



Counselor, Social Worker & Marriage and Family Therapist Board

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State of Ohio Counselor Professional Committee Meeting November 20, 2008

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

Staff Present were: Mr. William Hegarty, Mr. Simeon Frazier.

Guest Present: None

Kress called the meeting to order at 9:06 a.m.

Discussion/Approval of Agenda

Gilyard moved to approve the agenda. White seconded. During the discussion, Kress added the Executive Committee report to the end of the 11/20/08 agenda. The amended agenda was approved unanimously.

Kress shared that Francine Packard would not be joining them.

Hegarty entered the meeting at 9:09 a.m. and announced that the board dinner for that evening was cancelled.

Investigations

Hegarty passed out the cases on which Huss and Kress worked.

Huss moved to close the cases that she reviewed as indicated. White seconded. There was no discussion and the motion passed unanimously.

White moved to close the cases that Kress reviewed. Gilyard seconded. There was no discussion and the motion passed unanimously.

Hegarty asked the committee for authorization to issue notice of opportunity for hearing in cases concerning audits and non-compliance.

White moved to give authority in both instances. Huss seconded. There was no discussion as the motion passed unanimously.

Hegarty requested that the committee go into executive session. The committee gave a roll call, all members replied "yes."

The committee went into executive session at 9:11 a.m.

The Committee returned from executive session at 9:24 a.m.

White moved to issue a **Notice of Opportunity for Hearing** with case 2007-223 for Jennifer Jones. Huss seconded. There was no discussion as the motion passed unanimously.

White moved to accept the consent agreement for Nancy Adams. Gilyard seconded. There was no discussion and the motion passed unanimously.

Gilyard moved to accept the consent agreement for Ann Randal. White seconded. There was no discussion and the motion passed unanimously.

Gilyard moved to accept the consent agreement for Robin Formick. Huss seconded. There was no discussion and the motion passed unanimously.

Gilyard moved to accept the consent agreement for Steve Karnehm. White seconded there was no discussion and the motion passed unanimously.

Gilyard moved to accept the consent agreement for Amy Ahrens. White seconded. There was no discussion and the motion passed unanimously.

Goldman Reviews

Huss moved to deny David Clinton's application for professional counselor, Gilyard seconded. Kress abstained from voting. There was no discussion and the motion passed unanimously.

Huss moved to indefinitely suspend Renee Golawinski's license until she completes her impairment evaluation, and that she still must complete her CEUs for licensure renewal. Gilyard seconded, Kress abstained from voting. There was no discussion and the motion passed unanimously.

Hegarty shared that the counselor hearing was at 1:30 p.m.

Huss shared concerns that the ethics courses often times are not *true* ethics courses, as much as they are often legal courses. She shared that Randi Cohen's research suggested

that taking a course in ethics often times doesn't result in the professional making more ethical decisions. She wants to know if there are any substantive avenues that can be explored to select better courses to recommend for discipline, without suggesting that the board is trying to assist a provider in generating revenue.

Kress and Hegarty agreed that possibly, additional supervision may be another requirement.

The committee discussed developing a program, and/or identifying a network of providers across the state that would be able to provide the course or service. Also discussed was the possibility of a sub-committee to research a more effective way to discipline ethics violators.

Gilyard asked if it would be better to engage in preventative endeavors as opposed to reactive ones. The committee shared that they must complete 3 hours of ethics CEUs in order to renew their license.

Gilyard offered that a practitioner may have more credibility or fruitful results with ethics workshops. Hegarty shared that when he gives workshops, professionals are often overwhelmed with regards to what types of violations actually take place.

White shared that, but for the fact that he's on the board, he wouldn't know what type of violations were taking place.

Hegarty suggested that at the full board meeting, Huss make a motion for an ad hoc committee of investigative liaisons to research this task.

Hegarty left at 09:49am

Executive Committee Report

Kress reported that the committee discussed the following: Ken Trivison requested consistency among the committees for CEUs, with each license representative considering the other committees actions on an application of all CEU programs. Kress shared that she had concerns that program acceptance couldn't be universal, since the scopes of practice and professional agendas are different. Also, Kress expressed concern about training supervision and allowing other independent mental health professionals to provide training supervision to make it easier to get a license.

After the committee began to muse regarding the advantages and disadvantages about going down this road, Huss shared the history behind the three professions under the same board, even though the scope of practice and professional agendas vary. She then shared that her concern is that the board, at times, losses professional focus in an effort to blend under one umbrella.

Gilyard shared that the distinctiveness of each profession should prevent most from wanting to do this, as he believes that irreparable harm is likely to follow.

Regarding this, Huss rhetorically asked “Are we saying that a Psychiatrist could be supervised by a counselor?”

