

State of Ohio
Counselor, Social Worker And
Marriage & Family Therapist Board

Social Worker Professional Standards Committee (SWPSC) Minutes

Thursday, September 29, 2005

Meeting was called to order by Mr. Glenn Abraham, Chairperson

Other Members Present: Dr. Theresa Cluse-Tolar, Ms. Gwen DaCons-Taylor,
and Ms. Molly Michelbrink

Members Absent: Mr. Rocky Black

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

1. **Agenda**

The agenda was reviewed and approved.

2. **Correspondence**

The SWPSC reviewed and responded to the following letters that were received by the Social Work Department:

Letter from Carol Jacob, LSW regarding her request to have Bill Panning, LISW provide her with training supervision. The SWPSC discussed the request and voted no due to the issue of boundaries.

Letter from Rosemary Mahl, LSW, Trista Piccola, LSW and Cathy Isner, LSW regarding their desire to obtain the status of LISW without having the requirement of two years post-masters, post-LSW supervision. The SWPSC discussed the letter and requested that another response be sent to the licensees referencing the requirements of Rule 4757-19-02(B)(2)(a).

Email from Sarah Massie, LSW regarding the ethical issues that may be involved with her being able to carry a weapon during her duties she is performing while riding along with Law Enforcement officials. The SWPSC discussed this at length and determined regardless of the personal opinions involved in this matter, the code of ethics does not address this issue, and that the licensee is not violating the code of ethics if she carries a weapon while performing her duties with Law Enforcement officials.

Letter from Matthew Musgrave, LISW requesting the board to share a copy of a previously accepted LISW training supervision record – redacted for confidentiality – to use as a model format at the agency he is employed at. The SWPSC discussed the request and decided that a sample form be developed and sent to the licensee.

3. Mr. Rough made a request that he needs a SWPSC member to be a part of the Board Member Training Committee. Ms. Michelbrink volunteered to accept the position. Mr. Rough also request that a SWPSC member to be a part of the Statute Committee. Mr. Abraham volunteered to accept the position and Dr. Cluse-Tolar volunteered to be the alternate.

4. Working meeting and members reviewed/approved/denied applications for licensure, CEU programs and CEU extensions.

5. 1:00 p.m. – Mr. Abraham met with a pending LSW applicant, James Doak regarding his previous misdemeanor and felony convictions. Mr. Abraham will further discuss this meeting at the 9/30/05 SWPSC meeting.
6. 2:00 p.m. – The SWPSC met with the Ohio Health Care Association (OHCA) regarding the denial of their Social Worker Provider status. OHCA stated that they submitted that same provider packet that they had always submitted and was concerned as to why it was denied this time. The SWPSC explained that due to various concerns with several providers, the Board has changed the procedure and standards for reviewing provider packets. The SWPSC suggested that OHCA only submit programs that are related to social work and provide more information and better descriptions of the programs. OHCA said that they will apply program by program in the future. The SWPSC suggested that they submit a Program Provider application with three social work programs they would like to offer. This would potentially give OHCA Program Provider status in the future.
7. 2:45 p.m. – Mr. Abraham met with a pending LSW applicant, James Pease regarding the possible practicing without a license. Mr. Abraham will further discuss this meeting at the 9/30/05 SWPSC meeting.
8. Meeting adjourned.

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Other Members Present: Dr. Theresa Cluse-Tolar, Ms. Gwen DaCons-Taylor,
and Ms. Molly Michelbrink

Members Absent: Mr. Rocky Black

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

Guest Present: Mr. Henry Lustig, NASW Liaison

1. Approval Of July 22, 2005 SWPSC Minutes

A motion was made by Ms. DaCons-Taylor to approve the July 22, 2005 SWPSC minutes. Seconded by Ms. Michelbrink. Motion carried.

2. Investigations

Mr. Hegarty requested that the SWPSC Meeting go into Executive Session for review of pending administrative actions requiring committee review. Accepted By A Unanimous Roll Call Vote.

