

**THE VIRGINIA BOARD OF SOCIAL WORK
MINUTES
Thursday, May 11, 2017**

The Virginia Board of Social Work ("Board") meeting convened at 10:15 a.m. on Thursday, May 11, 2017 at the Department of Health Professions, 9960 Mayland Drive, Richmond, Virginia. Yvonne Haynes, Board Chair, called the meeting to order.

BOARD MEMBERS PRESENT: Jamie Clancey, L.C.S.W.
Yvonne Haynes, L.C.S.W.
Dolores Paulson, L.C.S.W., Ph.D.
Gloria Manns, L.C.S.W.
John Salay, L.C.S.W.
Joseph Walsh, L.C.S.W., Ph.D.

BOARD MEMBERS ABSENT: Canek Aguirre
Maria Eugenia del Villar, L.C.S.W.
Angelia Allen

DHP STAFF PRESENT: David Brown, D.C., DHP Director
Christy Evans, Discipline Case Specialist
Sarah Georgen, Licensing Manager
Jaime Hoyle, Executive Director
Jennifer Lang, Deputy Executive Director
Elaine Yeatts, Sr. Policy Analyst

BOARD COUNSEL: James Rutkowski

OTHERS PRESENT: Julia Bennett, Assistant Attorney General
Carla Boyd, Adjudication Specialist, Administrative Proceedings
Division

CALL TO ORDER:

Ms. Haynes called the meeting to order.

ESTABLISHMENT OF A QUORUM:

Ms. Haynes requested a roll call. Ms. Georgen announced that six members of the Board were present; therefore, a quorum was established.

MISSION STATEMENT:

Ms. Haynes read the mission statement of the Department of Health Professions, which was also the mission statement of the Board.

EMERGENCY EGRESS:

Ms. Haynes announced the Emergency Egress Procedures.

ADOPTION OF AGENDA:

Upon a motion by Ms. Clancey which was properly seconded, the agenda was accepted as amended. The motion passed.

SUMMARY SUSPENSION PRESENTATION

Ms. Bennett presented a summary of evidence in disciplinary case #178885 for the Board's consideration of a summary suspension of the license of Edward G. Hayes, LCSW. See attachment A for hearing summary minutes.

PUBLIC COMMENT ON AGENDA ITEMS:

Debra Riggs, Executive Director of the National Association of Social Workers ("NASW"), Virginia Chapter, provided the board with written public comment.

Joseph Lynch of the Virginia Society for Clinical Social Work ("VSCSW") provided the board with written public comment. See attachment B for the additional comments provided.

APPROVAL OF MINUTES OF FEBRUARY 3, 2017:

Upon a motion by Dr. Walsh, which was properly seconded, the meeting minutes from February 3, 2017 were approved as written.

DIRECTOR'S REPORT

Dr. Brown reported to the Board that opioid addiction deaths are on the rise. They have doubled from 2015 to 2016. Dr. Brown further explained that the majority of opioid addicts started out with legitimate prescriptions for injuries and chronic pain. A number of the Boards at DHP are currently working on their regulations to address the opioid epidemic, including the Boards of Medicine, Dentistry, and Veterinary Medicine. All guidelines speak to the consideration of non-narcotic medication for pain. The Board of Medicine regulations were approved quickly and the Board of Medicine plans to consider amendments soon regarding prescribing morphine.

Dr. Brown also reported that a recent bill called for the Secretary of Health and Human Resources and a workgroup to review the curriculum for prescribers. The workgroup is reaching out to nursing schools and licensed professionals that treat addiction for feedback and participation. Additionally, they plan to create subcommittees to review the curriculum for pain management, recognition of addiction, and patient education.

Further, Dr. Brown announced legislation through the Board of Counseling that will register peer recovery specialists under DHP to help those in recovery to chart a path forward which will help guide patients through recovery.

