



# CSWMFT News

## Message from the Chairperson - Erin Michel, MSW, LSW



### Spring 2018

#### Inside This Issue

#### 1- Message from the Chairperson

Greetings! It is my pleasure to welcome James Minikowski, IMFT-S, to the CSWMFT Board. James has experience in partial hospitalization and private practice settings. He works in northeast Ohio for Psychbc, a mental health agency serving Ohio, Indiana, and Kentucky.

#### 2-Executive Director's Update

In the last newsletter, I wrote about license mobility. The Board will continue to consider and discuss issues related to mobility, such as electronic service delivery and portability from one state to another. Carl Brun, Social Work Professional Standards Committee Member attended the Association of Social Work Boards Spring Education Conference on license mobility. Carl brought back a wealth of information with him, and I encourage you to read his article in this quarter's newsletter!

#### 4- Mobility—Some Questions

You may have seen advertisements for online counseling services or telemedicine. There are many terms used to describe what Ohio Administrative Code (OAC) 4757-5-13 refers to as electronic service delivery. In June, Board Member Charlie Knerr and I attended the Telebehavioral Health Conference in Columbus delivered by Dr. Marlene Maheu, field expert and founder of the Telebehavioral Health Institute. The Conference provided the opportunity to understand how clinicians practice legally and ethically using electronic service delivery methods including video, telephone, and text-based communication.

#### 7- Ethics

#### 8 - Termination— Issues for Leaders

#### 9 - Disciplinary Actions

#### 10- Renewal Update

From a regulatory perspective, there are many risks to consider related to public protection: informed consent, client safety, client privacy in clinician offices, protecting electronic health information, interjurisdictional practice, and social media advertising. Numerous resources were provided at the conference on how to navigate the following scenarios and many more. Some questions licensees and regulators should explore :

What additional elements would be included on informed consent forms when delivering electronic services?

- What would you do if a client is at risk of harming themselves while you are providing counseling via video conference and they leave the session?
- How would you secure a home office to protect your client's right to privacy?
- What technology is HIPAA compliant to ensure that protected health information is not compromised?
- How do licensees responsibly practice electronic services across state and/or international borders?

In general, technology development moves faster than regulations on technology. For licensees providing electronic services, it is important to understand and comply with the laws and rules of Ohio and the state in which your client is located. The Board recently adopted a condition to practice rule (OAC 4757-1-09) for non-Ohio licensees to practice for up to 30 days. Rule changes for electronic service delivery (OAC 4757-5-13) have been approved by the Board and will be in effect later this year. The updates account for changes in the use of technology and have added requirements for informed consent and security. As always, if you have specific questions about electronic service delivery, you may contact Brian Carnahan, Executive Director, at [Brian.Carnahan@cswb.ohio.gov](mailto:Brian.Carnahan@cswb.ohio.gov).

I encourage you all to attend our Board meetings and the next one will take place July 19-20. It has been a pleasure and valuable leadership experience serving as Board Chair over the past year. My proudest accomplishment is facilitating a strategic planning process for Board deliberations that will create tangible results for on-boarding new Board Members and analyzing training supervision by 2020. I want to extend my gratitude to the Board Members and staff for their support during this time. I look forward to seeing the results of the plan we're creating!



## Executive Director’s Update Brian Carnahan

CSWMFT Board Members and staff were hard at work this spring. The pace picks up considerably as many new graduates seek their license so they can start their careers. We are happy to be part of the process.

During its May 2018 meeting, the CSWMFT Board approved a number of rules for filing with the Joint Committee on Agency Rule Review. While a number of minor edits were made to the rules, generally to assist with the implementation of eLicense as well as to address some other issues, the most substantial change was to Rule 4757-5-13. This rule defines how services may be delivered electronically. Details on the proposed rule changes are available for review on the What’s New page of the CSWMFT home page.

The Ohio House of Representatives Community and Family Advancement Committee voted to recommend HB 523 for consideration by the Ohio House of Representatives. HB 523, if enacted into law, will establish an animal abuse reporting requirement for CSWMFT Board licensees. Additionally, the legislation includes a change to the type of degree that may be used to qualify for an endorsement application for Counselor licensure. It also includes a change to allow all CACREP degrees, with clinical coursework to qualify an applicant for the examination, as well as a reduction in Social Work Assistant continuing educa-

tion requirements from thirty hours to fifteen hours.

During the May meeting the Board took additional steps toward developing its strategic plan. The Board is currently focused on supervision, on-boarding new Board Members, and the role of the Board. The Board hopes to wrap up its development of the plan at the next meeting so it can begin implementing the plan.

