

**THE VIRGINIA BOARD OF SOCIAL WORK**  
**FULL BOARD MEETING MINUTES**  
**Friday, June 14, 2019**

The Virginia Board of Social Work ("Board") meeting convened at 10:00 a.m. on Friday, June 14, 2019 at the Department of Health Professions, 9960 Mayland Drive, Henrico, Virginia in Board Room 1.

**PRESIDING OFFICER:** John Salay, L.C.S.W., Chair

**BOARD MEMBERS PRESENT:** Canek Aguirre, Citizen Member  
Angelia Allen, Citizen Member (*arrived at 11:14am*)  
Michael Hayter, L.C.S.W., C.S.A.C.  
Gloria Manns, L.C.S.W.  
Dolores Paulson, Ph.D., L.C.S.W., Vice-Chair  
Joseph Walsh, Ph.D., L.C.S.W.

**BOARD MEMBERS ABSENT:** Jamie Clancey, L.C.S.W.  
Maria Eugenia del Villar, L.C.S.W.

**STAFF PRESENT:** Latasha Austin, Licensing Manager  
Christy Evans, Discipline Case Specialist  
Jaime Hoyle, JD, Executive Director  
Jennifer Lang, Deputy Executive Director

**OTHERS PRESENT:** Elaine Yeatts, Senior Policy Analyst, Department of Health Professions  
Barbara Allison-Bryan, M.D., Deputy Director, Department of Health Professions

**BOARD COUNSEL PRESENT:** James E. Rutkowski, Assistant Attorney General

**PRESENTATION SPEAKERS:** Dwight Hymans, M.S.W., L.C.S.W., Chief Operating Officer, ASWB  
Lavina Harless, Director of Examination Development, ASWB  
Sandy Chung, MD,FAAP,FACHE, Medical Director, Virginia Mental Health Access Program

**IN THE AUDIENCE:** Joseph G. Lynch, L.C.S.W., Virginia Society for Clinical Social Work  
Debra A. Riggs, Executive Director, NASW-Virginia Chapter  
Frances B. Goddard, L.C.S.W., Virginia Society for Clinical Social Work  
Kathryn Zapach, Virginia Association of Free & Charitable Clinics  
Nicole Densmore, Virginia Association of Free & Charitable Clinics  
Martha Ann Spruill, Case Intake Analyst, Department of Health Professions  
Tom Intorcio, Virginia Catholic Conference  
Adam Trimmer, Born Perfect

**CALL TO ORDER:**  
Mr. Salay called the meeting to order at 10:01 a.m.

**ROLL CALL/ESTABLISHMENT OF A QUORUM:**  
Mr. Salay requested a roll call. Six members of the Board were present at roll call; therefore, a quorum was established.

**MISSION STATEMENT:**

Mr. Salay read the mission statement of the Department of Health Professions, which is also the mission statement of the Board.

**EMERGENCY EGRESS:**

Mr. Salay announced the Emergency Egress procedures.

**ADOPTION OF AGENDA:**

Upon a motion by Mr. Aguirre, which was properly seconded by Mr. Hayter, the Board unanimously adopted the agenda with one correction. The item titled 2019 Legislative Report was corrected to Final Action on Legislation.

**APPROVAL OF MINUTES:**

Upon a motion by Dr. Paulson, which was properly seconded by Dr. Walsh, the meeting minutes from the Full Quarterly Board Meeting held on March 15, 2019 were approved as written. The motion passed unanimously, with no abstentions.

**PUBLIC COMMENT:**

Public comment was provided by Mr. Lynch. A copy of the public comment provided by Mr. Lynch follows the minutes. (attachment 1)

**AGENCY REPORT:**

Dr. Allison-Bryan provided the agency report on behalf of Dr. Brown. Dr. Allison-Bryan reported that two new work groups would be forming at the Agency this summer. One regarding telemedicine, which is due to have its first meeting on August 5, 2019, and the other work group will deal with international medical graduates.

Additionally, Dr. Allison-Bryan reported that at the next Board of Health Professions meeting they will be discussing Music Therapists, and if their work should require a license.

Dr. Allison-Bryan also informed the Board that the Board of Pharmacy has approved five conditional permits for Cannabidiol oil extraction and that the five processors should be set up by the end of the year.

**BOARD CHAIR REPORT:**

Mr. Salay reported that he would like to add a discussion regarding Music Therapy to the agenda for the next Regulatory Committee Meeting.

