

Due to the COVID-19 declared state of emergency and consistent with Amendment 28 to HB29 (Budget Bill for 2018-2020) and the applicable provisions of § 2.2-3708.2 in the provisions of Freedom of Information Act, the Board convened a virtual meeting to consider such regulatory and business matters as presented on the agenda necessary for the board to discharge its lawful purposes, duties and responsibilities.

- PRESIDING OFFICER:** John Salay, L.C.S.W., Chair
- BOARD MEMBERS PRESENT:** Canek Aguirre, Citizen Member
Angelia Allen, Citizen Member *(joined virtual meeting @ 10:12 a.m.)*
Jamie Clancey, L.C.S.W.
Maria Eugenia Del Villar, L.C.S.W.
Michael Hayter, L.C.S.W., C.S.A.C.
Gloria Manns, L.C.S.W. *(joined virtual meeting @ 10:22 a.m.)*
Dolores Paulson, Ph.D., L.C.S.W.
Joseph Walsh, Ph.D., L.C.S.W.
- BOARD MEMBERS ABSENT:** none
- BOARD STAFF PRESENT:** Latasha Austin, Licensing & Operations Manager
Jaime Hoyle, J.D., Executive Director
Jennifer Lang, Deputy Executive Director- Discipline
Charlotte Lenart, Deputy Executive Director- Licensing
Sharniece Vaughan, Licensing Specialist
- DHP STAFF PRESENT:** Barbara Allison –Bryan, M.D., Deputy Director, Department of Health Professions
Yetty Shobó, Deputy Executive Director, Healthcare Workforce Data Center,
Department of Health Professions *(joined virtual meeting @ 12:19 p.m.)*
Elaine Yeatts, Senior Policy Analyst, Department of Health Professions
- BOARD COUNSEL PRESENT:** James Rutkowski, Assistant Attorney General
- VIRTUAL PUBLIC ATTENDEES:** Mindy Carlin, Virginia Association of Community Based Providers
Todd Gathje, Director of Government Relations, Family Foundation
Joseph G. Lynch, L.C.S.W., Virginia Society for Clinical Social Work
Adam Trimmer, Virginia Ambassador, Born Prefect
- CALL TO ORDER:** Mr. Salay called the virtual board meeting to order at 10:04 a.m.
- ROLL CALL/ESTABLISHMENT OF A QUORUM:** Mr. Salay requested a roll call. Ms. Hoyle announced that seven members of the Board were present at roll call; therefore, a quorum was established. Ms. Hoyle also conducted a roll call of staff and virtual public attendees.
- MISSION STATEMENT:** Mr. Salay read the mission statement of the Department of Health Professions, which was also the mission statement of the Committee and Board.
- ADOPTIONS OF AGENDA:** Ms. Clancey made a motion, which Mr. Hayter properly seconded, to adopt the agenda as received. Ms. Hoyle conducted a roll call vote. With seven members present at the time of roll call, the motion passed with seven unanimous votes in favor.

APPROVAL OF MINUTES:

Ms. Clancey made a motion, which Mr. Aguirre properly seconded, to approve the meeting minutes from the Board Meeting held on March 13, 2020 with the following changes requested by Mr. Aguirre:

1. To add a period between the L and C in Ms. Clancey's title on Page 1 of the minutes.
2. Under Agency Report, second paragraph change the word indicted to indicate on Page 2 of the minutes.
3. Under Regulatory Committee Report, strike out the word on before the word yesterday in the first sentence on Page 2 of the minutes.

Ms. Hoyle conducted a roll call vote. With seven members present at the time of roll call, the motion passed with seven unanimous votes in favor.

PUBLIC COMMENT:

Dr. Todd Gathje, Director of Government Relations for the Family Foundation, provided public comment. He expressed his objections to the conversion therapy regulations. He feels the regulations actually promote so-called conversion therapy, because it will permit a professional to encourage a boy or girl to explore their unnatural or often unwanted same-sex attraction, or undergo the process of changing their physical bodies.

Mindy Carlin, from the Virginia Association of Community Based Providers wanted to publicly congratulate Mr. Salay and express gratitude for his leadership as Chair of the Board of Social Work.

Adam Trimmer, from Born Perfect expressed his appreciation for everything the Board is doing.

AGENCY REPORT:

Dr. Allison-Bryan thanked the Board for all that their profession has done through the current pandemic and to all those who have been on the frontline. She informed the Board that while in the office all staff are required to wear masks and maintain social distancing and that about 75% of the Department of Health Professions staff are currently teleworking.

Dr. Allison-Bryan reminded the Board members that as they are reviewing cases to remember the Health Practitioner Monitoring Program as an alternative to disciplinary action for any licensee, registrant, or even applicants for whom substance use disorder or mental health or physical health may be interfering with their abilities to practice safely.

