



## *Counselor, Social Worker & Marriage and Family Therapist Board*

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### **Social Worker Professional Standards Committee (SWPSC) Minutes**

**Thursday, January 19, 2006**

Meeting was called to order by Mr. Glenn Abraham, Chairperson at 9:00 a.m.

Members Present: Mr. Glenn Abraham, Mr. Rocky Black, Dr. Theresa Cluse-Tolar, Ms. Molly Michelbrink and Ms. Jennifer Riesbeck-Lee.

Staff Present: Ms. Marcia Holleman

1. **Agenda**

A motion was made by Mr. Abraham to approve the agenda. Seconded by Ms. Molly Michelbrink. Motion carried.

2. **Working Meeting**

The SWPSC proceeded with a working meeting to Review Applications for Licensure; Review Correspondence; CEU Programs and Providers; Renewal Issues; Appointments Scheduled With Pending Licensees; Executive Director Report; AAG Report

3. **Meetings Scheduled With Mr. Abraham**

9:00 a.m. – Mr. Abraham met with a pending LSW applicant, Elizabeth Myers. This meeting was regarding a previous court record. On August 7, 2001, Ms. Myers entered a plea of Guilty to Conspiracy to Commit Robbery in the Marion County Court of Common Pleas. Mr. Abraham will further discuss this meeting at the 1/20/06 SWPSC meeting.

9:45 a.m. – Mr. Abraham met with a pending LSW applicant, Dionne Jones. This meeting was regarding the use of the job title “Social Worker” prior to licensure. From 12/03 – 9/05, Ms. Jones had been using the job title of “Social Worker” at her place of employment, Metrohealth, CCH. Mr. Abraham will further discuss this meeting at the 1/20/06 SWPSC meeting.

9:45 a.m. – Mr. Abraham met with Anne Sowell, LISW who was the supervisor for Dionne Jones when she was employed at Metrohealth. Mr. Abraham wanted to discuss with Ms. Sowell why she allowed Ms. Jones to use the job title “Social Worker”. Mr. Abraham will further discuss this meeting at the 1/20/06 SWPSC meeting.

4. **Social Worker Denial Hearing**

1:00 a.m. – Denial hearing of a LSW license to a related degree applicant.

5. Meeting was adjourned by Mr. Glenn Abraham, Chairperson at 4:43 p.m.

## Social Worker Professional Standards Committee (SWPSC) Minutes

Friday, January 20, 2006

Meeting was called to order by Mr. Glenn Abraham, Chairperson at 9:12 a.m.

Members Present: Members Present: Mr. Glenn Abraham, Mr. Rocky Black, Dr. Theresa Cluse-Tolar, Ms. Molly Michelbrink and Ms. Jennifer Riesbeck-Lee.

Staff Present: Mr. Bill Hegarty, Ms. Marcia Holleman, Mr. Jim Rough, Ms. Tammy Tingle

Guest Present: Mr. Henry Lustig, NASW Liaison, Mr. Glenn Karr

1. Mr. Abraham asked if there were any changes or discussion of the Agenda. The SWPSC determined that there were none, so Mr. Abraham moved the meeting forward.

### 2. **Approval of November 17<sup>th</sup> and November 18<sup>th</sup>, 2005 SWPSC Minutes**

Mr. Abraham made the motion that the minutes be changed to reflect that Ms. Michelbrink mentioned in the November 18, 2005 SWPSC meeting that from speaking with other boards at the ASWB Conference that very few register social work assistants. The committee discussed the value of the registration process and whether the interest of the public would be better served if it were a license instead of a registration. Seconded by Ms. Michelbrink. Motion carried.

Mr. Abraham made the motion to accept the minutes to include the aforementioned change. Seconded by Dr. Cluse-Tolar. Motion carried.

### 3. **Approval / Denial of Applicants**

The following **Pending** applications for licensure were discussed:

**Elizabeth Myers** – Mr. Abraham discussed the circumstances that led to the situation which resulted in Ms. Myers entering a plea of Guilty to Conspiracy to Commit Robbery in the Marion County Court of Common Pleas. Mr. Abraham stressed the fact that Ms. Myers was put on probation as a result of the plea, and that during this time she attended The Ohio State University and maintained good grades. Mr. Abraham additionally informed the SWPSC that Ms. Myers was released early from probation which indicates that she did well on probation. Mr. Abraham made the motion to license Ms. Myers as a LSW. Seconded by Mr. Rocky Black. Motion carried.

