



Counselor, Social Worker & Marriage and Family Therapist Board

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Social Worker Professional Standards Committee (SWPSC) Minutes **Thursday, March 17, 2011**

Members Present: Mr. Tim Brady, Mr. Don McTigue, Mr. Bob Nelson,
Mr. Steve Polovick, Ms. Jennifer Riesbeck-Lee

Staff Present: Mr. Bill Hegarty, Ms. Marcia Holleman, Ms. Tracey Hosom, Mr.
Jim Rough, Ms. Tammy Tingle, Mr. Doug Warne

1) Meeting Called to Order

Mr. Nelson called the meeting to order at 9:15 a.m.

2) Approval of the January 21 & 22 Minutes

Mr. Nelson asked if there were any changes or discussion of the January, 2011 minutes. Mr. Brady made a motion to approve the minutes. Seconded by Mr. Polovick. Motion carried.

3) Discussion/Approval of the March 17 & 18, 2011 Agenda

Mr. Brady made a motion to approve the agenda. Ms. Riesbeck-Lee Brady seconded the motion. Motion carried.

4) Proposed Changes to Chapter 4757 of the Ohio Revised Code

Mr. Rough reviewed the proposed statute changes with the committee, see attached document.

5) Investigations

a) Closed Cases

Mr. Brady made a motion that the following cases be closed as he had determined no actionable offenses had been found. Ms. Polovick seconded the motion. Motion carried.

2010-207	Abandonment of client. Allegation not substantiated
2010-213	Confidentiality. Closed with strong caution
2011-11	Competency/Scope. Closed with no violation
2011-13	Competency. Closed with caution
2011-24	Confidentiality. Closed with caution
2011-29	Misrepresentation. Allegation not substantiated

2011-40 Possible criminal activity. Allegation not substantiated

Mr. Nelson made a motion that the following cases be closed as Mr. Nelson had determined no actionable offenses had been found. Mr. Polovick seconded the motion. Motion carried.

2010-171 Failure to report child abuse. No violation found
2010-191 Competency. No violation found
2010-211 Sexual boundary violation. Violation not substantiated
2010-223 Competency. No violation found
2011-25 Practice on a lapsed license. Close with caution

b) Executive Session

Mr. Nelson requested that the SWPSC meeting go into Executive Session at 10:30 a.m. for the purpose of discussing investigations. Accepted by a Roll Call Vote – Mr. Brady – yes, Mr. McTigue – yes, Mr. Polovick – yes, and Ms. Riesbeck-Lee – yes.

Mr. Nelson moved that the SWPSC come out of Executive Session at 10:40 a.m. Accepted by a Roll Call Vote – Mr. Brady – yes, Mr. McTigue – yes, Mr. Polovick – yes, and Ms. Riesbeck-Lee – yes.

c) Consent Agreements

1) **Ms. Elise McMath:** in October 2009, Ms. McMath wrote a letter regarding visitation at the request of her client's mother after meeting with the client (a minor) for one intake session. Ms. McMath wrote derogatory statements about the minor client's father in the letter referred above. This action constitutes a violation of O.R.C. 4757.36 (C)(1) and O.A.C. 4757-5-03 (A)(2) and O.A.C. 4757-5-02 (H)(2). Ms. McMath did not provide the minor client's parent a copy of the records upon request. This action constitutes a violation of O.R.C. 4757.36 (C)(1) and O.A.C. 4757-5-02 (F). Ms. McMath admits to these allegations.

Mr. Brady made a motion to accept the consent agreement between the Board and Ms. McMath based on the evidence in the document. Ms. Riesbeck-Lee seconded the motion. Motion carried.

2) **Aaron Coots:** in the fall of 2011 Mr. Coots, while employed at an agency in Cincinnati, OH, began a sexual relationship with a former client immediately after terminating their professional relationship. Mr. Coots' actions constitute a violation of O.R.C. 4757.36 (C)(1) and O.A.C. 4757-5-04 (C). Mr. Coots admits to these allegations.

