



Counselor, Social Worker & Marriage and Family Therapist Board

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Social Worker Professional Standards Committee (SWPSC) Minutes **Thursday, March 15, 2012**

Members Present: Ms. Jennifer Hadden, Mr. Don McTigue, Mr. Bob Nelson,
Mr. Steve Polovick

Staff Present: Mr. William Hegarty, Ms. Tracey Hosom, Mr. Andy
Miller, Mr. Jim Rough, Ms. Tammy Tingle, Mr. Doug
Warne

1) Meeting Called to Order

Mr. Nelson called the meeting to order at 9:05 a.m.

2) Discussion/Approval of the March 15 & 16 Agenda

Mr. Nelson asked if any changes or discussion was needed for the March 15 & 16 Agenda. Mr. Warne indicated that the “welcome new Board Member” item did not need to be on the agenda, it had been placed there in the event that the Governor’s office approved a new SWPSC member in time for the meeting. Mr. Nelson motioned to approve the agenda. Mr. McTigue seconded the motion. Motion carried.

3) Approval of the January 19 & 20 Minutes

Mr. Nelson asked if any changes or discussion was needed for the January 19 & 20 minutes. Mr. Polovick indicated that the date at the top of the January 20 minutes was incorrect, with the year showing as 2011. Mr. Miller made a note to correct the error. Mr. Polovick made a motion to approve the minutes. Ms. Hadden seconded the motion. Motion carried.

4) Approval of Applications for Licensure

A motion was made by Ms. Hadden to approve the 155 LSW applicants and 88 LISW applicants approved by the staff, and the 8 SWA applicants registered by the staff, from January 19, 2012 through March 14, 2012. Seconded by Mr. Polovick. Motion carried.

5) Correspondence

- a) The SWPSC received a letter from an LISW-S, Nathan Green, with a request regarding group supervision. Ohio Administrative Code 4757-23-01(A)(2)(b) states that group supervision cannot involve a group of more than six supervisees. Mr. Green wrote that his departmental team meetings typically include five to ten participants, including two LSWs receiving training supervision. Under the above rule, these meetings would not count as group supervision for the two licensees if the total number of people in the room exceeds six employees in addition to the supervisor. He requested that an exception be made to this rule for his supervisees.

The SWPSC determined that this part of the rule was one that did not allow for exceptions.

- b) The Board recently received an application for Social Work Assistant registration from John A. Boyd. Mr. Boyd was licensed as an SWA from 1/17/2003 to 1/17/2005. At the time of his licensure, the educational requirements for the registration mandated that his transcript must include a social service practicum, and the practicum is still required today under 4757-19-03. No practicum was listed on his transcript, however, and it is unknown if this was allowed as an exception at the time of his initial registration. Given that he had been registered once before, and had applied again in good faith that he did meet all the educational requirements for registration in 2003, the SWPSC agreed to accept Mr. Boyd's work experience at two social service agencies in lieu of a social service practicum.

6) Investigations

a) Closed Cases

Mr. Nelson made a motion to close the following cases, as he had determined that no actionable offenses had been found. Mr. Polovick seconded the motion. Motion carried.

2011-199	Scope of practice. Close with no violation.
2011-232	Competency. Close with no violation.
2011-236	Custody dispute issues. Close with no violation.
2011-246	Competency. Close with no violation.
2010-249	Confidentiality. Cannot substantiate.
2012-2	Custody issues. Close with no violation.
2012-8	Custody issues. Close with a caution.
2012-9	Billing issues. Close with caution.
2012-12	Confidentiality. Close with caution.
2012-16	Non-sexual boundaries. Close with strong caution.
2012-21	Practice on a lapsed registration. Close with caution.

b) Consent Agreements

1) Ms. Anita Hudson-Smith: Ms. Hudson-Smith renewed her social work license in the spring or summer of 2011. In October 2011, she was audited for compliance with continuing education requirements. Ms. Hudson-Smith responded that she was not currently practicing and had not completed her required continuing education hours, but since she had completed the renewal this put her in violation of Ohio Revised Code 4757.36(C)(1) and Ohio Administrative Code 4757-11-01(C)(20)(b). Ms. Hudson-Smith admits to these allegations. Ms. Hudson-Smith agreed to complete her continuing education hours, though her license would be indefinitely suspended until the credits had been received, reviewed and approved by the Board.

Mr. McTigue made a motion to accept the consent agreement between the Board and Ms. Hudson-Smith based on the evidence in the document. Mr. Polovick seconded the motion. Motion carried.

