



## *Counselor, Social Worker & Marriage and Family Therapist Board*

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### **Social Worker Professional Standards Committee (SWPSC) Minutes**

**Thursday, September 16, 2010**

**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

#### **1. 9:15 a.m. – SWPSC Administrative Denial Hearing**

The matter of the eligibility of Sheila A. Oldaker to be licensed as a social worker in the state of Ohio came before the Ohio Counselor, Social Worker & Marriage And Family Therapist Board's Social Worker Professional Standards Committee on September 16, 2010. Members present were Mr. Tim Brady, Mr. Steve Polovick, Ms. Jennifer Riesbeck-Lee

A Notice of Proposed Opportunity for Hearing was issued to Ms. Oldaker by the Counselor, Social Worker, & Marriage and Family Therapist Board on September 21, 2009. An administrative hearing was held on September 16, 2010. Assistant Attorney General Leah O'Carroll represented the State. Ms. Oldaker was present and was not represented by counsel.

Ms. Riesbeck-Lee requested that the SWPSC Meeting go into Executive Session at 10:05 a.m. to discuss the denial of Ms. Oldaker to be licensed as a social worker. Accepted By A Unanimous Roll Call Vote.

At 10:20 a.m. Ms. Riesbeck-Lee moved to come out of executive session. Accepted By A Unanimous Roll Call Vote. The Social Worker Professional Standards Committee reviewed all the evidence and determined that Ms. Oldaker does not meet the educational requirements to be licensed as a social worker.

#### **2. Meeting Called to Order**

Mr. Nelson called the meeting to order at 10:30 a.m.

**3. Discussion/Approval of the September 16<sup>th</sup> & 17th, 2010 Agenda**

Mr. Nelson asked if there were any changes or discussion of the September 16<sup>th</sup> & 17th, 2010 agenda.

Mr. Nelson corrected the agenda to change the time for Mr. Hegarty to discuss Investigation items to 10:30 a.m. Mr. Nelson also added to the agenda the following topics to be discussed.

1. Professional Disclosure Statement
2. Council on Social Worker Education (CSWE) status for Xavier University

Mr. Brady added the following topic to the agenda under Old Business. This topic was tabled at the July, 2010 SWPSC meeting.

1. Guardianship of an Ex-Client.

Ms. Riesbeck-Lee made a motion to approve the agenda as corrected and to accept the topics added to the agenda. Seconded by Mr. Brady. Motion carried.

**4. Approval of the July 15<sup>th</sup> & 16th, 2010 Minutes**

Mr. Nelson asked if there were any changes or discussion of the September, 2010 minutes.

Mr. Nelson said that his vote on the new paragraph to 4757-5-02 (I) was yes, not no.

Mr. Brady made a motion to approve the minutes as corrected. Seconded by Mr. Polovick. Motion carried.

**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. Riesbeck-Lee seconded the motion. Motion carried.

2010-69      2010-80      2010-91      2010-95      2010-106      2010-107  
2010-110

Ms. Riesbeck-Lee 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.

2010-28      2010-56      2010-57      2010-60      2010-70      2010-97  
2010-105      2010-117      2010-119

**(B) Executive Session**

Mr. Nelson requested that the SWPSC meeting go into Executive Session at 10:35 a.m. to discuss Consent Agreements, Goldman Reviews (Licensure and Discipline), and Adjudication Order. 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 10:45 a.m. Accepted by a Roll Call Vote – Mr. Brady – yes, Mr. Nelson – yes, Mr. Polovick – yes, and Ms. Riesbeck-Lee – yes.

**(C) Consent Agreements**

**Melinda Woodworth, LSW** - A motion was made by Ms. Riesbeck-Lee to approve the Consent Agreement between the Board and Ms. Woodworth based on the fact that she failed the continuing education audit. Seconded by Mr. Brady. Motion carried.

