



Counselor, Social Worker & Marriage and Family Therapist Board

50 West Broad Street, Suite 1075
Columbus, Ohio 43215-5919
614-466-0912 & Fax 614-728-7790
<http://cswmft.ohio.gov> & cswmft.info@cswb.state.oh.us

Social Worker Professional Standards Committee (SWPSC) Minutes

Thursday, November 18, 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. Jennifer Kreinbrink,
Ms. Tracey Hosom,

1. 9:00 a.m. – SWPSC Administrative Denial Hearing

The matter of the eligibility of Mr. Christopher Cottle 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 November 18, 2010. Members present were Mr. Tim Brady, Mr. Don McTigue, Mr. Steve Polovick, and Ms. Jennifer Riesbeck-Lee.

A Notice of Proposed Opportunity for Hearing was issued to Mr. Cottle by the Counselor, Social Worker, & Marriage and Family Therapist Board on May 24, 2010. An administrative hearing was held on November 18, 2010 at 9:00 a.m. in the offices of the Ohio Counselor, Social Worker & Marriage And Family Therapist Board, 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. Cottle was present and was not represented by counsel, but he is a licensed attorney.

Ms. Riesbeck-Lee requested that the SWPSC Meeting go into Executive Session at 10:20 a.m. to discuss the denial of Mr. Cottle to be licensed as a social worker. The motion was accepted by an unanimous roll call vote.

At 10:44 a.m. Ms. Riesbeck-Lee moved to come out of executive session. The motion was accepted by an unanimous roll call vote. The Social Worker Professional Standards Committee reviewed all the evidence and determined that Mr. Cottle does not possess the qualifying educational coursework requirements on the date of his application to be licensed as a social worker in the state of Ohio based on the Ohio Revised Code 4757.28(B) and the Ohio Administrative Code section 4757-19-01(C)(2)(a). Mr. Cottle does not have the requisite field placement/practicum required for licensure under the related degree provisions.

2. Meeting Called to Order

Mr. Nelson called the meeting to order at 11:00 a.m.

3. Discussion/Approval of the November 18th and 19th, 2010 Agenda

Mr. Nelson asked if there were any changes or discussion of the November 18th and 19th, 2010 agenda.

Mr. Nelson added the following topic to the agenda.

1. Ethics training will be held at 2:00 p.m. for the board members who are new or have not had the training within the past two years.

Mr. Nelson added the following topics to the agenda under Old Business. These topics were tabled at the September, 2010 SWPSC meeting.

1. Charging a fee for CEU programs and CEU providers.
2. Charging a fee for licensees to obtain a duplicate wall certificate.

Mr. Brady added the following topic to the agenda under New Business.

1. Hardship exception for the LISW supervision designation.

Mr. Polovick added the following topic to the agenda under New Business.

1. Requiring licensees to obtain a certain amount of CEU's in cultural diversity training.

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

4. Approval of the September 16th & 17th, 2010 Minutes

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

Ms. Riesbeck-Lee made a motion to approve the minutes. Seconded by Mr. Brady. Motion carried.

5. Correspondence

Mr. Robert Littmann sent a letter to the Board requesting the SWPSC to allow him to obtain the LISW supervision designation based on his teaching a supervision course at

the University of Cincinnati, serving as a Field Supervisor at the University of Cincinnati and Xavier University and serving as a Field Liaison at the University of Cincinnati in lieu of obtaining the nine hours of CEU's in supervision.

The SWPSC reviewed and discussed Mr. Littmann's letter and supporting documents. The SWPSC denied Mr. Littmann's request based on the Ohio Administrative Code 4757-23-01(E)(1)(b) which states the following requirements for social work professional training in supervision to qualify for a supervisory designation:

(b) Training in supervision of at least nine hours of continuing education in committee approved supervision programs or one master's level supervision course, which shall be completed as follows: between the date the applicant received the independent social worker and the date the applicant is applying for the supervision designation using continuing education training; or complete a master's level supervision course from an accredited university within the last three years.

