



Counselor, Social Worker & Marriage and Family Therapist Board

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Social Worker Professional Standards Committee (SWPSC) Minutes **Thursday, May 16, 2013**

Members Present: Mr. Tim Brady, Ms. Jennifer Brunner, Ms. Erin Michel, Mr. Steve Polovick

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

Guests Present: Ms. Courtney Diener, NASW Intern

1) Meeting Called to Order

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

2) Discussion/Approval of the May 16 & 17 Agenda

Mr. Polovick asked if any changes or discussion were needed for the May 16 & 17 Agenda. Mr. Brady motioned to approve the agenda. Ms. Michel seconded the motion. Motion carried.

3) Approval of the March 21 & 22 Minutes

Mr. Polovick asked if any changes or discussion were needed for the March 21 & 22 minutes. The Committee reviewed them. Mr. Brady asked if the minutes needed to be corrected to show that Mr. Nelson had left the Board specifically because he would have lost his health insurance by staying. It was decided to leave the minutes as they were. Mr. Brady made a motion to approve the minutes. Mr. Polovick seconded the motion. Motion carried.

4) Approval of Applications for Licensure

The SWPSC reviewed the 147 LSW applicants and 107 LISW applicants approved by the staff, and the 10 SWA applicants registered by the staff, from March 21, 2013 through May 15, 2013. Mr. Brady made a motion to approve the applicants. Ms. Michel seconded the motion. Motion carried.

5) Correspondence

- a) Mr. Warne received an email from the AIDS Resource Center Ohio. In the past, Mr. Nelson had stated to them that their case management position could not be reasonably considered Master's-level social work, and therefore an LSW could not use that work experience as part of the supervised work needed to upgrade to LISW. In July 2012, they changed the work description to make it more clinical, and changed the job title to clinical case management. They asked the SWPSC to make a determination on whether it might now be acceptable.

Ms. Michel pointed out that an MSW brings an advanced skill set to any job, and that this job would appear to provide the necessary structure for a clinical work environment. Mr. Brady stated that he would like to see some supervision logs from one of the LSWs working there, to see exactly what work they're doing. The SWPSC could then review the logs in July. Mr. Polovick agreed, and requested that Mr. Warne ask for the logs.

- b) Mr. Hegarty had received a letter from a licensee would had been disciplined for practicing without a license in the mid-1990s. She claimed to have had trouble obtaining employment due to the disciplinary action being on her record; she reported that she had even lost a job offer due to it, though specifically this was because she had not reported the reprimand to the employer, and when they discovered it she was accused of trying to hide her record. She asked Mr. Hegarty and the SWPSC to consider removing the discipline from her record.

Mr. Miller pointed out that the Investigations department had been going through old consent agreements on the website and marking off ones where the licensee had successfully complied with and completed their consent agreement. Ms. Hosom later confirmed this was correct; the discipline still shows on the Board's website, but the consent agreement is flagged to show compliance. Mr. Polovick agreed that the public does need to know if a licensee has been disciplined in the past; he explained how discipline is progressive, and the website shows clearly how old disciplinary records are, what the issue was, and now whether the terms of the consent agreement were completed. Ms. Michel pointed out that if the licensee lost a job offer, she needed to make her case to that employer and not to the Board. The committee agreed that current methods were fair and proper, and asked Mr. Hegarty to respond back to the licensee.

- c) The Board received a letter from a member of the public who had been through bad experiences with several case workers in the past. She told her story, and requested that the Board set up some sort of "mystery shopper" program to randomly audit social service agencies. Ms. Michel questioned whether any of these agencies had licensed individuals working there; the instances in the letter may constitute ethical violations, but the writer did not include any specific details and needs to elaborate. Mr. Polovick pointed out that the statute of limitations for filing a complaint is two years and many of the events depicted are older, but Investigations could contact her for detail. He asked that Investigations contact the writer and ask her to provide specifics, in order to either move forward with a specific complaint or provide her direction on which other Boards

she may need to contact for resolution. Ms. Michel also suggested forwarding the letter to the Ohio Department of Developmental Disabilities (MRDD) since some of the issues may involve them.

- d) Mr. Hegarty had received an email from a licensee recently who wished to thank the Board. Ethical rules do not allow a social worker to legally adopt his/her own client, but five years ago this licensee had come and talked to the Board and had been allowed an exception in her case. She had gone about it well and asked for permission in advance, and permission was granted. She was now writing to thank the Board for their actions.

While reading the email, Ms. Brunner suggested that it might be nice for people to be able to write in and request for certain retired social workers to be recognized by the Board, and receive a small commendation for their years of service.

6) Investigations

a) Closed cases

Mr. Brady 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.

