



Counselor, Social Worker & Marriage and Family Therapist Board

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State of Ohio Counselor Professional Committee Meeting May 17, 2007

Members Present were: Mr. Jan White, Ms. Randi Cohen, Dr. Victoria Kress, Dr. Susan Huss and Mr. Fred Dailey.

Staff Present were: Mr. Jim Rough, Mr. Bill Hegarty, and Mr. Simeon Frazier.

Mr. White opened the Counselor Professional Standards Committee (CPSC or “the committee”) meeting at 8:02 a.m. There was an informal discussion surrounding the file of Michael Zenn, who was requesting to collect fees, as a clinical resident in the name of his own corporation. White stated that he believes that there are times when it’s appropriate to go on record to show that they disapprove, whether or not they believe they will win. He went on to state that he wasn’t sure if this was one of them, but he did believe that there are times.

Cohen, Hegarty and Rough left the meeting at 8:20 a.m.

1. Approval of Agenda:

Dailey moved to approve the agenda, as presented. Kress seconded. There was no discussion as the agenda was approved unanimously.

2. Review Applications for PC and PCC

Edwin Barnes:

To the committee, White submitted the file for Edwin Barnes, who did not appear to have enough supervision hours and that the letter that came in to supplement his paperwork was not a strong documentation. He added that the supervisor completed an evaluation and verification of supervised experience, but sent a letter where he admitted to not keeping strong records of their meeting, since there was no formal supervisory relationship. Additionally, he confirmed that the previous supervisor is deceased, and did not provide verification, but it was verified by someone else.

Cohen returned at 8:32 a.m. ; White left to attend a meeting at 8:35 a.m. Cohen assumed duties as the chair.

The committee discussed that the deceased supervisor was a PC-S and was not eligible to provide supervision. On the strength of the letter submitted by Cynthia Reinhardt, outlining the informal supervisory relationship and insufficient number of hours, the hours would not be accepted.

Dorothy McNeil:

Cohen submitted the file for Dorothy McNeil. She outlined that McNeil was convicted of assault and domestic violence, and aggravated trafficking in 1995. After her release from prison, she “turned her life around” and her supervisor submitted a glowing letter of recommendation. Furthermore, McNeil submitted documentation of recovery via a letter from the Department of Rehabilitation and Corrections advising of her release from parole. It was agreed that she submitted what the board asked for (one letter from a graduate professor and one letter from a boss from a job worked for at least one year). Additionally, it was confirmed that she has been at her job for 5 ½ years and will be supervised. Cohen stated that she feels comfortable licensing the applicant as she will be supervised.

Kress stated that she would like to see proof of sobriety and Huss recommended licensing the applicant provided that she submits proof.

Dailey offered counterpoints, recounting his understanding of criminal relapses versus stories of those that have “hit rock bottom” and eventually turned out to be outstanding citizens and professionals.

The committee agreed that her license would be awarded upon proof that she’s successfully completed treatment.

Colleen Mayo:

The statement from her evaluator was reviewed, recounting her history with alcohol and other issues. The committee commends her on her honesty and her attempts to resolve her issues, but they don’t believe that she should be licensed, yet, since she has not displayed any evidence of continued sobriety. Additionally, they are not convinced that she appreciates the depth of her issues. The committee would like documentation of her sobriety through February 2008 for the March 2008 CPSC meeting.

3. CEU’s and Program Applications

Huss and Dailey shared the process and goal of provider approvals. The committee reviewed applications until Glen Karr arrived.

White returned at 9:57am, Hegarty returned at 10:02am, and Rough returned at 10:03am

4. **Glenn Karr**

Karr entered at 10:04a.m. to provide clarification for his client, Dennis Reeder's file.

Hegarty reminded the committee that this is on public record, and not cause for any committee members to be recused.

Karr explained that he was representing Reeder regarding his (Reeder's) license denial based on his two solicitation convictions. Karr defined "sex addiction" and discussed whether or not Reeder could recover. Karr also outlined that he'll discuss whether or not he'll be a threat to the public. Karr presented, to the committee, **Don't Call it Love**, a book that discusses the recovery process. He went on to share that both solicitation offenses were misdemeanors, including a 2000 "sting operation." He reminded the committee that in the back of the paddy wagon, Reeder had a transformation, deciding to change, and that he moved to Columbus, from Toledo and entered recovery, entered the Methodist Theological Seminary School of Ohio (METHESCO) and gained employment with Southeast Mental Health. Karr then shared that he sent Reeder to Bill Evans, a highly qualified, rigorous examiner, where he took a polygraph exam. The test was taken within the last two weeks, following a highly stressful period, and he tested well.