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.

2010-103 2010-112 2010-123 2010-154 2010-156 2010-169
2010-179

Mr. Nelson made a motion that the following cases be closed as Mr. Nelson as he had determined no actionable offenses had been found. Mr. McTigue seconded the motion. Motion carried.

2010-104 2010-122 2010-139 2010-140 2010-142 2010-143
2010-151 2010-165 2010-170 2010-189

(B) **Executive Session**

Mr. Nelson requested that the SWPSC meeting go into Executive Session at 11:20 a.m. to discuss Consent Agreements, Goldman Reviews (Licensure and Discipline), and an Impairment Order. Accepted by a Roll Call Vote – Mr. Brady – yes, Mr. Nelson – yes, Mr. Polovick – yes, Ms. Riesbeck-Lee – yes, and Mr. McTigue - yes.

Mr. Nelson moved that the SWPSC come out of Executive Session at 11:27 a.m. Accepted by a Roll Call Vote – Mr. Brady – yes, Mr. Nelson – yes, Mr. Polovick – yes, Ms. Riesbeck-Lee – yes, and Mr. McTigue - yes.

(C) **Consent Agreements**

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

Lakesha Smith, LSW - A motion was made by Mr. McTigue to approve the Consent Agreement between the Board and Ms. Smith based on the fact that she left the employment of her agency without providing any notice to the agency and she failed to terminate appropriately with her clients. Seconded by Ms. Riesbeck-Lee. Motion carried.

(D) Goldman Review (Disciplinary)

Jamie Ryan, LSW – A motion was made by Ms. Riesbeck-Lee to revoke Ms. Ryan’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. Jones did not request a hearing. Seconded by Mr. Brady. Motion carried.

Kimberly Paton, LSW – A motion was made by Mr. Polovick to revoke Ms. Paton’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. Paton did not request a hearing. Seconded by Mr. Brady. Motion carried.

Francis Dubielak, LSW – A motion was made by Ms. Riesbeck-Lee to revoke Ms. Dubielak’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. Paton did not request a hearing. Seconded by Mr. Brady. Motion carried.

Elizz Rainspirit, LSW – A motion was made by Ms. Riesbeck-Lee to revoke Ms. Rainspirit’s social worker license based on the Board’s proposal to discipline her due to her failure to comply with her Consent Agreement that was approved in November, 2008. Ms. Rainspirit did not request a hearing. Seconded by Mr. McTigue. Motion carried.

(E) Goldman Review (Licensure)

Lori DiNallo– 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. DiNallo did not request a hearing. Seconded by Ms. Riesbeck-Lee. Mr. Nelson recused himself. Motion carried.

Christine Hill– A motion was made by Mr. McTigue to deny Ms. Hill’s licensure application for not possessing a qualifying degree in social work based on the

accompanying affidavit. Ms. Hill did not request a hearing. Seconded by Ms. Riesbeck-Lee. Mr. Nelson recused himself. Motion carried.

6. Association of Social Work Boards (ASWB)

(A) ASWB Annual Meeting

Ms. Riesbeck-Lee informed the SWPSC about the ASWB annual business meeting she attended where the election of officers took place. She thanked the SWPSC for allowing her to attend.

She enjoyed the opportunity to discuss with other states how they are functioning and was able to listen to a very interesting discussion given by Mr. Dale Atkinson, Executive Director of the Federation of Associations of Regulatory Boards (FARB). Mr. Atkinson shared with the attendees the various things that FARB is doing in conjunction with some of the state boards.

Ms. Riesbeck-Lee shared some information she learned at the annual meeting on the ASWB examination changes, the new testing vendor ASWB will be using and the security measures that are being taken with regard to the testing centers. Mr. Nelson asked what prompted ASWB to make these changes. Ms. Riesbeck-Lee responded that ASWB is very protective of the security of the examination and takes every precaution they can to ensure that the examination is not compromised. The new testing vendor has demonstrated that they have the ability to provide greater security of the examination process.

