

## APPROVED MINUTES

### STATE BOARD OF LICENSED SOCIAL WORKERS

Tuesday, August 10, 2010

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  
Sara Dehaan  
Mark Troseth

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

Staff Members Present: Martin Pittioni  
Christopher Montenaro (until 2:00 p.m.)  
Aaron Bales  
Kimberly Sommer (until 8:55 a.m.)

#### 1. CALL TO ORDER

Chair Rasmussen called the Board Meeting to order at 8:47 a.m. Rasmussen recognized and introduce to the Board new staff member Kimberly Sommer, Office Specialist, and Aaron Bales, temporary investigator. Board members and new staff introduced themselves.

#### 2. REVIEW/APPROVAL OF AGENDA

Rasmussen requested that approval of meeting minutes be removed from the agenda and considered at a possible August 31, 2010 Board conference call, with the latter issue to be discussed during the third item under "old Business." Troseth moved to adopt the agenda so amended. Dehaan seconded. The motion passed unanimously.

#### 3. APPROVAL OF MINUTES

No minutes were approved.

4. 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 9:05 a.m.

The Board re-entered public session at 1:14 p.m. Chair Rasmussen recessed the Board meeting until 1:30 p.m.

5. COMMITTEE REPORTS

Chair Rasmussen reconvened the Board meeting at 1:33 p.m. and requested reports from the committees.

Consumer Protection Committee (CPC) Chair Price moved to dismiss case 2010-23 for no violation of rule or law. Troseth seconded. The motion passed unanimously.

Price moved to dismiss case 2010-20 for no violation of rule or law. Troseth seconded. The motion passed unanimously.

Price moved to dismiss case 2010-15 for no violation of rule or law. Oldham seconded. The motion passed unanimously.

Price moved to close case 2010-12. Zancanella seconded. The motion passed unanimously.

Price moved to close case 2010-07. Oldham seconded. The motion passed unanimously.

Price moved to close case 2009-57 for no violation of rule or law. Troseth seconded. The motion passed unanimously.

Price moved to dismiss case 2010-21 for no violation of rule or law. Dehaan seconded. The motion passed unanimously.

Price moved to close case 2009-35. Oldham seconded. The motion passed unanimously.

Price moved to close case 2009-39. Troseth seconded. The motion passed unanimously.

Price moved to release case information in Board case 2010-11 to the Board of Medical Examiners, under the authority of ORS 676.177(1). Oldham seconded. The motion passed unanimously.

CE Committee Chair Oldham reported that the CE committee had approved eight CE requests, and had request more information in three cases. Oldham added the CE committee was not bringing any requests for denial of CE credit to the Board for consideration.

6. APPROVAL OF CONSENT AGENDA

Oldham moved to adopt the Consent Agenda as amended. Price seconded. The motion passed unanimously.

7. PUBLIC COMMENT

No member of the public was present to comment.

8. EXECUTIVE DIRECTOR REPORT

Pittioni reported that based on figures provided by the Department of Administrative Services, for the Fiscal Year 2010 covering the 12-month period ending June 30, 2010, the Board had expenditures of \$451,802, about \$14,000 below the approved expenditure limitation for the biennium on a prorated basis approved for the Board by the Legislature for the 2009-11 biennium. Pittioni clarified that the \$41,000 shown on the report as licensee fees swept from the Board's account by the Oregon State Legislature did not count against the expenditure limitation approved by the Legislature for the Board for 2009-11. Pittioni added that the Board had \$487,573 in revenues for the same period.

Pittioni reported briefly on the Governor's Reset Committee work group, and the monthly meeting of health regulatory board directors with Claudia Black, health policy advisor to the Governor.

9. OLD BUSINESS

Chair Rasmussen asked Troseth to guide the Board through the next stage of discussion regarding the Board's proposed rules to implement Senate Bill 177 (2009) and House Bill 2345 (2009).

Troseth reminded Board members that the proposed fee rule was on a slightly different rulemaking schedule, as the fee portion had been excised out of the Board's proposed rules and authorized at the July Board meeting for filing of a Notice of Proposed Rulemaking Hearing by August 13, 2010. Pittioni added he had not filed the Notice until further discussion regarding the fee rule could occur at this Board meeting. Troseth discussed with the Board possible fee rule language regarding inactive licensees, and specific rule language options should the Board approve in the final version of adopted rules changing the current annual licensure of LCSWs in favor of a 2-year licensure.

