

MINUTES - APPROVED

STATE BOARD OF CLINICAL SOCIAL WORKERS

Tuesday, February 10, 2009

Second Floor Conference Room

3218 Pringle Road SE – Salem, OR 97302

Board Members Present: Mark Oldham, Chair
Becky Rasmussen, Vice Chair
Cheryl Price
Carol Copley Zancanella
Simone Brooks
Sara Dehaan
Mark Troseth

Staff Members Present: Martin Pittioni (Executive Director)

Excused: Kyle Martin, AAG, Oregon Dept. of Justice (Board Counsel)

1. CALL TO ORDER

Chair Oldham called the Board Meeting to order at 11:55 a.m. Oldham announced that Board counsel was excused due to a family emergency. Board members offered their support.

2. REVIEW/APPROVAL OF AGENDA

Oldham requested the agenda be amended to delay approval of the December 2008 and January 2009 board meeting minutes to the next Board meeting. Price moved to adopt the Board's agenda so amended. Rasmussen seconded. The motion passed unanimously.

3. APPROVAL OF MINUTES

Action deferred to the February Board meeting pursuant to the amended agenda adopted by the Board.

4. MOVE TO EXECUTIVE SESSION

Brooks moved to enter executive session to conduct board business under the authority of ORS 192.660(2)(b)(f)(h)(i)(k). Dehaan seconded. The motion passed unanimously. The Board entered executive session at 12:10 p.m.

Brooks moved to exit executive session. Price seconded. The motion passed unanimously. The Board re-entered public session at 12:55 p.m.

5. COMMITTEE REPORTS

Chair Oldham announced that the Impaired Professionals Program did not have a report for public session action.

Price announced the Consumer Protection Committee did not have a report for public session action.

Continuing Education Committee Chair Rasmussen reported one CE approval and no CE rejections. Rasmussen requested to have the CE approval added to the Consent Agenda when the Consent Agenda is considered by the Board.

6. APPROVAL OF CONSENT AGENDA

Dehaan moved to approve the Consent Agenda as amended with the addition of the CE Committee approval. Brooks seconded. The motion passed unanimously.

7. PUBLIC COMMENT

No public comment was received.

8. ADMINISTRATOR'S REPORT AND BUDGET UPDATE

Pittioni presented the Board with the Key Performance Measure (KPM) Annual Report that had originally been due for submission with the agency budget. He reviewed the data highlights with the Board and how they integrated with the budget presentation he was to give to Ways and Means on February 12, 2009.

Pittioni briefly reviewed legislative developments with the Board. He referred the Board to the copy of Vice Chair Rasmussen's testimony and his own testimony on the Board's Senate Bill 177 at the January 30th 2009 hearing on the Bill in Senator Morrisette's committee on Human Services and Rural Health Policy. Rasmussen and Pittioni briefed the Board on the events at the hearing. Oldham added that he would attend with Pittioni the stakeholder work group meeting that Pittioni had been requested to put together at the request of Senator Morrisette. Pittioni reported he had met with most stakeholders individually to address concerns about SB 177, and would request from the Board authorization to proceed with technical amendments to SB 177 to address those concerns, including deletion of the non-clinical practice definitions from the bill. Pittioni reported that the latter was key to a compromise with DHS, and could contain the seeds of a compromise that would enable to Board to seek additional consensus amendments for a limited practice act for clinical social work only. Chair Oldham advised that the Board would take up this matter as the first item under New Business.

Rasmussen and Pittioni reported on their testimony in opposition to HB 2346 and HB 2347, opposed by the Board formally at the January Board meeting after review of their corresponding LC language, LC 1458 and LC 1459 respectively. Pittioni observed that although the Board direction from January regarding the three legislative proposals opposed was clear (LC 1458 / HB2346; LC 1459 / HB2347; LC 193 / SB 274), it would be preferable to also confirm the Board's opposition by a formal vote.

Oldham moved that the Board direction to Pittioni at the January Board meeting to oppose LC 1458 (HB 2346), LC 1459 (HB 2347) and SB 274 be officially adopted as representing Board position on these three bills. Price seconded. The motion passed unanimously. Board members thanked Rasmussen and Pittioni for representing the Board on these bills. Pittioni then concluded with an update on Board standardization bills HB 2058 and the Governor's HB 2118.

Pittioni briefly updated the Board on the Board's financial status.

9. OLD BUSINESS

Pittioni presented the Board with a draft version of the February 2009 newsletter, and advised it would be completed imminently after getting through the budget hearing and SB 177 initial stakeholder discussions.

10. NEW BUSINESS

Chair Oldham moved to discuss next steps with respect to the Board's proposed Senate Bill 177. He thanked Pittioni for his intensive work to find a workable compromise with the diverse group of stakeholders to produce a consensus bill. Pittioni reviewed with the Board a proposed list of technical amendments under discussions with stakeholders. The Board approved the approach, including the key deletion of the non-clinical definitions of the practice of social work to help build common ground especially with DHS on the bill. The Board also approved the concept of an additional amendment to build on that compromise by adding a limited, clinical social work only practice act to the bill. Pittioni assured the Board he would do whatever possible within the direction of the Board to build a consensus that concept. Pittioni emphasized that he had been very clear with stakeholders that that concept included no general exemption language for mental health services delivery in state and local governments.

