



Counselor, Social Worker & Marriage and Family Therapist Board

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Social Worker Professional Standards Committee (SWPSC) Minutes **Thursday, September 20, 2012**

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

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

Guests Present: Ms. Natalie Mullins

1) Meeting Called to Order

Mr. Polovick called the meeting to order at 9:13 a.m.

2) Approval of Applications for Licensure

A motion was made by Mr. Brady to approve the 411 LSW applicants and 101 LISW applicants approved by the staff, and the 18 SWA applicants registered by the staff, from July 18, 2012 through September 19, 2012. Seconded by Ms. Hadden. Motion carried.

3) Discussion/Approval of the September 20 & 21 Agenda

Mr. Polovick asked if any changes or discussion were needed for the September 20 & 21 Agenda. Mr. Brady asked to add a discussion of the approval process of licensees. Mr. Nelson motioned to approve the agenda. Ms. Hadden seconded the motion. Motion carried.

4) Correspondence

a) The Board received a letter from an LISW who had engaged in unethical behavior and been disciplined in 1998; the disciplinary flag is still showing on her public profile on the Board's website, and her consent agreement is still viewable. She asked that the disciplinary flag be removed, and the consent agreement amended to show that she had completed the requirements of the agreement.

The committee discussed this issue. Mr. Polovick stated that if a licensee moves to another state, that state needs to be able to clearly see that the licensee had received discipline at some point. He questioned how it would benefit consumers to hide the fact

that their clinicians had engaged in past unethical behavior. Ms. Hadden agreed, but also stated that while the disciplinary action should be displayed, it should also be clear that the requirements of the consent agreement have been completed. The SWPSC agreed to handle these requests on a case by case basis, and not to request that Investigations tag all completed consent agreements in the public record.

Ms. Hadden moved to include a note on the licensee's consent agreement, indicating that the licensee has made the required steps to complete her consent agreement. Mr. Brady seconded the motion. Motion carried. Mr. Brady moved not to remove the disciplinary flag on the licensee's file, but only to make note on the consent agreement. Mr. Polovick seconded the motion. Motion carried.

- b) The Board received an email from an LISW practicing in a hospice. She stated that, in situations where a client's physical condition deteriorates rapidly, and the patient or family makes their request for a Do Not Resuscitate (DNR) order known, it may be necessary to obtain a telephone order from their physician. She inquired whether a social worker could accept that order and enter it into the patient's medical record. The SWPSC discussed the issue, but tabled their decision until Mr. Nelson could be present.
- c) The Board received an email from an LISW applicant who was previously residing in Hawaii. In 1999, the applicant was admitted into the Academy of Certified Social Workers (ACSW), after passing a social work examination and completing two years and 4,000 hours of post-MSW work experience. He requested that the Board accept these supervision hours and the exam under endorsement. Mr. Brady provided some history on the issue: the ACSW was a certification created by the NASW, at a time when no licensure for social workers existed. ACSW certification was used to grandfather social workers into licensure when licensure was passed. When this applicant was certified by the ACSW, licensure did not then exist in the state of Hawaii (it started in 2004). The SWPSC decided to table the issue temporarily, due to being short on time.

5) SWPSC Administrative Denial Hearings

a) Michael F. Dyess: The matter of the revocation of the license of Mr. Michael Dyess, 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 September 20, 2012. Members present were Mr. Brady, Ms. Hadden, Mr. Nelson, and Mr. Polovick. Mr. McTigue was unable to attend the hearing.

A Notice of Proposed Opportunity for Hearing was issued to Mr. Dyess by the Counselor, Social Worker, & Marriage and Family Therapist Board. An administrative hearing was held on September 20, 2012 at 10:00 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. Mr. Dyess was not present and had informed Mr. Hegarty that he would not attend.

After hearing testimony from Mr. Hegarty and reviewing state evidence, the SWPSC went into Executive Session at 10:16 a.m. to discuss the revocation of Mr. Dyess's license. The

Social Worker Professional Standards Committee reviewed all the evidence and determined that, as Mr. Dyess was not able to provide proof of the 30 hours needed to have renewed his license, he had violated Ohio Revised Code 4757.36(C)(1) and Ohio Administrative Code 4757-11-01(C)(20)(b). The SWPSC voted to revoke his license.