Huss confirmed with Karr that the materials are part of his file and public record. Karr left at 10:18am.

Hegarty advised that the board may do whatever they deem appropriate.

Cohen confirmed that he was applying for the PC license.

Huss then confirmed that most of the presented materials were not received by the board during the initial review, and consequently were not considered at the time.

Cohen stated that she's comfortable reconsidering.

Kress confirmed that sex addiction is in the DSM.

Huss expressed ongoing concern.

Hegarty then reiterated that the committee should determine if Reeder is a threat to the public.

Huss expressed that the board has received documented evidence, but if the board offered to reconsider, she wouldn't go against it.

Kress offered that the successful treatment rate for these offenses isn't high.

Huss reported that the treatment suggests that his issue was larger than *just visiting a prostitute*.

Dailey stated that he felt better based on the credible polygraph result and that the change had nothing to do with indecent exposure.

Cohen moved to license Dennis Reeder as a PC. Dailey seconded. During the discussion, Kress stated that she has concerns, but she believes that sufficient evidence was received. The motion passed unanimously.

Huss and Dailey shared the process and goal of provider approvals.

5. Program and Provider Reviews

Huss presented a program that White denied, previously.

The title was "Understanding and Diagnosing Spiritual Pain." She offered that the brochure and supporting materials do not indicate that it addresses counseling issues. She concurs with White that, though it may be valuable, it is not approvable as a counselor CEU. There was no program outline stating what they were actually doing.

Kress and Cohen discussed if it would be helpful to get a presentation (Power-point/handouts/outline) to gain further understanding.

Huss offered concern that it could potentially be a vehicle for evangelism, not counseling.

The committee took a break for lunch at noon

The committee returned from lunch at 1:00 p.m.

6. Rule Review

The following changes were discussed/approved

4757-5-12

Dailey confirmed that a disclosure statement must be supplied, only, if the counselor charges for services.

(C) - (8)

Instead of "therapist," each licensing title will be listed.

(D) - (3)

Marriage and Family Therapists will also be listed.

(E) - (B) - (2)

This section will also include information about how to file a complaint.

4757-9-06

(A) - (11)

"Instructions may be synchronous or asynchronous" was removed.

4757-13-01

A-4-(c)

- 1.) "is" will be replaced with "occurs"
- 2.) (v) and (vi) will be switched with each other.
- 3.) The content of (vii) was added to (vi)
- 4.) In (vii) "may" was replaced with "shall"

A-4-(d)

- 1.) "Tutelage" was replaced with "supervision."
- 2.) (iv) "who holds a counselor license with supervision designation" will not be included.

7. **Program Review**

A hard copy fax of a power point presentation arrived discussing the “Understanding and Diagnosing Spiritual Pain” program. After reviewing the material, the committee felt comfortable rejecting the workshop as it does not address counseling as defined by law

8. **Dorothy McNeil**

Renee Elliott notified McNeil of the board’s request. McNeil submitted several documents, advising of successfully completing a treatment program.

9. Huss then advised the committee of an issue regarding a counselor that made reasonable ethical attempts to prevent testifying as an expert witness for a client. A judge declared her an expert witness, and she was made to testify and make recommendations regarding a client, despite privilege, and other ethical dilemmas. The committee agrees that a letter must be written carefully, to the judge, addressing the issue to advise of the dilemma. Dailey confirmed with the committee that P.R. Casey must be consulted. The committee agreed to advise the judge, via carefully written letter, regarding the impact on the client who is a child.

Huss left the meeting at 2:17 p.m.

The meeting adjourned at 2:25 p.m.

May 16, 2007

Members Present were: Mr. Jan White, Ms. Randi Cohen, Dr. Victoria Kress, Dr. Susan Huss and Mr. Fred Dailey.

Staff Present were: Mr. Jim Rough, Mr. Bill Hegarty, Mrs. Tammy Tingle, Mrs. Rena Elliott, and Mr. Simeon Frazier

Guest present was: Mr. Glenn Karr

Mr. White called the meeting to order at 8:10 a.m.

1. **Discussion/Approval of Agenda**

Huss added a CEU committee report to the agenda.

