

State Board of Clinical Social Workers

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Rules Change Process

The Board is in the process of rewriting some of the rules which govern clinical social work licensure in Oregon. The Board is focusing on four specific areas of change:

- A re-write of division 20: “Procedures for Certification and Licensing”
- A re-write of division 25: “Continuing Education Requirements”
- A new rule which will implement the law to accomplish national FBI fingerprint background checks.
- A revised rule on maintaining client records.

A change to the rules entails a three-step process: (1) The Board develops some proposed changes to the rule; (2) A rule change advisory committee provides wide-ranging input to the Board; and (3) The Board goes through the public rule hearing and rule adoption process as outlined by the Secretary of State’s Office.

The Board has completed the first step of the process by drafting wording to alter the four areas of the rule mentioned above. They are now involved in the second phase by working with an Advisory Committee to review the proposed changes. (See related article on the back cover of this Newsletter.) The Advisory Committee provides input on the proposed changes, makes recommendations to the

Board about other areas of the rule they believe need to be changed, helps craft the language to the changes so that the changes make sense and are “user friendly”, and assists the Board in assessing the fiscal impact each of the proposed rule changes will have on licensees and the public. So far, the Committee’s comments and recommendations have been “on target” and will help guide the Board during the balance of the rulemaking.

The Board and Committee are currently in the process of reviewing the various changes that have been proposed so far. After all the changes have been worked out, the Board will draft a document that includes all of the proposed rule changes and issue a Notice of Proposed Rulemaking. This will initiate a time and process for public input on the proposed changes.

Following a process for public input, the Board will be in position to adopt and file the final version of the rule changes with the Secretary of State’s office and the changes will become effective.

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Complaint Resolution Takes Time...

Recently the Board has received inquiries from licensees regarding the length of time it takes for consumer complaints to be resolved by the Consumer Protection Committee (CPC).

The reality is that the complaint resolution process takes time. The CPC is responsible for receiving, reviewing, investigating, and making recommendations to the Board regarding complaints against licensees and certificate holders.

The committee meets just once monthly, before the general Board meeting, to work on pending cases. During this dedicated time, the CPC reviews and processes the information received since the previous meeting along with information previously obtained.

Sometimes, information requested by the committee can take a couple months or more to obtain. The committee cannot proceed with its investigation until requested materials are received.

In addition to the time it takes for requested information to reach the committee, the number of cases pending before the committee in any given month also impacts the amount of time it takes for the committee to conduct its investigation. At present, there are 19 complaints being investigated and reviewed by the Committee.

Additionally, the sheer volume of information that needs to be reviewed and considered with each case can impact the amount of time it takes for an investigation. An investigation with a very narrow focus and requiring minimal documentation may involve only 25-30 pages while a more complex case may have 200 pages or more. One case currently has 490 pages of material and more information might be requested.

The Committee takes its mission of protecting the public very seriously. We firmly believe that every complaint deserves a thorough analysis with this mission in mind. In addition, we recognize that

recommending Board action against an applicant, licensee, or certificate holder is a serious matter and warrants careful scrutiny before making such a recommendation.

The diagram on the next page illustrates the general “flow” of the investigation process. It’s relatively easy to see what happens when a complaint arrives. What cannot be captured in a diagram is the time involved. In 2005 and 2006, it took the Board an average of 3.3 months to resolve the less involved complaints and 8.4 months to resolve the more complex cases.

Please keep in mind that initially all the CPC receives is the complaint (one side of the story). We then typically send a notice to the licensee indicating that a complaint has been received regarding their practice. The licensee is generally given 30 days to respond, although this response time period may vary. Once the Committee has this initial information, there are typically more questions to ask and information to obtain so that the Committee can conduct a thorough investigation. Once CPC has conducted its investigation, it must then evaluate the information obtained in light of the Board’s statutes and rules and make a recommendation to the full Board.

