



Counselor, Social Worker & Marriage and Family Therapist Board

50 West Broad Street, Suite 1075
Columbus, Ohio 43215-5919
614-466-0912 & Fax 614-728-7790
<http://cswmft.ohio.gov> & cswmft.info@cswb.state.oh.us

State of Ohio Counselor Professional Standards Committee Meeting September 19, 2013

Members Present: Maureen Cooper, Mary Venrick, Otha Gilyard, Terri Hamm and Christine Jungers

Staff Present: James Rough, Bill Hegarty, Tammy Tingle, and Simeon Frazier

Guests Present: None

Cooper called the meeting to order at 9:40 a.m.

I. Discussion/Approval of Agenda

Cooper added “NBCC meeting” to Friday’s “New Business” discussion.

Jungers moved to approve the, amended, agenda. Venrick seconded. There was no further discussion, and the motion passed, unanimously.

II. Executive Committee Report

Cooper reported that re-appointments were discussed. Three are set to expire, this year. All have re-applied, and are awaiting notification, which should come in October. Rough reported that the 2014 budget is in good shape. There is \$11,000 available for travel.

HB232 is still being discussed with Rep. Sears.

Cooper stated that rehabilitation counselors don’t have a Clinical Component, but they will reconcile it with dual CORE -CACREP accreditation to be in place by 2018.

Hamm wondered if the tier needs to be revisited since Clinical Mental Health coursework may not be achieved in “fragmented” (rehab/substance abuse) programs may not be as inclusive as PC licensure would require.

The July planning meeting outstanding items include “Peer Consultation.”

CE for peer supervision offerings available for three supervision credits of the six needed are unfortunately being removed from the rule, since only three supervision CEUs will be required.

Cooper shared that it was, recently, taken away. She offered to, possibly, give people a “licensure sticker” displaying peer consultation to place on their certificate. It wouldn’t

be a CEU, but it would denote a separate honor. "Peer consultation" should be defined and discussed how it would be monitored.

Cooper shared that there are private practitioners that receive 3rd party supervision. There are no rules that indicate their website list that supervisor. The client may not know about a 3rd party supervisor.

The committee agreed that a base and aspirational requirement should be developed to protect the client in the new age of technology.

Rough discussed cross training within the board office to prepare the retirement of "Baby Boomers."

Gilyard shared that there's a concern of a lack of work ethic for younger workers. He shared that, though, Rough (as an example) isn't irreplaceable ("None of us are"), but he works very hard on his job and it's uncertain if a younger worker would do that, to that extent.

Rough entered at 10:09 a.m. to discuss the NBCC conference and answer questions.

Rough shared that an email that he distributed didn't include information from the NBCC conference.

He shared that the conference had a lot of good conversations.

Dr. Buckley at Walden discussed the DSM-5 and that he was invited to the conversation. They will use other codes.

ICD-10 codes will be used and all the billing will be done in the ICD. There'll be a lot of similarities, but no dueling codes.

The NBCC has its own ethics code.

The legislation and policy update was sent on the list serve has been receiving positive feedback.

The last Speaker, J. Ostrowski, an NBCC employee, has an online counseling website that is searchable for all, known to him, online counseling programs that claim to meet HIPPA requirements. It lists, apparently, HIPPA compliance for the client as well as the IT folks running the software. There were issues discussed in the forum. It's a good resource for those wanting to get involved.

The committee discussed whether or not the CACREP programs needed to be reviewed, if the bill was passed.

Hamm asked Rough about the Core/Rehab Counselor issue.

OACES asked that Mental Health Program be CACREP accredited, but not barring any Non-Clinical program to take additional courses, if a student doesn't have a qualifying Mental Health Degree.

Hegarty, Tingle, and Hosom entered at 10:25 a.m.

Hamm asked if conversations included future CACREP programs, including, Both Mental Health, and Substance Abuse, etc.

She was told that the Mental Health Component is included.

CORE accreditation means that it's a "qualifying degree."

CACREP will have a "Rehab Specialty."

The committee reviewed programs until it was time to attend the CEU & Investigative liaison meetings.

The committee broke for lunch at 1 p.m., and returned at 2 p.m.

III. Investigation Report

Hegarty passed out a listing of the closed cases, reviewed by Venrick and Cooper. He, then, thanked Venrick and Cooper for their work on each case.

