

MINUTES - APPROVED

STATE BOARD OF CLINICAL SOCIAL WORKERS

Tuesday, June 9, 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
Mark Troseth

Board Member Absent: Sara Dehaan (excused)

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

Staff Members Present: Martin Pittioni, Executive Director

1. CALL TO ORDER

Chair Oldham called the Board Meeting to order at 12:30 p.m. and noted that Board member Dehaan was excused.

2. REVIEW/APPROVAL OF AGENDA

The Chair requested that the Board add rules development process for rules effective January 1, 2010, to the new business agenda, and add a clarification of the board policy regarding the 2-year window to pass the ASWB examination to the old business agenda. The Chair further requested that the matter of Andrea Birchman be added to Special Reviews. Rasmussen moved to add the three Chair-requested items to the agenda. Troseth seconded. The motion passed unanimously.

3. APPROVAL OF MINUTES

Board members reviewed draft minutes for the March 10, 2009 meeting of the Board. Board members discussed whether the paragraph describing Board policy relative to ASWB exam repeaters needed revision or reflected the Board's discussion accurately. Board members ultimately agreed that the draft

text was an accurate reflection of Board policy. Price moved to adopt the March 10, 2009 minutes of the Board as presented. Rasmussen seconded. The motion passed unanimously.

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). Zancanella seconded. The motion passed unanimously. The Board entered executive session at 12:45 p.m.

Price moved to exit executive session. Brooks seconded. The motion passed unanimously. The Board re-entered public session at 1:37 p.m.

5. COMMITTEE REPORTS

Oldham advised that the Board's Impaired Professional's Committee had no report for public session, and requested that CPC Chair Price present the CPC report.

Price moved to dismiss case 2008-15 for no violation of rule or law. Troseth seconded. The motion passed unanimously.

Price moved to dismiss case 2009-01 for no violation of rule or law. Troseth seconded. The motion passed unanimously.

Price moved to dismiss case 2009-15. Brooks seconded. The motion passed unanimously.

Rasmussen reported on CE committee actions. Rasmussen advised that the CE committee had no cases requiring Board action.

6. APPROVAL OF CONSENT AGENDA

Troseth moved to approve the Consent Agenda as amended. Zancanella seconded. The motion passed unanimously.

7. PUBLIC COMMENT

No public comment was received.

8. ADMINISTRATOR'S REPORT AND BUDGET UPDATE

Chair Oldham formally announced passage of the Board's Senate Bill 177 and thanked Pittioni for his efforts in achieving this milestone for the Board. Pittioni reported that the early efforts of crafting a consensus and the Board's willingness to compromise on the reach of the bill by limiting mandatory

licensure to the practice of clinical social work, and the very careful crafting of exemptions to the practice act, all contributed to the success, and to smooth consideration of the bill on the House side.

Pittioni also reported that the Boards budget and fee bills, Senate Bill 5508 and 5509 respectively, had passed their final legislative vote on the House on May 13 and were signed into law by the Governor on May 26. Pittioni advised that HB 2345 was moving to the Senate floor and, if passed, would present the Board with a key policy decision as to whether to shut down its impairment program by June 30, 2010 or whether to transition its program to a standardized DHS-run program that would be mandatory for any health regulatory board that would want to run an impairment program on or after July 1, 2010.

Pittioni advised he is increasing outreach to future licensees by doing presentations at schools, including the Salem-distance learning cohort of Portland State University's (PSU) MSW program, and a presentation at PSU. Pittioni also briefly reported on his outreach to the NASW Ethics Committee.

9. OLD BUSINESS

Chair Oldham requested the Board take up final consideration and possible adoption of the Board's proposed rule changes for Division 1, 30, 35 and 40, with an effective date of July 1, 2009. Counsel Martin advised that the Board should consider a separate motion on each rule division proposed to be amended.

Rasmussen moved to adopt the proposed rule changes for Division 1 of the Board's proposed rules. Price seconded. The motion passed unanimously.

Rasmussen moved to adopt the proposed rule changes for Division 30 of the Board's proposed rules. Brooks seconded. The motion passed unanimously.

Rasmussen moved to adopt the proposed rule changes for Division 35 of the Board's proposed rules. Price seconded. The motion passed unanimously.

Price moved to adopt the proposed rule changes for Division 40 of the Board's proposed rules. Zancanella seconded. The motion passed unanimously.

Chair Oldham requested the Board take up final consideration and possible adoption of the Board's new proposed rule in Division 20 for Semi-Retired Licensees.

Pittioni requested that the proposed rule language be modified slightly to clarify the Board's intent that the reduction of CE requirements for this group of semi-retired licensees would not trigger a pro-rated reduction in the CE ethics requirement or supervision CE requirement. Rasmussen moved to adopt the Board's new proposed rule in Division 20 reducing the licensing requirements for semi-retired licensees, as amended. Price seconded. Chair Oldham requested that Pittioni file the new rules and rule changes just adopted by the Board with the Secretary of State and Legislative Counsel. Pittioni stated he would do so no later than Monday, June 15, 2009.

