



STATE BOARD of LICENSED SOCIAL WORKERS  
Saturday, April 14<sup>th</sup>, 2012  
Second Floor Conference Room  
3218 Pringle Road SE, Salem, OR 97302

**Board Members Present:** Mark Oldham, *Acting Chair*  
Donna Henderson  
Carol Copley Zancanella  
Kittee Custer  
Martha Lopez

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

**Staff Members Present:** Martin Pittioni, *Executive Director*  
Pam Johansen, *Licensing Manager*  
Mindy Tucker, *Senior Compliance Specialist\**

*\*Present from 10:20 a.m. - 10:39 a.m., from  
Noon to 12:35 p.m., and from 1:09 p.m. on*

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1. CALL TO ORDER:

**Acting Chair Oldham** called the Board Meeting to order at 10:05 a.m.

2. REVIEW OF AGENDA:

**Acting Chair Oldham** asked for review of the draft agenda and requested that the agenda be edited by adding two items under New Business, development of CSWA Supervisor Evaluation, and Budget Development for 2013-15, and removal of the Examination Committee Report since that committee had not been scheduled to meet.

- i. Zancanella moved to adopt and approve the agenda so amended.*
- ii. Custer seconded.*
- iii. Motion passed unanimously.*

3. APPROVAL OF MINUTES

**Acting Chair Oldham** asked for review of the draft minutes of March 9, 2012 Board meeting minutes. Board members reviewed the minutes.

- i. Lopez moved to approve the Board meeting minutes of March 9, 2012, as presented.*
- ii. Henderson seconded.*
- iii. Motion passed unanimously.*

**Acting Chair Oldham** asked to change the order of the agenda items to delay the start of executive session as well as any Consumer Protection Committee report motions to adjudicate cases, and instead to continue with other committee reports. Board members agreed.

4. COMMITTEE REPORTS:

**Zancanella** reported on the public portion of the Consumer Protection Committee (CPC) meeting. **Zancanella** advised that the CPC is exploring options with staff and the Board's IT contractor to eliminate paper communications between the staff and CPC in favor of a more secure and efficient e-solution, with further discussion scheduled for the May CPC.

**Tucker** joined the Board meeting at 10:20 a.m.

**Zancanella** reported on the licensing application screening questions changes reviewed by the CPC and brought to the Board for further review and approval. Board members reviewed and edited the draft.

- i. Zancanella moved to approve and adopt the revised licensing application screening questions as amended.*
- ii. Custer seconded.*
- iii. Motion passed unanimously.*

**Pittioni** reminded the Board that the same questions also are posed on the applications for licensure renewal, and thus would be updated accordingly with the Board's action.

**Tucker** left the Board meeting at 10:39 a.m.

**Oldham** reported that the Continuing Education Committee had approved 5 cases for continuing education credit, as well as a study group. **Oldham** further reported that the Continuing Education Committee was bringing to the full Board a request for CE credit for taking first year Russian through Portland Community College (PCC). **Oldham** explained that the requestor, Carlynn A. **Chumak**, advised that this request was based on her social work practice that includes Russian-speaking clients. **Oldham** provided to the Board the course description from the PCC catalogue, and added that the Board has not historically approved language acquisition CEs. **Lopez** argued that beyond this particular case this is an issue that the Board should consider as a policy matter in future rule-making, with some for of maximum credit-ceiling, because this appeared to be an example of an appropriate request by a licensee to improve practice with a diverse client base, which should receive favorable consideration by the Board.

Board members discussed the matter and agreed to look at this issue further as part of the rule making process. **Oldham** reminded Board members this would not address the issue before the Board now, the matter of the CE request from **Chumak**.

- i. Custer moved to approve Chumak's request for Russian language CE with a ceiling of 5 hours of CE.*
- ii. Henderson seconded.*
- iii. Motion passed unanimously.*

**Johansen** advised the Board that effectively, due to a second CE request from **Chumak** already approved by the CE Committee for six hours of CE, that the Board's action would effectively provide **Chumak** with four additional CE units to reach the maximum of ten CEs that could be obtained through the CE committee process for any given licensee's CE reporting cycle.

**Oldham** reported that the Continuing Education Committee also would suggest to the Legislative and Rules Committee other rule-related changes with respect to eliminating the requirement for advance approval of study groups.

**Oldham** reported on progress with Legislative and Rules Committee goals set originally at its October 2011 planning meeting. **Oldham** added that the first, looking at child custody guidelines development, has not happened, but should be kept on the plate to help with reducing the number of complaints in that area. **Oldham** said that the second goal, semi-independent state agency status, now has movement at the Governor's Office, with no need for further action now.

**Oldham** continued that the third goal, moving toward two-year licensure for LCSWs, appeared to have consensus support and would thus move forward into the planning stages and become the key ingredient in the 2012 rulemaking of the Board. Board members agreed, and directed staff to begin planning for conversion of LCSWs to two-year licensure beginning in January 2013.

