DRAFT
THE VIRGINIA BOARD OF SOCIAL WORK
MINUTES
Friday, July 19, 2013

The Virginia Board of Social Work ("Board") meeting convened at 10:10 a.m. on Friday, July 19, 2013 at the Department of Health Professions, 9960 Mayland Drive, Richmond, Virginia. Susan Horne-Quatannens, Chair called the meeting to order.

BOARD MEMBERS PRESENT: Jennifer Blosser
Yvonne Haynes
Susan Horne-Quatannens, Chair
Arthur Mayer
Nettie Simon-Owens
John Salay
Joseph Walsh
Bernadette Winters
Kristi Wooten

STAFF PRESENT: Catherine Chappell, Executive Director
Sarah Georgen – Administrative and Office Specialist
Patricia Larimer – Deputy Executive Director, Discipline
Diane Reynolds-Cane, DHP Director
Allyson Tysinger, Senior Assistant Attorney General
Elaine Yeatts, Senior Policy Analyst

WELCOME AND INTRODUCTIONS

Ms. Horne-Quatannens welcomed new board member, John Salay, LCSW and requested that the Board members and staff introduce themselves. Ms. Chappell recognized Allyson Tysinger, Senior Assistant Attorney General, who was serving as board counsel that day.

ORDERING OF AGENDA

Ms. Chappell requested that the agenda be amended to delete the Board Counsel Report, move the Regulatory/Legislative update to follow after approval of the meeting minutes, delete the Director's Report and add an additional item under Executive Session regarding an update on one disciplinary case that has been appealed to circuit court. Ms. Horne-Quatannens commented that she would report on the Educational Summit before the Regulatory/Legislative update was given.

The Agenda was accepted as amended.

PUBLIC COMMENT

Debra Riggs, Executive Director of the NASW, Virginia Chapter provided comment regarding the implementation of SB 1011 (attachment #1).

Maurice Fisher, LCSW provided comment relating to the educational requirements for clinical licensure (attachment #2).

Humberto Fabelo, Associate Dean for Academic and Student Affairs, Virginia Commonwealth University (VCU), stated that he appreciated the opportunity to attend the recent educational summit and looks forward to attending similar meetings to be held in the future. He stated that VCU supported the proposed regulations, specifically the omission of the credit hours for coursework necessary for clinical licensure. He remarked that the change would allow schools to provide accurate academic advice to students.

APPROVAL OF MINUTES – April 19, 2013

Ms. Wooten moved that the minutes of the April 19, 2013 Board meeting be approved as written. The motion was seconded by Ms. Simon-Owens and passed.

EDUCATIONAL SUMMIT REPORT

Ms. Horne-Quatannens provided an overview of the Educational Summit held on June 14, 2013.

Ms. Chappell added that an overview of the accreditation process was offered by the Council on Social Work Education (CSWE) which explained the standards utilized for a competency-based model.

Each participating school provided a brief presentation on their respective graduate programs. The programs agreed that they would be able to attest to the Board as to whether their specific graduates had completed sufficient minimum coursework for a "clinical course of study." Suggestion was made that the attestation request be made when the official transcript was requested by the applicant.

Dr. Walsh, Ms. Haynes and Mr. Salay agreed that the summit was a positive outreach opportunity and suggested that the board hold additional meetings with the schools in the future.

REGULATORY/LEGISLATIVE UPDATE

Ms. Yeatts announced that the proposed regulations made in accordance with the regulatory reform initiative had been accepted by the Governor and would become effective on September 26, 2013.

Additionally, Ms. Yeatts reported that the proposed regulations which amended various licensure requirements, including endorsement requirements, would be effective as of July 31, 2013.

In order to align the regulations with statutory changes that became effective July 1, 2013, Ms. Yeatts presented proposed changes to the regulations with respect to clinical course of study requirements in sections 18VAC140-20-10, 18VAC140-20-40, and 18VAC140-20-49.

Dr. Walsh moved to accept the regulatory changes as revised. The motion was seconded by Ms. Blosser and carried.

Ms. Yeatts requested that the Attorney General's office determine whether the action would be exempt from the Administrative Processing Act and thereby fast tracked. Board staff would work with counsel regarding implementation of the changes.

Dr. Simon-Owens moved that the Board delete Guidance Document 140-6 as it was no longer accurate. The motion was seconded by Ms. Blosser and carried.

Additionally, Ms. Yeatts provided a brief overview of the title protection law that became effective July 1, 2013. She suggested that based on frequent questions from the public, staff create a questions and answers section on the website related to this change.

