



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

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### **Social Worker Professional Standards Committee (SWPSC) Minutes** **Thursday, January 15, 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. Patty Miller, Ms. Tammy Tingle, Mr. Doug Warne

**Guests Present:** Ms. Bobbie Boyer, Institute for Human Services; Ms. Dorothy Martindale, NASW-OH; Ms. Elizabeth Norris; Ms. Sarah Patterson; Ms. Jillian Riegler; Ms. Lois Tyler, Institute for Human Services;

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

Mr. Polovick called the meeting to order at 9:09 a.m.

#### 2) **Appointment of a New Committee Chair**

Mr. Polovick nominated Ms. Michel to serve as the new chairperson of the SWPSC. Ms. Haberbusch seconded the motion. Motion carried.

#### 3) **Discussion/Approval of the January 15 & 16 Agenda**

Ms. Michel asked if any changes or discussion were needed to the Agenda. Mr. Warne asked to give Ms. Boyer and Ms. Tyler time to speak at 11:00 that day. He also asked to add an issue to the agenda regarding a discrepancy between the number of CEUs required for an SWA in the Ohio Revised Code versus the Ohio Administrative Code. Ms. Michel motioned to approve agenda as amended. Dr. Brun seconded the motion. Motion carried.

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

The SWPSC reviewed the 186 LSW applicants and 115 LISW applicants approved by the staff, and the 5 SWA applicants registered by the staff, from November 19, 2014 through January 14, 2015. Mr. Polovick made a motion to approve the applicants. Ms. Haberbusch

seconded the motion. Motion carried.

**5) Correspondence**

- a) At the November 2014 meeting, the Board received a letter from a licensed social worker who was requesting permission to legally adopt two of her former clients. Mr. Warne presented a copy of his response to the licensee, verifying that she had permission to adopt the clients, and that the children's current therapist must be required to treat her as a client and not a peer.
- b) Ms. Miller presented a program tip sheet from a CEU provider, which they use to determine whether their courses are appropriate for social work topics. She asked that the Committee review it to see if they're on the right track. The Committee agreed that the sources and format used by the Agency are valid, and their tip sheet works.

**6) Approval of the November 20 & 21 Minutes**

Ms. Michel asked if any changes or discussion were needed for the November 20 & 21 minutes. She then requested a small change, correcting the name of one of the guests who attended. Ms. Michel then motioned to approve the minutes as amended. Dr. Brun seconded the motion. Motion carried.

**7) Investigations**

**a) Closed cases**

Dr. Brun motioned to close the following cases reviewed by Mr. Tim Brady, as Mr. Brady had determined that no actionable offenses had been found. Ms. Michel seconded the motion. Motion carried.

- 2014-222 Competency. Allegation not substantiated.
- 2014-247 Non-sexual boundaries. Close with caution.
- 2014-249 Competency. Close with no violation.
- 2014-250 Competency. Close with no violation.
- 2014-281 Disrespectful language. Close with caution.

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.

- 2014-228 Improper billing. Close with a strong caution.
- 2014-241 Competency. Allegation not substantiated.
- 2014-252 Non-sexual boundaries. Not in a social work position.
- 2014-264 Practicing without a license. Close with no violation.

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

2014-251 Non-sexual boundaries. Allegations not substantiated.  
2014-263 Falsification of state document. Forwarded to prosecutor.  
2014-270 Confidentiality. Close with no violation.

**b) Consent Agreements**

- a) **Ms. Crystal L. Lapidus-Mann:** Ms. Lapidus-Mann is a licensed independent social worker. While employed at Dennison University from July 2014 through October 2, 2014, she 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. This inappropriate conduct constitutes a violation of ORC 4757.36(C)(1) and OAC 4757-5-09(C). Ms. Lapidus-Mann admits to these allegations. Her license is hereby reprimanded; also, she is required to adhere to all treatment recommendations from her current providers and may only perform clinical duties when successfully controlling the symptoms of her medical condition. Mr. Polovick motioned to accept the consent agreement between the Board and Ms. Lapidus-Mann based on the evidence in the document. Ms. Michel seconded the motion. Motion carried.
- b) **Ms. Kim M. Jackson:** Ms. Jackson is a licensed social worker. While employed at a school in Cleveland, Ms. Jackson practiced outside of her scope of practice by maintaining students' medications on her office. These actions constitute a violation of ORC 4757.36(C)(8) and OAC 4757-11-01(C)(10). Ms. Jackson admits to these statements. Her license is hereby reprimanded. Dr. Brun motioned to accept the consent agreement between the Board and Ms. Jackson based on the evidence in the document. Ms. Haberbusch seconded the motion. Motion carried.

