



Oregon

John A. Kitzhaber, MD, Governor

State Board of Licensed Social Workers

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APPROVED MINUTES

STATE BOARD OF LICENSED SOCIAL WORKERS

Tuesday, December 7, 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
Tania Rain

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

Staff Members Present: Martin Pittioni
Aaron Bales

1. CALL TO ORDER

Chair Rasmussen called the Board Meeting to order at 8:39 a.m. and received unanimous consent to interrupt the agenda for a special presentation to departing Board member Sara Dehaan. Rasmussen thanked Dehaan for her service as a public member and presented her with a clock plaque commemorating Dehaan's service.

2. REVIEW/APPROVAL OF AGENDA

Chair Rasmussen reviewed the agenda with the Board and requested that under "New Business" an item for new committee assignments for January – June 2011 be added, and that approval of meeting minutes be removed from the agenda. Dehaan moved to adopt the agenda so amended. Price 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 8:55 a.m.

The Board re-entered public session at 12:55 p.m. Chair Rasmussen announced that Public member Rain was excused from the remainder the Board meeting.



5. COMMITTEE REPORTS

Chair Rasmussen requested reports from the committees.

Consumer Protection Committee (CPC) Chair Price moved to dismiss case 2009-20 for no violation of rule or law. Oldham seconded. The motion passed unanimously.

Price moved to close case 2009-56. Dehaan seconded. The motion passed unanimously.

Price moved to close case 2010-42. Dehaan seconded. The motion passed unanimously.

Price moved to dismiss case 2010-43. Zancanella seconded. The motion passed unanimously.

Price moved to close case 2010-44. Zancanella seconded. The motion passed unanimously.

Price moved to close case 2009-40. Zancanella seconded. The motion passed unanimously.

Price moved to close case 2009-54. Dehaan seconded. The motion passed unanimously.

Price moved to close case 2009-55. Dehaan seconded. The motion passed unanimously.

CE Committee Chair Oldham reported that the CE committee had approved the CE request of Janet Martin, and had requested more information in another case.

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 biennium beginning July 1, 2009, for the 16-month period through October 31, 2010, the Board had spent \$647,557 against revenues of \$657,582. Pittioni reviewed a detail handout with the Board showing expenditures for the biennium to date, and projections for the remainder of the biennium through June 30, 2011, showing projected total expenditures for the biennium to exceed legislative approvals by \$99,627. Pittioni added that his was primarily related to the costs of implementing Senate Bill 177 (2009) in the current biennium, for which the Legislature had not yet approved expenditure limitation authority. Pittioni reminded the Board that as planned and outlined in the Board packet, he would request \$112,000 in spending limitation increase authorization for the current biennium from the Legislative Emergency Board on December 15, 2010.

Pittioni reported briefly on the updated December 2010 Revenue Forecast for the State of Oregon and provided the Board an updated chart from the Department of Administrative Services regarding the long term budget challenge facing the Governor and the Legislature.

Pittioni briefly reviewed the December 6, 2010 monthly meeting of health regulatory board directors.

Pittioni concluded his report with a short summary of developments in the Board of Dentistry matter involving a Attorney General's order in a petition for disclosure of records under Oregon Public Records Law, records the Board of Dentistry viewed as exempt from disclosure under ORS 676.175 protecting the confidentiality of records in health regulatory board complaint cases. Pittioni advised that the Attorney General's Order requiring the Board of Dentistry to release most of the records requested was based on a specific determination that in this particular case the petitioner in the view of the Attorney General had demonstrated by a clear and convincing evidentiary standard that the public interest in disclosure of the complaint case records outweighed the public interest in non-disclosure, with respect to most, if not all of the records requested. Pittioni added that in his view this interpretation of the law by the Attorney General created significant uncertainty going forward with respect to confidentiality of complaint records, and financial uncertainty as to the costs of going through a legal process anytime a public records request would be received in the future for records held confidential under ORS 676.175. Pittioni explained that it appeared as if in these types of requests, record by individual record affected by the request, a legal process would need to commence to apply a balancing test if the public interest in disclosure would outweigh the public interest in non-disclosure. Pittioni stated that the costs at this time to the Board of Dentistry for the process in this matter were unknown.

