THE VIRGINIA BOARD OF SOCIAL WORK
MINUTES
FRIDAY, APRIL 16, 2010

The Virginia Board of Social Work ("Board") meeting convened at 10:40 a.m. on Friday, April 16, 2010 at the Department of Health Professions, 9960 Mayland Drive, Richmond, Virginia. Wayne Martin, Vice-Chair, called the meeting to order.

BOARD MEMBERS PRESENT: Charles R. Chambers, Jr.
Willie T. Greene, Sr.
Susan Horne-Quatannens
Wayne A. Martin
Catherine L. Moore
Francis N. Nelson, Jr.
Dolores S. Paulson
Patricia Smith-Solan

BOARD MEMBERS ABSENT: David Boehm

STAFF PRESENT: Howard Casway, Sr. Assistant Attorney General
Evelyn B. Brown, Executive Director
Elaine Yeatts, Senior Policy Analyst
Patricia L. Larimer, Deputy Executive Director
Catherine Chappell, Operations Manager
Charles Giles, Budget Manager

ORDERING OF AGENDA

Mr. Martin opened the floor to any changes in the order of the Agenda. Mr. Martin moved to accept the Agenda as amended. The motion was seconded and carried.

PUBLIC COMMENT

None

APPROVAL OF MINUTES

Ms. Chambers moved to accept the minutes of the January 29, 2010 Board meeting. The motion was seconded and carried.

BOARD OF HEALTH PROFESSIONS REPORT

In Mr. Boehm's absence, Ms. Yeatts reported that the General Assembly requested that the Board of Health Professions (BHP) implement a study of proposed licensure of

certain allied health professions. The BHP will consider the possible formation of a Board of Allied Health Professions.

ADOPTION OF FINAL REGULATIONS ON CLINICAL COURSE OF STUDY

Ms. Yeatts advised that one public comment had been received in response to proposed regulations to clarify the definition of "clinical course of study".

Ms. Moore moved to adopt the proposed regulations as final regulations. The motion was seconded and carried.

ADOPTION OF NOIRA TO INCREASE FEES

Mr. Giles reported on the Board's current financial status and asked that the Board consider an increase in fees to address projected budget shortfalls. In addition, he suggested that the Board consider implementing an annual renewal cycle.

Ms. Yeatts advised that in order to implement any change in fee schedule, a Notice of Intended Regulatory Action (NOIRA) would be required.

Ms. Smith-Solan moved to adopt a NOIRA to contemplate the possible fee increase and further moved that the Board consider adoption of an annual renewal period. The motion was seconded and adopted.

EXECUTIVE DIRECTOR'S REPORT

Ms. Brown reported that Sandra Whitley Ryals had not been reappointed as Agency Director and that her last day with the Department of Health Professions would be April 30, 2010. Ms. Brown advised that she would provide more information as it became available on the new director and chief deputy director. Ms. Brown noted that Dr. Bill Hazel, Secretary for Health and Human Resources, would be visiting the Agency on April 28, 2010.

She advised that applications were available on the Secretary of the Commonwealth's website for board members seeking re-appointment. She noted that board members were expected to continue to serve while awaiting confirmation of reappointment or until advised that a new appointment had been made. She further noted that appointments were often not made for all boards until late summer.

UPDATE ON CONDUCTING ADMINISTRATIVE PROCEEDINGS

Mr. Casway provided a review of the Board's roles and responsibilities in conducting administrative proceedings.

REGULATORY COMMITTEE REPORT

Mr. Martin reported that the Regulatory Committee reviewed staff concerns regarding application requirements and moved that the Board adopted a NOIRA to contemplate amendment of the following regulatory sections:

- Amend Regulation 18VAC140-20-40 to require that, with respect to applicants who passed the examination prior to application but were never licensed in another jurisdiction, that the national licensing examination be passed within three to five years prior to application or, if the examination was passed before that time period, that the applicant demonstrate evidence of social work practice at the appropriate level within an exempt setting prior to application.