**c) Goldman Reviews**

- a) **Ms. Vicki Furman:** Dr. Brun moved to revoke Ms. Furman'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.
- b) **Ms. Jennifer Howell:** Mr. Hegarty explained that there are two ways to do hearings, sometimes in front of a committee, and other times in front of a hearing officer. In this case a hearing before an officer was given to Ms. Howell. Ms. Howell was found to be impaired while at work. She had been licensed with the understanding that she was in recovery, and then relapsed while she was at work. The state's recommendation is to revoke the license; the hearing officer's recommendation is a 3-year suspension, and a number of tools that can be used to monitor Ms. Howell's drug usage. These tools would be difficult for the Board to use, due to limited resources. Mr. Polovick asked if client harm had been committed, and Mr. Hegarty responded that she had fallen asleep when she should be working with clients, and

was sometimes confused about which client she was meeting with due to actively being on drugs at work. Mr. Hegarty clarified that this client harm made her ineligible for a diversion program. Ms. Michel motioned to suspend Ms. Howell's license indefinitely, for a minimum of three years; at which time as she asks for the suspension to be lifted, she shall be required to provide evidence that she has obtained or maintained sobriety, including submitting to an evaluation. Mr. Polovick seconded the motion. Motion carried.

## 8) Correspondence

Ms. Boyer discussed a substance abuse training partnership recently started by the Institute for Human Services. As part of that initiative, they discovered a Mental Health First Aid program, and now have 90 trainers who are trained in this evidence based practice. However, the course has been denied CEU approval for other area agencies, because the Board has consistently stated the program was created for the public and is therefore not appropriate for social workers. Ms. Tyler explained that in their workshops, IHS addresses different levels of learning, from awareness and understanding to skills training, and they do believe there is evidence that this program increases skill levels. The SWPSC reviewed documentation about the course, arguing that the information presented is useful to licensed professionals. The Committee agreed that the information presented made a strong case, as opposed to the original pamphlet that came in with the CEU approval request. Mr. Polovick stated that CEU approval is a quality control measure, and decisions are made based on what the Board is provided. With better information comes more informed decisions. Ms. Michel agreed that the course does seem to contain social work theory, and is rooted in the foundational knowledge of social work. Ms. Boyer asked to clarify that the Committee would be comfortable with IHS offering this course under their provider number. The Committee agreed that the course is acceptable, and that the presence of evidence-based practice is strong.

After this discussion, Dr. Brun left to attend the Investigative Liaison meeting.

## 9) Old Business

- a) At the November meeting, the Committee reviewed a letter claiming that caseloads in Ohio are too high for many licensees to cope with. Mr. Warne contacted ASWB and NASW over this issue, but hadn't heard back from ASWB at the time of this meeting. He was hoping to put a request through the ASWB Listserv to find out how other states are regulating this issue. NASW did run a study a few years ago. The issue is also in the news; in California, social workers are going on strike due to high caseloads. He stated that in his opinion, it's hard to regulate case sizes when there are so many professions working at various mental health agencies. Mr. Polovick agreed that any standards would probably need to come from ODMHAS or a similar organization. Mr. Warne proposed that even if this issue is outside the Board's scope, they can likely help facilitate the discussion by contacting ODMHAS or any other appropriate agency, and passing information along to them. Ms. Haberbusch asked if Investigations had ever reviewed a case where a licensee was disciplined for incompetency, and their defense was that their

caseload was too high. Mr. Polovick replied that yes, it's a very common defense.