9. OLD BUSINESS

Chair Rasmussen advised Board members that the time had come to finalize the proposed rules of the Board, and added that the process would begin with a review of written comments received during the extended comment period on the updated version of the Board's rules. Pittioni added that the Board had received the full record, not a summary, of written comments in its Board packet, as there were very few additional comments received. Pittioni noted that even though the notice provided to licensees by e-mail and postcard highlighted the proposed substantial increase in the late fee for LCSW licensure renewal to \$200, very few comments were received in that matter. Board members reviewed and briefly discussed the written comment record, and concluded that it did not appear that the comments received showed any areas where the Board would need to make further adjustments in its proposed rules.

Rasmussen requested that Pittioni review with the Board a final set of suggested edits. Pittioni advised that per the handout provided to the Board, five remaining issues triggering proposed edits should be discussed.

Pittioni reviewed with the Board the language edits proposed for OAR 877-001-0025, to clarify that the sharply reduced cost initial certification for RBSW and initial licensure as an LMSW would be used to bridge the time period between initial licensure and the date of first renewal during the birth month of

the licensee/certificate holder, in order to achieve the Board's objective of maintaining the fiscal and cash flow stability of birth month renewals across all license types. Board members reviewed the proposed language and agreed it was complicated, but without a clear better alternative. Pittioni recommended that adding in this language would be in the interest of the Board to ensure authority to issue initial licenses which would vary in exact length of validity for each LMSW and RBSW. Board members agreed to amend the proposed language for OAR 877-001-0025 as proposed.

Pittioni then discussed with Board members the policy issue in proposed OAR 877-015-0108(2) with respect to RBSW applicants, specifically whether or not the Board would accept RBSW applications from individuals who graduated from BSW programs in CSWE accreditation candidacy status. Oldham stated he thought the relative youth of BSW programs in Oregon would lead him to recommend acceptance of the proposed language to allow Bachelor-level applicants from programs in candidacy status. Oldham noted he was not in favor of this approach at the Master's level. Board members discussed the issue and agreed with Oldham's assessment, and agreed to amend the proposed language for OAR 877-015-0108(2) as proposed.

Chair Rasmussen requested the Board move on to issue three, proposed additional amendments to the existing record keeping OAR 877-030-0100 to provide LCSWs with additional flexibility to meet the Records Custodian Requirement. Pittioni reminded the Board that during the Rules Advisory Committee discussions of the proposed rules, a desire had been expressed to add in appropriately qualified records management companies as an additional Records Custodian compliance option for licensees. Board members discussed the issue briefly and agreed to add in the proposed language to that effect further amending OAR 877-030-0100.

Pittioni then reviewed the fourth issue, fee and exam waivers for CSWAs under specific circumstances with respect to CSWAs obtaining LMSW licensure. Chair Rasmussen added that there had been significant interest in the Rules Advisory Committee to reduce dual licensure burdens for CSWAs, given the unintended language in the Board's new statutes that would soon require CSWAs to obtain LMSW licensure as a precondition for applying for clinical licensure as a LCSW, and that the Board had previously indicated its interest in addressing this issue. Pittioni explained that the proposed additional language to address both issues was built on the existing approach in the proposed rules to allow CSWAs to sit for ASWB exam upon completion of 75% of their supervision hours required under the CSWA program. Pittioni advised that the same completion standard would then also apply under the proposed additional language for OAR 877-001-0020(5), entitling CSWAs to a fee waiver if applying for LMSW licensure. Pittioni added that, similarly, the proposed additional language for proposed OAR 877-015-0108(8) would entitle CSWA applicants at the 75% completion point of their supervision requirement to a waiver of the national exam requirement for LMSW licensure. Board members reviewed and discussed both sets of proposed waivers and agreed to add in both proposed waiver amendments into the final rules.

Chair Rasmussen advised that the Board had been contacted by current CSWAs who supplemented their agency-based CSWA program with work with private direct-pay clients to make ends meet. Rasmussen added that these CSWAs were operating within current laws and rules, and had no expectation that this work on the side would count toward their CSWA program. Instead, Rasmussen

explained that these CSWAs are worried whether the licensure mandate kicking in on January 1, 2011 would mean needing to shut down their work outside the CSWA program. Board members discussed the matter and agreed that no core policy changes would be made requiring that CSWAs be agency-based for the duration of their CSWA program, and that what happened outside that program was a separate issue.

