

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

Social Worker Professional Standards Committee (SWPSC) Minutes

Thursday, November 17, 2005

Meeting was called to order by Mr. Glenn Abraham, Chairperson at 9:00 a.m.

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

Members Absent: Mr. Rocky Black

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

1. **Agenda**

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

The SWPSC proceeded with a working meeting to Review Applications for Licensure; Review Correspondence; CEU Programs and Providers; Renewal Issues; Appointments Scheduled With Pending Licensees; Executive Director Report; AAG Report

2. **Correspondence**

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

Letter from Marilyn Robinson, LSW requesting the SWPSC to approve her request to obtain her supervision for her independent social worker license from a LPC. The SWPSC denied the request based on the Ohio Revised Code section 4757.27(B)(3) which states that "The individual must complete at least two years of post-master's degree social work experience **supervised by an independent social worker.**"

Letter from Theresa Midle, LSW who has paid her LISW supervisor, Kathy Dutney, LISW, a fee of \$50.00 per hour to provide her with the supervision needed to obtain her LISW. The SWPSC is concerned with this because the Ohio Administrative Code section 4757-23-01(C)(2) specifically states that "The supervisee shall not pay a fee or make any other form of remuneration to the supervisor." The SWPSC is extremely concerned with this issue and is requesting the Investigating Department to proceed with contacting Kathy Dutney, LISW regarding the situation.

3. **Report From P.R. Casey, AAG**

Mr. Casey met with the SWPSC at 10:35 a.m. and discussed with the committee the issue of Kelly Horsfall who is a related degree applicant from the September, 2005 Board meeting. Ms. Horsfall has let her license lapse two times, and is now applying for licensure for the third time. The SWPSC is concerned with licensing Ms. Horsfall for the third time since she has never demonstrated the completion of the coursework requirements for a related degree renewal.

The SWPSC would like to inform Ms. Horsfall 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.

However, Mr. Casey has reviewed the Ohio Revised Code and the Ohio Administrative Code and has determined that the neither of the codes address this issue. The SWPSC will need to address this issue when it is time to make changes to the statute. They will need to make a determination as to how many times a related degree applicant can apply for licensure once they have let their license lapse without completing the coursework requirements for continuing education.

4. 1:00 p.m. – Mr. Abraham met with a pending LSW applicant, Amber Lutz regarding the possible practicing social work without a license. Mr. Abraham will further discuss this meeting at the 11/18/05 SWPSC meeting.

5. **Report From Mr. Rough, Executive Director**

Mr. Rough met with the SWPSC at 3:30 p.m. to highlight the ASWB Annual Conference he attended in Dearborn, MI from November 4 – 6, 2005. He informed the committee that administrators met on Friday, November 4 from 8:30 a.m. - 3:30 p.m. and was followed by the regular conference from 4:00 p.m. – 9:00 p.m. The conference continued through Saturday and Sunday. Numerous topics and issues were discussed at the conference and Mr. Rough presented the committee with a thorough report. Mr. Rough highlighted a few topics of discussion that he felt was pertinent to the SWPSC.

- Alberta has started requiring approvals of clinical supervisors. They also have stated a required ten hours of peer consultation annually which initially was fought very hard, but resulted in many people being excited after working through the process. Additionally, Arkansas is dealing with defining clinical supervision and how to ensure it is adequate. Mississippi states that they have discussed a supervision requirement, but thus far are putting a great deal of faith in supervisors to do their jobs.

- Montana requires full criminal background checks and Mr. Rough asked if doing so had resulted in anyone not being licensed. The answer was no, so Mr. Rough questioned why they required the check. He received a response of “So they will go to Ohio instead of here to get licensed.” Mr. Rough told the committee that he hopes this is not the case, but feels that it is worth the SWPSC discussing the requirement of criminal background checks. Mr. Abraham stated that the majority of employers who hire social workers are required to complete full background checks, therefore, our applicants are being screened before they can obtain employment. Mr. Abraham further indicated that background checks can be costly and are at the expense of the person being checked. He also indicated that background checks are time consuming and may hold up the licensure process for an applicant.

- Mr. Rough reported that he had spoke with Dale Atkinson with the law firm of Atkinson & Atkinson, which represents the ASWB regarding their opinion on pre-approval for the ASWB examination. Mr. Atkinson said that he will send Mr. Rough a letter to address the pre-approval issues surrounding the administration of the ASWB examination.

- Mr. Rough proudly reported that during the awards session for outgoing board members and the president, Ohio was selected for an award “For Superior Board Newsletter In The Interest Of Protection Of The Public”.

6. Meeting adjourned at 4:35 p.m.

State of Ohio
Counselor, Social Worker And
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Social Worker Professional Standards Committee (SWPSC) Minutes

Friday, November 18, 2005

Meeting was called to order by Mr. Glenn Abraham, Chairperson at 9:03 a.m.