**Dionne Jones** – Mr. Abraham discussed the dilemma with Ms. Jones using of the job title “Social Worker” prior to licensure. From 12/03 – 9/05, Ms. Jones had been using the job title of “Social Worker” at her place of employment, Metrohealth, CCH. Mr. Abraham informed the committee that Ms. Jones has a MSSA from Case Western Reserve University which she received in May, 2001. Upon completion of her degree, Ms. Jones did not take the ASWB examination or apply for licensure because her employment at that time did not require licensure. In December, 2003 Ms. Jones obtained employment at Metrohealth, CCH and was given the job title “Social Worker” by the employer although she was not performing social work duties. Ms. Jones still did not take the ASWB examination or apply for licensure due to medical and financial issues involving her family. She was informed by her supervisor, Anne Sowell that she needed to take the ASWB examination and obtain licensure; however, Ms. Sowell admitted that she was not very thorough in her follow-up with Ms. Jones to ensure that she had taken the ASWB examination and applied for licensure. It was not until December, 2004 that it was put in writing on Ms. Jones employment evaluation that she had to perform the necessary steps to obtain licensure. Mr. Abraham told the SWPSC that it was still not until December, 2005 that Ms. Jones took and passed the ASWB examination and applied for licensure.

Dr. Cluse-Tolar asked if there was an added problem of Ms. Jones billing for her services. Mr. Abraham said that there was not because the billing for services is completed by the agency that the client is referred to. Mr. Abraham discussed that the job duties Ms. Jones performed were not counseling, psychosocial interventions or social psychotherapy. She basically was performing intake, assessments, referrals, screening, and crisis intervention. Dr. Cluse-Tolar asked if Metrohealth, CCH was exempt from the law. Discussion of the Ohio Revised Code ensued and it was determined that social workers at the agency are not exempt from licensure.

Mr. Abraham made the recommendation to offer Ms. Jones a Consent Agreement that would require her to complete six (6) hours of CEU's in ethics. Dr. Cluse-Tolar made the motion to accept the minutes to include the aforementioned change. Seconded by Ms. Michelbrink. Dr. Cluse-Tolar amended the motion to require Ms. Jones to have the six (6) hours of CEU's in ethics pre-approved by Mr. Hegarty prior attending the workshop/seminar. Seconded by Ms. Michelbrink. Motion carried.

**Barry Wideman** – Mr. Abraham reviewed the application for licensure for Mr. Wideman and noted that he is possibly practicing social work by performing crisis counseling without a license. Mr. Abraham noted that in response to a letter that was sent to Mr. Wideman regarding this possibility, he stated that “I simply misstated my job duties. I meant to write “hot-line intervention”. Mr. Abraham told the SWPSC that this is not an acceptable response and questioned how a person can “simply misstate” their job duties. Mr. Abraham was also concerned that Mr. Wideman’s supervisor Christine Ferens, PCC allowed Mr. Wideman to perform crisis counseling without a license. Mr. Abraham recommended that this applicant be referred to the enforcement staff. The SWPSC referred the situation to the Counselor Professional Standards Committee (CPSC) to determine how they would like to handle Ms. Ferens, PCC. The CPSC recommended that she also be referred to the enforcement staff. Dr. Cluse-Tolar made the motion to refer both Mr. Wideman and Ms. Ferens to the enforcement staff. Seconded by Ms. Michelbrink. Motion carried.

The following applications were discussed to issue **Intents To Deny** licensure:

**Kenneth Justus** – Does not possess the necessary coursework requirements for certification as a Social Work Assistant. Mr. Rocky Black made the motion to issue an Intent To Deny to Mr. Justus based on not possessing the necessary coursework requirements for certification as a Social Work Assistant. Seconded by Ms. Riesbeck-Lee. Motion carried.