Dailey moved to approve the agenda as presented. Huss seconded. There was no discussion as the motion passed unanimously.

2. Executive Director's Report

Rough reminded the committee that in July, the Board and Committee chair elections will be held. He then shared that the new Board appointments are still pending from the Governor's office. He advised that the MFT issue is still progressing, and that the issue of bartering was addressed. He discussed what types of discipline should be reported to the press and how it would occur if the board votes to approve. Furthermore, the criminal records check discussion is progressing.

3. Investigator's Report

Hegarty passed out copies of case numbers that Huss recommended for closure. Huss moved to close the cases as presented. Cohen seconded. There was no discussion as the motion passed unanimously.

Hegarty requested the committee go into executive session to discuss two notice of opportunity of hearing cases and two consent agreements. Roll call was unanimously answered with "yes" as the committee went into executive session at 8:22 a.m.

The committee returned from executive session at 8:32 a.m.

Dailey moved to issue a notice of opportunity for a hearing for case # 0412223. Kress seconded. There was no discussion as the motion passed unanimously. White did not vote, and Huss recused herself.

Hegarty advised that the defendant was Melvin Johnson.

Dailey moved to issue a notice of opportunity for a hearing for case # 2005-86. Kress seconded. There was no discussion as the motion passed unanimously. White did not vote, and Huss recused herself. Hegarty shared that the defendant was Merle Rhodes.

White left the meeting at 8:34 a.m.

White returned at 8:37

Cohen moved to issue a consent agreement for Christopher Taylor. Kress seconded. There was no discussion as the motion passed unanimously. Huss recused herself.

Kress moved to issue a consent agreement for Robin Shurbet. Cohen seconded. There was no discussion as the motion passed unanimously. Huss recused herself.

Hegarty stated that he anticipated a hearing would be held in September.

Karr was welcomed by White at 8:40 a.m.

Rough advised that a letter to the Funeral Directors was sent to cease and desist identifying themselves as counselors.

Huss confirmed that the board had statutory authority to do so. Dailey requested to see the statute.

4. Counselor Application Coordinator's Report

Elliott advised that 150 examination packets were issued. And 512 CT/CR letters were mailed. In April, 42 NCE candidates took the exam, 37 passed, and 4 failed. 1 NCMHCE applicant took the exam, and 1 passed. Elliott advised that training supervisors are letting their license lapse, and then using old CEUs to reinstate their designation.

Huss and Cohen confirmed that a current applicant must fall under current rules. Moving forward, it must be addressed in the rule, and anyone that lets their license lapse, must complete all past due CEUs. It was agreed that this will be added to the day's agenda.

5. Approval of Minutes

Dailey moved to approve the 3/15/07 minutes as presented. Cohen seconded.

During the discussion, Cohen made the following corrections:

- a. On page 3, replacing the term "umbrella supervision" with the words "a faculty member oversees" to read "With that, the board agreed that placing "faculty member oversees" back in the rule was wise.
- b. On page 5, regarding Nicholas Dunlap, adding the words "non-violent" to read "Additionally, they agreed as a whole that non-violent drug crimes tend to be less dangerous, long term, than sexual crimes."
- c. On page 6, regarding Pat Friel, it was distinguished that Friel attended Cohen's class, replacing "She was training with Cohen."
- d. On Page 12, regarding Sandra George, the words "should know" replaced "knows" to read "She believes that she should know the Ohio law and didn't comply with the rules."
- e. On page 14, regarding 4757-13-01-A-4-(d), PCC was replaced with "PCC-S." Cohen also confirmed that, per page 8, section F, HIPPA had no 7 year requirement. The committee then agreed to discuss changing the requirement back to 5 years. The vote will need to be done by all 3 licensure committees. Cohen stated that she believed 7 years is too long for a counselor to keep records, in the interest of the client. Also, she believes that the number 7 was believed to be a HIPPA standard.

Karr advised that he keeps records indefinitely, and that 5 years is a minimum, depending on the situation.

Huss asked how changing from 7 protects the public, particularly when children are the clients, especially since HIPPA has no guidelines.

Kress made the following corrections:

- 1.) On page 7, Due to there being a second licensee named "Victoria Kress," the section discussing Kress never providing training, and the resulting letter that was to be sent, was removed.
- 2.) On page 9, in the Investigator report, the word "investigative" was added to read "Kress confirmed with Hegarty that the committee may not review the individual investigative case files."