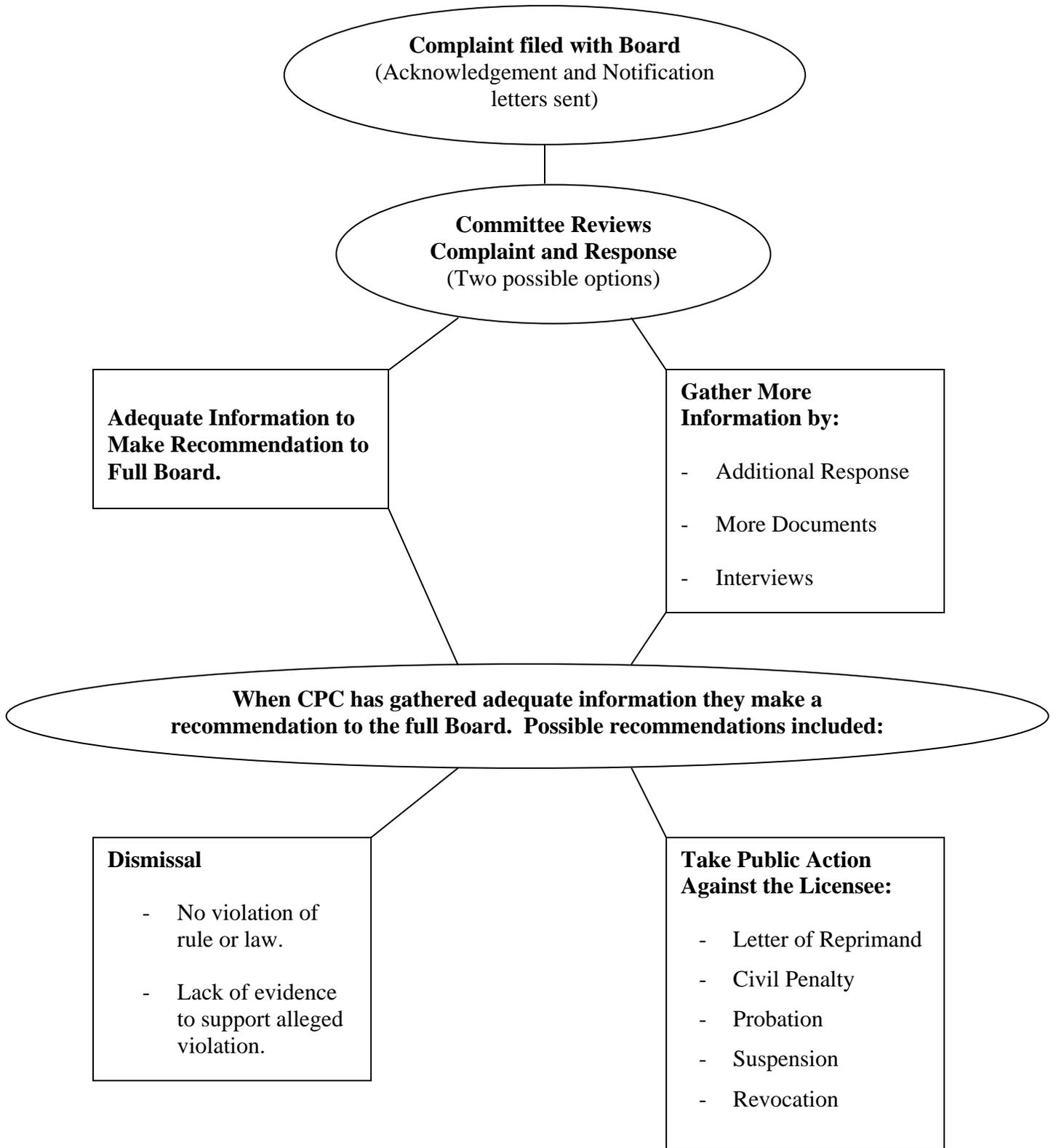
Is this process tedious and tiring? You bet! But please understand that the time needed to investigate, while it may be nerve wracking for all involved, is crucial. Only by diligently looking at all facets of a complaint can the Committee and Board honor the need for a thorough and fair complaint resolution process.

Toniya Villalobos, Chair
Consumer Protection Committee



State Board of Clinical Social Workers

Diagram of the Consumer Protection Committee Investigation Process



(Note: The subject of a Board action will receive notice of rights. The notice of rights generally includes the right to request, within the specified time period, a contested case hearing before and Administrative Law Judge.)



Continuing Education News

The CE Committee has been increasingly proactive regarding continuing education for LCSWs during the last year.

Several months ago we sent a questionnaire to LCSWs supervising CSWAs. The Committee was very pleased to receive responses from 67 supervisors and is grateful for the time and effort taken to return the questionnaires. The majority of those who responded had two basic suggestions. First they suggested that there be some advanced supervision courses available for those who had been providing supervision for several years. The Board has passed that suggestion along to organizations who sponsor supervision courses. Second, those who responded strongly suggested that all LCSWs be required to take a CE course in ethics on a relatively frequent basis.

The Committee has also polled other states concerning their procedure for approving CE courses that haven't been credentialed by an appropriate body. We are just starting to review the information that has come in so far. We will use this information to re-evaluate our procedures.

The Committee currently has a list of over 40 approved credentialing bodies for CE coursework. Many of those were approved several years ago. We are in the process of reviewing each approved credentialing agency to see if it is appropriate to leave them on the list. This is a long process and the Committee is hopeful to have a revised list of approved credentialing bodies developed by the end of this year.

When the Committee is aware there might be questions over how much of the training is really clinical in nature in an upcoming workshop, they gather the information to determine the viability of the training. Please remember that even if a course has been credentialed by an approved body, the course content still needs to be clinical in nature in relation to your practice setting.

Oregon licensees have a long and proud tradition of honoring their CE commitments. It is very rare for a person's License to be lapsed due to lack of enough CE hours. The Committee appreciates the integrity with which LCSWs in Oregon stay informed on the latest information in this important and constantly changing profession.

Cheryl Price, Chair
CE Committee

Welcome!

