



Counselor, Social Worker & Marriage and Family Therapist Board

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Social Worker Professional Standards Committee (SWPSC) Minutes **Thursday, May 17, 2012**

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

Staff Present: Mr. William Hegarty, Ms. Tracey Hosom, Mr. Andy
Miller, Mr. Doug Warne

1) SWPSC Administrative Denial Hearings

a) Andrea Hayles: The matter of the eligibility of Ms. Andrea Hayles 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 May 17, 2012. Members present were Ms. Hadden, Mr. McTigue, and Ms. Venrick. Mr. Nelson was recused, and Mr. Polovick was unable to attend the hearing.

A Notice of Proposed Opportunity for Hearing was issued to Ms. Hayles by the Counselor, Social Worker, & Marriage and Family Therapist Board. An administrative hearing was held on May 17, 2012 at 9:15 a.m. in the SWPSC 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 Melissa Wilburn. Ms. Hayles was not present and had not contacted the board to indicate that she would attend.

After hearing testimony from Mr. Warne and reviewing state evidence, Mr. McTigue moved that the SWPSC go into Executive Session at 9:48 a.m. to discuss the denial of Ms. Hayles to be a Licensed Social Worker. The Social Worker Professional Standards Committee reviewed all the evidence and determined that Ms. Hayles did not meet the educational requirements for licensure, having not completed a 400 hour practicum including training in social intervention as required by Ohio Administrative Code 4757-19-01(C)(2)(a)(v), and denied her request to be licensed.

b) Brenda A.H. Kelley: The matter of the eligibility of Ms. Brenda A.H. 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 May 17, 2012. Members present were Ms. Hadden, Mr. McTigue, and Ms. Venrick. Mr. Nelson was recused, and Mr. Polovick was unable to attend the hearing.

A Notice of Proposed Opportunity for Hearing was issued to Ms. Kelley by the Counselor, Social Worker, & Marriage and Family Therapist Board. An administrative hearing was held on May 17, 2012 at 10:08 a.m. in the SWPSC 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 Melissa Wilburn. Ms. Kelley was not present and had not contacted the board to indicate that she would attend.

After hearing testimony from Mr. Warne and reviewing state evidence, Mr. McTigue moved that the SWPSC go into Executive Session at 10:33 a.m. to discuss the denial of Ms. Kelley to be a Licensed Social Worker. The Social Worker Professional Standards Committee reviewed all the evidence and determined that Ms. Kelley did not meet the educational requirements for licensure, having not completed a 400 hour practicum including training in social intervention as required by Ohio Administrative Code 4757-19-01(C)(2)(a)(v), and denied her request to be licensed.

2) Meeting Called to Order

Mr. Nelson called the meeting to order at 10:53 a.m.

3) Discussion/Approval of the May 17 & 18 Agenda

Mr. Nelson asked if any changes or discussion was needed for the March 15 & 16 Agenda. Mr. Miller indicated that he would like to add an item to the Correspondence section. Mr. McTigue motioned to approve the agenda. Ms. Hadden seconded the motion. Motion carried.

4) Approval of the March 15 & 16 Minutes

Mr. Nelson asked if any changes or discussion was needed for the March 15 & 16 minutes. Mr. Nelson made a motion to approve the minutes. Ms. Hadden seconded the motion. Motion carried.

5) Report on the ASWB Spring Education Meeting

Mr. Miller attended the ASWB Spring Education Conference from 4/26/12—4/29/12. Mr. Miller discussed the issues being raised in other states such as sunset legislation, practice protection issues, and licensee safety. The ASWB is concerned that not all jurisdictions are reporting disciplinary action regularly, though Ohio is among the states that are. The ASWB Administrator's Forum plans to discuss the need for national standards at their meeting in the fall.

The main area of concern at the conference was e-therapy. Very few states have a policy on inter-state service delivery and “e-delivery,” service delivery through electronic means. Emerging technologies are creating new types of therapy such as avatar therapy, self-guided web interventions, social media-based therapy, and video game therapy. In addition, technology such as social media, location-based services (e.g. Foursquare), and text messaging are creating new issues and potential for boundary violations and breaches of confidentiality. These technologies can be useful for isolated clients and increase delivery speed, but they also raise many issues compromised privacy and identity fraud. It was the ASWB’s opinion that Boards need to be aware of these new issues and create policies that address them, while also anticipating issues that may arise from further development of these systems.

It was discussed how some state Boards are adapting to these changes (e.g. new encryption technologies and public education) and what their rules are. Ohio’s e-delivery policies are fairly thorough compared to other states. Major questions that are raised from a regulatory standpoint are what constitutes practice, where practice occurs, and what has really changed in terms of practice expectations. It’s important that as technology changes, we ensure that the standards of practice and ethics remain unchanged.

