Counselor, Social Worker & Marriage and Family Therapist Board

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State of Ohio
Counselor Professional Standards Committee Meeting
September 17, 2009

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

Staff Present were: Mr. Simeon Frazier, Mr. Jim Rough, Mr. William Hegarty, Ms. Tracey Hosom, and Mrs. Tammy Tingle

Guest Present: None

Kress called the meeting to order at 8:13 a.m.

Discussion/Approval of Agenda

Huss added "Rehab Program," and "July Planning Session Discussion."
White Moved to accept the amended agenda. Huss seconded. There was no discussion and the motion passed unanimously.

Provider Status
Huss mentioned that there is an outcry by current providers that they were approved previously, but were recently denied as the committee tries to strengthen the standard of viable CEUs.
Kress explained a "Wrap-around Program" to Huss
Huss asked if Wrap-around facilitator training is something a PC would be able to do.
Since counselors provide only one facet for the program, the committee didn't believe that it was proper to approve a counselor to facilitate this.
The same was stated for training Home Visitors.

Rough entered at 9:21 a.m. and left at 9:28 a.m.
Tingle and Hosom entered at 9:26 a.m. and left at 9:28 a.m.

Huss and Kress left to attend the Executive Committee meeting at 8:31 a.m.

Gilyard entered the meeting (and Huss and Kress returned) at 8:20 a.m.

Kress discussed bringing the July Planning meeting issues to fruition, including task force chairs.

Executive Committee Report

Kress reported, on the Executive Committee meeting, the committee has started the process of a statute change, including Budget & Revenue projections and how to plan a budget in the face of potential cuts; improving technological use; when appropriate, improving the disciplinary process. The investigative liaison will head this up.

Fines for disciplinary actions, particularly for CEU audits, will be included with a potential 3 hour flex period for misreporting hours.

There were policy manual updates, and the travel policy potentially includes a travel per diem.

The use of survey monkey to do an online survey will allow for customer service surveys to be completed.

Supervising an LSW for the Supervising Counselor Designation Application

Rough entered at 9:30 a.m., and explained the issue that occurred. A supervising counselor designation applicant was requesting that she be able to supervise an LSW as part of her Supervision of Supervision requirement. The committee wanted to change the language in the rule and on the application, but felt it should remain as it is, with the interpretation of the training supervisee being a CT or a PC. It may be changed when the committee has more authority over Counselor Trainees.

BGSU Rehab Program

The Committee agreed to establish a November meeting deadline to have the appropriate and approvable materials for the board to approve this program.

Huss shared that no tenured faculty is in the program. Two contracted instructors are currently going above and beyond their job duties to meet the school standards. The committee, then, discussed being consistent with their requirements.

Hegarty and Hosom entered at 9:45 a.m.

Investigations Report

Hegarty asked"What happens when you issue a license by "mistake" if all information is forwarded and correct, but for, whatever reason, a license was mistakenly awarded, when nothing was falsified.
He stated that the committee should be careful, as it is not easy to fix.

He, then, passed out a list of cases that Huss and Kress reviewed and recommended for closure.
White moved to close the cases that Kress reviewed and recommended for Closure. Gilyard seconded. There was no additional discussion, and the motion passed unanimously.

White moved to close the cases that Huss reviewed and recommended for closure.
Gilyard seconded. There was no discussion, and the motion passed unanimously.

Theresa Carmen

Hegarty shared that she requested that the last 4 months of her consent agreement be modified and waived.

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

Hegarty recommended that the committee enter executive session.
The committee entered executive session at 9:57 a.m., with all members answering roll call with "yes." They returned from executive session at 10:08 a.m.

Gilyard moved to issue a notice of opportunity for Heather Holland. White seconded. There was no additional discussion, and the motion passed unanimously.

Huss moved to accept the consent agreement for Tiffany Gasche. White seconded. Kress recused herself. There was no additional discussion, and the motion passed unanimously.

Gilyard moved to deny the request of Theresa Puglisi. White seconded. There was no additional discussion, and the motion passed unanimously.

Huss moved to deny the license of Gwyn McCaslin. Gilyard seconded. Kress recused herself. There was no additional discussion, and the motion passed unanimously.

