Counselor, Social Worker & Marriage and Family Therapist Board

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State of Ohio
Counselor Professional Standards Committee Meeting
November 19, 2009

Members Present were: Dr. Otha Gilyard, Dr. Victoria Kress, Mrs. Mary Venrick and Dr. Susan Huss

Staff Present were: Mr. Simeon Frazier, Mr. Jim Rough, Mr. William Hegarty and Ms. Tracey Hosom
Guest Present: None

After the Executive Committee finished their meeting, Kress called the meeting to order at 9:20 a.m.

Discussion/Approval of Agenda

Gilyard moved to approve the 11/19/09 agenda; Huss seconded.
Kress added "Staff approving licenses" for the 11/19/09 agenda.
Huss added "CEU Committee Report" for the afternoon discussion
There was no discussion and the motion passed unanimously.

Kress stated that she will review the BGSU Rehabilitation program.

Remediation Plan
Huss reviewed the plans already. She then shared with Venrick what remediation plans are, and why they're recommended. She shared, also, that they're often appealed.

Renee Aekins

Huss discussed her case and recommended denying her, but she will, first, check with Rena Elliott for further details. A denial would be based on her not passing the exam, and the board having no legal authority to pass her.

Christine Valentine

Due to her being out of state, and not practicing, the committee believes that, in her situation, the NCE review is fine and, probably, better than a course.

Huss moved to approve her request to change her remediation plan to Richard Smith's "The NCE Review" Gilyard seconded. There was no discussion and the motion passed unanimously.

E-Supervision Request

Kress discussed a request to be supervised via webcam. After researching the rule, the committee discussed that this is not in the rule, but it's been approved in the past.
Huss suggested taking them on a case by case basis, until the definition of "Face to Face" is refined. In the meantime, it will continue as a case by case review. Huss moved that the committee refine the definition of "Face to Face" while continuing to review each occurrence on a case by case basis. Gilyard seconded. There was no discussion as the motion passed unanimously.

Hegarty entered at 09:32
Rough entered at 09:34
Hosom entered at 09:35

Investigation Report

Hegarty passed out a list of cases reviewed by Huss and Kress. He then explained the process of case review to Venrick.

Huss moved to close the cases reviewed by Kress. Gilyard seconded. There was no discussion as the motion passed unanimously.

Huss moved to close the cases she reviewed. Gilyard seconded. There was no discussion as the motion passed unanimously.

Hegarty recommended going into Executive session, and explained the process of Executive Session to Venrick.
Kress called for Executive session. With all members answering roll call with "Yes," the committee went into Executive Session at 09:42 a.m. and retuned at 09:55 a.m.

David Randall

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

Darlene Kelley

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

Amy Ellison

Huss moved to affirm her denial. Gilyard seconded. There was no discussion and the motion passed unanimously.

Kiyomi Hashimoto

Gilyard moved to affirm her denial. Huss seconded. There was no discussion and the motion passed unanimously.

Huss asked when the discussion regarding community service and the Juris Prudence exam should be held.
Hegarty stated that a conversation isn't necessary, but the other liaisons could be told that this is an option. He also shared that it shouldn't be done across the board with everyone, due to the appearance of it being done so the board could generate more revenue.
Huss and Hegarty shared that the discussion was held to require custody evaluation violators to attend court to see how it's done, but they can't see how to practically enforce the requirement.
Hegarty expects that there will be no counselor hearing in January, but he does expect that there will be one in March.

Hegarty left at 10:02
Hosom left at 10:03

Kress agreed to move the CEU committee report to the 11/20/09 agenda, so Francine Packard could attend since they're getting ready to discuss moves that are particularly substantive.

Huss stated again that she will touch base with Rena regarding Renee' Aekins.

The committee agreed to work on licensure files, CEUs, and Program Reviews for the remainder of the day.
Huss left at 10:08 a.m. to attend the MFT Coordinator's meeting, so there could be quorum.
The work session began at 10:10 a.m., and ended at 4:15 p.m.