The motion to accept the minutes with changes, as noted, passed unanimously.

Dailey moved for the April minutes to be accepted. Kress seconded.

The following changes were recommended:

- 1.) It was identified that the minutes should be consistent, as none of the titles of any of the guests were given, even though the titles of the board members and staff were listed.
- 2.) On page 2, in the rule review section, the words "as an option" were added to read "The committee identified that they would keep the 'L' as an option, but they should take steps to eliminate as much ambiguity as possible."
- 3.) On page 2 regarding 4757-3-01-(DD), the word "against" was replaced with the word "towards" to read Cruikshanks advised that (HIPPA) does not prohibit audio recordings, and added that the agencies are very reluctant towards video.
- 4.) On page 2, regarding 4757-5-02-(A)-(5), the word "enforce" replaced the term "take someone to task" to read, "Also, it was agreed that it would be difficult to enforce under this rule."
- 5.) On page 4, regarding 4757-13-01, the word "teacher" was replaced by the term "faculty instructor" to read, "Furthermore, it was established that a faculty instructor does not need to be licensed, as long as the program director is licensed."
- 6.) In the same section, the letter "S" was added to "PC" to read "Huss also confirmed with the committee that a PC-S may teach the course to provide supervision, as long as diagnosing and treating mental and emotional disorders are not occurring."
- 7.) On page 5, regarding Ursuline College, the word "faculty" was replaced with the words "Counselor Identity" to read "During the discussion, Kress stated that she still has concerns regarding their counselor identity."
- 8.) On page 6, regarding the sale of the Texas/Ohio PCLE, the word "confirmed" was replaced by "was concerned" to read "During the discussion, Kress was concerned that there are no political ramifications of the sale."

- 9.) On page 6, regarding 4757-17-01-(D)-(1), the word "Complete" was replaced by "completed" to read "The status of these applications shall not be active until the supervision documentation is completed in its entirety by letter or online registration verification."

The motion to accept the minutes with changes, as noted, passed unanimously.

6. Approval of Applications for Licensure

Cohen moved to approve the list of 68 PC applicants with Dennis Reeder added to the list. Dailey seconded. There was no discussion as the motion passed unanimously.

Kress moved to approve the list of 34 PCC applicants. Cohen seconded. There was no discussion as the motion passed unanimously.

7. Old Business

CEU Committee reports

Huss discussed meeting with Rough regarding the process of consequences when renewal compliance isn't adhered to. She suggested that there be a proposal to the board, outlining something (a newsletter and website prompt, possibly) to be sent to all licensees requesting that CEU compliance issues be adhered to, and advising that down the road, consequences be more severe. She stated that the concern is if the licensee were to blatantly lie, they must submit their materials with their renewal for the next 3 renewal cycles. It appears that approximately 10% of audits show infractions.

Cohen suggested that the consequences be based on the degree of the infraction. The committee agreed to a "media blitz" whereby licensees will be advised to "fix the problem." An "alert email", website prompt, notice to colleges, mention in the next renewal packet, and an entry in the professional association newsletters will be issued.

Press Release

White suggested that Mary Anne Sharkey recommended sending a press release to the city and county press.

Dailey also outlined how this is very effective in terms of punishment via embarrassment and peer pressure, even causing the offender business down the line.

Huss suggested sending all discipline infractions to the press, since its public information.

Karr commented that punishments tend to be harsh via reported to the national practitioner databank, and it may be wiser to only submit the egregious offenses. Huss stated that the intent should determine what course of action to take.

Dailey stated that he doesn't want to have a professional board that protects the people it regulates, but he agrees that the egregious offenses should be the only ones addressed.

It was agreed that the issue will be revisited.

The committee agreed that they are now at a point, administratively, to start their meetings at 9 a.m. A notice will be placed on the website by Rough.

8. New Business

Board Chair

Huss suggested that the committee decide if they will place a committee member as a candidate or support someone from another committee.

White noted that this has been informally done in the past. He asked if there was a feeling that there should be a rotation within the committees. It was also confirmed that a public member may hold the office.

Huss suggested considering supporting an MFT candidate.

White suggested that he hopes that Huss would consider running.

Huss suggested that she's not interested, but felt that Ken Trivison would be a good candidate.

Cohen suggested that she would like to see Trivison nominated, if he'd like the position.

