



Counselor, Social Worker & Marriage and Family Therapist Board

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State of Ohio Counselor Professional Committee Meeting March 20, 2008

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

Staff Present were: Mr. James Rough, Mr. Bill Hegarty, Mrs. Tammy Tingle, Ms. Tracey Hosom, Mrs. Rena Elliott, Mr. Simeon Frazier.

Guest Present: None

Mr. White called the meeting to order at 9:05 a.m.

White left to attend an executive committee meeting at 9:06 a.m. Dr. Kress assumed the duties of the committee chair in his absence.

Approval of Agenda

Mr. Rough entered, and requested that Mrs. Elliot be added to the agenda to discuss issues with licensure via endorsement.

Dr. Huss requested discussing moving the May board meeting date on Thursday. Also, she requested discussing the endorsement issue, on Thursday. The committee also agreed with Huss' request to discuss the Juris Prudence examination, after she explained to Ms. Packard what the test is, and why it is being discussed. It was then added to the agenda. Kress stated that she'd like to discuss the impact of the "Common Sense Business Practices" document that Rough sent in the board mailing.

Huss moved to approve the agenda as amended. Packard seconded. There was no discussion as the motion passed.

Because they wanted White's input, the committee reviewed University programs and CEU provider/program applications until White returned from the executive committee meeting.

White returned to the meeting at 9:21 a.m.

Kress updated Huss with regards to the discussion from the previous board meeting regarding the committee not being able to discuss, as a committee, items that may potentially go to a hearing. Huss advised that she'd like the conversation to be revisited, formally.

Endorsement

Elliott addressed the committee regarding persons applying for licensure via endorsement. The committee agreed that there should be a tangible standard that out of state applicants must meet, and that the licensure exam was the best way for this type of confirmation. They also suggested documentation of diagnosing and treating mental and emotional disorders, and, possibly, a formula/algorithm be created to equate grandparented experience to passing the clinical exam.

Packard suggested similar guidelines, and used greater than or equal to 2 years, and 3000 hours, with 50% of the time being spent diagnosing and treating with the proper supervision. Rough suggested offering a consent agreement to out-of-state PCC applicants for a PC license, allowing them to be employable, and advising them what would be needed to be awarded their PCC license in Ohio. White stated that he believes anyone requesting a PCC license, must pass the NCMHCE. Packard recommended submitting a job description with their application.

Tammy Tingle and Tracy Hosom entered the meeting at 9:53 a.m.

The committee suggested, if an applicant has the coursework and their hours lapsed for over 2 years, then, depending on the standard vs. endorsement applicants, the applicant may need to take 2 tests. It would be understood that the applicant would need to, otherwise, apply as though they had no license at all. The committee discussed with Rough that they must speak with P.R. Casey concerning the processing of application denials.

Rough will compose a document addressing endorsement.

Investigation Report

Closed Cases:

Mr. Hegarty presented the committee with cases that were reviewed by Kress. Kress moved that the presented cases be closed. Huss seconded. There was no discussion, as the motion passed unanimously.

Hegarty, then, stated that Huss won't discuss, or vote for executive session discussions for Melvin Johnson and Merle Rhodes that she reviewed. Kress will recuse herself when discussing James Fox. White will recuse himself when discussing Scott Smiles' consent agreement. Kress will not discuss Cecil Bergen. He stated that it is also important to discuss case 2001-76.

The committee went into executive session at 10:24 a.m. to discuss hearing officer reports and consent agreements. During roll call, all responded with "Yes."

The committee came out of executive session at 10:56 a.m.

Merle Rhodes

Kress moved that Rhodes be subjected to a 1 year suspension and 2 years of supervision upon his return. If he has the supervising counselor designation, then he may not supervise. Additionally, his license will be revoked if he has any dealings with minors in a therapeutic setting during this time. Packard seconded. Huss recused herself as the reviewer of this case. The committee agreed with the action proposed and the motion passed unanimously.

Melvin Johnson

Kress moved that he be subjected to a 1 year suspension, and be required to take an ethics course, along with 3 years of supervision. Packard seconded. Huss recused herself as the reviewer of the case. The committee did not think that the hearing officer's recommendation was sufficient for bringing sexually explicit material to a work site where teenagers have potential access. This action is totally unprofessional by any licensee. The committee agreed with the motion, which passed unanimously.

James Fox

White moved to accept his consent agreement. Packard seconded. Kress recused herself as the reviewer of the case. The committee agreed with the action proposed and the motion passed unanimously.