2) Ms. Shanti A. Coaston: Ms. Coaston renewed her social work license in the summer or autumn of 2011. In January 2012, she was audited for compliance with continuing education requirements. Ms. Coaston was unable to provide proof of the completion of her required continuing education hours, a violation of Ohio Revised Code 4757.36(C)(1) and Ohio Administrative Code 4757-11-01(C)(20)(b). Ms. Coaston admits to these statements. Ms. Coaston agreed to surrender her license in lieu of discipline, with the agreement that she cannot reapply for licensure until March 2013, and will need to comply with all application requirements in place at that time.

Mr. McTigue made a motion to accept the consent agreement between the Board and Ms. Coaston based on the evidence in the document. Ms. Hadden seconded the motion. Motion carried.

3) Ms. Trina L. Stewart: Ms. Stewart is a social work assistant registered by the Board. In October 2011, Ms. Stewart inappropriately used a client's ATM and pin number to obtain \$200 from the client's bank account, and also took approximately \$120 in cash from the client's wallet without the client's knowledge or permission. Ms. Stewart states that she was coerced into her actions by another individual. Ms. Stewart admitted these actions to representatives of the Dayton Police Department, and has since reimbursed the client. Her actions constitute a violation of Ohio Revised Code 4757.36(C)(1) and Ohio Administrative Code 4757-5-03(A), and the Board proposed to suspend her SWA registration beginning March 16, 2012, through December 31, 2012.

Mr. McTigue made a motion to accept the consent agreement between the Board and Ms. Stewart based on the evidence in the document. Ms. Hadden seconded the motion. Motion carried.

4) Case 2011-207: Mr. Hegarty explained the details of a recent case under investigation. In this case, a licensee was allegedly arrested in her home, and carried off the premises by members of a SWAT team. Due to the possibility that the licensee may be suffering from a mental illness, Mr. Hegarty requested that the SWPSC grant him permission to issue an impairment order to the licensee.

Mr. Nelson made a motion to allow the impairment order to be issued. Mr. McTigue seconded the motion. Motion carried.

7) New Business

In preparation for the next day's meeting, Board staff prepped the SWPSC on some of the issues that would be discussed.

a) Clinical vs. Advanced Generalist Exam: The ASWB recently expressed concern that, under Ohio's statutes, a social worker who was not trained in clinical work and had taken the Advanced Generalist Exam could become licensed in such a capacity that would allow them to perform clinical social work without supervision. Mr. Rough stated that he felt this issue was adequately covered by 4757-21-02 and 4757-21-03, which state that each licensee has a personal competency within the license's scope of practice, which is determined by their education, training and practice as defined within the board's ethics rules. Rule 4757-5-02(A)(2) requires that licensees shall practice only within these competency areas. To date, there have been no complaint issues that have arisen from a non-clinical worker performing clinical work.

b) Scope of practice for Bachelor-level social workers: The ASWB had also expressed concern that licensees with a BA, BS, or BSW are allowed to diagnose and treat mental and emotional disorders under the supervision of an LISW, which is a skill that Bachelor programs generally do not cover. Mr. Rough pointed out that Ohio Revised Code 4757.26 states that a licensed social worker can perform this function, and the SWPSC cannot approve any rule changes that contradict the statute without the statute being changed by the Ohio Legislature.

The SWPSC agreed to make no immediate ruling, and to consider this information when discussing the issue with the NASW the next day.

8) Working Meeting

The SWPSC proceeded with a working meeting at 10:18 a.m. to review pending applications for licensure, files to be audited, CEU Programs & Providers, Related Degree course worksheets, and Licensure Renewal Issues.

In the course of the meeting, the SWPSC reviewed information for four related degree applicants. Raymond Smith's application and Related Degree course worksheet were reviewed, and his education was determined to be acceptable. Virginia Davis's application was review, and it was determined that her education was not acceptable, and she should be encouraged not to continue her application process. Amy Peters's course worksheet was reviewed, and it was determined that her education would be acceptable if and when she completes a license application. Gary Trontman's course worksheet was reviewed, and it was determined that his education would not be accepted, and he should be encouraged not to apply.

10) Meeting Adjourned

Mr. Nelson adjourned the meeting at 12:30 p.m.

