

APPROVED MINUTES

STATE BOARD OF CLINICAL SOCIAL WORKERS

Tuesday, December 8, 2009

Second Floor Conference Room

3218 Pringle Road SE – Salem, OR 97302

Board Members Present: Becky Rasmussen, Chair
Cheryl Price, Vice-Chair
Mark Oldham
Carol Copley Zancanella (attending by phone)
Simone Brooks
Mark Troseth

Board members absent: Sara Dehaan (excused)

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

Staff Members Present: Sancha Alley
Pam Johansen
Christopher Montenaro (until 1:00 p.m.)
Martin Pittioni

Members of the Public: Nancy Wilms (from 1:22 p.m. on)

1. CALL TO ORDER

Chair Rasmussen called the Board Meeting to order at 11:51 a.m.

2. REVIEW/APPROVAL OF AGENDA

Board members reviewed the draft meeting agenda. Pittioni requested addition of special review cases Patricia Blondo, Jose A. Del Hoyo, Kristen Warden Doherty, Sara Petersen and Steven Tucker. Chair Rasmussen advised that it was her intent to delay item 6 on the draft agenda for New Business items, policy development for ASWB repeated test failures, and consider that as part of development of the new 2011 rules related to licensure. Price moved to adopt the agenda as amended by addition of the special review cases and deletion of item 6 under New Business. Troseth seconded. The motion passed unanimously.

Troseth requested delay of the Approval of Minutes agenda item until after Executive session. Board members agreed.

3. MOVE TO EXECUTIVE SESSION

Chair Rasmussen announced that the Board would now enter executive session to conduct board business under the authority of ORS 192.660(2)(b)(f)(h)(i)(k). The Board entered executive session at 11:59 a.m.

The Board re-entered public session at 1:22 p.m. Chair Rasmussen introduced a member of the public, Nancy Wilms, who identified herself as liaison from NASW-Oregon. Board members and staff present introduced themselves and welcomed Ms. Wilms.

4. COMMITTEE REPORTS

Chair Rasmussen requested reports from the committees.

Consumer Protection Committee (CPC) Chair Price moved to dismiss case 2009-21 for no violation of rule or law. Troseth seconded. The motion passed unanimously.

Price moved to approve and adopt the Stipulated Final Order in case 2009-33. Brooks seconded. The motion passed unanimously.

Price moved to dismiss case 2009-30 for no violation of rule or law. Troseth seconded. The motion passed unanimously.

Impaired Professionals Committee Chair Oldham moved to close IMP case file 2008-44. Troseth seconded. The motion passed unanimously.

Continuing Education Committee Chair Oldham reported approval of two programs for continuing education hours, and approval two study groups.

5. APPROVAL OF CONSENT AGENDA RESUME HERE

Oldham moved to approve the Consent Agenda as amended. Brooks seconded. The motion passed unanimously.

6. PUBLIC COMMENT

No public comment was received.

7. ADMINISTRATOR'S REPORT/ BUDGET UPDATE

Pittioni briefed the Board on his meeting with Legislative Fiscal Office Analyst Tim Walker, newly assigned Department of Administrative Services Budget Analyst Tamara Brickman, and Department of Board Meeting Minutes for December 8, 2009

Administrative Services Board accountant Lora Carson, to plan for the fiscal implementation of Senate Bill 177. Pittioni advised that a tentative goal had been set for a September 2009 E-Board visit to fulfill the SB 5508 budget note directive to return to the Legislature should SB 177 pass, to adjust expenditure authorization and authorize new fees. Pittioni added that any expenditure increases resulting from E-Board action affecting the 2011-13 biennium would be added to the Board's agency request budget for 2011-13 due to be submitted in July 2010.

Pittioni briefly reported on the release of the latest state revenue forecast for the current biennium.

Pittioni reported that staff had completed all steps to re-register with the U.S. Department of Health and Human Services HIPDB disciplinary database. Pittioni added that staff will work to confirm with ASWB, the reporting agent for the Board with respect to HIPDB, that data uploads by ASWB to HIPDB have been successfully resumed.