State of Ohio
Counselor Professional Committee Meeting
November 20, 2009

Members Present: Dr. Victoria Kress, Ms. Mary Venrick, Dr. Otha Gilyard, Ms. Francine Packard, Dr. Susan Huss

Staff Present: Mr. Jim Rough, Mr. William Hegarty, Mrs. Rena Elliott, Mr. Simeon Frazier
Guests Present: Pete Packard, Beverly Bonnell (Wesley Family Services), Jake Protivnak (Ohio Counselor Association)

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

Approval of Agenda
Venrick moved to approve the agenda. Packard seconded.
During the discussion, Huss recommended the CEU and Executive Committee report was moved to this day (11/20/09).
Kress added "Staff approving applicants."
Huss added a discussion regarding "Receipts for board meetings and member payment (Daily)" and "Program Approval".
Packard added "Endorsement Issue."
The revised agenda passed unanimously.

Gilyard entered at 09:11 a.m.

Approval of Minutes for September
Gilyard moved to approve the September '09 minutes. Packard seconded.
During the discussion, Kress offered the following corrections:
Under the "Provider Status" section, the word "appeared" was removed, to read "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."
An end quote was removed from the end of the paragraph ending that section.

The 9/17/09 section entitled "CEU Report" was changed to "Executive Committee Report"
When discussing Theresa Carmen, the word "theological" was replaced with "counseling" to read "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."
There was no further discussion as the September '09 minutes were passed unanimously.
Huss commended the quality and inclusion of the minutes, identifying them as comprehensive.

Approval of PC applications

Gilyard moved to approve the list of PC applicants. Packard 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.

Professional Counselor Application Coordinator's Report

Elliott reported that, since the last board meeting, Simeon processed 684 Counselor Trainee /Clinical Resident applications.
142 exam packets were mailed.
In September, 38 candidates took the NCE. 34 passed, 4 were unsuccessful.
22 candidates took the NCMHCE. 14 passed, 8 were unsuccessful.

In October, 34 candidates took the NCE. 28 passed and 6 were unsuccessful.
15 candidates took the NCMHCE. 9 passed 6 were unsuccessful.

Huss shared that repeat test takers should be tracked as Gilyard had been suggesting.
The committee discussed that the test takers are decreasing and that a 40% fail rate is shocking for the NCMHCE.
Huss stated that the success/failure rates will need to be thoroughly documented before statutory changes are made.
The committee discussed the NCMHCE rate of failure and that many are not passing the test, possibly due to taking the test too early without enough clinical experience; although they have concerns that Shawn O'Brien's claim that "More experience should increase the success rate" may not be substantiated.

Gilyard stated that the 40% fail rate isn't good and other schools for other professions, i.e. medical schools, wouldn't stand for that.

Huss will ask Rough for test taker repeat data and if the amount of experience prior to taking the test can be tracked. The committee also requested that Shawn O'Brien provide documentation of his claim.

Kress shared with Venrick the history of the two tests and the committee's statutory authority.
Huss shared that the committee may want to look at the complaints and place it against the type of licensees that are complaining (PC vs. PCC and how they did on the test).

Huss asked if the staff had any concerns that they'd like to share.
For herself, Rena said "not at this time."
Frazier shared his concerns regarding the process for Counselor Trainee and Clinical Resident applications, as it can be involved, resulting in a backlog of paperwork, which compounds the work, and results in problems, including a recent backlog that required the assistance of other staff.
They discussed the process, and how it is necessary, though it's involved. They believe at this time, the best viable option to the backlog would be to continue educating programs with what they can do to assist their students, including sending in their requests early, and allowing for the proper amount of time to be processed before following up on the application. The other strong suggestion was that universities submit Practicum/internship class rosters, to help expedite the process.

Gilyard asked Elliott if she has a feel for repeat test takers. She stated that she did not. She then shared that she told Rough that the testing process is taking longer (over 4 weeks).
Gilyard shared that the board protects the public, but the committee owes it to students to give them their (the committee's) best, in terms of helping prepare them to become good counselors. He believes that the committee should look at some of these study guides, and if they're helpful, then to share that with students.