**LEGISLATION & REGULATORY ACTIONS:**

***Consideration of Public Comment on Guidance Document on Conversion Therapy***

- Ms. Yeatts informed the Board that the Guidance Document on Conversation Therapy received over 700 comments during the public comment period. 455 Comments were in support of the Board's Guidance Document and 273 were in opposition of the document.

**Motion:** A motion was made by Dr. Walsh to retain the guidance document as published. The motion was properly seconded by Ms. Mams. The motion passed unanimously, with no abstentions.

Ms. Yeatts discussed with the Board the next steps that would occur in the next 30 days regarding the Guidance Document on Conversation Therapy. Ms. Yeatts recommended that the Board give authority for staff to draft a response to the public comment received. Each Board member would have an opportunity to provide comment on the draft and the Board Chair and Regulatory Committee Chair would give final approval of the response.

**Motion:** A motion was made by Mr. Aguirre for the process to be followed to respond to the public comment. The motion was properly seconded by Dr. Paulson. The motion passed unanimously, with no abstentions.

***Final Action on Regulation***

- Ms. Yeatts updated the Board on the proposed regulations to increase the continuing education hours pertaining to ethics to a minimum of (6) for LCSWs and a minimum of (3) for LSWs. Ms. Yeatts reported that the public comment period closed March 8, 2019 and there was no public comment.

**Motion:** A motion was made by Dr. Walsh and properly seconded by Mr. Aguirre to adopt the final amendments to these proposed regulations as included in the agenda package. The motion passed unanimously, with no abstentions.

***Regulatory Actions***

- Ms. Yeatts informed the Board that regulations to implement House Bill 614, which changes Licensed Social Workers (LSW) to Licensed Baccalaureate Social Workers (LBSW) and Licensed Masters of Social Work (LMSW) has been approved by the Governor and will become effective August 8, 2019.
- The proposed regulatory action to reduce the Continuing Education requirement for supervisors was approved for publication and would become effective on August 8, 2019 if there are not 10 or more objections to the fast-track action.

**PRESENTATIONS:**

- Dr. Sandy Chung was invited and gave a PowerPoint presentation informing the Board about the Virginia Mental Health Access Program. A copy of the PowerPoint presented was included in the agenda packet.

Following Dr. Chung's presentation, the Board took a break at 11:25 a.m. and the meeting reconvened at 11:35 a.m.

- The Association of Social Work Boards (ASWB) was invited by the Board to give a presentation and provide clarity to the Board about ASWB's Examination Policies. Mr. Hymans & Mrs. Harless gave a PowerPoint Presentation to the Board and answered questions. (**attachment 2**)

**BOARD COUNSEL'S REPORT:**

There was no report from Board Counsel

**COMMITTEE REPORTS:**

- ***Board of Health Professions Report***  
John Salay gave a report from the Board of Health Professions. Mr. Salay reported that the Department of Health Professions website has been re-designed and that each Board's website is being re-designed as well to make them more user-friendly. The first Board's website to be re-designed was the Board of Nursing. Websites for the Boards of Social Work, Counseling, Psychology and other Boards are coming soon.

Mr. Salay also informed the Board of Social Work that Megan Healy presented her workforce presentation at the Board of Health Professions last meeting at the request of Dr. Brown. Mr. Salay also informed the Board of Social Work that the agency will begin to update the Sanction Reference Points to address cases that are closed with Advisory Letters and Confidential Consent Agreements. The Board of Health Professions will begin this project in 2020. Lastly, Mr. Salay reported that there was discussion and a task force is being formed to revise the Agency's Mission statement.

- ***Regulatory Committee Report***  
Dr. Walsh informed the Board that the Regulatory Committee did not meet on Thursday, June 13, 2019 as previously scheduled. Dr. Walsh proposed that a sub-committee be created to review the Virginia Regulations Governing the Practice of Social Work for updates that are needed. The proposed sub-committee would then

present their findings to Regulatory Committee. Meetings would be conducted in person. Dr. Walsh and Dr. Paulson volunteered to work on this project.

#### **EXECUTIVE DIRECTOR'S REPORT:**

Ms. Hoyle discussed the budget for the Board of Social Work. A copy of the financial report given was included in the agenda packet. Ms. Hoyle also reported how the number of new applications received has increased and has exceeded staff anticipation. Ms. Hoyle informed the Board that we have gone over in overtime because Ms. Austin has been covering the Board solo since the end of March and has been doing overtime to cover the loss in staff and increase in applications. A contract employee has been hired that will start with the Board as of Monday, June 17, 2019 to provide Ms. Austin the additional assistance needed.