**Susan Lynch** – Does not possess the necessary coursework requirements for certification as a Social Work Assistant. Mr. Rocky Black made the motion to issue an Intent To Deny to Ms. Lynch based on not possessing the necessary coursework requirements for certification as a Social Work Assistant. Seconded by Ms. Riesbeck-Lee. Motion carried.

**Linda Peck** – Does not possess the necessary coursework requirements for certification as a Social Work Assistant. Mr. Rocky Black made the motion to issue an Intent To Deny to Ms. Peck based on not possessing the necessary coursework requirements for certification as a Social Work Assistant. Seconded by Ms. Riesbeck-Lee. Motion carried.

The following applications were discussed to **Approve** for licensure:

SWA - 12 Applications Approved  
LSW - 85 Applications Approved  
LSW (Related Degree) - 7 Applications Approved  
LISW - 47 Applications Approved  
  
Total - 151 Applications Approved For Licensure

A motion was made by Dr. Cluse-Tolar to approve these applications. Seconded by Ms. Michelbrink. Motion carried.

#### 4. **Executive Directors Report**

Mr. Rough reported that he had received an email from the Governors office regarding New Board Member Training and the various dates the training will be offered. Ms. Riesbeck-Lee will be attending and will notify Mr. Rough as to the date she will attend.

Mr. Rough stated that it is time for the Board members to complete his Performance Evaluation and passed out the form to be used.

Mr. Rough reported that this is the first time the Board is spending more money than it is taking in. He indicated that this is due to the recent relocation to the LeVeque Tower and the scan project of the files and stated that the Board still has over 1 million in the 4K9 fund. Mr. Rough stated that he does not want to increase licensure application and renewal fees and offered several suggestions to increase the Board's revenue. The suggestions are as follows:

1. Institute a late fee for renewals.
2. Institute an application fee for CEU Providers.
3. Institute fines for licensees who violate the Ohio Revised Code and Ohio Administrative Code.

Mr. Black stated that these suggestions do not appear to be big money makers. Mr. Rough said that on the surface it does not appear that way, but over a period of time based on the number of licensees who renew late and violate the ORC and OAC and the number of CEU Provider applications, the dollar amount could be quite substantial. Mr. Abraham stated that whenever he mentions to groups that he speaks to at workshops, seminars, etc that there is the possibility that fees may go up, he has not heard any resistance. Mr. Rough said that he is aware that other states have licensure and renewal fees which are quite expensive compared to the Ohio Board. For example, in Arizona the fee is \$250 and in Maine, the fee is \$350.

Mr. Rough passed out and reviewed the Roberts Short Rules of Order. This review included detailed information on the following:

- Principles of Parliamentary Procedure
- Quorum
- Agenda
- Implementing the Agenda
- Public Input
- Wording of Motions
- The Seven Subsidiary Motions (Have Precedence Over Main Motions)
- The Five Privileged Motions (Have Precedence Over All Other Motions)
- Votes
- Challenging A Ruling Of The Chair
- Discharge A Committee (From Further Consideration)
- Executive Session

Discussion followed regarding various questions and comments that arose based on the review.

Mr. Rough passed out the draft of the Agenda for the Board Retreat to Mohican Lodge on April 20 & 21, 2006. He stated that the SWPSC needed to start thinking about what topics they would like to discuss at the retreat.

Mr. Rough stated that based on the Ohio Revised Code Section 4757.18, “The professional standards committees of the board may, by endorsement, issue the appropriate license or certificate of registration to a resident of a state with which the board does not have a reciprocal agreement, if the person submits proof satisfactory to the committee of currently being licensed, certified, registered, or otherwise authorized to practice by that state.”

## 5. **Investigations**

### **Hearing Officer Approval**

Mr. Hegarty passed out information on Mr. Jack D’Aurora, Attorney at Law and requested the SWPSC to review the information to determine if Mr. D’Aurora would be a good choice for an alternate Hearing Officer in the event that the current Hearing Officer, Rhonda Shamansky is unavailable for a hearing. Ms. Michelbrink made the motion to accept Mr. D’Aurora as the alternate Hearing Officer. Seconded by Ms. Riesbeck-Lee. Motion carried.