EXECUTIVE DIRECTOR'S REPORT

Ms. Chappell welcomed Mr. Salay to his first board meeting. She recognized Catherine Moore, who had formerly held his seat on the board and indicated that a plaque to recognize her eight years of service to the Commonwealth of Virginia would be presented to her.

Ms. Chappell commented that Ms. Moore had previously served on the credentials committee and requested that the board members consider serving on this committee. Mr. Salay indicated that he would like to serve on both the credentials committee and discipline committee.

Ms. Chappell distributed a report of the Board's finances as of May 31, 2013, which documented that sufficient cash balance existed as of that date, which was attributed to recent renewal payments. However, a cash short fall was expected to occur in approximately 18 months, which had been an ongoing trend for many years due to biennial renewals. Proposed regulations to institute annual renewal and fee increase were pending.

She commented that board staff continued outreach efforts to stakeholders with the goal of educating them on supervision and licensing requirements. Staff found that applications were arriving more complete and documented, which allowed for more efficient turnaround time in order to meet workforce needs. Staff continued to receive questions on the "licensed-eligible" concept, which was developed by the Department of Medical Assistance Service (DMAS) and the Department of Behavioral Health and Developmental Services (DBHDS) to define the level of practitioner able to provide mental health services to Medicaid populations. However, that nomenclature was not recognized by the Board because individuals providing clinical social work services must be either licensed or under approved supervision unless they are working in an exempt setting.

Ms. Chappell reported that the Department of Health Professions (DHP) continued to support the efforts of the Virginia Wounded Warrior Program (VWWP), which, along with other key states, provided training opportunities for mental health licensees to help returning services members and their families cope with unique stressors resulting from overseas conflicts. Messages about training opportunities were recently sent out to all emails on file for active behavioral health professionals in Virginia and VWWP reported that they were encouraged by the responses.

DISCIPLINE DEPUTY EXECUTIVE DIRECTOR'S REPORT

Ms. Larimer reported that there were 46 open, active cases for the Board of Social Work. Currently, 18 cases were being investigated by the Enforcement Division, 17 cases were at Board level to be reviewed for probable case, 5 cases were to be scheduled for informal conferences, 5 cases were with the Administrative Proceedings Division to draft IFC notices, 1 case was currently scheduled for a formal hearing, 4 licensees were being followed for compliance with a board order and 1 compliance case was sent to the Administrative Proceedings Division for an informal conference because the licensee was not in compliance with a board order.

Ms. Larimer requested volunteers to participate in two informal conferences scheduled for September 13 and October 23, 2013. Mr. Mayer and Dr. Walsh agreed to participate in the October 23rd meeting and Mr. Mayer and Dr. Winters agreed to participate in the September 13th meeting.

Ms. Larimer requested volunteers for an upcoming informal conference to be held immediately following the October 25 board meeting. Mr. Salay and Ms. Horne-Quatannens volunteered to participate.

BOARD STAFF UPDATE

Ms. Georgen reported that board staff continued to work as quickly as possible to administratively review applications, process calls and emails, and provide written responses from the Credentials Reviewers regarding recommended decisions. She reported that staff was still receiving some incomplete applications but was encouraged by the applicants' use of the online application. There were approximately 230 pending applications as of the report date and email contact is made with each of the applicants regarding his or her file. She noted that DHP policy was to maintain incomplete applications for one year from the date submitted.

She reported that board staff received over 100 phone calls, over 200 emails and approximately 70 new applications and related documentation each week. With the current two-person staff (1 Full-time employee and 1 temporary employee), the everyday workload continued to be difficult to manage.

There were approximately 50 applications in queue to be evaluated by the Credentials Reviewer. Since January 2013, the Reviewers approved approximately 430 applications for supervision and licensure and have deferred around 135 applications due to education and/or experience concerns. There were approximately 140 approved files that have not yet passed the bachelors or clinical examination.

There were approximately 50 applications that await a board decision regarding the educational requirements for a "clinical course of study" to either sit for their exam or begin their supervision experience. She said that she would provide a general response regarding the decision of the board meeting to each deferred applicant, as well as, place a notice on the social work website.

She reported that the Board was responsible for 5,732 licensees and 1,646 active registrations towards licensure. Board staff licensed 108 new licensees since the last Board meeting and approved 161 applications for Registration of Supervision.