**Oldham** discussed with the Board the main legislative goal, the Board's legislative concept for 2013. **Pittioni** briefly reported on the meeting held with mostly state agency stakeholders on April 5, 2012, to review the concept and the neutral to positive reception there. Board members reviewed the current text of the concept with focus on the definition of the clinical scope of practice in subsection 5 of the published draft proposal, and agreed to add language at the end of that subsection to specify that the practice of clinical social work also includes the supervision of the services identified in that subsection.

- i. Zancanella moved to approve the revised draft for introduction as a legislative concept into the executive branch review process, and to disseminate this draft for further discussion with stakeholders.*
- ii. Henderson seconded.*
- iii. Motion passed unanimously.*

**Pittioni** added that he would focus his next stakeholder discussions on the addictions and dependency treatment community, because he had received indications that there appeared to be concerns within that community about the Board's proposal.

**Acting Chair Oldham** recessed the Board meeting for a break at 11:30 a.m.

5. MOVE TO EXECUTIVE SESSION:

**Acting Chair Oldham** reconvened the Board meeting at 12:00 p.m. , and Tucker joined the Board meeting in progress announced that the Board would now enter into Executive Session to conduct Board business, pursuant to ORS 192.660(2)(b)(f)(h)(i)(k). The Board entered into Executive Session at 12:01 p.m.

**Acting Chair Oldham** moved the Board out of Executive Session at 12:25 p.m.

6. COMMITTEE REPORTS (continued):

**Zancanella** presented the second portion of Consumer Protection Committee Report:

*In the matter of case #2011-10:*

- i. Zancanella moved to dismiss the case for no violation of rule or law.*
- ii. Lopez seconded.*
- iii. Motion passed unanimously.*

*In the matter of case #2011-13:*

- i. Zancanella moved to close the case.*
- ii. Custer seconded.*
- iii. Motion passed unanimously.*

*In the matter of case #2011-56:*

- i. Zancanella moved to dismiss the case for no violation of rule or law.*
- ii. Custer seconded.*
- iii. Motion passed unanimously.*

*In the matter of case #2011-58:*

- i. Zancanella moved to dismiss the case for no violation of rule or law.*
- ii. Lopez seconded.*
- iii. Motion passed unanimously.*

*In the matter of case #2011-59:*

- i. Zancanella moved to dismiss the case for no violation of rule or law.*
- ii. Custer seconded.*
- iii. Motion passed unanimously.*

*In the matter of case #2011-60:*

- i. Zancanella moved to dismiss the case for no violation of rule or law.*
- ii. Henderson seconded.*
- iii. Motion passed unanimously.*

*In the matter of case #2012-11:*

- i. Zancanella moved to dismiss the case for no violation of rule or law.*
- ii. Lopez seconded.*
- iii. Motion passed unanimously.*

*In the matter of case #2011-68:*

- i. Zancanella moved to close the case.*
- ii. Henderson seconded.*
- iii. Henderson, Lopez, Zancanella and Board Chair Oldham voted yes. Custer abstained.*
- iv. Motion passed.*

*In the matter of case #2011-11:*

- i. Zancanella moved to approve and adopt the settlement and Stipulated Final Order.*
- ii. Lopez seconded.*
- iii. Motion passed unanimously.*

*In the matter of case #2011-63:*

- i. Zancanella moved to dismiss the case for no violation of rule or law.*
- ii. Henderson seconded.*
- iii. Motion passed unanimously.*

**Tucker** left the Board meeting at 12:35 p.m.

7. APPROVAL OF CONSENT AGENDA:

**Acting Chair Oldham** requested review of the Consent Agenda as presented. Board members reviewed and edited the Consent Agenda.

- i. Zancanella moved to adopt the Consent Agenda as amended.*
- ii. Lopez seconded.*
- iii. Motion passed unanimously.*

8. PUBLIC COMMENT:

No member of the public was present to comment.

9. DIRECTOR'S REPORT/ BUDGET UPDATE:

**Acting Chair Oldham** requested that Director **Pittioni** present his report. **Pittioni** reported that given the extensive discussions during the planning meeting he would only report with an update on licensing and a financial status report. **Pittioni** added that during the period July 1, 2011 through March 31, 2012, the Board experienced a net growth of 234 licensees in its licensee base, to 4,507, with an additional 82 applicants in the pipeline. **Pittioni** concluded that based on those actual numbers, on a straight line projection basis the Board was on track to grow by 15% in its licensee base by the end of the 2011-13 biennium (June 30, 2013).

**Pittioni** provided a handout of Board financial data of the first eight months of the current 2011-13 biennium (July 2011 through February 2012) and reviewed the data with the Board. **Pittioni** reported that during that eight-month period the Board took in \$375,893 in revenue against \$409,780 in expenditures. **Pittioni** emphasized that the financial picture was beginning to show the effect of the contested case costs for the Board, resulting in a deviation from the usual picture of revenue levels matching expenditure levels. **Pittioni** explained that effectively this meant that the Board's cash reserves were functioning exactly as intended for a health regulatory board - ensuring the ability of the Board to protect the public and pursue contested cases when the Board deems that route appropriate and necessary.

10. OLD BUSINESS:

**Acting Chair Oldham** reported that the Board continued to have one public member vacancy, and one professional member vacancy. **Pittioni** added that the next opportunity for the Governor's Office to send appointments to the Senate would occur in early May.