Mobility remains a topic of active discussion (see Carl Brun’s article in this newsletter). Associations affiliated with the three professions the Board works with are working to develop mobility proposals. The Board continues to discuss how best to align with these proposals to ensure the public is protected as persons move to Ohio with the intention to work in one of the professions licensed by the Board as well as ensure those already licensed in Ohio can move out of Ohio and find work.

It has been almost one year since the Board implemented eLicense. If you have not yet registered in eLicense, please be sure to do so soon. Many persons who renewed in the old system right before the new system was implemented in June 2017 will be due for license renewal in 2019.

### Upcoming Events

**July 19 and 20 .....CSWMFT Board Meeting**

**September 13 and 14 .....CSWMFT Board Meeting**



## Executive Director's Update - Continued



*Continued from page 3*

Most licensees with an LSW, LPC, or MFT are receiving supervision toward independent licensure. There are a few things to keep in mind. First, licensees receiving supervision for independent licensure must be under the supervision of an independent licensee with a supervisor designation/endorsement from the same profession unless an exception is approved by the appropriate Professional Standards Committee. Such exceptions are rarely approved. Second, if group supervision is used, the group can be no bigger than six licensees. All members of the group must be of the same license type as well. Third, the supervision provided must be "training" supervision that helps the dependent licensee develop his or her skills as a Social Worker, Counselor, or MFT. Case meetings or similar conversations that do not directly address professional practice are not supervision for purposes of independent licensure. The licensee

receiving supervision is responsible for maintaining the supervision log. Finally, the online supervision evaluation can only be submitted by the supervisor. The licensee may need to provide the supervisor with information regarding the dates and hours of supervision, the evaluation must be submitted by the supervisor. The Board, licensee, and supervisor, each receive an email verifying the submission of the form.

Please be sure to update your e-mail address in eLicense. E-mail will be the primary means of communication.

Please contact me with any questions or concerns you may have. I can be reached by e-mail at [brian.carnahan@cswb.ohio.gov](mailto:brian.carnahan@cswb.ohio.gov) or phone at 614.752.5161.

## Finding Answers to Application and Renewal Questions

As CSWMFT has adopted eLicense and CE Broker, questions have arisen regarding the best place to get answers to questions. The eLicense system is intended to support the submission of applications and the renewal of licenses. Unfortunately, eLicense cannot accommodate all of the information that might be necessary to complete an application or renewal. Answers to many questions can be found on the CSWMFT Board [website](http://cswmft.ohio.gov). The Board uses the website to provide information on license application, renewal, continuing education, and more. With the Board's implementation of CE Broker, information about opening and maintaining a CE Broker account is now on the website.

Check out the CSWMFT Board website before submitting applications, completing renewals, or submitting service requests to the Board. If you do not find the answer on the website, we welcome your calls and e-mails.

### COUNSELOR, SOCIAL WORKER & MARRIAGE AND FAMILY THERAPIST BOARD

77 South High Street,  
24th Fl  
Columbus, Ohio 43215-  
6171

PHONE:  
614-466-0912

FAX:  
614-728-7790

E-MAIL:  
[cswmft.info@cswb.  
ohio.gov](mailto:cswmft.info@cswb.ohio.gov)

WEB SITE:  
<http://cswmft.ohio.gov>



## Mobility – Some Questions to Get You Thinking

### Carl Brun, Ph.D., LISW-S, CSWMFT Board Member

Please note: this article generally considers mobility as it relates to Social Workers. The Counseling and Marriage and Family Therapy professions are actively considering mobility initiatives. More information about Counselor and Marriage and Family Therapist mobility can be found at [www.aascb.org](http://www.aascb.org) (Counseling) and [www.amftrb.org](http://www.amftrb.org) (MFT).

A licensed clinical social worker who has practiced in State X for 20 years, is moving to State Y because his partner has been promoted and the company is moving him to State Y. In all states, the licensed social worker will need to apply for a State Y license and meet State Y's requirements to be credentialed. It is possible State Y does not even have a "clinical social work" license. What is the equivalent license in State Y? Will the social worker need to submit all of his transcripts and original supervision documentation? Will the social worker need to have more supervision? Will the social worker need another background check? Will the social worker need to take a test about State Y's licensure rules? Are all of these possible requirements enough to rethink making the move to State Y, at the risk of career opportunities for a partner? Do you know the requirements in Ohio related to the above questions? See Answer A at the end of this article.

A licensed social worker in State X is hired by a private counseling agency that has a reputable tele-counseling practice. The

agency provides tele-counseling to clients all across the U.S. For which states does the social worker need to be licensed: State X only? All 50 states? State X and the states in which her/his clients live? Do you know Ohio's requirements? See Answer B at the end of this article.

