

APPROVED MINUTES

STATE BOARD OF LICENSED SOCIAL WORKERS

Monday, September 20, 2010

and Tuesday, September 21, 2010

Second Floor Conference Room

3218 Pringle Road SE, Salem, OR 97302

Board Members Present: Becky Rasmussen, Chair
 Cheryl Price, Vice-Chair
 Mark Oldham (September 20, 2010, absent, excused)
 Carol Copley Zancanella
 Sara Dehaan
 Mark Troseth

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

Staff Members Present: Martin Pittioni
 Aaron Bales
 Pam Johansen (September 21, 2010 only)
 Sancha Alley (September 21, 2010 from 9:27 a.m. until 9:40 a.m.)
 Kimberly Sommer (September 21, 2010 from 9:27 a.m. until 9:40 a.m.)

1. CALL TO ORDER

Chair Rasmussen called the Board Meeting to order at 4:07 p.m. on Monday September 20, 2010. Rasmussen announced that Oldham was excused from the September 20, 2010 portion of the Board meeting.

2. REVIEW/APPROVAL OF AGENDA

Chair Rasmussen asked Board members to review the draft agenda for the Board meeting, and asked if anyone had any additional agenda items. Dehaan moved to adopt the draft agenda as presented. Price seconded. The motion passed unanimously.

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 4:05 p.m.

The Board re-entered public session at 5:59 p.m. Chair Rasmussen reminded Board members that the Board would reconvene immediately upon conclusion of the Board's Rulemaking Hearings scheduled simultaneously for 8 a.m. on Tuesday, September 21, 2010. Rasmussen recessed the Board meeting

at 6:00 p.m.

Chair Rasmussen reconvened the Board meeting at 9:27 a.m. on Tuesday, September 21, 2010. Rasmussen requested unanimous consent to interrupt the official agenda of the Board for special presentations.

4. SPECIAL ORDER OF BUSINESS

Rasmussen presented retiring staff member Sancha Alley with flowers and thanked her for almost 2 decades of service to the Board, the public, and the community of clinical social workers. Alley briefly addressed the Board. Board members thanked Alley for her service.

Chair Rasmussen presented outgoing Board member Mark Troseth with a clock plaque commemorating Troseth's service on the Board, and his leadership in improving and developing Board rules. Troseth briefly addressed the Board and Board members thanked Troseth especially for his dedicated work in re-writing rules to prepare for the new Board statutes regulating social workers taking effect on January 1, 2011.

5. RETURN TO EXECUTIVE SESSION

Chair Rasmussen announced that the Board would now return to 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 9:40 a.m.

The Board re-entered public session at 11:03 a.m. Chair Rasmussen recessed the Board meeting for five minutes.

6. COMMITTEE REPORTS

Chair Rasmussen called the Board back to order at 11:08 a.m. and requested reports from the committees.

Consumer Protection Committee (CPC) Chair Price moved to close case 2008-31. Oldham seconded. The motion passed unanimously.

Price moved to dismiss case 2008-32 for no violation of rule or law. Troseth seconded. The motion passed unanimously.

Price moved to dismiss case 2008-41 for no violation of rule or law. Zancanella seconded. The motion passed unanimously.

Price moved to dismiss case 2010-08 for no violation of rule or law. Zancanella seconded. The motion passed unanimously.

Price moved to dismiss case 2010-27 for no violation of rule or law. Oldham seconded. The motion

passed unanimously.

Price moved to dismiss case 2009-38 for no violation of rule or law. Zancanella seconded. The motion passed unanimously.

Price moved to close case 2010-11. Oldham seconded. The motion passed unanimously.

Price moved to dismiss case 2010-10 for no violation of rule or law. Zancanella seconded. The motion passed unanimously.

CE Committee Chair Oldham reported that the CE committee had approved CE requests from Eileen Masover and Marlee Underhill, and requested that the Consent Agenda to be considered next be amended accordingly.