License renewal information was mailed out to active licensees in May and the expiration date of all social work licenses was on June 30, 2013. There were approximately 620 licenses that expired this renewal year. The next renewal date was scheduled for June 30, 2015.

Ms. Georgen presented possible dates for quarterly board meetings for 2014. The Board agreed to meet on January 24; April 25; July 18; and October 24, 2014.

CREDENTIALS COMMITTEE

Ms. Blosser stated that at the Credentials Committee meeting on April 19, 2013, the Committee considered 23 supervision, licensure and training requests. The Committee deferred seven (7) applications due to education concerns; deferred three (3) applications due to education and supervision concerns; denied seven (7) applications due to supervision concerns; denied one (1) application due to education and supervision concerns; denied one (1) documentation waiver request; approved one (1) request for registration of supervision; and approved three (3) requests for licensure by examination.

She also commented that the Committee met earlier that day and that she would provide more detail on their decisions at the October meeting.

She stated that files were referred by the Credentials Reviewer to the Committee for evaluation when the Reviewer was unable to render a decision. The files sent to the Committee represent a small percentage of the applications that are processed each quarter.

OLD BUSINESS

Ms. Horne-Quatannens asked the board members to review the draft guidance document prepared by staff along with an additional document that she had developed for the use of telecommunications in social work practice. She requested that the board consider drafting a distance therapy guidance document which incorporated this information.

Ms. Larimer and Ms. Yeatts noted that the Ethics and Standards of Practice section of Ms. Horne-Quatannens drafted document may be inconsistent with existing Standards of Practice which are in the current regulations. Suggestion was made that this information be removed from the draft.

Ms. Simon-Owens moved that board staff incorporate the documentation provided by Ms. Horne-Quatannens, as well as, the draft document previously generated by board staff, and request assistance by the Attorney General's office for distribution at the next board meeting. The motion was seconded by Dr. Walsh and carried.

NEW BUSINESS

Ms. Horne-Quatannens suggested that an Ad Hoc Committee plan a summit to discuss workforce issues with professional organizations. It was recommended that any organization wishing to participate in such a discussion provide topics of discussion to be considered at the next board meeting.

EXECUTIVE SESSION

Mr. Mayer moved that the Board of Social Work convene in closed meeting pursuant to §2.2-3711(A)(27) of the Code of Virginia in order to consult with legal counsel on the recommendation from the Credentials IFC Committee. He further moved that Catherine Chappell, Patricia Larimer, and Sarah

Georgen attend the closed meeting because their presence in the closed meeting was deemed necessary and they would aid the Board in its consideration of the matters. The motion was seconded and carried.

Reconvene:
Mr. Mayer moved that pursuant to §2.2-3712 of the Code of Virginia, that the Board heard, discussed, or considered only those public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act and only such public business matters as identified in the original motion. The Committee agreed unanimously.

Sara Maroni Rakestraw: The IFC Credentials Committee concluded that Sara Maroni Rakestraw, LCSW applicant, failed to satisfy the requirements of 18VAC 140-20-49(C), 18VAC 140-20-49(B) and 18VAC140-20-50(A) (2) and recommended that her application by examination be denied. Ms. Wooten made a motion to accept the recommendation as presented. The motion was seconded by Dr. Walsh and carried unanimously.

Kristina Sawetz-Glasener: The IFC Credentials Committee concluded that Kristina Sawetz-Glasener, LCSW applicant, failed to satisfy the requirements of 18VAC 140-20-50 and recommended that her application by examination be denied. Ms. Wooten made a motion to accept the recommendation as presented. The motion was seconded by Dr. Simon-Owens and carried unanimously.

Ms. Chappell reported that one disciplinary case had been appealed to circuit court. She noted that more information regarding the case would be provided at a later date.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 12:45 p.m.

_____
Susan Horne-Quatannens, Chair

_____
Catherine Chappell, Executive Director

Attachment #1

National Association of Social Workers

Virginia Board of Social of Work
9960 Mayland Drive, Suite 300
Henrico, VA 23233

July 17, 2013

RE: Public Comments to the Board Regarding Implementation of SB 1011

Dear Member of the Board of Social Work:

NASW-VA encourages the Board to support changing the appropriate sections of regulations to comply with the new law in SB 1011, effective July 1,2013. It is critical that the Board's regulations mirror the law to ensure that applicants are clear on the current standards. Most importantly, the hourly requirements listed both in the regulations and the guidance document should be eliminated.