2012-200	Failure to release records. No violation found.
2013-4	Competency. No violation found.
2013-18	Custody dispute. No violation found.
2013-19	Improper supervision. No violation found.
2013-29	Competency. No violation found.
2013-35	Competency. No violation found.
2013-40	Failure to report. No violation found.
2013-41	Competency. No violation found.

b) Consent Agreements

1) Ms. Nina P. Booker: Ms. Booker was licensed as an LISW from 1/20/95—1/20/07. In September 2004, she had entered into a consent agreement, but did not complete the supervision at the time as she was not working as a social worker, and let her license lapse shortly afterward. Ms. Booker admits to these statements. She has now applied for licensure again; her license will be issued, but she will still be required to complete the monitoring mandated by her original consent agreement.

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

2) Ms. Ann Chambers-Harris: Ms. Chambers-Harris is a licensed social worker. In July 2012, she was audited for compliance with continuing education requirements. She did not submit any proof of continuing education but did return the Board's wallet cards.

Failure to comply with an audit constitutes a violation of ORC 4757.36(C)(1) and OAC 4757-11-01(C)(21)(b). Ms. Chambers-Harris admits these allegations. The Board will allow her to surrender her social work license in lieu of other potential discipline. This surrender is permanent and precludes her from re-applying in the future.

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

3) Mr. Andrew Ward: Mr. Ward is a licensed social worker. In May 2012, he was audited for compliance with continuing education requirements. On April 29, 2013, Mr. Ward communicated with a Board employee and stated that he would prefer to surrender his license rather than complete audit requirements. Failure to comply with an audit constitutes a violation of ORC 4757.36(C)(1) and OAC 4757-11-01(C)(21)(b). Mr. Ward admits these allegations. The Board will allow him to surrender his social work license in lieu of other potential discipline.

Mr. Brady made a motion to accept the consent agreement between the Board and Mr. Ward based on the evidence in the document. Ms. Michel seconded the motion. Motion carried.

4) Ms. Michele L. Croston: Ms. Croston is a registered social work assistant. In August 2012, she was audited for compliance with continuing education requirements. On April 20, 2013, Ms. Croston communicated with a Board employee and stated that she would prefer to surrender her license rather than complete audit requirements. Failure to comply with an audit constitutes a violation of ORC 4757.36(C)(1) and OAC 4757-11-01(C)(21)(b). Ms. Croston admits these allegations. The Board will allow her to surrender her social work assistant registration in lieu of other potential discipline.

Mr. Brady made a motion to accept the consent agreement between the Board and Ms. Croston based on the evidence in the document. Ms. Michel seconded the motion. Motion carried.

c) **Goldman Reviews**

Mr. Gary Ritchie: On 11/30/12, the Board received a complaint alleging that Mr. Ritchie sexually harassed a female client. On 3/22/13, Mr. Ritchie was provided a Notice of Opportunity for Hearing, allowing him to request a hearing on the Board's proposal to discipline him. Mr. Ritchie chose not to request a hearing. Ms. Brunner moved to revoke Mr. Ritchie's social work license. Ms. Michel seconded the motion. Motion carried.

7) **Old Business**

Mr. Polovick took a moment to appoint Ms. Michel to the Board's CEU Committee. Mr. Hegarty also asked the SWPSC to clarify an issue: he had received a phone call from a licensee who had completed a PhD in social psychology and clinical sociology. She now

wished to use the designate “doctor” professionally in conjunction with her practice as a licensee. The SWPSC agree that this would be acceptable.

- a) At a previous meeting, the SWPSC reviewed information from an LISW applicant who had lost her training supervision logs due to a flood. She was asked to provide a signed affidavit, and did so. Her LISW license was issued.
- b) In March 2012, the Board discussed and approved a definition of counseling, within the confines of social work practice, to be added to OAC 4757-3-01(P), and also removing the word “counseling” from 4757-3-01(P)(2) to distinguish it as a separate methodology. The social work scope of practice defines “counseling” but the term was not defined. After the committee came up with the new definition, it was never formally approved. In May 2013, an applicant wrote to Mr. Warne inquiring about the difference between psychotherapy and counseling, which reminded him that the rule change had never been approved. The SWPSC discussed how counseling in this sense does not include the diagnosis and treatment of mental and emotional disorders, which separates it from psychotherapy. Mr. Rough planned to research whether psychotherapy on its own is a legally protected term, to make sure that any written definitions would not cause an unforeseen problem. The committee decided to table the discussion for the moment and take it up again the next day, so Ms. Michel could meet with the CEU committee.

8) Working Meeting

At 11:16 a.m. the SWPSC began its working meeting to review pending applications for licensure, files to be audited, CEU Programs & Providers, Related Degree course worksheets, and Licensure Renewal Issues. The committee adjourned for lunch at 12:15 p.m. and returned at 1:00 p.m.

