



Oregon

John A. Kitzhaber, MD, Governor

State Board of Licensed Social Workers

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APPROVED MINUTES

STATE BOARD OF LICENSED SOCIAL WORKERS PLANNING MEETING

Friday, March 4, 2011

1643 Olympia Court NW, Salem, Oregon

Board Members Present: Becky Rasmussen, Chair
Cheryl Price, Vice Chair
Mark Oldham
Carol Copley Zancanella
Tania Rain

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

Staff Members Present: Martin Pittioni
Pam Johansen

Invited Guests Present: James Heider (2:40 p.m. – 3:45 p.m.)

Chair Rasmussen welcomed Board and staff members and opened the Board Spring 2011 Planning Meeting at 8:40 a.m. The Chair reviewed the agenda with Board members, and advised that due to the hefty executive session agenda the Board may need to devote a full three hours, not two hours as initially planned, to executive session in the morning, in addition to the time scheduled for Executive Session during Saturday's Board meeting.

Chair Rasmussen also reminded Board members that in the afternoon a guest speaker, James Heider, Executive Director of the Licensing Board for Physical Therapists, had been invited to assist the Board with its discussion of the semi-independence concept. Board members reviewed and discussed the Planning Meeting Schedule, and no agenda changes were proposed. Board members generally agreed that even with a longer executive session the other planned agenda items could still all be discussed.

Chair Rasmussen recessed the Planning Meeting at 8:50 a.m. and moved the Board into Executive Session under authority of ORS 192.660(2)(b)(f)(h)(i)(k). Chair Rasmussen moved the Board out of Executive Session at 11:58 a.m. and recessed the Board meeting for 15 minutes to allow Board members to get lunch. Rasmussen called the full Board planning meeting back to order at 12:20 p.m.

Chair Rasmussen asked Pittioni to brief the Board on legislative developments. Pittioni discussed with the Board the status of two bills coming from the Oregon Health Authority (OHA) SB 96 and 97. With respect to SB 96, Pittioni reported that as authorized by the Board and the Governor's office, he had testified with a neutral position at the February 10, 2011 work session



held by the Subcommittee On Health Care Reform of the Senate Committee on Health Care, Human Services and Rural Health Policy. Pittioni stated that he put on the record the Board's desire to work with OHA to assemble and analyze data to clarify the financial need for OHA's program to assemble and analyze demographics information from health Boards. Pittioni reminded the Board that part of the purpose of his testimony was to ensure that the legislative record clearly reflected, and that legislators and the Legislative Fiscal Office clearly understood, that the OHA assessment to health Boards, estimated by OHA to likely amount to \$5 per licensee record of the Board's subject to this program, was to fund OHA's costs for analyzing health Boards' data via research grants awarded by OHA – not to reimburse the participating Boards for their costs of program participation. Pittioni reported that the bill had just been reported out of the full Senate Committee on March 2, 2011, and sent on to Ways and Means, where hopefully the harder work regarding the financing structure of the bill would occur.

In regard to SB 97, Pittioni reminded the Board that this bill as introduced would create a mandatory mechanism for health boards to include specific diversity continuing education mandates into their continuing education program, and that the Board in January 2011 had determined to remain neutral on the bill. Pittioni added that the bill had its first hearing on February 21, 2011, and that no work session had been scheduled at this time.

Pittioni then discussed SB 423 with the Board, the priority bill for the Department of Corrections (DOC) and Oregon Youth Authority (OYA) dealing with a fix to the Board's Senate Bill 177 (2009). Pittioni reported that he had gotten much positive feedback from the Governor's Office, DOC and OYA for his help on the bill. Pittioni cautioned that the bill had a much tougher ride in the Senate than anticipated, including a substantial number of no votes on the Senate floor, passing narrowly 19-11. Pittioni added that it appeared that on the Senate floor the debate was less about the substance of the bill but instead about a much more general argument about rulemaking authority for agencies. Pittioni added he would continue to assist DOC and OYA on the House side, where the bill had just been referred to the Judiciary Committee.

Pittioni then reviewed with the Board the work to date on HB 2314 sponsored by Rep. Greenlick, dealing with the new Teacher and Standards Practices Commission (TSPC) option for MSW's to become licensed to do social work in schools. Pittioni reported that a substantial amount of work had been done to re-write the bill to clearly reflect the title act exemption for the term "school social worker" for those MSWs licensed through TSPC. Pittioni added that a second amendment had been drafted and agreed to by the sponsor to fix the technical error in SB 177 (2009) that set up in ORS 675.530 an erroneous requirement for the new non-clinical LMSW to serve as a pre-requisite for anyone applying for clinical LCSW-level licensure. Pittioni thanked Board counsel Martin for his assistance in quickly drafting a second amendment to the bill to cleanly fix this issue. Martin added that the fix simply involved reverting to the language in ORS 675.530 that had existed prior to SB 177 (2009). Pittioni reported that the Governor's Office also came through very quickly to permit Board testimony in favor of both the 1 and -2 amendments, just in time before the February 23, 2011 hearing on the bill. Pittioni added that the hearing went very smoothly, and that Rep. Greenlick had very graciously agreed to allow both amendments to be included in his original bill.

Pittioni then briefly reviewed with the Board the status of SB 41 and SB 47, the two main transparency bills proposed by the Attorney General in the arena of public records requests, exemptions from disclosure, and public meeting laws.