Scott Smiles

Kress moved to accept his consent agreement. Packard seconded. White recused himself as the reviewer of the case. The committee agreed with the action proposed and the motion passed unanimously.

Cecil Bergen

White moved to accept his consent agreement. Packard seconded. Kress recused herself as the reviewer of the case. The committee agreed with the action proposed and the motion passed unanimously.

Victoria Kepler Didato

Kress moved to accept her consent agreement. Packard seconded. Huss recused herself as the reviewer of the case. The committee agreed with the action proposed and the motion passed unanimously.

Update - This discipline was reviewed and amended in March 2010 after a review of the original file based on new evidence which was presented. In the amended agreement the Board stated that based on the review of new information ... the BOARD would not have suspended the license for two months or reprimanded DIDATO. The requirements with regard to continuing education and supervision found on page 2 of the original consent agreement would have remained."

Case 2007-176

Huss moved to order an impairment evaluation. Packard seconded. Kress recused herself as the reviewer of the case. The committee agreed with the action proposed and the motion passed unanimously.

Hegarty announced that a hearing for a counselor denial will take place in May. The committee took a break at 11:00 a.m. and returned at 11:12 a.m.

Changing the May meeting

White discussed Rough's request to change the May 2008 board meeting from 5/15/08-5/16/08 to 5/8/08-5/9/08. White shared with the committee that he didn't find it appropriate to make the request as, logistically and professionally, it may not work well for the other 15 members of the board, to accommodate the request of one person.

Kress stated that it will work for her, as she can't be at the 5/15/08 meeting, anyway due to a professional commitment. Huss commented that she didn't see a need to change the date. Kress found it to be, globally, a bad idea to change the date. Packard agreed with Kress. The committee's general (unanimous) feeling is that the meeting date should not be changed.

Personnel Committee Report

White reported that they used Fred Dailey's idea to involve the full board with the executive director's evaluation. They'll meet with Jim on Friday (3/21/08) to give a positive evaluation and present it at the full board meeting; also, there will be a motion to change office hours to 8a.m.-5p.m.

White asked if there was a need to discuss the Juris Prudence exam. It was agreed that the Juris Prudence exam would be required for new licensees, and they need to figure out how to make it plausible for licensees as a CEU.

P.R. Casey entered the meeting at 11:34 a.m. to discuss the committee not being able to discuss cases amongst the entire CPSC if it could lead to a hearing.

Huss presented to Casey, her concerns, and he responded.

It was established that the parties that may request a 119 hearing (denial hearing) are those that are PC exam applicants, disciplinary cases, and license denial cases. Casey went on to establish that applications are what drives a person's ability to have a hearing. He also suggested redacting the applicant's name if they submit correspondence, to prevent the committee from being able to identify a person when their application finally arrives.

Huss asked Rough how the public Records Policy affects the board. He discussed that it really didn't. The board currently responds as quickly as possible to all public records requests. Huss agreed that she didn't see that it was going to impact the board, much.

The committee took a break for lunch at 12:12 p.m. and returned at 1:06 p.m.

Criminal Background Checks

The policy will go into effect on 3/24/08. The committee agreed that the fee seems reasonable. White stated that this is good, and in the interest of protecting the public, it is necessary.

Huss offered concerns regarding whether or not students are going to be able to keep pace with the 7-10 business day requirement.

The committee agreed that it is important to establish guidelines regarding what gets a license denied. This will help give framework for decisions and allow for consistency across the board.

Huss confirmed with the committee that misdemeanors would be flagged with this.

Guidelines discussed

A timeframe of the violation to the application; "*Red Flags*" discussed were: the nature of the incident (types: sexual, drug related, predatory, domestic violence etc.); context (i.e. are there children involved?).

Packard remarked that she would want to deny predator convictions, as the public has already set limits regarding their being required to register, such that it is considered serious to the public.

White established that if the applicant does not self report, and the Criminal Background Check shows a crime, he'd deny the license.

The application clearly indicates that they must explain all "yes" answers in the personal history information/character section. The committee agreed that staff will send a form letter requesting that they explain why they answered "no" when the criminal background check revealed that the answer should be "yes."

Huss asked if a policy could be established regarding the single reviewer, that when the 5th member of the CPSP is introduced, 2 committee members may then discuss a file that is under review.

Rough stated that this should be fine, but they won't get as many endorsement issues, if the committee approves an initiative by Elliott and Rough.

Huss believes that the staff should collect as much information as possible and the committee member will need to make the call when they review the file.

