Counselor, Social Worker & Marriage and Family Therapist Board

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State of Ohio
Counselor Professional Committee Meeting
May 21, 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. Rena Elliott

Guest Present: None

Kress called the meeting to order at 8:08 a.m.

Discussion/Approval of Agenda

Kress added "Discussion regarding Counselor Trainee Status" to the agenda. It was discussed briefly. White shared that the OCA probably doesn't know that one person processes all Counselor Trainee and Clinical Resident applications/extensions.
White moved to accept the agenda. Packard seconded. During the discussion, "Counselor Trainee status" was added, as were "Budget Cuts," "Approval for License by Staff." They also added the possibility of having board meetings every 3 months instead of every other month, due to the required budget cuts.
White moved to approve the amended agenda. Packard seconded. There was no further discussion and the motion passed, unanimously.

Kress left at 08:27 a.m. for an Executive Committee meeting. White assumed the role as the committee chair.

The committee worked on Program approvals until 09:20 a.m.

Hosom and Gilyard entered the meeting at this time.

Investigations Report

Hosom passed out the draft for 4757-6-01 regarding Testifying and custody issues. Rough and Elliott entered at 09:21 a.m.

The committee is in agreement to accept the language to change the rule.

Theresa Carmen

The committee learned that there was new information submitted, but not in enough time to be included for the May meeting. It will be discussed in July, which will include the completion of her supervision.

Investigation Cases

Huss moved to close the cases that she reviewed Cases 2008-278 thru 2009-50. Gilyard seconded. There was no discussion and the motion passed unanimously.

White moved to close the cases that Kress reviewed, Cases 20088-272 and 2009-26. Gilyard seconded. There was no discussion, and the motion passed unanimously.

The committee discussed 4757-17-01C, F, with regards to "What counts as a report."

Kress shared that she interpreted it as "every case note, everything in the client file."

Packard discussed that she understood that it was generally dictated by the agency policy/practice.

Hosom recommended clarification.

Hosom recommended Executive Session for review of confidential investigation materials. During roll call, all answered "Aye.". The committee went into executive session at 09:31 a.m., and returned from Executive session at 10:06 a.m.

Cheryl Justice

White moved to Deny Cheryl Justice's application for licensure. Gilyard seconded. Packard abstained from the vote. There was no additional discussion and the motion passed unanimously.

Tiffany Gasche

Huss moved to send Tiffany Gasche a notice of opportunity to deny her Counselor Trainee status. Gilyard seconded. There was no discussion and the motion passed unanimously.

Pamela Gross
White moved to accept the consent agreement for Pamela Gross. Gilyard seconded. There was no additional discussion, and the motion passed unanimously.

Committee Reports

Executive Committee Report
Kress discussed State budget cuts, and the mandated 30% cuts to each state agency's non-payroll budget.
The "Joe the Plumber" law implementation was discussed, with regards to how, logistically, it is difficult, if not impossible, to implement, as it is currently written.
They discussed revising a law, section 2907.03 of the Revised Code, to change the language, making it easier to pursue criminal charges for having sex with a client.

Fines were discussed, with respect to rule 4757-1-07. There will be a proposal drafted to operationalize the budget changes that include late renewal fees, license verification fee, continuing education offered by the board fees and fines. They will review/discuss on Friday, and decide on it in July.

Rough's evaluation is complete, and will be disseminated at the Friday board meeting.
Huss stated that she won't be at the full board meeting, and wants a copy of the evaluation.
Gilyard confirmed with the committee that salaries were frozen, and mentioned that he was disappointed that agencies that were generating funds couldn't provide raises for their employees, because other agencies weren't.

Renewal Report
Rhonda Franklin discussed that she was asked by a licensee, "what courses are required to renew a license," by someone that was issued a license via consent agreement, with conditions to get certain coursework completed to renew the license.
Franklin recommended a provisional license be issued, instead of licensure via endorsement through consent agreement.

