

**THE VIRGINIA BOARD OF SOCIAL WORK
MINUTES
FRIDAY, APRIL 17, 2009**

The Virginia Board of Social Work ("Board") meeting convened at 10:55 a.m. on Friday, April 17, 2009 at the Department of Health Professions, 9960 Mayland Drive, Richmond, Virginia. David Boehm, Chair, called the meeting to order.

BOARD MEMBERS PRESENT: David R. Boehm
Charles R. Chambers, Jr.
Willie T. Greene, Sr.
Susan Horne-Quatannens
Wayne A. Martin
Catherine L. Moore
Francis N. Nelson, Jr.
Patricia Smith-Solan

BOARD MEMBERS ABSENT: Dolores S. Paulson

STAFF PRESENT: Emily Wingfield, Chief Deputy Director
Howard Casway, Sr. Assistant Attorney General
Evelyn B. Brown, Executive Director
Elaine Yeatts, Senior Policy Analyst
Patricia L. Larimer, Deputy Executive Director
Catherine Chappell, Administrative Assistant

ORDERING OF AGENDA

Mr. Boehm opened the floor to any changes in the order of the Agenda. Mr. Casway asked that his presentation on the Administrative Process Act be deferred to a later Board meeting. Ms. Wingfield advised that she would be providing the DHP Director's Update in Ms. Ryals' absence. Ms. Yeatts indicated that she would be addressing the Petition for Rulemaking during the Regulatory Committee report.

Mr. Martin moved to accept the Agenda as amended. The motion was seconded and carried.

PUBLIC COMMENT

Halaevalu F. Vakalahi, Ph.D., MSW, M.Ed., Director of MSW Program at George Mason University advised that a clinical practice program had been added to their curriculum. However, many macro-track graduates continue to have questions as to the Board's education requirements. She asked for the Board's guidance regarding the

“clinical course of study” requirement for macro-trained graduates so that she may better address their concerns. Mr. Boehm commented that the Board planned to address “clinical course of study” later in the meeting.

APPROVAL OF MINUTES

Ms. Solan moved to accept the minutes of the January 23, 2009 Board meeting. The motion was seconded and carried.

CHIEF DEPUTY DIRECTOR’S REPORT

Ms. Wingfield advised that Agency expenses continue to be closely monitored. She indicated that additional information on expenses will be provided at a later Board meeting.

HB 1146 UPDATE

Mr. Chambers advised that the HB 1146 Committee reviewed public comment of the exposure draft prepared in response to the Board’s directive under HB 1146 to evaluate the education and training requirements for social workers to determine if they are adequate to assure the public of professional competency and to evaluate whether the current exemptions from licensure requirements best serve the citizens of the Commonwealth of Virginia.

The Committee drafted final recommendations in the form of an executive summary to the document to address the diversity of comments and to clarify the recommendations made. Additional updates to the exposure draft would be made to reflect recent regulation and to incorporate summary of comments in an appendix.

Mr. Chambers moved that the Board adopt the Committee’s final recommendations to the Report of the Board of Social Work in Response to House Bill 1146. The motion was approved.

Mr. Boehm requested that the draft document be removed from the Board’s website and replaced with the final recommendations until the updated document is available for review. He further requested that the document be referred to the Board of Health Professions’ Regulatory Research Committee and then to Director Sandra Ryals for further action.

EXEMPT REGULATION

Ms. Yeatts reported that SB 1282 allows a licensee to provide the Board with a secondary address to be used as the only address of record provided to the public. She

recommended that Regulation 18VAC140-20-100 be amended to address the legislative change.

Ms. Horne-Quatannens moved to revise Regulation 18VAC140-20-100.D. by replacing that section with the following language:

Each licensee shall furnish the board his current address of record. All notices required by law or by this chapter to be mailed by the board to any such licensee shall be validly given when mailed to the latest address of record given by the licensee. Any change in the address of record or the public address, if different from the address of record, shall be furnished to the board within 30 days of such change.

The motion was seconded and approved.

REGULATORY COMMITTEE REPORT

Clinical Course of Study

Ms. Yeatts presented a revised draft of the Board's guidance document relating to "clinical course of study". She noted that clarification of total hours of field placement and qualification of supervisors had been made in accordance with the Regulatory Committee's review and discussion. She referenced the Regulatory Committee's concerns regarding the requirement for clinical field placement after graduation for students who did not initially obtain a clinical track.

Mr. Martin moved to accept the guidance document and incorporate the document into proposed regulations as an amendment to the definition of "clinical course of study". Additionally, he moved that the following language be added to the third paragraph from the bottom of the guidance document as follows:

An applicant who has otherwise met the requirements for a clinical course of study but who did not have a minimum of 600 hours in a supervised field placement/practicum in clinical social work services may meet the requirement by obtaining an equivalent number of hours of supervised practice in clinical social work services in addition to the experience required in 18VAC140-20-50 of the Regulations Governing the Practice of Social Work.

The motion was approved.

Petition for Rulemaking

Ms. Yeatts referred the Board to the petition for rulemaking submitted by Mr. Michael Beattie, in which he asked the Board to require licensees to perform 25 hours of public service and 25 hours of social justice service per renewal or pay a \$1,000 fee. The fee would be used to award social workers who exemplify commitment to public service and social justice. Additionally, Mr. Beattie requested that public service and social justice work be inserted in the regulations regarding professional conduct.

Mr. Martin moved that the Board deny Mr. Beattie's petition because it is outside the scope of Board authority and requested that Ms. Brown draft a response to Mr. Beattie advising that his concerns were discussed and voted upon. The motion was approved.

Regulatory Committee Meeting Schedule

Mr. Martin announced that the Regulatory Committee's next meeting was scheduled for Thursday, July 16, 2009.