**Jodi Bednar, LSW** - A motion was made by Mr. Brady to approve the Consent Agreement between the Board and Ms. Bednar based on the fact that she failed the continuing education audit. Seconded by Mr. Polovick. Motion carried.

**(D) Vacate Adjudication Order**

**Lakesha Smith, LSW** - A motion was made by Mr. Polovick to vacate the Adjudication Order for Ms. Smith. The case will be re-opened by the Investigation department for further research. Seconded by Ms. Riesbeck-Lee. Motion carried.

**(E) Goldman Review (Disciplinary)**

**Terri Findlay Jones, LSW** – A motion was made by Mr. Brady to revoke Ms. Jones’ social worker license based on the Board’s proposal to discipline her due to her failure to respond to the Notice of Opportunity for Hearing regarding her failure of the continuing education audit. Ms. Jones did not request a hearing. Seconded by Ms. Riesbeck-Lee. Motion carried.

**Marla Percy, LSW** – A motion was made by Mr. Polovick to revoke Ms. Percy’s social worker license based on the Board’s proposal to discipline her due to her failure to respond to the Notice of Opportunity for Hearing regarding her failure of the continuing education audit. Ms. Percy did not request a hearing. Seconded by Mr. Brady. Motion carried.

**Cornelius Vines, LSW** – A motion was made by Ms. Riesbeck-Lee to revoke Mr. Vines’ social worker license based on the Board’s proposal to discipline him due to his failure to comply with a previous Consent Agreement. Mr. Vines did not request a hearing. Seconded by Mr. Polovick. Motion carried.

(F) **Goldman Review (Licensure)**

**Leanne Owens**– A motion was made by Mr. Brady to deny Ms. Owens' licensure application for not possessing a qualifying degree in social work based on the accompanying affidavit. Ms. Owens did not request a hearing. Seconded by Mr. Polovick. Mr. Nelson recused himself. Motion carried.

6. **Approval of Applications for Licensure**

A motion was made by Mr. Brady to approve the 397 applicants licensed by staff from July 19<sup>th</sup>, 2010 through September 15<sup>th</sup>, 2010. Seconded by Mr. Polovick. Motion carried.

7. **Association of Social Work Boards (ASWB)**

(A) **Changes to Social Work Licensing Examinations**

The SWPSC reviewed and discussed the several changes that the ASWB will undergo ranging from the reorganization of test content, the use of new testing sites and for the first half of 2011 some examinees will qualify for free Advanced Generalist examinations as part of a data-gathering project.

(B) **Changes to Testing Vendor Contract**

The SWPSC reviewed and discussed the three-year contract with Pearson VUE for test administration and psychometric support of the ASWB social work licensing examination beginning January 1, 2011.

(C) **ASWB Annual Meeting – November 11 – 13, 2010**

Mr. Nelson said that Ms. Riesbeck-Lee had expressed an interest in attending and will let Mr. Rough know tomorrow if she will attend the meeting.

(D) **Conscience Clauses**

The SWPSC reviewed and discussed a new law approved recently by Idaho's legislature that has raised concerns among social work organizations and other opponents about the professional ethical responsibility to protect the rights of clients.

8. **Working Meeting**

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

9. **Meeting Adjourned**

Mr. Nelson declared the meeting adjourned at 4:00 p.m.

**Social Worker Professional Standards Committee (SWPSC) Minutes**

**Friday, September 17, 2010**

**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,  
Ms. Jenny Kreinbrink, Mr. Jim Rough  
**Guests Present:** Mr. Glenn Karr, Attorney, Mr. Henry Lustig, NASW liaison,  
Ms. Cindy Webb, NASW Executive Director

1. **Meeting Called to Order**

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

2. **Old Business**

(A) **Letter From Johanna Slivinske**

Ms. Slivinske submitted additional information with regard to her request that teaching social work classes be considered the practice of social work towards obtaining her LISW. The SWPSC reviewed and discussed her request. The SWPSC came to the consensus that teaching social work classes is not the practice of social work. Mr. Nelson said that he will call Ms. Slivinske to discuss this issue.