Ms. Hoyle also noted that we have gone over the budget in postage, but this will decrease in the future as the agency is moving to a paperless license. The Behavioral Science Boards are the first Boards in the Agency to pilot this effort. Final licenses are going out to licensees during renewal and a one-time license to all those licensed for the first time. Now that the Governor has signed the BSW and MSW regulations, Board staff will be discussing how to handle sending out those license types.

Provided with Ms. Hoyle's report was a letter included from Dr. Brown in which he is recommending a one-time renewal fee reduction. Ms. Hoyle also informed the Board that she was re-appointed the Regulatory Advisory Committee of the ASWB and they will meet in July to discuss the model law and mobility. Additionally, she thanked Board staff for the hard work they do for the Board, Social Work licensees and the Agency.

#### **DEPUTY DIRECTOR'S REPORT:**

Ms. Lang reported on the disciplinary statistics for the Board of Social Work. A copy of the report given was included in the agenda packet.

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

Ms. Austin reported on the licensing and exam statistics for the Board of Social Work. A copy of the report given was included in the agenda packet.

#### **UNFINISHED BUSINESS:**

The Board re-visited discussion regarding Code 32.1-127.103(F) (Health Records Privacy) to include Social Workers.

**Motion:** A motion was made by Dr. Paulson and properly seconded by Ms. Manns to amend Code 32.1-127.103(F) (Health Records Privacy) to include Social Workers. The motion passed unanimously, with no abstentions.

#### **NEW BUSINESS:**

The Board reviewed and discussed the current Social Work Bylaws that were last revised on June 15, 2018.

**Motion:** A motion was made by Mr. Aguirre and properly seconded by Dr. Paulson to amend the Virginia Board of Social Work Bylaws by making the following changes to the Election of Officers:

1. The Nomination Committee shall present a slate of officers for Chairman and Vice-Chairman at the first scheduled Board meeting following scheduled ~~prior to~~ July 1 of each even year. The election of officers shall then occur at the first scheduled Board meeting following July 1 of each even year, and elected officers shall assume their duties at the end of the meeting.
2. All officers shall be elected for a single term of two years ~~one year, and may serve no more than two consecutive terms.~~

The motion passed unanimously, with no abstentions.

**Motion:** An additional motion was made by Mr. Aguirre and properly seconded by Dr. Paulson to amend the Virginia Board of Social Work Bylaws by adding to the delegations of authority to allow the Executive Director to enter a Consent Order for suspension or revocation. The motion passed unanimously, with no abstentions.

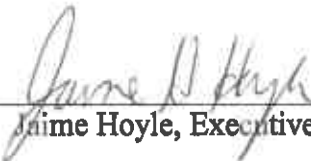
**NEXT MEETING:**

Mr. Salay announced that the next quarterly scheduled full Board meeting would occur on Friday, September 20, 2019.

**ADJOURNMENT:**

Mr. Salay adjourned the meeting at 12:51 p.m.

  
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John Salay, L.C.S.W., Chair

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



AND



## *Virginia Society for Clinical Social Work*

*5537 Solaris Drive*

*Chesterfield Virginia 23832*

**PUBLIC COMMENT**

**VBSW-Board Meeting June 14, 2019**

I appreciate the opportunity to make comments to you today.

1. When I opened up the email with the agenda packet for the meeting today and saw that it was 331 pages, I had several thoughts. The thought I want to share with you is to say thank you to the Board staff for doing the work to prepare so much information for this meeting. And I want to express thanks to all of the Board members for taking the time to review all of this information. I don't think it is generally recognized that the Board members are volunteering their time and talent to the Commonwealth of Virginia. I served on the Board for 10 years and I know Board members work hard to protect the health, welfare and safety of the citizens of Virginia who receive services from professionals that this Board regulates. So, I just wanted to take a moment and say Thank You.

2. I also wanted to say a few words about the ASWB presentation on your agenda for today. I am looking forward to their comments. When I reviewed the ASWB materials, and also looked at their website, I became more aware that the definition of "Master's Social Worker" in our new law specifies the scope of practice as "non-clinical" social work. The proposed regulations specify the ASWB Master's exam as the exam for the LMSW. Looking at ASWB's Practice Analysis information that describes the 5 ASWB exams I became a bit confused as to whether the Masters exam or the Advanced Generalist exam was the best fit for the definition in our new law. I hope ASWB comments on this today to add some clarification.