Mr. Brady made a motion to accept the consent agreement between the Board and Mr. Coots based on the evidence in the document. Ms. Riesbeck-Lee seconded the motion. Motion carried.

3) **Elizabeth Knittle:** in October 2010 Ms. Knittle was audited for compliance with continuing education requirements. Ms. Knittle was unable to successfully complete

the continuing education audit. Ms. Knittle's failure to comply with the audit requirements constitutes a violation of O.R.C. 4757.36 (C)(1) and O.A.C. 4757-11-01 (C)(20)(b). Ms. Knittle admits to this allegation.

Mr. Brady made a motion to accept the consent agreement between the Board and Ms. Knittle based on the evidence in the document. Ms. Riesbeck-Lee seconded the motion. Motion carried.

- 4) **Linda Evelsizer:** while employed with Mt. Carmel Health Systems, Columbus, OH, between the dates of March 17, 2010 to June 7, 2010, Ms. Evelsizer failed to maintain complete and accurate records. This inappropriate conduct constitutes a violation of O.R.C. 4757.36 (C)(1) and O.A.C. 4757-5-09 (A), (B) and (C). Ms. Evelsizer admits to these allegations.

Mr. Brady made a motion to accept the consent agreement between the Board and Ms. Evelsizer based on the evidence in the document. Ms. Riesbeck-Lee seconded the motion. Motion carried.

- 5) **Judi Ferrebee:** in November 2010 Ms. Ferrebee arranged for a family member to take furniture to a client's house without a signed release, and the family member performed handyman duties for the client. These actions constitute violations of O.R.C. 4757.36 (C)(1) and O.A.C. 4757-5-02 (D). Ms. Ferrebee admits to these allegations.

Mr. Brady made a motion to accept the consent agreement between the Board and Ms. McMath based on the evidence in the document. Ms. Riesbeck-Lee seconded the motion. Motion carried.

d) Notice of Opportunity Hearing Correspondence

2010-220 (Linda Neil): allowed her social work license to lapse and continued to practice under it from November 20, 2010 until December 7, 2010 while working at an agency in Cincinnati, Ohio. Practicing social work on a lapsed license constitutes a violation of Ohio Revised Code Section 4757.36(C)(1) and Ohio Administrative Code Section 4757-7-02.

Mr. Polovick made a motion to accept the correspondence to be sent to Ms. Neil.

6) Correspondence

Eleanor York: Ms. York met with the SWPSC to discuss her situation with regards to her supervision under Ms. Brook Russell; Ms. York had believed that her supervision hours met the requirement for her LISW application. After full examination of all the facts and circumstances the committee unanimously decided to accept Ms. York's supervision hours.

7) 2:30 p.m. – SWPSC Administrative Denial Hearing

The matter of the eligibility of Ms. Christina M. Rodriguez to be a Licensed Social Worker (LSW) in the state of Ohio came before the Ohio Counselor, Social Worker & Marriage and

Family Therapist Board's Social Worker Professional Standards Committee on March 17, 2011. Members present were Mr. Brady, Mr. Nelson, Mr. Polovick, and Ms. Riesbeck-Lee. Mr. McTigue was recused.

A Notice of Proposed Opportunity for Hearing was issued to Ms. Rodriguez by the Counselor, Social Worker, & Marriage and Family Therapist Board on 11/19/2010. An administrative hearing was held on March 17, 2011 at 2:30 p.m. in Mezzanine Conference Room, 50 West Broad Street, Columbus, Ohio 43215, pursuant to Chapter 119 and Section 4757 of the Ohio Revised Code. The State was represented by Assistant Attorney General Leah V.B. O'Carroll. Ms. Rodriguez was present and was represented by her counsel, Mr. James McGovern, Esq.

Mr. Nelson moved that the SWPSC go into Executive Session at 3:55 p.m. to discuss the denial of Ms. Rodriguez to be a Licensed Social Worker. Accepted by a Roll Call Vote – Mr. Brady – yes, Mr. Nelson – yes, Mr. Polovick – yes, and Ms. Riesbeck-Lee – yes.

