



Counselor, Social Worker & Marriage and Family Therapist Board

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Social Worker Professional Standards Committee (SWPSC) Minutes **Thursday, September 15, 2011**

Members Present: Mr. Tim Brady, Mr. Don McTigue, Mr. Bob Nelson,
Mr. Steve Polovick, Ms. Jennifer Riesbeck-Lee

Staff Present: Mr. Bill 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 9:01 a.m.

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

Mr. Nelson asked if any changes or discussion was needed for the September 15 & 16 Agenda. Mr. Polovick indicated that he would like to discuss issues to be brought before the CEU committee.

Mr. Nelson motioned to approve the agenda. Mr. Brady seconded the motion. Motion carried.

3) Approval of the July 21 & 22 Minutes

Mr. Nelson asked if any changes or discussion was needed for the July 21 & 22 minutes. Ms. Riesbeck-Lee abstained from discussion of the July 21 minutes since she was not in attendance. Mr. Brady made a motion to approve the minutes. Mr. McTigue seconded the motion. Motion carried.

4) CEU Committee Preparation

As the CEU Committee would be discussing certain issues affecting social work CEUs later that day, Mr. Polovick indicated that he would like to have a feel for the SWPSC's opinions on these issues before the CEU Committee meeting. The issue at hand was the possible adoption of the CEU model being used in Ontario, Canada, which allows licensees to complete self-study (reading books, completing independent research) to meet their CEU renewal requirements.

Mr. Brady and Mr. Polovick agreed that the system sounded reasonable, but the state of Ohio was not yet at a point with regard to CEU compliance where the “Ontario Model” could be reasonably implemented. Mr. McTigue raised the possibility of putting a limit on the amount and frequency of self-study. He was also concerned with how the Model could be misused by licensees who were being audited for CEU completeness. The monitoring required would also be intensive, and it would be difficult to prove completion of requirements. The present CSWMFT staff expressed their reservations on this point. Ms. Riesbeck-Lee suggested some criteria limiting those who have failed previous audits from doing self-study, or limiting self-study to licensees who have been with the Board a certain amount of time.

Mr. Polovick thanked the committee for their input.

5) ASWB Annual Meeting in November

The SWPSC discussed the ASWB Annual Meeting, and the possibility of sending a CSWMFT staff member in place of a member of the Board. Mr. Nelson requested that anyone interested in attending the Meeting contact him shortly.

6) Investigations

Mr. Hegarty arrived at 9:29 a.m. to begin discussion of 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.

- 2011-105 Competency. Close with no violation.
- 2011-107 Scope of practice. Allegation not substantiated.
- 2011-128 Competency. Close with no violation.
- 2011-132 Competency. Allegation not substantiated.
- 2011-135 Confidentiality. Close with no violation.
- 2011-166 Scope of practice. Close with no violation.

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

- 2011-99 Record Keeping. No further action warranted.
- 2011-109 Confidentiality. Close with no violation.
- 2011-115 Sexual boundaries. Close with no jurisdiction.
- 2011-139 Non-sexual boundaries. Close with caution.
- 2011-162 Billing. Close with caution

b) Executive Session

Mr. Nelson requested that the SWPSC meeting go into Executive Session at 9:31 a.m. for the purpose of discussing investigations. Accepted by a roll call vote: Mr. Brady—yes, Mr. McTigue—yes, Mr. Polovick—yes, Ms. Riesbeck-Lee—yes.

Mr. Nelson moved that the SWPSC meeting come out of Executive Session at 9:48 a.m. Accepted by a roll call vote: Mr. Brady—yes, Mr. McTigue—yes, Mr. Polovick—yes, Ms. Riesbeck-Lee—yes.

c) Consent Agreements

1) Mr. James S. Prager: On or about March 5, 2010, Mr. Prager applied for LSW licensure with the Board. His FBI/BCII criminal background check revealed that he was convicted of criminal sexual conduct in 1991, a first degree felony, and was incarcerated for 9 years. He is listed on the Sexual Offender Registry, and has not been convicted of any crimes since his release. Mr. Prager admits to these statements.

