



Counselor, Social Worker & Marriage and Family Therapist Board

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State of Ohio Counselor Professional Committee Meeting November 15, 2007

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

Staff Present were: Mr. Jim Rough, Mr. Simeon Frazier.

Guest Present: Mr. Phillip Yassenoff

Ms. Cohen called the Counselor Professional Standards Committee (CPSC or “the committee”) meeting to order at 9:10 a.m.

Approval of Agenda

The committee agreed that the agenda was sufficient as presented.

The committee agreed to review CEUs, University Counseling Programs, and Applications for the PC and PCC license.

Personnel Committee Report

Mr. White shared that Jose Camerino, on November 16, will request a vote on seven policy changes/updates. He also advised that the table of organization will be updated to include personnel positions rather than their names, only. Other updates were minor. Additionally, White advised that the vote on the evaluation process will take place in January before the meeting. Each board member will receive an evaluation form, via email, to submit to the personnel committee.

He also reminded everyone to complete their ethics training, if they have not, yet. At the previous meeting, there were concerns with the ASWB and the NBCC paying for travel expenses for the Board. The Ethics board confirmed that this is not a problem for the ASWB, as the board pays for a membership. Because the NBCC exists, only to provide the licensure examination, the issue with respect to the NBCC is still under review.

Executive Committee Report

The Committee discussed board member appointments. White expressed concern with regard to the effectiveness of background checks and investigations from governor's office. It was agreed that the board, themselves, have no duty to conduct additional investigations. Kress shared that she believes that it would be right and wise to treat any board member violation as a normal license violation with respect to questionable answers given on a licensure application.

Huss offered that, the verbiage on the application and potential loop holes in the licensure process lends itself to the possibility that the committee may not have known. They discussed that they will share this in a committee meeting.

Cohen announced that P.R. Casey will arrive at 10:30 a.m.

Huss stated that she doesn't believe that the board should accept emails as part of a University's program file.

White added that the practicum and internship forms review is to be added to the agenda.

Dailey moved to approve the agenda. Cohen seconded. The motion passed unanimously.

White announced that he reviewed the applications for the PC and PCC license.

Dailey left the meeting at 10:30 a.m.

P.R. Casey arrived at 10:50 a.m. to discuss the current law and how it applies to endorsement. He advised that the committee could go into executive session to discuss pending litigation. White confirmed with Casey that it was a violation of the law if the committee went into executive session and found out that they shouldn't have.

Huss shared that she wished to go into executive session to discuss a rule change for endorsement. During roll call, all answered with "yes," as the committee went into executive session at 11:15 a.m.

The committee returned from executive session at 11:37, and White asked that the record reflect that the committee went into executive session to discuss endorsement.

Correspondence

Scott Smiles

After discussion, the committee agreed that they would deny his request to be licensed as a PC based on section 4757.32 (B)(1) of the Revised Code.

Susan Nielson

She accumulated 3000 hours under a current, out of state, license and passed the NCE. The degree under which she was licensed was awarded in 1967. She did not take the NCMHCE, or any other clinical exam. The committee discussed her clinical and professional background, and stated that they would need to know the licensure requirements for Minnesota.

The committee took a break for lunch at noon, and returned from lunch at 1:00 p.m. Dailey returned to the meeting at 1:30 p.m. The committee continued to review programs and CEUs until 2:30 p.m.

Investigator's Report

Bill Hegarty handed out cases reviewed since the last meeting.

Huss moved to close the list of investigations. Kress seconded. There was no discussion as the motion passed unanimously.

Consent agreement for James Heckman

Huss moved to accept the consent agreement for James Heckman. Kress seconded. There was no discussion as the motion passed unanimously.

Hegarty notified the committee that they are in the process of scheduling three upcoming hearing dates.

Hegarty left the meeting at 2:40 p.m.

Rough proposed to discontinue the practicum report form and the Internship Supervisor Evaluation Rating form. The committee discussed the merits and demerits of keeping the form. They then looked at the existing rule to see if it must be amended. Rough will review the wording to see how to require the internship form, only, of first time licensure applicants.