7. APPROVAL OF CONSENT AGENDA

Price requested that the Consent Agenda as drafted be amended by removing the cases concluded at this Board meeting from the list of Board-approved time extensions. Oldham moved to adopt the Consent Agenda as amended with removal of the compliance cases concluded at this Board meeting, and addition of the two approvals of the CE committee. Price seconded. The motion passed unanimously.

8. APPROVAL OF MINUTES

Board members reviewed the minutes of the Board meeting on June 22, 2010. Oldham moved to approve the Board minutes of June 22, 2010, as amended. Price seconded. The motion passed unanimously.

9. PUBLIC COMMENT

No member of the public was present to comment.

10. EXECUTIVE DIRECTOR REPORT

Director Pittioni reported briefly on the August 16, 2010 monthly meeting of health regulatory board directors with Claudia Black, health policy advisor to the Governor, and the work group meeting on September 15, 2010, related to the Governor's Reset Committee. Pittioni advised that he and Chair Rasmussen would attend a September 30 2010 meeting at DHS convened by the Governor's office to discuss opportunities to explore opportunities to develop a scaled-back version of the current Health Professional Services Program (HPSP) overseen by DHS to reduce costs. Pittioni reported that many health boards are participating in and monitoring this process, which could potentially lead to making participation of more health boards in the confidential HPSP program for impaired licensees financially feasible.

Chair Rasmussen recessed the Board meeting at 11:50 a.m. to allow Board members to get lunch and then continue working through lunch.

11. OLD BUSINESS

Chair Rasmussen reconvened the Board meeting at 12:06 p.m. and asked Pittioni to update the Board with respect to progress of the Board's requested 2011-13 budget. Pittioni reported that as expected the Department of Administrative Services, Budget and Management Division (DAS-BAM) had denied Policy Option Package 102 related to implementation of Senate Bill 177. Pittioni reported that he had filed an appeal timely on September 14, 2010, and looked forward to presenting the Board's case for the budgetary plan to implement the bill. Pittioni reminded the Board that as he had briefly discussed at the August 31, 2010 Board conference call meeting, one key element of the appeal would process would be clarification of the revenue picture related to implementation of Senate Bill 177.

Chair Rasmussen then asked Trsoeth to guide the Board through the portion of its agenda related to the Proposed Rules of the Board to implement Senate Bill 177 (2009) and House Bill 2345 (2009), including the related proposed fee rule of the Board.

Troseth first reported from the Rules Advisory Committee Meeting September 11, 2010. Troseth reported that one discussion item related to the clinical definition of social work, in terms of clarifying that a real client must be receiving services before the definition could apply. Troseth reviewed the discussion at the RAC with respect to what teaching methods might be considered to cross the line into delivery of clinical social work services, absent further clarification. Troseth added that when the Board turns to review of written comments, that these included specific language options of possible changes in the proposed rules text, at least one of which may be acceptable. Troseth also advised that it may be possible to include specific examples directly in the rule to clarify the reach of the rule.

Troseth further reported that the Rules Advisory Committee was supportive of possibly delaying the move to two-year licensure for Licensed Clinical Social Workers, given the many other tasks facing Board and staff to implement Senate Bill 177.

Board members reviewed and considered written comments received. Board members reviewed the written comments submitted by Rose Jade, and agreed to include in the Board's proposed rules edits where it thought appropriate. Board members reviewed the remaining written comments, including the comments from BSW programs and Portland State University's School of Social Work. Board members noted the absence of any real controversy during the oral testimony during the Board's Rulemaking Hearing the same day. Pittioni observed that the oral comments tracked with his experience in phone calls received at the Board office, in that most callers simply wanted to seek clarification of the impact of the changes in social work related regulations.

