



Counselor, Social Worker & Marriage and Family Therapist Board

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State of Ohio Counselor Professional Committee Meeting January 15, 2009

Members Present were: Dr. Susan Huss, Dr. Otha Gilyard, Dr. Victoria Kress, Mr. Jan White and Ms. Francine Packard

Staff Present were: Mr. Simeon Frazier.

Guest Present: None

Kress called the meeting to order at 8:19 a.m.

Discussion/Approval of Agenda

White moved to approve the agenda. Packard seconded. During the discussion, Packard requested discussing Professional Clinical Counselors in exempt settings, and Kress added a discussion surrounding the Supervision Designation. The amended agenda passed unanimously.

Supervision Issue

Kress discussed a supervision issue where the training supervisor, to accumulate "Supervision of Supervision" hours for the Supervising Counselor Designation, is a grandparented psychologist.

Huss shared that the exemption for psychologists was in place to deal with the university program, on campus, because they were already there when the rule took affect. The question before the committee was surrounding course content issues in an artificial setting vs. practical experience in the world.

According to the rule, in this case, it must be a PCC-S providing supervision.

Kress left to attend the executive committee meeting at 8:32 a.m. She appointed White to serve as the chair. Kress returned at 8:35 a.m., as she was the only executive committee member present.

Jim Rough entered at 8:36 and clarified that the board agreed to approve licensees using grandparented supervisors, however, grandparented supervisor policy was not in the rule, it was simply a policy that the board adopted, back then, to accommodate the universities in order to maintain the existing program. The board believed that if it is done to meet the course requirement, then in theory, it should be fine, but according to paragraph (F)(1)(e) of rule 4757-17-01, the supervisor must be a PCC-S. Any requests that come in to use a grandparented psychologist, psychiatrist, or LISW should be referred to the rule.

CEUs and Provider applications were then reviewed starting at 8:48 a.m.

The Committee broke for lunch at 11:30 a.m. and returned from lunch at 12:30 p.m.

Executive Committee Report

Kress reported that Ken Trivison, Rough, and she discussed that the executive director evaluations are due.

The Electronic Service Delivery Committee met a couple of their objectives, including a statement being constructed to advise consumers of this method. It was based off the model from Louisiana.

White asked why the committee is debating how another state operates (an OH licensee is required to be licensed in the state of Jurisdiction, even if it is outside of Ohio) if the state of jurisdiction isn't requiring a license from the Ohio licensee.

It was confirmed that the final draft will be placed on our website.

The planning meeting will be in July '09. Kress was charged with devising conversational topics. White requested continuing the conversation regarding provider status.

Packard wants to discuss exempt settings.

Kress wants to discuss the process regarding how disciplinary sanctions are being dealt with to make them more effective.

Huss discussed an agency providing a workshop that discusses the process of making ethical decisions (not what ethics are, etc.) without appearing that the board is attempting to financially enrich that agency.

Kress also discussed determining who does impairment evaluations.

Huss suggested defining “impairment evaluation”, and she also stated that she wants to remove the custody battles from being permissible (permissible as a complaint that will be investigated?).

Packard brought forth that there is something in the law that says that counselors may not do them, under certain circumstances. She went on to say that in certain circumstances, it may be a person’s job, but at times, confidential information ends up getting released, and that’s not permissible. She gave examples of how this sometimes happens, stating that often, an attorney will convince the licensee that it is improper or otherwise illegal for them to withhold the information. She reiterated that counselors are not to do custody evaluations, unless that is what they are hired to do, under the laws of the board.

Kress offered that sometimes investigators are more lenient than she like to be, with regard to things not being made public record; she then conceded that they have to be.

Huss shared that the liaison may disagree with it, and that, at times, the investigators, by necessity, view cases from a legal perspective, in terms of what they could prove.

Kress shared that she felt that the determinations on the cases are the most important things she has done on the board.

Gilyard shared that, at times, a lawyer will voice their opinion, and that opinion is revered, held superior to that of a non-lawyer, independent of the subject matter; however, when everyone is aware of their parameters, then it is difficult to be pushed around, and forced into adopting a practice, policy, or opinion that is improper.

Kress shared what the committee discussed at the July ’08 meeting.

White stated that he wants to discuss the Jurist Prudence exam.