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, Mr. Glenn Karr

1. Mr. Abraham asked if there were any changes or discussion of the Agenda. The SWPSC determined that there were none, so Mr. Abraham moved the meeting forward.

2. **Approval Of September 29th and September 30th, 2005 SWPSC Minutes**

A motion was made by Ms. DaCons-Taylor to approve the September 29th and September 30th, 2005 SWPSC minutes. Seconded by Ms. Michelbrink. Motion carried.

3. **Approval / Denial Of Applicants**

The following applications were approved for licensure:

SWA - 19 Applications Approved

LSW - 100 Applications Approved

LSW (Related Degree) - 10 Applications Approved

LISW - 48 Applications Approved

Total - 177 Applications Approved For Licensure

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

4. **Investigations**

Mr. Hegarty submitted the approximate itemized costs for him and Mr. Abraham to attend the upcoming Council on Social Work Education Conference (CSWE) Conference in Chicago, IL in February, 2006. The approximate total for Mr. Abraham and Mr. Hegarty to attend the CSWE Conference will be \$3,219.00. Mr. Abraham, Dr. Cluse-Tolar and Mr. Hegarty will be giving a presentation on Ethics. The Board will not need to cover the cost for Dr. Cluse-Tolar to attend because the University of Toledo will pay for her to attend as a part of her job as Program Director.

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

0504045

2005-1

2005-5

2005-8

2005-34

2005-46

2005-59

2005-63

Mr. Hegarty requested that the SWPSC Meeting go into Executive Session at 9:15 a.m.
Accepted By A Unanimous Roll Call Vote.

(A) Consent Agreements

Samuel L. Williams, LSW – Mr. Williams sexually harassed a client by kissing her. Sexual harassment of a client constitutes a violation of Ohio Revised Code Section 4757.36(A)(1) and Ohio Administrative Code Section 4757-5-01(B)(6).

(B) Notice Of Opportunity For Hearing

Vicky Hoffman, LSW – Ms. Hoffman was employed by Trillium Family Solutions in Canton, Ohio. Ms. Hoffman breached the confidentiality of a client by speaking to an employee of an outside agency, without the appropriate release from the client, and was subsequently terminated by Trillium Family Solutions. This inappropriate conduct constitutes a violation of Ohio Revised Code Section 4757.36(A)(1) and Ohio Administrative Code Section 4757-1(B)(4).

(C) Hearing Officer Report

Sheila Buell, LSW – An administrative hearing was held on September 19, 2005, at 9:00 a.m. in the offices of the Ohio Counselor, Social Worker, and Marriage & Family Therapist Board. The State was represented by Assistant Attorney General Peter R. Casey, IV. Sheila Buell was present and represented by legal counsel, David Grude.

The Board has proposed disciplinary action against Sheila Buell's license to practice social work because of alleged violations of the Ohio laws and rules governing the practice of social workers which appear in Chapter 4757 of the Revised Code. Specifically, the Board alleges that Ms. Buell engaged in the private practice of social work as an individual practitioner, which she cannot do as a licensed social worker (LSW), in violation of Revised Code 4757.26(C). The Board also alleges that she violated Administrative Rules 4757-5-01(C)(1) and 4757-01(H)(2) by arranging for a client to clean her house in exchange for counseling services, and by hiring that same client and two of her friends to help her move when she changed residences. Finally, the Board alleges that Ms. Buell violated Administrative Rule 4757-5-01(B)(4) by sending correspondence to various individuals in which she disclosed the names of three clients and indicated that those clients had severe mental health diagnoses.

Discussion of the Hearing Officer's report on Sheila Buell commenced. Due to her role as the Investigative Liaison for the SWPSC, Dr. Cluse-Tolar did not participate in the discussion or voting because she reviewed the case prior to the hearing.

Marilyn McGowan, LSW - An administrative hearing was held on September 8, 2005, at 9:30 a.m. in the offices of the Ohio Counselor, Social Worker, and Marriage & Family Therapist Board. The State was represented by Assistant Attorney General Peter R. Casey, IV. Marilyn McGowan was present and represented by legal counsel, Gregg Rossi.

The Board has proposed disciplinary action against Ms. McGowan's license to practice social work because of alleged violations of the Ohio laws and rules governing the practice of social workers which appear in Chapter 4757 of the Revised Code. Specifically, the Board alleges that between April 1997 and March 2004, Ms. McGowan submitted false billings for payment to her employer, Valley Counseling Services. The Board alleges that Ms. McGowan violated Rule 4757-5-01(I)(1) which requires the social worker to "take reasonable steps to ensure that documentation in records is accurate and reflects the

services provided.” The Board cites Revised Code 4757.36(A)(1) as its authority to take action against her license to practice social work because of her alleged violation of that administrative rule.

Discussion of the Hearing Officer’s report on Marilyn McGowan commenced. Due to her role as the Investigative Liaison for the SWPSC, Dr. Cluse-Tolar did not participate in the discussion or voting because she reviewed the case prior to the hearing.