REGULATORY/LEGISLATIVE UPDATE

Ms. Yeatts provided a report of the 2017 General Assembly actions, which included a requirement for the Board of Counseling to adopt regulations at their August 2017 meeting for the registration of QMHPs and Peer Recovery Specialists. The regulations regarding training, testing, and certification will be similar to current requirements under the Department of Behavioral Health and Developmental Services.

Ms. Yeatts reported that the final stage of amendments to require the submission of an application for licensure within two years of completion of the supervised experience, to require to register supervision with the Board for any add or change in supervision, and to add romantic relationships to the unprofessional conduct section of the regulations will be published by the Registrar on May 29, 2017 and will be effective June 28, 2017.

She reported that the Board's changes to the clinical social work services and reinstatement regulations have been reviewed by the Secretary of Health and Human Resources and have been approved. The regulations are awaiting the Governor's review.

CHAIRMAN'S REPORT

Ms. Haynes provided an overview of the Association of Social Work Boards (ASWB) 2017 annual spring education meeting. She reported that she facilitated a full day of round table discussions to determine subject matter related to education, mobility, verification of hours, and deregulation. Ms. Haynes' travel to the meeting was funded by the ASWB.

Ms. Haynes reported that the Association of Social Work Boards ("ASWB") will implement updated examinations effective January 2, 2018. She encouraged Social Workers to review the ASWB website for more information regarding the details of the changes and the timeline of events.

EXECUTIVE DIRECTOR'S REPORT

Ms. Hoyle announced that the Behavioral Sciences Unit is fully staffed. She reported that a summer intern has been hired to work side-by-side with Board staff which will include an opportunity for special projects in support of the board, learning the licensing process, updating the website, and working with discipline by creating compliance forms and standards of procedure.

Ms. Hoyle announced the outreach efforts of the Board by participating in the National Association of Social Work – Virginia Chapter Lobby Day, United Methodist Family Services Licensure Process presentation, the Association of Social Work Boards regional meeting, and a National Association of Social Work – Virginia Chapter conference with the Department of Medical Assistance Services and Department of Behavioral Health and Developmental Services.

Ms. Hoyle also participated in the Virginia Executive Institute leadership conference which includes senior leadership of state agencies and training for Executive Directors to ensure interconnection with other state agencies.

Ms. Hoyle reported that the financial report was distributed in the agenda packet which showed a deficit amount of funds for the Board; however, she noted that the upcoming renewal fee change effective with the 2017 renewal period will help with the deficit amount and cash flow in the future.

Ms. Hoyle also reminded the Board that elections for Chair and Vice-Chair would take place at the end of the meeting. The Chair and Vice-Chair can serve two consecutive terms. It has been the tradition of the Board to reelect the Chair and Vice-Chair, but the by-laws provide for an election for each term, and the positions are open to any member of the Board.

DEPUTY EXECUTIVE DIRECTORS REPORT

Ms. Lang noted that the quarterly reporting statistics from the last quarter were included in the agenda packet. Ms. Lang noted that the Board received 36 new cases and closed 69 cases from January 20, 2017 to May 11, 2017, and had 15 cases waiting for probable cause review.

LICENSING MANAGER'S REPORT

Ms. Georgen reported that the quarterly reporting statistics from the last quarter were included in the agenda packet. She reported that the agency satisfaction survey reported a 91.2% satisfaction rate for the last quarter and included the comments of the survey for Board member review to ensure transparency.

Ms. Georgen announced that the ASWB was offering their New Board Member Training for 2017 and that interested board members that have not participated in the past were welcome to join the ASWB for their training. Ms. Georgen noted that travel expenses for the ASWB meetings are fully funded by the ASWB, but must be approved by the Secretary of Health and Human services due to state travel requirements.

Ms. Georgen also noted that the Board was going green beginning with the 2018 renewal period. She announced that paper renewal notices will no longer be mailed by the Board. She noted that email notices will be sent to all licensees at least 45 days prior to the renewal deadline and reminded all licensees to ensure that their email and mailing addresses were up-to-date with the Board.