Rough entered at 1:37 p.m. and announced that the exam is almost ready to be implemented. It will initially be offered as a CE program, and it currently takes approximately 1.5 hours to complete. The examinee has as much time as they need. He is currently trying to expand it to be, at least a two hour exam and for CE a three hour. He’d like to insert vignettes with a “what would you do?” tag attached to it.

Huss shared that her students create scenarios/case studies that she may submit to Rough for consideration as some of the vignettes.

Rough then distributed the 2008 exam results.

Kress suggested having psychometricians or people with psychometric backgrounds take part in the conversation that will occur with NBCC.

Rough shared issues, particularly, that the AASCB should not accept any money from the NBCC.

Also, the examination job analysis and cut score are the board's only concerns with the exam. Since psychometrics are addressed in NBCC's accreditation, it won't be necessary to have an additional psychometrician involved to discuss reliability and validity. He also recommended to AASCB that the job analysis should not include professional counselors from states without diagnosis and treatment in their scope of practice. He shared that determining the cut score, though supported by statistical data, is subjective as well as the development of the job analysis. These two functions should be our board's overriding concern and that the head of the AASCB examination committee agreed with him.

Gilyard shared that, with all the discussions, he always has concerns regarding whether or not the student is actually being served. He shared that each student is different, and often, very bright students don't "get it," complicating matters. He shared that he doesn't believe in teaching to the test, but he does believe that, in their education, the students should be taught what is being tested.

Rough will send a letter to the schools that the board is having a meeting with the NBCC's psychometrician, and they are invited to come if they are interested.

Hosom and Hegarty entered at 2 p.m.

Huss left at 2 p.m. to attend an ad hoc committee meeting.

Investigations Report

Hegarty passed out a list of closed cases.

Huss moved that cases 2008-125 thru 2008-209, that Kress reviewed, be closed. Gilyard seconded. Kress recused herself and the motion passed unanimously.

Kress moved that cases 2008-59 thru 2008-240, that Huss reviewed be closed. Packard seconded. Huss recused herself and the motion passed unanimously.

Goldman Reviews

Jennifer Jones

Jones did not comply with the board approved consent agreement.

Gilyard moved to suspend the applicant for a minimum of 6 months.

This motion was withdrawn to reintroduce his motion, to suspend Jones' license, indefinitely with the committee needing to vote to lift the suspension after compliance is met. White seconded. Huss recused herself and the motion passed unanimously.

Paul D. William

He has a counseling degree that was lacking clinical hours.

Gilyard moved to deny his license. Packard seconded. Huss recused herself and the motion passed unanimously.

White and Kress left at 2:15 p.m.

Kress returned at 2:20 p.m.

Program Reviews

Heidelberg College

Huss moved to approve Heidelberg's program, and commend them for having a separate course in ethics. Gilyard seconded. There was no discussion and the motion passed unanimously.

Wright State University

Huss moved to approve White State's program and commend them for having a separate course in ethics. Gilyard seconded. There was no discussion and the motion passed unanimously.

Ohio State University

Huss moved to approve Ohio State's program and commend them for having a separate course in ethics. Gilyard seconded. There was no discussion and the motion passed unanimously.

Huss shared with Gilyard how issues with programs are handled (Sometimes the Program Chair will call other times Rough will call or visit the school).

Gilyard shared that it would be beneficial to the board if programs could be visited by the committee for a more thorough and indicative evaluation. He also suggested discussing with Rough the possibility of site visits. There were concerns, though, of violating the Governor's travel policy.

Gilyard suggested discussing with Rough, the possibility of site visits to increase the board's scope of knowledge of a university's program, and to develop the relationship between the university and the board. Huss also suggested 4-5 focus groups during visits.

The committee agreed that Counselor Trainees (CTs) should have a disclosure statement outlining their name, the agency, their college, the board's address, and that they are in a Practicum/Internship, a CT, etc.

White returned at 2:47 p.m.

The committee then discussed the supervision provided in an educational setting and that the rule states that the supervision of supervision experience must be done by a PCC-S.

Exempt Settings

Packard asked what the committee does regarding exempt settings, if a licensee does not uphold ethics and professional practices. It was agreed that if a licensee is mandated to do something, then it's a legal issue. They are waiting for a response from the Attorney General, but originally, the licensees are subject to board discipline, despite the setting, if they are a practicing counselor.

Prayer Issue

The committee universally agrees that the board does not need to take a public stance with a policy regarding this issue.