Mr. Nelson moved that the SWPSC come out of executive session at 4:20 p.m. Accepted by a Roll Call Vote – Mr. Brady – yes, Mr. Nelson – yes, Mr. Polovick – yes, and Ms. Riesbeck-Lee – yes.

The Social Worker Professional Standards Committee reviewed all the evidence. Mr. Polovick made a motion to deny licensure to Ms. Rodriguez on the grounds of poor moral character. Mr. Brady seconded the motion. Mr. Nelson and Ms. Riesbeck-Lee voted no. Motion failed.

After further discussion Mr. Nelson, Mr. Brady, and Ms. Riesbeck-Lee concluded that Ms. Rodriguez possess the qualifying good moral character requirements on the date of her application to be a Licensed Social Worker in the state of Ohio based on the Ohio Revised Code 4757.29(A) and the Ohio Administrative Code section 4757-19-03.

Mr. Nelson, Mr. Brady and Ms. Riesbeck-Lee voted to grant Ms. Rodriguez's licensure as a LSW. Mr. Polovick voted to deny Ms. Rodriguez's licensure. Ms. Rodriguez was granted licensure as a LSW.

8) Working Meeting

The SWPSC proceeded with a working meeting to Review Pending Applications for Licensure, Files to be Audited, CEU Programs/Providers, and Licensure Renewal Issues.

9) Meeting Adjourned

Mr. Nelson adjourned the meeting at 4:30 p.m.

Social Worker Professional Standards Committee (SWPSC) Minutes
Friday, January 21, 2011

Members Present: Mr. Tim Brady, Mr. Don McTigue, Mr. Bob Nelson, Mr. Steve Polovick, Ms. Jennifer Riesbeck-Lee

Staff Present: Mr. Bill Hegarty, Ms. Marcia Holleman, Mr. Doug Warne, Mr. Jim Rough

Guest Present: Mr. Glenn Karr, LLC, Henry Lustig, NASW Liaison, Ms. Cindy Webb, NASW Executive Director

1) Meeting Called to Order

Mr. Nelson called the meeting to order at

2) Correspondence

a) **Andrew Gillespie** is a Licensed Independent Social Worker with Supervision Designation. He submitted a letter requesting clarification on how he should display and write his non social work degree (MA & Ph.D. in Exercise Physiology) on letterhead, progress notes, etc. After an examination of Ohio Administrative Code 4757-5-02 (A)(1) the SWPSC agreed that Andrew Gillespie should not use his doctorate designation in his clinical capacity as it is not related to the field of mental health.

b) **Tammie Colon:** Submitted a letter requesting a position on a supervision issue; an agency mandating LSW's sign an agreement that if they don't complete their supervision program, if they leave the agency, or if they do not pass their exam then they are obligated to pay the agency back for the clinical supervision provided to them. The SWPSC agreed that employment contracts between employees and agencies are not regulated by the SWPSC.

3) Approval of Applications for Licensure

A motion was made by Mr. McTigue to approve the 73 LISW and 130 LSW applicants licensed by staff, and 7 SWA applicants registered by staff, from January 17, 2011 through March 16, 2011. Seconded by Ms. Riesbeck-Lee. Motion carried.

4) Executive Directors Report

Mr. Rough reported the following issues were discussed in the Executive Committee Meeting:

Mr. Rough reviewed the proposed statute changes with the SWPSC to ensure they understand the changes proposed and NASW's input. The Board is still looking for a sponsor to introduce the proposed statute changes. Mr. Rough will be meeting with the Chair of the House Health Committee to discuss this issue. Copy of proposed changes are attached.

Mr. Rough provided an explanation of a review of 60+ CE Providers and the number of programs offered, hours and charges. He made some recommendations based on that information. The CEU committee discussed these recommendations with him in detail. Mr. Rough discussed the recommendations with each professional standards committee as part of his report.