Ms. Riesbeck-Lee also informed the SWPSC that the ASWB is available to come to a meeting and discuss any concerns that the committee may have with regard to duties that board members perform. Ms. Riesbeck-Lee believes that the SWPSC should take advantage of what ASWB has to offer.

(B) Examination Irregularity

The SWPSC received an examination irregularity report from ASWB. The irregularity report was filed on October 13, 2010 by ASWB's test contractor ACT on behalf of the University of Toledo ACT Test Center in Toledo, Ohio. The irregularity report was filed to report that a candidate for social worker licensure in Ohio, Ms. Danyelle Merriweather, took a cell phone into the testing center. Upon discovery of the cell phone, the proctor contacted at the test center contacted ACT and the candidate's examination was stopped.

The SWPSC reviewed and discussed the irregularity reporting, the supporting documents provided by ASWB and a letter of explanation from Ms. Merriweather. The committee made the decision to uphold the policy of ASWB to invalidate Ms. Merriweather's exam score and have Ms. Merriweather wait ninety days before she would be able to take the exam again. This decision was based on the fact that the candidate had signed an Examinee Agreement and Sign-In (EASI) at the testing center. This agreement clearly stated that candidates were not permitted to have cell phones in the testing room.

7. **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.

8. **Meeting Adjourned**

Mr. Nelson adjourned the meeting at 3:10 p.m.

Social Worker Professional Standards Committee (SWPSC) Minutes

Friday, November 19, 2010

Members Present: Mr. Tim Brady, Mr. Don McTigue, Mr. Bob Nelson,
Mr. Steve Polovick, Ms. Jennifer Riesbeck-Lee
Staff Present: Ms. Rhonda Franklin, Mr. Bill Hegarty, Ms. Marcia Holleman,
Ms. Jenny Kreinbrink, Mr. Jim Rough
Guests Present: Mr. Henry Lustig, NASW Liaison, Ms. Deanna Arbuckle, Ohio
Rehabilitation Association, Ms. Connie Moreland, Ohio
Rehabilitation Association, Ms. Mona Robinson, Ohio
Rehabilitation Association

1. **Meeting Called to Order**

Mr. Nelson called the meeting to order at 9:00 a.m.

2. **Old Business**

(A) **Ohio Rehabilitation Association**

In January, 2010, the SWPSC had reviewed the Provider renewal of the Ohio Rehabilitation Association. Based upon the review, the SWPSC denied the Provider Renewal application for Social Workers.

Representative from the Ohio Rehabilitation Association, Ms. Deanna Arbuckle, Ms. Connie Moreland, and Ms. Mona Robinson attended the meeting to ask the SWPSC to reconsider their decision. The representatives spoke to the SWPSC and expressed that as the field of rehabilitation continues to grow and change, so does the method in which services are offered. The SWPSC asked the representatives various questions and provided input as to how the Ohio Rehabilitation Association could make changes to their programs to make them more appropriate for Social Workers and that would better suit the needs of Social Workers.

The SWPSC discussed their initial decision and made the decision to have the Ohio Rehabilitation Association re-submit their Provider Renewal application and the SWPSC will review it at the January SWPSC meeting

(B) Requiring Social Worker Trainees (SWT's) To Have A Professional Disclosure Statement (PDS)

Mr. Henry Lustig, NASW Representative had sent correspondence regarding a previous discussion the SWPSC had about requiring SWT's to have a PDS.

Mr. Nelson and Mr. Rough recommended that as a part of informed consent, SWT's should let their clients know that they are students working under supervision and provide the PDS of their supervisor.

Mr. Polovick stated that the SWPSC that 4757-21-04 of the Ohio Administrative Code only pertained to all registered social work assistants, social workers, and independent social workers.

Mr. Nelson raised the question of the value of a PDS and what effect did it have on protecting the public, which is the overall mission of the Board.

Mr. Lustig stated that neither he nor any of his staff have ever had a client request a copy of their PDS.