White shared that, though he doesn't believe the board dodges tough issues, he does not believe that this is a topic that should be addressed.

The committee universally agreed that they will not respond with a policy, particularly since it creates questions like, "how does a licensee pray," "do they require training," "did they pray properly? Etc."

Packard acknowledged that prayer is an intervention, but it is not a modality.

The committee adjourned at 3 p.m.

**State of Ohio
Counselor Professional Committee Meeting
January 16, 2009**

Members Present: Dr. Victoria Kress, Dr. Susan Huss, Mr. Jan White, Dr. Otha Gilyard, Dr. Francine Packard

Staff Present: Mr. Jim Rough, Mrs. Rena Elliott, Mr. Simeon Frazier

Guests Present: Sam Wolfe (Ohio Counselor Association, Board Liaison), Glen Karr, Thelma Greaser (Ohio Counselor Association, Board Liaison)

Dr. Kress called the meeting to order at 9:04 a.m.

Approval of Agenda

White moved to approve the agenda. Gilyard seconded. During the discussion, Packard added "CEU committee report."

White added "Inactive Status"

Kress added "Program Approval"

Huss added "Investigative Liaison"

Kress also added "Internship and Group supervision hours."

The amended agenda passed unanimously.

Approval of Minutes for November

White moved to approve the November 2008 minutes. Gilyard seconded. During the discussion, Kress offered the following corrections:

- 1.) In the "Goldman Reviews" section, "possible" was replaced with "possibly" to read "Kress and Hegarty agreed that possibly, additional supervision may be another requirement."
- 2.) In the "Executive Committee Report" section, the word "for" was removed, the words "Kress expressed concern about," and the word "and" was added to read "Kress expressed concern about training supervision, and allowing other independent mental health professionals to provide training supervision to make it easier to get a license."
- 3.) In the "Old Business" section, the word "Her" was replaced with "Richards'" to read "Huss moved that at this point, Richards' request will be considered at a later meeting...."

Kress complemented the minutes for being thorough.

White amended the motion to accept with corrections. Gilyard seconded. There was no additional discussion as the motion passed unanimously.

Executive Director's Report

HB 427

Rough reported the House Bill 427 passed on 1/7/09, effective 4/7/09. The Marriage and Family Therapists (MFTs) are working on the rules.

He reminded the committee that his performance review is pending.

The language for the scope of practice law may be good to include in the rule for the scope of practice 4757-15-01 and 4757-15-02, statements would be made specific for each license and he gave examples.

Kress suggested adding this language to those rules, along with adding it to 4757-5-12, if it is not already there.

Law & Rule Exam

The Law & Rule exam is almost ready to go live. There will be a \$10.00 cost. It hasn't yet been determined when it will be mandatory for all applicants. It will be offered as a CE for licensees first.

Five Year Rule Review

Review items for the five year rule review were enclosed in their packet. He hasn't yet heard from the Attorney General's office with regards to the Civil Service exemption letter.

He got a call from the health department regarding a potential issue with job titles. He will try to clear this up.

Use of Prayer issue

He spoke with David Mann at Ashland to help write a draft of a policy. He considered inviting representatives from the Methodist Theological Seminary, Cincinnati Christian University, The Athenaeum of Ohio, etc.

He did some research that outlined when it could/would be considered appropriate in which the ratio is proportionate to the client base. He referenced a letter to the ACE standards.

The committee shared that they should not take a stand on this. Huss shared that there would then be a request to take stands on other issues that show a licensee's Educational Training to Pray, as an example.

Glen Karr entered at 9:15 a.m.

Karr shared information that he got from his dealings with the American Association of Pastoral Counselors.

The committee agreed with the author's (of Rough's research) final conclusion that prayer with a person diagnosed with a serious mental illness is inappropriate.

Gilyard shared that someone stating that they are teaching from a Christian perspective is, at times, misleading.

Karr shared potential conflicts with Christian counseling vs. Traditional Clinical counseling, and gave examples of the bias that may exist when dealing with gay and lesbian issues.

NBCC Examinations

In presenting the exam report, Rough stated that he was still waiting for NBCC to provide the national averages. The graphs provided were based on spreadsheet data.

Huss shared concerns that states' statistics should reflect the proportion of the counselors in that state. This is not always the case, and it gives a misrepresentation of state and regional reflections of the counseling profession.