Cooper moved to close eight cases that she reviewed that did not rise to the level of needing public discipline. Gilyard seconded. There was no further discussion, and the motion passed, unanimously.

Cases included:

2013-76 Impairment: Close with no violation.

2013-139: Record keeping: Close with strong caution.

2013-144 Record Keeping: Close with no violation.

2013-158 Competency: No violation found.

2013-164 Competency: Close with caution.

2013-181 Record keeping: Close with caution.

2013-187 Non-Sexual Boundaries: Close with caution.

2013-196 CT status problem: Close with caution.

Venrick moved to close the four cases that she reviewed that did not meet the level of public discipline. Gilyard seconded. There was no further discussion and the motion passed unanimously.

Cases included:

2013-136 Non-Sexual boundaries: Close with strong caution.

2013-1600 Scope of Practice: Close with strong caution.

2013-162 Billing irregularities: Close with caution.

2013-165 Mandate report: Close due to no jurisdiction and refer to Ohio Department of Education.

A. Proposed Consent Agreements

1. Diane Zieger

This is an impairment case. She was ordered to comply with toxicology screenings, and failed.

Further non-compliance will result in a two year suspension.

Cooper moved to amend the consent agreement based on the information contained in the (amended consent agreement) document, presented.

Jungers seconded. There was no further discussion and the motion passed unanimously.

B. Proposed Opportunity for a Hearing

1. Records are lacking and she made custody recommendations on a case where she is the primary therapist. Gilyard moved to issue a Notice of Opportunity for Hearing based on the issues listed in the notice passed out regarding case number: 2012-227. Hamm seconded. There was no additional discussion and the motion passed unanimously.

2. Hegarty, then, shared that the party involved was Nina Kucyk.

C. Linda Crawford

She didn't go to her impairment evaluation. Under statute, this is an admission of impairment. The evaluation was for both substance abuse and mental health. She may re-apply for a license after one year if she has met the licensure requirements (including getting the impairment evaluation). Cooper moved to revoke her license based on the fact that she didn't attend her impairment evaluation. Jungers seconded. There was no additional discussion and the motion passed unanimously.

D. Goldman Reviews

1. Jennifer Linnabary

Cooper moved to revoke Linnabary's license based on non-compliance of her audit. Jungers seconded. There was no additional discussion and the motion passed unanimously.

2. Samuel Hancock

Cooper moved to revoke Hancock's license based on non-compliance of his audit. Jungers seconded. There was no additional discussion and the motion passed unanimously.

3. Veronica Lac

She has a degree in Clinical Psychology. Her license application was denied. No hearing was requested. Cooper moved to uphold the licensure denial as she doesn't meet the licensure requirements. Venrick seconded. There was no additional discussion and the motion passed unanimously.

E. Counseling Degree Letter & Corresponding Hearing

1. Hegarty explained that when the counseling applications coordinator sends a "Degree Letter," identifying that the rule requires an application to be on file before a hearing is awarded, but they can get a hearing if they appeal not being allowed to sit for the exam.
 - a. The thinking is that an application on file may be required before a degree letter is awarded.
 - b. The discussion centered around the rule 4757-13-01(B) to have an application on file prior to a degree letter is to be awarded. The website will be updated to include, among other things, the licensure application.
 - c. It was suggested to state that psychology/clinical psychology coursework isn't acceptable to the board, along with a more comprehensive instruction sheet. Gilyard suggested to also include a reminder to read the rule.

2. Cooper shared that a PC with a private practice, isn't required to advertise that they require supervision. Tingle shared that they don't receive a lot of complaints regarding PCs with private practice.

Hegarty, Tingle, and Hosom left at 2:55 p.m.

IV. CEU Report

- A. Jungers shared that Paula Broom reported of successful audit reviews vs. failures. Most fail the audit due to renewing with non-approved hours.
- B. They discussed the 10,000 word/hr. issue, again.
- C. There was a discussion regarding reducing the number of approvable distance learning hours.

V. Counselor Trainee Issues

A. September-13-01

The applicant, initially answered "No" on question #18 of the counselor Trainee initial application, with regards to whether or not s/he had ever been arrested, charged with, or convicted of a misdemeanor/felony (outside of traffic violations) in state or federal court, but according to the BCII records check, the applicant was convicted of the following:

2000- Disorderly Conduct (original charge: Domestic Violence); Fine and court costs.

2001- Driving under Suspension; Records checks list "Provisions/Sentence unknown, Serve time."