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

2) Ms. Joyce Foster: Ms. Foster renewed her Social Work Assistant registration through January 19, 2013. In April 2011, Ms. Foster was audited for continuing education requirements, and was found to have not completed the required hours though she chose to renew the license. She has since shown proof of completing the required CEUs, which were completed after she had filed the renewal. Renewing her registration without having completed the required hours places her in violation of Ohio Revised Code Section 4757.36(C)(1) and Ohio Administrative Code Section 4757-11-01(C)(20)(b). Ms. Foster admits this allegation.

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

3) Ms. Virginia Zuniga: Ms. Zuniga renewed her Social Work Assistant registration through March 16, 2013. In April 2011, Ms. Zuniga was audited for compliance with continuing education requirements. She was only able to provide 6 of the 30 hours needed to renew her license, a violation of Ohio Revised Code Section 4757.36(C)(1) and Ohio Administrative Code Section 4757-11-01(C)(20)(b). Ms. Zuniga admits to this allegation.

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

4) Ms. Jill Routman Vaccaro: Ms. Routman Vaccaro renewed her Social Work Assistant registration through March 17, 2013. In April 2011, Ms. Zuniga was audited for compliance with continuing education requirements. She was only able to provide 15 of the 30 hours needed to renew her license, a violation of Ohio Revised Code Section 4757.36(C)(1) and Ohio Administrative Code Section 4757-11-01(C)(20)(b). Ms. Routman Vaccaro admits to this allegation.

Mr. Nelson made a motion to accept the consent agreement between the Board and Ms. Routman Vaccaro based on the evidence in the document. Ms. Riesbeck-Lee seconded the motion. Motion carried.

5) Case 2011-140: The Board received a self-reported statement from a licensee regarding the licensee's possible mental impairment, which may or may not affect the licensee's ability to responsibly complete job duties.

Mr. McTigue made a motion to accept the impairment order imposed by the Board, based on the information provided. Ms. Riesbeck Lee seconded the motion. Motion carried.

6) Karen Stewart: Investigations by CSWMFT staff revealed that Ms. Stewart had committed a violation of Ohio Revised Code Section 4757.36(C)(1) and Ohio Administrative Code Sections 4757-5-02(D)(1) and 4757-5-03(A)(1)(b) through (d), (2) and (3), (4)(d), and (5).

The Board proposed to take disciplinary action against Ms. Stewart based on these allegations. Ms. Riesbeck-Lee made a motion to issue a Notice of right to a hearing, based on the evidence in the document. Mr. McTigue seconded the motion. Motion carried.

As a point of order, Mr. Polovick questioned why the Board was not reporting Ms. Stewart's actions to the police. Mr. Hegarty explained that any instigation of legal action must come directly from Ms. Stewart's place of employment; any evidence compiled by the Board would only qualify as hearsay evidence in a court of law.

7) Discussion of Five Year Rule Review

Mr. Rough provided a printout of the Board's Rules which are now under review. He provided a list of suggested changes provided by Board Staff and inquired if the committee had any additional changes. Changes discussed and approved by the SWPSC are as follows:

- a) **4757-5-02(A)(1)** Rule currently reads "A counselor, social worker, or marriage and family therapist shall develop skills in specialty areas only after

appropriate education, training, and while receiving approved supervision.” Mr. Nelson made a motion to change language to the following: “A counselor, social worker, or marriage and family therapist shall develop skills in specialty areas only after appropriate education and training.” Mr. Brady seconded the motion. Motion carried.

- b) **4757-5-03(C)** Mr. Rough suggested that the following sentence be added to the rule: “If a licensee is asked to testify in a child custody case they should review 4757-6-01 prior to any court appearance for guidance as to their role in these circumstances.” The committee unanimously approved this change.
- c) **4757-9-03(A)** Mr. Rough and Mr. Hegarty suggested adding the following: “All persons who hold a certificate of registration in social work, as a condition of renewal of their certificate of registration, shall complete 15 clock hours of continuing professional education in social work as defined in division (C) of section 4757.01 of the Revised Code.” The committee discussed this issue. Mr. Warne voiced an objection although the general consensus of the Committee was to approve the change, which would reduce the CEU requirement for Social Work Assistants only.
- d) **4757-19-01(B)(4)** Mr. Miller suggested removing the following sentence, to comply with new procedures being employed: “Upon completing the examination applicants shall submit copies of their unofficial examination scores via facsimile, mail or email.” The committee approved of the change.
- e) **4757-21-01(B)(1)** Mr. Warne discovered a typographical error. The rule currently reads: “Intake, assessment and referral, screening, crisis intervention and resolution;” Mr. Warne suggested it be changed to “Intake assessment and referral, screening, crisis intervention and resolution.” The committee approved of the change.
- f) Mr. Brady motioned to suspend the agenda for a moment to clarify an issue. He inquired as to whether social workers (LISW, LISW-S) have a limit on the number of supervisees they can oversee. Mr. Rough clarified that they do not. The committee discussed various issues relating to training supervision.