(B) **Proposed Rule Changes**

**4757-5-09 (I) Record Custodian**

A motion was made by Ms. Riesbeck-Lee to accept the draft language to address a licensee's absence, emergency or death. Seconded by Mr. Polovick.

After discussion, Mr. McTigue amended the motion made by Ms. Riesbeck-Lee to delete the work emergency and replace with the work incapacitation. Seconded by Mr. Brady. Motion carried.

**4757-9-04 (F) Banking CEU's**

Mr. Brady noted that there was a typographical error in the proposed rule change. The word "license" should be "licensee". A motion was made by Mr. McTigue to approve the draft of the rule change to banking CEU's with the correction of the typographical error. Seconded by Mr. Brady. Motion carried.

**4757-9-05 (C) (6) & (7) Automatic Provider Approval For University Programs**

A motion was made by Mr. McTigue to accept the changes to the draft of the paragraph to delete the automatic provider approval for university programs. Seconded by Mr. Brady. Motion carried.

**4757-6-01 - Custody Language Change**

A motion was made by Mr. McTigue to accept the changes to the draft of the paragraph to change the custody language to address court issues. Seconded by Mr. Polovick. Motion carried.

(C) **Should Social Work Assistants (SWA) Be Required To Obtain 30 CEU's For Renewal Of License**

The SWPSC discussed this issue and came to the consensus to leave the rule as it is to require SWA's to obtain 30 CEU's for the renewal of their license.

(D) **Scope of Practice For A Social Work Assistants (SWA)**

At the July, 2010 SWPSC meeting, the SWPSC asked for the staff to obtain input from the community colleges that offer programs that allow for a graduate to obtain a SWA registration. Ms. Kreinbrink and Mr. Rough met with some of the members of the Ohio coalition of Human Service Educators to discuss the scope of a SWA. The Coalition reviewed the current and proposed change of the SWA scope of practice which was drafted by Mr. Hegarty. The Coalition defined some of the services that SWA's are currently allowed to provide and also listed agencies where their graduates work and the type of services provided at these agencies. They said the Association of Applied Science programs that are offered by the member colleges follow CSWE guidelines.

The SWPSC discussed the issue and came to the consensus to leave the scope of practice for a SWA as it is.

(E) **Continued Competence Program**

The SWPSC reviewed the memo from Mr. Rough regarding the Continued Competence Program that Ontario has. Mr. Rough reported that he met with Dr. Gregoire and Ms. Durham from The Ohio State University to discuss how to begin planning for the implementation of a trial program to see if the Board could offer this process as an

alternate to CEU's. Mr. Rough has requested the Ontario Board to approve our use of their copyrighted materials.

Dr. Gregoire and Ms. Durham are excited about the opportunity and hope to have a draft proposal in about a month. However, there are a number of issues around costs for the program in development, training and implementation. Mr. Rough discussed with Dr. Gregoire and Ms. Durham the implementation with a small group of individual practitioners and perhaps a small agency.

**(F) Council On Social Worker Education (CSWE) Status For Xavier University**

Mr. McTigue made a motion to accept the rule change to 4757-3-02 (M) to allow for a Master's degree or Ph.D degree in social work to mean a degree granted from programs accredited or in candidacy status with the CSWE. Mr. Brady seconded. Motion carried.

**(G) Professional Disclosure Statement**

The SWPSC briefly discussed the need for a licensee to have a Professional Disclosure Statement and came to the consensus that this is an issue that should be discussed at the full Board meeting with the Counselor Professional Standards Committee (CPSC) and the Marriage and Family Therapist Professional Standards Committee (MFTPSC)

**(H) Guardianship Of An Ex-Client**

Mr. Brady discussed whether or not they should put in the rule about waiting one year to be the guardian of an ex-client. Mr. McTigue suggested that the rule be changed to state one year unless the court finds that there are exceptional circumstances to permit it. The SWPSC agreed that this needs to be discussed with the full Board.