Chair Oldham requested the Board now move to consideration of the Supervision Booklet Updates.

Troseth volunteered to send typographical corrections to Oldham. Oldham advised that finalizing the booklet would also benefit from an explicit policy statement by the Board regarding those who do not manage to pass the ASWB exam within two years of exam eligibility. Oldham added that that was one reason why he had requested that such an explicit statement be added to the agenda. Board members agreed that their prior discussions of this topic ultimately concluded that those reaching the two-year mark of inability to pass the ASWB exam would need to start over in their CSWA process, and that this should be reflected clearly in the Supervision booklet.

10. NEW BUSINESS

Oldham advised that OAR 877-010-0010 requires that the terms of the Board Chair and Vice Chair expire at the first meeting in each fiscal year, and that therefore the Board now faced an election for Board officer positions. Oldham added he would not serve as a candidate for Chair. Oldham reported that there is continuing uncertainty as to whether he would be eligible for re-appointment given the legislative developments. Pittioni clarified that House Bill 2118 is one of several bills standardizing Board operations and is just now becoming unstuck in Ways and Means and still faced a journey to the House floor and Senate floor. Pittioni added that the bill's provision would include a re-write of the Board's ORS 675.590 that would remove the current language limiting Board member re-appointments to one consecutive term. Pittioni added that it was anticipated but not yet certain that the language in HB 2118 would include conflict amendments that would override other bills' rewriting of ORS 675.590.

Oldham re-iterated that he would not serve as a candidate for a Board officer position and opened the nomination process. Price moves to nominate Rasmussen for the Board Chair position for the next fiscal year beginning July 1, 2009. Troseth seconded. Oldham inquired if there were other nominations for Chair. No other nominations were proposed. Oldham closed the nominations. The motion passed unanimously. Board members congratulated Chair-elect Rasmussen.

Oldham opened the nomination process for Board Vice-Chair. Rasmussen moved to nominate Price. Troseth seconded. Oldham inquired if there were other nominations for Vice-Chair. No other nominations were proposed. Oldham closed the nominations. The motion passed unanimously. Board members congratulated Vice-Chair-elect Price.

Chair Oldham then requested that the Board address the added new business item of the process for rules development for those rules effective January 1, 2011. Pittioni added that with passage of Senate Bill 177, portions of which would become law on January 1, 2011, and other bills amending Board statutes as of the same date, it was critical to begin the planning process. Board members agreed and determined that this would be a key focus of the October planning meeting. Board members agreed that implementation of Senate Bill 177 was a huge task with work taking place at each Board meeting.

11. CORRESPONDENCE

No correspondence was reviewed.

12. REVIEW AND DISCUSSION ON APPLICANT FILES AND SPECIAL REVIEWS

The Board discussed the matter of Jayotta Jefferson Feimoefiafi, who requested an economic hardship waiver of 21.5 hours of CE. Board members noted that the CE question was moot as OAR 877-020-0030(2) does not provide the Board authority to act on a license renewal application more than 30 days after the end of the applicant's birth month. Board members advised Pittioni that notwithstanding Ms. Feimoefiafi's economic circumstances there simply was no other option than for her to apply for re-instatement of her license.

Board members discussed the matter of Debra O. Garcia, and reviewed her study Plan with her request to re-test for the ASWB exam. Board members determined that she has until July 2010 to pass the ASWB test, and that she needs supervision as of July 1, 2009.

Troseth advised that this case raises the issue of the Board's interpretation of OAR 877-020-0008(5)(a). Troseth proposed the following clarification and guidance for staff regarding the two-year window discussed in the referenced OAR, to be reflected in minutes and Board policy: For any CSWA who was authorized to take the ASWB exam before July 1, 2008, i.e. prior to the effective date of that rule, the two-year window date starts on July 1, 2008. For those CSWAs who were authorized to take the exam after July 1, 2008, the two year window applies from the date the Board first authorized taking of the ASWB exam. Troseth moved that the board so resolves its interpretation of OAR 877-020-0008(5)(a). Brooks seconded. The motion passed unanimously.

Board members discussed the matter of Canh Nguyen, who requested an extension of time to take the ASWB test, and requested an ESL time extension of 2 hours to take the exam.

Board members questioned the origins of the current six-month increment practice for exam taking authorizations. Oldham pointed out that ASWB already imposes a 60-day waiting period between examinations. Oldham advised that the Board's clarification of its two-year policy in OAR 877-020-(5)(a) combined with ASWB's practice of the 60-day waiting period should translate into no need for further Board involvement and no need to maintain the 6-month authorization approach. Oldham stated that as such it would seem sufficient to simply have a 2-year authorization to take the exam in place. Oldham added that this would not impact the need for those who fail the examination twice to receive Board permission to re-take the exam, pursuant to the provisions of OAR 877-020-0008(5)(b). Board members agreed with this approach.