### **Close Cases**

Mr. Hegarty passed out the information on the following cases that Dr. Cluse-Tolar had reviewed and recommended for closure. Mr. Rocky Black made a motion that the following cases be closed as the investigation staff had determined no actionable offenses had been found. Ms. Michelbrink seconded the motion. Motion carried.

2005-23	2005-45	2005-60	2005-62	2005-69	2005-72
2005-73	2005-74	2005-77	2005-82	2005-85	2005-88

Mr. Hegarty passed out the information on two additional cases that Dr. Cluse-Tolar had reviewed and recommended for closure. Mr. Rocky Black made a motion that the following cases be closed as the investigation staff had determined no actionable offenses had been found. Ms. Michelbrink seconded the motion. Motion carried.

2005-41	2005-61
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Mr. Hegarty requested that the SWPSC Meeting go into Executive Session at 10:43 a.m. Accepted By A Unanimous Roll Call Vote.

At 10:58 a.m. Ms. Michelbrink moved to come out of executive session. Accepted By A Unanimous Roll Call Vote.

### **Goldman Hearings**

**Tijuana Adams** – On November 1, 2005 the Board issued a Notice of Opportunity for Hearing to Ms. Adams to provide an opportunity to request a hearing on the Board’s proposal to deny Ms. Adams her Social Work Assistant registration because, on the date of her application, she did not possess a qualifying associate’s degree in social service technology, or a higher degree which meets the coursework requirements, pursuant to Ohio Revised Code Section 4757.29(A) and Ohio Administrative Code Section 4757-19-03(B). The Board did not receive a hearing request by Ms. Adams. Based on underlying facts gleaned during the course of Mr. Hegarty’s job duties as Deputy Director to substantiate the aforementioned, the SWPSC voted to deny Ms. Adams her Social Work Assistant registration application at the September 19, 2005 meeting. A motion was made by Ms. Michelbrink to deny the application for certification as a Social Work Assistance to Ms. Adams. Seconded by Dr. Cluse-Tolar. Motion carried.

**James R. Baker** – On October 21, 2005, the Board issued a Notice of Opportunity for Hearing to James R. Baker, in which Mr. Baker was provided an opportunity to request a hearing on the Board's proposal to discipline him because on or about July 20, 2005, he was convicted in the Wayne County Court of Common Pleas for Theft. This conviction is a violation of Ohio Revised Code 4757.36(A)(5) and (7). Because Mr. Baker did not claim the certified letter in accordance with Ohio Revised Code Section 119, the Board published the Notice of Opportunity for Hearing in the Wooster Daily Record. It ran on October 31, November 7, and November 14, 2005. Mr. Baker had until December 14, 2005 to request a hearing and he did not. Based on the fact that Mr. Baker did not request a hearing the SWPSC may, in its discretion, suspend, revoke or take other disciplinary action against the social worker license of Mr. Baker. A motion was made by Ms. Michelbrink to revoke the social worker license based on the felony conviction of theft. Seconded by Dr. Cluse-Tolar. Motion carried.

### **Consent Agreements**

**Kendra L. Mitchell, LSW** – Ms. Mitchell entered into a Consent Agreement on the basis of the following stipulations, admissions and understandings:

Ms. Mitchell is a social worker licensed to practice social work in the state of Ohio, and is subject to the laws and rules of Ohio regulating the practice of social work as outlined in the Ohio Revised Code Chapter 4757 and the Ohio Administrative Code Chapter 4757. Ms. Mitchell received her social work license on July 20, 2001.

Ms. Mitchell was employed at the Franklin County Ohio Domestic/Juvenile Court as a Crisis Manager from December 2002 through June 24, 2005. During this period of time, Ms. Mitchell blurred her professional boundaries by maintaining correspondence with two former juvenile detainees and sharing personal information within that correspondence. Ms. Mitchell's actions constitutes a violation of Ohio Revised Code Section 4757.36(A)(1) and Ohio Administrative Code Section 4757-5-01(C)(2).

Ms. Mitchell admits the allegations referenced in the aforementioned paragraph.

