

APPROVED MINUTES

STATE BOARD OF CLINICAL SOCIAL WORKERS
Tuesday, November 4, 2008 / 11:00 a.m. -3:00 p.m.
First Floor Conference Room
3218 Pringle Road SE – Salem, OR 97302

Board Members Present: Mark Oldham, Chair
Cheryl Price
Simone Brooks
Sara Dehaan
Mark Troseth

Board Members excused: Becky Rasmussen, Vice Chair

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

Staff Members Present: Martin Pittioni (Executive Director)
Amber Kaatz (Compliance Specialist)

Public Members present: None.

1. CALL TO ORDER AND ANNOUNCEMENTS

Mark Oldham, Chair called meeting to order at 12:05 pm, and announced that Board member Toniya Villalobos had resigned. The Chair added that he would work with the Governor's Office and to seek a replacement at the earliest possible opportunity. Chair Oldham encouraged other Board members to ask other LCSWs to fill out a Board application at the Governor's web site.

The Chair also announced that Board Vice Chair Becky Rasmussen was excused from the meeting due to a family emergency.

2. REVIEW/APPROVAL OF AGENDA

Chair Oldham requested to add the item CE delegation to Old Business, as well as a special review a waiver request of Ms. Teresa Valerio. Price moved to approve the agenda as amended. Dehaan seconded. The motion passed unanimously.

3. REVIEW/APPROVAL OF CONSENT AGENDA

Brooks moved to approve the Consent Agenda. Troseth seconded. The motion passed unanimously. The Consent Agenda is appended hereto and made a part of these minutes.

4. INTRODUCTION TO NEW STAFF

Chair Oldham welcomed Compliance Specialist Amber Kaatz to the Board and staff.

5. APPROVAL OF MINUTES:

Price moved to approve the amended September 9, 2008 Board Meeting Minutes. Troseth seconded. The motion passed unanimously.

Board members reviewed the October 10 and 11, 2008 minutes. Chair Oldham requested spelling correction of Board member Dehaan's name on both sets of minutes.

Troseth moved to approve the October 10, 2008 Board Planning Meeting Minutes as amended. Price seconded. The motion passed unanimously.

Troseth moved to approve the October 11, 2008 Board Meeting Minutes as amended. Price seconded. The motion passed unanimously.

6. MOVE TO EXECUTIVE SESSION: [Business under authority of ORS 192.660(2)(b)(f)(h)(i)(k)]

Troseth moved to enter executive session. Brooks seconded. The motion passed unanimously. The Board Chair opened executive session at 11:15 a.m.

Brooks moved to exit executive session. Price seconded. The motion passed unanimously. The Chair re-opened public session at 11:50 a.m.

7. PUBLIC COMMENT

No members of the public were present for public comment.

8. WORKING LUNCH AGENDA

Pittioni reported on the status of the Board's budget, and distributed updated spreadsheet financial information to the Board. Pittioni reported that the data presented included actual through September 30, 2008, and that the projections had been revised to reflect staff changes including the hire of the new Compliance Specialist in October. Pittioni advised he would need to work with DAS to analyze the new actual revenues driven by the new fee structure implemented July 1, in order to improve projections on the revenue side, which likely are too conservative. Current projections show the Board ending the year with a \$169,570 ending balance.

9. COMMITTEE REPORTS

Consumer Protection Committee Chair Price reported that no additional cases were ready for Board action at today's meeting, but that CPC had had a very constructive morning meeting reviewing and transitioning cases to the Board's new compliance specialist staff person, Amber Kaatz. Price also

signaled that the CPC would develop additional amendments to Board Rules Division 40 to reflect the transition of investigatory functions to the staff level.

Dehaan briefly reported on CE committee cases. Chair Oldham raised the issue of delegation of authority by the Board to the CE Committee to accept and reject CE hours from non-credentialed providers submitted by individual licensees. Oldham added that blanket delegation was not on the table. Oldham instead suggested that the Board allow delegation of CE approvals to the CE Committee but limit that delegation to require that any CE hour denials would full board approval. Oldham requested advice from Board Counsel Martin. Board Counsel Martin advised that the statute is broad but that the applicable Board rules use the language "approved by the Board." Martin proposed modifying Board Rule Division 25 to create a CE committee. Until that happens, Martin recommended that the CE committee put CE approvals on the Board's consent agenda, and submit recommendations for denials of CE requests to the full Board. Martin added that staff could add CE committee approvals to the Board's Consent Agenda right after the CE committee meeting that usually precedes the Board meeting.