The committee then discussed the email policy sent in the board mailing. Gilyard offered that the email issue will not go away, as email is too convenient a method of communication for people to simply let the issue die.

Disclosure Statements for Counselor Trainees

The Committee agreed that they believe a counselor trainee should have a disclosure statement, not as a statement of competency as much as a statement of their own training status.

White was curious of the Social Worker’s stance on this issue.

Kress will discuss this with the Social Work committee.

Remediation Plans

Laura Human-Vega

Huss moved to accept the remediation plan of Human-Vega, to take the NCE online workshop in preparation for the NCE. White seconded. There was no discussion and the motion passed unanimously.

Jeffrey Elam

He is submitting for remediation plan that he took the research and evaluation course at Ashland, twice, also, that he takes an online workshop program along with a preparation course.

Huss moved to approve his plan for remediation for the NCE, under the condition that he; first, submit the exact, acceptable workshop that he will take. Gilyard seconded. There was no discussion and the motion passed unanimously.

Alan Banker

HE is a Cappella student that submitted a remediation plan which included coursework at Franciscan in Steubenville, OH.

Huss moved to accept the remediation plan. Gilyard seconded. There was no discussion and the motion passed unanimously.

The Committee continued to work on program reviews and CEUs, starting at 10:25 a.m.

Rough entered at 10:25 a.m.

Kress asked Rough, where the social worker committee was on the disclosure statement issue?

Rough replied that they hadn't discussed it yet, due to the hearing that they had earlier. He also offered his thoughts of placing in the rules that a licensee should delineate on their disclosure statement, the scope of practice of their license, vs. their personal scope of practice.

Rough left at 10:30 a.m.

The committee broke for lunch at 11:30 a.m.

They returned from lunch at 12:30 p.m.

Hegarty recommended that the committee enter executive session.

The committee entered executive session at 1:09 p.m. with each committee member responded to roll call with "yes."

The committee left executive session at 1:10 p.m.

Huss moved to approve the consent agreement of Roberta Hammond. Gilyard seconded. There was no discussion and the motion passed unanimously.

The Committee continued to work on program reviews and CEUs until they adjourned at 3:30 p.m.

**State of Ohio
Counselor Professional Committee Meeting
November 21, 2008**

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

Staff Present: Mr. Jim Rough, Mrs. Rena Elliott, Mr. Simeon Frazier

Guests Present: Mr. Sam Wolfe (Ohio Counselor Association, Board Liaison), Dr. Bill O'Connell (Ohio Counselor Association, President)

Dr. Kress called the meeting to order at 9:03 a.m.

Approval of Agenda

White moved to approve the agenda. Huss seconded. During the discussion, Kress added a discussion of the NBCC test under New Business and Anonymous Correspondence from Ursuline College under the Correspondence section. Huss added "Ethics Course Issue" under New Business. Kress added "Program Approval" under New Business. The amended agenda was approved, unanimously.

Kress recognized Sam Wolfe and Bill O'Connell's attendance of the meeting.

Approval of Minutes for September

Huss moved to approve the September 2008 minutes. Gilyard seconded. During the discussion, Kress offered the following corrections:

- 1.) In the "Review PC/PCC Applications" section, "a" and "degree" were added to read "Definition of a Counseling degree."
- 2.) In the "Executive Committee Meeting" section, the word "not" was removed to read "Kress shared that they will vote on 9/19/08 regarding whether or not to send board members to the conference."
- 3.) In the "Counselor Trainee status while being listed as 'Incomplete'" section, a comma was added to read "Rough shared that a letter should go out to schools stating that this must be done in a way that is consistent with, both, the laws and rules and accreditation standards or their pre-approved status would be jeopardized."
- 4.) In the "4757-13-01: What Qualifies as a Counseling Degree" section, further clarification was added to read "Kress confirmed that, if the committee wished to be strict in terms of carefully reviewing the content of the 11 areas for consistency with the rules, they could."

- 5.) The last paragraph of the same section added clarification to read “The final logic is that if Counseling is in the degree title and there are 11 content areas which adhere to the curriculum requirements in our rules and there are sixty semester hours in the degree (the clinical coursework may be taken post- masters), the degree is considered a counseling degree.”
- 6.) In the “Logging Supervision Hours” section of “New Business”, clarification was added to read “They will ask Rough to send this out for comment.”
- 7.) Under “Annette Nemeth” of the Correspondence section, “a typo” was corrected to read “Huss recommended the committee plan to review the contract and compare how Ohio does on the NCE and discuss whether or not they want to continue using the test.”

Huss amended the motion to accept with corrections. White seconded. There was no additional discussion and 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. White seconded. There was no discussion and the motion passed, unanimously.

