

**THE VIRGINIA BOARD OF SOCIAL WORK  
MINUTES  
Friday, July 24, 2015**

The Virginia Board of Social Work ("Board") meeting convened at 10:06 a.m. on Friday, July 20, 2015 at the Department of Health Professions, 9960 Mayland Drive, Richmond, Virginia. Jennifer Blosser, Chair called the meeting to order.

**BOARD MEMBERS PRESENT:** Jennifer Blosser  
Yvonne Haynes  
Dolores Paulson  
John Salay  
Joseph Walsh  
Bernadette Winters

**BOARD MEMBERS ABSENT:** Maria Eugenia del Villar  
Nettie Simon-Owens  
Kristi Wooten

**DHP STAFF PRESENT:** Sarah Georgen, Licensing Manager  
Jaime Hoyle, DHP Deputy Director/Acting Executive Director  
Jennifer Lang, Deputy Executive Director  
Charlotte Lenart, Licensing Specialist  
Elaine Yeatts, Senior Policy Analyst

**BOARD COUNSEL:** James Rutkowski, Assistant Attorney General

**ESTABLISHMENT OF A QUORUM:**

With six members of the Board present, a quorum was established.

**MISSION STATEMENT:**

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

**EMERGENCY EGRESS:**

Ms. Blosser announced the Emergency Egress procedures.

**ORDERING OF AGENDA:**

The agenda was accepted as written.

**PUBLIC COMMENT:**

Joseph Lynch, Virginia Society for Clinical Social Work provided written comment.

**APPROVAL OF MINUTES:**

Dr. Winters suggested an amendment to the Board meeting minutes from February 20, 2015 in that the last Regulatory Committee meeting was held in January 2014, not January 2013.

Upon a motion by Dr. Walsh, which was properly seconded, the meeting minutes from February 20, 2015 were approved as amended.

**CHIEF DEPUTY DIRECTOR'S REPORT:**

Ms. Hoyle announced that the Health Practitioners' Monitoring Program ("HPMP") audit was conducted and DHP had recently received the results. Ms. Hoyle stated that the results were recently presented to the Executive Leadership Team of DHP and shared with stakeholders. Ms. Hoyle stated that David Brown, Director of DHP, plans to provide an executive summary and response of the results. Ms. Hoyle stated that the results will be available in the fall.

Ms. Hoyle offered a reminder about DHP's Board Member Development Day scheduled for September 28, 2015. She encouraged participation as the training is used for both experienced and new Board members.

**REGULATORY/LEGISLATIVE UPDATE:**

Ms. Yeatts stated that the Board currently has a regulatory action in process at the Governor's office in regards to fee increases. Ms. Yeatts reminded the Board that the 2015 renewal cycle was completed on June 30, 2015, so the possibility of the fee increases for renewals would not occur until 2017.

Ms. Yeatts shared a draft of proposed amendments for consideration by the Board. Ms. Yeatts stated that, if approved, these amendments could be adopted as fast-track regulations and explained the process pertaining to the process.

Ms. Yeatts provided an overview of the amendments as proposed by the Regulatory Committee.

*18VAC140-20-40 – Requirements for licensure by examination as a licensed clinical social worker.*

With respect to an applicant submitting a complete application, the regulations would require the applicant to "submit a completed application to the board office *within two years of completion of supervised experience.*"

With respect to the applicant's out of state licensure, the regulations would require the applicant to provide "documentation of the applicant's *health or mental health* licensure or certification where applicable."

With respect to the applicant's requirements, the regulations would require the applicant to provide "*a current report from the U.S. Department of Health and Human Services Data Bank (NPDB).*"

With respect to the applicant's examination requirements, the regulations removed the following passage: *"If the examination was not passed within five years preceding application for licensure, the applicant may qualify by documentation of providing clinical social work services in an exempt setting for at least 360 hours per year for two of the past five years."*

18VAC140-20-45 – Requirements for licensure by endorsement.

With respect to an applicant's licensure, the regulations would require the applicant to submit "documentation of *active* social work licensure in good standing obtained by standards required for licensure in another jurisdiction as verified by the out-of-state licensing agency." The proposed regulations removed the requirement for this documentation to be submitted on a board approved form.

