbusch motioned to accept the consent agreement between the Board and Mr. Cerrone based on the evidence in the document. Ms. Bomas seconded the motion. Motion carried.
- b) **Velma F. Hottle:** Ms. Hottle is a licensed social worker. In November 2015, she was audited for compliance with continuing education requirements, and was unable to provide proof of the 30 hours needed to have renewed her license, a violation of ORC 4757.36(C)(1) and OAC 4757-11-01(C)(20)(b). Ms. Hottle admits to this allegation. The Board will allow her to surrender her social work license in lieu of other potential disciplinary action. Ms. Michel motioned to accept the consent agreement between the Board and Ms. Hottle based on the evidence in the document. Ms. Haberbusch seconded the motion. Motion carried.
- c) **Ms. Danielle J. Shuler:** Ms. Shuler is a licensed social worker. In April 2015, she was audited for compliance with continuing education requirements, and was unable to provide proof of the 30 hours needed to have renewed her license, a violation of

ORC 4757.36(C)(1) and OAC 4757-11-01(C)(20)(b). Ms. Shuler admits to this allegation. Her license is hereby reprimanded, and will be indefinitely suspended until she can provide proof that she was completed the required 30 hours of continuing education. Ms. Michel motioned to accept the consent agreement between the Board and Ms. Shuler based on the evidence in the document. Ms. Haberbusch seconded the motion. Motion carried.

- d) **Mr. Thomas E. Burkhardt:** Mr. Burkhardt is a licensed independent social worker. While employed at a mental health center in Mansfield, Ohio, from approximately August 13, 2014 through October 2, 2014, failed to maintain sufficient and timely documentation in records to facilitate the delivery of services and to ensure continuity of services provided to clients in the future, a violation of ORC 4757.36(C)(1), OAC 4757-5-09(C). Mr. Burkhardt admits to these allegations. His license to practice is hereby suspended for one year, beginning September 25, 2015, and he must dismiss with prejudice Richland County Court of Common Pleas case number 2015 CV 1283. Ms. Haberbusch moved to vacate the revocation of Mr. Burkhardt approved by the Board in September 2015, and instead adopt the consent agreement between the Board and Mr. Burkhardt as written. Ms. Bomas seconded the motion. Motion carried.

c) Goldman Reviews

- a) **Mr. Richard N. Bowlen:** Ms. Haberbusch motioned to revoke Mr. Bowlen'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. Ms. Bomas seconded the motion. Motion carried.
- b) **Ms. Quinta J. Peoples:** Ms. Michel motioned to revoke Ms. Peoples'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.

Ms. Michel then inquired about a licensee who had recently been issued a consent agreement with a six-month suspension for sexually harassing a client. She was concerned that this was not enough discipline, and asked that the Board to revisit the disciplinary standards for this particular type of violation. Mr. Hegarty reminded her that consent agreements are negotiated, and are often arrived at based on the strength of the evidence, and the willingness of witnesses to testify (the Board doesn't want to victimize a victim). Hearings can be risky, and it's better to negotiate discipline if possible. Sometimes the result isn't quite what the Board would hope to administer, but any discipline is better than none, especially. Mr. Hegarty agreed that on paper the punishment doesn't quite appear to fit the crime, but when dealing with sexual issues with clients, the evidence needed to build a strong case may be hard to get.

6) Old Business

The SWPSC reviewed several proposed rule changes. They approved the new draft rules for 4757-5-02(D)(5), 4757-5-03, 4757-9-06, and 4757-19-06 without considerable discussion. The following rules merited more review:

- a) **4757-5-02(B)(5):** This draft rule would require licensees to develop policies regarding gathering information about their clients from the internet (either through search engines, social media, etc.), and require them to document these efforts in the client's records. Ms. Smith stated that she has heard of home visit workers who perform a public search for criminal records before they go to see a client; she's also heard of licensees who will look up something a client said to see if it's true, and these are very different things. Ms. Michel stated that a social worker's information about a client should come from that person, and from what they're willing to share. Ms. Haberbusch agreed that it's important to have consent, but questioned what kind of discipline may be involved if a licensee violated this rule. Ms. Smith asked what would happen to a licensee who searched for information before consent was obtained, or who looked up information regarding ex-clients. Ms. Michel questioned what the documentation process for these instances would look like, and whether the Board really wants to initiate that requirement before knowing the answer. Ms. Bomas acknowledged that the Board's role is to protect the public, but safety is a definite concern for many social workers performing home visits; it's common practice to do a public record search beforehand to check criminal records and ensure the licensee's safety. Ms. Haberbusch agreed, and stated that while some search tools are legally public record and should probably be exempt, there's also the fact that anything a person puts out on the internet is there, voluntarily, for public consumption. This information may indeed affect the therapeutic relationship, but it's not as though it was clandestinely gained. Ms. Michel responded that it is possible in conversation with a client to slip and give information that you gained through internet search, and which would damage the trust in the relationship. Ms. Bomas acknowledged that it's also hard when you're looking online to know what's true and what isn't, which can certainly hurt the relationship. She speculated whether clients should be helped to understand how their online presence affects them. The Committee agreed that the rule should be tabled pending further analysis and discussion. Ms. Smith also stated that NASW doesn't have guidance on this topic in their code of ethics, but they do have guidance from legal counsel, and their guidance was similar to this rule.
- b) **4757-5-13:** This draft rule would require encryption methods for electronic service delivery, except for treatment reminders, scheduling contacts, or other information provided outside of a therapeutic context. The Committee discussed what these sorts of contacts would entail (arranging rides, home visit times, etc.). Ms. Smith asked what it would be if a licensee texted a client "how are you?" Is that therapeutic context? Ms. Michel stated that if a licensee texts a client between sessions, that usually invites a therapeutic session, and since texting most likely counts as electronic service delivery, then this rule may unintentionally bar licensees from texting since you can't encrypt a text. Ms. Smith pointed out that encrypted messaging apps are available. Ms. Michel further stated that according to HIPAA guidelines, unencrypted texts and emails are okay

to use with informed consent of the client, and that text messages such as scheduling contacts are different from electronic service delivery because they're made in service of the actual in-person therapy. Mr. Frazier pointed out that clients also might not understand the encryption methods, which could create a barrier to service or even leave them vulnerable to hacking. Ms. Smith pointed out that a client's friends and family can also discover that a person is in therapy by looking at the unencrypted texts on their phone. The Committee agreed to approve the changes to 4757-5-13 as written, but also agreed that issues related to texting as a form of electronic service delivery needed to be examined more in the future.

7) Executive Committee Report

Ms. Michel reported that the state of Ohio has decided the CSWMFT Board will not be onboarded to e-License 2.0 until December 2017. Mr. Carnahan is pushing to be moved up the list because of the significant amount of time that's already been invested in working toward a new system. On the public side, the system won't be significantly different, just better. Ms. Haberbusch asked if licensees will be able to enter and track CEU; Mr. Miller replied that staff are hoping for that functionality.

Ms. Michel reported on a meeting hosted by NASW dealing with transgender issues and sexual orientation change efforts. The Ohio Psychology Board was there, along with the CSWMFT Board, Equality Ohio, and others. The speaker shared his approach, which he'd used in Utah; he emphasized relationship building and working to promote understanding. He'd found that legislative efforts can actually shut down conversations. A stakeholder's group is important in making sure that all of those affected can be involved in the conversation. Equality Ohio also gathered over 1000 signatures asking the CSWMFT Board to take action on this issue. Ms. Michel encouraged the SWPSC to see this as an opportunity, and to come up with a plan for how to approach the matter. Ms. Smith stated that many other professional organizations are pushing for action on this issue; the psychology board is working to pass their own rule change which seems as though it would basically ban the practice for their licensees (based on language in their statute that speaks against unethical practices), and of course there are legislative efforts as well. Ms. Haberbusch replied that she would like to see a list of the other Boards and associations that are changing their rules and changing ethical standards wording. Mr. Frazier observed that some on the Board already see this issue as resolved, that non-evidence based practices are already prohibited and they see no further need to ban practices one-by-one. Ms. Smith stated that a rule change is not necessarily expected, only that the Board do everything within its power to positively affect this issue.