While waiting for the second hearing of the morning to begin, the SWPSC entered a working meeting at 10:26 a.m.

b) Joseph R. Jenkins: The matter of the eligibility of Mr. Joseph Jenkins 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 September 20, 2012. Members present were Mr. Brady, Ms. Hadden, Mr. Nelson, and Mr. Polovick. Mr. McTigue was recused.

A Notice of Proposed Opportunity for Hearing was issued to Mr. Jenkins by the Counselor, Social Worker, & Marriage and Family Therapist Board. An administrative hearing was held on September 20, 2012 at 11:05 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. Mr. Jenkins was present, and represented himself. Accompanying Mr. Jenkins as character witnesses were Ms. Laurie Johnson and Ms. Deborah Wells.

After hearing testimony from Mr. Jenkins, Ms. Johnson, and Ms. Wells, and reviewing state evidence, the SWPSC went into Executive Session at 12:49 p.m. to discuss the denial of Mr. Jenkins to be a Licensed Social Worker. The Social Worker Professional Standards Committee reviewed all the evidence and determined that Mr. Jenkins was not of good moral character as required by Ohio Administrative Code 4757-1-04(D), and denied his request to be licensed.

6) Approval of the July 19 & 20 Minutes

Mr. Polovick asked if any changes or discussion were needed for the July 19 & 20 minutes. Ms. Hadden made a motion to approve the minutes. Mr. Nelson seconded the motion. Motion carried.

7) Correspondence

d) The SWPSC resumed discussion of the applicant seeking to have his ACSW experience accepted under endorsement. The committee discussed and came to a unanimous decision. Mr. Brady moved to accept the applicant's work experience for the ACSW as substantially equivalent to Ohio's requirements under endorsement, but not to accept the examination, and to require the applicant to pass the Clinical or Advanced Generalist Exam. Ms. Hadden seconded the motion. Motion carried.

e) The SWPSC resumed discussion of the social worker who had a question regarding the entry of DNR orders into the medical record. Mr. Nelson stated that Ohio has no rule

against social workers entering a doctor's order into the medical record. Mr. Hegarty agreed, and stated that past precedent in these instances has always been that social workers cannot make a medical decision, but the social worker can communicate with the physician and document this communication in the patient record. The committee asked Mr. Warne to convey this response to the licensee.

8) Working Meeting

The SWPSC proceeded with a working meeting at 2:00 p.m. to review pending applications for licensure, files to be audited, CEU Programs & Providers, Related Degree course worksheets, and Licensure Renewal Issues.

The committee reviewed a request from a licensee for her doctoral dissertation project concerning spirituality in social workers and social work practice to be accepted as meeting the CEU/education requirements for the LISW-S. The request was denied, as the dissertation did not meet supervision content requirements.

9) Investigations

a) Closed Cases

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

2011-165	Custody case. Close with no violation.
2012-52	Improper billing. Close with caution.
2012-69	Confidentiality. Close with caution.
2012-112	Custody recommendation. Close with no violation.
2012-125	Non-sexual boundaries. Close with caution.
2012-132	Failure to Report. Allegation not substantiated.
2012-133	Record keeping. Close with strong caution.
2012-138	Competency. Close with caution.
2012-139	Competency. Close with no violation.
2012-140	Misrepresentation of credentials. No violation found.
2012-141	Sexual boundary. Allegation not substantiated.
2012-145	Competency. Close with no violation.
2012-146	Failure to report. Close with caution.
2012-153	Confidentiality. Close with caution.

b) Consent Agreements

1) Mr. James A. Stephens: Beginning in November 2010 through May 2011, and again from August 2011 through January 2012, Mr. Stephens was the case manager for an adult female client. While acting as the client's social worker, he entered into a personal romantic relationship with her, in violation of Ohio Revised Code 4757.36(C)(1) and

Ohio Administrative Code 4757-5-04(A), (B), and (C). Mr. Stephens admits to these allegations. The Board is allowing Mr. Stephens to surrender his social work license in lieu of potential disciplinary action. This surrender is permanent and precludes Mr. Stephens from applying for any license through the CSWMFT Board in the future.