Troseth then discussed with Board members a handout with a detailed list of possible edits to the current version of proposed rules of the Board. Board members agreed that Troseth's proposed list of seventeen (17) minor technical edits should be incorporated in the Board's rules. Board members then reviewed a second list of thirteen (13) proposed corrections to the Board's proposed rules text, and

agreed to move forward with all except the proposed amendment to OAR 877-020-0012(1)(b)(A). Troseth then reviewed with the Board a list of six (6) substantive amendments proposed by either him, or the Rules Advisory Committee, or staff. Board members decided to move forward with five of the six proposed amendments. With respect to the remaining proposed amendment, which addressed the definition of clinical social work with respect to teaching, Board members decided to edit the proposed draft by dropping the portion listing examples and incorporating the second option of additional clarifying language proposed in the written comments submitted by Portland State University's School of Social Work.

Board members then discussed how best to move forward given the size of the rulemaking project and the many amendments. Board members agreed that although many amendments were relatively minor, consideration should be given that possibly fewer social workers were paying attention during the summer, and that it may be preferable to publish an updated version of the proposed rules text and re-open and extend the comment period. Troseth observed this would also allow the separate proposed fee rule to be incorporated into a single new document reflecting the most current version of the Board's proposed rules. Pittioni added that the Board could also file a formal Notice of Rulemaking with the Secretary of State to reflect a comment period extension, and simultaneously publish the updated version of the proposed rules on its web site. Pittioni advised that this approach would still give staff sufficient guidance and time to move into full implementation mode in November and December, even if adoption of final rules would not occur until December.

Troseth moved to issue an amended Notice of Proposed Rulemaking reflecting the amendments considered by and agreed to by the Board today, to include the proposed fee rule of the Board, and an extension of the comment period to December 2, 2010. Oldham seconded. The motion passed unanimously.

Troseth moved to include in the amended Notice of Proposed Rulemaking any changes to the Board's proposed rules discussed by the Board since June 15, 2010. Price seconded. The motion passed unanimously.

Chair Rasmussen congratulated Board members on accomplishing another major step in this complex project, and directed Pittioni to publish an updated text of proposed rules as soon as feasible.

12. NEW BUSINESS

Rasmussen then discussed other items related to Senate Bill 177 implementation. Pittioni reported he would shortly update the PowerPoint presentation regarding the new laws and proposed rules to prepare for a presentation to the graduating class of Portland State University's Salem MSW distance learning cohort scheduled for Friday September 24, 2010, and then publish that updated version on the Board's web site to provide additional guidance to the social work community. Rasmussen announced that the Board would also need to tackle the question of whether or not the Board would need to seek any legislative changes to Senate Bill 177 provisions in the future, a topic likely to be scheduled for discussion at the October 2010 planning meeting of the Board. Pittioni added that outreach to NASW-Oregon is in progress to determine whether or not the Board would face proposals from NASW for any

changes to Senate Bill 177.

Chair Rasmussen asked Pittioni to provide hand-outs covering developments at the Association of Social Work Boards (ASWB). Board members briefly reviewed the hand-outs. Rasmussen announced that review of these ASWB issue would be scheduled for the October meeting of the Board.

Chair Rasmussen discussed with Board members topics for the October 2010 Planning Meeting of the Board. Rasmussen reminded Board members that the Planning meeting would take place on October 22 and 23, 2010, in Salem. Board members agreed to discuss compliance issues, next steps regarding House Bill 2345 and DHS' HPSP, and whether and what type of legislative changes to seek to Senate Bill 177 in the future.

13. CORRESPONDENCE

No correspondence was reviewed by Board members.

14. SPECIAL REVIEWS

Chair Rasmussen requested Board members consider two cases for special review.

Zancanella moved that the application of Beth Ann Conn to return to active status be approved, conditional upon completion of 40 hours of continuing education, to include six hours of ethics education, and completion of the applicable requirement in OAR 877-020-0055(4) to pass the Oregon laws and rules examination. Troseth seconded. The motion passed unanimously.

Dehaan moved that Claudia Corson's application for accommodation of extra time to take the ASWB clinical examination be approved for up to 2 hours. Price seconded. The motion passed unanimously.

15. ANNOUNCEMENTS AND ADJOURNMENT

Chair Rasmussen adjourned the Board at 2:51 p.m., and thanked Board members for their hard work.

Respectfully submitted,



Martin Pittioni
Executive Director