The SWPSC discussed Mr. Miller’s report, its content and its findings, and compared the issues raised to the Board’s current rule (Ohio Administrative Code 4757-5-13). It was determined that there may be some gaps in the current policy, and it was agreed that the Board needed to review this policy over the coming year.

Following Mr. Miller’s report, the SWPSC adjourned for lunch at 11:55 a.m.

6) 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.

7) Investigations

a) Closed Cases

The SWPSC reconvened at 12:56 p.m. Mr. Nelson made a motion to close the following cases, as he had determined that no actionable offenses had been found. Ms. Hadden seconded the motion. Motion carried.

2012-5	Custody issues. No violation found.
2012-11	Impairment. Close with caution.
2012-15	Non-sexual boundaries. Close with caution.
2012-42	Competency. Close with caution.

2012-49	Non-sexual boundaries. Close with caution.
2012-53	Record keeping. Close with strong caution.
2012-56	Competency. Allegation unsubstantiated.
2012-57	Records. Allegation unsubstantiated.
2012-58	Record keeping. Close with caution.
2012-59	Soliciting agency clients. No violation found.
2012-64	Scope of practice. No violation found.
2012-73	Misdemeanor in course of practice. No jurisdiction. Civil servant.
2012-75	Scope of practice. No violation found.
2012-91	Record keeping. Close with caution.

b) Consent Agreements

1) Ms. Debra Savage: On September 3, 2011, Ms. Savage was arrested in Sidney, Ohio, and charged with inducing panic and resisting arrest. She was ordered into mental health treatment. Ms. Savage admits to these statements. The Board is allowing Ms. Savage to permanently surrender her social work license in lieu of potential disciplinary action. She will not be eligible to re-apply for licensure through this Board in the future.

Mr. Nelson made a motion to accept the consent agreement between the Board and Ms. Savage based on the evidence in the document. Mr. Polovick seconded the motion. Motion carried.

2) Ms. Janice Pugh: Ms. Pugh renewed her social work license through July 22, 2013. In October 2011, she was audited for compliance with continuing education requirements. Ms. Pugh was only able to provide proof of completion for 6 of the 30 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 allegations. Ms. Pugh's license is indefinitely suspended until she obtains 24 hours of appropriate continuing education and submits those hours to the Board for review. Her suspension will be lifted once the Deputy Director has approved those hours.

Mr. Polovick made a motion to accept the consent agreement between the Board and Ms. Pugh based on the evidence in the document. Mr. Nelson seconded the motion. Motion carried.

3) Mr. Michael E. Browning: Mr. Browning renewed his social work license through November 1, 2013. In January 2012, he was audited for compliance with continuing education requirements. Mr. Browning was unable to provide proof of the 30 required continuing education hours, a violation of Ohio Revised Code 4757.36(C)(1) and Ohio Administrative Code 4757-11-01(C)(20)(b). Mr. Browning admits to these allegations. Mr. Browning's license is indefinitely suspended until he obtains 30 hours of appropriate continuing education and

submits those hours to the Board for review. His suspension will be lifted once the Deputy Director has approved those hours.

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

4) Ms. Ruthann Hull-Browning: Ms. Hull-Browning renewed her social work license through July 17, 2013. In October 2011, she was audited for compliance with continuing education requirements. Ms. Hull-Browning was unable to provide proof of the 30 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. Hull-Browning admits to these allegations. Ms. Hull-Browning's license is indefinitely suspended until he obtains 30 hours of appropriate continuing education and submits those hours to the Board for review. Her suspension will be lifted once the Deputy Director has approved those hours.

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

5) Mr. Elbert W. Clark, Jr.: Mr. Clark renewed his social work license through July 20, 2013. In October 2011, he was audited for compliance with continuing education requirements. Mr. Clark was unable to provide proof of the 30 required continuing education hours, a violation of Ohio Revised Code 4757.36(C)(1) and Ohio Administrative Code 4757-11-01(C)(20)(b). Mr. Clark admits to these allegations. Mr. Clark's license is indefinitely suspended until he obtains 30 hours of appropriate continuing education and submits those hours to the Board for review. His suspension will be lifted once the Deputy Director has approved those hours.

Mr. Nelson made a motion to accept the consent agreement between the Board and Mr. Clark based on the evidence in the document. Mr. Polovick seconded the motion. Motion carried.

6) Ms. Roslyn Henderson: On or about February 9, 2012, Ms. Henderson was convicted and sentenced to one count of theft. She was ordered to pay restitution to her previous employer, and placed under community control for 18 months under supervision. Her actions constitute a violation of Ohio Revised Code 4757.36(C)(5).