With respect to the applicant's requirements, the regulations would require the applicant to submit "*documentation of any other health or mental health licensure or certification if applicable.*"

With respect to the applicant's requirements, the regulations would require the applicant to provide "*a current report from the U.S. Department of Health and Human Services Data Bank (NPDB).*"

With respect to the applicant's requirements, the regulations would require the applicant to provide verification of "*active practice in another U.S. jurisdiction for 24 out of the past 60 months*" or "*practice in an exempt setting at the level for which the applicant is seeking licensure for 24 out of the past 60 months*" or "*evidence of supervised experience requirements substantially equivalent to those outlined in 18VAC140-20-50 A 2 and 3 and 18VAC140-20-60 C 2 and 3.*"

With respect to the applicant's examination requirements, the regulations would require that "*if an applicant for licensure by endorsement has not passed a board-approved national examination at the level for which the applicant is seeking licensure in Virginia, the board may approve the applicant to sit for such examination.*"

18VAC140-20-50 – Experience requirements for licensed clinical social worker.

With respect to the applicant's supervised experience, the regulations would require that "*supervised post-master's degree experience without prior written board approval would not be accepted towards licensure, except supervision obtained in another U.S. jurisdiction may be accepted if it met the requirements of that jurisdiction.*" The regulations removed that the passage relating to supervision "*in all settings obtained in Virginia.*"

With respect to the applicant's registration, the regulations would require that "*an individual who proposes to obtain supervised post-master's degree experience in Virginia shall, prior to the onset of such supervision, or whenever there is an addition or change of supervised practice, supervisor, clinical social work services or location.*"

With respect to the hours, the regulations would require that "*the applicant shall have completed a minimum of 3,000 hours of supervised post-master's degree experience in the delivery of clinical social work services and in ancillary services that support such delivery.*"

With respect to the hours, the regulations would require that the “*Supervised experience shall be acquired in no less than two nor more than four consecutive years.*”

With respect to the hours, the regulations would require that “*Supervisees shall obtain throughout their hours of supervision a minimum of 1,380 hours of supervised experience in face-to-face client contact in the delivery of clinical social work services.*” The regulations would remove that supervisees shall “*average no less than 15 hours per 40 hours of work experience in face-to-face client contact for*” a minimum of 1,380 hours.

With respect to completion of the supervised experience, the regulations would require “*an individual who does not complete the supervision requirement after four consecutive years of supervised experience may request an extension of no more than another 12 months by submission of evidence to the board demonstrating the extenuating circumstances that prevented completion within the four-year timeframe.*” The regulations would remove that the applicant “*shall submit*” evidence to the board “*showing why the training should be allowed to continue.*”

With respect to the requirements for supervisors, the regulations would require that “*the supervisor shall hold an active, unrestricted license as a licensed clinical social worker in the jurisdiction in which the clinical services are being rendered with at least two years of post-licensure clinical social work experience.*” The regulations would remove the requirement for the supervisor to have at least “*three*” years of post-licensure clinical social work experience. Additionally, the regulations would allow the board to “*consider supervisors with commensurate qualifications if the applicant can demonstrate an undue burden due to geography or disability or if supervision was obtained in another U.S. jurisdiction.*”

With respect to the requirements for supervisors, the regulations would require that “*the supervisor shall not provide supervision for a family member or provide supervision for anyone with whom the supervisor has the potential for a dual relationship.*” The regulations would remove that the supervisor shall not provide supervision for a member “*of his immediate family*” or provide supervision for anyone with who “*he has*” a dual relationship.

With respect to the responsibilities of the supervisor, the regulations would also require that the supervisor evaluate the supervisee’s knowledge and document minimal competencies in the area of “*understanding the requirements of law for reporting any harm or risk of harm to self or others.*”

With respect to the responsibilities of the supervisor, the regulations would require that the supervisor “*ensure that the board is notified of a change in supervision or if supervision has changed or is terminated.*”

With respect to the responsibilities of the supervisee, the regulations would require that the “*supervisee shall not supervise the provision of clinical social work services provided by another person.*”

18VAC140-20-51 – Requirements for licensure by examination as a licensed social worker.

With respect to the requirements to be approved to sit for the examination, the regulations would require the applicant to provide “documentation of the applicant’s *health or mental health* licensure or certification where applicable.”