A motion was Ms. Michelbrink to accept the Consent Agreement based on the following terms and conditions:

1. Ms. Mitchell's license to practice social work is hereby reprimanded.
2. Ms. Mitchell's license to practice social work is indefinitely suspended for no less than eighteen months beginning January 20, 2006.
3. Ms. Mitchell must receive mental health counseling from a mental health professional pre-approved by the Board's Deputy Director or his designee for a minimum of six months. Mitchell has presented the Board with evidence that she has been in mental health counseling for the six months preceding this consent agreement. Before Ms. Mitchell's licensure suspension is lifted, she must obtain an evaluation from a mental health professional pre-approved by the Board and a report of that evaluation must be presented to the Board. The Board has the final authority to lift Ms. Mitchell's suspension. All costs associated with this counseling are at Ms. Mitchell's expense.

Seconded by Dr. Cluse-Tolar. Motion carried.

**Lisa A. Little, LSW** – Ms. Little entered into a Consent Agreement on the basis of the following stipulations, admissions and understandings:

Ms. Little is a social worker licensed to practice social work in the state of Ohio, and is subject to the laws and rules of Ohio regulating the practice of social work as outlined in the Ohio Revised Code Chapter 4757 and the Ohio Administrative Code Chapter 4757. Ms. Little received her social work license on March 20, 2008.

Ms. Little is employed with The Cuyahoga County Department of Justice Affairs (CCDJA), Cleveland, Ohio. Between December 28, 2004 and January 12, 2005, CCDJA conducted an investigation regarding Ms. Little. Ms Little allegedly forged two client signatures on treatment plans dated September 20, 2004 and October 4, 2004, respectively and was suspended by CCDJA for 10 days. This inappropriate conduct constitutes a violation of Ohio Revised Code Section 4757.36(A)(1) and Ohio Administrative Code Section 4757-5-01(I) (1) and (2).

Ms. Little admits the allegations referenced in the aforementioned paragraph.

A motion was Ms. Michelbrink to accept the Consent Agreement based on the terms and conditions set forth by the board and contained in the Consent Agreement.

Seconded by Mr. Rocky Black. Motion carried.

**John F. Salter, LISW** – Mr. Salter entered into a Consent Agreement on the basis of the following stipulations, admissions and understandings:

Mr. Salter is an independent social worker licensed to practice social work in the state of Ohio, and is subject to the laws and rules of Ohio regulating the practice of social work as outlined in the Ohio Revised Code Chapter 4757 and the Ohio Administrative Code Chapter 4757. Mr. Salter received his social work license on July 21, 1995.

On August 9, 2005, the Board received information that Mr. Salter had obtained a criminal conviction and that he may require mental health therapy. On September 30, 2005, the Board ordered Mr. Salter to obtain a mental health evaluation to determine his competency to continue to practice as a licensed social worker.

A motion was Ms. Michelbrink to accept the Consent Agreement based on the terms and conditions set forth by the board and contained in the Consent Agreement.

Seconded by Ms. Riesbeck-Lee. Motion carried.

### **Notice Of Opportunity For Hearing**

**Bobbi J. Spilker** – On March 21, 2003, Ms. Spilker entered into a Consent Agreement with the Board. As part of the Consent Agreement, Ms. Spilker was ordered to complete and pass a social work ethics course from an accredited college or university. The course was also to be pre-approved by the Board's Investigative Supervisor or his designee and an official transcript verifying completion of the course was to be received by the Board no later than July 31, 2005. As of January 23, 2006, no pre-approval has been sought and an official transcript verifying the completion of the course has not been received by the Board. Therefore, Ms. Spilker is in violation of the Consent Agreement which constitutes a violation of Ohio Revised Code Section 4757.36(A)(1) and Ohio Administrative Code Section 4757-11-01(C) (22). The Board proposes to take disciplinary action against Ms. Spilker's social work license based on these allegations.

A motion was Ms. Michelbrink to accept the Notice of Opportunity For Hearing. Seconded by Dr. Cluse-Tolar. Motion carried.