Gilyard moved to deny Lacy Carpenter's request. Huss seconded. Kress recused herself. There was no additional discussion, and the motion passed unanimously.

White moved to deny Michael Chapman's request. Gilyard seconded. There was no additional discussion, and the motion passed unanimously.

Rough mentioned that someone with a Theological degree requested Counselor Trainee status. There wasn't a qualifying course that would allow her to be eligible. He referred her to review Ashland Theological Seminary, Methodist Theological Seminary of Ohio, and similar programs to get a template of an acceptable counseling program.

Hegarty, Hosom, Tingle, and Huss left at 10:14 a.m.
Huss returned at 10:23 a.m.

The committee finished the 9/17/09 agenda at 10:35 a.m., and discussed programs and other issues that may eventually come before the committee.

State of Ohio
Counselor Professional Committee Meeting
July 17, 2009

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

Staff Present: Mr. William Hegarty, Mrs. Rena Elliott, Mr. Simeon Frazier, Leah O'Carroll (AAG)

Guests Present: Thelma Greaser, Jake Protivnak (Ohio Counselor Association), Shawn O'Brien (NBCC)

Dr. Kress called the meeting to order at 9:00 a.m.

Approval of Agenda
Gilyard moved to approve the agenda. White seconded. During the discussion, Huss added the discussion regarding the Assistant Attorney General, the staff approving licensure applications between board meetings, and University Program Approvals. Kress added OCA comments and concerns.
White moved to accept the revised agenda. Gilyard seconded. There was no additional discussion, and the motion passed unanimously.

Approval of Minutes for July

Gilyard moved to approve the July '09 minutes. Packard seconded.
During the discussion, Kress offered the following corrections:
Under the "Discussion regarding what requires Supervisor's signature," Because was deleted and the "Kress" was added to read "Kress stated that she interpreted it as all reports including progress notes, but there is ambivalence, regarding the definition of "reports." Additionally Kress did a considerable amount of research, including with Ohio Department of Health…"
In the same section, "it,", "the," and "latitude afforded by the" were deleted.
"Supervising, and "and" were added to read "Hegarty suggested leaving, to a certain extent, up to the Supervising PCC, and taking into account the PC's talents, venue, and other restraints. "
In the same section, "with" and "to" were deleted to read "Kress wants to run this by the OCA, as well as Dr. Susan Huss and White and vote before asking Rough for a rule change."
Under "Endorsement Issue" "Counseling Consistent" was added to read "They are, now, making it a point to confirm counseling in the title, and counseling consistent, as well."
In the same section, "Among committee members" was added, and "as a result" was removed" to read "Kress shared that there is a lot of evidence that the committee's system is effective, particularly since there is rarely, if any dissent among committee members, and there are not many hearings."
Huss complimented the minutes, stating that she felt like she was at the meeting as she was reading them.
There was no additional discussion and approval of the revised minutes 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

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

Program Approval

Kent State University

White moved to accept the KSU program. Gilyard seconded. During the discussion, it was shared that the supervision course will not count as a supervision of

treatment course. There was no additional discussion and the motion passed unanimously.

University of Akron

Huss moved to approve the University of Akron program, with a recommendation to have a separate course for ethics. Gilyard seconded. There was no discussion and the motion passed unanimously.

Susan H. Robinson's Request for Nutritional Strategies

Huss moved that the committee will not accept the scores for the Nutrition CEU as Nutrition is not in the counselor's scope of practice, additionally, the suggested degree of expertise would not be able to be extracted from the program, as suggested.

Professional Counselor Application Coordinator's Report

Elliott reported that, since the last board meeting, Simeon processed 766 Counselor Trainee /Clinical Resident applications.
143 exam packets were mailed.
In July '09, 58 candidates took the NCE. 50 passed, 8 were unsuccessful.
21 candidates took the NCMHCE. 15 passed, 6 were unsuccessful.

In August '09, 54 candidates took the NCE. 48 passed and 6 were unsuccessful.
19 candidates took the NCMHCE. 15 passed 4 were unsuccessful.

White asked how the numbers stand against earlier tests from 2009.
Elliot reported that they are pretty consistent, but there are more NCMHCE candidates.
Hosom entered at 09:15 a.m.