- Amend Regulation 18VAC140-20-45 to reduce the application requirements for endorsement applicants and at the same time clarify the meaning of "active practice" to demonstrate competency in the field of social work.

- Amend Regulation 18VAC140-20-110 to address the issue of reactivation and reinstatement for applicants who have either been not practicing social work in recent years or practicing elsewhere in an exempt setting.

The motion was seconded and adopted.

Mr. Martin further moved that authority be delegated to staff to review and reformat the guidance documents currently posted on the website by extracting guidance from the minutes and newsletters listed as guidance documents and place them in a general guidance document. The motion was seconded and adopted.

Mr. Martin noted that the next Regulatory Committee Meeting was scheduled for July 16, 2010 at 9:00 a.m.

DISCIPLINARY COMMITTEE REPORT

Ms. Larimer reported that four cases were under investigation by the Enforcement Division, with three cases at board level under probable cause review. One case was at the Administrative Proceedings level for an informal conference notice.

Three informal conferences have been held since the last Board meeting, with one of those cases to be scheduled for formal hearing. Two continuing education cases were being scheduled for informal conferences.

She advised that five cases had been filed against the same practitioner, who had been scheduled for a March 30, 2010 informal conference. The respondent requested that the

informal conference be waived and the Board granted the request to proceed with a formal hearing, scheduled for June 22 through June 24, 2010.

The Board agreed to hold the other formal hearing at 1:00 on July 16, 2010, following the next Board meeting.

NOMINATING COMMITTEE

Mr. Greene announced that a slate of officers would be presented at the July Board meeting. He requested that any interested Board members contact him or Ms. Moore if he or she wished to be considered as an officer.

AD HOC COMMITTEE – SUPERVISION TRAINING COURSEWORK

Ms. Horne-Quatannens presented a draft document for Board consideration to clarify appropriate supervisory training for those licensees who will supervised trainees for licensure.

Ms. Horne-Quatannens moved that the Board adopt the document as amended as a guidance document. The motion was seconded and carried.

NEW BUSINESS

Ms. Brown presented a request for Board consideration of virtual supervision of MSW trainees in Qatar. The Board agreed that more information was needed before a determination could be made of any potential hardship in accordance with Regulation 18VAC140-20-50.B.2.

OLD BUSINESS

None

EXECUTIVE SESSION – CONSULTATION WITH LEGAL COUNSEL

Ms. Smith-Solan moved that the Board of Social Work convene in closed meeting pursuant to Section 2.2-3711(A)(7) of the Code of Virginia in order to consult with legal counsel on a request for continuance in a pending disciplinary matter. She further moved that Howard Casway, Evelyn Brown, Patricia Larimer, and Catherine Chappell attend the closed meeting because their presence in the closed meeting was deemed necessary and they would aid the panel in its consideration of the matter. The motion was seconded and carried.

Mr. Nelson did not participate in the closed session.

RECONVENE

Ms. Smith-Solan moved to certify that only those public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act and only matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board. The motion was seconded and passed.

Ms. Smith-Solan moved that the Board deny the request for continuance and that the formal hearing proceed as planned. The motion was seconded and carried.

Mr. Martin instructed Ms. Brown to draft a letter to the respondent's attorney stating that the Board considered his request that the formal hearing be conducted before a hearing officer, denied the request, and voted to proceed with the formal hearing as planned.

Mr. Casway recommended that the Board consider scheduling a pre-hearing conference with the attorneys to address procedural matters as soon as possible.

NEXT MEETING

Mr. Martin announced that the next Board meeting would be held on Friday, July 16, 2010, at 11:00 a.m., following the Regulatory Committee meeting. A formal hearing would be scheduled for 1:00 p.m. that day.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 2:20 p.m.

Wayne A. Martin, LCSW

Evelyn B. Brown, Executive Director