AASCB Conference

The Committee agreed that it is good to go, at least once. Kress agreed to go. It will be voted upon on November 16th.

E-Therapy/Telehealth

Discussion ensued regarding 4757-5-13 (A) (6). It was asked how an assessment of the client's knowledge and skills to benefit from the session is determined on the Internet. It appeared that Arkansas has done the most research.

Versions of the following questions were presented by Huss' students:

- How can you know the rules for other states/countries?
- How do you qualify "sufficiently appropriate training/licensure/necessary training/experience/skills?"
- How do you document whether or not internet therapy will be appropriate for a client?
- What kind of informed consent would exist, and how is it secured over the Internet?
- What does 4757-5-13 (B) mean, and how can it be verified?

The committee asked if they believe that they're ready to move on this, as there are a lot of questions, and it appears overwhelming. They recommended an E-Therapy subcommittee be formed.

White left at 4:05 p.m.

Elliott presented an "Intent to Deny" due to an insufficient degree, for Frederick Lamar. The committee agreed to deny the licensure request.

Dailey moved to adjourn. Huss seconded. The meeting adjourned at 4:10 p.m.

**State of Ohio
Counselor Professional Committee Meeting
November 16, 2007**

Members Present: Ms. Cohen , Mr. White, Dr. Huss, Dr. Kress, and Mr. Dailey

Staff Present: Mr. Rough, Mrs. Rena Elliott, Tracey Hosom, Mrs. Tammy Tingle, and Mr. Frazier

Guests Present: Mr. Glen Karr, Dr. Colette Dollarhide (OACES representing Jean Underfer-Babalis)

Mr. White called the meeting to order at 9:00 a.m.

Approval of Agenda

White asked that the letter from Rev. Dr. Edward Steffen regarding retirement/emeritus status be placed under New Business.

Huss confirmed that the E-therapy discussion would be addressed during the executive director's report. The committee will, then, propose a task force to be formed.

White welcomed Dr. Collette Dollarhide of OACES to the meeting.

Dailey moved to accept the agenda as amended. Kress seconded. There was no discussion, as the motion passed unanimously.

Mr. Dailey moved to approve the agenda. Ms. Cohen seconded. During the discussion, Dr. Kress added the bartering discussion occur under "New Business." The motion passed unanimously.

Approval of Minutes

Along with correcting several typos, the following adjustments were made to the September 2007 minutes:

In the 9/20/07 section discussing rule review, Huss' comments regarding the board's lack of jurisdiction in settings where CT status is not required was removed. Also, in the 9/21/07 New Business section, discussing endorsement, the additional discussion regarding the licensure application was removed.

Cohen moved to approve the minutes as amended. Kress seconded. There was no discussion as the motion passed unanimously.

Hosom entered at 9:20 a.m.

Executive Director's Report

Rough advised that there are issues with Doubletree reservations, and there is a cost increase. Board members must advise Patty regarding how they will handle this.

He also shared that the term "independently licensed mental health professional" appears in several Counselor rules, but it was not clearly defined. This may change as it is inconsistent with language in the Marriage & Family therapist rules. The committee confirmed that Rough will work on the new language.

With regards to the record storage facility issue, there is no HIPAA rule regarding paper, as it is a policy for electronic records. When the next rule change is done, they will list any state or federal laws and rules that apply.

The OCA gave their support during the public rules hearing, and the rules have a JCARR hearing in December. There is an issue with 4757-13-01 regarding the language for the internship supervision report. It will be resolved, then re-filed.

He, also, went to the Ohio NASW conference, and then the OCA conference. He was told that the schools appreciate the board's communication. During the NASW

conference, he spoke to a few groups about doing a presentation at both conferences, rather than occupy a table.

Dollarhide agreed that this would be valuable.

He reported that all board members have attended or are scheduled for their ethics training.

New board member appointments should come shortly.

He advised regarding the senate and house proceedings surrounding the proposed bills. We are building support.

Huss asked where the committee is with FERPA; Rough advised that institutions are forwarding class rosters, if they wish, with redacted names of students that didn't give their consent.