- b) Ms. Miller asked to clarify something from the discussion with IHS. She has routinely denied other mental health first aid programs, in line with precedent. If she's contacted by other organizations asking why their program was denied when IHS just received approval, what should she tell them? Ms. Michel responded that the course content provided the first time made it seem as though the course was for general education, but they now had information showing the evidence based practice component. Ms. Miller asked if the program is fairly standardized, with the same material each time, and Ms. Michel responded that it seems to be a standardized program, but that each course must still demonstrate evidence-based practice in their approval application, and must demonstrate they are using the standard course.
- c) At the last meeting, Mr. Brady had raised the issue of training supervision regularity, after looking at an applicant's logs where the supervisee had documented 8-hour supervision sessions every four to six weeks. 4757-23-01 (D)(1) requires "one hour of supervision for every 20 hours worked with no less than one hundred fifty hours total" which has always been interpreted to mean *an average* of 1 for 20 as opposed to a strict schedule; Mr. Warne also pointed out that 4757-5-02 states that supervisees should meet with their supervisors on a regular basis. Mr. Brady had asked that this issue be discussed to determine if a clearer standard or specific time line for training supervision should be explored. The Committee agreed that no particular standard or schedule is needed as long as supervision is regularly completed. Any irregularities can be addressed on a case-by-case basis by the SWPSC.

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

The SWPSC began its working meeting at 11:35 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. Ms. Haberbusch attended the CEU Committee meeting at 3:00.

#### **11) Meeting Adjourned**

The meeting was adjourned at 4:00 p.m.

### **Social Worker Professional Standards Committee (SWPSC) Minutes** **Friday, January 16, 2014**

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

**Staff Present:** Ms. Paula Broome, Mr. Brian Carnahan, Ms. Rhonda Franklin, Mr. Bill Hegarty, Mr. Andy Miller, Ms. Patty Miller, Mr. Doug Warne

**Guests Present:** Mr. Glenn Karr, Esq., Ms. Danielle Smith, NASW-OH

1) **Meeting Called to Order**

Ms. Michel called the meeting to order at 9:10 a.m.

2) **New Business**

Mr. Miller discussed a recent issue that arose regarding Social Work Assistants. An instructor at Rhodes State discovered that ORC 4757.33 conflicts with OAC 4757-9-03, in that the rule requires only 15 CEUs but the law requires 30. The law overrides the rule, but licensees have been told routinely that they only needed to complete 15 CEUs. Ms. Carnahan proposed dropping a small line item into an existing bill, which would allow the statute to be changed. The rule could be left as it is for the moment, with the understanding that the law overrides it, and the law must be followed until it can be changed by the legislature. Ms. Michel moved to ask that ORC 4757.33 be amended to require 15 clock hours of continuing professional education for SWAs, and ask for the director to pursue this statute change. Dr. Brun seconded the motion. Motion carried. Mr. Carnahan stated that he would use the Board's Listserv to notify licensees of the change back to 30 CEUs.

3) **NASW Report**

Ms. Smith reported that she, Mr. Carnahan, and Raffaelli Vitelli from NASW National had been on a conference call together to discuss the recent letter sent from the Board. NASW's understanding is that the letter essentially leaves things as they are, and there's still some gray area regarding what CEU content is acceptable. Ms. Smith was concerned that there was still disagreement on topics related to medical content and "alternative" therapy such as yoga or mindfulness. Mr. Polovick stated that any topic may or may not be approved depending on how it's presented. The Committee agreed. The Committee then discussed the creation of an advisory committee to help the Board clarify which CEU topics are useful to practitioners in the field, as well as the overall direction of social work practice. Ms. Michel stated that she did not see sufficient client harm coming from CEUs; even a course that's not particularly relevant to a person's scope of practice is still an opportunity for education, and can expand that practitioner's skills. Ms. Miller asked if the Board wanted to request a report from NASW listing the courses they approve, which would give an opportunity to spotlight areas of disagreement. The Committee decided not to pursue this. Ms. Smith pointed out that NASW National is willing to accept reports from the Ohio Board indicating programs that have been denied in this state; if NASW approved that provider, they could indicate that the approval did not cover Ohio licensees. The Committee agreed that this would be acceptable. Ms. Haberbusch stated that with all the issues the Board addresses, it would be better to report known issues to NASW rather than go through a list looking for problems. Ms. Michel proposed the creation of a written problem statement, listing all the issues related to NASW approval, and possible solutions to those problems. The Committee

supported the idea, but Ms. Smith responded that for her, the entire problem comes down to disagreements over CEU content. She reiterated that the advisory committee would be preferable; they could also look at situations where objectionable content becomes appropriate due to its presentation. Mr. Carnahan proposed that he would poll committee members for names of individuals who could serve on this committee, and select a group from there. Since the council would have no regulatory authority and would simply be advising, Board action wouldn't be required as part of their decisions. He would take charge of organizing it. Mr. Polovick asked to see a diversity of practice areas represented, and Ms. Smith asked that at least some members be familiar with CEU presentation. The Committee agreed to this plan.