Pittioni also requested conceptual approval from the Board to include in the amendments to SB 177 language to remove the active practice requirement from all forms of licensure. Oldham discussed this with Board members, who agreed that the active practice requirement was outdated and no longer reflected the current reality of CE requirements to maintain licensure. The Board advised Pittioni to be clear with staff that current law would continue to be enforced, notwithstanding the Board's support for this additional amendment.

Oldham also briefly discussed the amendments to SB 177 sought by the National Association of Social Workers - Oregon Chapter for expanded title protection of the term "social worker." Oldham emphasized that at this time no actual amendments had been drafted and all the Board could go on was the testimony by NASW in the Senate committee and the statements by NASW lobbyist Maura Roche in and after the work group meeting. The Board discussed the potential enforcement impact of NASW's proposal and directed Pittioni to continue to convey a neutral position by the Board on the NASW proposal, and to continue discussions with NASW on the details.

Oldham then asked Board members to review an updated draft of the supervision booklet for supervisors. Board members reviewed the booklet and discussed changes, with emphasis on what happens when CSWAs complete their two-year plan of supervision and have not passed the test.

Oldham collected edits from Board members and agreed to develop a revised draft for further Board consideration.

Oldham requested consent by Board Members to delay consideration of the new Board "Best Practices" Performance Measure to the Spring Planning Meeting. Board members agreed.

Pittioni discussed with the Board the need to remove the Key Performance Measure (KPM) setting a specific target on disciplinary actions, as this could easily be misread as a quota system incompatible with the due process obligations of the Board. Pittioni advised that the original intent by the Board that created this KPM many years ago was to suggest that a higher-than-target set of disciplinary actions was a failure to meet the KPM because this was viewed by as a failure by the Board to sufficiently educate licensees. The Board appreciated Pittioni moving to request in his budget presentation that that this KPM be deleted.

Troseth reviewed with the Board written exam questions, and Oldham reviewed related correspondence from licensees Grisham and King. The Board directed Pittioni to send a letter thanking them for their input and that the Board is already revising exam questions and will be happy to share the final product with them.

Troseth updated the Board on the status of the proposed Chapter 877 Rule Revisions for Divisions 1, 35 and 40. Oldham moved to start the rule adoption process and submit the proposed rules to the Secretary of State's Office for publication, with a goal of a rule effective date of July 1, 2009. Price seconded. The motion passed unanimously.

The Board discussed the need for a rulemaking hearing and determined that the Board meeting on May 12 would most likely be the best date for receiving public comment and ending the comment period.

Troseth then reviewed with the Board the latest draft of the Board's rule to amend Chapter 877 Division 20 to reduce the licensing burden on semi-retired licensees. Chair Oldham moved that this rulemaking proposal be placed on the same rule adoption track as the Board's Chapter 877 Rule Revisions for Divisions 1, 35 and 40. Troseth seconded. The motion passed unanimously.

Oldham then discussed with the Board the date for the April Planning meeting, as it had not been made plain at the previous Board meeting that the proposed date was Easter weekend. Board members determined that the planned April 10 and 11 meeting date should remain unchanged.

11. CORRESPONDENCE

Board members reviewed the correspondence by Jean Herrera of January 20, 2009. Board members determined that because the activity described by Herrera is restricted to family members it cannot be counted as the practice of social work. Board members directed staff to so advise Ms. Herrera, and to remind her of the Board's OAR 877-030-0070(1)(e). Staff was also directed to advise Herrera that the Board is changing course in Senate Bill 177 with respect to the active practice requirement.

12. REVIEW AND DISCUSSION ON APPLICANT FILES AND SPECIAL REVIEWS

The Board reviewed the request by Emmanuelle Gomez for additional time to complete the ASWB test. Troseth moved to approve the request. Brooks seconded. The motion passed unanimously.

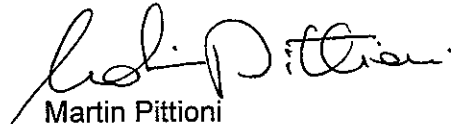
The Board reviewed the application of Allen Ray Brown and applicant's request for a supervisor not licensed as an Oregon LCSW. Board members determined that this would not be allowed by the Board's OAR 877-020-0012 (1)(a). The Board directed Pittioni to confirm this with Board counsel before so advising Mr. Brown.

The Board reviewed the letter of Sally Martin and determined that no plan change was appropriate. Board members determined that Ms. Martin had the option of obtaining other supervision, and the Board's supervision requirement was set at 2 hours a month by rule. Board members directed staff to advise Ms. Martin that she could either seek group supervision to supplement the clinical supervision, or seek additional supervision outside her work setting to comply with the 2 hour supervision rule.

13. ANNOUNCEMENTS AND ADJOURNMENT

Chair Oldham adjourned the meeting at 3:35 p.m.

Respectfully submitted,



Martin Pittioni
Executive Director