The National Association of Social Workers and Public Children Services Association of Ohio celebrate March as Social Work Month. The theme this year is *Social Workers Change Futures*.

The Board is still waiting for the Governor's budget proposal to see if the board will be impacted. The budget will be announced March 15. The Board needs to continue the discussion of fees for CE programs and provider status at the Full Board Meeting in order to be ready to write the rule, if that fee is to be added to the budget bill. Rules 4757-1-05 for fees and 4757-1-07 for fines would both change.

The following rules had a JCARR hearing on March 7, 2011 and will be final filed approximately March 21 with an effective date of April 1, 2011.

New:

4757-1-07 Discipline actions that may include fines.

Revised:

4757-3-01 Change to definition of accepted CSWE MSW degrees in paragraph (M).

4757-5-02 Responsibility to clients/consumers of services as to competency in supervision. New paragraph (I) in rule.

4757-5-03 Removes bartering from Standards of ethical practice and professional conduct: multiple relationships.

4757-5-08 Removes bartering from Standards of ethical practice and professional conduct: payment for services.

4757-5-09 Adds a requirement for independent practitioners to identify a keeper of records in the event of their untimely ability to take care of the records themselves.

4757-6-01 Provides more detailed guidance when a licensee with a client involved in a custody, visitation and/or guardianship case is forced into court.

4757-9-04 Provides licensees with the opportunity to bank up to twelve hours from a prior renewal for a current renewal.

4757-9-05 Changes the continuing education provider section for university programs in counseling, social work or marriage and family therapy to align with other providers.

4757-13-07 Removes inappropriate reference to CACREP accreditation standards in the rule.

4757-25-02 Defines the examination requirement for a lapsed Marriage and Family Therapist or Independent Marriage and Family Therapist licensee applying for a new license.

Mr. Rough reported the Art Therapists are working with Senator Skindell to have another bill introduced. They expect that to happen in the next few weeks. Senator Skindell was Representative Skindell in last years House of Representatives and was their sponsor then.

Mr. Rough will be discussing the particulars of the Bill as it proceeds with the Art Therapists and let the board members know the progress.

Executive Director Work Plan: reviewed the results of the Planning Meeting and issues for future resolution. Mr. Rough removed the completed items as reported last board meeting.

- 2010 Planning Meeting Issues were discussed and assigned as follows:
 - Items from Prior Year:
 - Process of a statute change in work – Jim assigned
 - Review the budget and revenue projections – Jim assigned
 - Improve technology use where appropriate – Jim assigned
 - Improve the disciplinary process - task the Investigative Liaison Ad Hoc Committee
 - Many Continuing Education issues are assigned to the CE Committee
 - Consumer Education – Mr. Rough will ask associations for input on current fact sheet on web site. OCA responded existing items are good. NASW may propose some changes.

5) **Old Business**

- a) Discussion on requiring a licensee to obtain cultural diversity training for renewal of a licensed

Mr. Polovick suggested a change in the language of Ohio Administrative Code 4757-9-03 to reflect cultural diversity is part of ethics. Ms. Holleman will ask Mr. Rough to draft a rule for the SWPSC to review.

- b) Requirement for renewal of related degree licensee if they were previously licensed and took the required coursework for renewal; the SWPSC review the following proposed change of the Ohio Administrative Code 4757-9-03:

4757-9-03 Continuing education requirement for renewal of a certificate of registration as a social work assistant or a license as a social worker or an independent social worker

(A) Except as required by paragraph (B) of this rule, all persons who hold a license or certificate of registration in social work as a condition of renewal of their license or certificate or registration, shall complete thirty clock hours of continuing professional education in social work as defined in division (C) of section 4757.01 of the Revised Code. Content areas for continuing education may include: social work theory; social work methods: human development and behavior: social welfare and policy: social work values and ethics: social work research: social work supervision: social work administration: and/or social work with special populations.

