

Oregon Board of Clinical Social Workers
Mini-Planning Meeting Minutes (APPROVED)

October 10, 2008

Board Members Present: Mark Oldham, Chair
Becky Rasmussen, Vice Chair
Cheryl Price
Toniya Villalobos
Simone Brooks
Sara Dehaan
Mark Troseth

Board Counsel present: Kyle Martin, AAG, Oregon Dept. of Justice

Staff Members Present: Mike Lamon (Interim Executive Director / until 10:30 a.m.)
Martin Pittioni (Executive Director)

Public Members present: Dallas Weyand, Legislative Fiscal Office (12:40 p.m.-3 p.m.)

Board Chair Oldham opened the Board Planning meeting at 8:35 a.m. and reviewed the draft agenda with the Board. Oldham requested that all committees including the Consumer Protection Committee finish their 2009 goals work in the morning to allow for reports to the full planning meeting in the afternoon. He acknowledged the possibility that CPC would have to continue its case work on Saturday October 11, prior to the Board meeting, to allow CPC time this morning to spend on goals development.

Oldham requested that Pittioni introduce himself. Pittioni briefly reviewed his background in the Legislature, the non-profit sector, Portland State University and the Board of Psychologist Examiners. Pittioni thanked the Board for the trust placed in him with his new Executive Director responsibilities, and thanked Interim Director Lamon for his assistance during the transition.

Chair Oldham recessed the full Board Planning Session until noon to allow the Board committees (CPC, Impaired Professionals, Rules, Continuing Education) to meet separately.

At 12:40 p.m., all Board members reconvened from the committee work and continued the planning discussion over lunch. Chair Oldham began with a discussion of the "expanded title act" legislative concept. Oldham reviewed the history of the legislative concept development and the impact of the consultations with stakeholders and the Governor's office subsequent to the introduction of the Board's full practice act concept in April 2008.

Dallas Weyand from the Legislative Fiscal Office arrived at 12:50 p.m. and was requested to introduce himself by the Chair. The Board welcomed Mr. Weyand.

Oldham advised that new, revised language was under development in Legislative Counsel, and would now entail an "expanded title act" approach with three principal elements:

- define practice of social work in statute
- allow the Board to maintain jurisdiction over revoked licensees by preventing them from engaging in the practice of social work after revocation
- voluntary registration for bachelor-level social workers and voluntary licensure for masters-level social workers

Oldham emphasized that due to the voluntary nature of the additional registration and licensure elements that those sections of the concept would not contain an exemption for state agencies, because the new approach rendered the need for such an exemption moot.

Troseth requested clarification as to the status of the legislative concept development. Oldham replied that he had been advised that Legislative Counsel was rather backlogged in its work on concepts. Martin added that in his experience the first priority in the Office of Legislative Counsel would be the high-level policy initiatives of the Governor and the large state agencies. Pittioni reported that agencies are required to go through DAS when submitting concepts and requesting status updates, and that the DAS contact had strongly advised against contacting Legislative Counsel unless in cases of emergency. Pittioni reported that status inquiries by DAS would usually be answered by a generic "concept is on the drafter's desk" answer, and as such no real insight could be given to the Board as to the timing of the Board Office receiving a draft concept.

Oldham reminded Board members that the Board must react to the draft concept language from Legislative Counsel within 10 days. Pittioni requested clarification as to how that process was expected to work. Martin advised that in cases of a practice act/title act concept a full Board meeting would usually be held to allow full Board input on language and policy. Chair Oldham asked Board members as to how they would like to handle this challenge. Board members discussed options of a short-notice 5 p.m. or 5:30 p.m. after-hours meeting, or possibly a Saturday Board meeting, while leaving open whether or not an in-person or telephone meeting would be held, or a combination thereof. Pittioni reported that he will need to check for notification from Legislative Counsel that the concept is drafted and ready for pick-up in the e-mail box of the Interim Director, as he is prevented from changing the agency's contact e-mail for Legislative Counsel more than 2 times during the pre-session period.

Oldham added he would contact Stacy Orr, Executive Director for NASW Oregon, to ensure NASW was up to date on the current policy approach in the Board's Expanded Title Act legislative concept. He advised that NASW Oregon's legislative committee was meeting next week so an update was especially timely.

Oldham requested that the Board Committees report on their 2009 goals work.

