

**DRAFT MINUTES (not approved)**  
**RULES ADVISORY COMMITTEE MEETING**  
**SATURDAY, NOVEMBER 7, 2009**

**Present:**               **Mark Troseth, Chair, Rules Committee of the Board**  
                              **Mark Oldham, Member, Rules Committee of the Board**

**Sarah Bradley**  
**Alan Burke (by phone)**  
**Paul Deutschlander (by phone)**  
**Simon Paquette (by phone)**  
**Heather Stilley**  
**Sandra Taylor**  
**Robert Tell**  
**Mary White**

**Board staff present:** **Pam Johansen**  
                              **Martin Pittioni**

**Absent (excused):** **Amy Baker**  
                              **Amy McDannald**  
                              **Kathy Outland**  
                              **Wendy Robinson**

**Public:**               **Herb Ozer**

Troseth convened the meeting at 10:02 a.m. and welcomed Rules Advisory Committee (RAC) members and thanked them for their service. All those present introduced themselves. Troseth reviewed Administrative Procedures Act provisions addressing the role of RACs in agency rule making, including the RAC role in advising the Board as to fiscal impact of its proposed rules.

Troseth reviewed agenda of topics for the meeting, as well as an outline of timeline regarding the Board's rulemaking plans. Troseth indicated that 1-2 RAC meetings were planned for winter and spring, and possibly an additional one in fall of 2010. Pittioni added that future meetings would be able to benefit from more advance notice, and that other RAC members unable to attend this initial meeting would be able to join the group then.

Troseth added that the body of work for the initial meeting was comparatively light with respect to much broader topics for discussion at future RACs that would need to work on implementing the more far-reaching provisions of Senate Bill 177 and House Bill 2345.

Stilley raised the issue of outreach to MSWs. Pittioni described the current outreach done via Board mailing lists, which captured only those MSWs that were licensed as LCSWs or CSWAs. RAC members discussed the issue and agreed that broad outreach for future RACs dealing with Senate Bill 177 rulemaking affecting those not currently licensed would need to be undertaken, and discussed possible options, including outreach to universities and key employers. Pittioni advised that the Board was also aware that outreach to the organized stakeholder community was also necessary before and during rulemaking for the more intensive rule making projects ahead in winter and spring 2010.

Troseth requested that the RAC first deal with the easier rule making topics on the agenda, and discussed OAR 877-025-0021. Troseth explained that this board rule currently requires each renewing licensee subject to report CE to submit a report to the Board. Pittioni added that as part of a streamlining initiative the Board is now proposing to eliminate this requirement, so that formal CE reports would have to be submitted only by those subject to a random CE audit. Pittioni said that all those subject to CE requirements for renewal would still need to attest their compliance with the CE requirements of the Board. Pittioni further explained that this initiative is also related to implementation of on-line renewals, planned for spring 2010, where asking licensees to type in a lengthy CE report on-line as part of renewals is inefficient and impractical. RAC members briefly discussed these issues and generally agreed with the proposal, and emphasized their preference for maintaining the CE audit timing to take place within the renewal process. Tell added that the proposal reminded him of the process in Illinois, which seemed to be working quite well.

Troseth then reviewed OAR 877-020-0030(4)(a), another rule impacting the renewal process by requiring licensees to attest that they have been actively engaged in the practice of clinical social work as part of the renewal. Troseth explained that the Board effectively already put a policy change in place to drop this requirement by requesting language as part of the Senate Bill 177 process, to eliminate this requirement. Troseth pointed to the language in Section 14 of Senate Bill 177 which amended ORS 675.560(4) to eliminate that requirement, and explained that the Board is now proposing to conform its rule to the new statutory language going into effect on January 1, 2010. Pittioni added that this is also part of the effort of the Board to streamline its renewal process and requirements. RAC members discussed the underlying policy rationale. Troseth explained that there is little sense in prioritizing board resources to police whether a given license was or was not actively practicing at the time they happen to renew. Pittioni added that the requirement pre-dated the establishment of a CE requirement to renew licensure. RAC members generally agreed with the Board's approach and rule proposal.