Counsel Martin advised that there was no apparent intent by the Legislature in passing SB 177 (2009) to prohibit any particular clinical practice by CSWAs, and as such the Board would likely not have authority to prohibit private practice activity by CSWAs. Oldham inquired if the Board could simply require that any clinical activity a CSWA engages in be supervised. Oldham added that by adding in such a general clarification the Board would at least have an assurance of supervised practice, without changing its basic tenet that only supervised agency practice would count toward progress in the CSWA program. Counsel agreed to draft language with Pittioni to further amend OAR 877-020-0009. Pittioni explained to the Board that this particular OAR was already open in the rulemaking process due to the proposed clarifying language that CSWAs also had to meet the fitness requirements of OAR 877-020-0008(2) like all other applicants for licensure or certification, and that as such the Board could add language to OAR 877-020-0009 and still meet the requirements applicable to the rulemaking process. Board members agreed that a general requirement that all CSWA clinical practice be supervised would make good sense, and that such additional language should be drafted.

Rasmussen briefly recessed the Board meeting at 2:45 p.m. to allow counsel and Pittioni to draft additional language.

Chair Rasmussen reconvened the Board at 3:00 p.m. Pittioni presented a proposed further amended version of OAR 877-020-0009 providing for additional language in subsection (4)(c) to clarify that all clinical CSWA practice be supervised. Board members reviewed the language and agreed to add in the proposed additional language for OAR 877-020-0009(4)(c).

Rasmussen advised that this concluded working through the additional amendments to the proposed rules of the Board, unless Board members had other concerns or suggestions, and that a motion could now be made. Oldham moved to approve and adopt the proposed rules of the Board pursuant to the Notice of Proposed Rulemaking dated October 15, 2010, as amended by the Board at today's meeting, with a rule effective date of January 1, 2011. Price seconded. The motion passed unanimously.

Chair Rasmussen congratulated Board members on the accomplishment of working through a major update of Board rules to implement its expanded authority provided by the Legislature in 2009 with passage of Senate Bill 177.

10. NEW BUSINESS

Rasmussen requested an update on Senate Bill 177 Implementation. Pittioni advised that on the financial end the next key step was obtaining spending authority for this biennium to implement SB 177 from the Legislative Emergency Board, as previously reported, and that the next key step was obtaining continued financial authorization to implement the bill as part of the Board's 2011-13 budget. Pittioni

added that administratively applications for clinical licensure are up significantly, and that a year-end rush prior to mandatory clinical-level licensure taking effect on January 1, 2011, was to be expected. Pittioni thanked the Board for agreeing to hold a year-end Board meeting by conference call to approve applications for licensure completed just before that deadline.

Chair Rasmussen requested that Board members re-check their schedules for availability at the end of December, with emphasis on December 30, 2010. Board members discussed the matter and authorized Pittioni to schedule a conference call of the Board for 8 a.m. on December 30, 2010. Pittioni reminded the Board that Board offices would observe a different holiday schedule at the end of the year and remain open on December 31, 2010, to ensure all completed and Board-approved applications for licensure would have a license issued by mail and reflected on the Board's web site prior to January 1, 2011. Pittioni added that staff members Johansen and Bales had succeeded, after a considerable time investment over the past two months, to put technology and processes in place that provided electronic access by secure LEADS terminal to results of the Oregon State Police criminal background checks, dramatically reducing the time for processing of criminal background checks to less than a week, and in some cases only 2 business days. Pittioni observed this would also serve to drive up the number of applications that would be completed in time for the year end conference call meeting of the Board.

Pittioni reported that now that the rules had been adopted he would focus on filing them on or prior to December 15, 2010, so that the Secretary of State's web site repository for Oregon Administrative Rule would be updated with the new, significantly revised rules applicable to all regulated social workers on January 1, the effective date of the new rules. Pittioni advised that staff would also need to significantly update 2011 version of statutes and rules publications by January 1, and that he would need to work closely with the Board's examination committee as quickly as possible to revise and update the Board's laws and rules examinations required for applicants for licensure.