Rough entered at 10:36 a.m., and shared that the endorsement rule prior to 2008 wasn't compliant with the statute, so the rule was adjusted. They (Rough and Franklin) agreed that more policies and procedures are needed to operationalize this. In the meantime, Rough advised Franklin that she should forward inquiry calls to him, but if they hadn't complied with the consent agreement, their license would expire.

Discussion of paragraph (C)(3) of rule 4757-17-01 (C) (3), Continued

The committee discussed how to operationalize this rule, and if it is the committee's place to regulate this in the first place.
Huss shared that the intent of this was so a CT/intern would not get paid.
Kress discussed that the CT can go to a private practice, because Medicaid pays for CT work.
Rough shared that the history doesn't speak of how this came about, but a version of it was in the original rules that applied to counselor assistants.
Huss left at 10:58 a.m., and returned at 11:06 a.m.
Packard left at 11:05 a.m. and returned at 11:07 a.m.
Rough shared that in 1986-88, Counselor assistants were discussed in the rule, and it was changed in 1997, to reflect PCs, and that it is possible that this was a new language adjustment.
He also shared that he'd re-trace the historical evolution of the rule to try to make the determination why it was established.

The committee, then, worked on program reviews while waiting for him to do this. They stated that they felt comfortable getting rid of this rule.

Discussion regarding PC-PCC

Kress outlined an issue that Rough suggested writing a rule to accommodate PCs applying for PCC with a few days between renewal of the PC and awarding of the PCC. The governor via executive order has required State agencies to adhere to common sense regulations in writing rules. The statute sets the license renewal at two years. When a professional counselor is licensed at a March 17th meeting and then applies two years later at a March 19th meeting they either have to renew their license for two days at a cost of $60 or not work for those two days while waiting for the board to approve a PCC license. Common sense would say to extend the PC license until the meeting rather than making a PC pay $60 for two days of licensure.
The committee ultimately agreed to amend the rule to extend for 10 days. The option could be a PCC provisional license, but it's undesirable (Rough noted that the ODMH added PCC-Temp, even though Ohio doesn't have them.)
Huss shared that if the board decreases to 4 meetings per year due to budget cuts, this problem will increase.

Counselor Trainee Processing
The committee discussed approving longer periods for counselor trainee status, if it can be tracked. Schools would submit lists of official class rosters, but logistically, it doesn't seem feasible to offer any additional changes.

Staff Processing/Approving Applications/Licenses

Huss saw in the rule that the law for counselors states that this may not be done, but in the past, the Assistant Attorney Generals stated that this can be done.
Rough suggested that the committee would review the problem applications, and 10% of the audits of staff application approvals.
Huss stated that she's not opposed to doing this, outside of it appearing that they would be in violation of the law.
The committee broke for lunch at 11:45 a.m. and returned at 12:20 p.m.

PC/PCC Licensure Applications

White shared that he, typically, signs off on the applications on the Wednesday prior to the board meetings, based on how he thinks the committee would feel about it. He had two questionable cases. They were both applicants that had supervisors NOT recommending them.
One supervisor had concerns with boundaries and other ethical concerns. Another discussed organizational and professional concerns.
Both had the proper number of hours. One was an intern that passed their internship class.
Kress shard that she had concerns that students passed and graduated without being monitored by the universities.
Packard shared that some schools don't go out to check on their interns.
Huss believes that further investigation is needed before a decision is made.
The committee agreed that, with regards to the applicant that didn't receive recommendations from 2 supervisors, based on accusations, they'd turn it over to Bill Hegarty for a competency investigation.

With regard to the applicant that had a negative evaluation for the supervision period of 9/06-11/07, the committee agreed to deny her, and allow for a hearing.
Kress noted that the committee ought to be careful, as, sometimes, the supervisor may be wrong.
Rough shared that the recommendation may be to deny the application, and for the applicant to complete an additional year/1500 hours under a new supervisor, which if that year results in a recommendation for licensure, then the application would be approved.
White agreed that he will deny.
Packard shared that she's concerned that the PCs are being accused of serious allegations, and no one has reported it.