NBCC Meeting

Kress stated that she won't be able to attend the NBCC meeting in August. The committee agreed not to send a CPSC member, but Rough will go. The NBCC will pay for one person, so it will be allocated to Rough.

CEUs

Huss stated that she believes that administration should be removed as a CEU category.

Rough entered at 9:57 a.m. to advise that providing a disclosure statement, under informed consent, may not be required (or practical) if they are posted. He shared that committees were concerned that it is not practical nor is it helpful for clients, already in crisis, as they probably won't read it.

Huss stated that she was adamant that the professions raise their standard.

It will be discussed at the full board meeting.

The committee took a break at 10:06 a.m.

The committee returned at 10:18 a.m.

White tabled Huss' discussion to address correspondence, advising that Huss' discussion would be revisited at the end of the meeting.

9. Correspondence

Kimberly Chase-Brennan

The committee determined that a letter dated 1/28/07 showed that Rebecca Jones was approved as a supervisor, so it must be accepted, even though it was mistakenly awarded. Additionally, she doesn't need an internship or professional & legal coursework, as they were not requirements when she earned her degree (prior to 9/98).

Huss asked if she has the additional 20 clinical hours that are now required.

Her 1995 BGSU transcript does not show the coursework, and she took the LPC (the 1st tier of the 2 tier licensure at that time) exam. The committee agrees that it isn't their job to solicit Canyon College for program materials. The applicant must submit the appropriate materials to review. Additionally, she must take 17 hours of clinical coursework to meet the requirements before sitting for the NCMHCE.

Huss moved to accept Rebecca Jones' supervision, and to require Chase-Brennan to document 17 hours of Clinical Coursework to be eligible to sit for the NCMHCE.

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

Tracy H. Cupp

Kress advised that the rule indicates direct hours must be face to face. Her experience could count for indirect hours. Huss agreed.

Huss moved to accept e-therapy as indirect time, only. Kress seconded. There was no discussion as the motion passed. Cohen was not present for the vote.

Tammy M. Elling

Kress moved to reject the request to take theories coursework with her practicum, during the summer '07 term. Cohen seconded. During the discussion, the committee agreed that a letter should be sent to the university explaining the law regarding taking a practicum without a theories class. Kress will work with Rough on the letter.

Huss recused herself as the vote passed unanimously.

Anna Henderson

The committee concluded that it appeared that the applicant was supervising while being supervised.

Kress moved to reject Henderson's request to accept 10 hours of being in supervision in place of 1 hour of continuing education. Dailey seconded. During the discussion, it was decided that a letter should be sent stating that the board doesn't approve supervision of supervisors. Rough will look into the matter to discover the nature of the supervision.

The motion passed unanimously.

Fred Lockard

Huss moved to deny Lockard's request and to submit a letter of supervisors in Northeast Ohio. Cohen seconded. There was no discussion as the motion passed unanimously.

Leslie Marshall

Huss stated that she doesn't mind if she was hired as a counselor, but it doesn't appear as though this is the case. Additionally, it is unknown if her supervisor is a PCC-S. This will be denied, as presented. The committee needs to know more.

Huss moved to deny the request as presented, with the following to be answered: 1.) the applicant must supply a copy of their job description, and evidence whether or not their supervisor is a supervising counselor.

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

Linda Stockton

Cohen stated that the site was in Ohio and should be bound by Ohio laws and rules.

White left at 10:49 a.m. and returned at 10:51 a.m.

Rough stated that the student must indicate to the board, how their internship education meets the board's requirements. Students are exempt from board regulation, and all students from a school must be treated the same.

Huss moved to accept the student's experience. Dailey seconded.

There was no discussion as the motion passed unanimously. Cohen abstained.

The committee took a break at 11:02 a.m.

The committee returned at 11:20 a.m.

10. Discussion of Administration in 4757-9-02

White left at 11:22 and returned at 11:32

Cohen recommends consistency.

Kress reminds the committee that, regardless, the committee reviews the programs and CEUs and that they have an opportunity to approve or deny any that are inappropriate.

Dailey stated that a better administration would allow for more time with the client.

Huss stated that it should be listed as a requirement for a counselor if it's that important, reminding the committee that the board regulates diagnosing and treating and counselors, not "how to be a good boss."

It will be left in, as the committee is mostly ambivalent. Rough will be advised to place it back in.

The meeting was adjourned at 11:37 a.m.

Minutes Approved by Chair Jan White

Date