Kress asked for Shawn O'Brien to suggest remediation strategies.
Greaser commented that, during the past few weeks, there was drama with some applicants. She commended Elliott for her diligence in helping out and presented Elliott with a note, thanking her. She (Greaser) stated that the board was very helpful; it was the University that held up the process for licenses to be awarded.

The committee went into executive session to discuss a personnel issue at 9:20 a.m. All answered roll call with "yes."
The committee returned from executive session at 9:45 a.m.

Shawn O'Brien, Hosom, and Tingle entered at 9:45 a.m.
Rough entered at 9:55 a.m.

Shawn O'Brien (NBCC)

Kress shared that the committee wants to touch base with him to see how things are going with the test.

O'Brien gave the following update regarding the exam:

The NCE and NCMHCE are transitioning to electronic based exams and all but four states have made the transition. October should be the last time the paper exam is given, except in Puerto Rico.

Several states have a two tier system, more are considering it. North Carolina seems to be headed in that direction

Rough asked about the turnaround time for an applicant to sit for an exam (from registration to scheduling).

O'Brien shared that it can take up to four weeks depending on the testing center's capacity.

Kress shared that it's good to encourage programs to have students schedule early.

O'Brien shared that a November test taker should register four weeks to allow two weeks to schedule for a more favorable time.

The NCE content, including Job analysis, has been completed with several thousand items in the database.

He believes the first version of the 2010 test should be based on the new test.

Approximately 10 questions will reflect self-care an area that's proven to be extremely important, which was raised in the new job analysis.

The work behavioral statement on the NCE was very general. It will now be more specific by asking clinical issues that the survey applicants shared they encounter.

The age group spectrum polarization is occurring a little more and questions will reflect practicing for the clients that are, both, older, and younger.

He's spoken to Rough regarding pass rates in Ohio. He notices a few differences with other states allowing related degree applicants who sit for the exams. He stated that Ohio has a more difficult vetting process.

O'Brien asked when students may sit for the exam.

Rough answered that students may sit for the exam during the final academic term of their pre-approved program. He wanted to know because some of the answers were stronger for knowledge based test takers, and the knowledge is fresher for a final semester student versus a graduate that has taken several months to prepare for the exam.

Addressing Kress' question, he shared that he may discuss other study materials, but he may not recommend one over the other, including the one that the NBCC produces.
Gilyard asked if it was possible to track results of users based on the study materials used.
O'Brien shared that they got a lot of nice comments regarding Rosenthal's study guide, and mentioned that the State of Illinois has a good program as well.
Addressing Kress' question, he stated that they got a lot of good comments regarding the NCMHCE study guides, but regardless, the exam is based on a working knowledge of the DSM.

The Committee shared that they are looking for recommended requirements for remediation.
Gilyard shared that it's challenging, because, often times, people that pass the exam, are not necessarily good in the field, and conversely, there are times that potentially good practitioners are not passing the exam.

O'Brien discussed how assessments would be comprised.
He shared that the vetting process included assessments made up of education, supervision, tests, etc. He shared that the pass rate should be based on how many people applied for a graduate program, initially versus how many get to the point where they are able to take the exam.
He discussed how questions should be written for high quality items, which is proven through the pre-testing of non-counting questions as part of the exams. He discussed the process of coming up with items and that exam writing included representatives across the country, which includes a former Ohio Board member.

He stated that the test is based on practice as determined from a job analysis not the educational program. Accreditation is based on College Programs that normally meet CACREP standards, so they, at times don't match up, because their goals aren't identical.
He shared that he has never seen research that speaks to a 48 hour versus a 60 hour program; a 60 hour graduate program has a preparatory advantage over the other. The passage rates vary, based on other items than graduate hours.
He then shared with the committee that he may be limited regarding questions he may answer to protect the integrity of the exam, to prevent information from coming into the public domain.
Q & A
Protivnak shared that he sent out a message to the OCA membership, soliciting questions for the NCE. The majority of opinions were positive (68-70%) of respondents gave thorough feedback, mostly positive.

He then shared that the questions were focused on how to best prepare for the NCMHCE.