At 9:37 a.m. Ms. Michelbrink moved to come out of executive session. Accepted By A Unanimous Roll Call Vote.

Based on the aforementioned discussions, the SWPSC came to the following conclusions:

Samuel L. Williams, LSW - A motion was made by Dr. Cluse-Tolar to suspend Mr. Williams’ license for two months beginning December 1, 2005. Additionally, he must take a sexual harassment workshop, and take six hours of continuing education in the area of professional ethics. Seconded by Ms. Dacons-Taylor. Motion carried.

Vicky Hoffman, LSW - Dr. Cluse-Tolar made a motion to accept the Notice Of Opportunity For A Hearing. Seconded by Ms. Michelbrink. Motion carried.

Sheila Buell, LSW – Ms. Michelbrink moved to revoke Ms. Buell’s license. Ms. Dacons-Taylor seconded the motion for the purpose of bringing the issue forward for discussion. Mr. Abraham accepted the motion and asked Ms. Dacons-Taylor to express her recommendation. Ms. Dacons-Taylor recommended a two year suspension with ethics training and documentation of the training when she comes back to the board after her suspension. Mr. Abraham asked if there were any other discussion.

Being none, Mr. Abraham called for a vote. The results were as follows:

Ms. Michelbrink – Agreed with revoking Ms. Buell’s license
Ms. Dacons-Taylor – Opposed to revoking Ms. Buell’s license
Mr. Abraham – Being the Chairperson of the SWPSC, Mr. Abraham was in the position of being the tiebreaking vote. Mr. Abraham agreed with revoking Ms. Buell’s license.

Marilyn McGowan, LSW – Ms. Dacons-Taylor moved to give Ms. McGowan receive Two years of periodic supervision with a report from the supervisor every six months to ensure that client records are accurate, two weeks suspension and additional 6 hours of CEU’s in the areas of recordkeeping and ethics. Mr. Abraham asked if there were any other discussion.

Being none, Mr. Abraham called for a vote. The results were as follows:

Ms. Michelbrink – Agreed with the motion.
Ms. Dacons-Taylor – Agreed with the motion.
Mr. Abraham – Agreed with the motion.

Mr. Hegarty announced that there will be a Social Work Denial Hearing on Thursday, January 19, 2006 at 1:00 p.m.

5. **Executive Directors Report**

Mr. Rough reported that on Thursday, November 17th at 8:00 a.m. he met with the Chairs of each of the Professional Standards Committees and Dr. Cluse-Tolar for the purpose of talking about the various committees of the Board. It seems that the committees are not being able to meet on a regular basis as initially planned. Therefore, it has been proposed

that the Personnel Committee will meet on Thursday, January 19, 2006 at 8:00 a.m., the Statute Committee will meet on December 16th, 2005 at 9:00 a.m. and the CEU Committee will meet on January 5th, 2006 at Bowling Green University, the New Board Member Training Committee will finalize a date later today.

Mr. Rough discussed House Bill 117 which is the Alternative Health Care Bill. He met with Representative Reidelbach to further discuss this bill. She is trying to make it so that it is not illegal for them to practice. However, Mr. Rough said that the majority of the health care boards are opposed to the bill. Mr. Rough has also talked with the executive director of the Psychiatry Board to obtain his opinion on the bill. Mr. Rough and Dr. Cluse-Tolar plan to formalize a plan to discuss with Representative Reidelbach.

Mr. Rough and Dr. Cluse-Tolar have decided on Mohican State Park for the April 20th and 21st, 2006 Strategic Planning meeting.

Mr. Rough told the SWPSC that he enjoyed the fact that he had much more dialog with the board members of this board than he did with his prior board.

Mr. Rough informed the board that he would discuss other issues at the full board meeting this afternoon.

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

Ms. Michelbrink and Mr. Rough attended the ASWB Conference in Detroit, Michigan on November 4th – 6th. Ms. Michelbrink provided the SWPSC with an overview of the event. The ASWB Spring Conference will be in Portland, Oregon. The SWPSC will vote at the January meeting as to who will attend.

Ms. Michelbrink mentioned that from speaking with other boards very few register social work assistants. The committee discussed the value of the registration process and whether the interest of the public would be better served if it were a license instead of a registration.

7. **National Chapter of the National Association of Social Workers (NASW)**

Mr. Lustig asked the NASW what their position was of the NASW on the Board Consolidation. He was informed that the NASW has chosen not to participate. Mr. Lustig also commented that the NASW is in the process of appointing Social Workers to lobby for the NASW.

8. **New Business**

The SWPSC discussed statute issues in preparation for the Statute Committee meeting in December.

9. **Meeting Adjourned**

A motion was made by Ms. Michelbrink to adjourn the meeting. Seconded by Ms. Dacons-Taylor. Motion carried.

