



Ohio Counselor, Social Worker & Marriage and Family Therapist Board

77 South High Street, 24th Floor, Room 2468
Columbus, Ohio 43215-6171
614-466-0912 & Fax 614-728-7790
<http://cswmft.ohio.gov> & cswmft.info@cswb.ohio.gov

State of Ohio Counselor Professional Standards Committee Meeting January 18, 2018

Members Present: Mr. Ryan Pickut, Dr. Matthew Paylo, Dr. Butch Losey, Ms. Susan Pohler, Esq. and Dr. Christin Jungers

Staff Present: Ms. Yolanda Berry, Mr. Bill Hegarty, Ms. Tracey Hosom and Ms. Margaret Ann Adorjan

The meeting was called to order by Mr. Pickut at 11:15 a.m.

I. Planning Meeting 9:00 a.m. – 11:00 a.m. 19th Floor, Room 1960

Attended by the CPSC members.

II. Discussion/Approval of Agenda

An amendment was made by Mr. Pickut to move the Investigation Report by Mr. Hegarty to today's agenda. Dr. Jungers moved to approve the agenda as amended. Dr. Losey seconded. Motion carried unanimously.

III. Investigation Report – Mr. William Hegarty

Mr. Hegarty shared the investigation process with Ms. Pohler. He thanked Dr. Paylo and Mr. Pickut for their work on cases. The following cases were reviewed by Dr. Paylo and recommended for closure including CA2017-3300 Confidentiality. Closed as unsubstantiated.

CA2017-3038 Discrimination.	Closed as unsubstantiated.
CA2017-3150 Confidentiality.	Close with a caution.
CA2017-3153 Failure to report.	Close with no violation.
CA2017-3163 Non-sexual boundaries.	Allegation not substantiated
CA2017-3167 Custody issues.	Close with a caution.
CA2017-3180 Improper Supervision.	Allegation not substantiated.
CA2017-3247 Improper Supervision.	Close with no violation.
CA2017-3257 Boundaries.	Allegations not substantiated.
CA2017-3297 Standard of Care.	No violation found.

Dr. Paylo moved to close the cases he reviewed for the reasons identified including CA2017-3300 as they did not lead to formal discipline. Mr. Pickut seconded. Motion carried unanimously.

The following cases were reviewed by Mr. Pickut and recommended for closure.

CA2017-3112 Custody issues.	Close with no violation.
CA2017-3140 Non-sexual boundaries.	Close with a caution.
CA2017-3202 Confidentiality.	Close with a caution.
CA2017-3210 Custody issues.	Close with a caution.
CA2017-3229 Sexual boundaries.	Allegation not substantiated.
CA2017-3260 Improper Termination.	Close with no violation.
CA2017-3303 Boundaries.	Close with no violation.
CA2017-3331 Competency.	Allegation not substantiated.

Mr. Pickut motioned to close the cases he reviewed for the reasons identified as they did not lead to formal discipline. Dr. Jungers seconded. Motion carried unanimously.

Mr. Hegarty reported an influx of cases. There were 68 new cases since the last Board meeting and another Board reported a notable increase also. A possible cause for the increased case load could be attributed to the ease of filing a complaint through the eLicense system. Complaints are often filed without a thorough thought process resulting in the Investigation Department performing due diligence necessitating a follow-up with each complaint. Dr. Paylo asked what percentage of cases were unsubstantiated. Ms. Hosom shared that approximately 80% were either closed, cautioned or unsubstantiated and the other 20% owing to discipline. Mr. Pickut asked for clarification regarding options for sanctions. Mr. Hegarty explained the various public and non-public sanctions imposed by the Board. Dr. Jungers asked what would be the process once a license suspension is complete and if the licensee's name is removed from the national practitioner data bank. Ms. Hosom shared with a time-limited suspension and having met all requirements successfully, the data bank report is updated however the licensee name is a permanent listing. Dr. Losey asked about a physical year report that is sent to the governor's office. Mr. Hegarty responded the reported information could be found on the governor's website and in the Board's minutes. Ms. Hosom added that report is generated by the Board's Executive Director.