Rough announced that Shawn O'Brien from NBCC would be at the July meeting.

AASCB Annual Conference Report

Rough discussed a speaker that presented on ethics who worked for the FBI in improving the ethical actions of FBI agents and personnel. He was quite successful and he has been hired by the North Carolina government.

It was agreed that Kress will attend the meeting this year, with one other board member.

The ACA and ASIS provided a clearinghouse of syllabi, and they wanted people to know. The committee discussed making certain that people understand the difference between counseling and modalities.

The last session discussed behavioral health. Rough shared a copy of the standard reports and outlined professional and ethical standards that he found helpful.

Kress requested that Rough post an inquiry to the AASCB listserv regarding how these issues are documented and what policies and procedures to document compliance they have. She also would like to know how the licensees are trained via a rubric, etc.

Gilyard brought up that some institutions are very good at writing up proposals, but they don't reflect the true practices of that body. He reiterated that site visits by program reviewers would give teeth to what the committee does with pre-approving programs (even given an added application of resources).

Rough stated that talking with Ashland and Ursuline helped define issues and resolve them expeditiously.

Gilyard shared that there are several benefits, including building relationships.

The committee will continue to look at it.

Approval of PC applications

Huss moved to approve the list of PC applicants. White seconded. There was no discussion and the motion passed unanimously.

Approval of PCC applicants

White moved to approve the list of PCC applicants. Gilyard seconded. There was no discussion and the motion passed unanimously.

OCA

Determining CEU Program Designation Acceptability

Packard shared something similar to a rubric that Louisiana uses to help determine whether something was appropriate for CEUs.

She also shared that the CEU committee agreed that the standards among licenses do not need to be uniform, but they should be standardized within each professional standards committee regarding what each discipline approves. The proposed standard would be the subject should be within the educational requirements of the accrediting body for each profession.

Kress shared that she liked the CEU rubric document.

Huss moved to tell Bill O'Connell that, if the OCA develops a rubric with these questions, it would be acceptable.

Packard seconded. There was no additional discussion and the motion passed unanimously.

Sam Wolfe presented a document with talking points highlighting elements of a complaint contract when a violation occurred.

Karr shared that in the 1990's he wanted OLAP, which addresses impaired professionals to include mental health issues, as previously, they included only substance abuse cases. Now over 50% of their cases involve mental health. He went on to discuss how the program is broad and there is a difference in dealing

with a violation after it occurs versus when an impaired professional voluntarily turns themselves in.

Kress shared that the committee is trying to do a better job of effectively sanctioning violators.

She will follow up by having discussions with the Psychology board and OLAP. She'll give a report at the next board meeting.

She also shared that her goal is to improve the process to optimize the supervision.

Thelma Greaser entered at 10:13 a.m.

Professional Counselor Application Coordinator's Report

Elliott reported that Frazier processed 400 Counselor Trainee /Clinical Resident applications.

84 exam packets were mailed.

In November '08, 32 candidates took the NCE. 29 passed, 3 were unsuccessful.

12 candidates took the NCMHCE. 9 passed, 3 were unsuccessful.

In December '08, 42 candidates took the NCE. 40 passed and 2 were unsuccessful.

22 candidates took the NCMHCE. 19 passed 3 were unsuccessful.

Huss confirmed that the endorsement process is going more smoothly.

Packard confirmed that some applicants haven't determined that Endorsement and Reciprocity are not the same.

Old Business

Janet Richards

Packard gave a scenario where off-site supervisors are hired to come in for training supervision to ensure that the client's needs are being addressed with a site supervisor for work supervision, but PCC licensure needs are being met, otherwise.

Hegarty asked what a legitimate hardship would be.

Packard stated that, in this case, a training supervisor doesn't need to have a specialty in MRDD in order to meet the needs for the PCC requirement.

Huss suggested that her professional job site doesn't allow for her to do what is needed (direct services for 50% of the time, which includes diagnosing and treating mental and emotional disorders) to get the PCC in the first place, thus, the hardship is created by working at her agency.

Huss moved to deny the request

Gilyard seconded

Huss, White, Gilyard, and Packard voted in favor of the motion. Kress opposed. The motion passed.

New Business

NBCC Visit

Gilyard requested that a list of acronyms of industry and board terms (NBCC, ASIS, PCC-S, MRDD, etc.) be created to assist those that are not intimately involved with the profession in following the discussion.