Ms. Georgen reported that the 2017 renewal notices were emailed, as well as, mailed to licensees to prepare for the Board to "Go Green" in 2018 with minimal emails returned as undeliverable.

Ms. Georgen stated that possible 2018 meeting dates would be sent to the board members following the meeting.

COMMITTEE REPORTS

Regulatory/Legislative Committee Report

Dr. Walsh reported that the Regulatory Committee met on February 2, 2017 and noted that the March 30, 2017 meeting was canceled. Dr. Walsh reported that he and staff collaborated in the Stakeholder meeting on March 3, 2017 to create consensus between Social Work stakeholders, including the NASW-VA and Virginia Society for Clinical Social Work, regarding mid-level licensure. Dr. Walsh reported that the stakeholders were in agreement regarding the proposed legislation to be sent to the 2018 General Assembly.

Dr. Walsh announced that the next scheduled regulatory committee meeting would take place on August 10, 2017.

Dr. Paulson voiced her approval of the product of the meeting developed by staff, the Chair of the Regulatory Committee and the VSCSW and NASW but had concern about the process used in developing that product. Dr. Paulson and the other members of the Regulatory Committee were not in attendance.

Credentials Committee Report

Mr. Salay noted that there was nothing to report.

Special Conference Committee Report

Ms. Haynes noted that there was nothing to report.

Board of Health Professions Report

Ms. Haynes reported that her report and draft meeting minutes of the Board of Health Professions were included in the agenda packet.

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

Approval of Legislative Proposal for Mid-Level Licensure:

Ms. Yeatts noted that staff and Dr. Walsh collaborated with stakeholders, including the NASW-VA and Virginia Society for Clinical Social Work, in the creation of the proposed legislation for mid-level licensure. She noted that prior to each meeting, a review of necessity for the Committees or Board to meet is conducted. She reported that a meeting is deemed unnecessary if there is no essential business of the board, or if the cost for board members to travel outweighs the necessity of the meeting. Dr. Paulson commented that she agreed with the decision to cancel the meeting, and her concern was only with the quick scheduling of the meeting that did not allow her participation.

Dr. Paulson voiced her approval of the product of the meeting developed by staff, the Chair of the Regulatory Committee and the VSCSW and NASW but had concern about the process used in developing that product. Dr. Paulson and the other members of the Regulatory Committee were not in attendance.

Upon a motion by Mr. Salay which was properly seconded, the proposed legislation was accepted as written. The motion passed.

United Methodist Family Services (UMFS) Topics of Discussion:

Ms. Haynes requested the Regulatory Committee to review the UMFS questions further for response.

Ms. Haynes requested collaboration between the Credentials Committee members and board staff in the updates of the Regulations and Standards of Practice by utilizing past decisions at informal conferences and formal hearings.

Elections:

Mr. Salay stated that the nominating committee submitted Ms. Haynes and Dr. Paulson for Chairperson and Mr. Salay and Dr. Paulson for Vice-Chairperson.

Dr. Paulson provided a statement to the Board in respect of her candidature and removed her name from nomination.

Ms. Haynes asked for any additional nominations, and then called for a voice vote and stated that a simple majority of the quorum of the Board shall prevail.

Following a voice vote of Chairperson and Vice-Chairperson, Ms. Haynes announced the results of the vote and reported that the Board elected Ms. Haynes for Chairperson and Mr. Salay for Vice-Chairperson.

NEXT MEETING:

Ms. Haynes announced that the next regularly scheduled full Board meeting would occur on August 11, 2017 at 10:00 a.m.

ACTION ITEMS FOR NEXT BOARD MEETING:


- By-law revisions
- 2018 meeting dates confirmation

ADJOURNMENT:

The meeting was adjourned at 12:05 p.m.



