

# DRAFT

## THE BOARD OF SOCIAL WORK **REGULATORY COMMITTEE** MINUTES

FRIDAY, MARCH 3, 2006

The Regulatory Committee of the Board of Social Work convened at 10:10 a.m. on Friday, March 3, 2006 at the Department of Health Professions, 6603 West Broad Street, Richmond, Virginia. The meeting was called to order by Wayne A. Martin, Chair.

**MEMBERS PRESENT:**

Wayne A. Martin  
Charles R. Chambers, Jr.  
Jill Smeltzer  
Willie T. Greene, Sr.

**STAFF PRESENT:**

Benjamin Foster, Deputy Executive Director

**GUESTS PRESENT:**

Debra Riggs, NASW Executive Director

**PRESENT FOR PORTIONS:**

Evelyn Brown, Executive Director  
Valerie Carter-Williams, Board Chair  
Catherine L. Moore, Board Member

**PUBLIC COMMENT PERIOD:**

There was no public comment.

**PURPOSE:**

Deputy Executive Director Ben Foster explained that the purpose of the Committee meeting was to discuss whether or not the Board should implement guidelines for those who wish to supervise perspective post master's degree applicants for licensure, more specifically, to discuss whether the Board should require continuing education experience in supervision, college level coursework, or some other type of formal training for those wishing to provide supervision.

As part of the discussion the Committee was directed by the Board to address the request of the Board of Counseling to allow a portion of the required supervision to be provided by a professional counselor. Currently the Board of Counseling allows a portion of required supervision to be provided by clinical social workers.

And finally, the Committee has been directed to discuss the issue of individuals working semi-autonomously after properly registering their supervision.

Debra Riggs, Executive Director of the Virginia Chapter of the National Association of Social Workers asked if the Committee could discuss and consider changing the required number of hours of continuing education for licensed social workers. Ms. Riggs stated that licensed social workers by the nature of their job descriptions lean toward topics regarding behavioral health and case management. As such, they have difficulty finding appropriate continuing education training.

Mr. Foster remarked that this is a matter better suited for the Continuing Education Committee. He suggested that the issue be brought up at the April 7, 2006 meeting and a request made that it be referred to the C.E. Committee.

## **DISCUSSIONS:**

### **HB 1146:**

Committee Chair Wayne Martin asked Mr. Foster to update the Committee on the status of House Bill 1146. Mr. Foster stated that HB 1146 was introduced at the behest of NASW-VA and that neither the Board nor the Department of Health Professions took an official stance on it. The amended bill in its current form will add two members to the Board and recommend that the Board conduct a study as to effect of removing the exempt setting designation from regulation. Ms. Riggs was offered an opportunity to speak on the matter but declined to do so.

Mr. Martin suggested that the Committee take 15 minutes and look over the resource materials distributed for the meeting before proceeding.

### **Board of Counseling Request:**

Mr. Martin provided an overview of the issue for the benefit of those in attendance who did not attend the December 16, 2005 Board meeting. He stated that Dr. Kevin Doyle, Chair of the Board of Counseling, had addressed the Board regarding supervision. Currently the Board of Counseling allows a portion of required supervision hours to be provided by clinical social workers. The Board of Counseling would like the Board of Social Workers to consider allowing a portion of required supervision hours for trainees seeking licensure as LCSW's to be provided by professional counselors, a regulatory change that would result in a reciprocal agreement between the two boards in terms of supervision.

Jill Smeltzer stated that she believed there were sufficient numbers of LCSW supervisors available thus negating the need for LPC to supervise social worker trainees. Ms. Smeltzer also said that LCSW's had been allowed to supervise prospective LPC because there had been too few qualified LPC's to do so when licensure for the profession became necessary. Mr. Willie Greene asked if the requirements for licensure were significantly different between the two

professions. Mr. Martin and Ms. Smeltzer pointed out the differences between the training and the practice of the professions.

After further discussion the Committee unanimously decided to recommend to the full Board that the request be denied. The rationale for the denial being that there are sufficient numbers of LCSWs to provide supervision and that nuances of being a social worker are better indoctrinated by someone in the profession.

#### **Current Supervision Requirements:**

Mr. Foster suggested that the Committee look at Section 18 VAC 140-20-50, (Education and experience requirements for licensed clinical social worker) and go through the requirements line by line.

Using an Association of Social Work Boards (ASWB) list of U.S. and Canada supervision requirements and supervision regulations from the Maryland Board of Social Work Examiners the Committee reworked Section 18 VAC 140-20-50 as well as suggested adding several definitions to Section 18 VAC 140-20-10 of its regulations. Mr. Foster will draft and format these changes which will be discussed at the Committee's next meeting.

#### **Practice While Under Supervision:**

During the December 16, 2005 Board Meeting, Arnice Covington, Administrative Assistant brought it to the attention of the Board that it appears that several applicants registering their supervision appeared to be or intended to practice semi-autonomously. In other words, they registered supervisor but they were seeing clients out of an office under their own name. However, the supervisee was not holding themselves out as licensed.

Ms. Smeltzer stated that she had a problem with this activity and believed that it should constitute practicing without a license. Mr. Martin agreed with her and asked Mr. Foster if the Board or the Agency could take action against persons in these situations. Mr. Foster told the Committee that the Agency could provide an informational letter stating that an activity required licensure. However, it was up to the Commonwealth's Attorney in a locale to take actions against an individual for unlicensed practice. Mr. Foster also told the Committee that he did not believe that this activity would be considered practicing without a license under current regulations. And further, that similar discussions by previous Board members indicated that this was an acceptable practice.

On motion by Ms. Smeltzer, seconded by Mr. Chambers, and unanimously approved, the Committee decided to ask for a legal opinion on this matter from Board Counsel, Howard Casway.

**Next Meeting:**

Mr. Martin said that a date for the next meeting will be determined after a report is made to the full Board at the April 7, 2006 meeting.

**Adjournment:**

There being no further business the Committee adjourned at 3:15 p.m.

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Wayne A. Martin, Chair

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Benjamin Foster, Deputy Executive Director