Consent Agreements

Peter Giotta

Mr. Giotta is an LPC when while working at an agency sent sexual text messages to a current client and took the client out to dinner. Based on committee approval, Mr. Giotta will be suspended as of January 19, 2018 – January 18, 2022. During the period of suspension, Mr. Giotta is to obtain personal mental health counseling by a therapist who has been pre-approved by the Board. This will be

handled by Board staff member Mr. Miller of our Compliance Division. Mr. Giotta is also required to complete an additional six hours of continuing education. Mr. Pickut moved to accept the consent agreement between the Board and Mr. Giotta. Dr. Jungers seconded. Motion carried unanimously.

Charlene Newport

Ms. Newport is an LPC who was licensed February 3, 2012. Ms. Newport breached her professional boundaries while employed at an AOD facility by entering into a personal relationship with a client. Ms. Newport will be suspended commencing January 19, 2018, for three years. There are no other terms during this period. Mr. Pickut moved to accept the consent agreement between the Board and Ms. Newport. Dr. Losey seconded. Motion carried unanimously.

Brooke Suarez

Ms. Suarez is an LPCC who was employed in an agency in Dayton, Ohio. Ms. Suarez accessed the records of two individuals that were clients of the agency but not clients of Ms. Suarez. This was discovered during an audit. She is being reprimanded and will have to complete an additional six hours of continuing education. Mr. Pickut moved to accept the consent agreement between the Board and Ms. Suarez. Dr. Paylo seconded. Motion carried unanimously.

Goldman Review

Caitlin Perazzo Herrmann

Ms. Herrmann was denied licensure as she did not possess either a qualifying master's degree or doctorate in counseling. Ms. Hermann was offered a Notice of Hearing which she signed for but choose not to request a hearing. Mr. Pickut motioned to deny Ms. Herrmann's application for licensure. Dr. Losey seconded. Motion carried unanimously.

Mr. Hegarty reported 6 Endorsement Consent Agreements were issued by the Board since the last meeting.

- a. Leslie Kitchen, LPC
- b. Rachel Helscher, LPCC
- c. Christopher Surber, LPC
- d. Wendy Lewis, LPC
- e. Eszter Kiss, LPC
- f. Sandy Ellingson, LPC

The counselor licensure denial hearing was cancelled today with the probability of being rescheduled in May. Mr. Pickut asked Mr. Hegarty with respect to consent agreements

whether there is any room for discussion on not requiring the educational piece if a licensee has practiced safely for five years. Mr. Hegarty responded the issue would be consistency in terms of requiring an Ohio applicant to meet the educational requirements versus an out-of-state applicant who wouldn't. This would be a discussion to have in committee. As a committee together with the Board the committee would have to prepare for students whose thinking would be not having to take a required course thus dropping the class to eliminate the additional expense. Mr. Pickut commented with out-of-state applicants its being stated the five years of practice could potentially replace a course. Mr. Hegarty pointed out another possibility of an out-of-state applicant having a different scope of practice. The educational deficiency that most out-of-state applicants have is the Evaluation course. Dr. Jungers commented that CACREP standards have basically taken over regarding the five clinical content areas. Mr. Hegarty stated it's more of a fairness issue. Mr. Pickut commented this was an artificial barrier to licensure that is being imposed on out-of-state applicants. Dr. Losey noted that an Ohio resident transferring to Indiana would be required to complete an internship of 900 hours which is non-negotiable regardless of the length of licensure.

Mr. Hegarty thanked the committee for their time and concluded his report.

IV. Review Applications for LPC/LPCC

The committee entered their working session by reviewing coursework and applications for licensure.

V. Review Continuing Education Program/Provider Applications

Mr. Pickut reviewed continuing education programs.

VI. Lunch 12:00 pm – 1:00 pm

VII. Roberts Rules & Related Issues 1:00 pm, 19th Floor, Room 1960

Attended by the members of the CPSC.

VIII. Counselor Denial Hearing, 2:00 pm, 19th Floor, Room 1924

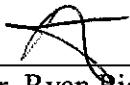
The hearing was cancelled.

IX. CE Committee Meeting 3:30 pm, 19th Floor, Room 1960

Attended by Mr. Ryan Pickut.

X. Meeting Adjourned

The meeting was adjourned by Mr. Pickut at 3:30 pm.