Jaime Hoyle, Executive Director



Yvonne Haynes, LCSW, Chair

ATTACHMENT A

Virginia Board of Social Work Summary Suspension Presentation and Consideration

Time and Place: Thursday, May 11, 2017 at 10:15 a.m.
Virginia Department of Health Professions
Perimeter Center, 2nd Floor
9960 Mayland Drive, Henrico, Virginia 23233

Members Present: Yvonne Haynes, LCSW, Chairman
Jamie Clancey, LCSW
Gloria Manns, LCSW
Dolores Paulson, Ph.D., LCSW
John Salay, LCSW
Joseph Walsh, Ph.D., LCSW

Members Absent: Canek Aguirre, Citizen Member
Angelia Allen, Citizen Member
Maria Eugenia del Villar, LCSW

Staff Present: Christy Evans, Discipline Case Specialist
Sarah Georgen, Licensing Manager
Jaime Hoyle, Executive Director
Jennifer Lang, Deputy Executive Director
James Rutkowski, Assistant Attorney General, Board Counsel

Commonwealth's Representation: Julia Bennett, Assistant Attorney General
Carla Boyd, Adjudication Specialist, Administrative Proceedings Division

Purpose of the Meeting: Ms. Bennett presented a summary of evidence in disciplinary case #178885 for the Board's consideration of a summary suspension of the license of Edward Hayes, LCSW.

Closed Meeting: Ms. Clancey moved that the Board convene in a closed meeting pursuant to § 2.2-3711(A)(27) of the *Code of Virginia* for the purpose of deliberation to reach a decision in the matter of Edward Hayes, LCSW. Additionally, she moved that James Rutkowski, Jaime Hoyle, Jennifer Lang, Christy Evans, and Sarah Georgen attend the closed session because their presence was deemed necessary and would aid the Board in its deliberations. The motion was seconded and passed unanimously.

Reconvene: Having certified that the matters discussed in the preceding closed meeting met the requirements of § 2.2-3712 of the *Code of Virginia*, the Board reconvened in open meeting and announced the decision.

ATTACHMENT A

Virginia Board of Social Work Summary Suspension Presentation and Consideration

- Decision:** Dr. Walsh moved to summarily suspend the license of Edward Hayes, LCSW and offer a Consent Order for revocation, in lieu of a formal hearing. The motion was seconded by Mr. Salay and passed by the Board with a unanimous vote.
- Adjournment:** The Board adjourned the summary suspension consideration at 10:38 a.m.



Virginia Society for Clinical Social Work
 10106-C Palace Way
 Henrico, Virginia 23238

May 11, 2017

PUBLIC COMMENT TO
The Virginia Board of Social Work

I appreciate the opportunity to make public comment today to the VBSW on behalf of the VSCSW and the Northern Virginia Branch of the Greater Washington Society for Clinical Social Work. One of the items on the agenda today under New Business is "Approval of Legislation Proposal for Mid-Level Licensure." At the October 14, 2016 Board meeting DHP Director Brown addressed the Board informing them that the proposed legislation regarding mid-level licensure was not approved by the DHP. He cited two main factors in his decision:

1. There was not unanimous support from the professional associations for the legislation and
2. The proposed legislation was not aligned with the ASWB Model Practice Act

Today those factors have been remedied. At the last Board meeting I stated explicitly that the VSCSW and the Northern Virginia Branch of the GWSCSW were not opposed to mid-level licensure. Our opposition was to accomplishing mid-level licensure through legislative action when we believed that it could be accomplished by regulatory actions. The counsel for the VBSW has informed the Board that in order to accomplish mid-level licensure the Board must pursue legislative action. Thus our opposition was no longer an issue and we support the proposed legislation that the Board has on the agenda today.

In order to assess the second concern about alignment with the ASWB Model Practice Act I created a table with the relevant sections of the Model Act in one column and the VBSW proposed legislation in another column. As you can see in the attached table there is very much alignment between the two now.