Price moved that the CE Committee make recommendations for CE approvals through the Board's Consent agenda, and place those CE cases where approval of CE is not recommended on the Board's regular agenda for consideration. Dehaan seconded the motion. The motion passed unanimously.

Dehaan presented the CE matter of Rene Rathke. Board members determined that Rathke's request cannot be accommodated because ethics hours cannot be carried over under Board rule OAR 877-025-0016(4). Oldham directed that staff inform Rathke by letter of the Board's decision in the matter.

Dehaan presented the case of Kaye Payne's CE request for 13 hours of ethics CE. Troseth reviewed Board OAR 877-025-0006(2)(a)(9). Dehaan moved that Payne be allowed two hours of ethics instead of the 13 hours requested. Price seconded. The motion passed unanimously.

10. OLD BUSINESS:

Chair Oldham updated the Board with respect to the Board's Legislative Concept, including the interactions with the Governor's Office and Legislative Counsel. Oldham reported that on October 24, 2008 Pittioni submitted detail text to Legislative Counsel that had been developed by Troseth, Oldham, Director Pittioni and Board counsel, in accordance with the Board goal of an "Expanded Title Act" concept, and at the request of the Governor's Office. Oldham advised that the next key is inclusion of the concept in the Governor's package of proposed bills.

Troseth and Counsel Martin discussed possible edits to Section 3 of the proposed detail language. Troseth will continue to act as gatekeeper of concept language. Oldham requested a timing update from Pittioni. Pittioni reported that Legislative Counsel continues to be very backed up and that there was no way to really predict the timing of when the Board would receive language from that office. Pittioni reported that on days where he is absent from the office Kaatz is assigned to check e-mail for notifications from Legislative Counsel that the concept is ready, to ensure prompt reaction.

Oldham requested an update on the proposed rule amendments to Divisions 1, 35 and 40, including a proposed timeline. He reminded the board that the Consumer Protection Committee (CPC) would like to add or edit language in Division 40 to reflect transition of investigatory functions to the staff level. Oldham requested that the CPC, Pittioni, Kaatz and Board counsel develop proposed amendments by November 20th for review at the Board's December 9 meeting. Troseth confirmed that the current timeline goal is publication in the January 2009 Bulletin, a public hearing most likely in February, and a April 1, 2009 effective date.

Oldham added that the timeline goal for Supervision Booklet development remains the February 2009 Board meeting. The goal for this project is to revise this handout for CSWAs and their supervisors to reflect rules changes since the publication of the booklet, as well as to reflect any policy the CPC may develop with respect to supervisors whose CSWAs are subject to a complaint investigation.

Chair Oldham then reminded the Board with respect to development of the agency's next newsletter. Oldham stated that he had agreed to write an article on the Director position change, and Rasmussen would write an article to address the feedback the Board received in August on the first draft client record rule. Oldham added that Troseth had volunteered to write an article discussing the planned rules changes, and that an article explaining the Board's Expanded Title Act legislative concept would also be a good topic for the next newsletter. Pittioni added he had volunteered to write an article with respect to office changes, with a focus on the addition of a new Compliance Specialist.

Chair Oldham reminded Board members that all articles would be due by the Board's January 2009 meeting, and that Pittioni would remind those with articles due.

11. NEW BUSINESS:

Oldham again requested that Board members assist with recruitment of a new LCSW Board member, and added that the new LCSW would likely be asked to join the Board's Consumer Protection Committee Membership.

Oldham then requested discussion of the Board's Emeritus Concept. Board members discussed adding statutory language to the "Expanded Title Act" legislative concept to provide explicit authority, but emphasized the need to also develop rules language within the existing statutory framework. Oldham and Troseth agreed to add this to the housekeeping rules project. Oldham reminded the Board that the concept discussed at the Board's Planning Meeting in October involved 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.
- Reduction in the number of hours (maybe 5 vs. 20 hours/year) required for Continuing Education.
- Reduced licensing fee (possibly 1/2).