Mr. Ryan Pickutt, Chairperson





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State of Ohio Counselor Professional Standards Committee Meeting January 19, 2018

Members Present: Mr. Ryan Pickut, Dr. Matthew Paylo, Dr. Butch Losey, Ms. Susan Pohler, Esq. and Dr. Christin Jungers

Staff Present: Ms. Yolanda Berry, Ms. Rena Elliott, Mr. Bill Hegarty and Mr. Brian Carnahan

The meeting was called to order by Mr. Pickut at 9:00 a.m.

I. Discussion/Approval of Agenda

Mr. Pickut requested the agenda be amended to add items (a) CE Committee Update, (b) AASCB Updates and (c) Supervision of Supervision under New Business and Remediation Plan from Ms. Dana Sparks under Correspondence. Dr. Jungers motioned to accept the agenda as amended. Ms. Pohler seconded. Motion carried unanimously.

II. Approval of November 2017 Minutes

Dr. Paylo motioned to accept the November 2017 minutes. Dr. Losey seconded. Motion carried unanimously.

III. Approval of Applicants Licensed by Staff from 11/18/17 – 1/19/18

a. Issued LPC/LPCC

Ms. Pohler motioned to accepted the LPC and LPCC applicants licensed by staff between November 18, 2017 – January 19, 2018. Dr. Jungers seconded. Motion carried unanimously.

IV. Application Coordinator Report – Ms. Yolanda Berry – Number of CT/Supervising Counselor Applications

Ms. Berry reported processing 302 applications that included Counselor Trainee and Training Supervision Designations.

V. Old Business

There was no old business to report.

VI. New Business

(a) CE Committee Update - Mr. Ryan Pickut

Mr. Pickut reported he made a proposal to dissolve the CE Committee citing the meetings are no longer productive. A suggestion was made to have each sub-committee make their own decisions to take to the Executive Board meeting for a vote. Each CE committee member will review and discuss the proposal with their sub-committee. Dr. Jungers suggested that CE updates could be shared through Mr. Carnahan's Executive Director's Report.

(b) AASCB Conference Update – Mr. Ryan Pickut

Mr. Pickut reported he was selected as President-Elect of AASCB. His term will commence July 2018. One presentation topic of particular interest was on the National Counseling Licensure Endorsement Process (NCLEP). Dr. Paylo asked if NCLEP was a plan of ACA. Mr. Pickut responded that ACA was involved in the planning discussions. ACA decided to create a portability plan of their own that would allow an individual that is licensed at the highest tier in their state to be eligible for licensure in another state after one year of practice. The NCLEP plan would enable a state to license other license types (i.e. clinical psychologist) who are licensed in another state without reviewing their degree. The components of the NCLEP plan consist of 1) no disciplinary action for five years; 2) practice for three years from the application for license endorsement; 3) completed juris prudence exam or equivalent; 4) complies with one of the following: meets all academic, exam and post-grad supervised experience standards or holds NCC credential and 5) holds a graduate-level degree from a CACREP-accredited program. Dr. Paylo commented NCLEP appears consistent with the Board's current process except for the exclusion of the exam which should remain a requirement. Out-of-state applicants should be held to the same examination requirement as Ohio licensees. Dr. Jungers agreed. Mr. Pickut identified two topics not currently being addressed in the plan which are 1) other related degrees and 2) whether the Evaluation course should continue to be a requirement.

The CPSC discussed the Board's current endorsement process and potential modifications to reduce barriers for out-of-state licensees. Dr. Paylo asked for specifics regarding the Board's endorsement process and its relationship to the proposed portability plan. Dr. Jungers responded by identifying that the current process includes reviewing the coursework and the five year post-degree

practice/work experience. There is a back and forth method regarding the Evaluation course as it is significant to the scope of practice. Dr. Paylo asked what review elements would be flexible. Dr. Jungers responded there is a possibility of flexibility with the five years licensure component. The reason being is that consideration could be given to significant professional practice. Dr. Losey asked if consideration is given to supervision for out-of-state applicants as Ohio licensees are required to obtain two years of supervised experience. Mr. Pickut answered that consideration is given however supervision requirements vary from state to state.

Dr. Paylo commented that another barrier for out-of-state applicants is the course by course requirement. When course material covers two content areas as evidenced by a course syllabus, out-of-state applicants are required to take additional coursework in order to satisfy each course content. Mr. Pickut commented that in the future another major discussion will be regarding the degree title. Currently the degree program title has to identify that it's a degree in counseling before it's considered. Also with respect to the related degree piece, the CACREP standards should remain in place. Dr. Jungers commented of being in favor of reducing barriers but subsequently there should be some barriers in place for those degrees that do not meet CACREP requirements. There should be a balance between out-of-state licensees that have substantial experience/practice and requiring them to return to school in order to move to Ohio.