(B) Social workers with a degree from a program related to social work, as defined in rule 4757-19-01 of the Administrative Code, shall complete for credit a social work theory course and social work methods course at an accredited educational institution. These courses shall be upper division or graduate level courses taken in social work departments in which the licensee received a grade of D- or higher. Fulfillment of this requirement is mandatory for the first renewal of their license. For subsequent

renewals of their licenses, these individuals shall meet the requirements of paragraph (A) of this rule. Newly licensed social workers with related degrees who were previously licensed and completed the renewal courses shall comply with paragraph (A) for their first renewal.

(C) For all renewals after January 1, 2004, three of the thirty hours shall be taken in social work ethics.

(D) For those independent social workers with supervising status, three of the thirty clock hours shall be in supervision.

Ms. Riesbeck-Lee made a motion to accept the rule change under Ohio Administrative Coded 4757-9-03 (B). Mr. Polovick seconded the motion. Motion carried.

- c) Previous LSW's with related degree being allowed to obtain licensure again without having a 400 hours supervised practicum and/or field experience; the SWPSC review the following proposed change of the Ohio Administrative Code 4757-19-01:

4757-19-01 Requirements for licensure as a social worker.

(2) Have at least a bachelor's degree from an accredited educational institution in a program closely related to social work on or before October 10, 1992.

(a) "A program closely related to social work "means a program that shows evidence of coursework totaling twenty semester hours, or thirty quarter hours, in three areas from paragraphs (i) through (iv) below and field work required in paragraph (v) with the exception of social workers previously licensed by the state of Ohio who let their license expire, who shall be deemed to have met the requirements for field work in paragraph (v):

(b) An applicant with a related degree from a program closely related to social work shall demonstrate that the applicant's coursework meets the educational requirements contained in this rule. If a course title does not clearly indicate the content area of coursework named in this rule, the applicant shall provide additional evidence or information about the applicant's coursework to the board. The committee will not accept introductory or survey courses in other disciplines toward meeting the related degree coursework requirements.

(c) All applicants with degrees conferred after October 10, 1992 shall have a bachelor's, master's or doctoral degrees in social work from accredited educational institutions.

Mr. Brady made a motion to accept the rule change to Ohio Administrative Coded 4757-19-01. Ms. Riesbeck-Lee seconded the motion. Motion carried.

- d) Changing the language to 4757-23-01 Social work supervision

Change 4757-23-01 (D)(7) to read:

(7) Requests for exceptions to this rule, due to hardship, shall be made in writing to the committee

Mr. Brady made a motion to accept the change in wording for Ohio Administrative Coded 4757 (D)(7). Mr. Polovick seconded the motion. Motion carried.

- e) A Change has been made to the independent social worker professional employment reference form is section #12: Do you recommend this applicant be granted a license to practice social work at an independent level? __ Yes ___ No (if no, attach a detailed explanation)

Mr. McTigue made a motion to accept the change. Ms. Riesbeck-Lee seconded the motion. Motion carried.

6) New Business

- a) The SWPSC discussed the difficulty LSW's with related degrees are having with obtaining coursed in theories and methods for their first renewal. The members agreed this issue is addressed in the Proposed Changes to Chapter 4757 of the Ohio Revised Code that Mr. Rough presented to the SWPSC.

- b) Integrated Primary Health Care.

Mr. Brady went to a two day workshop in Knoxville, Tennessee on blending behavioral health into primary care at Cherokee Health Systems Clinical Model. Cherokee Health Systems merged with Federal Qualifying Health Center (FQHC) in an effort to provide integrated primary care. Mr. Brady discussed the position of the Behavioral Healthcare Consultant (BHC) or Behaviorist on the primary team; the BHC is an embedded, full-time member of the primary care team. In Cherokee Health Systems the BHC are psychologists although Mr. Brady believed if the model comes to Ohio the BHC could be a LISW. The BHC provides brief, targeted, real-time intervention to address the psychosocial aspects of primary care. The Primary Care Provider (PCP) determines that psychosocial factors underlie the patient's presenting complaints or are adversely impacting the response to treatment. During the visit the PCP hands off the patient to the BHC for assessment or intervention.