The committee discussed that there are things that programs can do to help students, but a lot is out of their control.

Kress shared that the committee should keep all of this in the back of their minds.

Correspondence

Debra Fout

She was approved approximately 9 years ago (1997-00) and was supervised by an MD. She was told that the board would accept her supervision. She didn't apply for the PC or PCC. She's asking for the PCC, on the strength of her experience.

The committee expressed concerns over her lack of CEUs and evidence of her practicing.

Kress shared that she was inclined to say "No."

Huss recommended running it by the legal department to confirm that a letter from Pat Sposito is enforceable.

Gilyard suggested that she should want to pursue this a different way, since she has been gone from the profession for so long.

The committee will not vote or have a motion until the AAG is reached.

The issue will be tabled until then.

She graduated in 1994 and her request was granted by Sposito.

After conferring with the AAG, it was determined that the PCC may not be awarded, as she doesn't have a PC.

4500 hours may be applied towards the PC license.

Huss moved that a letter be sent to Fout, stating that, upon her meeting all requirements, she may be awarded the PC license, but not the PCC license, as she has not, first earned a PC.

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

Tania Lodge

She was given email and verbal permission to have, Psychologist, John Queener, supervise her for her clinical work.

Packard shared that she believes it would be different if it was a practicum student asking for CT status for their internship, however, this is a PC, looking to upgrade to the PCC.

Huss believes that due to having an email, even though it was based on an internal error, and a practice that may have been done in the past, the board should accept it up to this point, but she should change supervisors, now.

Huss moved that the request for having John Queener's supervision hours to date (11/20/09) be accepted, with her hours, moving forward, being supervised by a PCC-S.

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

Huss wanted to clarify that the rationale for the motion was that it was based on an internal office error, not a board policy.

Judith Siehl

She is an LISW that provides work supervision to OSU interns. She is requesting to be a training supervisor for Counselor Trainee status.
Venrick asked if there was a point when the board allowed this.
Huss shared that there was.
Elliott shared that this changed in 2000.
Huss shared that, in 2002, Sposito sent a letter stating that this was acceptable, and later, it was denied. She stated that this, also, should be run by the legal department.
Hegarty confirmed that a letter should have been sent to all approved students that hours would be accepted, but moving forward, their supervision needs to comply with current standards. This was impossible, though, because it wasn't tracked back then, and they were unable to follow up.
Kress shared that Rough and she would write a letter to OSU Counseling Program (Rough will write, and Kress will provide edits) stating that the hours will be accepted and LISW Siehl's supervision status for counselors terminate in six months to allow time for her students to find approvable supervision.
Gilyard moved that Judith Siehl's students will be granted CT status for the next six months, while they transition to the training supervision of a PCC-S
Packard seconded. There was no additional discussion and the motion passed unanimously.

Eugene Smiley

He is a PC-S that relinquished his supervision designation via letting it lapse. He is now a PCC and wants the credential again.
Huss moved that he be sent a letter stating that he must meet the current requirements.
Gilyard seconded. There was no further discussion, and the motion passed unanimously.

CEU Report

Kress reported that the Social Work Professional Standards Committee (SWPSC) want to have ASWB approved programs automatically accepted by the board for Social Workers.

The Counselor Professional Standards Committee (CPSC) stated that this is fine, as long as the counselors are not expected to automatically accept them, too.

The SWPSC voted to have all 30 CEUs accepted online.
Tom McGloshen discussed spirituality and CEUs. They decided to take it off the agenda, as it's not what the committee does.

Packard shared that her position has always been that as long as the modalities and content areas are addressed, it's approvable.
Gilyard shared difference between divinity schools and theological seminaries, with regards to proposed objectivity and resulting credibility.

Kress shared that they discussed increasing the quality of CEUs.
They discussed a statement being placed on the bottom of evaluations to have students contact the board with concerns regarding CEUs; also added to the website (similar to what's listed at the bottom of the disclosure statement).