Approval of PC Applicants

Huss moved to approve the Executive Director's report. Cohen seconded. During the discussion, Gretchen Milhand was added, and Scott Smiles was removed. After further discussion, the motion was withdrawn.

Cohen moved to deny Scott Smiles PC licensure. Dailey seconded. Cohen issued a friendly amendment to her motion, adding that the denial was due to moral character concerns based on his self reported substance abuse and criminal record. Kress seconded. There was no additional discussion as the motion passed unanimously.

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

Approval of PCC applicants

Huss moved to accept the list of PCC applicants. Kress second; there was no discussion as the motion passed unanimously.

Glenn Karr entered the meeting at 9:40 a.m.

White welcomed Karr to discuss E-Therapy as it relates to the rules.

E-Therapy

Huss discussed that students are not sure how to manage/operationalize (verify identity, approve, etc.), particularly, how it can be managed. She also asked how this is done in other states. Karr shared that if a licensee is violating a policy in another state and the other state is sanctioning the licensee, the board may then sanction the licensee for being in violation of 4757-5-13(A)(2)

He then advised that there has been, for a number of years, a telemedicine law on the books as it relates to the Ohio Medical Board.

Rough suggested consulting professional organization sites regarding the standards of practice. Huss asked how to achieve “written informed consent,” while Dailey asked if there is any existing case law. Karr shared that Medicare must reimburse telehealth, so there is. Rough also discussed how it potentially could work. Karr discussed a case where a Dublin psychiatrist lost his license for writing prescriptions outside of Ohio, improperly.

Huss suggested that a subcommittee be formed. Kress volunteered to be on the committee. Cohen confirmed with Karr that digital phones are included in the definition. Karr read the Ohio statute for the medical board, which was fairly inclusive.

The committee took a break at 10:05a.m.

White left the meeting; Cohen assumed the role of Chair for the remainder of the meeting.

The meeting resumed at 10:13a.m.

Counselor Application Coordinator’s Report

Elliott reported that Simeon processed 522 Counselor Trainee and Clinical Resident supervision agreements. In September 38 candidates took the NCE. 35 passed and 3 failed. 1 Candidate took September NCMHCE. That candidate failed. In October, 19 Candidates took the NCE. 18 passed and 1 failed. 4 candidates took the October NCMHCE. All 4 passed. 80 examination packets were mailed. One was sent to a repeat tester.

Huss asked Elliott to separate out the first time test takers and candidates that have presented challenging cases, to allow these to be tracked.

Kress recommended that the NBCC assess reports based on passage rates and areas that traditionally show strength and/or weakness for a 2 year period.

Huss asked if it was common practice for universities to require CT status. Elliott wasn’t certain.

Kress shared an instance where a registered CT was accused of a substantial violation at the supervision site. Because the CT was registered, the board was called to investigate. This strengthened the schools position to act appropriately. She also cited where CACREP doesn’t require PC/PCC counselor supervision for programs. Since CT status isn’t required, an intern may be placed in a site without PC-S or PCC-S supervision.

Huss moved to accept the Counselor Application Coordinator’s report, as presented. Kress seconded. There was no discussion, as the motion passed unanimously.

Dailey moved that Kress and Rough be able to attend the AASBC conference in New Orleans at the board’s expense. Huss seconded. There was no discussion, as the motion passed, unanimously.

Program Approval

University of Dayton

Huss moved to approve the University of Dayton's Counselor Education Program Approval Application. Additionally, it was noted that they have a separate course in ethics. The packet, as presented was extremely user friendly. Furthermore, a letter of recommendation should be sent advising/reminding that a course may only be used to satisfy one requirement towards licensure. Kress seconded. There was no discussion as the motion passed, unanimously.

Franciscan University

Huss moved to approve Franciscan University's program, commending a separate course in ethics. A letter of recommendation is to be sent requesting that the syllabi show where techniques are taught. Kress seconded. There was no discussion, as the motion passed, unanimously.

Ohio University

Huss moved to approve Ohio University's program, pending proper indication of Clinical Core for intervention and treatment of mental and emotional disorders coursework being sent to Rough. They were commended on their separate course in ethics. Kress seconded. There was no discussion, as the motion passed unanimously.