9) Meeting Adjourned

Mr. Polovick adjourned the meeting at 3:03 p.m.

Social Worker Professional Standards Committee (SWPSC) Minutes
Friday, May 17, 2013

Members Present: Mr. Tim Brady, Ms. Jennifer Brunner, Ms. Erin Michel, Mr. Steve Polovick

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

Guests Present: Mr. Glenn Karr, LLC; Ms. Danielle Smith, NASW-OH Executive Director; Ms. Courtney Diener, NASW Intern

1) Meeting Called to Order

Mr. Polovick called the meeting to order at 9:09 a.m.

2) Old Business

a) The committee resumed its discussion of a counseling definition. Mr. Warne explained that counseling, as interpreted here, was focused on education and life skills. The SWPSC discussed if counseling in this sense fell under social work practice; Ms. Michel argued that it involved applying social work tools and knowledge to the table, which differentiates it from other work. The SWPSC discussed the need to create a definition that did not conflict with the term “counseling” as defined in the rules for Licensed Professional Counselors and other professions such as life coaches, especially in light of new standards that may be created by the Affordable Care Act. Ms. Brunner motioned to table the discussion and look at the issue again in a year, when more effects of the ACA would be known. Mr. Polovick seconded the motion. Motion carried. It was agreed that a definition of counseling may not even be needed, since it may be included within social psychotherapy.

b) The following statute change was approved by the SWPSC at their March meeting. Mr. Rough had added it to the Board’s draft bill, which was waiting to be introduced. The statute change would allow the Board to extend a temporary license to applicants who are unable to provide a transcript due to money owed to their school:

4757.28(C) The committee may issue a temporary license to an applicant who meets all of the requirements to be licensed under this section, pending the receipt of transcripts or action by the committee to issue a license as a social worker. However, the committee may issue a temporary license for a period not to exceed ninety days to an applicant who provides the board with a statement from the applicant’s academic institution indicating that the applicant is in good standing with the institution, that the applicant has met the academic requirements for the applicant’s degree, and the projected date the applicant will receive the applicant’s degree transcript showing a conferred degree. A temporary license may be renewed by the committee upon application and for good cause.

c) The following rule change has been approved and will be filed:

4757-5-02(G)(1) Counselors, social workers, and marriage and family therapists shall not practice, condone, facilitate or collaborate with any form of discrimination on the basis of race, ethnicity, national origin, color, sex, sexual orientation, gender identity or expression, age, marital status, political belief, veteran status, or mental or physical challenge.

3) **Executive Director's Report**

Mr. Rough discussed the status of the Board's draft bill, which had been sent to the Legislative Services Commission, and discussed the budget. He stated that the Board would continue to review the rule change to OAC 4757-9-04 to resolve whether the rule change would adversely impact business. He discussed changes to Ohio laws on human trafficking (which will require new rules to be drafted by the Board to ensure compliance), continued discussion of the national Minimum Data Set survey, and stated that he was drafting language for a statute change allowing Inactive Status for licensees (in light of the fact that the new licensing system would facilitate it).

Mr. Polovick had inquired as to whether the Board should participate as an organization in the Columbus Pride Festival. Ms. Smith asked if the Board could, as an alternative, notify its licensees of NASW's involvement in the Festival; Mr. Rough responded that the Board could not send out alerts on NASW events without doing the same for every organization that asked. Mr. Polovick explained his view that the LGBT population has historically held a negative view of the mental health profession, and it wouldn't hurt to make an effort to change that. Ms. Hosom responded that the Board was a non-political organization, and advocacy outside of laws and rules could not legitimately be a part of its role. Mr. Brady strongly agreed.

4) **New Business**

- a) The SWPSC has recently expressed concerns over quality of supervision; corrective steps have included auditing supervision logs, changing the definition of supervised work experience to require MSW-level work, and creating a supervision training CEU/webinar. Mr. Warne has audited supervision CEUs, and brought several of the exceptional trainers together to discuss how to improve the process. In their meeting, they determined that the Board should offer the webinar, incorporating NASW and ASWB best practice models, with a projected launch date of 9/1/13. They also completed a small survey of LISW-S licensees to see what was being done in the field, and what information could help the licensees. The survey sample was too small to draw conclusions, but response was good, and they were now ready to send the survey to every LISW-S.
- b) Investigations had expressed concern that supervisees weren't getting enough feedback from their supervisors during the process. Mr. Warne modified the sample supervision log to include supervisor feedback. He also changed the content section of the form to line up with CSWE's competency/concentration model, and created supervision log

examples for the website. The SWPSC agreed the sample logs were excellent and could be posted. Mr. Brady suggested putting a form date on the supervision log, so they could always tell if the forms were completed before or after supervision was actually done. Mr. Polovick suggested an electronic signature field to show the date when the form was completed.