With respect to the requirements to be approved to sit for the examination, the regulations would require the applicant to provide “*a current report from the U.S. Department of Health and Human Services Data Bank (NPDB).*”

With respect to the requirements to be licensed by examination, the regulations would require the applicant to provide “documentation of the applicant’s *health or mental health* licensure or certification where applicable.”

With respect to the applicant’s examination requirements to be licensed, the regulations removed the following passage: “*If the examination was not passed within five years preceding application for licensure, the applicant may qualify by documentation of providing clinical social work services in an exempt setting for at least 360 hours per year for two of the past five years.*”

18VAC140-20-60 – Education and experience requirements for licensed social workers.

With respect to the applicant’s experience requirements, the regulations changed “*Bachelor’s degree applicant*” to “*Supervised experience requirement*” and required that “supervised experience without prior written board approval will not be accepted toward licensure, *except supervision obtained in another U.S. jurisdiction may be accepted if it met the requirements of that jurisdiction.*” The regulations removed the passage relating to supervision “*in all settings obtained in Virginia.*”

With respect to the applicant’s registration, the regulations included “*Registration. An individual who proposes to obtain supervised experience in Virginia shall, prior to the onset of such supervision, or whenever there is an addition or change in the location of supervised practice, supervisor or services: a. Register on a form provided by the board and completed by the supervisor and the supervised individual; and pay the registration of supervision fee set forth in 18VAC140-20-30.*”

With respect to the experience, the regulations would require that the “*Supervised experience shall be acquired in no less than two nor more than four consecutive years*” and would require that “*an individual who does not complete the supervision requirement after four consecutive years of supervised experience may request an extension of up to 12 months by submission of evidence to the board demonstrating the extenuating circumstances that prevented completion within the four-year timeframe.*”

With respect to the requirements of supervisors, the regulations would require that the supervisor “*ensure that the board is notified of a change in supervision or if supervision has changed or is terminated.*”

With respect to the requirements for supervisors, the regulations would require that “the supervisor shall not provide supervision for a *family* member or provide supervision for anyone with whom *the supervisor has the potential for a dual relationship.*” The regulations would remove that “*supervision*

*between members of the immediate family (to include spouses, parents, and siblings) will not be approved.”*

18VAC140-20-70 – Examination requirement.

With respect to the requirements of the examination, the Board modified the proposed regulations to require that “*after an applicant who has failed the examination has re-applied twice, he shall be required to register for supervision and complete one additional year as a supervisee before approval to re-take the examination is granted.*” Ms. Haynes moved to accept the changes as amended. The motion was seconded and carried.

18VAC140-20-110 – Late renewal; reinstatement; reactivation.

With respect to reinstatement, the regulations would require that “a social worker or clinical social worker who fails to renew the license for *two* years or more” would meet the requirements currently outlined in the regulations. The regulations would remove that “a social worker or clinical social worker who fails to renew the license for *four* years or more” would have to meet the requirements currently outlined in the regulations.

With respect to reinstatement, the regulations would require “active practice in another U.S. jurisdiction for at least *24 out of the past 60 months*” immediately preceding application or “active practice in an exempt setting for at least *24 out of the past 60 months* immediately preceding application.” The regulations would remove a minimum of “three of the past five years” of active practice from the requirements.

With respect to reactivation, the regulations would require an applicant for reactivation “*who has been inactive for four or more years*” to meet the reactivation requirements.

With respect to reactivation, the regulations would require “active practice in another U.S. jurisdiction for at least *24 out of the past 60 months*” immediately preceding application or “active practice in an exempt setting for at least *24 out of the past 60 months* immediately preceding application.” The regulations would remove a minimum of “three of the past five years” from the active practice requirements.

Mr. Salay announced that he was in receipt of a letter sent to him from an inactive licensee pertaining to the requirements for reactivation. Mr. Salay moved that the Regulatory Committee re-evaluate the requirements to ensure that the minimum standards were not burdensome to the licensee. The motion was seconded and carried.

18VAC140-20-150 – Professional conduct.