The committee noted that the programs that are submitted, but not yet reviewed, will be reviewed under the old rules.

New Business

Huss discussed a course, held in Jamaica, where it was asked that the course be accepted as meeting the multicultural curriculum requirements.

Kress moved to accept Dr. Sherlon Brown's course to allow students to attend the class and satisfactorily meet the multicultural curriculum requirement.

Dailey seconded. There was no discussion, as the motion passed unanimously.

Correspondence

Rev. Dr. Edwin Stefan

He submitted a proposal requesting the board establish a separate status denoting retirement, apart from the "Active" and "Inactive" status, for retirees that work part time (5-20 hours a week), and are over the age of 65. Additionally, he made recommendations that the license renewal fee would be \$30.00 and there be, only 15 CEUs required for licensure renewal.

The committee questioned whether or not the public is protected properly with a diminished requirement for CEUs.

Hosom identified that, after 65, any state school class may be audited, at no cost to the licensee.

Huss moved to send Dr. Stefan a letter conceding that his proposal highlighted an interesting concept and will be taken under advisement. Kress seconded. During the discussion period, Dailey confirmed that his status as a reverend does not relieve him from requirements of licensure. He also suggested an analytical review by other states, giving the analogy of an airline pilot or doctor that is 72 years old, but only flies or operates on a patient 5 hours a week not needing to meet the same requirements as other licensees.

The motion passed unanimously.

Annjeanen Lewis/Jocelyn Weber

Kress shared that she didn't believe that this is an issue, since the supervisor doesn't need to sign off on all records.

Kress moved to provide information that a PCC-S doesn't need to sign off on all records, adding that the committee thanks them for being conscientious. Huss shared that the names should be redacted from the letter. Huss seconded. There was no discussion as the motion passed unanimously.

Jamie Marich

Huss moved to send a letter, thanking her for her concerns, as she is not asking for anything. The letter should advise that the committee will continue to make every effort to be responsive to licensees. The letter will come from Rough. Dailey seconded. Kress recused herself, as she knows the correspondent. There was no additional discussion, as the motion passed, unanimously.

Janet Richards

The Correspondent was asking for a hardship exemption.

Huss moved to deny the request. Kress seconded. During the discussion, Kress shared that the MRDD counselors may be underrepresented in the PCC community, and at times, the board should consider whether or not a psychologist may be an appropriate supervisor until PCC representation is increased.

Huss shared that she believes that if that were ever to be considered, the circumstance should be strongly defined and qualified, if such a circumstance exists. Cohen suggested that a psychologist would possibly serve as a work supervisor, while still receiving PCC supervision.

Kress stated that she believes that it's worth continued conversation.

A denial letter should be sent.
The motion passed unanimously.

Huss moved to place this as an agenda item at the next meeting.
Kress discussed the struggle for PC/PCC specialization with the MRDD population in Mahoning County.
Dailey suggested that, possibly, part of the student's hours may be accrued under a psychologist.
Cohen acknowledged that it is approvable under CACREP standards.
Kress seconded. The motion passed unanimously.

Remediation Plans

Alan Banker

He failed the licensure exam (PCLE). His areas of weakness were inconsistent. In 2003, he received a score of 71 (passing was 73). In 2004, he received a 72 (passing was 73); also in 2004, he passed the general knowledge section, but not the clinical section (he received a 95 of a needed 99). He then failed the NCE in 2007. He asked that a preparation course be accepted as his remediation.

Cohen recommended coursework, training progress updates, and books, along with a preparation course.

Kress moved to deny the request, suggesting that a more detailed remediation plan be submitted, including coursework, training, and books. Dailey seconded. There was no discussion, as the motion passed unanimously.

New Business

Rough presented a redrafting of 4757-13-06. The committee agreed that to accept the language, as redrafted.

Huss shared that the committee appreciated Dailey as a public member, as this may be his last board meeting.

Dailey expressed thanks, and shared that he appreciated the opportunity to serve with the board.

Dailey moved to adjourn the meeting. Kress seconded. The motion passed.

The meeting adjourned at 11:25 a.m.

Mr. Jan White, Chairperson