11. NEW BUSINESS:

**Acting Chair Oldham** reported that the Board needed to formally elect new leadership after the resignation of former Board Chair **Price**, and would need to do so again at its June 2012 meeting based on the regular leadership election cycle provided by rule.

**Acting Chair Oldham** requested nominations for Chair of the Board.

- i. Custer nominated Oldham to serve as Chair.*
- ii. Lopez seconded the nomination.*  
*Acting Chair Oldham inquired if there are any other nominations. No other nominations were presented. Oldham called the vote on the nomination.*
- iii. Nomination of Oldham to serve as Chair passed unanimously.*

**Chair Oldham** requested nominations for Vice Chair of the Board.

*i. Oldham nominated Zancanella to serve as Vice Chair.*

*ii. Lopez seconded the nomination.*

*Chair Oldham inquired if there are any other nominations for Vice Chair. No other nominations were presented. Oldham called the vote on the nomination.*

*iii. Nomination of Zancanella to serve as Vice Chair passed unanimously.*

**Chair Oldham** discussed with Board members the opportunity for a rare live training on June 12, 2012, by the Department of Justice on Public Law for Board and Commission members. **Pittioni** requested that Board members identify their interest as soon as possible so that seats can be reserved and paid for. **Custer** and **Henderson** indicated interest and availability.

**Chair Oldham** asked Board members to provide direction to **Pittioni** for development of the 2013-15 Agency Budget Request, with respect to what type of request the Board would like to be prepared for a second staff position in the compliance unit. Board members discussed the matter and directed **Pittioni** to request a second position on a full-time basis. **Pittioni** reminded Board members that such a request would need to be coupled explicitly to the Board being committed to raise fees in 2015 to show a sustainable funding stream for the position. Board members agreed.

**Chair Oldham** asked Board members to consider the issue of development of a CSWA supervisor evaluation tool to be completed by CSWAs after conclusion of their CSWA program. **Zancanella** voiced her strong support and indicated she would find some existing supervisor survey tools that could be modified for this purpose.

12. CORRESPONDENCE:

**Chair Oldham** asked Board members to review the correspondence from the Association of Social Work Boards (ASWB) regarding renewal of the three-year contract beginning July 1, 2012, between the Board and ASWB for administration of the social work national competency examinations. Board members reviewed and discussed the document and directed **Pittioni** to proceed with the contract renewal.

**Tucker** joined the Board meeting at 1:09 p.m.

13. RETURN TO EXECUTIVE SESSION:

**Chair Oldham** moved the Board meeting back into Executive Session to conduct Board business, pursuant to ORS 192.660(2)(b)(f)(h)(i)(k). The Board entered into Executive Session at 1:10 p.m.

**Oldham** moved the Board out of Executive Session at 1:24 p.m.

14. COMMITTEE REPORTS (continued):

**Zancanella** presented the third portion of Consumer Protection Committee Report:

*In the matter of case #2011-07:*

*i. Zancanella moved to issue a Notice of Proposed Disciplinary Action that includes:*

- (2) Violations of OAR 877-030-0070(1)a*
- (1) Violation of OAR 877-030-0070(1)b*
- (1) Violation of OAR 877-030-0070(1)c*
- (1) Violation of OAR 877-030-0070(1)e*
- (1) Violation of OAR 877-030-0070(23)*
- (1) Violation of OAR 877-030-0070(24)*
- (1) Violation of OAR 877-030-0070(2)*
- (1) Violation of ORS 675.540(1)e*

*And Assess the Following Sanctions, Pursuant to Authority under ORS 675.540(1)(f),(2)(a),(2)(b),(2)(c) and 675.595(5)(7)(8)(9):*

- (1) Suspend the Respondent's License to practice social work for (1) year.*
- (2) Assess a civil penalty of \$3,000.00 for each of the aforementioned violations, for a total civil penalty of \$27,000.00*
- (3) Upon return from licensure suspension, and contemporaneous with the issuance of any Order returning Respondent to active licensure, Respondent shall be on Probation for a period of two (2) years that includes supervision as required by the Board and completion of an additional twelve (12) hours of CE in the area of ethics and boundaries.*
- (4) Assess against the Respondent, the Board's costs of this disciplinary process, including the Board's legal and hearing costs, pursuant to ORS675.595(20).*

- ii. Custer seconded.*
- iii. Motion passed unanimously.*

15. REVIEW AND DISCUSSION OF APPLICANT FILES (Special reviews):

**Chair Oldham** asked Board members to review the application to return to active licensure of **Adrian Navarro**. **Pittioni** discussed the matter with Board members.

- i. Custer moved to approve the application of Navarro to return to active licensure.*
- ii. Lopez seconded.*
- iii. Motion passed unanimously.*

16. ANNOUNCEMENT AND ADJOURNMENT:

Chair Oldham adjourned the Board meeting at 1:35 p.m., and thanked Board members for their hard work over the past two days.

Respectfully submitted,

SIGNATURE ON FILE

Martin Pittioni  
Executive Director