8) Approval of Applications for Licensure

A motion was made by Ms. Riesbeck-Lee to approve the 195 LSW applicants and 49 LISW applicants approved by the staff, and the 10 SWA applicants registered by the staff, from July 21, 2011 through September 14, 2011. Seconded by Mr. Brady. Motion carried.

9) Working Meeting

The SWPSC proceeded with a working meeting at 10:48 a.m. to review pending applications for licensure, files to be audited, CEU Programs & Providers, and Licensure Renewal Issues.

10) SWPSC Administrative Denial Hearing

The matter of the eligibility of Mr. James D. Opperman 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 March 17, 2011. Members present were Mr. Brady, Mr. Nelson, Mr. Polovick, and Ms. Riesbeck-Lee. Mr. McTigue was recused.

A Notice of Proposed Opportunity for Hearing was issued to Mr. Opperman by the Counselor, Social Worker, & Marriage and Family Therapist Board on 11/19/2010. An administrative hearing was held on September 15, 2011 at 1:00 p.m. in Mezzanine 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 Leah V.B. O'Carroll. Mr. Opperman was present, and represented himself.

After hearing testimony from Mr. Opperman and reviewing state evidence, Mr. Nelson moved that the SWPSC go into Executive Session at 1:45 p.m. to discuss the denial of Mr. Opperman to be a Licensed Social Worker. The Social Worker Professional Standards Committee reviewed all the evidence and determined that Mr. Opperman's behavior was not severe enough to qualify as "poor moral character," and approved his request to be licensed.

11) Meeting Adjourned

Mr. Nelson adjourned the meeting at 3:00 p.m.

Social Worker Professional Standards Committee (SWPSC) Minutes
Friday, September 16, 2011

Members Present: Mr. Tim Brady, Mr. Don McTigue, Mr. Bob Nelson,
Mr. Steve Polovick, Ms. Jennifer Riesbeck-Lee

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

Guest Present: Mr. Glenn Karr, LLC; Mr. Henry Lustig, NASW Liaison;
Ms. Danielle Smith, NASW-OH Executive Director

1) Meeting Called to Order

Mr. Nelson called the meeting to order at 8:59 a.m.

2) New Business

Medical marijuana as a topic for Social Work CEUs: Mr. Brady received a request from a CEU provider wishing to offer a course on the possible benefits of the usage of regulated marijuana for medicinal purposes. Mr. Brady felt the provider had a strong record of quality, and he felt the program did not lean heavily toward advocacy, so he approved their request. Mr. Polovick stated that the CEU Committee was not supportive of education regarding illegal drugs or pharmacology. Mr. Brady could see no reason to reverse his decision to approve the course, and the SWPSC as a whole agreed with Mr. Brady

Hardship requests:

a) The SWPSC received a request to receive additional supervision from an out-of-state supervisor. The licensee is already receiving supervision from an in-state supervisor, but was requesting that additional hours from the out-of-state supervisor be counted. Mr. Nelson moved to vote. The committee unanimously voted to deny the licensee's request.

b) The SWPSC received a request from an applicant who was requesting to take the ASWB exam for a third time within a 90-day period, a request that the ASWB only allows in conditions where the applicant's employment is threatened, and the application failed to pass their previous exam attempt by fewer than five points. The committee voted unanimously to approve the applicant's request for this second 90-day waiver.

