Counselor, Social Worker & Marriage and Family Therapist Board

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State of Ohio
Counselor Professional Committee Meeting
March 19, 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, Mr. Jim Rough, Ms. Tracey Hosom, Mr. William Hegarty, Mrs. Tammy Tingle, and Mrs. Rhonda Franklin

Guest Present: Jeff Jurca (Attorney)

Kress called the meeting to order at 8:06 a.m.

The Counselor Professional Standards Committee (CPSC/The Committee) reviewed CEUs and Program approvals and proceeded with the agenda at 10:10 am

Discussion/Approval of Agenda

Gilyard moved to approve the agenda. White seconded. Huss added "A letter in the final semester" to the 3/16/09 discussion.
Packard added "Standard criteria for approving CEU hours."
White moved to accept the amended agenda. Gilyard seconded. There was no discussion as the motion passed unanimously.

Review PC and PCC Applications

White reviewed the applications, on 3/18/09. He advised that Rena may bring more over for review, as she was working on a few files, earlier.

Executive Committee Report

Kress reported that, while they were discussing Jim Rough's evaluation, they also discussed an applicant that believes her professional character is being damaged by the fact that she failed the test three times, and it is reflected in the minutes, and it appears, first, in a Google search.
Kress offered that it is a matter of public record, and should be accessible upon a search. The discussion was tabled to allow the committee members to think it over, and comment later. The Committee agreed to think it over, as harm isn't intended, but "the truth is still the truth."

The Evaluation will be presented in the full board meeting. In the meeting, they also discussed personnel issues.

Rough entered at 10:35 a.m.

NBCC Contract

The committee went into executive session to discuss the NBCC contract. All answered "Yes" during roll call.
Tracey Hosom entered at 10:49 a.m.
William Hegarty entered at 10:57 a.m.
The Committee returned from Executive Session at 10:59 a.m.
Jeff Jurca entered at 10:59 a.m.

Investigations Report

Hegarty shared that the January '09 minutes suggested that Counselors cannot do custody evaluations. They may, if court ordered and/or they may not if they have a previous working relationship with the client or the child. The relationship must be neutral.

Theresa Carmen

Attorney Jeff Jurca, representing Carmen, came to the meeting to answer questions related to the letter that he submitted, requesting that her consent agreement be amended to either reinstate her supervision credential, or lower the overall amount of time where she must be supervised.

Gilyard asked if there was an established precedence FOR AMENDING AGREEMENTS.

Hegarty replied that, one time, in the 13 years that he's been on staff at the board and it wasn't recent.
Gilyard offered that he'd prefer to stay the course if there isn't an established precedent.
Hegarty confirmed with Gilyard that the board did intend for the agreement to be a one year suspension of the Supervising Counselor Designation suspension and an overall 18 months requirement of supervision.

Jurca shared that Carmen may have signed the agreement, not under duress, but without legal representation, and with respect to her employment situation, perhaps unaware of other ramifications.
Hegarty shared that the committee, though, should consider this an unusual circumstance, and that this decision should be based on good faith reasoning that the public is being protected.
White shared that there is no additional information being presented to suggest that the committee should amend the agreement.

Tammy Tingle entered at 11:15 a.m.

Huss shared that she was inclined to let the agreement stand.

Jurca advised that it's Carmen's position that, because she was told to leave, she wasn't able to finish the required paperwork, an issue for which she was punished, later.
Kress asked for a motion

Huss moved that the consent agreement stand.
Gilyard seconded.
There was no discussion and the motion passed unanimously.

The Committee agreed that they would hear the plea again, if there was new information to be presented.

Jurca left at 11:18 a.m.

Hegarty requested executive session.
The committee went into executive session, as each member answered the roll call with "Yes."
The committee returned from executive session at 11:29 a.m.

Nikki Sauling
Huss moved to accept her consent agreement.

Gilyard seconded.
There was no discussion as the motion passed unanimously.

Kelli Jo Marquett
White moved to accept the consent agreement.
Gilyard seconded
There was no discussion as the motion passed unanimously, with Huss abstaining.

Cases
Gilyard moved to close cases reviewed by Kress.
White seconded. There was no discussion as the motion passed unanimously.

Huss moved to close cases that she reviewed.
White seconded. There was no discussion as the motion passed unanimously.

Hegarty advised that the morning's hearing was settled, and the applicant was licensed. He thanked Hosom and Tingle for doing an outstanding job while he was away on military reserve leave, and thanked the committee for allowing Jurca time to speak.