Mr. Brady reminded the SWPSC that at the Board Retreat in July, the majority of the full Board voted that a PDS was necessary for licensees to have.

The SWPSC decided to revisit this issue in the future and asked Ms. Holleman to provide them with copies of some of the PDS's that she receives from licensees.

(C) Guardianship Of An Ex-Client

Due to time constraints, this topic was tabled to be discussed at the January, 2011 SWPSC meeting.

(D) Charging A Fee For CEU Programs And Provider Status

Due to time constraints, this topic was tabled to be discussed at the January, 2011 SWPSC meeting.

(E) Charging A Fee For A Licensee To Obtain A Duplicate Wall Certificate

Due to time constraints, this topic was tabled to be discussed at the January, 2011 SWPSC meeting.

3. Executive Director's Report

Mr. Rough reported that the minutes for the July 15, 2009 planning meeting were reviewed by the Executive Committee to identify planning items for the next year and into the future.

Mr. Rough reported that the returning Board members appointed through 10/10/2013 Mr. Bob Nelson LISW-S and Mr. Otha Gilyard, Public Member. New Board members appointed through 10/10/2013 are Ms. Terri Hamm, PCC-S and Ms. Maureen Cooper, PCC-S.

Mr. Rough has contacted all of the associations concerning proposed statute changes. 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 input and NASW Ohio Chapter is working on their input.

Mr. Rough reported that the Supreme Court has forwarded our letter concerning the rules of superintendence for the courts of Ohio rule 66 paragraph (A). Mr. Rough is waiting for further information.

Mr. Rough reported that the following bills are waiting to see if the senate holds any hearings. The preliminary information is that they will have minimum sessions and hearings, if any at all.

- HB 62, which includes the deletion of the civil service exemption
- Mental Health Hold – HB281 has had three hearings.
- The Art Therapy Bill HB208 has had three house hearings.

Mr. Rough reported that he has filed the budget for FY 2012 & 2013 on November 1, 2010. He is waiting for input from DAS on some IT costs. The Board needs to discuss fees for CEU programs and provider status at this meeting in order to be ready to write the rule if that fee is added to the budget bill.

Mr. Rough reported that the Auditor of State's office has completed their audit. The audit covered FY 2009 & 2010. He was only aware of one verbal issue which is very minor.

Mr. Rough reported that the following rules need to be reviewed.

- Rule 4757-5-09 draft to address licensee's absence, emergency or death
- 4757-13-07 draft to change rule to revise CACREP references per CACREP memo on the use of CACREP aligned.

Mr. Rough reported that the following rules are pending filing with JCARR:

- Rule 4757-3-01 (M) change to allow graduates from schools in candidacy status with CSWE to become eligible for licensure.

(M) "Master's degree or Ph.D. degree in social work" means a degree granted from programs accredited or in candidacy for accreditation by the "Council on Social Work Education."

- Rule 4757-5-02 new paragraph (I) for supervision
- Rule 4757-5-03 & 5-08 change to ban bartering
- Rule 4757-6-01 custody in paragraph (F) on planning meeting change
- Rule 4757-7-01 new fine rule
- Rule 4757-9-04 change to allow banking of CE hours.
- Rule 4757-9-05 deletion of automatic approval for university programs
- Rule 4757-25-02 MFT rule for expired applicant examination policy

Mr. Rough reported on his Executive Director Work Plan.

4. National Association of Social Workers (NASW)

Mr. Lustig discussed the proposed changes to Chapter 4757 of the Ohio Revised Code and noted the concerns of the NASW.

Due to time constraints, this topic was tabled to be discussed further at the January, 2011 SWPSC meeting.

5. New Business

(A) Related Degree Applicants And The Requirement To Have A 400 Hour Practicum And/Or Field Experience

Mr. Nelson stated that after discussions with staff, he is aware that there are quite a few LSW's with related degrees who were previously licensed and let their license lapse. For whatever reason, they want to re-apply for their Social Worker license and are no longer eligible because they do not meet the current related degree requirements. Mr. Nelson's concern is that they practiced for years as a Social Worker without any complaints from the public and now they are being shut out of the field. Mr. Nelson asked what was the intent of the rule change that now requires an applicant with a related degree to have a minimum of 400 hours of a supervised practicum and/or field experience?