With respect to 18VAC140-20-150(D)(1), the regulations would require in regard to dual relationships, persons licensed by the board shall “not engage in a dual relationship with a client or a *supervisee* that could impair professional judgment or increase the risk of *exploitation or* harm to the client *or supervisee*. Examples of such a relationship include, but are not limited to, familial, social, financial,

business, bartering, or a close personal relationship with a client *or supervisee.*” The regulations would remove “former client” from this passage.

With respect to 18VAC140-20-150(D)(2), the regulations would require that persons licensed by the board shall “not have any type of *romantic relationship or* sexual intimacies with a client or those included in collateral therapeutic services, and not provide services to those persons with who they have had a *romantic or* sexual relationship. Social Workers shall not engage in *romantic relationships or* sexual intimacies with a former client within a minimum of five years after terminating the professional relationship.”

With respect to 18VAC140-20-150(D)(3), the regulations would require that persons licensed by the board shall “not engage in any *romantic or* sexual relationship or establish a therapeutic relationship with a current supervisee or student.”

With respect to 18VAC140-20-150(E), Mr. Salay moved to amend the proposed regulation that “*persons licensed by the board shall document advising their clients of their right to report to the Department of Health Professions any information of which they may become aware in their professional capacity indicating the there is a reasonable probability that a person licensed or certified as a mental health service provider, as defined in § 54.1-2400.1 of the Code of Virginia, may have engaged in unethical, fraudulent, or unprofessional conduct as defined by the applicable licensing statutes and regulations.*” Upon discussion by the Board, Mr. Salay withdrew his motion.

With respect to 18VAC140-20-150(E), Mr. Salay moved to eliminate the passage from the proposed regulations to allow board counsel to review the requirements further. The motion was seconded by Dr. Winters. The motion failed with three “yeas” and three “nays.”

With respect to 18VAC140-20-150(E), the Board modified the proposed regulations that would require “*Upon learning of evidence that indicates a reasonable probability that another mental health provider is or may be guilty of a violation of standard of conduct as defined in statute or regulations, persons licensed by the board shall advise their clients of their right to report to the Department of Health Professions in accordance with § 54.1-2400.4 of the Code of Virginia.*” Dr. Paulson moved to accept the changes as amended. The motion was seconded by Ms. Haynes. The motion was carried with a majority vote with two members opposed.

Ms. Yeatts suggested board counsel review 18VAC140-20-150(B)(4) and 18VAC140-20-160(8) to determine if any changes are necessary. Mr. Rutkowski agreed to provide an update at the next Board meeting.

18VAC140-20-160 – Grounds for disciplinary action or denial of issuance of a license or registration.

With respect to 18VAC140-20-160, the Board modified the proposed regulations title to include “or registration.” Additionally, the Board modified the proposed regulations to include “the board may refuse to admit an applicant to an examination; refuse to issue a license *or registration* to an applicant; or reprimand, impose a monetary penalty, place on probation, impose such terms as it may designate, suspend for a stated period of time or indefinitely, or revoke a license or registration for one or more of

the following.” Ms. Haynes moved to accept the changes as amended. The motion was seconded and carried.

Dr. Paulson moved to accept the submitted and amended regulations as fast-track regulations. The motion was seconded and carried.

### **BREAK**

The Board recessed at 11:51 a.m.

The Board reconvened at 12:02 p.m.

### **EXECUTIVE DIRECTOR’S REPORT:**

Ms. Hoyle stated that board member appointments had not been announced by the Governor’s office. She stated that news of appointments were forthcoming.

Ms. Hoyle reminded board members of the availability to attend the ASWB New Board Member Training. She encouraged those who have not attended to contact her for more information.

Ms. Hoyle announced that Visual Research (“VRI”) conducted an audit of the Sanction Referencing Points for the Boards of Counseling, Psychology and Social Work. She stated that VRI is expected to present the findings of the audit at the next Board meeting. Additionally, Ms. Hoyle announced that a presentation of HPMP will be provided at the next Board meeting by Peggy Wood, Program Manager.

Ms. Hoyle referenced the Board’s financial report ending March 31, 2015. She announced several cost saving strategies to be implemented, including paperless disciplinary cases, online renewals, and the purchase of laptops for use at future board meetings.