Ms. Smith also reported that NASW National will be putting on two regional conferences, one in Cleveland and one in Cincinnati, with the topic of "science of social work," how mind-body connections and brain mapping affect practice. Research has shown that physical health affects mental health, which are the issues social workers address. She also discussed a recent news item regarding a young transgender Ohio student who committed suicide sometime after going through conversion therapy with her church. NASW is getting pressure from members to work to make conversion therapy illegal. Mr. Hegarty stated that the Board has looked at this issue before, but have been told not to touch it. Although the science behind conversion therapy is clearly faulty, the Board can't specifically write a rule against it. Mr. Carr asked if the Board could pursue action against a practitioner based on the requirement that licensees use evidence-based practice only? Mr. Hegarty stated that it would be inappropriate to pursue discipline based on a media issue, that he would need to receive a specific complaint, and have permission from the child's parents since she was a minor. The Board would need to be *asked* to investigate. For the moment, any effort to outlaw this therapy would need to be legislative as opposed to regulatory.

#### 4) Executive Committee Report

Mr. Polovick reported that Board members have completed their evaluations of Mr. Carnahan, and almost all the staff have as well. The hiring committee has reviewed them, and there are no major problems identified, but there are issues and goals that have come up regarding the direction and culture of the office. In other news, the Board will be moving offices soon, which is all under control. A motion will be made at the full Board meeting to eliminate wallet cards due to the printing and postage cost involved, and the fact that the Board's online license verification is already primary verification for employers and insurance companies. Board members will be completing an ethics training in March, at the beginning of the next meeting. There's also a proposed rule change regarding social media relationships that is currently in progress.

#### 5) Executive Director's Report

Mr. Carnahan reported that DAS is looking at new options right now for the Board's new licensing system, since VERSA is not panning out. It will probably be a year or more before the process is complete. Dr. Brun commented that he was concerned regarding a proposed

rule change for OAC 4757-19-06, removing the letter of good standing from the requirements for temporary license. Mr. Warne stated that the statute previously indicated the student had to be in good standing with their school, which meant they couldn't owe any debt to the institution. HB232 allowed a temporary license to be issued to students who have graduated but can't get their transcripts due to outstanding debt, so this is simply a wording change to line up with the rule. Dr. Brun responded that there should be clear guidance on who the evidence of graduation needs to from. It should come from the registrar, since the school's social work department can't speak to whether the student owes money, although the registrar may not be willing to write that letter. Mr. Carnahan stated that the CPSC had decided not to remove the good standing requirement from their own rule, that they would review it on a case-by-case basis. Mr. Warne asked if it would be helpful to present a draft rule change outlining the new requirements, and mentioning the financial hardship issue. The Committee agreed that this would be preferable.

6) **CEU Committee Report**

Ms. Habermusch reported that the Committee discussed wallet cards. Information had been received on cheaper options, but it was agreed that it would generally be better not to have them at all. The non-disciplinary fee for failed audits will go into effect on March 1. Based on numbers from last year, 94 licensees would have paid the \$50 fee, and 23 licensees would have paid the \$100 fee had this been in effect at the time. Mr. Polovick asked if there was any concern over the fee being non-disciplinary, that licensees may just pay the fine repeatedly instead of doing CEUs? Ms. Habermusch responded that the failed audit fee caution letters do mention that multiple offenders will be sent to Investigations. Meanwhile, inactive licensure status is still moving forward, and Ms. Franklin has a list of licensees who are interested. They discussed whether Board members can earn CEUs for Board meetings; it was agreed that members who attend legitimate educational trainings that are not already approved for CEU can send in for post program approval. Mr. Polovick expressed that caution also needs to be taken when Board members or staff ask for CEUs as a course presenter, that they need to be sure the proper channels are followed. He asked the committee if they had any thoughts on Board members receiving CEUs for meetings, and they all agreed it would be inappropriate. He also provided an update on the Board member investigation discussed at the November meeting. The investigation was conducted, the board member cooperated, and a caution letter was formally issued.

7) **Meeting Adjourned**

The SWPSC entered a working meeting at 11:36, and the meeting was adjourned at 12:00 p.m.



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Ms. Erin Michel, Chairperson