Mobility obstacles are not isolated to social work licensees. One could substitute the term, "social worker" in the above examples with "marriage and family therapists" or "counselors".

The issues in the two case examples and other professional mobility issues have been the focus of the Association of Social Work Board (ASWB) since 2013 (<http://movingsocialwork.org/issue/our-efforts/mobility-timeline/>). ASWB proceedings of the annual education conference in 2015, We're on our way: Social work practice mobility (<https://www.aswb.org/wp-content/uploads/2015/09/ASWBReportSocialWorkPracticeMobility.pdf>) addressed specific practical issues related to mobility: ethical and risk management challenges; social work in a digital world; labor mobility and social work; assuring social work competencies are met; finding common ground and consistency across states; supervision standards across states; international mobility; equivalency standards related to educational requirements of licensees; and which mobility models should be adopted.

Continued on the next page



## Mobility – Some Questions to Get You Thinking

Continued

ASWB has published a mobility strategy statement that lists the following standards that all mobility efforts should follow (<http://movingsocialwork.org/wp-content/uploads/2018/03/ASWB.mobility-strategy-public-version.pdf>):

- Three categories of license (from the ASWB Model Social Work Practice Act)
  - Licensed Baccalaureate Social Worker (LBSW)
  - Licensed Master's Social Worker (LMSW)
  - Licensed Clinical Social Worker (LCSW)

Four minimum essential criteria must be met:

- Graduation from an accredited social work program
- A passing score on the appropriate ASWB exam
- Completion of supervised experience (as required by license)
- No disciplinary action
- 

Do you know whether Ohio requirements meet these standards? See Answer C at the end of this article.

My recent knowledge about ASWB's efforts for social work mobility come from my attendance at the ASWB 2018 education conference: developing tools for social work mobility (<http://mobilitytools.org/>). I learned that in Canada mobility is regulated nationally through the Canada Free Trade Agreement (CFTA). This federal act requires provinces to recognize certified social

workers from other provinces as qualified to practice in other provinces "without having to go through significant additional training, work experience, examination, or assessment, unless an exception has been posted". Implementation of this act still has its challenges. For example, one province is challenging whether an applicant must have an educational degree from an accredited program. Persons must still be certified in the different provinces for which they practice, even though the obstacles to become certified are greatly reduced. The exceptions noted above can become challenged by provinces or certification applicants.

I learned of California's movement towards the passage of a law that would change the out-of-state license application process. California, like Ohio, licenses multiple counseling professionals. The proposed law change would follow the ASWB standards listed above, but would require applicants to take Continuing Education (CE) on the California licensure law. California's proposed law change impacts persons who move to California, but what about the California social worker who moves to other states? California is also working on reciprocity agreements with bordering states to allow mobility of practice between two states. Reciprocity is an important consideration for Ohio as there are licensed independent social workers (LISW) and licensed social workers (LSW) who practice in Ohio and Kentucky, Indiana, or Michigan.



## Mobility – Some Questions to Get You Thinking

Continued

I encourage all advocates for clients of Ohio Counselors, Social Workers, and Marriage and Family Therapists (OCSWMFT) to become educated about the need for mobility as a client protection issue. Licensure laws need to be current with the technology and workforce mobility trends that may separate clients from counseling professionals, in some cases professional relationships that have been built for years and would be damaged by termination. I encourage readers of this article to visit the ASWB websites that I have referenced. The websites are valuable resources for taking action for mobility.

Answers to the Questions:

A. Ohio has an endorsement process for out-of-state licensed social workers to obtain the appropriate Ohio license -<http://cswmft.ohio.gov/Social-Workers/Licensed-Social-Worker/out-of-state-app>: 1) pay the fee for the appropriate license (\$80 for LSW; \$100 for LISW); 2) request ASWB to send the exam scores directly to the Ohio licensure board; 3) watch the boards laws and rules video; 4) request all college transcripts to be sent directly to the Ohio licensure board; 5) complete a FBI and BCI background check; and 6) LISW applicants must provide evidence of meeting the supervision.

B. Ohio has an Electronic Service Delivery (ESD) policy that applies to all board OCSWMFT licensees (<http://cswmft.ohio.gov/Information-for-the-Public/Online-or-Internet-Therapy>). Under

this policy if a licensee is providing services to a client in another state, the OCSWMFT licensee must become licensed also in the state from which the client is receiving the electronic service.

C. Using the ASWB mobility standards, the Ohio social work licensure categories align with the ASWB three categories in the following way:

Licensed Baccalaureate Social Worker (LBSW) – In Ohio, a BSW social worker would be eligible to apply as a LSW.