Executive Director's Report

Rough reported that there are budget concerns.
Gilyard commented and asked if it would have any impact on the Governor, if he were to receive a drafted statement from the committee, stating that the committee acknowledges the difficult economic times, etc., but they do not understand how a revenue generating agency should be punished, etc.
Rough stated that it would be valuable, and he could attach it to his 5/30/09 budget report.
Gilyard requested that it be included that, though it sounds good to make a universal cut, it's not reflective of the policy if every agency is cut, particularly agencies that stand on their own.
The committee agreed that it should come from the full board.
Among other things, Rough shared that he could cut down on bulk mailings via use of PDF files being emailed.
He also stated that online renewals have received few if no complaints.
The "Joe the Plumber" law is very confusing, and the requirement to write a rule is pending input from a state working committee on that issue.
The Laws and Rules exam is up and running.
Rep. Adams had a constituent that wants a language change in the sexual harassment statute.

Rule Review

The committee agreed to change language in 4757-17-01 (F)(1)(e), "a PCC supervises" and "Professional clinical counselor in training" has been changed to "licensed counselor in supervision training."

Remediation Plans

Christine Valentine

Huss discussed a request from Valentine, who failed the NCE three times. She was told to sit for the NCE review and take an additional course. She asked, due to the financial difficulties of her job being eliminated, the course be waived.
Kress believes that she wouldn't be successful without the additional research course.
The committee agreed that she could possibly pass the NCE without the course.
The committee discussed several things, including considering the times (economically) along with the circumstances, their mandate to protect the public, the potential to "open the floodgates" and the applicant's ability to get another job.

Huss reviewed the minutes from the previous meeting, where the decision was made, and it was determined that the committee was generous in awarding Valentine, the ability to sit for the NCE as part of her remediation.
White moved to deny the request in light of the discussion at the previous meeting. Gilyard seconded. There was no additional discussion, and the motion passed unanimously.

Julie Fels

She asked a remediation plan be approved for reviewing a manual, 2 hours daily, and 6-8 hours of supervision.
Huss believed that there is no way to legitimately document or monitor the request, or the quality and content of the proposal.
Gilyard moved to deny the request, as it cannot be documented, monitored, or validated for quality. Huss seconded. There was no additional discussion, and the motion passed unanimously.

Princess Black

She requested a re-issue of a letter of an apology, as she didn't receive it.
Gilyard moved to re-issue the requested letter. White seconded. There was no additional discussion, and the motion passed unanimously.

The committee worked on program approvals for the remainder of the meeting, which adjourned at 5:00 p.m.

State of Ohio
Counselor Professional Committee Meeting
May 22, 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: Glenn Karr, Thelma Greaser, Sam Wolfe (Ohio Counselor Association, Board Liaison)

Dr. Kress called the meeting to order at 9:07 a.m.

Approval of Agenda
White moved to approve the agenda. Gilyard seconded. During the discussion, Kress added "Comments from the OCA"
Huss added "Discussion regarding the Governor's proposed budget cuts," "5 year rule review"and"Committee Updates"
White moved to accept the amended agenda. Gilyard seconded. There was no additional discussion, and the motion passed unanimously.

Approval of Minutes for November
White moved to approve the March 2009 minutes. Gilyard seconded.

During the discussion, the Huss noted the minutes were complete, and thorough. She stated that they helped the committee, yesterday, with an issue, and without them, there would have been a problem.
Kress concurred.
There were no amendments.
The motion passed unanimously.

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

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

Huss asked White if he noticed that there were more or fewer conflicts with the applications. White shared that he believed that there were fewer, but there were several that the committee discussed that the particular cases showed that the PCC applicants did not receive good recommendations. Huss shared that, unlike internships/CT, the form is the only place to indicate displeasure.