OCA Issue

Sam Wolfe discussed the “Counselor Education program from Northern Ohio” question, and asked, when students are meeting with university supervisors, does it count towards the 600 hour requirement. According to CACREP standards, it does.

Huss shared that with respect to CACREP, if the meeting includes discussion of course content, it should not count, however, comparably, if an intern went to a workshop, it would count, so overall, it probably should count.

Wolfe read the CACREP standard regarding clinical instruction vs. course content.

Kress and Huss suggested that they agree that the group supervision should count, but it will be placed on the agenda in the future to discuss group supervision counting, but course instruction not counting.

Wolfe asked about the content of professional development. He wanted to confirm that the OCA was appropriately reviewing the content of programs that were given provider status, to protect the integrity of the conference. The “CEU” designation was to be used for appropriate CEUs and “W” would be used for education. He wanted to adopt this, but didn’t know the guidelines whereby the delineations were made.

Huss shared that this was done, primarily by content areas that were addressed.

Wolfe submitted questions to the committee for them to answer at a later time. He shared that, when in doubt, he used CACREP guidelines, but he wanted to make sure it was reconciled with the board, particularly to make certain that the Professional Counselors and School Counselors know the difference in criteria to be clear.

Wolfe confirmed that the original evaluation forms should be maintained for programs, but he wasn't sure for how long. After conferring with Patty Miller, it was determined that it must be held for 2 renewal periods plus one year, equaling 5 years, total.

Wolfe shared that the OCA opposed the Ohio Psychiatric Physicians Association amendment language to HB 427 that included counselors. He went on to say that they do not oppose the efforts of the Marriage and Family Therapists, but they do not want the counselors included in the language since "diagnosis" between the two professions is very different.

Kress shared that, in the most recent language, Counselors are not included at all.

Huss shared that the Psychiatrists created the language, but Rep. Webster, the sponsor of the bill, was satisfied with the new language. She asked Wolfe to create an official statement to be on record with the board.

Rough entered at 9:34 a.m.

Executive Director's Report

Travel Claims

Rough confirmed that travel claims must be submitted within 30 days of travel. After 15 days, Rough will send a notice. He'll confirm whether or not a scanned evaluation copy is acceptable.

Goals

He reminded the committee to discuss the Executive Committee goals that are to be discussed at the next board meeting.

Record Retention

He reminded the committee that the email policy was in the board mailing. For record retention purposes, he includes a code to identify the duration for which the correspondence should be retained. Records requiring retention are those that discuss policies and procedures. He met with staff members of the Ohio Historical Society where this was a topic of discussion.

Scope of Practice

There was a recommendation to include language in the scope of practice rule. The Social Workers are working on the language that they would like everyone to accept when it's filed, regarding, License Scope of Practice vs. Personal Scope of Practice.

Laws & Rules Exam

It's almost ready to go for all applicants, particularly for CEUs.

Kress asked if there are any problems or limitations with requiring it of all applicants. She couldn't think of any.

Huss suggested that there may be issues with accommodations, but they may also consider encouraging Universities to offer it (Jurisprudence) as a class.

Rough shared how it was user friendly, how he wants applicants to, ultimately, have the answers, and how they cannot fail, as they cannot finish until the answers are correct.

Wolfe suggested that OACES try it to increase the comfort level with the exam, as it will go live, shortly.

Other items

The 5 year rule review is coming up. It should be finished by April.

Regarding the Civil Service Exemption, so far, he's receiving a lot of support and not a lot of resistance. He still needs to meet with a few agencies and get the Attorney General's opinion.

Regarding HB 427; there won't be language added including Counselors or Social Workers.

LISW supervision applications were up to date with over 4,800 issued.

The Rules for the last rule filing went into effect 11/2/08 without one particular Social Work rule, that is still under discussion.

Speaking with house and senate members, they are aggravated with the turf issues that are arising. He was hoping for a group meeting between the mental health professional agencies and associations to discuss an agenda of utilizing their political capital in a positive way, instead of infighting. All boards and associations would be invited, including Psychologists, ODADAS, the Governor's office, etc.

Huss shared concern that no lobbyists should be a part of the meeting, the differences, philosophically, would be contrary to the spirit of the meeting.

It was agreed that it's important to improve the image among legislators to prevent the image of Mental Health professionals appearing as self serving.

Wolfe offered that there are not enough mental health professionals to meet client needs.

Rough left at 9:56 a.m.

Counselor Applications Coordinator's Report

Elliot reported that Frazier processed 482 Counselor Trainee and Clinical Resident Agreements.

141 exam packets were mailed.

In September, 51 candidates took the NCE. 49 passed, 2 were unsuccessful.