8. OLD BUSINESS

Pittioni advised the Board that the Board's Notice of Proposed Rulemaking Hearing had been filed timely with the Secretary of State on November 13, 2009. Pittioni added that the mailings to legislators and rulemaking interested parties had been completed before Thanksgiving, including an e-mail or postcard notification to each licensee of the Board.

9. NEW BUSINESS

Chair Rasmussen opened a discussion with Board members on outreach to NASW. Oldham reported that in his participation in a NASW committee of NASW ex-presidents, he had discussed with Tom Hogan coordination with NASW of two open forums in April and May 2010. Oldham added that the idea was to use these events to engage the broad social work community, including MSWs and BSWs not currently licensed by the Board, to engage them in the discussion of implementing SB 177. Price added it would be helpful to add outreach to Walla Walla BSWs when the Board meets in Pendleton in April. Board members agreed that outreach as proposed in coordination with NASW would be a positive step.

Chair Rasmussen requested the Board discuss possible 2011 legislative concepts, and asked Pittioni to present options to the Board. Pittioni explained that the Board would not need to make any final decisions regarding legislative initiatives for the 2011 until the March 2010 Board meeting, but that in the aftermath of Senate Bill 177 it would be prudent to tackle this early. Pittioni added that it had become clear that concerns remain in some portions of the stakeholder community regarding the intent of the Board. Specifically, Pittioni advised that concerns remain if the Board would use rule writing to expand its authority beyond the framework of Senate Bill 177, or if the Board is not committed to the compromise reflected in the bill and instead has a full practice act in mind. Pittioni recommended that the Board consider the step of writing to the Governor's office that it had no intent of seeking any legislation in 2011 that would expand the Board's regulatory authority, and re-state the Board's commitment to the compromise in Senate Bill 177. Board members discussed the matter. Chair

Rasmussen observed that there was clear consensus that the Board has its hands extremely full with implementing Senate Bill 177 and House Bill 2345 and has no intentions or plans to expand its regulatory authority, including by means of legislation in 2011. Rasmussen authorized Pittioni to write to the Governor's Office on behalf of the Board to advise that the Board would not seek any legislative concept expanding its authority in the 2011 session.

Pittioni then asked the Board to provide guidance regarding possible legislative concepts on the issue of board composition, specifically on how to deal with the fact that in 2011 the Board would begin to govern those who start becoming licensed voluntarily under new non-clinical LMSW and RBSW licensure and registration programs. Pittioni added that the difficulty was that there was no way of predicting how many of these licensees would ultimately come under jurisdiction of the Board. Board members discussed the matter and agreed it would be better to wait until the 2013 session to develop a legislative concept adjusting board representation, because at that point the Board will have a far better idea of how many non-clinical licensees will be under its jurisdiction. Rasmussen observed that in her opinion this approach would also not negatively impact the public protection mission of the Board.

Chair Rasmussen asked Pittioni to update the Board on progress for a Board newsletter. Pittioni advised he hoped to get to this very soon and asked Board members to respond quickly when a draft article is sent for review.

Chair Rasmussen discussed timeline development for Senate Bill 177 implementation with the Board. Board members discussed beginning a review of a rough shell document identifying rules and policy issues that would need to be discussed and decided by the Board, in consultation with its stakeholders. Rasmussen advised that there was no way the Board could get through all the planning and policy development issues within one planning meeting in April. Rasmussen proposed that the February Board meeting be dedicated to review in depth of Senate Bill 177 implementation issues. Rasmussen added that the product of the February meeting would then be used to begin outreach, including inviting stakeholders to an initial Rules Advisory Committee meeting as well as conducting separate meetings with stakeholders. Rasmussen added that the February Board meeting would thus likely feature only a brief executive session and committee reports beyond the main planning tasks.