Professional Counselor Application Coordinator's Report

Frazier reported that, since the last board meeting, he processed 483 Counselor Trainee /Clinical Resident applications.
193 exam packets were mailed.
In March '09, 34 candidates took the NCE. 23 passed, 11 were unsuccessful.
12 candidates took the NCMHCE. 12 passed, 3 were unsuccessful.

In April '09, 44 candidates took the NCE. 41 passed and 3 were unsuccessful.
24 candidates took the NCMHCE. 20 passed 4 were unsuccessful.

He then reminded the committee that Shawn O'Brien, NBCC, will be at the July meeting to discuss any re-take questions the committee may have.

Huss remarked that the fail rate is significantly higher. She believes if the failure rate is as high; the committee should have the report split out to report 1st time test takers vs. repeats. She'd like this to have O'Brien build this into the monthly report.
Gilyard wants to ask institutions regarding their passage rates, as it is important for students to know.
Kress shared that the OCA should have questions available for O'Brien, also.
Gilyard asked if the tests had similar failure rates in March. They then discussed exams across various professions, and how important it is that it reflects the education properly.
Kress shared that her specialty area isn't psychometrics and she requires assistance, identifying exam issues and that she is aware of her limitations.
Gilyard agreed that not many people are competent in that area.
Huss asked if the issue with endorsement was reconciled.
Packard shared that the process has, for the most part, been smoothed out, and that the committee has been consistent, as understanding has grown, but the law is very vague. The list will ultimately grow.

New Business

Program Approval

John Carroll University

Huss moved to accept John Carroll University's counseling program application.
White seconded. During the discussion, it was stated that it should be included in each letter of approval to institutions, and all communications, moving forward, that it is strongly recommended to have a separate ethics course, or to strengthen the type of course that is offered based on the types of investigations that the board receives.

The University of Cincinnati

Huss discussed that the University made the necessary corrections in the 2 courses, as requested.
Huss moved to approve the University of Cincinnati program, and commend them for having a separate course in ethics.
Gilyard seconded. There was no additional discussion, and the motion passed unanimously.

The Ohio State University

Huss stated that the committee does not need to approve OSU, as they were already approved, but they did make the requested, required, minor changes.

Correspondence

Jessica Hansen

There were concerns that her supervisor is not a PCC-S. The rule doesn't require it for licensure, though, as it is a pre-approved program, and, though, Franciscan isn't a CACREP accredited school, she could still be licensed. They agreed to approve her for licensure and send a letter of apology, due to the confusion.
Kress mentioned that it was acceptable, according to our present rules, and the OCA had encouraged it being acceptable for non-counselor independent mental health professionals to be counselor internship training supervisors.
Huss shared that she'd like to revisit the issue, as there was a politically charged, hostile environment that didn't consider the trainee when this was passed and it's important to discuss it when the environment isn't hostile.

Budget Proposal Discussion

Packard shared that she was alright going to four meetings per year, vs. the six meetings that exist now.

Regarding the letter to the Governor, the committee wanted the following items included:

1.) The affect of not being able to go to National meetings doesn't allow them to keep on top of the profession.
2.) Cutting ethics presentation will have a direct relationship with decreased reporting.
3.) Going down to four meetings a year, and having staff approve licensure applications will violate the law, as it is written.
4.) The agency is self sufficient, and has no money from the general fund. We do not operate "in the red" and should be allowed to function as needed.
5.) A meeting may be requested between Jim and the person to whom the cuts are to be presented, prior to the next board meeting.
6.) A 30% cut is unreasonable for this board.

Glenn Karr shared that he heard that the argument is based more so in equity with the government pulling from the general fund, to which the board contributes from licensure fees, and consequently, it's causing controversy that it appears that the government is taking from the licensees.

5 Year Rule Review

Huss moved to accept the revised rules. Gilyard seconded. There was no additional discussion, and the motion passed unanimously.