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

2) Ms. Marie A. Badaracco: Ms. Badaracco renewed her social work license through July 9, 2012. In May 2012, she was audited for compliance with continuing education requirements. Ms. Betley was not able to provide proof of the 30 hours needed to have renewed her license, a violation of Ohio Revised Code 4757.36(C)(1) and Ohio Administrative Code 4757-11-01(C)(20)(b). Ms. Betley admits to these allegations. In an e-mail dated July 27, 2012, she offered to surrender her license rather than complete the audit. The Board is allowing Ms. Badaracco to surrender her social work license in lieu of potential disciplinary action. This surrender is permanent and precludes Ms. Badaracco from applying for any license through the CSWMFT Board in the future.

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

3) Mr. Jacob Zimmer: Between July 2011 and approximately June 18, 2012, Mr. Zimmer engaged in billing fraud with respect to direct billing or insurance companies, billing for services he did not provide. These acts constitute a violation of Ohio Revised Code 4757.36(C)(1) and Ohio Administrative Code 4757-5-09(G). Mr. Zimmer admits to these allegations. His social work license is now reprimanded.

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

c) Goldman Reviews

1) Lyra A. Raimey: Mr. McTigue moved to revoke Ms. Raimey's social work license because Ms. Raimey 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. Brady seconded the motion. Motion carried.

10) Working Meeting

The SWPSC resumed its working meeting at 2:46 p.m. to review pending applications for licensure, files to be audited, CEU Programs & Providers, Related Degree course worksheets, and Licensure Renewal Issues.

11) Meeting Adjourned

Mr. Polovick adjourned the meeting at 3:05 p.m.

Social Worker Professional Standards Committee (SWPSC) Minutes
Friday, September 21, 2012

Members Present: Mr. Tim Brady, Ms. Jennifer Hadden, Mr. Don McTigue, Mr. Bob Nelson, 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 Schmursal; Ms. Danielle Smith, NASW-OH Executive Director

1) Meeting Called to Order

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

2) Old Business

The SWPSC read over several e-mails that had been received by the Board in response to recently proposed rule changes.

3) New Business

a) Mr. Warne began with a PowerPoint presentation on the issues pertaining to current regulation of social work supervision. He discussed the development of social workers' ability to diagnose and treat mental and emotional disorders under the law; the changes in the practice of social work as a result; the changing of Work Supervision into the current definition of Clinical Supervision, a change that had been made to increase the profession's focus on clinical work; whether or not counseling interventions should be differentiated from psychosocial intervention; and the current requirements for LISW licensure in Ohio. Mr. Warne proposed that the committee should discuss a clear definition of Master's-level social work in order to focus the purpose and intended outcomes of training supervision, discuss the Counseling definition previously proposed at a past meeting, and examine current documentation requirements (including the Board's forms and the applicants supervision logs) to ensure that they are also in line with the intended outcomes of supervision.

b) In the course of a CEU audit on an LISW-S, the Board became aware of a program entitled "Supervising Staff with Mental Health Problems." The course was identified by staff as not being an appropriate supervision course, since it only dealt with the employer-employee or supervisor-supervisee relationship, instead of the supervisor-supervisee-client relationship. The CEU provider revised the course, asked for clarity on the revisions, and also inquired whether applicants who had previously taken this course before the revision would still be accepted. The licensee who took the course and was audited was required to take another supervision course for his renewal cycle.

Mr. Miller stated that general practice has usually been that if a licensee takes a course that the provider advertises as meeting the supervision requirement, and then the Board decides that it does not meet requirements, generally the CEU is accepted for that particular licensee as a courtesy, and the provider is notified that the course needs revision. The consensus of the committee was to continue to look at this issue on a case by case basis. Mr. Warne said that he would convey this information to the provider.

