FINAL
THE VIRGINIA BOARD OF SOCIAL WORK
MINUTES
FRIDAY, JUNE 24, 2011

The Virginia Board of Social Work ("Board") meeting convened at 9:22 a.m., on Friday, June 24, 2010, at the Department of Health Professions, 9960 Mayland Drive, Richmond, Virginia. Wayne Martin, Chair, called the meeting to order.

BOARD MEMBERS PRESENT: Wayne A. Martin
David Boehm
Charles R. Chambers, Jr.
Willie T. Greene, Sr.
Yvonne Haynes
Arthur Mayer
Catherine L. Moore
Patricia Smith-Solan

BOARD MEMBERS ABSENT: Susan Horne-Quatannens

STAFF PRESENT: Howard Casway, Sr. Assistant Attorney General
Evelyn B. Brown, Executive Director
Patricia L. Larimer, Deputy Exec. Director - Discipline
Catherine Chappell, Deputy Exec. Director - Licensing
Sarah Georgen, Administrative Assistant
Dianne Reynolds-Cane, DHP Director
Arne Owens, DHP Chief Deputy Director
Elaine Yeatts, Senior Policy Analyst

ORDERING OF AGENDA

Mr. Martin suggested that the agenda be rearranged in the order of priority and asked that the Board allow for public comment, the Director's report, and the petitions for rule-making to be addressed first. The agenda was accepted as amended.

PUBLIC COMMENT

John Salay, LCSW, Dominion Day Services, summarized his letter to the Board, which was included in the agenda package. In his letter, he sought clarification of regulatory changes and of recent minutes from the April 6, 2011 Credentials Committee meeting with respect to day treatment and in-home services. He stated that he had experienced challenges recently in registering his MSW trainees for supervision because additional information on proposed clinical duties was often requested in order to make a decision. He acknowledged that some of his employees submitted incomplete applications which were returned for correction. Mr. Salay assured the Board that Dominion Day Services was a clinical setting and commented that his employees were unable to provide services

to children until their registration with the Board was approved. Furthermore, he stated that his employees seeking licensure often served as "clinical supervisors" and were not performing administrative work but rather were supervising lead counselors who were providing clinical services. The Board affirmed that the regulations relating to the required supervised clinical experience were being applied consistently.

Cassandra Benson, MSW, Norfolk State University graduate, stated her concerns with respect to the recent changes to practicum requirements as part of the "clinical course of study." Ms. Benson stated that she had not had the correct information on the Board's requirements for supervised field placement/practicum at the time she began her practicum, but was in favor of the regulatory changes. She asked the Board to consider "grandfathering" recent graduates under the old regulations in order for them to meet the requirements for the supervised field placement/practicum.

DIRECTOR'S REPORT – Dr. Reynolds-Cane

Dr. Reynolds-Cane noted the recent accomplishments of Department of Health Professions (the Agency), stating that the five bills submitted to the General Assembly relating to the Agency had passed.

She stated that the Agency had completed the strategic plan with efficiency measures to allow for a cost saving of approximately $1 million.

She also reported that in early May, the Board of Nursing implemented online applications. The Board of Medicine is the next Board to have this option, followed by the Board of Dentistry and Board of Pharmacy.

Dr. Reynolds-Cane commented that new Board member orientation should take place in September or October of 2011.

She stated that the Agency recently participated in the National Take-Back day, which was an initiative on the prevention of prescription drug abuse.

The Agency had signed a Memorandum of Understanding with the Virginia Commonwealth University's Department of Psychiatry to continue the Heath Practitioners Monitoring Program.

The Healthcare Workforce Data Center ("VHWDA") has implemented several workforce surveys. Dr. Carter, the Center's Director, assisted the Department of Health in obtaining an implementation grant of $1.93 million from the Health Resources Services Administration. This grant will allow the collection, dissemination, and coordination of health workforce information with the new VHWDA, which will be housed on the first floor of the Perimeter Center.

In regards to the Revenue, Expenditures and Cash Balance Analysis provided by Dr. Reynolds-Cane, Ms. Brown commented that the revenue of cash balance includes the proposed fee increase, which is in the regulatory process.

PETITIONS FOR RULE-MAKING – Elaine Yeatts

Ms. Yeatts stated that twenty-three (23) identical Petitions for Rule-making were received requesting a "grandfathering" clause for those who graduated or began a clinical practicum before the regulatory changes on March 2, 2011. Mr. Boehm moved that the Board of Social Work deny the Petitions for Rule-making requesting a grandfather provision for the coursework requirements in the March 2, 2011 regulations. He pointed out that there is an alternative provision in place allowing deficiencies in the practicum hours to be made up during the supervised experience. The motion was seconded by Ms. Smith-Solan and passed with seven (7) members in agreement and one (1) in opposition. The Board discussed "grandfathering" extensively and agreed that adequate notice had been provided about the specificity of coursework for the clinical license, with no comments in opposition to the proposed regulatory amendments received during the more than two (2) year timeframe before the regulations became effective.

CREDENTIALS COMMITTEE – Catherine Moore

Ms. Moore reported that the Credentials Committee met on April 6, 2011, and again on June 23, 2011, to review registration of supervision requests and applications for licensure and that the Committee continues to see a high volume of files referred from the three (3) Credentials Reviewers for decisions by the Committee.

At the April 6, 2011 meeting, the Committee considered 69 licensure files. The Committee requested clarification of supervision hours on 36 files; denied five (5) requests to register supervision and five (5) applications; approved three (3) applications for examination and 18 requests to register supervision; and denied two (2) requests to waive supervision requirements.