Chair Oldham then moved on to review and adoption of Open Book Test Question Changes. Board members agreed that questions 1-20 should be reviewed in addition to questions 21-25 redeveloped by

the exam committee. Troseth volunteered to take the first five questions, Brooks took questions 6-10, Dehaan questions 11-15, and Price questions 16-20. Oldham announced that responses would be due back to Pittioni by December 1 for assembly and redistribution.

Pittioni reported briefly on the issue of employee criminal record check authority. He advised Board members that HB2157 (2005) had provided the Board with criminal background check authority for licensees and applicants, but not for staff. Oldham added that he was not aware of any Board involvement in why the staff authority was not included. Pittioni reported that DOJ analysis of whether the Board had authority to conduct employee criminal background checks based on existing statutes was inconclusive, and thus the safe course of action was to get statutory language in place. Pittioni added that he thought the Governor's Office may be working on a broad bill addressing criminal background check authority which either would address the problem or could be amended to address the problem. In the alternative, Pittioni advised the Board's legislative concept could be amended to add that authority. Pittioni stated that this issue should be pursued quickly, especially with the Governor's Office, and did not want to proceed without the Board approving and being aware of him getting this statutory authority problem fixed. Board members concurred that Pittioni should proceed to get this issue addressed.

12. CORRESPONDENCE

Pittioni reported on an additional letter of Joe Marcea, LCSW, dated October 13, 2008, regarding the issue of an emeritus status for retired LCSWs. Board members reviewed the letter and directed Pittioni to respond to Mr. Marcea with appreciation for his letter, and to advise him that the Board is working on developing such a concept. The Board directed Pittioni to keep Mr. Marcea informed of the Board's efforts in this arena.

13. REVIEW AND DISCUSSION ON APPLICANT FILES (as necessary)

Board members reviewed the request by Teresa Valerio for a special review late fee waiver request. Board members agreed that OAR 877-020-0030 does not provide the Board with authority to issue such a waiver. Oldham directed Pittioni to advise Ms. Valerio accordingly.

14. ANNOUNCEMENTS AND ADJOURNMENT

Troseth reported on the meetings of the Family Law Advisory Committee meetings he has been attending.

Board Chair Oldham adjourned the meeting at 3:30 p.m.

Respectfully submitted,


Martin Pittioni
Executive Director

**State Board of Clinical Social Workers
Consent Agenda
November 4, 2008**

NEW LCSW'S (7)

MICHELLE BALDWIN
AVERY FIGUEROA
M KRISTIN FUNK
MICHELLE GOTHUEY-LAXALT
KATHLEEN M KING
SUSAN ROSENTHAL
MICHAEL SMITH

NEW CSWA'S (11)

ERIN BEERY
JESSICA BUSSE
KATHRYN GARLAND
LINDA GOOD
MARK LAUER
CARRIE MURRAY-AARON
CAROLINE NAZARETH
REBECCA PINARD
ALLISON SARPOLA
KRISTEN SKULICZ
AMY E WHITE

FINALS (10)

JULIE HAWKINS
CAMERON HUBBE
KRISTIN KNIGHT
CHANCE S PAULSON
JENIVEVE D ROLLINS
JENNIFER RONDEMA
STEPHANIE SAINTCYR
JESSICA STARR
LISA WALCOTT
BRENDA WIERSCHIN

PLAN CHANGES (14)

TAWNIA ANTHONY
SHEMAYA BLAUER
JUSTIN FARRELL
MARY HICKOK
AMBER M HUWE
JOHN M MEYER III
ELIZABETH MILLER
DONNA NAGLICH
MICHELE PEARCE
CHRISTINA RODRIGUEZ
KEVIN SHAW
OLGA STRAIGHT
ALICIA THIELE
GEORGANN WINGERSON

**LICENSE STATUS CHANGE (0)
(REACTIVATION)**

**ORS 676.165(4) Extensions Approved for the
following CPC Cases: (22)**

2007-33	2007-35	2007-36
2008-03	2008-05	2008-09
2008-10	2008-12	2008-14
2008-15	2008-16	2008-19
2008-23	2008-25	2008-27
2008-28	2008-29	2008-31
2008-32	2008-33	2008-34
2008-35		

All the people listed in the above categories have met the necessary requirements to be approved by the Board of Clinical Social Workers Consent Agenda.


Board Executive Director

11/4/08
Date