Ms. Hadden brought up that in these discussions of training supervision or clinical supervision versus “workplace supervision” or “administrative supervision,” it would be best to use the term “management” to describe those tasks of workplace oversight that fall outside of the Board’s definitions of supervision. The committee agreed.

c) Mr. Warne brought a proposed list of revisions to the Board’s Professional Employment Reference form, based on discussion from the SWPSC’s last meeting and other issues discussed by staff. Mr. Warne discussed how a section on goals has been added to the sample supervision logs on the Board website. He has also been auditing several supervision logs, and brought samples for the committee to review and discuss. He suggested the Board provide more direction about what is or is not acceptable on supervision logs. Mr. Polovick suggested the idea of an electronic supervision log that the Board could monitor, and which would require the applicant to state the goals of supervision up front.

Mr. Nelson brought up, as a way of improving the supervision experience, requiring applicants to wait to take the Clinical or Advanced Generalist Exam until after supervision hours are completed, a rule that would be in line with other states’ practice and with the intentions of the exams as they are designed by the ASWB. This would also give more purpose to the supervision itself, and motivate the licensees toward self-improvement since the supervision would be a part of their exam preparation. Ms. Hosom stated in the past supervision was not required before taking these exams because the Board did not originally require *any* kind of exam pre-approval. Ms. Smith offered to contact the schools to see which exams they are advising students to take currently; the committee discussed what they have heard from students, that some schools are advising students to take the Clinical and/or Advanced Generalist exams prior to the recommended two years of post-graduate experience.

Mr. Nelson made a motion to ask Mr. Rough to draft language requiring that pre-approval for the Clinical Exam or Advanced Generalist Exam be granted only to applicants who have completed the training supervision experience required for the LISW. Mr. Brady seconded the motion. Motion carried. The committee agreed that Mr. Warne’s proposed changes to the PER form were acceptable, and further discussion of the form was not needed if supervision was improved by the new exam structure.

d) The committee examined a rubric compiled by Mr. Rough and Mr. Warne to assist in evaluating whether certain job duties were MSW-level work. The committee examined it, but did not reach a formal decision on the use of this rubric.

e) Mr. Warne presented an article on the current regulations regarding social work supervision, to be emailed to all Ohio social work licensees through the Board's Listserv. The committee discussed the article, and whether the LISW-S is a necessary license. Mr. Hegarty discussed the difference in training supervision received inside an agency versus outside an agency, how a training supervisor from an outside agency would not be able to look at the supervisee's case notes and discuss them in detail. Mr. Nelson stated, however, that supervisees can discuss their cases without providing any names or identifying detail. Mr. Brady asked, as a point of clarification, whether an LISW developing new competency counts as training supervision. Mr. Hegarty stated that building new competencies is an issue covered under Ohio Administrative Code 4757-5-02, and is a separate issue. The SWPSC agreed to allow Mr. Warne to post the Listserv article.

f) A licensee sent an email to the Board inquiring whether a supervisor could provide training supervision *entirely* through Skype or another internet video chat service, or whether there needed to be a face-to-face meeting at some point. The committee discussed the security and encryption of Skype. Ms. Smith pointed out that Skype is encrypted well enough for this purpose, since an outside supervisor would not be able to discuss any client specifics or identifying information anyway, and that video chat is a great help to supervisors who are disabled. Mr. McTigue agreed, and stated that to ensure better security, the supervisor and supervisee should be in private rooms with no one else when discussing their supervision. Mr. Polovick motioned that all required hours of training supervision can be acquired through Skype or other internet video chat software, provided that rules on security and confidentiality are followed by both parties. Mr. Nelson seconded the motion. Motion carried.

g) The SWPSC read over an article posted by Wired on new virtual therapist software being created by DARPA, the Pentagon's research division. The committee was not asked to take a position on the issue at this time.