Ms. Michelbrink moved to come out of executive session, seconded by Dr. Cluse-Tolar which passed unanimously.

(A) Mr. Abraham made a motion that the following cases be closed as recommended by Dr. Cluse-Tolar as the investigation staff had determined no actionable offenses had been found. Ms. Dacons-Taylor seconded the motion. Motion carried.

0501002	0502011	0503033	0504050	0505063	0505069
0506074	0506077	0506080	2005-6	2005-7	2005-9
2005-12	2005-15	2005-20	2005-21	2005-24	2005-30
2005-32	2005-35	2005-37			

(B) Expert Witness Approval

Mr. Hegarty requested the SWPSC to review the resume of Kenneth Cunningham, Ph.D., ASCW, LISW and to consider him to provide the services of an Expert Witness Clinician for a misdiagnosis case for the Board. For legal purposes, the Board needs his services for the case. Dr. Cunningham was recommended by Dr. Cluse-Tolar. The SWPSC approved the Board to enter into a contract with Dr. Cunningham.

(C) Notice Of Opportunity For Hearing

Carol Hales – A motion was made by Dr. Cluse-Tolar to take disciplinary action against the independent social worker license of Ms. Hales based on two violations of OAC 4757-5-01(J)(1) Mandatory Reporting. Seconded by Ms. Dacons-Taylor. Motion carried.

James Baker - A motion was made by Dr. Cluse-Tolar to take disciplinary action against the social worker license of Mr. Baker based on a conviction in the Wayne County court of Common Pleas for Theft, a violation of Ohio Revised Code Section 2913.02, a first-degree misdemeanor, and Theft, a violation of Ohio Revised Code Section 2913.02, a fifth-degree felony. Seconded by Ms. Michelbrink. Motion carried.

(D) Consent Agreements

Donna Woltz-Dyer – Ms. Woltz-Dyer completed a home assessment on herself to become a foster parent. A motion was made by Dr. Cluse-Tolar to require Ms. Woltz-Dyer to complete ten hours of professional social work ethics at her expense in addition to the three that are required for renewal. Seconded by Ms. Michelbrink. Motion carried.

David Forman – Mr. Forman was practicing on a lapsed license. A motion was made by Dr. Cluse-Tolar to reprimand Mr. Forman's license to practice social work. Seconded by Ms. Michelbrink. Motion carried.

Shirley Felder – Ms. Felder wrote a personal letter on the behalf of a person to obtain a loan from an academic institution which degraded this person's mother. Ms. Felder signed the letter as LSW although the letter did not have anything to do with a social work issue. A motion was made by Dr. Cluse-Tolar to reprimand Ms. Felder's license to practice social work and to require Ms. Felder to take six hours of continuing education in the area of professional social work ethics. Seconded by Ms. Michelbrink. Motion carried.

(E) Goldman Cases

Darlene Brown – Ms. Brown stole money from a client and received a criminal conviction. A motion was made by Ms. Michelbrink to revoke the license of Ms. Brown. Seconded by Ms. Dacons-Taylor. Motion carried.

James Lee Davis – Mr. Davis applied for a SWA registration and did not meet the coursework requirements. A motion was made by Dr. Cluse-Tolar to deny the Social Worker Assistant registration. Seconded by Ms. Dacons-Taylor. Motion carried.

(F) Impairment Order

A motion was made by Dr. Cluse-Tolar to issue an Impairment Order against a Social Worker who had sexual relations with a minor and received a criminal conviction. Seconded by Ms. Michelbrink. Motion carried.

