



Counselor, Social Worker & Marriage and Family Therapist Board

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November 29, 2011

Rep. Barbara R. Sears
77 S. High St
14th Floor
Columbus, OH 43215-6111

RE: Additional Changes to CSWMFT Board Bill

Honorable Barbara R. Sears:

The Board has approved four additional areas of change. One requested by the Ohio Chapter of the National Association of Social Workers, one recommended by the Attorney General's office, and one requested by the Ohio Association for Counselor Education and Supervision (OACES) and the Ohio Rehabilitation Service Commission may ask for a change in the future.

The National Association of Social Workers Ohio Chapter requested a change to the definition of the practice of social work. The Social Worker Professional Standards Committee agreed with that change. Division (C) of Section 4757.01 of the Revised Code applies.

Change the definition of the "Practice of social work" and add a new definition of "Social functioning" in Section 4757.01 Definitions:

(C) "Practice of social work" means the application of specialized knowledge of human development and behavior and social, economic, and cultural systems in directly assisting individuals, families, and groups to improve or restore their capacity for social functioning through the application of social work theory, including counseling, the use of psychosocial interventions, and the use of social psychotherapy, which may include the diagnosis and treatment of mental disorders.

(I) "Social Functioning" means living up to the expectations that are made of an individual by that person's own self, by the immediate social environment, and by society at large. These expectations, or functions, include meeting one's own basic needs and the needs of one's dependents and making positive contributions to society. Human needs include physical aspects (food, shelter, safety, health care, and protection), personal fulfillment (education, recreation, values, aesthetics, religion, and accomplishment), emotional needs (a sense of belonging, mutual caring, and companionship), and an adequate self-concept (self-confidence, self-esteem, and identity).

The OACES change is to require future Ohio counseling licensure graduates to have graduated from Council for Accreditation of Counseling and Related Educational Programs (CACREP) for students graduating after January 1, 2018.

Sections 4757.22 & 4757.23 of the Revised Code
Change Division (B)(2) of each Section as follows:

(2) The individual must hold from an accredited educational institution a graduate degree in counseling, except that graduates after January 1, 2018 from Ohio counseling programs shall be required to have graduated from a program accredited by the council on accreditation of counseling and related programs "CACREP" for their degree to be accepted as a qualifying degree.

The Attorney General's office recommended that we change our investigation and confidentiality sections as follows based on recent case outcomes.

Section 4757.36 add new divisions (G) & (H):

(G) The board, through its professional standards committees pursuant to section 4757.04 of the Ohio Revised Code, may enter into a consent agreement with an individual to resolve any allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by the applicable professional standards committee, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the applicable professional standards committee refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect, and the agreement and its terms shall not be admissible into evidence at any subsequent adjudication hearing.

(H) Without a timely request for an adjudication hearing pursuant to Chapter 119 of the Ohio Revised Code, no person shall be entitled to a hearing.

Section 4757.38 number unnumbered divisions and add new language in Division (B)
§ 4757.38. Investigations.

(A) The counselor, social worker, and marriage and family therapist board shall investigate alleged violations of this chapter or the rules adopted under it and alleged irregularities in the delivery of services related to professional counseling, social work, or marriage and family therapy by persons licensed or registered under this chapter. As part of its conduct of an investigation, the board may issue subpoenas, examine witnesses, and administer oaths.

(B) All of the following apply under this chapter with respect to the confidentiality of information:

(1) Information received by the board pursuant to an investigation is confidential and not subject to discovery in any civil action, except that the board may disclose information to law enforcement officers and government entities investigating either a licensed health care professional, or a person who may have engaged in the unauthorized practice of any health care profession. No law enforcement officer or government entity, with knowledge of any information disclosed by the board pursuant to this division, shall divulge the information to any other person or government entity except for the purpose of a government investigation, a prosecution, or an adjudication by a court or government entity.

(2) If an investigation requires a review of patient records, the investigation and proceeding shall be conducted in such a manner as to protect patient confidentiality.

(3) All adjudications and investigations of the board shall be considered civil actions for the purposes of section 2305.252 of the Revised Code.

(4) Any board activity that involves continued monitoring of an individual as part of or following any disciplinary action taken under this section shall be conducted in a manner that maintains the individual's confidentiality. Information received or maintained by the

board with respect to the board's monitoring activities is confidential and not subject to discovery in any civil action

(C) The board may receive any information necessary to conduct an investigation under this section. If the board is investigating the provision of services to a couple or group, it is not necessary for both members of the couple or all members of the group to consent to the release of information relevant to the investigation.

(D) The board shall ensure that all records it holds pertaining to an investigation remain confidential. The board shall adopt rules establishing procedures to be followed in maintaining the confidentiality of its investigative records. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

The Ohio Rehabilitation Service Commission (RSC) has expressed interest in adding language to ensure rehabilitation counselors working for RSC are not impacted. Our statute section does not apply to rehabilitation counselors. Rehabilitation counselors are counselors and part of the American Counseling Association, but do not meet the mental health requirements for professional counselor licensure without additional coursework. RSC has not provided proposed language as yet.

Please let me know if there are any issues an adding these change.

Sincerely,

James R. Rough
Executive Director

C: Janine Ashanin, RSC