Juris Prudence Exam

The committee determined that the exam questions should automatically be scrambled, so the same sequence of questions couldn't be determined between tests and test takers. Huss stated that she is willing to use her class as a test vehicle for the exam.

Common Sense Business Practices

Huss asked what the policy implies. Rough replied that it is meant to make it a smoother process for out-of-state applicants to get licensed in Ohio.

The committee worked on university programs from 2:00 p.m. thru 4:30 p.m. when the meeting was adjourned for the day.

State of Ohio Counselor Professional Committee Meeting March 21, 2008

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

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

Guests Present: None

Mr. White called the meeting to order at 9:07 a.m.

Approval of Agenda

Huss requested addition of "University Program Approval." White requested addition of "Electronic Service Committee Report" and "CEU Report." Kress requested addition of a discussion surrounding Committee member responsibilities. Kress moved to accept the amended agenda. Packard seconded. There was no discussion as the motion passed unanimously.

Executive Director Report

Rough reported that Office of Budget and Management (OBM) and governor restricted travel to, only, what is essential. In the full board meeting, a motion will be made and reflected in the minutes that Hegarty, Hosom and Tingle's ethics trainings are essential.

Kress' Clear training also needs approval, as it is in-state, and is at minimal cost. Travel restrictions prevent the board attending professional organizational meetings, even though the board has the money. The impact will be an increase in funds in the board's 4K9 holding fund.

White shared that it is an issue with the CPSC that the board meeting was asked to be moved to accommodate a meeting that Rough was attending. Rough stated that he will accommodate the committee.

Governor's Common Sense Survey

Rough review the means to solicit customer feedback regarding the board's performance.

Rough discussed that OBM may add the late fee, fines and fee for license verification to the FY 2009 budget correction bill.

Criminal Record Checks

Beginning Sunday, 3/25/08, he reported, criminal records checks will be required for initial licensure. If an applicant had an Ohio criminal background check for purposes of working with children or elder care, an applicant may be able to get a second copy sent for a reduced price through BCII. If an applicant had an FBI check, it must be re-done, completely.

HB427

Regarding House Bill 427 correcting MFT language, the House Health committee had sponsor testimony, and will have a second hearing soon. He is confident that it will be approved by the house.

Public Records

Processing has increased via four people doing ten applications each day. They have almost doubled the applications processed.

Elliott and he made a proposed endorsement process to disseminate. The committee will review the proposal and give him feedback.

Approval of Minutes

Kress moved to accept the minutes. White seconded. During the discussion, the following amendments were made:

In the *Review Applications for PC and PCC* license section, the words "Board application rejections" replaced the word "felony" to read "*Mr. White reminded the committee that they may not discuss board application rejection cases among each other,...*" In the same section at the very end, a sentence was added to read "*..he'll solicit help from one other member,*

allowing for a quorum vote to be maintained.” Also, in the “Remediation Plans” section referring to Adrian Gugliemi, the words “of the changes” were added to the end of the paragraph, to read “It’s just the beginning of the changes.” Kress moved to accept the minutes as amended. Packard seconded. There was no further discussion and the motion passed unanimously.

Counselor Application Coordinator’s Report

Elliott reported that Frazier processed 393 Counselor Trainee and Clinical Resident supervision agreements. Since the last meeting, 148 exam packets were mailed. In January 2008 there were 23 NCE candidates; 19 passed and 4 failed. There were 4 NCMHCE candidates. 2 passed, 2 failed. The first time test taker information will be provided later.

February 2008, there were 30 NCE candidates; 27 passed, 3 failed. There were 5 NCMHCE candidates. 4 passed, 1 failed.

In March 2008, there were 39 NCE candidates. 38 passed, 1 failed. There were 10 NCMHCE candidates. 10 passed and 3 failed.

Kress expressed concern over the high passages rates. Packard asked why the test was changed from the more stringent test. It was explained that the singular tiered test did not meet statute requirements. Huss noted that, statistically, the test is not good, if the passage rate is so high.

The committee discussed the merits and demerits of the test.

Kress reminded the committee that they may consider options to the test. Huss suggested soliciting help in compiling passage rates between states for a better analysis. The committee shared their concerns that the professional associations haven’t been sending a representative to the meetings. Huss confirmed that the Counselor Trainee and Clinical resident approval process was being streamlined.

Approval for the Application for Licensure for PC

Kress moved to approve the PC licensure list. Packard seconded. The committee noted that each application had been reviewed by a committee member. There was no further discussion and the motion passed unanimously.