3. **Applicant with Related Degree**

Mr. Abraham discussed the application of Kelly Horsfall. Ms. Horsfall is a related degree applicant who let her license lapse two times. She is now applying for licensure for the third time. The concern is that the applicant has never completed her continuing education requirement of obtaining five semester hours or eight quarter hours in a social work theory course and a social work methods course at an accredited educational institution. Mr. Rough suggested that Ms. Horsfall be informed that she cannot re-apply for licensure until she completes her continuing education requirement due to the fact that she has established a clear pattern of applying for re-

taking the social work exam and re-applying for licensure every few years without ever meeting the coursework requirements for a related degree renewal. Although the SWPSC agreed that this response would be acceptable the SWPSC decided to table the discussion until the November SWPSC meeting. In the meantime, they would like Mr. Rough to request an opinion from P.R. Casey, Assistant Attorney General on this matter.

4. **Executive Directors Report**

Mr. Rough reported on the CLEAR Conference he attended earlier this month. He commented on several items of importance to the CSWMFT Board. The comments are as follows:

1. One of the sessions Mr. Rough attended was concerning the silver threads among standards of practice, essential competencies and ethics. The discussion attempted to link the competencies that articulate expectations with respect to professional practice and how that ties to code of ethics and responsible conduct. Also raised was the notion that ethics may be aspirational through their dissemination which can lead them to become public expectations.
2. Mr. Rough attended a session on autonomous boards and found a broad delineation of what different states and entities considered autonomous. He established that the CSWMFT Board is more autonomous than any other Board at the conference.
3. Mr. Rough reported that the Canadian engineering and accountancy regulators discussed their substantial equivalency standards that ease the transition of licensees from province to province and allows USA licensees access as well. One issue raised was the requirements under NAFTA and other trade agreements to enable the flow of people among countries.
4. Another session Mr. Rough attended was a legal issues roundtable that covered many topics similar to how the CSWMFT Board handles investigative cases. It was noted that many states have much more control exerted from the Attorney Generals office over complaint investigation and enforcement actions. This led Mr. Rough to ask how this was affected by NAFTA and/or other trade agreements. He was unable to obtain an answer from the lawyers and CLEAR staff who were present. A CLEAR staff person has been asked to look into the issue.
5. Mr. Rough also attended a central agency roundtable that discussed a broad range of issues. He noted that the CSWMFT Board is ahead of most of these states in our licensing system, online renewals and future online applications.
6. A session Mr. Rough attended on the Nurse Licensure Compact has a really unique way of looking at a new licensure process. A licensee is only licensed in their state of residence. However, that license allows them to practice in any participating state without an additional license in those states as long as they remain a resident of the original state.

Mr. Rough summed up by stating that the CLEAR Conference provided a very broad view of licensure since it included regulators from Canada and the United Kingdom as well as the fifty states, the District of Columbia, Puerto Rico and Guam.

Mr. Rough briefly discussed the email he sent to the board members regarding the talking points of Sub HB 117 which allows and encourages the provision of alternative health care services by individuals without standards for education, training, or demonstration of skills. He indicated that he and Dr. Cluse-Tolar had discussed writing a letter on behalf of the CSWMFT Board regarding the viewpoint of the board on this matter. He will speak more about this issue at the full CSWMFT Board meeting.

Mr. Rough informed the SWPSC of the Notice of Public Hearing For Rules. He indicated that if the rules are approved at the full CSWMFT Board meeting, then he will proceed with filing them in October and the Public Hearing will be held in November.

Mr. Rough discussed the pre-approval of social worker applicants prior to them taking the social work exam administered by the Association of Social Work Boards (ASWB). He would like to move forward with this once the online application process has been implemented. He submitted the proposed rule change for pre-approval to the SWPSC. Mr. Rough also commented on the fact that the ASWB has announced that they have changed the number of days candidates have to wait before they can schedule an appointment for the exam. Candidates previously had to wait 14 days from the date of registration with the ASWB. This has been changed to 7 days. This change will be effective for candidates registering with ASWB beginning September 1, 2005 and forward.