Combination of Evaluation and Verification of Supervised Experience and Clinical Field Evaluation forms

Huss moved to accept the new form as presented.
Gilyard seconded. There was no discussion and the motion passed unanimously.

Letter in the Final Semester of Coursework

Huss shared that in a letter received in an investigation, stating an applicant that graduated form "Program A" and didn't have the clinical coursework, then went to "Program B" to get the clinical coursework.
The board's policy allows a student in the final term to offer a letter stating that they've met the requirements to sit for the exam.
If a non-degree student in "Program B" asks, how does the board feel about issuing a letter without knowing if this will complete their educational requirements, how is the board to respond?

Kress offered concern how this could happen if not closely guarded.
Huss will speak with Rena Elliott to get more insight on the process.

The committee broke for lunch at 11:51 a.m.
They returned from lunch at 12:45 p.m.

The Committee reviewed CEUs, Programs, and Remediation Plans until the agenda was resumed at 2 p.m.

Remediation Plans

Princess Black

Huss advised that Black needs to complete a remediation plan in order to be approved for examination. Ms. Black had asked to test again following a NCE review class, which was denied.

Rhonda Franklin entered at 2:21 p.m. to discuss a Continuing Education issue.
She provided a standard renewal letter to the committee, advising that it shows the expiration date for the license. She then shared that it may not be necessary to issue an additional notice to advise that a license has expired.
The committee agreed that the current letter is sufficient.

She shared that the online renewal process is working well. She suggested sending, only, a user ID and password through the mail, rather than an entire renewal packet, issuing a hard copy application, only, if requested.
The committee supported this.

Christine Valentine

She needs to submit a new remediation plan. Her test scores aren't separated to demonstrate passing the general knowledge portion (PCLE/Ohio & Texas exam). She is asking to take the NCE review. It appeared that she needed to review Normal Growth & Development, Research, Group Counseling Methods and Technology.
White asked what would help her the most.
Huss suggested, possibly, allowing the course, but requiring a new remediation if unsuccessful. Gilyard suggested doing this also, but also recommending a research course, since it was her weakest area. He then retracted the recommendation when he confirmed that the NCE review would cover that area.

Elliott shared that one person that she can recall, passed, using the NCE review as a remediation. That person will be licensed at the next session (3/20/09).
Gilyard moved to recommend that an approved remediation plan would include a research course and suggest that a 1 day workshop would not be sufficient, and that she find the most intensive workshop available.

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

Princess Black (continued)

The committee determined that there were several areas of weakness: Human Growth & Development, Helping Relationships, Appraisal, Research, Professional Ethics, Professional Practice, Fundamentals of Counseling.
She was an Ashland graduate from their Pastoral Counseling program in 2006.
Huss stated that Ashland strengthened their program since 2006.
Kress offered that her lowest areas should be addressed, or she'll probably keep being unsuccessful.
Gilyard moved to notify Black that an approved remediation plan would include coursework, and not repeating a course that she'd already successfully completed; per the laws and rules (9 semester hours/12 quarter hours), including courses in Ethics, Assessment, Theories & Techniques, and Research.
White seconded. There was no further discussion and the motion passed unanimously.

CEU Committee Report

Packard provided a copy of a rubric from Louisiana, showing a standard model for their CEU approval. The committee was looking to offer guidelines for consistency.
Huss shared that she's not against a rubric, but she's not certain of the need to be alike, when the licenses are not (Social Workers and Marriage and Family Therapists).
White offered that, if the program fell into the evaluation guidelines, then it would be alright for counselors, independent of whether or not other licenses accepted or rejected it.
Gilyard offered that once it's accepted, they would be stuck with it and, that there is nothing wrong with being different.
White offered that his concern comes from intra-committee (CPSC) differences of opinion regarding what is approvable, not inter-license opinions.
Packard will go back to the committee and share that the CPSC won't agree with the rubric. They will evaluate CEUs based on the credentials of the instructor, the content of the program (Theory base and Program base), and the Target population being for counselors.

Program Approval

Huss has questions: the Athenaeum answered questions sufficiently, as did Cleveland State University. The University of Cincinnati had specific courses that concerned her. It will be sent back for further clarification.
Huss moved to approve the Athenaeum, as her questions were answered sufficiently.
White seconded. There was no discussion and the motion passed unanimously.
Huss moved to approve Cleveland State university program, and commend them on their professional presentation along with having a separate course in ethics.
Gilyard seconded. There was no further discussion and the motion passed unanimously.