2007: Driving under the influence; Confinement (time suspended), Probation two yrs. ; Fine, Court costs, two years licensure suspension, community service, ALS Vacated, 20 days in jail.

2013: Court documents accounted for those charges, along with a DUI in 1999, and a 2nd in 2003 (the records checks reflected a 3rd).

The Committee agreed that they'd be willing to conditionally approve the Counselor Trainee application due to the time removed from the last legal issue, pending receipt of a comprehensive personal statement, as the original statement didn't address the applicant's arrest history. They wanted to ensure that the applicant understood, also, that approval of CT status doesn't automatically grant PC licensure, as it could, still, jeopardize the PC licensure application.

B. September-13-02

The applicant self-reported the offense that happened within the last 1 ½ years. The Criminal records check didn't reveal any charges, per the applicant's personal statement, and 2012 court records, after the applicant was, already, admitted into a counseling program in Ohio, the applicant was cited for "Under aged sale," as they purchased an alcoholic shot for a 20 year old sister. The applicant was found guilty and paid a fine and court costs.

The Committee agreed to approve the Counselor Trainee application, due to the veracity of the personal statement.

C. September-13-03

The most recent charge happened within the last five years. Though a 2009 “Telephone Harassment” charge is listed, the applicant appears to be, completely, removed from the court system’s punitive/rehabilitation requirements.

1995: Convicted of Theft (Original Charge; Theft by deception).

2002: Convicted of Possession of Drugs M1 (original charge: Possession of Cocaine); confinement (sentence suspended), probation, and court costs.

2002: Convicted of Possessions of Drugs F5 (Original charge: Possession of Cocaine); Credit 12 days’ time served, Probation revoked, Incarceration, Probation, fine.

2002: Convicted of Possession of Drugs F5. Confinement

2009: Convicted of Telephone harassment: Confinement, sentence suspended (all but 2 days), probation, and fine. (Same charges confirmed by 2013 FBI check).

The Committee approved the CT application based on the veracity of the personal statement.

D. September-13-04

The largest issue is that the applicant’s arrest happened recently (earlier, this year, 2013). The applicant was charged with “Driving under the influence of Blood Content over 0.08 (MISD)” in February of 2013 (charges merged with “OVI/Physical Control;” “BAC,” and “Speeding”).

The applicant was found guilty in April of 2013 of “Physical Control (M1),” confined to jail (all but 3 days were suspended), fined, and had to pay court costs. Per the applicant’s personal statement, they were ordered to participate & successfully complete a Driver Intervention program (completed in June ‘13), in addition to court mandated treatment. The applicant is, also, “working with an individual counselor to assess the need for any further AoD treatment.”

The committee denied the application, based on the recency of the conviction.

E. September-13-05

The largest issue is that the applicant’s issue occurred recently (2009). Per the applicant’s personal statement, there was a 2009 hospitalization due to an “abuse of prescription painkillers and cocaine.”

Rehab included hospitalized detox for five days, and living in a transitional house for approximately one month after the hospitalization. There was no indication of any additional therapy/program, etc. outside of what was included in the statement.

The committee approved the application based on the veracity of their personal statement.

F. September-13-06

The committee was revisiting a Counselor Trainee application from the previous meeting, whereby certain items were requested for review. The applicant provided the items.

The applicant's arrest record is as follows:

1998- Failure to comply with Lawful order. Guilty; Restitution and confinement (all but four days suspended).

2000- Grand theft; Guilty- unauthorized use of property (M1); Guilty; Restitution, fine, confinement (received credit 51 days).

2001- Possession of Drugs. Guilty, licensure suspension, confinement (sentence suspended), probation, and a fine.

2001- Theft (F5), Paid restitution, court costs and confinement.

2001- Guilty of unauthorized use of property (Confinement).

2002- Auto theft driving without consent. Convicted of attempted unauthorized use of a motor vehicle. Guilty; Confinement, all but 30 days suspended. Fine (all but \$50 suspended), and probation.

2002- Receiving stolen property. Convicted

2002- Robbery; guilty, paid restitution, fined, confinement (129 days credited).

2005- Theft, Court costs & restitution, confinement (53 days suspended)

2005- Theft (M1), court costs, and fined.

2006- Robbery (use of force), 2 counts, resisting arrest/fail to comply with police order signal. Convicted, probation.