Dr. Cluse-Tolar expressed her concern that with the CAVU system that the initial processing of data entry happens on the front end of the process now instead of the back end as was previously done. She wondered if this would slow down the processing of applications if the SWPSC approves this pre-approval method. Mr. Rough indicated that with the online application that the initial data entry would be completed by the applicant thus saving time for Ms. Holleman.

Dr. Cluse-Tolar indicated that the SWPSC had previously discussed that a letter would be required from the social work programs at the academic institutions that would let the Social Worker Licensure Examiner know that a person is in good standing with the academic institution so that they would be eligible to take the exam during their last quarter or semester. Mr. Abraham raised the concern that not all social work programs may be willing to submit a letter based on the large number of graduates. Mr. Rough suggested that a standard letter of good standing could be given to the social work programs to give to the students to submit. Mr. Abraham said that compelling the staff of the social work programs, which we do not regulate, to do process additional paperwork is where his concern is. Dr. Cluse-Tolar suggested that Mr. Rough discuss this letter of good standing with the Ohio Social Work Educators group and get feedback. Dr. Cluse-Tolar raised the issue of FERPA and how it would affect the social work programs submitting letters without permission from the students. She stated the possibility that the online application could allow the applicant to grant permission to the academic institution to release the information. Dr. Cluse-Tolar said that she would check with the FERPA people regarding this issue.

5. Ohio Chapter of the National Association of Social Workers (NASW)

Mr. Lustig brought up the question of the timeframe for the board to address an issue of ethical conduct for a social worker who is practicing in a rural area with limited resources. It appears that bartering for services is allowable under certain circumstances with the approval of the board based on the presentation of legitimacy of the arrangement. How soon could the board be able to address the issue? Discussion from the SWPSC followed regarding boundaries and the bartering issue and various communities that have the need for bartering. It was suggested that Mr. Lustig discuss this issue with Mr. Hegarty who works in the Ethics and Investigating Department.

Mr. Lustig would also like to develop a link between the NASW website and the website of the CSWMFT Board in terms of information. It was suggested that Mr. Lustig discuss this possibility further with Mr. Rough.

6. **Approval / Denial Of Applicants**

Prior to the approval of applicants, Mr. Abraham made a comment regarding the large number of applicants with past criminal records that the SWPSC had at this meeting. Mr. Abraham proceeded to individually discuss the types of court records these applicants had and obtain the input from the SWPSC on how they should proceed with processing the applications. They are as follows:

- Applicant for LSW who had a past criminal conviction for carrying a concealed weapon charges and the record has been sealed for several years. Since the court system has allowed this to happen then the applicant had to prove to them that she has been a model citizen since the time the incident occurred. The SWPSC recommended that the applicant be approved for licensure.
- Applicant for LSW who has a past criminal conviction for shoplifting and was placed on probation. The applicant has been off of probation for four years. The SWPSC recommended that the applicant be approved for licensure.
- Applicant for SWA who had a past criminal conviction for murder in a domestic violence incident and was in prison for ten years. The applicant has been out of prison for almost five years and is awaiting the final release of parole in October. In addition she submitted several letters of reference on her behalf. The SWPSC feels that this is a critical issue and recommended that this application for licensure be tabled until the November SWPSC meeting pending the submission of the Final Release of Parole Certificate from the Ohio Department of Rehabilitation and Corrections and further discussion of the past criminal conviction.
- Applicant for SWA who has a past criminal conviction for drug trafficking and was in prison for 17 months. The applicant has been out of prison for over 2 years. He submitted a letter from the prosecuting attorney recommending him for the SWA registration. The SWPSC recommended that the applicant be approved for licensure.
- Applicant for LSW who has a past criminal conviction for a domestic violence related incident and the record has been sealed for several years. Since the court system has allowed this to happen then the applicant had to prove to them that she has been a model citizen since the time the incident occurred. The SWPSC recommended that the applicant be approved for licensure.
- Applicant for LSW who has a past criminal conviction for the use of a communication facility to commit a drug offense and was in prison for several years. The applicant has been out of prison for several years. The SWPSC recommended that the applicant be approved for licensure.
- Applicant for LSW who has a past criminal conviction for a DUI. The applicant has been off of probation for several years. The SWPSC recommended that the applicant be approved for licensure.
- Applicant for LSW who has a past criminal conviction for carrying a concealed weapon. The applicant has been off of probation for several years. This applicant also has an issue

with possibly practicing without a license. The SWPSC recommended that the applicant be scheduled for a meeting with the SWPSC at the November board meeting.