CPC Chair Villalobos reported on the following CPC Committee goals for 2009:

CPC Goal Area 1/ Process Improvements:

1. Work with new Executive Director on CPC Process
2. Work on and re-evaluate triage process and define it
3. Resurrect and update case tracking sheets
4. Define Procedure for process improvements
5. Determine how to integrate the new Compliance Specialist into the CPC process
6. Define CPC Policy on whether or when to take action against or inform supervisors of CSWAs when a complaint is filed against a CSWA

CPC Goal Area 2 / Tracking of Results:

1. Update and review with CPC the violation spreadsheet

CPC Goal Area 3 / Collaboration with Other Board Committees:

1. Identify and track needed rules changes
2. Meet with Rules Committee every six months to review and discuss needed rules changes
3. Include in the Rules Committee discussion possible need for additional definitions or clarity, especially in the arena of custody evaluations, and definition of patient harm

Board and Impaired Professionals Committee Chair Oldham reported on the 2009 goals for the Impaired Professionals Committee:

1. Refine the model contract (by February 2009)
2. Revise the tracking form (by February 2009)
3. Docket UA requests and reports due from licensees and treatment providers

Board Vice Chair and Continuing Education Committee Chair Rasmussen reported on the 2009 goals for the Continuing Education Committee:

1. Clarify dynamic energetic healing issues
2. Slow down on new rules development

Rules Committee Chair Troseth reported on the 2009 goals for the Board's Rules Committee:

1. Finish Housekeeping Rules Updates for Rules Divisions 1, 35, 40 (by April 1, 2009).
2. Develop and implement Rule on Client Records (by April 1, 2009).
3. Continue to utilize the Rules Advisory Committee for any rule developments, except temporary rules
4. Checking Expanded Title Act Board legislative concept periodically in order to predetermine rules, and draft rules in order to facilitate implementation in time for statute effective date (anticipated January 1, 2010)

Chair Oldham recessed the Board Planning Meeting at 1:35 p.m. for a brief 5-minute break.

Chair Oldham reconvened the Board Planning Meeting at 1:40 p.m. and asked that the Board move on to the discussion of mandatory reporting of abuse of the mentally ill. The Board reviewed Laura Martin's e-mail dated September 17, 2008 on this topic. Oldham pointed out

that based on the DHS rule a licensee may be required to report. Rasmussen asked if this issue was the same as the one reporting issue for cases in the Oregon Health Plan. Pittioni observed that without having any direct knowledge of the topic it appeared problematic to him for the Board to be drawn into a discussion of how to interpret and apply a DHS rule – a rule the Board has no authority to interpret. Counsel Martin concurred with Pittioni's point. Oldham directed Pittioni to respond to licensee Laura Martin by advising her to get guidance from DHS counsel.

Pittioni responded by reporting on his discussions with the Board Chair and licensee Crystal Ashling, Chair of the NASW Ethics Committee, with respect to channeling ethics inquiries coming to the Board office to the NASW Ethics committee. Pittioni added that NASW's Director, Stacey Orr, serves as point of intake for the NASW ethics committee. Pittioni offered to follow up with Orr and Ashling to formalize a referral process, and pointed out that this resource would also be a good venue for licensee Laura Martin to turn to with her question. Chair Oldham concurred.

Chair Oldham requested that Vice Chair and Continuing Education Committee Chair Rasmussen discuss the issue of CE hours for Dynamic Energetic Healing training courses through the Association for Comprehensive Energy Psychology ACEP).

Rasmussen provided Board members with handouts from ACEP's May 2009 Florida conference announcement and the five-day ACEP training and certification course on Dynamic Energetic Healing. Rasmussen discussed the history of the issue, including her request that NASW Oregon clarify its thinking behind NASW approval of this ACEP course for 36 CE units. Rasmussen reported that NASW was not pleased with that inquiry.

Counsel Martin advised that if NASW is credentialed to issue such CE approvals then the Board has no choice but to approve the CE units when submitted by licensees. Board members then reviewed Board OAR 877-25-0006 (1) and its sub-sections (a) through (c), and determined that the ACEP course addresses current practice and met the standards of the rule as written, and that thus the rule did not seem to provide a strong basis for the ability of the Board to challenge NASW's approval. Board members raised the question of what other states do with respect to CE approvals in this arena, and emphasized the need for positive dialogue with NASW.

Troseth asked whether the arena of dynamic energetic healing would be considered clinical practice. Board members agreed that it would be considered clinical practice, and discussed options on how best to proceed. One option emphasized was to continue positive, respectful dialogue with NASW advising them of Board concerns with respect to the ACEP course.

The 36-hours approval level for the ACEP course triggered Board discussion focused on general CE policy, including whether the Board should impose a cap on CE hours per training to encourage a broader spectrum of CE by licensees. Board members agreed that there are many valuable concentrated CE training courses available that the Board would not want to discourage, and thus the Board should not develop or impose a general cap on CE hours per

training. Board members also agreed to not add additional criteria to the existing CE approval rule.