3) NASW report

Ms. Smith presented the SWPSC with NASW-OH's request for a change in the definition of the practice of social work, as found in Ohio Revised Code 4757.01(C). The statute currently reads as follows: "Practice of social work" means the application of specialized knowledge of human development and behavior and social, economic, and cultural systems in directly assisting individuals, families, and groups in a clinical setting to improve or restore their capacity for social functioning, including counseling, the use of psychosocial interventions, and the use of social psychotherapy, which includes the diagnosis and treatment of mental and emotional disorders." The NASW-OH Chapter requested the definition be changed as follows: "Practice of social work" means the application of specialized knowledge of human development and behavior and social, economic, and cultural systems in directly assisting individuals, families, and groups to improve or restore their capacity for social functioning through the application of social work theory, including counseling, the use of psychosocial interventions, and the use of social psychotherapy, which may include the diagnosis and treatment of mental and emotional disorders." After much discussion, Mr. McTigue moved to approve the new definition provided by the NASW-OH as written. Mr. Polovick seconded the motion. Motion carried.

Mr. Brady raised a point of order. In discussing the definition of the practice of social work, he had discovered a typographical error in the Board's definition of social psychotherapy (Ohio Administrative Code 4757-3-01(P)(2)). The rule currently reads: "Social psychotherapy" means the application of social work toward the goal of enhancement and maintenance of psychosocial functioning of individuals, families, and small groups. It includes interventions directed to interpersonal interactions, intra-psychic, dynamics, and life-support and management issues." Mr. Brady suggested that it should read as follows: "Social psychotherapy" means the application of social work toward the goal of enhancement and maintenance of psychosocial functioning of individuals, families, and small groups. It includes interventions directed to interpersonal interactions, intra-psychic dynamics, and life-support and management issues." Mr. Rough noted the change and stated that it would be corrected.

Ms. Smith provided the SWPSC with an additional definition, to be added to the Board's rules: "Social Functioning" is defined as: Living up to the expectations that are made of an individual by that person's own self, by the immediate social environment, and by society at large. These expectations, or functions, include meeting one's own basic needs and the needs of one's dependents and making positive contributions to society. Human needs include physical aspects (food, shelter, safety, health care, and protection), personal fulfillment (education, recreation, values, aesthetics, religion, and accomplishment), emotional needs (a sense of belonging, mutual caring, and companionship), and an adequate self-concept

(self-confidence, self-esteem, and identity).” The SWPSC approved this new definition.

Ms. Smith reminded the committee that the NASW-OH’s Annual Conference will be held December 2nd at Ohio State University. They are in the process of developing an ethics training course for conference attendees. Ms. Smith also indicated that the NASW-OH is looking to offer more and improved licensure preparation training courses in the near future.

4) Executive Directors Report

Mr. Rough reported on recently filed statute and rule changes, discussed the status of new Board appointments.

Mr. Brady requested a clarification on whether initial diagnostic assessments must involve the social worker physically seeing the client, or whether voice contact is adequate. Mr. Rough confirmed that initial diagnostic assessments must be face-to-face, either in person or through online video chat.

5) CEU Committee

Mr. Polovick discussed the CEU committee’s meeting minutes. The CEU Committee generally did not approve at all of the “Ontario Model” of self-study licensure. The Committee also looked at the inclusion of aspects of spirituality in CEU courses, and decided to continue monitoring the courses and evaluating them on an individual basis rather than make a blanket judgment. The Committee determined that for correspondence courses, 6,000 words constituted one credit hour. There was a discussion of capping the amount of CEU credits that could be completed in a single day, but it was decided to continue evaluating on an individual basis. The possibility of allowing volunteer work to count for CEU credit was discussed, but no conclusion was reached. The Committee proposed that the licensing newsletter possibly be sent out more frequently to licensees, and again discussed their general disapproval of courses advocating for the legalization of controlled substances.

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) Old Business

The Committee planned to discuss whether applicants with a single misdemeanor arrest more than five years old could be approved by the staff alone, without needing additional approval from the SWPSC committee. It was determined that this practice had already been discussed and approved in the July meeting.

8) **Meeting Adjourned**

Mr. Nelson adjourned the meeting at 11:15 a.m.

Mr. Robert Nelson, Chairperson