

APPROVED MINUTES
STATE BOARD OF CLINICAL SOCIAL WORKERS
Tuesday, March 11, 2008 -- 11:00 a.m. – 3:00 p.m.
Second Floor Conference Room
3218 Pringle Road SE - Salem, OR 97302

BOARD AND STAFF MEMBERS PRESENT: Mark Oldham (Chair), Simone Brooks, Sara Dehaan, Cheryl Price, Becky Rasmussen, Mark Troseth, Kyle Martin, (AAG), and Jon Langenwalter (Administrator).

DRAFT AGENDA

The Board begins its regular meeting 11:00 a.m. in a work session. The Consumer Protection Committee meets beginning at 8:30 a.m. in Executive Session [ORS 192.660(2)(f)(h)(k)] in the Second Floor Conference Room to discuss pending complaints, consult with legal counsel, and conduct interviews. The Consumer Protection Committee report to the Board is presented in Executive Session to discuss complaints and other legal matters. Final actions regarding recommendations to the Board will take place in the Public Session of the Board meeting. The Impaired Professional Committee meets beginning at 9:00 a.m. in Executive Session [ORS 192.660(2)(f)(h)(k)] in the Administrator's Office to discuss pending cases, consult with legal counsel, and conduct interviews. The Impaired Professional Committee report to the Board is presented in Executive Session to discuss cases and other legal matters. Final actions regarding recommendations to the Board will take place in the Public Session of the Board meeting. Application files are reviewed in the public meeting until the balance of the Board members can join the regular meeting.

CALL TO ORDER - Mark Oldham, Chair

REVIEW/APPROVAL OF AGENDA

APPROVAL OF MINUTES - Approval of the February 15, 2008 Mini-Planning Meeting Minutes and the February 16, 2008 Board Meeting Minutes.

MOVE TO EXECUTIVE SESSION: (Digital recording.)

PUBLIC COMMENT

LUNCH AGENDA - Staff Reports and Open Discussion.

COMMITTEE REPORTS (Not all committees report or are required to report every month.) Budget, Consumer Protection, Impaired Professional, Continuing Education, Exam, Personnel, Public Information, Rules.

OLD BUSINESS:

Practice Act Update:

Meeting with Stakeholders

Next Steps in Process/Legislative Concept

Staffing Increase Request Update: Jon Langenwalter

Adoption of Proposed Rule Changes: Mark Oldham

Future Rules Change/Division 35 and 40: Mark Troseth

NEW BUSINESS:

Request for Reinstatement of License: Karin Stark-Bredeweg

Adoption of Temporary Rule / Fee Increase: Mark Oldham

Adoption of Permanent Rulemaking Hearing Process: Mark Oldham

Review of Policy Manual: Mark Oldham

BUDGET UPDATE - As of 3/10/08, the current amount in the Board account held in the State Treasury was \$152,009.

CORRESPONDENCE - None

REVIEW AND DISCUSSION ON APPLICANT FILES

Consent Calendar

Special Review: Sokha Chhing; Gerald Grey; Megan Kidd; Kristoffer Lindstrom

ADMINISTRATOR'S REPORT

ANNOUNCEMENTS AND ADJOURNMENT

1. CALL TO ORDER - Mark Oldham, Chair, called the meeting to order at 11:50 a.m.
2. REVIEW/APPROVAL OF AGENDA - One item was added to Old Business: The ASWB Spring Educational meeting. Two items were added to New Business: Feedback from the Spring NASW/OR Workshop and an update on Information Related to the Board of Licensed Professional Counselors and Therapists.

3. APPROVAL OF MINUTES - Cheryl Price **moved that the Minutes of the February 15, 2008 Mini-Planning Meeting be approved as distributed for the meeting.** Mark Troseth **seconded the motion which passed unanimously.** Cheryl Price **moved that the Minutes of the February 16, 2008 Board Meeting be approved as changed.** Mark Troseth **seconded the motion which passed unanimously.**

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

Sara Dehaan **moved to go into Executive Session pursuant to ORS 192.660(2)(f)(h)(k).** Becky Rasmussen **seconded the motion, which passed unanimously.** The Consumer Protection Committee report was presented and discussed. The Impaired Professional Committee report was presented and discussed. Becky Rasmussen **moved to return to Public Session.** Simone Brooks **seconded the motion, which passed unanimously.** (Note: A digital record of the Executive Session is kept on the Board's main computer.)