Rasmussen proposes to then use the March meeting to address remaining issues in the SB 177 planning and draft rules document, and then begin open forums co-sponsored with NASW in April and May. Board members discussed the idea of a public comment period on Thursday April 8 for Eastern Oregon licensees and potential future licensees. Troseth asked what the end goal would be for having proposed draft rules developed for introduction in the rulemaking process. Rasmussen advised the goal would be authorizing a rulemaking hearing notice at the June 2010 Board meeting, after consultations with stakeholders had been completed. Rasmussen added this would then open the process to an additional Rules Advisory Committee Meeting before adoption of final rules by October 2010. Pittioni added this would dovetail very well with the planned Legislative Emergency Board visit in September 2010. Rasmussen added that this also would mean a separate rules development process and Rules Advisory Committee Meeting for implementation of House Bill 2345, transitioning the monitoring program function to the Department of Human Services. Pittioni added this HB 2345

process must be completed by July 1, 2010. Board members discussed and agreed to the timeline proposals as presented.

10. CORRESPONDENCE

Pittioni reported to the Board communication from Susie Snyder, LCSW, requesting more flexibility in Board requirements for total work and face-to-face hours, specifically in cases of CSWAs who work part time and have received 4+years of supervision. Pittioni reported that in these cases Ms. Snyder would favor a relaxation of the total number of hours required to achieve LCSW licensure. Board members discussed the matter. Staff advised that approach in other states to this issue varies. Board members agreed to discuss this issue further as the Board works to redesign its licensure program for 2011 as part of implementing Senate Bill 177.

11. APPROVAL OF MINUTES

Board members reviewed the presented draft minutes for the Board's October 9, 2009 planning meeting. Oldham moved to adopt the Board planning meeting minutes for October 9, 2009, as amended. Troseth seconded. The motion passed unanimously.

Board members reviewed the presented draft minutes for the Board's October 10, 2009 meeting. Brooks moved to adopt the Board meeting minutes for October 10, 2009, as amended. Troseth seconded. The motion passed unanimously.

Board members reviewed the presented draft minutes for the Board's November 10, 2009 meeting. Price moved to adopt the Board meeting minutes for November 10, 2009, as amended. Troseth seconded. The motion passed unanimously.

12. REVIEW AND DISCUSSION ON APPLICANT FILES AND SPECIAL REVIEWS

Board members reviewed the request to sit for the ASWB examination by Patricia Blondo. Oldham moved to approve Blondo's request. Troseth seconded. The motion passed unanimously.

Board members reviewed the request to sit for the ASWB examination by Jose A. Del Hoyo. Oldham moved to approve Del Hoyo's request. Brooks seconded. The motion passed unanimously.

Board members reviewed and discussed requests to return to active status from inactive status.

Oldham moved that Kristen Warden Doherty's request to return to active status be approved contingent upon passing the Oregon test, submission of 20 hours of CE and a proposed supervision plan for one year, evidencing monthly supervision meetings, and requiring quarterly supervision reports from supervisor, with the supervisor having access to all records of practice during the supervision period. Troseth seconded. The motion passed unanimously.

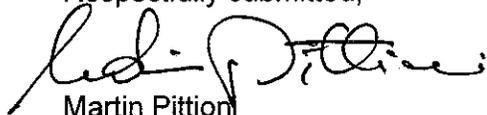
Oldham moved that Sara Petersen's request to return to active status be approved contingent upon passing the Oregon test, submission of 20 hours of CE and a proposed supervision plan for one year, evidencing monthly supervision meetings, and requiring quarterly supervision reports from supervisor, with the supervisor having access to all records of practice during the supervision period. Troseth seconded. The motion passed unanimously.

Oldham moved to approve the request to return to active status by Steven Tucker. Brooks seconded. The motion passed unanimously.

13. ANNOUNCEMENTS AND ADJOURNMENT

Chair Rasmussen adjourned the meeting at 3:20 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Martin Pittion". The signature is written in a cursive style with a large initial "M".

Martin Pittion
Executive Director