2007- Receiving stolen property; Provisions, fine suspended; Confinement (all but 13 days suspended).

The applicant submitted documents from the county court of common pleas, stating that in 2008, the applicant successfully completed community control sanctions for the county.

On 7/18/13, the Committee reviewed the file, and concluded that they must see a personal statement regarding the charges, and three character references; two from an employer, and one from the university academic advisor. Tangible evidence of remediation is a plus, if it's able to be provided.

On 8/3/13, a character reference letter was received, via email, from the applicant's employer.

On 9/3/13, a character reference letter was received via mail from the applicant's academic advisor (since September 2010).

On 9/4/13, letters were received by the applicant (personal statement), three former employers, a certificate of incarceration showing the dates of inmate

residency and release, final release on 3/9/06, and a letter of successful termination from probation from the applicant's probation officer.

The committee agreed to approve Counselor Trainee status based on the veracity of the character references, the strength of the applicant's current activities, and officially meeting the committee's follow-through requests.

The committee agreed to allow the applicant to be awarded counselor trainee status given that their conditions of answering #18 on the Counselor Trainee Initial Application were met.

G. CEU Issue

Rhonda Franklin entered at 3:07 p.m., and confirmed that a particular CEU was addressed.

The committee adjourned for the rest of the day at 3:52 p.m.

**State of Ohio
Counselor Professional Standards Committee Meeting
September 20, 2013**

Members Present: Mary Venrick, Maureen Cooper Terri Hamm, Christine Jungers, and Otha Gilyard

Staff Present: Rena Elliott, Bill Hegarty, Tracey Hosom, Jim Rough and Simeon Frazier

Guests Present: Myriam Rabaste (LPC), Julie Arnold (LPC), Matt Paylo (OCA)

Cooper called the meeting to order at 9:17 a.m.

I. Discussion and Approval of Agenda

Cooper added “Personal Statement for CT issue” in “Old Business.” Jungers moved to accept the amended agenda. Venrick seconded. There was no additional discussion and the motion passed unanimously.

II. Approval of July ‘13 Minutes

Hamm shared the adjustments, including clarifying that the committee didn’t have the authority to go after a position of a counseling educator (old business), and that the committee suggested that, for the time being, schools are making their own decisions with how and what they teach (new business).

Venrick moved to accept the minutes, as amended. Jungers seconded. There was no additional discussion and the motion passed unanimously.

III. Approval of PC Applicants

Gilyard, after review by the committee of the listing report, moved to approve the list of 116 PC applicants. Venrick moved to accept the report. Jungers seconded. There was no additional discussion and the motion passed unanimously.

Approval of PCC Applicants

Hamm, after review by the committee of the listing report, moved to approve the list of 66 PCC applicants. Gilyard seconded. There was no additional discussion and the motion passed unanimously.

IV. Counselor Application Coordinator’s Report

Elliott reported that, since the last board meeting, Frazier processed 684 Counselor Trainee/Clinical Resident applications and that she had sent 153 Exam packets. She shared that a lot of applications were received in the last month.

V. Old Business

Counselor Trainee Issue, revisited.

After receiving the applicant's personal statement (September -13-01), Gilyard moved to award the applicant's Counselor Trainee status. Venrick seconded. There was no additional discussion and the motion passed unanimously.

VI. Remediation Plans

A. Marius Igwe

She didn't pass the NCE after three attempts, and plans to address the clinical issues by studying at the Cornerstone of Recovery, take a course in supervision, and studying the DSM-5.

The committee believes that the plan is insufficient. Ohio no longer requires the PCLE, and assumes that he was requesting to take the NCMHCE in his letter (he requested to sit for the PCLE). The committee isn't familiar with Cornerstone of Recovery, so they will not recommend it. They agreed that the intro to the DSM-5 wouldn't be helpful, nor would a supervision course. They recommended individual tutoring.

Matt Paylo was permitted to share that "counselingexam.com" may be a good resource. The committee shared that it may also be helpful to review this website.

Jungers moved to reject the remediation plan with recommendations of individual tutoring, and possibly reviewing www.counselingexam.com Gilyard seconded. There was no additional discussion and the motion passed unanimously.

B. Joan Snider

She will receive tutoring from Michelle Stratman to go along with her, already, completed course, and another course she will take.

Hamm moved to accept her remediation plan. Venrick seconded. There was no additional discussion and the motion passed unanimously.