- c) Mr. Warne gave an update on supervision log audits. Twelve licensees had been audited since March: five were accepted by Mr. Warne, seven were examined by Mr. Brady. Of those 7, one went to Investigations, two were asked to complete another 90 days of supervision, and three provided very sparse information in their logs, but it was agreed that at the moment the SWPSC should be more focused on inadequacies in amounts of supervision and inappropriate supervisors, rather than quality of the logs.
- d) A recent article was published in the Columbus Dispatch discussing changes to the criminal background checks processed by the Ohio attorney general's office. The background checks are now only including convictions and guilty pleas, and no longer include dismissed charges. The Board currently asks applicants to reveal dismissed charges; Mr. Rough questioned whether they should now only ask about convictions, due to changes in what will appear on the background checks. He presented the following language used by the nursing board on their applications:

“Have you EVER been convicted of, found guilty of, pled guilty to, pled no contest to, pled not guilty by reason of insanity to, entered an Alford plea, received treatment or intervention in lieu of conviction, or been found eligible for pretrial diversion or a similar program for any of the following crimes? This includes crimes that have been expunged IF there is a direct and substantial relationship to nursing practice: a) a felony in Ohio, another state, commonwealth, territory, province, or country? b) a misdemeanor in Ohio, another state, commonwealth, territory, province, or country? (This does not include traffic violations unless they are DUI/OVI)”

The committee discussed the language. Ms. Brunner moved to draft language consistent with the language used by the nursing Board. Mr. Polovick seconded the motion. Motion carried. Ms. Brunner also inquired whether the Board could ask the AAG's office to automatically notify the Board when licensees are convicted of a crime. Ms. Michel confirmed that the Board does require licensees to report all felonies and misdemeanors committed in the course of their practice.

5) **New Business**

- a) The SWPSC had discussed drafting a rule change to OAC 4757-23-01, requiring standard supervision logs, online supervision reporting, and mandating that each supervisor view a Board-crafted webinar. Mr. Warne asked for clarification on what the SWPSC might want that rule to involve exactly. Ms. Brunner stated that in light of their further discussions, it would be premature to draft a rule change until the process was solidly developed and ready to put in place.

b) Mr. Rough had provided a definition of clinical case management created by the North Carolina social work board. Mr. Warne presented it as a useful model for how other states define clinical practice. Mr. Polovick inquired whether there was any timeframe on the project of creating the LCSW; Mr. Warne replied that it was still too early to give any idea of time frame. He asked whether the SWPSC still wanted Dwight Hymans from ASWB to come in September and discuss clinical models. Mr. Polovick responded that it would probably be more useful for the staff to keep in contact with Mr. Hymans rather than have the full committee meet with him, since there would be no firm licensure model for him to comment on at this point. He stated that they should continue to discuss this issue until a model was developed which they could move forward on.

6) **NASW Report**

NASW-Ohio continued to advocate for Medicaid expansion, and represented social workers at an anti-bullying symposium. They provided training on mandatory reporting, and conducted a survey of members to address what social workers need to know about ethics. Regular meetings are being held with deans and directors of Ohio MSW programs to discuss current professional issues and licensing procedures. They created a new online licensure preparation course, and are planning for their next annual conference; Ms. Smith asked the committee to provide names of anyone they knew who may wish to contribute presentations and webinars. Ms. Smith also provided information on staff changes at NASW National and NASW resources.

The Ohio Chapter has also been in communication with the Cleveland Plain Dealer, who have repeatedly misidentified individuals as “social workers” in their paper, creating a negative view of the profession. The Plain Dealer has responded that they will not make corrections. NASW has submitted op-ed pieces and letters signed by a number of organizations, as well as emails from NASW members, to convince the paper’s staff of the severity of their misstatements, and pressure them to report more accurately.

7) **Meeting Adjourned**

The meeting was adjourned at 11:40 p.m.

Mr. Steve Polovick, Chairperson

ACTION ITEMS

January 2013 meeting

1. Medicaid officially opened up tobacco counseling services to LISWs on 10/19/12, and LISWs in Ohio can now bill for that service. Mr. Polovick asked that Mr. Miller and Mr. Warne include this item in a future Listserv.

March 2013 meeting

1. During supervision log audits, keep a log of what is and isn't acceptable supervision, and why.

May 2013 meeting

1. Acquire supervision logs from AIDS Resource Center (see Correspondence item A)
2. Discuss counseling definition in May 2014 (see Old business)
3. Post sample supervision logs to website (new business item B)
4. Draft new language for arrest question on applications (new business item D). Per Ms. Brunner's suggestion, check with AAG's office to automatically notify the Board when licensees are convicted of a crime.

Tabled for now

1. Discussion of LCSW
2. Standardized sup logs, online reporting, mandating LISW-S view webinar