Social Worker Professional Standards Committee (SWPSC) Minutes
Friday, March 16, 2012

Members Present: Ms. Jennifer Hadden, Mr. Don McTigue, Mr. Bob Nelson,
Mr. Steve Polovick

Staff Present: Mr. Bill Hegarty, Ms. Tracey Hosom, Mr. Andy Miller,
Mr. Jim Rough, Mr. Doug Warne

Guests Present: Ms. Adrienne Gavula, NASW Relationship Manager; Mr.
Glenn Karr, LLC

1) Meeting Called to Order

Mr. Nelson called the meeting to order at 9:10 a.m.

2) Old Business

Mr. Warne asked the SWPSC if they would like all Goldman Review documentation included in their meeting binders, since this information was usually emailed to them beforehand. The SWPSC agreed that the printed material was not necessary, though it would be helpful to have a few printed copies on hand for the group to review if needed.

3) New Business

a) Rule review of 4757-21-2: Social Work Scope of Practice: Under current licensure law, licensees with a BA, BS, or BSW are allowed to diagnose and treat mental and emotional disorders under the supervision of an LISW, although this is a skill for which Bachelor programs do not commonly train their students. The SWPSC discussed the origins of the law, general agreement being that the law was put into place as a grandparenting measure, to allow social workers who were already practicing with a Bachelor degree in 1984 to continue working. Mr. Polovick stated that this issue is already accounted for by having an LISW examine and sign off on each diagnosis. Mr. Hegarty indicated that there are very rarely any complaints for incompetent diagnosis, although there can be concern if a psychiatrist were to use a misdiagnosis to prescribe medication. Mr. Nelson stated that social work practice has a broader approach to client treatment through psychosocial intervention, and that these interventions are not exclusively based on the diagnosis, but on client needs.

Several solutions were proposed. Mr. Hegarty suggested a new grandparenting provision allowing existing LSWs to continue diagnosing and treating, but requiring new licensees to have an MSW. Mr. Nelson suggested that since the Ohio mental health industry is largely structured around the LSW, it would be more helpful to speak with Ohio schools and encourage them to include diagnosis

in their programs, though Mr. Polovick pointed out that he felt since the Bachelor degree was a generalist degree it would not be feasible to enforce the teaching of specific clinical methods to all students. Mr. Nelson suggested that the best step would be to check information from other state licensing boards, and determine how they typically deal with the issue and whether Bachelor students are fully licensed in other states. Mr. Warne was asked to investigate this information and prepare to report on it at the next SWPSC meeting in May.

- a) **Discussion of definition for social work counseling:** Ohio Administrative Code 4757-21-02(D) indicates that the scope of practice for a social worker may include counseling as a part of the social worker's psychosocial duties. However, "counseling" in a social work context is not defined in 4757-3-01. The SWPSC discussed and arrived at the following definition for social work counseling, to be reviewed and filed in a rule change at a later date:

Within social work, "counseling" means applying social work principles, methods, and procedures to provide feedback, delineate alternatives, help articulate goals, and provide needed information to assist clients in achieving more effective psychosocial function.

- b) **Rule change of 4757-5-02(G)(2):** A change to the following rule was reviewed for approval by the SWPSC. The rule currently reads as follows:

Counselors, social worker, and marriage and family therapists shall obtain education about and seek to understand the nature of social diversity...

The rule will be changed to read as follows:

Social workers should obtain education about and seek to understand the nature of social diversity...

Mr. McTigue motioned to approve the rule change. Mr. Polovick seconded the motion. Motion carried.

4) **Executive Director's Report**

Mr. Rough reported on the Board's efforts to obtain new appointments and renew existing appointments. The Board is currently short-staffed and the governor's office is not moving forward with the approval of appointments, though no justification or explanation has been provided for the prolonged delay. Mr. Rough announced that Paula Broome has been awarded the position of Audit Coordinator, and Ray Lund has been hired to replace her as Customer Service Assistant. New fees for CEU providers will go into effect on April 1, 2012. Mr. Rough discussed the new email list-serve. Mr. McTigue pointed out that email addresses may be covered under retention policies since they are public record, and care may need to be exercised in removing

them from public record upon licensee request. Mr. Rough said he would check into the regulations.