I reviewed some of the data from my LSW study and noted that 55% of the LSW respondents reported that they practiced in "exempt settings." They also reported that only 10% were providing "non-clinical" social work services and 90% were providing either exclusively clinical services (39%) or a combination of both clinical and non-clinical services (51%). I believe that there is still some tweaking yet to be done to find a way to better match our definition and regulations with the reality of how LSW's practice social work. I am not sure what the best answer is to doing this task. The Certified Sex Offender Treatment Provider and the Qualified Mental Health Professional credential both have provisions that require the holder of that credential to be employed in specific exempt settings. If the individual leaves those settings then the credential is no longer valid. Perhaps some language could be developed for the LMSW that makes it exempt setting employment dependent.

Joseph G. Lynch LCSW

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Virginia Society for Clinical Social Work

Joseph G. Lynch LCSW – Legislative Vice President

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# Attachment 1

## Chapter 37 of Title 54.1 of the Code of Virginia, Social Work

### § 54.1-3700. Definitions.

"Baccalaureate social worker" means a person who engages in the practice of social work under the supervision of a master's social worker and provides basic generalist services, including casework management and supportive services and consultation and education.

"Master's social worker" means a person who engages in the practice of social work and provides non-clinical generalist services, including staff supervision and management.

### Proposed Regulations Governing the Practice of Social Work [18 VAC 140 - 20]

#### 18VAC140-20-70. Examination requirement.

- A. An applicant for licensure by the board as a social-worker LBSW, a LMSW, or clinical social worker shall pass a written examination prescribed by the board.
2. The examination prescribed for licensure as a social worker LBSW shall minimally be the licensing examination of the Association of Social Work Boards at the bachelor's level.
3. The examination prescribed for licensure as a LMSW shall be the licensing examination of the Association of Social Work Boards at the master's level.

#### 18VAC140-20-60. Education and experience requirements for a licensed social-worker LBSW or LMSW.

- B. Master's degree applicant. An applicant who holds a master's degree may apply for licensure as a licensed-social-worker LMSW without documentation of supervised experience.

## The Practice Analysis impacts all ASWB examinations

**Associate** — A few jurisdictions administer the Bachelors Examination to candidates who do not have degrees in social work for an Associate License. A lower passing score is used.

**Bachelors** — The examination intended for use by individuals with a baccalaureate degree in social work.

**Advanced Generalist** — The Advanced Generalist exam is designed for advanced practitioners who do more macro-level, generalist, administrative, or management work. It is one of the two exams intended to be taken by social workers with an MSW or higher degree, plus the required postgraduate supervised experience.

**Clinical** — The Clinical exam has more emphasis on the provision of direct, micro-level mental health services. It is the second of the two exams (along with the Advanced Generalist) intended to be taken by social workers with an MSW or higher degree, plus the required postgraduate supervision.

The Advanced Generalist and Clinical examinations are considered on par due to the advanced level of practice knowledge and experience expected of someone taking either exam. But they each emphasize different areas of practice as noted in their descriptions.

**Masters** — The examination that is intended for individuals who hold an MSW degree, but who do not have post-degree supervision.