Chair Rasmussen thanked Pittioni for his report and turned to the agenda item of reports from ASWB. Rasmussen reported from the proceedings of the ASWB Annual Conference in November, and briefed the board on the new ASWB leadership elected at the conference. Rasmussen reported that Pittioni had been invited to run for a position on the ASWB Nomination Committee but was not elected. Rasmussen advised she had brought up the concerns of the Oregon Board regarding the loss of yet another test center as part of ASWB's switch to Pearson VUE as the testing contractor for the national social work regulatory examinations. Pittioni added he had done the same during the meeting of Board administrators, and received a clear response that this was a business matter and that Pearson VUE could not be expected to operate centers with insufficient demand. Pittioni observed that in his view collaborative, cross-border work from this Board advocating for rural eastern Oregon, the Washington Board advocating for south-eastern Washington, and the Idaho Board advocating for northern Idaho social work communities was likely needed to add a much more accessible test site that could be shared by those communities and create sufficient demand for Pearson VUE to be willing to offer such an additional site. Price indicated that in her view Walla Walla College in Washington would likely be interested in offering assistance in this matter.

Pittioni added he had spent significant time during and after the social work Board administrator's meeting at the ASWB Conference discussing compliance matters with representatives of the federal

Department of Human Services unit in charge of the HIPD and NPDB disciplinary reporting databases. Pittioni reported that this discussion included potential opportunities in the future to turn these databases from a reporting requirement for public protection Boards to a resource that these same Boards could access for information especially on applicants for licensure, which is currently possible but cost-prohibitive.

Chair Rasmussen reviewed the draft Board Calendar for 2011 with the Board. Oldham expressed concerns that the calendar reflected a decrease from near-monthly Board meeting activity. Board members discussed the matter and agreed to adopt the calendar as presented, but would review it again for a more in-depth discussion at the March 2011 planning meeting of the Board.

Chair Rasmussen then moved to the added new business agenda item of new assignments to Board committees for January 1, 2011 through June 30, 2011. Board members agreed to the assignments, and added Tania Rain as the public member for the Board's Continuing Education Committee.

11. CORRESPONDENCE

No correspondence items were reviewed.

12. SPECIAL REVIEWS

Oldham moved to approve Amber Mulvey's accommodation application for extended time and a private room to take the ASWB examination. Dehaan seconded. The motion passed unanimously.

Oldham moved to approve Darian Slayton Fleming's accommodation application for a Braille exam and reader or electronic means for reading and marking the ASWB examination. Dehaan seconded. The motion passed unanimously.

Oldham moved to approve Oma Lea Ray's application to return to active licensure, conditional upon completion of 20 hours of continuing education, and passage of the Oregon exam. Price seconded. The motion passed unanimously.

13. ANNOUNCEMENTS AND ADJOURNMENT

Chair Rasmussen adjourned the Board at 3:58 p.m., and thanked Board members for their hard work.

Respectfully submitted,


Martin Pittioni
Executive Director

**State Board of Licensed Social Workers
Consent Agenda – AMENDED
December 7, 2010**

LCSW NEW APPLICATIONS (4)

GLORIA FRANDBSEN
MAGEN HOLGATE
COLLEEN MC CANN
BRENDA SMITH

**CSWA NEW
APPLICATIONS (15)**

LISA BRAUER
SHARON CROSBY
SCOTT DAVEY
TIFFANY FIEKEN
CRYSTAL GEYER
JENNIFER HEINLEIN
LESLIE MC GLOTTEN
NIKKI LANG
AMY MUNSTERMAN
CHRISTOPHER MURRAY
STACY JEAN SOUTHWICK
DUSTI STARK
NIKI TUCKER
NICOLE WARD
PATRICIA WARMAN

**CSWA PLAN
COMPLETIONS (8)**

ELIZABETH BAILEY
VICKY LELAND COWGER
MELISSA GLADDER
VALERIE HAMBY
CHRISTIE HAWKES
KEREN MC CORD
LAUREN PATTERSON
COLETTE ROMERO

CSWA PLAN CHANGES (3)

TAYLOR CLARK
ALLISON HERNANDEZ
ANNE REMSEN

**APPROVED
CONTINUING EDUCATION (1)**

JANET MARTIN (6) HOURS

**Consumer Protection Cases: (9)
ORS 676.165(4) Extensions
approved for the following**

2008-46	2009-03	2009-04
2009-07	2009-22	2010-17
2010-32	2010-33	2010-34

All the people listed in the above categories have met the necessary requirements to be approved by the Board of Licensed Social Workers Consent Agenda.



Board Executive Director

12/7/2010

Date