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

The Virginia Board of Social Work ("Board") meeting convened at 10:09 a.m. on Friday, April 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
Catherine Moore
Nettie Simon-Owens
Joseph Walsh

BOARD MEMBERS ABSENT: Bernadette Winters
Kristi Wooten

STAFF PRESENT: Howard Casway, Senior Assistant Attorney General
Catherine Chappell, Executive Director
Sarah Georgen – Administrative and Office Specialist
Charlotte Lenart, Administrative Assistant
Elaine Yeatts, Senior Policy Analyst

ORDERING OF AGENDA

Ms. Chappell requested that the agenda be amended to delete the consideration of Senate Bill 1011 as further discussion would be made at the July 19, 2013 Board meeting following the June Educational Summit; delete the Regulatory Committee Report as the Committee has not met since the last Board meeting; and delete the Director's Report because Dr. Reynolds-Cane was unable to be in attendance. Ms. Chappell also noted that she would provide the update regarding the Educational Summit as Dr. Winters was not in attendance.

Ms. Horne-Quatannens requested that mid-level licensure and telecommunication therapy guidelines be discussed under New Business.

The Agenda was accepted as amended.

RECOGNITION OF OUTGOING BOARD MEMBER

Ms. Horne-Quatannens expressed her appreciation to Catherine Moore for her eight years of service to the Commonwealth of Virginia as a Board member and former Credentials Committee Chair.

PUBLIC COMMENT

Joseph Lynch, LCSW spoke on behalf of the Virginia Society for Clinical Social Work ("VSCSW") and provided comment (Attachment 1) on the upcoming Educational Summit. He also presented statistics that he had prepared based upon board minutes with respect to 2011-2012 approvals and denials of applications for clinical licensure.

Debra Riggs, Executive Director of the NASW, Virginia Chapter expressed the Chapter's view regarding the importance of having the NASW involved with the Educational Summit. Ms. Horne-Quatannens commented that the upcoming Educational Summit was intended to address the education standards with educators and that the professional organizations would be invited to attend a separate meeting regarding workforce issues once the educational portion of the regulations are finalized.

APPROVAL OF MINUTES – November 30, 2012 Board Meeting

Mr. Mayer moved that the minutes of the January 25, 2013 Board meeting be approved as written. The motion was seconded by Ms. Haynes and passed.

REGULATORY/LEGISLATIVE UPDATE – Elaine Yeatts

Ms. Yeatts stated that three sets of proposed regulations for the Board were awaiting approval: proposed regulations to provide for a fee increase and change in renewal cycle; proposed regulations to clarify licensure requirements; and regulatory reform changes.

Ms. Yeatts stated that SB 1011 amended the Code of Virginia by adding a new section 54.1-3707.1 relating to the educational requirements for licensure as a clinical social worker. Ms. Yeatts stated that the Board should discuss this issue further after the Educational Summit which she anticipated would provide direction to the Board in implementing the changes.

EXECUTIVE DIRECTOR'S REPORT – Catherine Chappell

Ms. Chappell thanked the board members for their support and attendance at the meeting. She reminded them that attendance was critical to ensure that a quorum would be established so that decisions could be rendered. With seven of nine members in attendance that day, a quorum was met. She emphasized that each board member played a key role on the board and that while each had one vote, the board would speak as one with respect to their decisions.

Financial Update. Ms. Chappell distributed a report of the board's finances as of February 28, 2013. The report reflected the continuing cash shortfall, which was a consistent trend every 18 months into the renewal cycle. While the board had proposed a fee increase and change in renewal cycle, those regulatory changes were still in proposed form. She commented that the other behavioral sciences boards used an annual licensure renewal while the board continued to use a biennial renewal period. Renewal notices were planned to be mailed out in early May, which would correct the cash flow shortfall for another 18 months.

Ms. Chappell also referenced a memorandum from the Agency Director regarding the ongoing need for fee increase.

Staffing Update. Ms. Chappell remarked that Patricia Larimer, Deputy Executive Director for Discipline continued on approved extended leave. In her absence, the discipline and credentials appeals program moved forward under the leadership of Jennifer Lang, Administrative Assistant for the Board of Counseling. She commented that she was encouraged with the progress that Ms. Lang had made in resolving many of the cases in the board's backlog.

She also recognized Sarah Georgen and Charlotte Lenart for their ongoing support of and dedication to the day-to-day functions of the board.

Outreach Opportunities. Ms. Chappell reported that she had recently spoken to approximately 100 students at the NASW annual meeting in Williamsburg. The students, both BSW and MSW level, were hungry for information on licensure and had many questions about the application process. They expressed concern to Ms. Chappell regarding workforce challenges that they would face as new graduates.

Additionally, Ms. Chappell commented that the upcoming Educational Summit would be an excellent opportunity for the board to reach out to the graduate programs in Virginia and surrounding jurisdictions. The Summit was scheduled for June 14, 2013, and she encouraged the board members to participate.