Board Fires New Staff Person

The Board is pleased to announce the hiring of Thomas McClain as a half-time support staff person as of July 1, 2007. Tom comes to the Board office with almost two years of state government experience working in the call center at the state DMV. Tom is delighted to be working in the office and is learning his duties very quickly.

The Board requested the addition of another half-time person as part of the '07-'09 budget process. That increase was needed due to the continued growth in the number of people under the Board's jurisdiction. There are currently just over 3,300 people that the Board interacts with on at least an annual basis. The national average for social work boards is a staff person for every 1,000 licensees. There is a strong probability that the Board will need to add another half-time position with the '09-'11 biennial budget.

FROM THE BOARD CHAIR,...

The State Board of Clinical Social Workers has been working hard through its regulatory process to insure that high quality services are delivered by Licensed Clinical Social Workers (LCSWs) and Clinical Social Work Associates (CSWAs). We are in the process of revising the Oregon Administrative Rules (OARs), Chapter 877, which govern the practice of people under the Board's jurisdiction. A Rules Advisory Committee met on July 21st to assist the Board through this rule change process. You can read about that process in the article on the front page of this Newsletter. I really appreciated the commitment of time and energy by the 8 LCSWs from across Oregon who volunteered to serve on this Committee.

For the past two and a half years, the Board has been involved with exploring the development of a practice act. The current law is a title protection act which allows the Board to only regulate the practice of those individuals who call themselves Licensed Clinical Social Workers or Clinical Social Work Associates. The practice act, as now envisioned, would create a licensure process for all master's level social workers who are engaged in any form of social work practice. It would also establish a registration process for all bachelor level workers who are providing social work services in the state. The Board established a task force to develop the outline of a practice act a year and a half ago. Former Board Chair, Kathy Outland, initially chaired the task force. Ginger Martin, also a former Board Chair, spent many hours creating a draft of the practice act. Elizabeth ("Betty") Buys, former Board Administrator, and Tom Hogan, of the Oregon Chapter of the NASW, also contributed significantly to the development of the practice act. The draft was further refined by the Legislative Council prior to the last legislative session. After numerous meeting with the Governor's Office and NASW, it was decided to not introduce the bill in the past legislative session. Instead, the Board has been charged with meeting with various groups of stakeholders to help educate them regarding the need to have a practice act. The Board is hopeful that the practice act will be introduced in the next legislative session, possibly as part of the

Governor's legislative package. A link to the draft of the practice act can be found on the Board's web site, www.oregon.gov/bcsw. The practice act will be an important step to provide increased public protection, which is the Board's primary mission, and to increase professionalism in the delivery of social work services.

Mark Oldham, Chair
State Board of Clinical Social Workers

Impaired Professional Program

The Impaired Professional Program (IMP) was designed to protect the public while helping to rehabilitate impaired social workers without disciplinary action. In order for the program to be effective, social workers must cooperate with the requests of the Impaired Professional Committee regarding assessment and treatment of the impairment.

The IMP Committee deals with licensees who are experiencing chemical abuse and dependency, psychiatric/behavioral disorders, physical (neurological) disorders, or geriatric decline.

Please remember that the Rules require people to timely report any issues of possible impairment. The Rule states:

Licensed Clinical Social Workers and Clinical Social Work Associates must report to the Board as soon as possible, but not later than 30 days after receiving notice, of any civil lawsuit, criminal indictment, court-ordered diversion, driving under the influence of intoxicants arrest or conviction, or any regulatory action having been brought against them which relates to the Licensed Clinical Social Worker's or Clinical Social Work Associate's professional conduct. [OAR 877-030-0040(3)]

Once the Committee receives a report of possible impairment, they work with the licensee to determine whether or not they are a candidate to be enrolled in the Program.

Becky Rasmussen, Former Chair
Impaired Professional Committee

Rules Advisory Committee Meets

Five LCSWs, two Board members, and the Board Administrator met from 9-2 in the large conference room at the Board office in Salem on Saturday, July 21, 2007, to review some proposed changes to the Rules.

The five committee members, all of them LCSWs, volunteered to serve on the committee. They came from all across Oregon and included: Krystal Ashling (Portland), Paul Deutschlander (Pendleton), Susan Jones (Salem), Michael Krumper (Gold Beach), and Carol Zancanella (Bend). Amy Baker (Hillsboro) was unable to attend the meeting but had sent in her comments.

The group spent a majority of their time looking through the proposed changes to Division 20 of the Rule, which deals with the application and licensure process. The group made several suggestions that will make the Rules clearer and easier to implement.

Additionally, the group reviewed proposed rule changes regarding continuing education requirements, the need to timely develop and appropriately store client records for those in a private practice setting, and, how to implement the Legislature's mandate that applicants for licensure undergo an FBI fingerprint national background check.

The Board is hoping to have the proposed Rule changes drafted and ready for public review in September or October. The public will have the opportunity to comment on any part of the proposed Rule changes by e-mail, regular mail, fax, or at a public meeting.