We believe the most appropriate course of action would be to:

1. Align the definition of "clinical course of practice"(18VAC140-20-10B) in the regulations with the expanded version in SB 1011.
2. Delete the language in 18VAC140-20-49 B1-5 (hourly course requirements) to ensure applicants are clear that a graduate degree from an accredited university in a clinical course of study will meet Virginia's social work educational requirements.
3. Repeal guidance document 140-6: "Educational Requirements Necessary to Qualify to Sit for the Licensed Clinical Social Work Examination in Virginia."

We appreciate your commitment to ensuring there is consistency with the law for our students, educational institutions and professionals in the field. Thank you for your timely attention to this important matter.

Sincerely,

Debra Riggs
Executive Director

Attachment #2

Virginia Board of Social Work
Public Comment
July 19, 2013

My name is Maurice S. Fisher, Sr., Ph.D. I have been in clinical practice in Virginia over 30 years. I have addressed this Board before and I have provided public testimony and served as an expert witness for several other Virginia Boards. I currently co-own a private clinical practice in Roanoke that employs a number of clinical social workers.

Although I am a full active member of the National Association of Social Workers (both the national and Virginia Chapter), a full member of the Virginia Society of Clinical Social Workers, and a member of the NASW-VA Legislative Committee, I address you today as a public citizen and a licensed clinical social worker.

General Comments:

I was in attendance during the last Virginia Board of Social Work meeting on April 19, 2013 with the hope and aspiration to hear and discuss the enactment SB 1011, but the discussion was moved to this date until after the Bill became law. During the April meeting, you solicited public comment at the beginning of the meeting and disallowed public comment during subsequent segments of the meeting. I understand from others that this method is a typical practice for the Board.

As a citizen and one trained in social group work processes, I would like to note that this practice is seemingly designed to discourage public comment on topics that are addressed. Although it may meet the legal requirements for public comment, your method serves to have a "chilling effect" on those giving input as well as serving the purpose of discouraging public discourse.

Specific Comments:

SB 1011. You find yourselves today in the unenviable position in having to deal with operationalizing and enacting a bill you really did not want -- SB 1011. The reason you have to deal with SB 1011 is because those of us in clinical practice believed that this Board of Social Work was unwilling to compromise and negotiate with the professional organizations for the good of clinical social work in Virginia relative to practice and manpower issues.

This Board of Social Work has over the years placed, what those of us currently in direct clinical practice believed to be, unfair and unreasonable expectations on those newly graduated from a Council of Social Work Education accredited school or university and who were seeking licensure.

From the professional organizations perspective, when it was quite clear that this Board was immovable and non-negotiable the NASW- VA Chapter with its 3000 members in partnership with CSWE accredited schools sought a legislative remedy.

Now it is my understanding that this Board continues to activate and stage summits with schools and departments of social work throughout the state allowing the professional organization to attend, but minimizes their involvement and significance as a major player in setting standards for practice. In my estimation, this practice continues to give the illusion that the Virginia Board of Social Work is a closed system.

Your mission statements reads: "Our mission is to ensure safe and competent patient care by licensing health professionals, enforcing standards of practice, and providing information to health care practitioners and the public." I understand your goal is to "protect the public" and assess minimal competencies as well as enforce standards; however, your mission statement does not promote you to unilaterally set the standards for practice.

Professional organizations such as the American Medical Association set the standards for the Virginia Board of Medicine, likewise professional organizations such as the National Association of Nurses set the standards for the Virginia Board of Nursing. Similarly, the Council of Social Work Education sets the standards for what is to be offered in social work curriculums while the National Association of Social Workers sets the template practice standards and ethics for the profession, not state social work boards. SB 1011 serves the purpose of realignment – that is, SB 1011 redefines roles as to who sets the practice standards and who operationalizes and enforces these standards.

Might I suggestion you as a Board do all you can to open this system up; compromise and actively negotiate with major social work professional organizations; allow for active dialogue within the aegis of public involvement and public comment; and strive to be "transparent" in your dealings with those for who you serve.

Finally, as licensed social work practitioners from other states seek clinical work here in Virginia, I suggest that you entertain the concept of providing a "temporary license" for those already licensed in other states as you vet them as to the Virginia standards and requirements. This in the long haul will help with manpower issues in the state. It is not acceptable for Virginia to be viewed by clinicians in other states as a restrictive state in which to get licensed at a minimal competency level.

I appreciate this opportunity and your willingness to accept my public comments and input today.

Maurice S. Fisher, Sr., Ph.D.

Maurice S. Fisher, Sr., Ph.D.,