Dr. Losey asked if coursework is considered for an applicant who does not possess a counseling degree. Mr. Hegarty joined the meeting and responded to Dr. Losey's question stating under the current system an individual must possess a degree in counseling. Or if the individual holds counseling degree but is deficient in coursework, the Board will offer a consent agreement or hearings for the deficiencies. Dr. Jungers updated Mr. Hegarty on the committee's discussion regarding reducing licensing barriers for out-of-state applicants. Mr. Hegarty cautioned the CPSC to give careful consideration to this subject as the scopes of practice for Professional Counselors or Professional Clinical Counselors may vary significantly from state to state. Mr. Hegarty expressed that if the CPSC is considering drafting legislation to consider years of experience, substantial similarity in the scopes of practice and license discipline. Mr. Pickut asked Mr. Hegarty for his opinion regarding the barriers that were identified by the committee and those barriers would assist out-of-state licensees. Mr. Hegarty responded the fact the CPSC is giving consideration to barriers is commendable as this is a major step. Theoretically if other states did not do well in vetting applicants and cause public harm, the Board still has the ability to take action against their license through our normal sanction process.

Mr. Pickut asked Mr. Hegarty if the CPSC would consider drafting legislation would there be someone to assist them with verbiage. Mr. Hegarty responded that the Board's Executive Director would be the starting point in addition to acquiring input from the stakeholders. Dr. Losey commented that his take from

today's discussions is more emphasis is being placed on portability than protecting counselor identity. Mr. Hegarty commented this is a different era and the bottom line will always be the safety of our public. Mr. Pickut asked Mr. Hegarty for his thoughts regarding the five years of experience for out-of-state licensees. Mr. Hegarty responded the five years of experience is reasonable and is also a safety net. Mr. Carnahan joined the meeting and was given an updated on the committee's discussion regarding portability and the potential risks involved with such a change. Ms. Pohler suggested the CPSC take a year to consult with stakeholders, determine a direction and begin the process in the new general assembly next year. Mr. Carnahan also recommended obtaining the support of stakeholders as well as various interest groups. Ms. Pohler stated a starting point to initiate discussions with stakeholders would be to identify a ground level draft of the process. Mr. Carnahan asked the CPSC to also consider how compromising they'd want to be with such specifics as providing rationale for the five years of experience and the any limitations with degrees. Mr. Pickut added he was not looking to fine tune internal standards but rather focus on reducing barriers for individuals who move to Ohio. Mr. Pickut asked Mr. Carnahan if an applicant who is licensed at the highest level of licensure in their state but had not taken the NCMHCE if that licensee should be required to take that exam. Mr. Carnahan responded the applicant should be required to take the NCMHCE which is the current requirement for Ohio applicants. Mr. Pickut called for any further discussion regarding the endorsement process and modifications. With no further discussion it is the agreement of the CPSC to table the discussion to be reviewed at the March meeting of the CPSC. Mr. Pickut stated he will prepare a draft of the process to be reviewed by the CPSC at the March meeting. Ms. Berry was asked by Mr. Pickut to place the Endorsement Application Process on the agenda for the CPSC under Old Business for the March meeting.

(c) Supervision of Supervision Experience

Mr. Pickut explained the supervision of supervision requirement per OAC 4757-17-01(E)(1)(c) to Ms. Pohler. Dr. Losey asked what proposal the CPSC wanting to make with this rule. Mr. Pickut responded that the proposal is to either clarify the rule or strike it altogether. Dr. Losey expressed how difficult the rule is to apply and becomes quite a quagmire. Dr. Jungers stated that theoretically the supervision of supervision rule is sufficient but also confusing. Dr. Losey presented a proposal that from an already established supervisor/supervisee relationship the LPCC seeking the supervision credential sit in on five hourly sessions for observation. There would be an additional five hours spent in consultation with the LPCC-S for a total of ten hours. The benefits would be already established LPCC-S assumes a teaching role, there'd be no need to seek a supervisee volunteer, there would be more authenticity and it eliminates the question of who is responsible client welfare and signing paperwork. Dr. Losey stated the proposal is an alternative to provide clarity but he he would have no objection to striking the rule. The committee agreed to clarify the rule rather than