Mr. Brady believed this may be a new field of practice for social work and posed the question of how the Board would regulate such a position.

- c) Mr. Karr discussed the following with the SWPSC; See item in attached proposed statute change document:

Failure to report a crime or knowledge of a death or burn injury –
O.R.C. Section 2921.22 (Felony Reporting) (Applies to all Ohio persons, however, psychologists and psychiatrists are exempt) (Treating therapists working in an ODADAS certified program don't have to report drug offenses)

A.G. Opinion 88-027 (no requirement for a psychologist or supervisee of a psychologist to report a felony when it has been or is being committed when such information is privileged, but it is discretionary and allowable if you choose to report – allows the psychologist and psychiatrist to balance confidentiality issues with potential harm to the client of reporting.

Privileged Relationship

Mr. Karr reported on efforts to address the issue of privileged relationships for CSWMFT Board's licensees. This issue relates to a section of the O.R.C. regarding failure to report a crime or knowledge of a death or burn injury - O.R.C. Section 2922 (Felony Reporting) which applies to all Ohio persons, however, psychologists and psychiatrists are exempt; treating therapists working in an ODADAS certified program don't have to report drug offenses. In A.G. Opinion 88-027 (no requirement for a psychologist or supervisee of a psychologist to report a felony when it has been or is being committed when such information is privileged, but it is discretionary and allowable if you choose to report – allows the psychologist and psychiatrist to balance confidentiality issues with potential harm to the client of reporting.

Mr. Karr reported on efforts to add our licensees to the privileged relationship under statute in O.R.C. 2921.22 (G)(1) which states:

“No person, knowing that a felony has been or is being committed shall knowingly fail to report such information to law enforcement authorities.” failure to report is a 4th degree misdemeanor (the lowest level at which an offense can legally be called a ‘crime.’)

Exceptions

(G) Divisions (A) and (D) of this section do not require disclosure of information, when any of the following applies:

(1) The information is privileged by reason of the relationship between attorney and client; doctor and patient; licensed psychologist or licensed school psychologist and client; [licensed counselor, social worker or marriage and family therapist and client*](#) member of the clergy, rabbi, minister, or priest and any person communicating information confidentially to the member of the clergy, rabbi, minister, or priest for a religious counseling purpose of a professional character; husband and wife; or a communications assistant and those who are a party to a telecommunications relay service call."

[*recommended amendment](#)

7) **NASW**

Report from NASW liaison

NASW will be offering an advanced course in ethics

8) **ASWB**

a) Spring education meeting May 12-15, 2011

Ms. Riesbeck-Lee plans on attending this meeting which is scheduled to be held in Vancouver British Columbia, Canada.

b) Board member training

Ms. Riesbeck-Lee plans on attending this meeting which is scheduled to be held in August 2011.

9) CEU Committee

Mr. Polovick reported:

- a) The fees and fines will be voted on at the full Board meeting this afternoon.
- b) The committee has decided fees are not that important as a revenue source for the Board.
- c) The committee determined fines would act as a deterrent to help prevent some of the current problems.
- d) The issue of offering a hearing to providers who would be fined was discussed by the committee.
- e) Ms. Holleman reported that Mr. Rough will be conducting research on correspondence scores as there doesn't seem to be a consistent way of measuring outcomes.
- f) The statutory authority to impose fines was discussed and can be found in ORC 4757.10(E)
 - (1) This was the first rule to put the statutory language in effect
 - (2) The committee discussed the fact this statute focuses on the licensee and not the provider.

10) Executive Committee Report

Ms. Riesbeck-Lee reported that the policy changes and the compilation of performance statistics that Mr. Rough presented in the Executive Directors Report highlighted issues discussed in the Executive Committee Meeting.

11) Meeting Adjourned

Mr. Bob Nelson adjourned the meeting at 12:15 p.m.

Mr. Robert Nelson, Chairperson