ASWB Examination. Ms. Chappell distributed information gathered by the ASWB on pass/fail rates for the Virginia MSW schools for 2012. This information was updated annually on the board's website.

ASWB Training Opportunities. Ms Chappell reported that several board members had participated in new board member training through the ASWB over the past few years. ASWB is the association of regulatory boards for social work in the United States and Canada and offers the licensing examination. She indicated that Art Mayer would be attending training in August and that opportunity for additional training was available at the annual meeting in the fall.

She also reported that she had recently attended the ASWB spring meeting, and received full funding for the travel through the ASWB. The meeting addressed the various roles that stakeholders play, and she intended to share this information further at the Educational Summit. She also had the opportunity to participate in an administrator's forum at the meeting, which offered a roundtable discussion of challenges and opportunities facing participating jurisdiction over the past year.

Advanced approval must be requested and received from the Secretary's office for any board member or staff travel, even though funded by an outside party. No state funding was available for travel.

Prescription Drug Take Back Day Initiative. At Dr. Reynolds-Cane's request, Ms. Chappell distributed information regarding the DEA's 6th National Prescription Drug Take Back Day. The Agency continued to lend support to these efforts.

Regulatory Board Authority. Ms. Chappell referenced an article that she had provided for board members reading which addressed national concerns about the role of a regulatory board in regulating its licensees.

BOARD STAFF UPDATE – Sarah Georgen

Staffing 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 the expected administrative turn-around time was 7-10 business days for each application and supervision request.

Ms. Georgen said that Board staff receives about 400 phone calls, 700 emails and 125 new applications per month. With the current two-person staff, the everyday workload continued to be difficult to manage.

She noted that there were approximately 200 applications considered "administratively pending" which were incomplete applications awaiting additional documentation from applicants, such as missing transcripts, forms, or unsigned applications. Board staff had sent reminder emails to all of the pending applicants regarding their incomplete applications if older than 30 days.

Ms. Georgen stated that there were approximately 85 applications in queue to be evaluated by the Credentials Reviewer. Since January 1, 2013, the Reviewers had approved 213 applications for supervision and licensure and had deferred 75 applications due to education and/or experience concerns.

Licensing Activity. Ms. Georgen reported that the Board was responsible for 6,199 licensees and 2,052 active and approved registrations towards licensure. Board staff licensed 88 new licensees since the last Board meeting.

Online Applications. Ms. Georgen stated that staff had received over 300 online applications since the start of the online application process. The online applications and forms were recently updated to lessen the burden on applicants to provide necessary information.

Re-Applying for Licensure. Ms. Georgen noted that applicants who had unregistered supervision that began before November 26, 2008 which took place in an exempt setting were required to apply for licensure by November 26, 2012.

Many applicants have contacted the board regarding this change and would like their old supervision hours considered again towards licensure. Regulations have specified this deadline since November 2008 and an announcement appeared on the website for several months. Ms. Georgen stated that staff expected several appeals to be forthcoming relating to this issue.

Disciplinary Report. Ms. Georgen reported that since the last meeting, the Board had received 7 new disciplinary cases and closed 15 old cases.

At the present time, there were 31 open, active cases for the Board of Social Work. Currently, 12 cases were being investigated by the Enforcement Division, 10 cases were scheduled for an informal

conference, 5 cases were at Board level to be reviewed for probable cause, 2 cases were issued a compliance tracking numbers, 1 case was scheduled for a formal hearing and 1 case was currently at the Administrative Proceedings Division level.

There were 2 recommended decisions that would be addressed during closed session at the end of the Board meeting.

Ms. Georgen reported that the next informal conference dates were scheduled for May 10, 2013 and July 18, 2013 and there was a scheduled formal hearing for July 19, 2013.

BOARD COUNSEL REPORT – Howard Casway

Mr. Casway reported that one disciplinary case had been appealed to Roanoke City Circuit Court relating to a summary suspension.

Mr. Casway would provide an update of the outcome at the next scheduled Board meeting.

CREDENTIALS COMMITTEE – Jennifer Blosser

Due to the unforeseen weather circumstances at the January Board meeting, Ms. Blosser was unable to report on the Credentials Committee meeting from November; therefore she provided a report on the last two Committee meetings.

Ms. Blosser stated that at the Credentials Committee meeting on November 30, 2012, the Committee considered 17 supervision, licensure and training requests. The Committee requested that additional information be submitted on two (2) files; denied ten (10) applications due to insufficient coursework, practicum and/or supervised experience; denied two (2) applications due to disciplinary and conviction concerns; denied one (1) request to waive supervisor training requirements; and approved two (2) requests for licensure by examination.

Ms. Blosser stated that at the Credentials Committee meeting on January 25, 2013, the Committee considered 11 licensure and supervision requests. The Committee requested that additional information be submitted on one (1) file; denied four (4) applications due to supervision concerns; denied four (4) applications due to education concerns; denied one (1) application due to education, practicum and supervision concerns; and approved one (1) request for registration of supervision.