**JoAnne Winland** – On August 19, 2005, Ms. Winland was convicted of Aggravated Theft, a felony of the third degree in the Muskingum County Court of Common Pleas. This inappropriate conduct constitutes a violation of the Ohio Revised Code 4757.36(A)(1) and (5) and the Ohio Administrative Code Section 4757-11-01 (C)(7). The Board proposes to take disciplinary action against Ms. Winland's social work license based on this allegation.

Ms. Michelbrink made a motion to accept the Notice Of Opportunity For A Hearing. Seconded by Dr. Cluse-Tolar. Motion carried.

Mr. Hegarty stated that these were all of the cases the Enforcement Department had to present to the SWPSC at this time and asked if anyone had any questions for him.

Dr. Cluse-Tolar asked Mr. Hegarty what action the Board could take against a LISW who was knowingly supervising a person who was practicing social work without a license and / or was using the job title social worker such as in the aforementioned case of Dionne Jones and Anne Sowell? Mr. Hegarty said that the proper procedure would be for the SWPSC to request Ms. Holleman to refer the file to the Enforcement Department for further action.

Mr. Lusting said that doing this would set precedence and provide a tool for LISW supervisors to use who find themselves in this type of situation with the agencies they work for. He further explained that a LISW could cite what had happened in incidences where LISWs who were knowingly supervising a person who was practicing social work without a license and / or was using the job title social worker to make the agency aware that this is not acceptable by the Board.

Mr. Rough stated that with regard to Counselors with Supervising Counselor Designation, the NBCC has an internet based program for training purposes. Mr. Abraham commented that in Florida, a social worker has to take and pass an exam to obtain supervision designation. Mr. Rough said that for purposes of endorsement, the SWPSC could make this a requirement. Dr. Cluse-Tolar recommended that Mr. Rough include an article on the website News Link to inform LISWs to make sure that they are not supervising someone who does not have a license that may be practicing social work or using the job title social worker.

#### 6. **Correspondence**

The SWPSC reviewed an email sent to Mr. Rough from Joseph W. Dvorak, LISW, IMFT. Mr. Dvorak is concerned about holding dual licensure with the board and maintaining 30 CEU's per renewal period for each license. The SWPSC unanimously agreed that if a licensee feels that they can derive a benefit from having dual licensure, then it is their responsibility to follow the continuing education requirements set forth by the Board.

The SWPSC reviewed the January 9, 2006 letter sent by the Chemical Dependency Professionals Board informing the public that effective December 23, 2008, the CCDC I certification will no longer be a valid credential and individuals will no longer be permitted to provide services using this designation.

#### 7. **Old Business**

The SWPSC reviewed a letter from Mr. Dale Atkinson, a representative from the law firm of Atkinson & Atkinson, which represents the Association of Social Work Boards (ASWB). Mr. Atkinson sent the letter to Mr. Rough in furtherance of discussions regarding the pre-approval of the ASWB examination.

Dr. Cluse-Tolar made a motion to discuss this topic further at Board Retreat to Mohican Lodge on April 20 & 21, 2006. Seconded by Mr. Rocky Black. Motion carried.

#### 8. **Association of Social Work Boards (ASWB)**

Mr. Rough announced that the 2006 Spring Education Meeting will be held in Portland, Oregon from April 27 – 30, 2006 at the 5<sup>th</sup> Avenue Suites Hotel. The theme of the conference will be Ethics in Social Work Regulation & Practice.

9. **National Chapter of the National Association of Social Workers (NASW)**

Mr. Lustig reported that the 2006 NASW Ohio Chapter Annual Conference will be held in Columbus, Ohio from October 19 – 20, 2006 at the Radisson Hotel in Worthington, Ohio.

Mr. Abraham thanked Mr. Lustig for his comments.

Dr. Cluse-Tolar requested that the SWPSC Meeting go into Executive Session at 12:00 p.m. Accepted By A Unanimous Roll Call Vote.

At 12:12 p.m. Ms. Michelbrink moved to come out of executive session. Accepted By A Unanimous Roll Call Vote.

10. **Meeting Adjourned**

A motion was made by Mr. Rocky Black to adjourn the meeting. Seconded by Ms. Michelbrink. Motion carried.

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Mr. Glenn Abraham, Chairperson