The Board proposed to take disciplinary action against Ms. Henderson based on these allegations. Mr. Polovick made a motion to issue a Notice of right to a hearing, based on the evidence in the document. Mr. Nelson seconded the motion. Motion carried.

c) Goldman Reviews

1) **Tina Darner:** Mr. Nelson moved to revoke Ms. Darner's social work license because Ms. Darner did not comply with a Board audit for continuing education as required by Ohio Revised Code 4757.36(C)(1) and Ohio Administrative Code 4757-11-01(C)(20)(b). Mr. Polovick seconded the motion. Motion carried.

2) **Robin L. Wilson:** Mr. Nelson moved to revoke Ms. Wilson's social work license because Ms. Wilson did not comply with a Board audit for continuing education as required by Ohio Revised Code 4757.36(C)(1) and Ohio Administrative Code 4757-11-01(C)(20)(b). Ms. Hadden seconded the motion. Motion carried.

3) **Olga Irwin:** Mr. Polovick moved to revoke Ms. Irwin's social work license because Ms. Irwin did not comply with a Board audit for continuing education as required by Ohio Revised Code 4757.36(C)(1) and Ohio Administrative Code 4757-11-01(C)(20)(b). Mr. Nelson seconded the motion. Motion carried.

4) **Aaron Coots:** Mr. McTigue moved to deny Mr. Coots' application for independent licensure as he was not deemed to possess good moral character as required by Ohio Revised Code 4757.27(B)(1). Ms. Hadden seconded the motion. Motion carried, with Mr. Nelson abstaining.

8) Correspondence

- a) Mr. Warne received an email from a licensee asking, as an LSW who completed Ohio University administrative track and having taken the Advanced Generalist Exam, whether she was able to list "diagnosis and treatment of mental disorders" as a competency area on her disclosure statement. As an LSW, she is able to perform this duty under supervision, and is able to say so on her professional disclosure statement. However, this once again brought up the issue of whether an administrative social worker can be considered competent in the field of social psychotherapy.

The SWPSC discussed the possibility of creating a separate LISW and LCSW, however there is great difficulty in defining the exact limits of clinical social work. Mr. Warne had recently completed a survey of all states and provinces contracting with the ASWB, and discovered that usage of the Advanced Generalist Exam is much broader than he had initially believed. Many states do use this exam, and do license administrative social workers. Though obviously there is always a concern that a social worker trained in administration may be hired to perform a clinical job, many jurisdictions allow them to receive licensure that could allow for clinical work, and there seem to be no complaints coming from clients. Due to competency laws and the strong tendency of administrative social workers to gravitate away from clinical work, the SWPSC decided to let the issue rest

- b) A licensee wrote to request that she be allowed to receive training supervision from a Professional Clinical Counselor-Supervisor, as the two LISW-S licensees at her work location were unable to provide supervision. The SWPSC concluded that the licensee resides in a well-populated area and cannot reasonably demonstrate that there are no available LISW-S licensees in her area to supervise her.
- c) A licensee wrote to request that he be allowed to receive training supervision from a Professional Clinical Counselor-Supervisor, as the four LISW-S licensees he had so far contacted were unable to provide supervision. The SWPSC concluded that the licensee resides in a well-populated area and cannot reasonably demonstrate that there are no available LISW-S licensees in his area to supervise him.
- d) Mr. Miller had received a phone call from a licensee who was concerned that her bipolar diagnosis would affect her ability to qualify for licensure, and that the SWPSC may deny her license based on this issue. Mr. Miller had advised her that the Board cannot make determinations of a student's eligibility of licensure years before they apply, but admitted that he had no knowledge of how mental health issues had been handled in the past. The members of the SWPSC agreed that they could not remember a time when an applicant had been denied due to such an issue, with the important factor being whether the applicant was being treated and the illness was under control. There had been cases where applicants coming from out of state had been issued consent agreements, but they could not recall an outright denial. Mr. Miller indicated that he would communicate this information to the student and make it clear that this was not an outright guarantee of licensure but simply a statement of how matters had typically been handled in the past.

9) Approval of Applications for Licensure

A motion was made by Mr. Polovick to approve the 116 LSW applicants and 82 LISW applicants approved by the staff, and the 20 SWA applicants registered by the staff, from March 15, 2012 through May 16, 2012. Seconded by Mr. McTigue. Motion carried.

Mr. Warne also noted that as of that date the Board had 1500 pending LSW applications, 224 LISW applications, and 97 pending SWA applications on file.

10) Working Meeting

The SWPSC proceeded with a working meeting at 2:42 p.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 two related degree applicants. Susanne Reynolds' Related Degree course worksheet was reviewed, and it was determined that her education would be acceptable if and when she completes a license application. Michelle Keys' application and Related Degree course worksheet were reviewed, and her education was determined to be acceptable.