Rasmussen moved to approve the 2-hour ESL extension to take the ASWB exam requested by Canh Nguyen. Price seconded. The motion passed unanimously.

Board members then discussed the matter of the renewal Andrea Birchman, who requested to go to inactive status. Board members reviewed her application for renewal and determined that Ms. Birchman had submitted a signed statement on the renewal form that she is engaged in the practice of clinical social work. Oldham directed Pittioni to have staff write to Ms. Birchman to clarify that, based on her statement she was practicing clinical social work, OAR 877-020-0046(1) provides that she was not eligible for transition to inactive status. Oldham advised that staff should work with Ms. Birchman on a regular active license renewal.

Chair Oldham then addressed the matter of Mr. Robert E. Weber, a licensee with 8 years of active clinical practice followed by 7 years of inactivity, who now wants to enter private practice and regain active license status. Oldham questioned why Mr. Weber appeared on the Board's consent agenda since OAR 877-020-0055(2) and (3) would require a Board determination of possible conditions placed on return to active status.

Brooks moved to remove Robert Weber from the Board-approved consent agenda. Zancanella seconded. The motion passed unanimously.

Board members then discussed the conditions to be put on Mr. Weber's return to active status. Troseth pointed out that OAR 877-020-0055(4) required at minimum taking and passing of the Oregon exam for those inactive for more than 36 months prior to returning to active status. Board members discussed that Mr. Weber would need to complete 40 hours of CE including the now required six hours of ethics, in addition to passing of the Oregon exam. Board members discussed that once those two requirements were met, that under the authority provided the Board under OAR 877-020-0055(3) Mr. Weber could be faced with a condition that his return to active licensure take place under supervision for six months, with a possibility for extension. Staff was advised to work with Mr. Weber to get his criminal background check, Oregon test and CEs completed, and then the matter would need to return to the Board for a determination if supervision would be imposed as a condition upon reactivation.

Board members determined that the reactivation requests for Mann and McCarthy had been properly disposed by means of the Board's approved Consent Agenda.

13. ANNOUNCEMENTS AND ADJOURNMENT

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

Respectfully submitted,



Martin Pittioni
Executive Director

**State Board of Clinical Social Workers
Consent Agenda as Amended
June 9, 2009**

LCSW New Applications (6)

DANA L. EVANS
SANDRA J. LEDET
MELISSA K. LIND
ELIZABETH W. MONTSERAT
LINDA G. ROSE
SHANNON KELLIM YOUNG

CSWA New Applications (15)

RUSTIE ANDERSON
TRACIE R. CHAMBERS
TINA A. COREY
ASHLEY COX
SARAI ENGEL
JAMES KOO
JACOB MAINS
ALEJANDRO MARTINEZ
TASHA MINIZEWSKI
EMILY C. MORDEN
MALIA PARECKI
CARL EUGENE ROBERTS
DANIEL A. TURANO
AMY ROSE WHITE
JASON WILEBSKI

CSWA Plan Completions (7)

DEBORAH KELLING
HANNA JORDAN
JOHN SHERIDAN
CAROLYN JONES
JANET MARTIN
NINA RYDERS
JASON WILEBSKI

CSWA Plan Modifications (9)

SARA R. BROWNELL
ATHENA C. DOREY
NOAH KRESSEL
LISA LOEWENTHAL
JESUCITA MORALES VASQUEZ
MELISSA K. MULDER
MARK PECHOVNIK
LEXY VANORIO
KATHERINE WARGO

CSWA Candidate (13)

Revised Plan
HECTOR ALEMAN JR
SHANNA BUTLER
CHERIE CALEWART
CATHERINE DARAE
CARLA GERBER
CINDY HACKETT
ANNE-SOPHIE HOUDEK
KIMBERLY HYAM
MICHAEL NEIMAN
JAMIE NEWELL
MARY C. PASQUESI
DOUGLAS RUTH
SARA K. WIRKKALA
SHEILA YATES

Approved Continuing Ed # Hours

LAURIE BAIRD	10
ROSEMARY BEACHY	10
LINDA BLANDY	2.0
G. DIANE KELLY	4.0

(pending receipt of completion certificate)

Reactivation of License (2)

BERNICE B. MC CARTHY
CAROLYN M. MANN

ORS 676.165(4) Extensions approved for the following Consumer Protection Cases: (22)

2007-33	2008-16	2008-31
2008-32	2008-36	2008-37
2008-38	2008-41	2008-42
2008-46	2009-02	2009-03
2009-04	2009-05	2009-06
2009-07	2009-08	2009-09
2009-10	2009-11	2009-12
2009-13		

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.

 6/9/09
Board Executive Director Date