Ms. Hoyle announced that the recruitment of the permanent Executive Director position would be posted by the Department of Human Resource Management and the position qualifications would be emailed to all board members. Additionally, Ms. Hoyle announced that the Board of Counseling successfully hired a Licensing Manager, and the Behavioral Sciences Unit has been approved to hire a Discipline Case Specialist to support Jennifer Lang in her role as Deputy Executive Director.

### **DEPUTY EXECUTIVE DIRECTOR’S REPORT:**

Ms. Lang said that she attended the ASWB New Board Member Training in March. She stated that the training was valuable to communicate the history of Social Work, role of the board members, other board’s decision making processes and licensure mobility, and the ASWB Social Work Model Act.

Ms. Lang noted that the Board of Social Work had 80 disciplinary files in process. She stated that 17 files were being investigated by the Enforcement Division and 5 needed review for probable cause or were in the process of being scheduled for a conference or hearing. She reported that 7 cases were being monitored for compliance in accordance with Board orders.



Ms. Lang stated that serious cases were being promptly processed and announced that the use of electronic processing helped with the resolution of disciplinary cases at a quicker rate.

Ms. Lang provided the board with draft by-law changes and suggested discussion. The Board discussed the changes and asked Ms. Lang to provide the revisions at the next board meeting.

#### **LICENSING MANAGER'S REPORT:**

Ms. Georgen stated that the board recently finished the 2015 renewal cycle. She announced the next renewal as June 30, 2017.

Ms. Georgen reported that the board regulates 7,738 registrants and licensees. Since the last meeting, Ms. Georgen reported receiving 697 applications and registration requests. She identified 321 applications as pending, which included 266 incomplete applications and 55 applications ready for administrative or credentials evaluation.

Ms. Georgen noted the increase of calls and emails on a weekly basis. Ms. Georgen shared the board's satisfaction rate for the quarter ending June 30, 2015 as 92.6%. Based on feedback from applicants and the need to lessen the burden and increase efficiency, Ms. Georgen announced that all applications were recently updated which would eliminate unnecessary documentation and applicant responses in order to increase the processing time of applications. Ms. Georgen stated that outdated forms would be accepted until December 31, 2015. Due to these changes, Ms. Georgen stated that changes to the Licensure Process Handbook and website were forthcoming.

#### **REGULATORY COMMITTEE REPORT:**

Dr. Winters stated that the Regulatory Committee met on June 19, 2015. She announced the next meeting will occur on August 28, 2015 to include discussion on modality, mid-level licensure and psychotherapy.

#### **NEW BUSINESS:**

Ms. Blosser announced the board meeting dates for 2016 and requested feedback on availability. The Board agreed to meet for quarterly Board meetings on January 15, 2016; April 22, 2016; July 22, 2016; and October 14, 2016.

#### **CLOSED MEETING:**

Dr. Walsh moved that the Board convene a closed meeting pursuant to § 2.2-37.11(A)(27) of the Code of Virginia for the purpose of deliberations to reach a decision in the matter of Maurice Fisher, LCSW. Additionally, Dr. Walsh moved that Ms. Georgen, Ms. Hoyle, Ms. Lang, Ms. Lenart and Mr. Rutkowski attend the closed meeting because their presence in the closed meeting was deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and passed.

#### **RECONVENE:**

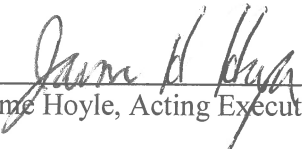
Dr. Walsh moved that the Board certified that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as identified in the motion by which the closed meeting was convened. The motion was seconded and passed.

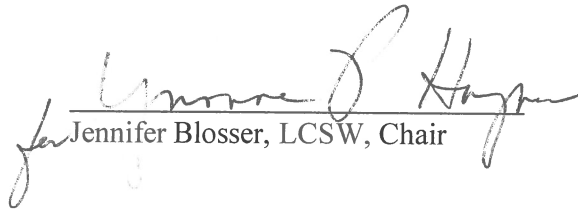
**DECISION:**

Dr. Paulson moved to deny the request of Maurice Fisher, LCSW. The motion was seconded and carried.

**ADJOURNMENT:**

There being no further business to come before the Board, the meeting was adjourned at 1:30 p.m.

  
\_\_\_\_\_  
Jaime Hoyle, Acting Executive Director

  
\_\_\_\_\_  
Jennifer Blosser, LCSW, Chair