Virginia Society for Clinical Social Work

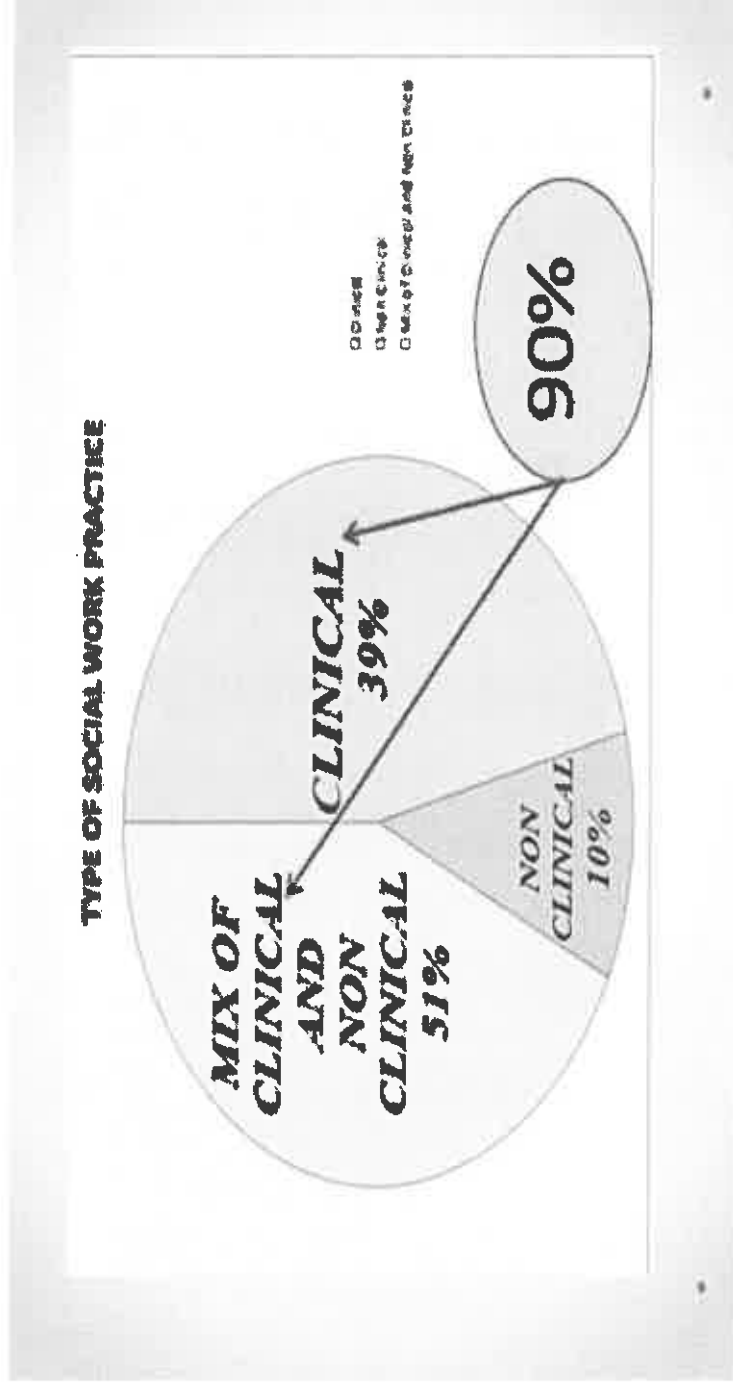
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# Attachment 1

## LSW STUDY RESULTS

PRACTICE SETTING	NUMBER	PERCENTAGE
EXEMPT	59	55%
NON-EXEMPT	48	45%
TOTAL	107	100%



Virginia Society for Clinical Social Work

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Association of Social Work Boards

Attachment 2



June 14, 2019

Dwight Hymans, LCSW  
Chief Operating Officer

Lavina Harless, LCSW  
Director of Exam Development

<b>Exam categories</b>	<b>Defined candidate population</b>	<b>Number of jurisdictions (law or regs)</b>	<b>Number of exams given (2018)</b>
<b>Associate</b>	non social work-degreed applicants	3	568
<b>Bachelors</b>	BSW; 0-2 years of experience	36	4,665
<b>Masters</b>	MSW; 0-2 years of experience	44	22,317
<b>Advanced Generalist</b>	MSW; 2+ years of experience in non-clinical settings	16	191
<b>Clinical</b>	MSW; 2-5 years of supervised experience in clinical settings	54	22,762

# Exam use policy compliance

July 2016 ASWB BOD implemented procedures to assure that member boards are using the ASWB social work licensing exams in compliance with the ASWB examinations policy 2.1

Five-year timeframe established to give members the time to achieve compliance: July 2021

Ongoing outreach to members / letters and communications  
Exception requests

## GOAL:

Assure validity and legal defensibility of the examination program - each exam category is validated for specific populations

## ASWB Examination policy 2.1 (excerpt)

The Association has defined the intended purpose of each examination as follows, and every candidate shall meet the following requirements prior to testing:

**Associate.** This examination has been developed for use as a licensure requirement by Member Boards that issue licenses to non-social work–degreed applicants.

**Bachelors.** This examination has been developed for use as a licensure requirement by Member Boards that issue to individuals with a BSW, upon entry to practice, licenses for basic generalist practice of Baccalaureate Social Work.

**Masters.** This examination has been developed for use as a licensure requirement by Member Boards that issue to individuals with an MSW, upon entry to practice, licenses for Master’s Social Work practice. The practice of Master’s Social Work includes the application of specialized knowledge and advanced practice skills.