Chair Oldham requested that Pittioni review Legislative Developments for the Board to decrease the staff report time at tomorrow's Board meeting. Pittioni reported on health regulatory board standardization concepts under consideration by the House Interim Committee on Health Care, proposals to be introduced by legislators to eliminate cost recovery authority and final order authority, and the Governor's office legislative agenda affecting boards, including the Governor's office expected response to the legislative proposals.

Chair Oldham requested that Pittioni report on the plan to develop office and board formal procedures. Pittioni reported that no formal plan had yet been crafted. Pittioni advised that internal procedures for CPC, IMP, HR and Licensing were barely documented, and what documentation had been found had not been assessed as to whether it reflected actual process. Pittioni said that the first focus would be on CPC due to the urgent need to improve and speed up the complaint process in light of the dramatically increased case load. Pittioni proposed that with respect to CPC a portion of each future CPC meeting should be dedicated not to case review but to process improvement.

Chair Oldham asked Pittioni to provide an update on the Compliance Specialist hiring process. Pittioni advised that this had been a key focus of his time already and that finalist interview and reference checking would be conducted the week following the Board planning meeting. Pittioni thanked Board members Villalobos and Deehan for their assistance in screening applications, and Board Vice Chair Rasmussen for her participation in first-round interviews. Pittioni clarified that notwithstanding the pressure to get a Compliance Specialist aboard he would only hire if there was a good fit and thorough reference checks came back positive. In the alternative Pittioni said a new recruitment and position posting would become necessary.

Pittioni reported that he had spent some time with the IMP committee in the morning and gotten a good idea on what updating was necessary with respect to tracking forms and docketing in that arena, but that again the primary focus in process would remain on CPC. Pittioni also advised that Human Resource policies for the office needed proper implementation and updating and that he had not anticipated that this arena was also require management attention in the near future. Pittioni advised further details would be addressed in executive session during the Board meeting tomorrow.

Pittioni then addressed the arena of licensing, which also is in need of updating of policy and documentation of processes. Pittioni reported that this arena, compared to others, was functioning well, and would thus not be part of the initial focus of time spent on process documentation and improvement. Pittioni indicated that the issue of moving toward 2-year licensure was among the more obvious initiatives to decrease the tremendous paperwork burden on existing staff, given the constant increase in the Board's licensure base.

Chair Oldham then proposed to alter the agenda by allowing the CPC to reconvene, to continue its large workload, and for all non-CPC members to split into two workgroups, one to work with Troseth on updating questions for the open book Oregon exam, and another to

review and develop a proposal around Emeritus / Retired LCSWs. Oldham advised he would like all groups to report back by 4:45 p.m. Board members agreed to the agenda revision and Chair Oldham recessed the Planning Meeting at 3:00 p.m. to allow the work groups to do their work.

Chair Oldham reconvened the full Board Planning Meeting at 4:45 p.m. Oldham reported that the Exam questions work had substantially progressed, due especially to the efforts of Troseth, and that the full Board would receive an update at tomorrow's Board meeting.

Oldham also reported that the Emeritus Committee (Mark Troseth, Sara Dehaan, Becky Rasmussen, Mark Oldham) met today and developed a concept with the following elements:

- A minimum number of years (10-20?) of licensure in Oregon.
- No disciplinary record.
- Work would be limited to 500 hours of paid work per year or an unlimited number of hours of volunteer work.
- There would be a reduction in the number of hours (maybe 5 vs. 20 hours/year) required for Continuing Education.
- Reduced licensing fee (possibly 1/2).

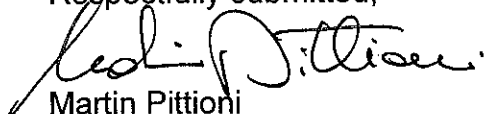
Oldham advised that this concept was referred to the Rules Committee for further development.

CPC Chair Villalobos reported that the CPC had made major progress and would reconvene at 9:30 a.m. on Saturday October 11, 2008, to review its remaining caseload, and adjourn in time for the scheduled 10 a.m. Board meeting that day.

Troseth advised that the Rules Advisory Committee Meeting would meet from 8:30 a.m. to 10 a.m. the next day, prior to the 10 a.m. Board meeting. Pittioni said he would attend that meeting for the first hour and then join the CPC meeting. Oldham asked if Lamon was attending the meetings on Saturday October 11, 2008. Pittioni responded that Lamon had agreed to be available from 8:30 a.m. on and would attend the scheduled Board meeting.

Chair Oldham adjourned the Board Planning Meeting at 5:05 p.m.

Respectfully submitted,



Martin Pittioni
Executive Director