Kress stated that the board has a certain "Gatekeeping" responsibility if they're going to accept the CEUs.

The banking of CEU hours was tabled, stating that they were interested in discussing it in the future, but the resources weren't available to pursue.

Gilyard shared that his discomfort is in that he's not heard from counselors that this is an issue.
Jake Protavnik (OCA) shared the same concern. He went on to say that he's heard nothing from the members of the OCA.

The discussion was centered on the fact that there's a process to deal with all of these issues.

They discussed making people aware of free CEUs that are available.
Kress shared that it's not the committee's role to do this, though the professional organizations may want to consider taking up this banner.

Hegarty shared that ebasedacademy.org provides 15 free CEUs for Ohio residents.

Executive Committee Report
Kress reported that they are waiting on the assistant attorney general's input for disciplinary fines, and Rough's annual evaluation is due.
It was discussed that FERPA protection doesn't apply to the board with regards to transcripts. Transcripts may be a public record, and a note will be placed on licensure applications to that effect.

It was discussed that the ASWB board trainings were valuable, but the ASWB wouldn't pay member salaries that chose to go. They went on to discuss that identifying that

salaries wouldn't be paid if they chose to go, but they'd like to continue going if the budget allows for it.

Gilyard left at 10:45 a.m.

Per Diem rate for travel reimbursement

Rough reported that one budgetary reduction could be a statute change regarding hourly payment (down from a day flat rate) as a means of reducing board member payroll expense.

He discussed the new per diem that the members are entitled to $56.00 per day in travel status and are not required to give receipts. They can do this, but if they don't want the whole amount, they just write down and turn in how much of it they want back.
He, then, passed out a form documenting how quartiles are determined for a single day and overnight members.

Executive Director's Report

Rough welcomed Mary Venrick to the board.
Kress assigned Packard as Venrick's mentor.
Rough announced that, former Board investigator, Steve Polovick, was now a new Board member as a LSW member, and Deidre Petrich, IMFT, PCC as an IMFT member.

PASSR rule and ODMH matrix had inconsistencies, which Rough addressed with ODMH.
The ODJFS MOU was renewed, which authorizes ODJFS and the board to share investigation materials if appropriate such as the board finding billing fraud and reporting that to ODJFS.
The Laws and Rules exam is active. It costs $10.00, and is more of a Laws and Rule review.
Huss asked if an adjective should be added to it to identify what it is. She suggested "Instructive exam" rather than an "Assessment exam."

The BMV issue to modify rule language to include our licensees was accepted by the BMV.

Travel claims and budget issues

Agencies will be billed, individually, for the State Auditor's audit, which were previously paid by a general revenue fund budget appropriation. Additional monies will be needed.
The mental health hold bill was introduced.

The Art Therapy bill, House Bill 208, has its first House Health Committee hearing. Application approval for PCs looks likely. The committee will review and discuss it. Renewals have been mailed and 97% were done online.

Fine issue

Do we want to fine for CEU failure?

Packard shared that this can be solved if we require showing proof of CEUs.

Planning Meeting

Progress is being made. The discussion of the statute is taking place, including disciplinary processes, and an investigative liaison.

The SWPSC will go to 30 online hours for CEUs, and approving the NASW approved CEUs. They don't approve providers, they approve programs.

Rough will give the committee the passage rates (and the stats for the repeat test takers) for 2009 in January.

Tracking Endorsements

Packard discussed how a licensee applied for the PC under endorsement. They got it, under a consent agreement, and now, they wanted to keep their license, but not comply with the consent agreement.

She asked if the board needed to track this, as there's currently no way to know how many people do this.

She stated that it's occurred more than once, and asked if it becomes a chronic issue, should the licensure via consent agreement continue.

Rough identified that there is a way, in the system, to track this, but it's currently being done individually.

Jim then presented 2008 exam statistics.

Jake Protivnak thanked Rough and Kress for speaking at the OCA conference.

The meeting adjourned at 11:45 a.m.

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Victoria Kress White, Chair