O'Brien stated that he'll send, via mail, a free copy of the NCMHCE study guide and a copy of the candidate handbook to each Ohio approved program.
He also shared that single administration data index was .95, .94 for the NCE and less than or equal to .90 for the NCMHCE, as far as the current pass/fail line.

Huss asked why the pass/fail cut score changed as she was told by some of her students.

O'Brien shared that the pass/fail cut score was a raw score pass/fail. The raw score is better if they understand standard deviation. By having access to the domain, you must have a distinct cut score, not a static score, for every examination; besides, it's easier to explain a raw cut score vs. a scaled score.

Rough offered Job analysis and cut score are where there is judgment and the energy should be focused on these areas as the psychometrics are already reviewed by the National Commission of Certified Accreditation (NCCA), who accredits the NBCC and the exam.

Gilyard asked how the NBCC track and retain which school's applicants take the exam.

O'Brien answered that this is self reported information, by the test taker.

Gilyard shared that he knows that not all institutions are equal, but it's important to equip students across the board to succeed.

O'Brien started that it's important to have fair testing and vetting processes while protecting the public.

Kress asked how the Job Analysis for the NCMHCE was done.
O'Brien answered that he went to every state and asked for licensee lists for the mental health licenses and clinical certification holders for the NBCC. All the respondents are clinical.
He also shared that to a previous point, on the survey, questions were asked about what the respondents do, before answering the clinical questions.

Kress shared that pass rates are always a concern. She asked how should NCMHCE cut offs be determined (re-modifications).

O'Brien recommends waiting longer to take the exam, should help, since it's based on practice.

No other questions were asked.

Tingle, Hosom, Rough, White, Gilyard and O'Brien left at 10:55 a.m.
The committee took a 5 min. break at 10:55 a.m.
White returned at 10:56 a.m., Hosom retuned at 10:58 a.m.
AAG Leah O'Carroll entered at 10:57 a.m.

Staff Approving Counseling Licensure Applications
Kress asked O'Carroll to discuss the approval process.
O'Carroll discussed section 4757.16 of the Revised Code and how sections 4757.22 and 4757.23 are at odds with 4757.16. "Review" is how the committee determines they review, and the committee must vote on every application.
The committee could vote on a list and retroactively vote on the license.
Huss asked about a client that feels they've been harmed between a license being awarded by a staff member and when the committee voted on awarding the license, retroactively.
O'Carroll suggested any potential "red flag applications" be held for review by the committee.
Kress shared that it doesn't seem different from awarding a provisional license, but suggests a rule that includes no language of staff approval.

Hegarty entered at 11:18 a.m.

Huss asked how does the committee discuss among themselves "red flag" issues (as suggested by O'Carroll) when they were previously told to not taint the case?

Rough recommended not using a name, and not sharing the file, only discussing the scenarios without a name. He also discussed the benefits of doing this for the social workers, giving examples and how the committee members may then focus on policies and other issues.
Huss asked the committee, if this is something they would like to see changed in the statute?
O'Carroll stated that, ultimately, it is what they probably would want.

White shared that there haven't been that many problem applicants, but he felt comfortable with having a sense of how the committee felt via previous discussions that he's had with the committee members over the years.

Huss asked the committee if they should not discuss details of correspondence given "the tainting of the pool?"
Rough stated that it was fine, because the correspondents aren't entitled to a hearing based on asking for clarifications, waivers, etc., only license or examination denials are.

Kress asked should this be voted on, and reflected in the minutes?
O'Carroll stated that draft rules aren't ready, so this should be tabled and they should be ready to review in November.

Huss stated that a vote, today, would be in agreement for the staff to award licenses. She asked when that would start, when the licensure date would be, and if this would be able to be done without a new rule.

O'Carroll answered that the licensure date would be the date the staff approved it, and the internal policy would be adjusted.
Huss asked why the rule change is needed.
Rough shared that it's not necessary, it can be achieved via internal policy, but a rule carries more weight if it's spelled out.

Kress asked if this would cause a problem with JCARR.
Rough answered that it would not.

Kress stated that JCARR will let us know if the committee is overstepping their statutory authority and it only goes to them if done as a rule.
O'Carroll stated that it helps with potential litigation down the road.
Kress wondered if anyone will oppose this, and make it more difficult for the Social Workers and Marriage and Family Therapists.