Troseth asked RAC members to review the Board's rule proposal with respect to accrediting organizations. Troseth explained that Sections 8 and 11 of Senate Bill 177 require the Board to independently recognize an accrediting organization by rule. Pittioni added that the intent of the Board is to specifically recognize both the U.S. organization, the Council on Social Work

Education (CSWE), as well as its Canadian counterpart, the Canadian Association for Social Work Education. RAC members briefly discussed the issue and raised the question of foreign degrees. Pittioni explained that CSWE had a foreign degree evaluation service whose work is recognized by the Board as current policy, and would likely write that into rule. RAC members agreed with the Board's approach to this issue.

Troseth then asked the RAC to discuss the issue of re-licensing of those who have let their license completely lapse and now want to return to the fold, which generated a lively discussion. RAC members reviewed the current rules relative to inactive licensees and requirements to go active, and appreciated the flexibility that construct gave to the Board to assess a variety of different scenarios. Pittioni clarified the requirements that are already in place, without any rule making, for those who have lapsed and return to licensure. Pittioni explained that those returning after a lapse are treated as new applicants and thus require that a Criminal Background Check is conducted, and if previously the applicant had been grandfathered and did not have an ASWB exam on record, the applicant would have to take an ASWB exam. Pittioni added that any new applicant with prior history in the US or Canada also goes through licensure verification including disciplinary history. Troseth explained that the issue for RAC would be to provide advice to the Board as to what would make sense to require beyond the steps already covered and discussed by Pittioni.

RAC members discussed a variety of options, and recognized that the population affected by the rule could vary from those recently lapsed to those lapsed for a long time, and would include those who practiced clinical work without a license, to those seeking re-licensure after many years without practice experience and no completed continuing education. RAC members discussed the possibility of crafting some version of a re-entry program, akin to the policy applied to nurse practitioners returning to practice, which would in essence be a 6-month version of the CSWA process. RAC members generally agreed that requiring a full repeat of a 2-year CSWA program would discourage people from returning to licensure, and would likely yield little benefit above and beyond such a re-entry program. Pittioni explained that wherever the Board ended up on this issue, the Board as part of rule making intended to also fix its rule for inactive licensees returning to active licensure, because it sets up a supervision requirement before returning to active licensure in some cases that contradicts the requirement that inactive licensees not engage in the practice of clinical social work.

Troseth reviewed with the issue of Section 12 of Senate Bill 177, which in the initial analysis requires the Board to define the practice of social work if it is to maintain its ability to discipline any licensees or certificate holders come January 1 2010. RAC members engaged in a spirited debate. Bradley, representing PSU's School of Social Work and NASW, argued that this violated agreements entered into as part of Senate Bill 177, pointing to testimony by Pittioni and Rasmussen that committed the Board to not pursue a practice act beyond clinical social work, and reminded the RAC that this is precisely why the definitions for non-clinical social work had been taken out of the bill. Pittioni responded that writing a definition by rule, if that should occur, would not give the Board a broader practice act – that could only occur by means of additional

legislation, which the Board has no plans to pursue. Other RAC members voiced different opinions and options regarding whether and how to define social work. Oldham observed that this appeared to him to be primarily a legal issue, and that the Board would need to seek advice from counsel as to the impact of Section 12 of the bill. Troseth suggested to ask Board counsel if we need a definition, and if yes, what type of definition would be sufficient. Tell argued in favor of a broader definition of social work for purposes of section 12.

Troseth then reviewed the rulemaking items related to mandatory reporting, and applicable sections of House Bill 2059. Pittioni added that key sections of House Bill 2059 would be very new for licensees of all health regulatory boards as for the first time they would require reporting of certain conduct a licensee observes by anyone licensed by any other health regulatory board. Troseth explained that the board would need to engage in rule writing to conform its current reporting rules to the changes made by HB 2059. RAC members reviewed the requirements currently in Board rule 877-030-0040, and questioned if the broad reporting requirements in existing Board rules are appropriate and could in effect discourage appropriate treatment, especially with respect to the requirement to report in-patient psychiatric hospitalization. Concerns were also raised by RAC members about the scope of the reporting requirement regarding reporting notice of any civil law suit to the Board, and requested the Board consider narrowing the scope of these reporting requirements.

Troseth thanked the committee members for their time and service and adjourned the meeting at 12:55 p.m.

Respectfully submitted,

Martin Pittioni  
Executive Director  
Board of Clinical Social Workers