4) **NASW Report**

Ms. Smith reported that the provider of liability insurance used by NASW members has been dropped and changed to a new company. The old company has been sending out some unwelcome communications to members trying to get them to stay, and Ms. Smith wanted to make the committee aware of the issue. In other news, the NASW-Ohio Annual Conference is scheduled for the 29th and 30th of November.

5) **Executive Director's Report**

Mr. Rough reported on new Board members appointed by the governor's office, and stated that he has an appointment coming up to fill the vacancies that are opening in October. HB 567, the Board's bill to amend its laws, has not yet had its first hearing but hopefully will still be completed before January. The current budget has no issues, although one upcoming issue is the skyrocketing cost of health insurance for government employees. The Board's Five-Year Rule Review is moving forward, and a public hearing on the upcoming rule

changes will be held in early November. Filing with the Common Sense Initiative has been completed.

Mr. Rough also asked about the current state of the Art Therapy bill. It is in the process of being redrafted so that the Art Therapist Committee would function on their own with separate rules (though they would be uniform with the CSWMFT Board), and would be administered by the Board but would not have a voting presence on the Board. Mr. Rough asked for the SWPSC's opinion on this; the opinion of the other committees was to wait until the bill was fully re-drafted and could be read over before a decision of support could be made. The SWPSC did not offer any dissenting opinion to this.

6) ASWB Report

Mr. Polovick indicated that he would like to attend the ASWB Annual Conference on November 1-3 as a Board delegate. Ms. Hadden made a motion to allow Mr. Polovick to attend the conference. Mr. Nelson seconded the motion. Motion carried.

Mr. Polovick also presented an email that Mr. Rough had received, requesting applications for ASWB Exam Item Writers. The deadline is December 31st, and any interested parties were encouraged to apply.

At this point, on looking back at the July 19 & 20 minutes, Mr. McTigue discovered an unclear item. The minutes stated that according to Mr. Rough, "only 1% of licensees successfully bank CEU hours." Mr. Rough had actually stated that very few licensees even attempt to bank hours, but the minutes did not make this clear. Mr. McTigue made a motion to amend the July 19 & 20 minutes to read "only 1% of licensees have attempted to bank CEU hours." Mr. Brady seconded the motion. Motion carried.

7) CEU Committee Report

Ms. Hadden reported that the Board will now be sending postcards to inform licensees that they are being audited, instead of mailing audit forms. The postcards will include directions to the Board's website, where the licensee can then go and print off a CEU audit form. Mr. Rough received survey results from E-Base Academy, and there were no major issues. The requirements for social work and counseling supervision CEUs are still being discussed. The rule change requiring 10,000 words per credit hour for text-based distance-learning CEUs should go into effect in January. The committee discussed the process of CEU waivers; currently waivers are only given to active military personnel, and to licensees who are ill or otherwise physically unable to complete their CEUs. There have been issues with providers using their approval number past their expiration date, without renewing; they are being contacted as they come up.

8) Executive Committee Report

Mr. Polovick reported that Mr. Rough's Executive Directors Report highlighted issues discussed in the Executive Committee Meeting, and there were no further issues to discuss.

9) New Business

Mr. Brady raised an issue that he had been asked about by his coworkers: staff members at his agency are asking the Board to have more frequent meetings, since they were under the impression that applicants could only be approved at Board meetings, and it was a problem asking applicants to wait two months to be approved. Mr. Warne clarified that although in the past the Board only approved social work applications at their bi-monthly meetings, staff now have permission to approve license applications as soon as they are complete. The only applicants who require Board review are 1) applicants who have at least one felony charge, a misdemeanor less than five years old, or more than one misdemeanor, 2) related degree applicants whose education has not already been reviewed by the Board, and 3) applicants who have an unusual supervision or examination issue that requires clarification. This change was made fairly recently, in 2007, and is not widely known. Mr. Miller pointed out that until just a few months ago, licensees were still being informed at the end of their LSW and LISW applications that Board review would be required; it was not known by staff that this information was still appearing, and it has been removed.

10) Working Meeting

The SWPSC proceeded with a working meeting at 11:59 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 12:50 p.m.

Mr. Steve Polovick, Chairperson