Troseth discussed a suggestion from the Board's Rules Advisory Committee as to whether or not to add language to the Board's proposed rules to include medical records management companies as eligible records custodians to provide licensees with additional options to comply with the record keeping and designated records custodian requirements in OAR 877-030-0100. Board members directed Pittioni to research this issue further.

Troseth and Pittioni discussed possible changes in the CSWA program in the Board's proposed rules, specifically with respect to permitting CSWAs to sit for the national clinical examination administered by the Association of Social Work Boards sooner than at the end of their supervised CSWA program. Board members agreed to consider such a change, and requested Troseth to craft language to edit the proposed rules to reflect that the Board could authorize a CSWA to sit for the national examination upon completion of 75% of the required supervision hours in the CSWA's plan of supervision.

Troseth and Pittioni discussed with the Board the complications regarding the statutory language requiring an LMSW be issued prior to issuance of a LCSW license, unless the applicant for LCSW has a certificate as a CSWA issued on or before December 31, 2010. Pittioni requested that the Board consider moving toward some type of waiver language waiving fees for LMSW licensure for CSWAs who would otherwise be faced with paying for both LMSW and LCSW initial licensure fees at the end of their CSWA program. Pittioni was directed to approach Legislative Counsel to inquire if Legislative Counsel had the authority to make the technical change in statute given this appeared to be a drafting error that created the underlying problem.

Troseth discussed with the Board the remaining rulemaking schedule, and reminded the Board that the fee rule and the Board's proposed rules would be subject to a rulemaking hearing on September 21, 2010. Troseth and the Board discussed and agreed to call together another Rules Advisory Committee Meeting on Saturday, September 11, 2010, at 10 a.m.

Chair Rasmussen thanked Troseth for his work and reminded Board members that all Board members were expected to attend the Rulemaking Hearing at 8 a.m. on September 21, 2010, immediately prior to the Board meeting the same day. Rasmussen added that the Board members needed to plan for Executive Committee time to work on compliance cases on late Monday afternoon, September 20, 2010.

Rasmussen requested that Pittioni report on the Board's proposed 2011-13 budget. Pittioni reported he had submitted the 2011-13 Agency Request Budget as approved by the Board at its July 2010 meeting to the Department of Administrative Services (DAS) for executive branch review. Pittioni added that he remained in close communication with DAS regarding next steps in the process. Pittioni provided Board members with a copy of the Board's Performance Measure Report, updated with FY 2010 performance data, and briefly reviewed the performance measure report with the Board. Pittioni added that the report had been posted on the web site of the Board.

Chair Rasmussen reviewed the remaining 2010 Board meeting calendar with the Board. Rasmussen advised that at the next Board meeting, Executive Session would be handled first, and run from 4-6 p.m. on September 20, 2010, to be continued after conclusion of the Board's Rulemaking Hearing on September 21, 2010. Rasmussen added that the Board would meet for two days on October 22 and 23, 2010, in Salem, to conduct planning, and then would not meet in November. Rasmussen announced that the December 2010 Board meeting would then be moved up to the first Tuesday of December, December 7, 2010. The Board would then return to meeting on the second Tuesday of the month in January 2011.

10. NEW BUSINESS

Chair Rasmussen discussed communication strategy with Board members related to the Board's implementation of Senate Bill 177, and the continuing challenge of reaching out beyond the licensed community. Pittioni was directed to engage in outreach to the Board's stakeholders as much as limited resources would allow, in order to continue getting the word out to the social work community regarding the new laws and new regulations under development for 2011.

11. CORRESPONDENCE

Board members reviewed correspondence from licensee Stern-Kucha requesting a waiver of a portion of the requirements in Board rule for semi-retired reduced requirements for LCSW licensure renewal. Pittioni was directed to respond to the licensee that the Board had no waiver authority in OAR 877-020-0060.

12. SPECIAL REVIEWS

Rasmussen announced that the Board had no special reviews scheduled for this Board meeting.

13. ANNOUNCEMENTS AND ADJOURNMENT

Chair Rasmussen adjourned the Board at 3:32 p.m., and thanked Board members for their work.

Respectfully submitted,



Martin Pittioni  
Executive Director