8) SWPSC Administrative Denial Hearing

The matter of the eligibility of Ms. Katherine Bendall 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 November 19, 2015. Members present were Dr. Brun, Ms. Michel, and Ms. Bomas.

A Notice of Proposed Opportunity for Hearing was issued to Ms. Bendall by the Counselor, Social Worker, & Marriage and Family Therapist Board on May 26, 2015, and the administrative hearing was held on November 19, 2015 at 1 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. Bendall was present and represented by counsel, Mr. Glenn Karr.

After hearing testimony and reviewing state evidence, the SWPSC entered into executive session to discuss the denial of Ms. Bendall's application for licensure. The SWPSC determined that Ms. Bendall does not pose a threat to the safety of the public by becoming licensed. Her request for licensure was approved.

9) **Meeting Adjourned**

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

Social Worker Professional Standards Committee (SWPSC) Minutes
Friday, November 20, 2015

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, Ms. Tracey Hosom, Mr. Andy Miller,

Guests Present: Ms. Dorothy Martindale, NASW-OH

1) **Meeting Called to Order**

Ms. Michel called the meeting to order at 9:45 a.m.

2) **Correspondence**

- a) The Board reviewed a hardship request from an LSW seeking permission to receive training supervision hours from an LPCC-S. Ms. Michel stated that while she empathized with the request, the SWPSC does not generally approve hardship requests based on financial restraints, especially given that the licensee has already completed 18 months of her supervision. Ms. Habermusch moved to deny the hardship request, with a suggestion that the licensee contact NASW-Ohio for resources and assistance in finding an appropriate supervisor. Ms. Michel seconded the motion. Motion carried.
- b) The SWPSC reviewed a letter from an LSW who is currently working as a chaplain, and wants to use this supervised work experience to earn her LISW. After some discussion,

Ms. Michel motioned to postpone a decision on this request pending receipt of a full job description of the chaplain position, along with the percentage of time the licensee spends practicing social work in this position, clarification of the number of supervision hours she has completed to date, and how long she was working as an MST Therapist and Program Manager prior to becoming a chaplain. Ms. Haberbusch seconded the motion. Motion carried.

- c) Mr. Frazier presented an email received from the Ohio Department of Medicaid. They are asking whether it is within the scope of practice for Ohio LSWs, LISWs, LPCs, and LPCCs working in a medical facility to: 1) collect information related to medical needs, medical history, and nutritional needs from beneficiaries, providers, caregivers, or other sources during the comprehensive assessment process, 2) review information related to medical needs, medical history, and nutritional needs and draw conclusions for the purpose of conducting care management activities related to such information, and 3) develop person-centered care plans related to medical needs, medical history, and nutritional needs based on information collected. Mr. Hegarty expressed his concern that hospitals are asking social workers to do more medical work due to staffing issues. Social workers who are performing intake, making observations and collecting information are generally okay since their role is observational, and they're only collecting information as opposed to interpreting it. Ms. Haberbusch stated that of the three duties indicated, number 1 is in line with social work, but two and three are expecting the employee to review the medical information and develop a health care plan, which is outside the scope. Ms. Michel agreed, stating that a social worker can ask a client how they want to handle their medical issues and how they're mentally dealing with the process, but should not give medical advice. Ms. Bomas gave a personal example of being asked by a nurse to perform a home visit due to non-compliance issues with tube feeding and diabetes, where she was asked to determine whether the tube feeding was being done in conjunction with nurse's orders; Ms. Michel responded that in that case, she wouldn't have been commenting on the quality of the nurse's plan, but rather performing quality assurance to make sure the client was following their established plan. She questioned whether this job description might also pertain to quality assurance, which would be allowed. The Committee decided to ask representatives from the Department of Medicaid to attend a meeting to clarify this question.