Ms. Riesbeck-Lee made the suggestion that if they are a new applicant with a related degree then they would have to meet the current requirement. However, if they were previously a related degree licensee then we would accept their application based on the

previous requirement that did not include a minimum of 400 hours of a supervised practicum and/or field experience.

Mr. McTigue discussed several ways that the rule could be changed to make it less restrictive for the related degree licensees who were previously licensed and do not meet the current requirements.

Mr. Nelson asked Mr. Rough to draft language for the SWPSC to allow for related degree applicants who were previously licensed and do not meet the current requirements to be eligible if they wish to re-apply for licensure.

Due to time constraints, this topic was tabled to be discussed further at the January, 2011 SWPSC meeting.

(B) Cultural Diversity Training

Mr. Polovick stated that he would like to have the Board implement a requirement for licensees to obtain a set amount of CEU's in cultural diversity per renewal period. He noted that the Board currently requires a licensee to obtain 3 CEU's in ethics per renewal period. It is Mr. Polovick's belief that cultural diversity training is a great way for licensees to strengthen their appreciation for differences. Mr. Polovick also suggested that perhaps a licensee should have the choice to obtain 3 CEU's in ethics or cultural diversity.

Ms. Franklin stated that based on a letter sent to the Board by the NASW in 2003, cultural diversity can be considered ethics because cultural diversity is an ethical topic.

Mr. Nelson stated that he has heard from numerous licensees that unless ethics is in the title of the workshop or seminar they are attending, then they will not attend it to count toward the ethics requirement.

Mr. Polovick stated that he would like to have the SWPSC discuss that licensees obtain (1) 3 CEU's in ethics and 3 CEU's in cultural diversity or (2) 3 CEU's in ethics or cultural diversity.

Mr. Nelson stated that the Social Workers he has talked to would much rather take CEU's in cultural diversity than ethics due to the redundancy in the ethics presentations. He questioned whether or not Social Workers were aware that cultural diversity was an ethical topic.

Mr. McTigue made the motion to ratify what has been the practice to include cultural diversity as counting toward the fulfillment of the ethics CEU requirement and to request Mr. Rough to inform licensees in whatever manner he deems best of this action. Seconded by Mr. Brady. Motion carried.

Due to time constraints, this topic was tabled to be discussed further at the January, 2011 SWPSC meeting.

(C) **Hardship Exception For Obtaining The LISW-S Designation**

Mr. Brady would like to see the SWPSC implement a hardship exception for LISW's who would like to have the supervision designation without obtaining the 9 CEU's in supervision.

Due to time constraints, this topic was tabled to be discussed further at the January, 2011 SWPSC meeting.

6. **Approval of Applications for Licensure**

A motion was made by Mr. McTigue to approve the 256 applicants licensed by staff from September 20, 2010 through November 17, 2010. Seconded by Mr. Polovick. Motion carried.

7. **CEU Ad Hoc Committee Report**

Mr. Polovick reported that further discussion needs to be had regarding the amounts for Program and Provider fees and if the Board should charge a fee for Programs and Providers that do not charge a fee to attend.

Mr. Tommie Robertson, Chair of the Marriage & Family Therapist Professional Standards Committee (MFTPSC) presented to the SWPSC a proposed motion on a policy for CEU changes which the MFTPSC drafted. The MFTPSC respectfully requested the SWPSC to provide feedback, positive or negative, to the proposed motion.

8. **Executive Ad Hoc Committee Report**

Ms. Riesbeck-Lee reported on the need for a decision on charging a fee for a licensee to obtain a duplicate wall certificate.

7. **Meeting Adjourned**

Mr. Nelson adjourned the meeting at 12:15 p.m.

Mr. Robert Nelson, Chairperson