Correspondence

David Galik

Huss moved to deny the request. Packard seconded. There was no discussion and the motion passed unanimously.

Galik will also be told that there are Gay, Lesbian, Bi-Sexual (GLB) and straight counselors, so there should be no problem securing one.

Greg Gordon

Huss moved to send a letter advising what must be done to get the PCC. Gilyard seconded. There was no discussion and the motion passed unanimously.

Jeffery Stemen

Huss moved to send a letter advising what must be done to get the PCC. Packard seconded. There was no discussion and the motion passed unanimously.

Huss also suggested that he apply under endorsement if he is licensed in another state.

Greaser confirmed with the committee that an out of state licensee must pass a substantially equivalent test to come to Ohio to be licensed.

Mandy Swingle

Kress suggested that perhaps the applicant had bad information. She was advised that she can't get CT status, but based on CACREP standards, she may have an LISW supervise her, and have those hours count towards licensure.

Gilyard reminded the committee that site visits would benefit the committee and in cases like this to educate the universities.

Packard moved to refer her to rule 4757-13-07 advising that she may have an LISW supervise her as a student, but she may not have CT status with that supervisor. Huss seconded. There was no discussion and the motion passed unanimously.

Internship and Group Supervision Hours

Kress shared that students are allowed to count some indirect hours and that not all internship hours needed to be direct clinical hours and that supervision and group supervision, etc. could count as indirect hours. Rough will address the concern raised. Kress left momentarily, and White took over duties as committee chair, temporarily.

Program Approvals

Bowling Green State University

Kress moved to accept Bowling Green State University's program, and commend them for having a separate ethics course. Packard seconded. There was no discussion and the motion passed unanimously. Huss abstained from the vote.

CEU Committee Report

Packard reviewed the denial letter sent to Mr. Moyer. She received a response, advising that a negative press release would be sent, and asked if Rough wanted to see the draft. Rough advised that he didn't need to see it.

The press release has not, yet, been published.

Provider Status

Uniform standards would be created by the Professional Standards Committees (PSC) for each licensed discipline, and based on the licensure needs of each license, rather than a uniform standard based on the umbrella concept of the board. Each PSC will have a guideline/rubric that outlines what the PSC looks for, so that there is uniformity, within each license, across the board.

There is a part in paragraph (C) of rule 4757-9-06 that needs clarifying which states a person that is providing trainings as part of their job is not eligible to get the 10 hours of CEUs that one would normally receive for developing trainings. No one knew why this rule was made. The committee is looking to remove this requirement.

Huss recommended that if this is changed, then the provider's presentation should be new, so that the professional is growing with the presentation, rather than doing the same presentation for years, and getting the same credit.

The committee discussed a provider needing to reapply for provider status if the provider let's their license lapse for 6 months. It will be changed to a notice being sent out, 3 months ahead, and the license lapsing will result in not being able to have provider status for 1 year, with each program, then, needing to be approved.

If a group decides that they do not want to renew their provider status, they will need to notify the committee and provide a list of the programs that they've delivered over that 2 year period before they are able get provider status, again.

Inactive Status Report

White reported that he received a letter requesting "inactive status." Given the cost and that there are system issues making it extremely difficult to do. The issue has been tabled and Rough will request that a simple process be built into the next licensing system and/or action will be started, if that status is requested by a critical mass of licensees.

Investigative Liaison Report

Research would be done to provide guidelines on how to secure a pool of quality providers for impairment evaluations. This will be done to make certain that the sanctions issued to violators would be more effective.

Request by the Renewal Coordinator

A licensee went to Japan and discovered, while there, that some of her work could qualify for CEUs. Normally, this would be expected to be processed as a pre-approval. Now that this is finished, she'd like to register this as a post program approval, and wants to know what is needed to do this.

Gilyard believes that the experience, as described, sounded valuable, and the committee agreed.

Packard suggested writing a synopsis of the experience, providing proof, including a web address that speaks to this, if available.

Rhonda Franklin will determine the number of hours awarded.

Huss moved to follow through with Packard's request. Gilyard seconded. There was no discussion and the motion passed unanimously.

Greaser confirmed with the committee that she, too, may do this for an annual training program that she does in Honduras.

The meeting adjourned at 11:27 a.m.

Dr. Victoria Kress, Chairperson