OCA

Kress shared that paragraph (C)(3) of rule 4757-17-01 should be stricken from the rule, as it is an area where the board does not belong. She offered a scenario where a supervisor accepted payment to forward it to a licensee, and the IRS contacted the supervisor regarding "Added Income."
Kress offered that she didn't think the CPSC should get into managing the payment processes between the supervisors and supervisees.

Hosom entered at 10:25 a.m.

Greaser shared that the professional organizations (OCA, OAMHC, and OACES) will provide sample disclosure statements on their respective website. They would, then, ask the board to provide links to their websites.
She shared that all 3 organizations appreciate the board's interest in their opinions.
She asked what can be done to expedite the process for the approval of Counselor Trainees.

Kress stated that some programs are starting to suggest students start the process much earlier and be specific and concrete when calling in with questions, as these issues tend to slow down the process exponentially.
Greaser mentioned that she knows several people that have been very complimentary of Rena and Simeon, and Sam and she, per Jake Protivnak, will continue to serve as OCA liaisons. They are pleased with the board's interactions with the OCA.

Rough entered at 10:43 a.m.

Director's Executive Report

Rough gave an abbreviated version of his previous report, minus what wasn't discussed, today.
Authority in the budget bill is for up to $500.00 fine per offense, late renewal fee, and online CEU course fees if passed.
The positive feedback that he's been getting for the Laws and Rules exam has been consistent.
There is potential for a House Bill to change Ohio Revised Code section 2907.03 regarding sexual battery, if the mental health provider gets a patient to have sex with them, it will be a felony.
Karr gave a brief history on the bill, sharing that it was a result of a series of exposes on the psychiatric board in the press; and that this was a reaction to that.
They continued to discuss the ramifications of the law being passed.

Committee Reports

CEU Report

Packard reported that the standard 70% is what is required for home study CEU programs, but questioned whether or not it could be enforced or published.
Kress mentioned that it should be at least at 80, if the board requires a "B-" or better for classes.
Karr mentioned that the online course could potentially stop ethics course trainings.
Rough stated that it can be mandated that they cannot take it every renewal or something similar.
Kress and Packard mentioned that possibly making it $10.00 for new applicants to get licensed, but making CEU applicant testing competitively priced with the market.
Gilyard confirmed that this would be in conjunction with classroom ethics classes, instead of replacing it.

The Professional Standards Committee decided against using the rubric for CEU provider reviews. A rubric form will be modified for other committees, though.
Lapsed providers would be made to wait one year for the time they (the committee) were made aware of when they lapsed, before they could re-apply for provider status; and hours that were taken by licensees that took the course would count.

"Webinars" should be pre-approved, but could get post-approval.

Provider status must have a PC-PCC reviewer. Other programs may be awarded, but may not receive provider status.

Rough shared that he doesn't want to reduce to four meetings, but he's willing to, in order to make the 30% cuts that he's being required to provide.
Greaser asked how quickly meetings would have to be reconciled via a longer provisional license, or a statutory change to allow the staff to approve certain applications, and the ramifications of these changes.

Rough stated that Wall certificates, New Computers, Investigations/Ethics trainings, and Rent are the four essential budget cuts that we cannot accept.
He went on to say that he could do the test report that would break out the 1st time test takers for the NCE/NCMHCE vs. the repeat takers. He shared that in March, Shawn O'Brien confirmed that most unsuccessful applicants failed by 1-2 questions.

Ethics Liaison

Huss reported that she examined how some states in other professions operated and there's not a lot of guidance with regard to mandated supervision and liability. Licensee issues with supervisors. Clarification and structure regarding what types of things are required, is needed.
Kress asked of specific things that can be done with consent agreement to allow for better monitoring.
Huss asked what insurance is required for supervisors vs. monitors.
Kress shared that malpractice insurance protects a counselor, if they are acting within the scope of their license.

The meeting adjourned at 11:32 a.m.

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Dr. Victoria Kress, Chairperson