She stated that files are referred by the Credentials Reviewer to the Committee for evaluation when the Reviewer is 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

Educational Summit Update:
Ms. Chappell stated that an ad hoc committee meeting was held on March 22, 2013. The ad hoc committee members discussed possible dates to hold the educational summit and determined that the meeting would be held on June 14, 2013.

Ms. Chappell stated that the proposed agenda would include a presentation by Ms. Chappell on the role of the Board, a presentation by a representative of CSWE on academic accreditation, a presentation by educators on their respective curriculum as it prepares students to seek licensure, a roundtable discussion on the roles that the board, educators and the professional associations play in the licensure process, and public comment.

The goals for the summit included obtaining clarity of the necessary educational curricula in order to meet the requirements for licensure, exploring the roles of the schools in the licensing process, and developing a system to keep the board updated regarding curriculum changes.

NEW BUSINESS

Ms. Horne-Quatannens asked the Board to consider again the concepts of mid-level licensure and distance therapy by telecommunication. She asked the Regulatory Committee to review these matters further.

Ms. Haynes requested, as Chair of the Regulatory Committee, that the Board members provide direction regarding their interest in pursuing these two outstanding issues. Ms. Haynes stated that these issues have been discussed many times at the Regulatory Committee meetings over the past couple of years. She asked the Board members if they would like to refer these items back to the Committee for further discussion, ask staff to draft proposed regulations or table the pursuit of these issues.

No motion was made to pursue the mid-level license at this time; therefore the issue was tabled.

Ms. Moore moved that staff develop a guidance document in regards to telecommunication therapy. The motion was seconded by Dr. Simon-Owens and passed.

EXECUTIVE SESSION

Prior to entering into closed session to consult with counsel on recommendations from the Credentials IFC Committee, a written statement was received from Marsha Engle regarding her application under consideration. In accordance with §2.2-4021, persons who participated in the prior proceeding shall be provided an opportunity to respond at the board meeting to any summaries of the prior proceeding prepared by or for the board. Ms. Engle's statement provided information that could benefit the Board in making a decision regarding the Credentials IFC Committee's recommended decision.

Closed Meeting:
Ms. Haynes moved that the Board of Social Work convene in closed meeting pursuant to §2.2 3711(A)(7) of the Code of Virginia in order to consult with legal counsel on the recommendation from the Credentials IFC Committee. She further moved that Howard Casway, Catherine Chappell, Sarah Georgen, and Charlotte Lenart 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 matter. The motion was seconded and carried.

Reconvene:
Ms. Haynes 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 Board agreed unanimously.

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

Mary Lindberg: The IFC Credentials Committee concluded that Mary Lindberg, LCSW applicant, failed to satisfy the requirements of 18VAC 140-20-50(B)(1) and 18VAC 140-20-50(A)(2) and recommended that her application by examination be denied. Dr. Simon-Owens made a motion to accept the recommendation as presented. The motion was seconded by Mr. Walsh and carried.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 11:45 p.m.

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Susan Horne-Quatannens, Chair

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Catherine Chappell, Executive Director

Attachment #1

April 19, 2013

Virginia Society for Clinical Social Work

Public Comments to the

Virginia Board of Social Work

My name is Joe Lynch and I appreciate this opportunity to make public comments to the VBSW today.

One of the items on your agenda today is to hear a report from the Ad Hoc Committee about the plan for the Educational Summit. As I understand your plan focuses on communication between the MSW schools and the VBSW. I would like for you to consider a more inclusive plan that allows for the voice of the professional associations to be heard as well. Licensing is focused on the safe practice of our profession. The clinical social workers who are members of the professional associations are the front line of practice. It is important to have the combination of perspectives of practice, education and regulation all at the table for the Educational Summit discussion.

Also on your agenda today is Elaine Yeatts report that notes the new law 54.1-3707.1 Part of the impetus for this law concerned the experience of some applicants for licensure being told that their educational coursework did not meet the number of hours required by the VBSW regulations. I have prepared a document that examines the data for the 2011-2012 years to see how many applicants were denied permission to sit for the ASWB clinical exam due to educational reasons. I used data from ASWB, the minutes of the credentials committee, and reports on the DHP web site to construct a picture of the number of applicants who were given permission to sit for the exam and the number who were denied permission to sit for the exam including the reasons for denial. I thought this information might be useful for the Educational Summit to see the size of the group that was denied for any kind of educational reasons. It turns out that 6% of the applicant pool was denied for educational reasons.

Another aspect of the new law is that it makes graduation with a clinical concentration from a Council of Social Work Education accredited program be sufficient evidence to meet the Clinical Course of Study educational requirement in the regulations. The ASWB data on the four MSW programs in Virginia that are all CSWE accredited show a range of pass rate for the ASWB clinical exam to be from 43% to 100%. I think the Educational Summit should have some discussion of this fact as part of their focus.

Again thank you for the opportunity to make public comment.

Joseph G. Lynch LCSW, CSOTP
VSCSW Board Member