11) Meeting Adjourned

Mr. Nelson adjourned the meeting at 3:30 p.m.

Social Worker Professional Standards Committee (SWPSC) Minutes
Friday, May 18, 2012

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

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

Guests Present: Ms. Amanda Boysel, Columbus State student; Ms.
Adrienne Gavula, NASW Relationship Manager; Ms.
Danielle Schmursal, NASW intern and MSW student

1) Meeting Called to Order

Mr. Nelson called the meeting to order at 9:02 a.m.

2) Old Business

Mr. Warne stated that the discussion of licensure levels in different jurisdictions had been covered in the previous day's meeting during their discussion of the Advanced Generalist Exam, and that he had nothing more to add.

3) New Business

a) South Carolina endorsement: Mr. Warne received a question from an applicant who is living in South Carolina and licensed independently in that state. She completed 100 hours of supervision to receive that licensure in SC, and has held the licensure for 3 months. She now seeks licensure in Ohio, and would like those supervision hours accepted under endorsement. The SWPSC determined that she would need to complete 50 more hours of supervision in order to qualify for independent licensure in Ohio.

b) Connecticut endorsement: Mr. Warne received a request from an applicant who has been licensed as an LCSW in CT since 8/12/2011. In order to achieve this licensure in CT, she completed 135 hours of supervision. She now seeks licensure in Ohio, and would like those supervision hours accepted under endorsement. Given that she has been licensed for nine months, the Board felt that this particular amount of work experience could be considered equivalent to the remaining 15 required hours of supervision, and that her supervision could be accepted under endorsement from CT.

c) Texas endorsement: Mr. Warne received verification of supervision from an applicant who has been independently licensed in TX since fall 2006. In order to achieve this licensure in TX, she completed 100 hours of supervision. She now seeks licensure in Ohio, and would like those supervision hours accepted under

endorsement. Given that she has been licensed for several years, and has been working in a clinical setting, the Board felt that this particular amount of work experience could be considered equivalent to the remaining 50 required hours of supervision, and that her supervision could be accepted under endorsement from TX.

- d) A discussion on creating a definition of clinical social work was tabled, since the SWPSC had decided not to pursue the topic of separate LCSW licensure at this time.

4) Executive Director's Report

Mr. Rough discussed some of the rules that will be updated in the coming 5-year rule review. The Board currently requires licensees to submit Post-Program Approval requests in order to count journal articles as CEUs, however it was recently discovered that they had no authority to do so under the Ohio Administrative Code. Rules 4757-9-05 and 4757-9-06 are being updated to meet the current policy. The Governor's Office has identified a slate of applicants to fill the empty seats on the Board, and decisions should be made soon. Mr. Rough recently testified in opposition to a bill being put forth that would require Art Therapists to be fully licensed by the CSWMFT. Similarly, legislators are receiving requests to make the CSWMFT license individuals with master's-level psychology degrees. The Chemical Dependency Board is working to relax some regulations so the CSWMFT licensees can more easily become Addictions Counselors. The Board will hold a public hearing for its proposed rule changes in September. Finally, the Board is experiencing positive response to its Listserv emails, with many licensees happy to receive more frequent information from the Board.

5) CEU Committee Report

Mr. Polovick reported that he believes Paula Broome is doing very well as the Board's new Audit Coordinator. He is impressed that she has the capability to examine CEU information more thoroughly than it has been before. There is some current interest in using software such as CEU Manager to track licensees' completion of CEUs in real time. The Board is beginning to experience some resistance from CEU providers on the new 10,000 word-per-hour distance learning requirement, but there are no plans to relax this requirement. NASW Oregon Chapter requested that the Board approve them as a provider, but this request was denied; at this time, the Board only plans to accept programs approved by the Ohio or National Chapters. NASW is working to create national standards that should make this particular issue no longer a problem.

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 reported that the NASW recently hosted a safety and supervision training with more than 100 attendees. Since schools generally do not provide safety training to their students, the NASW saw the need for this program.

The Ohio Legislature recently passed a bill to remove the requirement that small nursing homes keep a social worker on staff, much to the disappointment of the NASW. Meanwhile, the NASW Ohio Executive Committee is working to see what they can do to create an impaired social worker program. In a discussion of membership dues, Ms. Gavula mentioned that NASW dues can be deducted from a member's tax refund, and that membership continues to grow at a high rate.

8) Working Meeting

The SWPSC proceeded with a working meeting at 10:06 a.m. to review pending applications for licensure, files to be audited, CEU Programs & Providers, and Licensure Renewal Issues.

11) Meeting Adjourned

The meeting was adjourned at 10:50 a.m.

Mr. Robert Nelson, Chairperson