Chair Rasmussen thanked Pittioni for the review, and reminded Board members that not too much time remained before arrival of the guest speaker. Board members agreed unanimously that discussing the status of the DHS HPSP Program and potential legislative initiatives related thereto should not wait, and that instead the financial update and budget update be moved from the Planning Meeting agenda to next day's Board meeting. Chair Rasmussen recessed the Board meeting at 1:30 p.m.

Rasmussen called the Board meeting back to order at 1:45 p.m., and briefed the Board on the meeting she held on February 2, 2011 with Vice Chair Price and Pittioni and Dixie Hannon, legislative aide to Senator Winters, to address Sen. Winters comments at the December 2010 Legislative Emergency Board meeting regarding the Board's decision not to participate in the DHS HPSP program for impaired professionals. Rasmussen reported that the in-depth meeting went very well, and was successful in explaining the cost rationale for the Board's decision, as well as why HB 2345 (2009) had impacted the Board especially hard by eliminating a nimble and cost-effective model program to deal with impaired licensees confidentially and at a cost that the Board and licensees could afford. Rasmussen added that she also used her brief Chair comment time during the Board's budget hearing on February 17, 2011, to highlight this difficult decision for the Board. Price added that she and Pittioni met with Sen. Whitsett on February 2, 2011 as well, and that the discussion included the impact of HB 2345 (2009).

Pittioni reported on his meeting with Shane Haydon, Ph.D., an expert in treatment of addictions and Vice Chair of the Board of Psychologist Examiners. Pittioni reported that he discussed with Haydon the issue of self-referrals, and the current underlying assumptions by DHS and the DHS contractor for the HPSP program with respect to self-referrals into the HPSP based on a set "experience rate" percentage. Pittioni added that he discussed with Haydon the possible outlines of a set of minimum standards that could be written into law that would apply to any Board's impairment program, should the Legislature at some point allow for more flexibility than just the DHS HPSP program choice.

Oldham inquired what the purpose and structure of these potential standards were. Pittioni responded that it was unrealistic to assume that the Legislature would ever go back and simply provide health Boards with authority to run their own impairment programs without any standards attached to such authority. Pittioni added that it was problems with the impairment program run by the Board of Nursing that caused legislative attention in the first place, and led to the sweeping approach in HB 2345 (2009) affecting all health Boards. Pittioni added that issue with respect to standards were for example whether to require separation of the Board from the monitoring program, and if so, in what form, and/or what type of independent audit mechanism could be included to provide assurances of an effectively run impairment program.

Pittioni added that the topic of HB 2345 (2009) was becoming a more regular topic for the members of the Ways and Means committee, as the financial impact on multiple boards was

becoming clear. Pittioni reminded the Board that HB 2345 (2009) eliminated all separate health board confidential impairment programs effective July 1, 2010, and mandated a consolidated program (HPSP) overseen by DHS for any health Board that would choose to have a confidential monitoring program for impaired licensees from that point forward. Pittioni reported that due to that broad reach of the bill there was no shortage of opportunities for the Legislature to become aware of the impact of HB 2345 (2009). Pittioni added that it was important for the Legislature to understand that beyond the Boards that chose to participate and struggled with the financial impact (except for one Board that saved money in the process) that there are small Boards that simply cannot consider having a program now due to the costs of the DHS program.

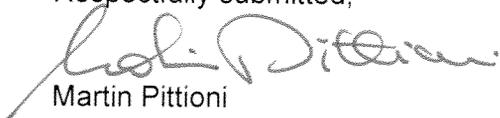
Pittioni advised that in his opinion it was too early for the Board to determine whether or not to pursue a legislative fix to HB 2345 (2009), as key stakeholders had not been consulted yet. Pittioni added he had meetings scheduled Tuesday after the Board's two-day planning meeting with Rep. Greenlick, the chair of the House Health Committee that authored HB 2345 (2009), as well as Sen. Monnes Anderson, Chair of the Senate Committee on Health Care, Human Services and Rural Health Policy. Pittioni advised that regardless of whether or not the Board would ultimately propose to pursue a legislative fix to HB 2345 (2009), it would be important to continue educating the Legislature on the impact of HB 2345 (2009).

Chair Rasmussen and Board members discussed the issue and agreed that at this time the Board would simply await developments from stakeholders and the outcome of meetings by Pittioni with Rep. Greenlick and Sen. Monnes Anderson.

Chair Rasmussen then reviewed and discussed with the Board the materials provided to introduce the concept of semi-independence to the Board, and said that historically the Board had been supportive of semi-independence due to the efficiencies that status would bring. Guest Speaker James Heider arrived and presented on his experience as Director of a semi-independent Board. Heider emphasized that while many administrative items, especially the budget process, become much less burdensome in semi-independent status, it is important to plan for the additional responsibilities at the Director and Board level. Heider emphasized it was critical that appropriate financial controls be implemented to ensure that no staff or Board member individually could engage in unauthorized expenditures of Board resources. Board members questioned Heider and thanked him for his time and expertise. Rasmussen discussed the topic with Board members further. Pittioni advised that the Governor's position on this issue was not yet determined. Board members agreed to hold off on taking a position on the issue of pursuing semi-independence for the Board at this time.

Chair Rasmussen adjourned the Planning Meeting at 4:00 p.m.

Respectfully submitted,


Martin Pittioni
Executive Director