Packard left at 3:05 p.m. to attend a committee meeting.

The meeting adjourned at 3:10 p.m.

State of Ohio
Counselor Professional Committee Meeting
March 20, 2009

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

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

Guests Present: Sam Wolfe (Ohio Counselor Association, Board Liaison)

Dr. Kress called the meeting to order at 9:10 a.m.

Approval of Agenda
White moved to approve the agenda. Packard seconded. During the discussion, Kress added "Program Approval"
Packard added "CEU committee report."
Huss added, if time permitted, a discussion regarding the qualifications of a counseling degree.
The amended agenda passed unanimously.
Gilyard entered at 9:14 a.m.

Approval of Minutes for November

White moved to approve the January 2009 minutes. Packard seconded.

During the discussion, the following corrections were offered:

1.) In the "Executive Committee Report" section, discussing custody evaluations "anyway" was replaced with "under certain circumstances" to read "Packard brought forth that there is something in the law that says that counselors may not do them, under certain circumstances."
2.) In the same paragraph, the phrase "unless that is what they are hired to do, under the laws of the board" was added, to read, "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."
3.) In the next paragraph, the word "would," was replaced with "might like to" to read "Kress offered that sometimes investigators are more lenient than she might like to be, with regard to things not being made public record."
4.) In the CEU committee report, the words "by Moyer" were added to read "She received a response, advising that a negative press release would be sent by Moyer, and asked if Rough wanted to see the draft."

Packard moved to add, if time permits, "Visitation and Custody issues in the role of a Therapist" to the agenda. White seconded. There was no discussion and the motion passed unanimously.

White moved to accept the revised January 2009 minutes. Packard seconded. There was no further discussion and the motion passed unanimously.

Kress complemented the minutes for being thorough.

Approval of PC applications

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

Approval of PCC applicants

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

Professional Counselor Application Coordinator's Report

Elliott reported that Frazier processed 646 Counselor Trainee /Clinical Resident applications.
183 exam packets were mailed.
In January '09, 37 candidates took the NCE. 32 passed, 5 were unsuccessful.
17 candidates took the NCMHCE. 14 passed, 3 were unsuccessful.

In February '09, 28 candidates took the NCE. 25 passed and 3 were unsuccessful.
15 candidates took the NCMHCE. 13 passed 2 were unsuccessful.

Gilyard asked, of the candidates that were unsuccessful, if it was their first time taking the test. Elliott wasn't able to tell per the information that the NBCC submitted, but shared that Rough would be able to provide a breakdown of the results.

Correspondence

Sharon Grooms

Ms. Grooms' PC license expired several days prior to the board meeting when she would be awarded a PCC. She objected to having to renew her PC license in order to work for three days prior to receipt of her PCC. The committee discussed options; and given the law, there were no options. Huss moved to send a letter advising that her issue was discussed, and that given the law, there was no way to change their policy.
White seconded. There was no discussion and the motion passed unanimously

Karen Jordan

University of Akron requested allowing eight current student be able to use their doctoral supervision course taught by a psychologist to meet the requirements of rule 4757-17-01 for a supervision designation. Future courses will be taught by a PCC-S.
White shared that he didn't have a problem with her request. Kress concurred, as it was a recent rule change, which was recently clarified.
Huss shared concern that the university should know that, and she requested clarification.
Gilyard shared that situations like this could be prevented with site visits.
White shared that it was a special circumstance, and that he'd like to think that leniency would be provided in similar circumstances.
Gilyard moved to accept her request in favor of the eight students outlined in her letter. Packard seconded. There was no further discussion and the motion passed unanimously.

Program Approvals

The University of Toledo

White moved, on the recommendation of Kress, to approve the University of Toledo's program, which had provided very acceptable responses to two minor issues. There was no discussion and the motion passed unanimously

Malone College

Huss moved to approve Malone College's program, and to encourage them to revise their Foundations course, as it appears to actually be their Ethics course. The Committee encourages that they make separate courses. They should also be commended on their professional presentation and reader friendly program submission.
Gilyard seconded. The motion passed unanimously

Gilyard shared that site visits would help in providing insight on how to present a program submission.

Rough entered at 9:42 a.m.

Executive Director's Report

Rough reported that regarding site visits, the committee must define what exactly they want to do, and then they would be able to see what the budget would allow.

Budget Testimony

He did his budget testimony with the house. He'll do it in the senate on April 22, 2009. The board consolidation language is still being worked on and he's not sure which representative will make a motion to change the language as proposed.