**Advanced Generalist.** This examination has been developed for use as a licensure requirement by Member Boards that issue to individuals who have an MSW and two years (or commensurate experience as defined by the jurisdiction) of experience in non-clinical settings, licenses for Advanced Generalist social work practice. Advanced Generalist social work occurs in non-clinical settings that may include macro-level practice.

**Clinical.** This examination has been developed for use as a licensure requirement by Member Boards that issue to individuals who have an MSW and two years (or commensurate experience as defined by the jurisdiction) of experience in clinical settings, licenses for the practice of Clinical Social Work. The practice of Clinical Social Work requires the application of specialized clinical knowledge and advanced clinical skills.

To ensure the legal defensibility of examination results, the Association reserves the right to allow access to and use of any ASWB examination only for the purpose(s) for which it is intended and as set forth in contractual agreements between the Association and its Member Boards. The Association’s support of the legal defensibility of its examinations is limited to use consistent with these policies and with the current practice analysis. Any member desiring to use the exam outside of this policy must apply for a waiver using a procedure approved by the ASWB Board of Directors.

# ASWB's Model Social Work Practice Act

The definitions identify three practice categories—Baccalaureate Social Workers, Master's Social Workers, and Clinical Social Workers—with each category containing its own definition, requirements, and range of acceptable activities at entry level.

Purpose of the Model Practice Act:

1. Facilitate greater standardization of terminology and regulation from jurisdiction to jurisdiction.
2. Greater standardization promotes increased public understanding of social work, increased mobility for qualified social workers, as well as promotes consistency in legal decisions related to licensure.

# ASWB's Model Social Work Practice Act

3 recommended categories of licensure:

Baccalaureate Social Worker

Master's Social Worker

Clinical Social Worker

**VA HB614 (excerpt)**

***"Master's social worker" means a person who engages in the practice of social work and provides non-clinical, generalist services, including staff supervision and management.***

***"Clinical social worker" means a social worker who, by education and experience, is professionally qualified at the autonomous practice level to provide direct diagnostic, preventive and treatment services where functioning is threatened or affected by social and psychological stress or health impairment.***

**ASWB Masters Exam KSA's related to the "Master's social worker" and staff supervision and management:**

**Leadership and management techniques  
Theories of organizational development and structure  
Fiscal management techniques  
Educational components, techniques, and methods of supervision  
Models of supervision and management  
Ethical issues in supervision and management  
Methods to create, implement, and evaluate policies and procedures  
worker safety**

# ASWB's Model Social Work Practice Act

## Master's Social Worker

**Section 105. Practice of Master's Social Work.** Subject to the limitations set forth in Article III, Section 306, the practice of Master's Social Work means the application of social work theory, knowledge, methods and ethics, and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations, and communities. Master's Social Work practice includes the application of specialized knowledge and advanced practice skills in the areas of assessment, treatment planning, implementation and evaluation, Case Management, information and referral, Counseling, Supervision, Consultation, education, research, advocacy, community organization, and the development, implementation, and administration of policies, programs, and activities. Under Supervision as provided in this Act, the practice of Master's Social Work may include the practices reserved to Clinical Social Workers

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

(a) To obtain a license to engage in the practice of Master's 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;
- (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.





# ASWB's Model Social Work Practice Act

## Clinical Social Worker

### Section 106. Practice of Clinical Social Work.

The practice of Clinical Social Work is a specialty within the practice of Master's Social Work and requires 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. The practice of Clinical Social Work requires the application of specialized clinical knowledge and advanced clinical skills in the areas of assessment, diagnosis and treatment of mental, emotional, and behavioral disorders, conditions and addictions. Treatment methods include the provision of individual, marital, couple, family and group Counseling and Psychotherapy. The practice of Clinical Social Work may include Private Practice and the provision of Clinical Supervision.

### Section 304. Qualifications for Licensure by Examination as a Clinical Social Worker.

(a) To obtain a license to engage in the practice of Clinical 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;
- (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 a Master's degree in social work from an Approved Social Work Program
- (5) Has completed supervised practice approved by the Board, or demonstrated to the Board's satisfaction that experience in the practice of Clinical Social Work meets or exceeds the minimum supervisory requirements of the Board; All applicants for licensure as a Clinical Social Worker by Examination shall obtain supervised experience in the practice of clinical social work after the receipt of a Master's or Doctorate degree in Social Work from an Approved Social Work Program, under such terms and conditions as the Board shall determine;
- (6) Has successfully passed an Examination or examinations prescribed by the Board; and
- (7) Has paid all applicable fees specified by the Board relative to the licensure process.