removing it. The supervision of supervision piece will include five observance sessions with an LPCC-S and one feedback reflective session with the LPCC-S to be called Supervision Experience. Mr. Pickut asked Mr. Carnahan to share his opinion regarding the CPSC proposed rule change for the purpose of clarification. Mr. Carnahan asked the committee if they were seeking immediate change as there seems to be a desire for broader discussions with the Board. Mr. Pickut responded there was no urgency. Dr. Jungers stated CPSC were exploring options to either clarify the rule or strike it. Being that the counselors are the only profession that have the supervision of supervision experience, Dr. Paylo commented the next step would be to convince the other disciplines this would be something to give consideration to as well. Mr. Carnahan replied if no interest exists among the other disciplines consider a change, the CPSC could move forward on clarification which would make navigation easier. Mr. Pickut asked Mr. Carnahan if he would consider preparing a draft to present in the Administrative Planning meeting and the CPSC for review and discussion. Mr. Carnahan agreed to prepare a draft for review.

VII. Correspondence

Remediation Plans

a. Mendi Joi Wilson

Ms. Wilson is an LPC who has been unsuccessful in three attempts to pass the NCMHCE. Her plan of action will include attending a National Clinical Mental Health Counseling Examination review through the CASAL department at Cleveland State University, has met with her clinical supervisor to identify resources to assist with successful completion of the examination and placing the passing the exam as her direct performance goal. Ms. Wilson indicated her employer is willing to assist with any additional support (textbooks, online training, and workshops) to help pass the NCMHCE. Ms. Wilson stated she will seek a remedy for test anxiety which she and her clinical director believe is the issue. Dr. Paylo motioned to accept the remediation plan of Ms. Wilson. Dr. Losey seconded. Motion passed unanimously.

b. Ms. Dana Starks

Ms. Starks is an LSW who is requesting approval of an on-line workshop called Counseling Exam Strategies and Concepts Workshop in order to sit for the NCE. Ms. Starks stated that her employer is willing to absorb the cost of the workshop but wanted to wait for Board approval. Ms. Elliott joined the meeting to clarify that Ms. Starks had made three unsuccessful attempts to pass the NCE. Dr. Jungers motioned to accept the remediation plan of Ms. Starks to attend the Counseling Exam Strategies and Concepts Workshop. Dr. Paylo seconded. Motion passed unanimously.

c. Correspondence from ACA (mobility), Researcher Supporting CACREP, and MPCAC

- Letter from Gerard Lawson, PhD., LPC, NCC, ACS, President American Counseling Association

In summary, Mr. Lawson's correspondence is in regard to licensure portability. The ACA model promotes portability by removing all barriers that could impede professional counselors in transferring their license to another state recognizing that each state may want to keep certain verification requirements. As the president, Mr. Lawson is hoping to continue the dialogue on licensure portability.

The committee agreed that Mr. Lawson's correspondence did not require a response and agreed to continue to dialogue on the subject of portability.

- Understanding the Differences Between CACREP and MPCAC from Jason H. King, Ph.D., LCMHC-S, CAF

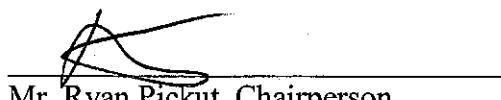
The CPSC determined that no response was necessary.

- MPCAC Masters in Psychology and Counseling Accreditation Counsel from Eleonora Bartoli, Ph.D., MPCAC Chair and Patricia O'Connor, Ph.D., MPCAC Executive Director

The letter from Dr. Bartoli and Dr. O'Connor was in regard to the organization's mission to accredit academic programs and training in the practice of counseling and psychological services at the master's level. The CPSC agreed that no response was necessary.

The committee briefly discussed the assignment of roles with respect to the strategic planning sessions. Ms. Erin Michel, Board Chairperson requested the committees discuss and notify her of their choice at the Executive Board meeting. A review of the three components to choose from are (1) training supervision; (2) new hire board orientation and (3) defining the role of the Board in public protection and developing professions.

With no other business to discuss, the meeting was adjourned.



Mr. Ryan Pickut, Chairperson