I believe at this point in time the VSCSW, the Northern Virginia branch of the GWSCSW, The Virginia Chapter of NASW, The VBSW and the Department are all on the same page in supporting this proposed legislation to move forward.

ASWB Model Social Work Practice Act

VBSW DRAFT PROPOSED LEGISLATION

Section 104. Practice of Baccalaureate Social Work.

Subject to the limitations set forth in Article III, Section 306, the practice of Baccalaureate Social Work means the application of social work theory, knowledge, methods, ethics, and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations, and communities. Baccalaureate Social Work is **generalist practice** that includes assessment, planning, intervention, evaluation, **case management**, information and referral, counseling, supervision, consultation, education, advocacy, community organization, research, and the development, implementation, and administration of policies, programs, and activities.

Baccalaureate social worker means a person, engaged in **the practice of social work**, who practices under the supervision of a master's social worker ~~within an entity not otherwise exempted by provisions of § 54.1-370.1~~ and who is engaged in a **basic generalist practice** to include **casework management** and supportive services and consultation and education.

Section 302. Qualifications for Licensure by Examination as a Baccalaureate Social Worker.

(a) To obtain a license to engage in the practice of Baccalaureate Social Work, an applicant for licensure by examination must provide evidence satisfactory to the Board, subject to Section 311, that the applicant:

- (1) Has submitted a written application in the form prescribed by the Board;
- (2) Has attained the age of majority;

licensure by examination

Section 109. Definitions

(e) Baccalaureate Social Worker means a person duly licensed to practice Baccalaureate Social Work.

(v) Master's Social Worker means a person duly licensed to practice Master's Social Work

Master's social worker means a person, engaged in the **practice of social work**, who is employed by ~~an entity not otherwise exempted by provisions of § 54.1-370.1~~ and who is engaged in a non-clinical, generalist scope of practice of social work to include staff supervision and management

Section 303. Qualifications for Licensure by Examination as a Master's Social Worker.

- (1) Has submitted a written application in the form prescribed by the Board;
- (2) Has attained the age of majority;
- (3) Is of good moral character. As one element of good moral character, the board shall require each applicant for licensure to submit a full set of fingerprints for the purpose of obtaining state and federal criminal records checks, pursuant to *[insert reference to authorizing state statute]* and applicable federal law. The *[state agency responsible for managing fingerprint data e.g. the department of public safety]* may submit fingerprints to and exchange data with the Federal Bureau of Investigation. All good moral character information, including the information obtained through the criminal records checks, shall be considered in licensure decisions to the extent permissible by all applicable laws.
- (4) Has graduated and received the Master's degree in social work from an Approved Social Work Program;
- (5) Has successfully passed an examination or examinations prescribed by the Board; and
- (6) Has paid all applicable fees specified by the Board relative to the licensure process

Section 306. Independent Practice.

~~No Baccalaureate or Master's Social Worker licensed under Section 302 or Section 303 shall engage in Independent Practice~~ until such time that the social worker shall have worked under a plan for supervision for a specified period of time and under terms and conditions set by the Board.

Section 109. Definitions

~~t) Independent Practice means practice of social work outside of an organized setting, such as a social, medical, or governmental agency, in which the social worker assumes responsibility and accountability for services provided.~~

Section 213. Powers and Responsibilities

- (a) The Board shall be responsible for the control and regulation of the practice of social work in this state including, but not limited to, the following:
 - (1) ~~The licensing~~ by examination or by licensure transfer of applicants who are qualified to engage in the practice of social work under the provisions of this Act;
 - (2) The renewal of licenses to engage in the practice of social work;

§ 54.1-3705. Specific powers and duties of the Board.

In addition to the powers granted in § 54.1-2400, the Board shall have the following specific powers and duties:

5. To license baccalaureate social workers, master's social workers, and clinical social workers to practice consistent with the definitions specified in § 54.1-3700 and regulations promulgated by the Board.

6. To register persons for the supervised practice of social work as required for licensure as a clinical social worker.