3) Old Business

- a) Mr. Miller explained that the Board had previously considered a rule change requiring applicants to complete 18 months of supervised experience prior to taking the Clinical or Advanced Generalist Exam, but had decided against this change in the face of resistance. The issue was recently raised again by a number of social work education department chairs, who supported the original change. Mr. Carnahan had recently met with several of the individuals who signed the letter, and they presented their concerns to him. Their main argument, aside from issues related to pass rates, is that applicants are taking the incorrect exam. ASWB performs a practice analysis to determine what test-takers should know based on their level of practice, and students aren't being tested on their actual

level of practice, not to mention the fact that they're throwing off the psychometrics of the exam. They argue that the tests should be used as designed. The argument against them is that students are in school preparing for a test, and are ready for it then; in an environment where jobs are a major political issue, and many entities are being pressured to do away with rules that create barriers to employment, a rule change on this would be a non-starter. Anecdotally, some have claimed that they have a harder time testing after they've started a job, due to the differences between actual practice and the idealized practice discussed on the exam. He did invite the school chairs to come and speak to the Board at the next meeting in January. It is possible that ASWB could eventually push the Board to make this change, in which case it would have to be done, but he did not see that the Board is doing a disservice to social workers or their clients by following the current policy and providing a more expanded path to licensure and independent licensure beyond that. Long-term, he also asked the Committee to consider that license mobility may affect this in the future, and the Board's entire license and exam structure may need to be altered significantly to come in line with other states. Ms. Martindale pointed out that many students are confused about which exam to take, and there are certain schools that promote taking the more difficult exams right away, and other schools that promote waiting to take them. Ms. Carnahan stated that it's certainly the preferred choice for students to wait to take the Clinical or Advanced Generalist, which is what Board staff counsels, but they do also let students know they have options. Dr. Brun suggested there may be value in meeting with this group from time to time in order to touch base on licensure issues, to which Mr. Carnahan agreed.

- b) Ms. Michel asked to take a moment to point out in connection with "conversion therapy," the Board did change 4757-5-02(G)(1) to include gender identity or expression, which shows they've taken action. Mr. Carnahan also pointed out that in a summer newsletter article, he did summarize the discussion the Board had, and made it clear they would investigate a complaint against someone accused of this practice. Ms. Michel expressed her hope that clients would feel encouraged to file complaints on this practice. Mr. Carnahan stated that with all the attention on this issue, he would expect someone to have filed a complaint by now, which is what's needed to take action.

4) NASW Report

Ms. Martindale reported on the NASW-Ohio's annual conference. At the keynote speech, Dr. Hughes presented her research on debt and salaries in Ohio; it's mostly data at this point, and no conclusions or implications have been drawn, but NASW is happy to narrow in on anything the Board needs to look at. They also hosted a meeting with the deans and directors, and held a press conference on a bill to ban conversion therapy. If the bill doesn't pass, they will push for it to be reintroduced. Among the LGBT community, this issue is the next big fight after marriage, although it's hard to get people to come forward and talk openly about what's been done to them. NASW is planning to file complaints against practitioners they've found to be employing the practice, and have reached out to other LGBT rights groups as well. The Columbus LGBT Coalition brought in a speaker for a meeting they co-hosted, which provided interesting input on advocacy efforts.

5) CEU Committee Report

Ms. Haberbusch reported that there are now approximately 340 licensees using inactive status, and about 50 more are pending on getting that status. The Committee also discussed the fact agencies with provider status are not independent authorizing entities according to the Board's rules, but many agencies who become providers will then sponsor other organizations to come in and give a presentation under their number, which they're not supposed to do. Other agencies are purchasing outside programs which they did not help to create themselves, which is also an issue. Ms. Broome proposed creating another provider status to address this issue, but the discussion was put on hold. Mr. Miller explained that the issue with this is that the Board serves as a source of quality control, and that if a provider is approving other programs instead of having the Board approve them, it goes against our role. Ms. Haberbusch also raised the example of a program that might be denied by the Board but then approved by another provider. Ms. Michel responded that providers are already trusted to look over their own programs and assure quality control, and that she saw no need to move beyond that. Even an approved program may unintentionally have a poor speaker or a bad presentation.

6) Meeting Adjourned

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.

7) Meeting Adjourned

The meeting was adjourned at 12 p.m.



Ms. Erin Michel, Chairperson