5. PUBLIC COMMENT - None.

6. LUNCH AGENDA - Staff Reports and Open Discussion.

7. COMMITTEE REPORTS (Not all committees report or are required to report every month.) Budget, Consumer Protection, Impaired Professional, Continuing Education, Exam, Personnel, Public Information, Rules.

- Consumer Protection - Becky Rasmussen presented the Committee Report. She **moved to dismiss case #2007-20 based on no violation of rule or law.** Cheryl Price **seconded the motion which passed unanimously.** Ms. Rasmussen **moved to dismiss case #2007-22 based on no violation of rule or law.** Mark Troseth **seconded the motion which passed unanimously.** Ms. Rasmussen **moved to dismiss case #2007-24 based on no violation of rule or law.** Mark Troseth **seconded the motion which passed unanimously.** Ms. Rasmussen **moved to dismiss case #2007-28 based on no violation of law or rule.** Cheryl Price **seconded the motion which passed unanimously.** Ms. Rasmussen **moved to dismiss case #2007-31 based on no violation of rule or law.** Cheryl Price **seconded the motion which passed unanimously.** Ms. Rasmussen **moved to close case #2008-01 based on lack of evidence.** Mark Troseth **seconded the motion which passed unanimously.**

Ms. Rasmussen explained to the Board that the increase in the overall number of complaints, coupled with the increase in complaint complexity and severity, has increased the time it takes to thoroughly and fairly investigate each complaint and then professionally resolve it. She told Board members that the Committee has moved to a triage method of handling complaints. Complaints are now classified into one of three triage levels: "A", "B", or "C". Those with an "A" designation present the most risk to the public in terms of alleged or potential harm to clients. The Committee will focus its time and energy on processing and resolving level "A" complaints. The "B" level complaints have some risk for harm to public and will receive Committee time if there is still some time left after they have dealt with all the "A" level complaints at each monthly meeting. Complaints with a "C" designation have the least probable risk to the public and will be processed in any time remaining after the Committee has dealt with all level "A" and level "B" complaints. The Committee intends to use this triage concept until a full-time Compliance Specialist 2 person is hired by the Board. The Board affirmed the Committee's plan by consensus.

- Impaired Professional - Mark Oldham presented the Committee Report. He **moved to authorize the issue of a Final Order by Default for Revocation of Certificate and Legal Costs to Date for IMP Case #2006-04.** Sara Dehaan **seconded the motion which passed unanimously.**

- Continuing Education - Cheryl Price presented the Committee report. She informed the Board that the Committee approved 5 requests to accept non-credentialed continuing education events, will accept 2 other requests once a completion certificate has been submitted to the Board office, and asked for additional information on 2 other requests. She also told the Board that the Committee is making good progress in updating the list of approved credentialing bodies.

8. OLD BUSINESS:

- Practice Act Update:
 - Meetings with Stakeholders: The Administrator told the Board that he had met with six stakeholders. He has several more meetings in the next couple of weeks. Ms. Buys has been establishing those meetings and will keep on connecting with various groups to set up appointments.
 - Update Definition of Social Work: Toniya Villalobos and Mark Troseth met a couple weeks ago and worked on the definition of social work practice. They decided to use the basic definition found in the ASWB Model Social Work Practice Act document. The draft legislative concept distributed prior to the meeting includes that definition. The draft replaces the old LC #363. Mr. Troseth told the Board that he had included the suggestions made at last month's Board meeting and that he had put the clergy exemption back in the draft.
 - Should We Eliminate CSWAs?: By consensus the Board agreed that starting 1 year after the effective date of the practice act we would not issue any new Certificates for Clinical Social Work Associates. People with an MSW degree would have to become an LMSW in accordance with the Rules in place at that time. Any LMSW who wanted to become an LCSW would submit a Plan of Supervision and move through the process while maintaining their LMSW License.
 - Effective Dates: The effective date of the practice act will be January 1 following close of session when the act is passed by the legislature. Both of the new licensure categories would be ready for use by January 1 a year after the effective date. This allows the Board time to promulgate Rules and get necessary forms and processes in place to process applications. People will be able to voluntarily apply for the new licensure levels for 6 years following the effective date of the legislation. Six years after the effective date of the legislation all people engaged in social work practice as defined by the act would have to apply for licensure with the Board and meet the requirements in Rule at that time. However, people who are already providing social work services in an agency setting would not have to become licensed as long as they held that same job. They would have to become licensed if they moved to a new job where they practice social work as defined by the law.
 - Next Steps in Process/Legislative Concept: Jon Langenwalter will meet with Ms. O'Sullivan at DHS to share the recent changes in the draft concept.
 - Refine Social Work Definition: Mark Troseth will take the common elements from the practice of social work definitions for the three different licensure levels and create one definition of social work practice. He will then identify the unique aspects of each of the three levels in addition to the generic shared definition.
- Staffing Increase Request Update – The Administrator told the Board that the request to E-Board in June will be for a full time Compliance Specialist 2. The request to increase the Office Specialist 1 position to full time will be part of the budget process for the '09-'11 budget. The decision to separate the two requests was made after consultation with BAM and LFO.