**3. National Association of Social Workers (NASW)**

Ms. Webb reported to the legislative issues that the NASW is currently working on. Additionally, she discussed issues that she is working on with other state NASW's.

Mr. Lustig reported that he is creating a statutory review committee that he plans to have organized within the next month.

**4. Executive Director's Report**

Mr. Rough reported on the following Board member appointments: Ms. Susan Huss is completing her second term and is not eligible for re-appointment. Ms. Francine Packard is completing her first term and will not apply for a second term. Mr. Nelson is completing his first term and had made application to be re-appointment. Dr. Otha Gilyard is completing his first term and had made application to be re-appointment.

Mr. Rough contacted all of the associations concerning proposed statute changes and most are still in work. OCBHP has provided their input, which includes a request to delete the professional disclosure statements from section 4757.12 of the Revised Code. OAMFT and OCA provided their inputs and NASW Ohio Chapter is working on their input. Mr. Rough has asked OCA for additional detail on a couple of their inputs, which were rule related as opposed to statute.

Mr. Rough forwarded a letter to the Supreme Court with six supporting letters concerning the rules of superintendence for the courts of Ohio rule 66 paragraph (A).

The Civil Service Exemption – HB 62 had a hearing in the senate on May 11, 2010 for sponsor testimony. Interested parties are encouraged to write Senator Hughes, Committee chairman, to encourage additional hearings.

The Mental Health Hold Bill – HB 281 has had three hearings. Mr. Rough will testify as a proponent when the next hearing is scheduled.

The Art Therapy Bill – HB 208 has had three hearings. The bill has had significant input, but we have not received a new copy of the draft bill.

The board will need to file the budget for FY2012 & 2013 by November 1, 2010. Mr. Rough is waiting for input from DAS on some IT costs. The board needs to decide the fees for replacement wall certificates and CE programs and provider status at the full Board meeting.

Mr. Rough met with representative from the Auditor of State's office for an audit entrance meeting on July 17, 2010. The audit will cover FY 2009 and 2010.

HB 130 was passed in December 2008 and offers a framework for addressing legal and other barriers to employment for individuals released from prison. Representatives of the Medical and Nursing Boards are members of the Ohio Ex-Offender Re-Entry Coalition and are keeping other boards informed of the progress.

ASWB sent a letter concerning Idaho's Conscience Clause that Mr. Rough wanted the SWPSC to review and discuss.

Mr. Rough compiled a report for the board members of visitors to the cswmft.gov website for the calendar year 2004 to 7/31/2010.

Mr. Rough attended a Nursing Board training on Patient Safety Initiative – Creating a Culture of Safety and Accountability, which is based on a program developed by Outcome Engineering called “Just Culture” where the “Just” refers to justice in culture.

Mr. Rough reported that the Medical Board recently proposed a rule change that begins to support efforts to expand the use of telemedicine.

Mr. Rough reported that the Board received a letter from HIPDB stating that we were missing two discipline filings. The filings have been completed.

Mr. Rough reported on his Executive Director Work Plan.

**5. Executive Ad Hoc Committee Report**

Ms. Riesbeck-Lee reported on the issues that were discussed at the July 15<sup>th</sup> Planning Meeting. She requested the SWPSC to review these issues and make sure that all issues were covered.

**6. CEU Ad Hoc Committee Report**

Mr. Polovick reported that the committee again discussed charging for program and provider approval. A decision is needed for the budget that Mr. Rough has to complete if they charge for approval, and then the Board may be able to hire someone who could do quality assurance with CEU's. The CEU committee also discussed fining providers for using provider status even though it has expired.

**7. Meeting Adjourned**

A motion was made by Mr. Polovick to adjourn the meeting at 12:00 p.m. Seconded by Mr. Brady. Motion carried.

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Mr. Robert Nelson, Chairperson