VII. Correspondence

A. Daam T. Barker

The committee is concerned with his supervision by a Psychiatrist (that has a grossly different scope of practice). He's an Ohio PC, but he's out of the state. The committee agrees that if he comes back to Ohio, he can get supervised by a PCC-S, particularly, since he can't get enough distance learning CEUs.

Hamm moved to deny his request due to logistics of supervision deficiencies. Venrick seconded. There was no additional discussion and the motion passed unanimously.

B. David Fletcher-Janzen

He was licensed via endorsement with the condition of completing his coursework. He hadn't completed it due to illness. The committee will allow an additional semester to complete one class.

Cooper moved to award a six month extension to June 2014. Gilyard seconded. There was no additional discussion and the motion passed unanimously.

Rough entered at 10:00 a.m.

VIII. Executive Director's Report

Rough reported that there are vacancies on the Social Work committee. The Governor's office identified candidates, and will appoint them in October. Rough shared that he wants recommendations regarding what to add to the planning meeting action items.

The Bill is in place. PCSCO agreed to modify the exemption (a la, the "Civil Service Exemption"). Also, he worked with the OCA and OACES regarding CACREP language.

During the conference call regarding an exception for Rehab services commission it was agreed that, with CRC, the use of the "Counselor" title should be fine.

The budget is in good shape. A couple of DAS bills must be paid.

The board is beginning another five year rule review.

The Marriage and Family Therapists were added back into the ODMH matrix, but must be approved for Medicaid through the federal approval of the state plan change.

The application was changed to add a question regarding identifying a veteran or spouse of a veteran, along with a question regarding convictions vs. arrests.

The Chemical Dependency board is working to add gambling disorders to the statute.

The OIT office sent out recommendations for agency emails with guidelines for sensitive information.

Board members can have a State issued, Board email.

The insurance issue has been resolved. Counselors are exempted.

He discussed the ACA Code of Ethics and Peer consultation.

He discussed the rules for residential facilities, etc. that list categories of offenses that could/would prevent employment conditionally.

IX. New Business

A. HB-232 CACREP change

Section F of 4757.22 & 4757.23 of the ORC deals primarily with Out of State applicants. Rough shared that it may be helpful to not suggest that it's open to in-state licensees by stating, clearly, that this is, only, for out of state applicants, as the request is for CACREP requests for Ohio applicants, "For out of state mental health programs, and out of state qualifying mental health degrees."

It was requested that "In state Issues" be addressed in "B" and "Out of State issues" be addressed in "F."

Rough reminded that “B” is, only, about the CACREP requirements for Ohio schools. “F” has more to do with the structure for qualifying degrees, so he’s uncertain how this could be done, and still make sense.

There was a statement that the accreditation is fine, but enforcing it to the point that there is no option felt incompatible, however, it’s still in the best interest of the profession and the client by establishing a standard.

Rough also shared that the federal government, on three separate documents, that CACREP is required.

It was shared that it would be good to allow room for schools to operate outside of the requirement (i.e. exceeding it without being bound to their request).

Paylo added that for the most part, the OCA is on board & that the board deal with special cases.

Also, that CACREP has a college counseling track. He was curious about whether or not it fit in “Other Counseling Programs.” It was shared that it does fit.

Correspondence (Continued)

Jamie Marich

Her impression, as a provider (she paid the \$125) she is still being held to a “program by program” submission standard.

It was shared that, according to the rules, there’s nothing listed that was deniable. She’s entitled to a 119 hearing.

It was discussed that a rule would read to address “mindfulness” to specifically address the committee’s concern.

The committee shared that there’s no clinical content to the areas that are being denied, particularly since it doesn’t appear to be evidence-based.

It was discussed to define “what is counseling” and “what is a personal spiritual based practice.”

It was shared that it may be written in a rule that spiritual practices assist in mental health well-being, but it doesn’t fall under the board’s auspices.

“(Personal) Safe-Care, interventions, and expressive arts” may be the items addressed in the statement made in the rule, in terms of what would be reviewed in a case by case basis.

Regardless, moving forward, the committee agreed to cite the reasons, statutorily, or administratively, in the denial.

The committee agreed that her provider status will be approved (for one year), with the notice that the new rules will not allow for the, previously un-cited, issues that was initially denied, and they’ll be looking for it during her renewal period, next year.

The meeting adjourned at 11:15 a.m.

Maureen Cooper, Chair