18 candidates took the NCMHCE. 14 passed, 4 were unsuccessful.

In October, 31 candidates took the NCE. 28 passed and 3 were unsuccessful.

25 candidates took the NCMHCE. 22 passed 3 were unsuccessful.

Huss stated that, for Shawn O'Brien's (NBCC) visit, she would like to have a list of specific questions sent to him, ahead of time in preparation for the meeting.

Gilyard asked if there is a way to determine how many of the unsuccessful results are from repeat test takers. He'd like to get percentages to find out who comes back to successfully complete the exam. He also stated that he believes, at some point, that there should be other help offered, in the form of recommendations from the board.

White stated that he likes that the committee is flexible with acceptance of remediation plans.

Gilyard expressed concern that at times, people test well, but don't practice well. Also, others barely pass, but become excellent practitioners. The test should be a valid instrument to weed out potentially bad practitioners.

Old Business

Hardship requests vs. Consistency

Huss moved to table the discussion until the full committee is present. Gilyard seconded. There was no discussion and the motion passed unanimously.

Janet Richards

Huss asked if the purpose of the 3000 hour requirement of supervision time is so that a professional clinical counselor can be strongly competent in a wide range of populations vs. a specialized segment of a specific population.

The committee discussed briefly that there may be populations that don't have qualified supervisors and that the board has the authority to make exceptions, but they are concerned about "opening a floodgate."

White stated that if the exception is made, it must be thoroughly documented, the spirit of the decision should be clear, and run by an attorney, in order to prevent a lesser qualified cause from getting the same benefit because it meets loosely stated criteria.

Huss moved that at this point, Richards' request will be considered at a later meeting, since the issue will be discussed at length at the January meeting. Gilyard seconded. There was no discussion and the motion passed unanimously.

New Business

NBCC

Kress stated that she wants to postpone the visit with Shaun O'Brien (NBCC) in January, to better prepare.

Rena was asked to designate, on the agenda, a time during the January meeting to prepare for O'Brien's visit.

Ethics Course

Huss moved to request Rough send a letter to Counselor Education programs requesting that they have a discussion to consider adding a separate ethics course to their program, if they don't have one. Gilyard seconded. During the discussion, it was mentioned that the number of ethics complaints haven't been reduced with ethics workshops, and that it's a concern due to the number of complaints overall. Often, people are just not making sound ethical decisions. They recognize that CACERP doesn't require the course, the board cannot control what courses schools teach, and there is no evidence to support a class would reduce poor ethical decision making, but something must be done.

The board has a responsibility to do something about an issue that comes before them, though they want to make it clear that they are not telling the schools what to do, only strongly recommending /urging increased focus, based on the obvious need.

The letter will be reviewed by Huss and Kress.

Gilyard stated that he believes that the need is strong and that this can only help, so the language shouldn't be softened.

The motion passed unanimously.

Program Approval

The University of Toledo

Kress moved to approve The University of Toledo's program. Huss seconded. There was no discussion and the motion passed unanimously.

White moved that Huss be directed to make a motion at the full board meeting that an ad hoc committee between investigative liaisons between all three professions be formed to discuss ethics issues. Gilyard seconded. There was no discussion and the motion passed unanimously.

Correspondence

Lynn Braun

She was supervised by a Psychologist during a PhD internship. She wants to use those hours towards licensure.

Gilyard moved to deny her request. White seconded. There was no discussion and the motion passed unanimously.

Thomas Foster

White moved to deny his request to receive the supervision credential under the old requirements. Gilyard seconded. There was no discussion and the motion passed unanimously.

Lisa Frericks (Donna)

The Committee agreed that this is not an exception, as they are honoring the original agreement.

Gilyard moved to accept her request, contingent upon Hegarty confirming that a law wouldn't be broken in the process, since the rule under which she was approved is no longer in affect.

White seconded. There was no discussion and the motion passed unanimously.

Alia Lawlor

White moved to accept the request as the hours are appropriate. Gilyard seconded. Kress recused herself from the vote. There was no discussion and the motion passed unanimously.

Anonymous Graduate Student

Huss moved to forward the letter to the investigations department to confirm whether or not the committee needs to respond to the letter.

Hegarty entered at 10:56 a.m.

Hegarty announced that a signed consent agreement was received, that the committee needs to review. All 30 hours of the CEUs were completed via distance learning, though only 15 may count per the rules. The license is suspended until the 15 hours are completed in the traditional manner.

Huss moved to accept the consent agreement. White seconded. There was no discussion and the motion passed unanimously.

Hegarty confirmed that it would not be inappropriate to honor the original agreement of Lisa (Donna) Frericks.

The meeting adjourned at 11:00 a.m.

Dr. Victoria Kress, Chairperson