5) CEU Committee Report

Mr. Polovick reported that Ohio State University is piloting a CEU program allowing self-study and self-design. The Board is monitoring their program for effectiveness. The Board is continuing to carefully evaluate programs dealing in spirituality, to ensure that a one-sided approach is not being taken. CEU word count in distance learning programs continues to be an issue. Mr. Polovick recently completed a 3-credit ethics course in 71 minutes. The Board will be establishing a rule effective 4/1/11 that 4,000 words shall be considered one CEU credit hour. This requirement will be increased to 10,000 words per hour after one year. The Board is considering requiring a standard for the information included on CEU certificates. Since multi-day programs don't always include a full date range on the certificate, this can create the appearance the licensees are completing all of their CEUs in one day. The Board considered allowing licensees to complete volunteer work to meet their CEU requirement, but there was a concern that since this volunteer work would inevitably not fall under the definitions of the practice of social work it would not be valuable as a specific social work learning tool. The SWPSC agreed that this was an issue, and they would rather not pursue the idea of volunteer hours.

6) Executive Committee Report

Mr. Nelson reported that Mr. Rough's Executive Directors Report highlighted issues discussed in the Executive Committee Meeting, and there were no further issues to discuss.

7) NASW Report

Ms. Gavula raised the issue of the CSWMFT's need for an organized impairment program. There is currently no system in place allowing for a social worker to enter a treatment program, place their license in a suspended status during treatment, and regain licensure upon leaving the program. Mr. Hegarty agreed that a program would be a good idea, but that it was financially unfeasible. Some states have an office of diversion covering all state regulatory boards, but Ohio does not, and it's difficult for individual boards to bear the financial burden. Mr. Carr discussed the lawyers' assistance program which allows licensed attorneys to enter treatment without incurring any discipline, so long as treatment begins before an ethics violation occurs. Mr. Hegarty and Ms. Hosom responded that under our current model, the Board doesn't find out about an impairment issue unless an ethics violation has already happened, however it is not considered an issue if a person voluntarily enters treatment if there have been no ethics violations. The only way the Board addresses impairment issues currently is through discipline, because impairment and violations are generally linked. Mr. Carr suggested that the NASW check with the Ohio Psychology Board, which is a small agency that does have an

impairment program. Ms. Gavula agreed that she would investigate the Psychology Board's method to see if a small-budget solution is feasible for social workers, and Mr. Warne volunteered to assist in research and provide input.

Membership in the NASW Ohio Chapter is growing rapidly, with over 4,000 current members. The most recent proposed budget for the State of Ohio contains an area of great concern to the organization; the budget seeks to change the rules of nursing home staffing to require that nursing homes do not always need to have a social worker on staff. The NASW is monitoring this issue.

8) Hardship Requests

- a) A licensee wrote to request that the SWPSC allow her to receive training supervision for her LISW from a PCC-S, as he was having difficulty finding an LISW-S to supervise him. The SWPSC determined that the licensee was located near a metropolitan city with a more than ample number of LISW-S licensees in the area. The request was denied.
- b) A licensee wrote to request that she be allowed to receive credit for supervision hours completed while her LISW-S was only licensed as an LISW. Ms. Hadden recused herself from the discussion, as she recognized the licensee's name and believed they may have gone to school together.

When the licensee first contacted the supervisor about supervision, the supervisor was only licensed as an LISW. She sent an email to the board asking if an LISW could provide clinical supervision, and the board responded that yes, an LISW could provide that. However, clinical supervision and training supervision are not the same, which the LISW did not understand at the time, and so supervision began without the appropriate licensure in place. For the first year of supervision, the supervisor was only licensed as an LISW, but for the second year of supervision she did receive her LISW-S. The licensee requested that both years of supervision be counted, since it was an honest misunderstanding with no malicious intent. The SWPSC approved the licensee's request, not wishing to punish the licensee for the supervisor's mistake.

Mr. Warne was asked to respond to these licensees regarding the status of their requests.

9) Clinical vs. Advanced Generalist Exam

SWPSC members were asked if any further discussion was needed on the issue of requiring a separate type of licensure for applicants who took the Advanced Generalist Exam. It was discussed again that it would be an ethical violation of Ohio Administrative Code 4757-5-02(A)(2) for a licensee to practice in a capacity for which they had received no special education or training, regardless of how they are licensed or which exam they took. It was the consensus that this ethical rule solved

the dilemma of whether a social worker without clinical training could engage in clinical social work. It was also reiterated again that it would be extremely unlikely for a licensee to even do so.

The final consensus was that, as there had been no problems to date and it was unforeseeable that there would be any problems in the future, it was acceptable to continuing allowing “macro” social workers to pursue LISW licensure if they wished.

11) Meeting Adjourned

The meeting was adjourned at 11:20 a.m.

Mr. Robert Nelson, Chairperson