Applicants Pending Licensure From The 7/05 SWPSC Meeting

James Doak – Applicant for LSW who has past misdemeanor and felony charges. The charges were approximately twenty to thirty years ago. Mr. Abraham discussed with the SWPSC that after the lengthy meeting he had with Mr. Doak, he feels comfortable with his ability to provide social work services to the population he serves and that he feels comfortable with Mr. Doak's rehabilitation. The SWPSC recommended that the applicant be approved for licensure.

James Pease – Possible practicing without a license. The overall problem is with his job descriptions and his misuse of terminology. Mr. Abraham told the SWPSC that he discussed at length with Mr. Pease that it is his responsibility to use the correct terminology regardless of whatever terminology other staff members choose to use. Mr. Abraham also indicated that he discussed at length the job descriptions which Mr. Pease submitted. The SWPSC recommended that the applicant be approved for licensure.

After the aforementioned discussion of applications, the following applications were approved for licensure:

SWA - 25 Applications Approved
LSW - 227 Applications Approved
LSW (Related Degree) - 13 Applications Approved
LISW - 46 Applications Approved

Total - 311 Applications Approved For Licensure

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

Intents To Deny

SWA - 1 Application Denied - Failure To Meet Coursework Requirements

A motion was made by Dr. Cluse-Tolar to issue an Intent To Deny for this SWA applicant. Seconded by Ms. Michelbrink. Motion Carried.

7. Association of Social Work Boards (ASWB)

Ms. Michelbrink and Mr. Rough will attend the ASWB Conference in Detroit, Michigan on November 4th – 6th. Dr. Cluse-Tolar informed the SWPSC that the ASWB will pay for Ms. Michelbrink to attend the conference since she is the delegate and that the ASWB is also paying for Mr. Rough since he is a new administrator. Dr. Cluse-Tolar said she would feel comfortable allowing Ms. Michelbrink to have full voting authority as the representative of the SWPSC at the conference. The other SWPSC members agreed with this recommendation.

8. New Business

Mr. Rough raised the issue of the supervision rule for social workers (4757-23-01). The question is how many supervisees can a supervisor have? The rule, (A)(2)(b) states that "group supervision" means face-to-face contact between a supervisor and a small group (not to exceed six supervisees). Mr. Rough wondered if the SWPSC members had ever encountered a supervisor turning down a

supervisee because they only supervise six people at one time. The SWPSC indicated that they have never heard of this happening. Mr. Rough asked them to look at the rule for counselors and how it differentiated from the social workers. Mr. Rough also discussed the supervision rule for marriage and family therapists.

9. Dr. Cluse-Tolar requested that the SWPSC Meeting go into Executive Session to discuss a personnel issue with Mr. Rough. Accepted By A Unanimous Roll Call Vote.
Dr. Cluse-Tolar moved to come out of executive session, seconded by Ms. Michelbrink and passed unanimously.
10. Ms. Dacons-Taylor expressed her enjoyment of the years she has been a CSWMFT board member and thanked the SWPSC for their support and friendship over the years. Each SWPSC member responded by letting her know that they would miss her and that they too had enjoyed working with her over the years.
11. **Meeting Adjourned**

A motion was made by Dr. Cluse-Tolar to adjourn the meeting. Seconded by Ms. Michelbrink. Motion carried.

Mr. Glenn Abraham, Chairperson