- Adoption of Proposed Rule Changes - Mark Troseth summarized the current proposal for changing the rules. He stated that the Board is proposing a complete rewrite of Divisions 20 and 25, amending Division 30 to require the reporting of licensee psychological problems and to establish guidelines for client records for those in private practice, and a new Division 22 to implement the Board's statutory authority to require criminal background checks on applicants and some other licensure categories. He reminded the Board that they had received the most feedback and requests for change in the section dealing with client records. By consensus the Board decided to withdraw that specific section from the proposed changes. There is still a need to have a section in the rules that addresses the parameters for client records. The Board will rework this section with the help of a Rules Advisory Committee and propose it for adoption later this year.

By consensus the Board decided that the effective date for the proposed rules will be July 1, 2008 with the following exceptions: (1) The requirement for 3 hours of continuing education specific to ethics will take effect on January 1, 2009; and (2) CSWAs who have completed their Plan hours by the effective date of the Rules (July 1, 2008) will have until April 1, 2009 to pass the test before having to go back under supervision.

Mark Troseth will incorporate these various changes in the rules change documents for the Board to review at their April meeting.

- Future Rules Change - Mark Troseth has started work on a complete rewrite of Divisions 35 and 40 of the rules. He will have drafts for the Board to review at their April meeting. The Board reminded him to include language concerning how long an LCSW coming in from another jurisdiction has to pass the national exam before needing to have their work supervised.
- Spring ASWB - Mark Oldham, Cheryl Price, Becky Rasmussen, Toniya Villalobos, and Jon Langenwalter are registered for the Spring ASWB Educational meeting to be held May 15-18, 2008 in Whitefish, Montana.

9. NEW BUSINESS:

- Request for Reinstatement of License - Mark Troseth **moved that the Board deny a request from Karin Stark-Bredeweg to reinstate her License based on OAR 877-020-0030(4).** Becky Rasmussen **seconded the motion which passed unanimously.** The staff will inform Ms. Stark-Bredeweg that she will need to reapply if she wishes to be licensed in Oregon.
- Adoption of Permanent Rulemaking Hearing Process – Cheryl Price **moved that the Board authorize the issue of a Notice of Proposed Rulemaking Hearing for the purpose of increasing fees to provide funds to enable the Board to hire a full-time Compliance Specialist 2 in July, 2008.** Sara Dehaan **seconded the motion which passed unanimously.** Mark Oldham requested that the Administrator contact NASW/OR and invite them to write a letter in support of the need for a Compliance Specialist 2 and the resulting need for an increase in some specific fees. The Administrator will also contact Paul Cooney, Attorney, to request a similar letter. The Board will invite people who served on the previous Rules Advisory Committee to serve again on this one-issue rules proposal. The Committee will meet via a conference phone call instead of meeting in person at the Board office. The Board will do the normal outreach to the licensee base and other stakeholders through e-mail, mail, newsletter, and website information to solicit feedback on the proposed fee increases.
- Adoption of Temporary Rule / Fee Increase - This action was not necessary based on the action taken on the previous agenda item.