SANCTIONING REFERENCE POINTS STUDY

Ms. Larimer presented the Sanctioning Reference Points Instruction Manual prepared for the Behavioral Sciences Boards. She asked the Board to consider adopting the manual as a guidance document. Mr. Chambers moved that the Board adopt the Sanctioning Reference Points Instruction Manual as Guidance Document 140-8. The motion was seconded and approved.

CHAIR'S REPORT

Board of Health Professions

Mr. Boehm reported that the Board of Health Professions was evaluating the need for regulation of three new professions. He would provide update to the Board on any future action in this regard.

Conferences

Mr. Boehm noted that he and Ms. Brown recently participated on the panel at the Virginia Sex-Offender Treatment Provider Conference in Williamsburg.

EXECUTIVE DIRECTOR'S REPORT

Ms. Brown requested Board input and clarification on the following staff concerns:

Registration of Supervision.

Ms. Brown noted that registration of supervision is now required for all trainees, regardless of the setting. As such, Ms. Brown requested that approval of routine registration of supervision requests be delegated to staff in an effort to process the requests more promptly. Any nonroutine requests would continue to be reviewed monthly by the Credentials Reviewer and the Credentials Committee.

Mr. Martin moved that the Board delegate routine approval of supervision requests to Board administrative staff. Any nonroutine requests would be reviewed by the Credentials Reviewer and the Credentials Committee. The motion was seconded and approved.

Annual Meeting with Schools

Ms. Brown asked that the Board consider scheduling the annual meeting with the Virginia graduate social work schools. The Board agreed to schedule the meeting for 9:00 a.m., immediately preceding the next quarterly Board meeting on July 17, 2009.

Private Practice

Ms. Brown advised that the Board has received inquiries from MSW trainees interested in obtaining clinical supervision while they work in private practice. She noted that the regulations do not specifically prohibit such action but that a MSW trainee is not able to directly bill for services or set up private practice without a license. Mr. Casway recommended that the Board amend the regulations to prohibit such activity. Mr. Boehm asked that the concern be referred to the Regulatory Committee for further review.

Examination Timetable

Ms. Brown noted that Regulation 18VAC140-20-70 had been revised previously to require candidates to “take” the examination within a two year time frame, but that it was administratively difficult to track. She stated that she believed that the Board’s intent was that candidates “pass” within two years. Mr. Boehm added that ASWB advises state boards to limit the number of times a candidate can test. Because the scope of any proposed regulation in this regard was outside the scope of the existing NOIRA, a new regulatory proposal would need to be presented. The matter was referred to the Regulatory Committee for consideration.

Consistency

Ms. Chappell noted that Regulation 18VAC140-20-60 relating to supervised experience for bachelor’s degree applicants for licensed social worker licensure was not consistent with the changes made to 18VAC140-20-50 relating to supervised experience for licensed clinical social workers and asked that the regulations be reviewed and amended for consistency. The matter was referred to the Regulatory Committee for consideration.

Telephone Inquiries

Ms. Chappell asked the Board for suggestions to reduce the large number of inquiries received by staff regarding unfamiliarity with regulatory requirements. The Board discussed ways to encourage the use of the Board’s web page so that the number of phone inquiries could be reduced.

CONTINUING EDUCATION COMMITTEE REPORT

Mr. Casway requested an update from the last audit concerning the implementation of the ethics requirement of Regulation 18VAC140-20-105.A. Ms. Moore indicated that documentation of ethics training was often incomplete and did not provide sufficient detail of the activity. The Board asked that the continued competency regulations be reviewed by the Regulatory Committee and revised as necessary to address concerns. Ms. Moore was invited to attend the next Regulatory Committee meeting.

Ms. Moore noted that approximately twelve Confidential Consent Agreements were sent to licensees who were short acceptable continued competency hours for the 2007 audit.

With respect to the 2009 audit, she noted that the Agency was reviewing audit procedure in an effort to reduce staff time and expenses. A plan for the 2009 audit was anticipated to be in place by the July Board meeting.

DISCIPLINARY COMMITTEE REPORT

Mr. Boehm reported that sixteen complaints were currently in investigation and four cases at the Board level were under probable cause review. No administrative hearings are scheduled at this time.

NEW BUSINESS

Bylaws

Ms. Brown noted a redundant provision within Article III of the Bylaws and asked the Board to consider striking section C and clarifying section B.

Mr. Chambers moved that section C. of Article III be deleted and that section B. be replaced with the following language:

- B. All officers shall be elected for a term of two years and may serve no more than two consecutive terms.

The motion was seconded and carried.

Nominating Committee Report

Mr. Boehm advised that Ms. Moore and Mr. Greene had agreed to serve on the Nominating Committee and would be preparing a slate of officers for the July 2010 Board meeting.

Correspondence from Joseph Walsh, PhD, LCSW

Mr. Boehm referred the Board to correspondence received from Dr. Walsh concerning professional supervision training for LCSW candidate supervisors. A response will be sent to Dr. Walsh to clarify that the Board's regulatory amendment to require training for supervisors included opportunities for public comment throughout the two year regulatory process prior to becoming effective on November 26, 2008. It would be explained to Dr. Walsh that because he has provided supervision in the past, that he has until November 26, 2012 to fulfill the training requirements. The fourteen (14) hours of training could be applied towards his continuing education requirements for the respective licensure renewal period.

ASWB Convention

Mr. Boehm announced that Ms. Horne-Quatannens would be attending the ASWB Convention in Quebec at her own expense due to the Board's restriction on conference travel and would report on the event at the July Board meeting.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 1:50 p.m.

David Boehm, Chair

Evelyn B. Brown, Executive Director