Licensed Master's Social Worker (LMSW) - In Ohio, a MSW would be eligible to apply as a LSW.

Licensed Clinical Social Worker (LCSW) - In Ohio, a licensed clinical social worker would be eligible to apply as a LISW.

Here's how Ohio meets the 4 minimum essential criteria

Graduation from an accredited social work program – for the LSW, the BSW must be awarded from a college or university that is regionally accredited; for the LISW, the MSW or equivalent (e.g. MASW, M.A. in social administration) must be awarded by a program accredited by the Council on Social Work Education (CSWE).

A passing score on the appropriate ASWB exam – Yes

Completion of supervised experience (as required by license) – Yes, as required in Ohio

No disciplinary action - Yes



## Ethics: What Happens When a Complaint is Filed? - Tracey Hosom

If a complaint is filed against a social worker, counselor, or marriage and family therapist, the prospect of being investigated may feel daunting and stressful. The first call to board is usually, "I have never been investigated before!" Keep in mind that complaints and/or investigations are not public information.

When an investigation is conducted, an investigator may subpoena records, conduct interviews with the licensee, complainant, and employer(s), as needed. The investigation may take as little as a few weeks or up to several months, and varies case by case depending on the facts of the case. Many licensees ask if they need an attorney and/or other potential witnesses. Some people obtain legal counsel, some do not, but keep in mind that the Board cannot interpret legal issues for you.

If a case is unsubstantiated and closed, or substantiated and closed with a caution, the complaint and investigation will remain confidential and not part of the licensee's public record. Records obtained during an investigation remain confidential and are protected under the ORC 4757.38. This protects any client, as well as licensees. The licensee and complainant will be notified of the outcome of the investigation in writing.

If the facts of a complaint and investigation are substantiated and the board has determined formal discipline is appropriate, the Board will offer to settle the matter with a "Consent Agreement." A consent agreement may require additional ethics training, a suspension, supervision, or other disciplinary action. Consent agreements become part of the public record and are posted on the Board's

website as well as reported to the National Practitioners Data Bank. Consent agreements are mutually accepted by the licensee and the Board.

In cases where an agreement cannot be reached, the board will offer the licensee "A Notice of Opportunity For Hearing." If the licensee requests a hearing the information obtained will be made public. Board hearings are held in accordance with O.R.C. 119. These hearings are "Administrative Hearings" and allow the licensee, and the board, to present evidence and testimony. A very small amount of cases result in a hearing.

Last year the board investigated approximately 300 cases, however, only about 20% of the cases resulted in formal disciplinary action. Currently the largest number of complaints are regarding issues with: continuing education audits, record keeping and termination, custody matters, and non-sexual boundaries (multiple relationships).

Questions you would like to see addressed under the "Ethics Issues" column can be sent to: [Tracey.Hosom@cswb.ohio.gov](mailto:Tracey.Hosom@cswb.ohio.gov).





## Terminating or Resigning, Does it Matter?

### Brian Carnahan

The loss of a job, either through a layoff, termination, or involuntary resignation in lieu of other action, is difficult. For those in management positions, taking such steps in the face of performance issues can feel as if a drastic action is being taken. However, if the person is licensed, is dismissal or resignation enough?

If a termination or involuntary resignation is used to address issues with a licensed employee, what were the issues? Were violations that lead to the termination simply violations of standard work policies such as those regarding leave usage, or was the violation more severe, possibly involving clients? It is important to separate such issues. Nonetheless, if what lead to the termination or involuntary resignation was more serious than violation of an employment policy, such violations should be reported.

It is not always one issue that leads to a termination. It could be many issues that reflect possible violations of employer rules as well as professional ethics. An employee may have had attendance issue as well as documentation issues. The attendance issue may have resulted in the employee/licensee's termination but then many times, an employer discovers incomplete treatment records post termination.

Licensed supervisors have a different responsibility than an unlicensed supervisor; licensees are mandated to report ethical violations. Failing to report may result in putting the public at risk. An employer may not be aware that the former employee may have previously been the subject of similar violations. Reporting violations gives the board an opportunity to determine if there is a pattern of behavior on the part of a licensee. In Ohio, investigations are confidential unless official discipline results. Therefore, an employer may not know that a licensee has been the subject of previous complaints or investigations. The Board will use that information when considering a new complaint.

When reporting an issue, be prepared to be specific regarding the allegations. Client records and employment files may also be requested.

When an employee with a license is terminated consider if there is an obligation to act in the public's interest by reporting to the appropriate board. Any issues that may be a violation of the laws and rules should be reported.