- Review of Policy Manual - The Board reviewed the Policies currently in effect. They decided to withdraw 19 specific sections to the Policy. Listed below are the sections that are now withdrawn. The list identifies the name for each policy, the date each was adopted, and the Board members who moved and seconded each specific action. The vote on every motion was unanimous.
 - Continuing Education Study Groups, 12/9/03. (Cheryl Price/Becky Rasmussen)
 - Official Transcripts, 11/12/03. (Cheryl Price/Sara Dehaan)
 - Internet Continuing Education, 10/20/00. (Simone Brooks/Mark Troseth)
 - Continuing Education, 10/20/00. (Mark Troseth/Becky Rasmussen)
 - Approved Agency, 10/20/00. (Mark Troseth/Cheryl Price)
 - Americans with Disabilities Act, 2/3/98. (Cheryl Price/Mark Troseth)
 - Renewals, 12/2/97. (Cheryl Price/Mark Troseth)
 - Impaired Professional, 4/2/96. (Cheryl Price/Becky Rasmussen)
 - Confidentiality and Accounts Collection, 10/4/94. (Mark Troseth/Simone Brooks)
 - Continuing Education, 4/5/94. (Mark Troseth/Becky Rasmussen)
 - Mandatory Reporting, 12/7/93. (Mark Troseth/Simone Brooks)
 - Continuing Education, 12/7/93. (Mark Troseth/Simone Brooks)
 - Supervision Requirement, 7/7/93. (Cheryl Price/Mark Troseth)
 - Continuing Education, 2/9/93. (Cheryl Price/ Becky Rasmussen)
 - Renewals – October Exam Candidates, 10/8/91. (Mark Troseth/Becky Rasmussen)
 - Denial of Application, 8/13/91. (Cheryl Price/Sara Dehaan)
 - Plans of Supervision, 5/21/91. (Mark Troseth/Cheryl Price)
 - Continuing Education Exceptions, 10/9/90. (Cheryl Price/Mark Troseth)
 - Lack of Response to Complaints, 12/13/88. (Simone Brooks/Becky Rasmussen)
- NASW Spring Conference - Mark Oldham told the Board that Jon Langenwalter had various Board documents for distribution on a half of a vendor's table at the recent NASW/OR Spring Conference in Portland. He joined the Administrator and visited with people who stopped by the table prior to the opening session and during most of the breaks. The Board affirmed that it is good to have such an information presence at the NASW/OR spring conferences.
- LPC Board - Jon Langenwalter explained that the February, 2008 Legislative Session did not enact proposed legislation to allow Licensed Professional Counselors and Licensed Marriage and Family Therapist to do third-party billing to insurance companies. He also informed the Board that the LPC Board is exploring proposing a practice act similar to its concept.

10. BUDGET UPDATE - As of 3/10/08, the current amount in the Board account held in the State Treasury was \$152,009.
11. CORRESPONDENCE - None
12. REVIEW AND DISCUSSION ON APPLICANT FILES
 - **Consent Agenda:** Sara Dehaan **moved that the Board approve the Consent Agenda as distributed for the meeting.** Cheryl Price **seconded the motion which passed unanimously.** (See attached Consent Agenda.)
 - New Plans were approved for 7 Associates whose names are on the Consent Agenda (see attached). (7)
 - Plan Changes were approved for 5 people on the Consent Agenda (see attached). (5)
 - No Revised Plans were submitted to the Board this month. (0)
 - Final Reviews were approved for 9 people on the Consent Agenda (see attached). (9)
 - CSWA Applications were approved for 11 people on the Consent Agenda (see attached). (11)
 - Return to Active Status was approved for 1 person on the Consent Agenda (see attached). (1)
 - There were no requests to Go on Inactive Status submitted to the Board this month. (0)
 - Special Review:
 - Sara Dehaan **moved that Sokha Chhing's Plan of Supervision be held pending further information from both she and her proposed Plan Supervisor concerning the context of their relationship.** Cheryl Price **seconded the motion which passed unanimously.**
 - Simone Brooks **moved that the Board request that Gerald Grey meet with them at 10:00 a.m. on Tuesday, April 8, 2008 to discuss his request to return to active status.** Mark Troseth **seconded the motion which passed unanimously.**
 - Cheryl Price **moved to extend Megan Kidd's Plan of Supervision by 6 months with her current supervisor.** Simone Brooks **seconded the motion which passed unanimously.**
 - Becky Rasmussen **moved that the Board accept Kristoffer Lindstrom's application to be a Clinical Social Work Associate and his Plan of Supervision.** Mark Troseth **seconded the motion which passed unanimously.**
13. ADMINISTRATOR'S REPORT
14. ANNOUNCEMENTS AND ADJOURNMENT - The meeting adjourned at 4:15 p.m.

The next regularly scheduled Board meeting will be at 10:00 a.m. on Tuesday, April 8, 2008 in the Second Floor Conference Room at the Morrow Crane Building, 3218 Pringle Road SE, Salem, OR 97302. At 8:00 a.m. on the same day there will be a meeting of the Consumer Protection Committee (in Executive Session) in the Second