Rough shared that with statute changes nothing should be introduced without everyone being on the same page.

Hegarty and O'Carroll left at 11:41 a.m.

Executive Director's Report

Rough thanked White for his six years on the board.
He reported that the committee should vote on a start date for the Juris Prudence exam. It would be taken for both PC and PCC licensure.

Huss asked if the committee may stipulate when the test may be taken during the licensure process.
Rough answered "within 2 years of the licensure application date."

Huss confirmed that it could technically be taken during the 1st year of the program.
Huss and Rough thought it would be nice to implement it during the internship.

The Travel process for State employees changes on 10/1/09, and pre-approval must be submitted in the OAKS system.
The GSA rate will be used: Franklin County is $101.00 for hotels and with a $56.00 per diem pro rated for quartiles of a day.

Receipts will be needed for hotel and parking.
Huss asked if this is going to save the state any money.
Rough shared that this is the first step in the state's shared services to have fewer people processing it.
Hosom asked if CSA will lose any positions.
Rough responded "Most likely."

It will be set up so Patty Miller and Rough will have access to enter information for board members or a password will be set up for members to enter.
He shared that the mental health hold bill was introduced.

With respect to online renewals, the renewals were mailed out in May and there has been a 97.3% online renewal rate.

The 5 year rule review is complete, and the definition rule will be discussed.
He shared that Jake Protivnak (OCA) will discuss the Fine rule.

Regarding the Civil Service exemption, he wants this to be transparent with other state agencies so no agency is caught off guard prior to its submission.

OCA

Protivnak discussed several things, including:

An electronic system to keep CEUs
Received positive feedback, but they should still be kept by the licensee.

The Juris Prudence exam
Received a majority of positive Feedback.

Items requiring Supervising Counselor sign offs

A couple felt strongly that a progress note should be signed off on, but most felt supervisor discretion was better.

Kress stated that this could be voted on, today.

Fines

Protivnak shared that there was a lot of negative feedback for the fine and public discipline, as 75% of the membership disliked this.
The theme was that there should be some type of grace period or "strike system" giving latitude.
Kress offered that a possible latitude of 3 hours was discussed, but not the 30 hour request that the committee just reviewed.
Protivnak stated that it was split between Fine OR Public discipline (75% disliked both, simultaneously).
Huss shared that discipline comes in when the document the licensee signed stated that they did the hours, or if they don't send it, to prevent lying, and they may, then be practicing without a license.

Protivnak shared that there was a lot of passion for the issue.

Rough offered that social workers want to allow 30 hours online and it will be introduced.

Hegarty shared that the social workers don't want to place this on the counselors if they don't want to do this.
The committee agreed that this won't be voted on as a practice for the counselors.

Juris Prudence Exam

Huss moved that the laws & Rules exam start 1/1/10. White seconded. There was no additional discussion, and the motion passed unanimously.

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Packard moved to adopt the language as approved in the previous meeting ("At a minimum, the PCC-S will sign off on Treatment Plans, Diagnostic Assessments, Termination Plans, Change in Diagnosis, and Anything going to other entities.") regarding what a supervisor must sign off on. White seconded. There was no additional discussion, and the motion passed unanimously.

Staff Approving Counselor Licenses

White moved for the committee to create an internal policy moving ahead with the process of allowing staff to approve counselor licenses. Packard seconded. There was no discussion. White and Packard voted "Aye". Huss opposed, as she doesn't believe the rule is ready to vote on and a November discussion would be better before moving forward.

Greaser asked if there was any resolution to the Art Therapy discussion.
Huss shared the essence of Thursday's discussion.
Kress shared that, while not taking a stand, there may be a hardship on the staff, given a new staff member, a committee, and space would be required.
Rough stated that, logistically, it may not occur quickly.
Packard agreed that the hardships may occur, but she has mixed emotions.
White expressed that this was a reflection on the staff constraints, not whether or not Art Therapists should be licensed.

The consensus of the committee is that, if the legislative process moves before November, then Rough should be authorized to meet with the Board chair and sit before the legislative committee to express concerns with the budget and staff constraints with this issue.

The meeting adjourned at 12:21 p.m.

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Dr. Victoria Kress, Chairperson