As employer or supervisor, there are questions you can ask when terminating an employee:

- Was the employee counseled about this or similar types of violations ?
- Were the violations leading to termination violations of work rules or broader professional ethics?
- Were clients harmed by the terminated employee?
- How were the issues discovered? Did a client complain? Did a co-worker raise the issue?
- Are you aware of other licensed professionals who were disciplined for similar violations?

When reporting an issue, be prepared to be specific regarding the allegations. Also, prepare to supply additional information. Client records and employment files may also be requested once a complaint is investigated.

Each time an employee with a license is terminated or asked to resign, consider if there is an obligation to act in the public's interest by reporting to the appropriate board. Any issues that may be a violation of the laws and rules in place for the practice of that profession should be reported.



## Disciplinary Actions Taken Against Licensees (Since March 2018)

### Social Workers:

Yolanda Bailey (LSW) Improper Renewal/Audit Failure. Reprimand.

Jodie Cass (LSW) Improper Renewal/Audit Failure. License Revoked.

Catherine Downton (LSW) Improper Renewal/Audit Failure. License Revoked.

Lauren Fenton (LSW) Improper Renewal/Audit Failure. License Revoked.

Lucious Harper (LSW) Failure to cooperate in an investigation. License Revoked.

Valerie Hicks (LISW) Improper Renewal/Audit Failure. License Revoked.

Elizabeth Payne (LSW) Record Keeping. Reprimand and additional CEUs.

Kayla Prine (LSW) Inaccurate Records. Reprimand and personal counseling

Douglas Roller (SWA) Boundary Violations. 3 year suspension.

Matthew Snyder (LSW) Failure to Comply with Board Consent Agreement. License Revoked.

Angela Thorman-Grimsley (LISW) Non-sexual boundaries. Suspension and CEUs.

Leann Vincenzo (LSW) Non-sexual boundaries. Reprimand and mandated supervision.

### Counselors:

Jaclyn Balliet Turner (LPC) Standard of Care. Surrender of license.

Wesley Bass (LPCC) Boundary violation. 3 year suspension, personal counseling, and mandated supervision.

Burton Griess (LPC) Felony conviction/Impairment. License Revoked.

Debra Gunnels (LPC) Records problems. Reprimand, supervision, and additional CEUs

Christina Guzzo (LPC) Non-sexual boundary violations. Mandated supervision and additional CEUs.

Mia Hall (LPC) Improper supervision. Mandated supervision and additional CEUs.

Sandra Tebbe (LPCC) Non-sexual boundary violations. Reprimand and additional CEUs.



## Renewal Update—Rhonda Franklin

Printed renewal applications are no longer available, all renewals must be completed online. Renewal notices are now emailed 90, 60, and 30 days in advance of your renewal date. Licenses are eligible for renewal 90 Days in advance of their renewal date in the new "elicense.ohio.gov" system.

The Escrow/Inactive status is designed for licensees who are not practicing and are not interested in practicing for at least the next 12 months. It's simply a way for you to put your license on hold until you are ready to get back in the field. The Escrow/Inactive status does require you to pay a renewal fee every two years but it does not require the completion of continuing education. Continuing Education is required when you reinstate your license to active status. To renew Escrow/ Inactive you will first need to request the status in "elicense.ohio.gov" to do this login, click on options, then click special request and state you want to renew inactive. Your license status will be changed and you will receive an email when your license is ready to renew.

CEBroker.com. The board has partnered with CE Broker to help licensees track their continuing education. This site is where you upload copies of your pre-approved continuing education certificates to show you have completed the required hours. You may also submit non approved trainings for post program approval in CE Broker. Note the continuing education rules still apply

the only thing that has changed is the way you report your completed continuing education. Pre-approved trainings with board approval numbers similar to these numbers: RCSTX00000 or MCSTX00000 should be uploaded to the Pre-Approved Continuing Education section. If you previously submitted a training for approval to the board for post program approval and received a Notice of Action, showing the training was approved, that notice should also be uploaded to the Pre-Approved Continuing Education section.

Training that you need to have reviewed should be uploaded to the section titled: Continuing Education programs not previously approved by the board. This is the new post program approval process.

You may also upload information on trainings or college courses you taught or presented, publications you authored, college course work completed, and training approved by National Professional Organizations. These sections are clearly titled in CE Broker. For Social Workers, NASW and ASWB approval is automatically accepted; for Counselors NBCC approval is automatically accepted. Upload these certificates to the Pre-Approved Continuing Education sections also.

Please remember to visit the board's website: CSWMFT.OHIO.GOV for information on acceptable continuing education and updated information regarding the renewal process.