House Bill 648

HB 648(The Joe the Plumber law) requires a policy and rule implementation. There are difficult issues of how to comply without negatively impacting board processes. It was discussed among the committee that the law was poorly written, as an overreaction to what happened.

The executive planning session is still being put together.

Law & Rule Exam

The Laws and Rules exam worked, this morning on the live system, and should be able to go public/live, within the next couple of weeks.

Hosom shared concerns that some of the questions may be a bit advanced, and would be difficult for an entry level counselor, as many of the cases that she's encountered, had to do with the types of questions that were being asked, and the practicing counselor didn't know the answers, consequently, making the wrong decision. She suggested that it would be fine as a CEU if it were a 3 hour test to meet the ethics requirement.
Rough offered, once he gets a large enough body of answers, he'd be able to do a question analysis, since it tracks each answer.

MFT Rules

The MFT rules will go into effect on April 7 to 18th. ODMH rule filing includes a matrix, again, and PC Temp/Provisional Licenses.

Five Year Rule Review

The 5 year rule review yielded no major changes when Rough and Hegarty went through them. They primarily changed many of the "wills" to "shalls", and other similar changes. He encouraged he committee to review them to see if they wanted to make any changes.

Court Forms

Rough received a call from a psychologist complaining about a PCC who had completed a court evaluation, which does not list a PCC as an approved provider. The forms were given to the OCA representative for follow up.

Art Therapists

Art Therapists structured a presentation to receive licensure as Art Therapists under the board. Discussion took place regarding what would need to happen to allow this, along with if/how it would be different than a modality.

Gilyard confirmed with Rough, that, currently, funds are available for Counselor Program site visits.
Rough, though, confirmed that, first, it would need to be determined if the committee wants to do them, then what would be involved, so the cost could be determined.
Huss and Kress shared that developing communication and relationships is good, but there are several bugs that would need to be worked out if site visits are pursued.

Packard left the room at 10:11 a.m., and returned at 10:15 a.m.

Elliott left the room at 10:14 a.m.

Kress left to attend an Executive Committee meeting at 10:18 a.m. She appointed White as the acting chair in her absence.

Sam Wolfe offered that it would be helpful to concisely display positive reasons for the visit, to prevent a defensive posture, and avoid feelings of resentment.
Gilyard informally established a task force of Wolfe, Hegarty, and himself, confirming that Huss would offer written suggestions.

CEU Report

An agency had a provider number since 1992. They've been providing CEUs, but never renewed their provider status. A new director brought it to the board's attention. Their programs were appropriate. The discussion was to suspend their license for one year, allowing them to apply, individually, for each CEU. Their Provider number may then be reinstated.

There was a request to allow someone to complete CEUs, beyond their requirements, and have them credited to the next renewal cycle. "Banking" CEUs was declined.

The renewal rule stated that CEU presenters may not use presentations to meet their, the presenter's, CEU requirements.
The rubric, as presented, was not agreed upon. Each CEU will be reviewed differently by the three different committees.

Qualifications for the PC License

Huss shared that the law says that PCs in Ohio require a counseling degree. She believes that if the committee doesn't deny requests, on those grounds, then the law is being broken, independent of the coursework that is presented.
Hegarty shared that the "related degree" provision that the Social Workers have is not in the PC rule.
After discussing it, it was agreed that, both, the degree title, and the coursework content issues need to be met in order to be compliant with the law.
Hegarty shared that in Out-of-State programs, a counseling program in Iowa, for example, may not appear in the title.
White shared that the board must be consistent.

A Counselor's Role in Custody Hearings

Per rule 4757-6-01(F), on page 36 of the rules, it states that the counselor "Should generally decline" being an expert witness unless "ordered by the court."
Hegarty shared that, even under court order, the counselors have privileged communications.
Hosom shared that if, in a courtroom, a counselor should clarify their role for the record. Then, if the judge orders the counselor, then they would need to comply.
Hegarty stated that in this situation, the counselor, only, needs to speak under their training, scope, and education. If the judge requests a chart release, the judge may override, via an order, then the judge may order the counselor to breach confidentiality. The counselor should claim privilege and if still ordered by the judge then comply, but only about facts of the client and not judgments.

Huss and Packard want to modify rule 4757-6-01 to reflect the laws and rules of confidentiality.

Gilyard shared that the adrenaline of the courtroom is potent, and often times, most counselors will be intimidated.

The meeting adjourned at 11:55 a.m.

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Dr. Victoria Kress, Chairperson