At the June 23, 2011 meeting, the Committee considered 12 licensure requests. The Committee requested additional information on three (3) files; referred one (1) file back to the Credentials Reviewer for consideration of educational documentation; denied three (3) applications for examination; approved one (1) supervision request and one (1) application for examination; denied one (1) request to waive examination requirements and denied one (1) request to waive coursework requirements. Two (2) requests to backdate supervision start dates were denied. One (1) file was not acted upon because the request was incomplete.

The Committee discussed that the high volume and complexity of registrations and applications can be attributed to several factors, including but not limited to the following:

1. Medicaid and DBHDS changes in requirements as to who can provide mental health services to children;
2. Economic uncertainty that has caused many non-licensed individuals in the exempt setting to now seek licensure;

3. Apparent lack of opportunity for supervisees to find positions that will offer a rich clinical experience.

The Committee discussed that the Board looks to its licensees *who are supervising* applicants for licensure to ensure that an appropriate experience is being obtained. However, employers have expressed frustration with the time needed to process requests for supervision.

One Credentials Informal Conference was held on Thursday, June 23, 2011, and eight (8) credentials conferences are pending.

The Committee acknowledged that the turnaround time on requests for registration of supervision has increased but noted that incomplete information is often submitted by applicants and their supervisors, and staff must then follow up with applicants to obtain missing information or clarification. Often the job descriptions submitted do not detail the specific clinical work to be provided and often do not match the description of services to be provided as noted on the supervisory contract. However, those applications and registration forms that are complete and properly documented are processed within 2 weeks. Only those files that are problematic require additional processing time. Staff will revise the registration form in an effort to obtain clearer, concise responses from applicants.

LMSW REPORT – David Boehm

Mr. Boehm recommended that the Board propose legislation to designate a Licensed Master Social Work (LMSW) license which would allow the holder to take the Masters level examination prior to supervision, and upon passing, practice within an public agency and to be authorized to provide limited clinical social work services. Mr. Boehm reported that forty-one (41) other states currently credential LMSWs .

Mr. Boehm moved to refer the proposal for an LMSW license to the Regulatory Committee for review. The motion was seconded by Mr. Chambers and passed.

APPROVAL OF MINUTES – January 21, 2011

Ms. Smith-Solan moved that the minutes of the January 21, 2011 Board meeting be approved as written. The motion was seconded and passed.

EXECUTIVE DIRECTOR'S REPORT – Evelyn Brown

Bylaws. Ms. Brown requested that the current Bylaws governing the Board of Social Work be amended to change the first sentence in Article III: Election of Officers, Section A to read "The Nomination Committee shall present a slate of officers for Chair and Vice-Chair at the last meeting prior to July 1." Mr. Boehm moved to accept this change. The motion was seconded and passed.

Ms. Brown further requested that the following language be added to Article V: Meetings, Section E. Credentials Committee: "The Committee shall review and act on applicants' credentials for licensure in exceptional and problematic situations. The Committee shall be authorized to make decisions on behalf of the Board, subject to the right of appeal by the applicant." Mr. Mayer moved to accept the changes. The motion was seconded and passed.

Ms. Brown requested that Article V: Section F. Discipline Committee be amended to include the following language at the end of that section: "The chair of the Committee shall be authorized to make probable cause determinations." Mr. Boehm moved to accept this change. The motion was seconded and passed.

Staff Concerns. Ms. Brown commented that staff concerns were addressed in the Credentials Committee report. The volume of applications and registration of supervision requests continue to be heavy. Consequently a third (3) Credentials Reviewer has been hired to evaluate applications.

REGULATORY COMMITTEE REPORT – David Boehm/Elaine Yeatts

Ms. Yeatts stated that there was no new information from the Regulatory Committee and that the fee proposal was waiting approval by the Governor.

DISCIPLINARY COMMITTEE REPORT – Patricia Smith-Solan/Patricia Larimer

Ms. Smith-Solan reported that there have been four (4) informal conferences held since the last Board meeting and one (1) Pre-hearing Consent Order entered.

Presently, there are five (5) cases being investigated by the Enforcement Division.

There are 16 cases at Board level to be reviewed for probable cause.

At present, there are two (2) cases at the Administrative Proceedings Division level for informal conference notices.

Two (2) cases are scheduled for informal conferences on July 29, 2011.

Ms. Larimer reported that in May, she attended, on a scholarship, the Association of Social Work Boards ("ASWB") 2011 Spring Education Meeting held in Vancouver, British Columbia. The theme of the conference was: "How Regulators Deal with Fuzzy Boundary Issues." Some of the topics covered during the conference included:

- How to Investigate and Assess Boundary Issues
- When Religious or Cultural Views Enter into Professional Practice
- "Boundary Issues w/ Relationships and Technology"
- "Strategies to Help Regulators Keep Emotional and Mental Order as they Uphold the Law"

Ms. Larimer also provided the Board with a summary of ASWB's strategic objectives for 2011 through 2013.

NEW BUSINESS

Educational Summit. Ms. Brown presented a proposed agenda for the July 15, 2011 Educational Summit with the four masters' in social work programs in Virginia. The Board approved the draft agenda.

Correspondence –"Dominion Day Services" Letters. Mr. Martin referenced the letters that were submitted by Mr. Salay and Mr. Henderson by Dominion Day Services, which were previously discussed in public comment.

Board Member Appointments. Mr. Martin thanked Mr. Boehm and Mr. Chambers for their work on the Board of Social Work. Mr. Boehm completed two terms and is not eligible for reappointment. Mr. Chambers completed his first full term and stated that he had been advised that he would not be reappointed.

OLD BUSINESS

None.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 12:35 p.m.

Wayne Martin, LCSW

Evelyn B. Brown, Executive Director