Approval for the Application for Licensure for PCC

Huss moved to approve the PCC licensure list. Kress seconded. The committee noted that each application had been reviewed by a committee member. There was no further discussion and the motion passed unanimously.

Old Business

No old business was discussed

New Business

Out of state endorsement

The committee agreed that the submitted document outlined acceptable guidelines, which the staff may use for now. Modifications may be made in the future.

Packard offered that she'd have no problem with a universal guideline that lapsed licensees may only apply for the PC (they'd have to start the licensure process, over).

After reviewing the law, which states the applicant that let's their license lapse must re-apply as a new applicant, Huss is not comfortable accepting that a PCC applicant that let their license lapse, must apply as a new applicant. The Committee defined beginning as a PC applicant, as the law reads that way.

Packard remarked that the board is also making it easier to not let the license lapse in the first place via allowing more home study CEUs and online renewals, etc. Huss moved to accept the proposal for endorsement questions with addendums that make reference to paragraph (C) of rule 4757-7-01 of the Revised Code for the new applicant for the PC license. Kress seconded. There was no discussion as the motion passed unanimously.

The committee took a break at 10:17 a.m. and returned at 10:25 a.m.

CEU report

Packard reported that the CE audit failures violations are declining. One of the things discussed in the committee meeting was that, later, a person may be sent a caution letter and fined for non compliance. Rough will research the legality of this.

Ms. Miller has noted that some providers are sharing their provider numbers with others and calling it "co-sponsoring" in an effort for organizations to circumvent the application process. In some cases, providers are charging for the privilege. This matter will be reviewed.

The committee discussed sending a copy of the letter of non-responsive violators to the board's investigation department.

Electronic Services Delivery (ESD)

Kress reported that P.R. Casey reviewed language in their proposal that wasn't well defined and/or enforceable. Rough made modifications. Because of the newness of the issue, the proposed rule will be simplified. A policy statement will be produced with a general policy statement being available on the website.

Committee Member Responsibilities

Huss suggested that committee member responsibilities be split and shared. Kress and Huss agreed to do the program reviews, Packard will work on the endorsement requests, and White will sign off on licensure files.

Packard moved that Kress and Huss share the responsibility for being the investigative liaison. White seconded. There was no discussion as the motion passed unanimously.

University Program Approvals

Huss moved to approve Cincinnati Christian University's Counselor Education program. Packard seconded. The committee noted that the application had been reviewed by two committee members. There was no further discussion and the motion passed unanimously.

Huss moved to approve the Methodist Theological Seminary College's Counselor Education program, commenting that the social and cultural foundation requirement may only be met with the PC 311 class; also, the committee suggested that though their content is appropriate, the scope of their group class be broader than Chemical dependency. Kress seconded. The committee noted that the application had been reviewed by two committee members. There was no further discussion and the motion passed unanimously.

The committee is still reviewing the program for Ashland Theological Seminary.

Correspondence

Leanne Cavanaugh

Kress moved to reject Cavanaugh's hardship request. Huss seconded. The committee denied her request to be supervised by a psychologist for her summer internship as she did not demonstrate that a PCC-S was not available. There was no further discussion and the motion passed unanimously.

Darcy Granello

Huss moved to accept Granello's request for OSU to change one of the methods and intervention courses from PAES927 Marriage and Family course to HDFS650 in the Human Development & Family Science program. Kress seconded. During the discussion period, the committee thanked her for her conscientiousness and a copy of her request and syllabi will be added to the university program review. The motion passed unanimously.

Sue Hritz

Kress moved to deny Hritz's request for supervision by a psychologist to practice hypnotherapy. Packard seconded. During the discussion period, Huss recommended that the committee suggest that Hritz modify her practice in order to get her supervision. Hypnotherapy is not considered the practice of counseling. The motion passed unanimously.

Scott Knapp

Kress moved to deny Knapp's request for hardship supervision. Packard seconded. During the discussion period, the committee noted that he had not shown what efforts were made to find a PCC-S supervisor. The motion passed unanimously.

Margaret Sullivan

The committee agreed that they needed more information from her file, so they'll table discussing her request until her file is reviewed, but they agreed that if her license is lapsed, she must start the licensure process from the very beginning.

Carol Toth

The committee agreed that her request for a non-counselor supervisor for her internship in New York falls under the jurisdiction of her university, not the board. A letter will be sent to her advising her of this.

The meeting adjourned at 10:58 a.m.

Mr. Jan White, Chairperson