Dr. Allison-Bryan informed the Board about several work groups that are meeting. One group is looking at encompassing all of telehealth and presenting a plan for the Commonwealth to the General Assembly. Another group is looking at long-term care staffing and several that are looking at workforce and healthcare workforce issues. Dr. Allison-Bryan informed the Board that one work group to examine micro and macro level social work in the Commonwealth has been delayed until next year due to the heavy workload.

Dr. Allison-Bryan informed the Board about three separate work groups that she knows of that are meeting to discuss marijuana in the Commonwealth of Virginia. The Virginia Department of Agriculture is leading one of these groups, Health and Human Resources are leading another group, and the Joint Legislative Audit and Review Committee are leading a third group.

BOARD CHAIR REPORT:

Mr. Salay expressed to the Board that it has been an honor to serve as Chair. He

Quarterly Board Meeting Minutes Virginia Board of Social Work expressed his gratitude for the Board, staff and agency getting behind workforce issues in Social Work in the Commonwealth. One thing the Board can continue to do and has done is to make the regulations easier to understand.

Mr. Salay expressed his gratitude to Dr. Walsh for his service to the Board and as Chair of the Regulatory Committee as he rotates off the Board after having served for eight years. His departure off the Board will leave a gap in social work education representation on the Board. Mr. Salay continued to express that Dr. Walsh was one of the most sought after professors in the school of social work. He thanked him for his intelligence, thoughtfulness and insight.

BOARD COUNSEL REPORT:

There was no report from Board Counsel.

LEGISLATION & REGULATORY ACTIONS:

Ms. Yeatts provided a status update to the recommendations from the last Board meeting held in March 2020 and a status report to actions that are ongoing on Townhall. Action on conversion therapy is in the proposed stage and the Board held a hearing for that regulation today, prior to this meeting. Public comment will be open on this proposed stage until October 30, 2020. At next Board meeting in December, Board will be considering those comments and adopting a final regulation.

The Board had a leftover requirement that the Board needed to delete from the time the Board eliminated the supervision requirements for LBSW licensure. This regulatory change will become effective October 15, 2020.

Ms. Yeatts reminded the Board that at its last meeting, the Board took up four regulatory actions. Ms. Yeatts informed the Board that she has drafted the NOIRA for those, but they have not yet gone through executive branch review.

EXECUTIVE DIRECTOR'S REPORT:

Ms. Hoyle reported on some of the application statistics for the Board. A complete copy of the report was included in the agenda packet. Her report included the number of social work applications received year to year for the past 10 years. The chart provided showed a steady increase in applications. Ms. Hoyle's report also included the Board's current financials, which indicated that the Board has saved money because Board members and staff are not currently traveling. Additionally the Board has saved money because meals the Board has not had to provide meals for meetings.

Ms. Hoyle informed the Board purchased webcams and additional monitors for staff to be able to work from home. Ms. Hoyle informed the Board that up until July of this year there has only been one full time staff person for social work the entire past 10 years during the Board's growth. Ms. Hoyle informed the Board that the Director's office has approved another full time position for the Board. Sharniece Vaughan, who was a contract employee for the Board of Counseling has filled this second full time position for the Board of Social Work.

Ms. Hoyle also informed the Board that she has not received any information regarding appointments for the Board, but she has been in contact with the Secretary's office and hopefully those appointments and reappointment would be made soon. Ms. Hoyle also informed the Board that the Governor should announce appointments to the Music Therapy Advisory Board soon.

DISCIPLINE REPORT:

Ms. Lang reported on the disciplinary statistics for the Board of Social Work

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Quarterly Board Meeting Minutes Virginia Board of Social Work through September 3, 2020. A copy of the report given was included in the agenda packet. Ms. Lang praised Dr. Paulson because Dr. Paulson has reviewed every case sent to her. Ms. Lang indicated that since January 2020, Dr. Paulson has received eighty-nine cases and her average review time per case was three days. Ms. Lang informed everyone that the Board scheduled Informal Conferences on October 30 that would be conducted virtually.

BOARD OFFICE REPORT:

Ms. Austin reported on licensure and examination statistics for the Board through September 15, 2020. A copy of the report given was included in the agenda packet.

LICENSING UNIT REPORT:

Ms. Lenart reported on the Board's satisfaction survey results for the Board through September 15, 2020 and indicated we hope to have those results increase with the addition of another full time staff person, helping us catch up on the backlog. Ms. Lenart gave an update on the temporary licenses and informed the Board that all the temporary licenses expired as of September 8, 2020. Ms. Lenart indicated that the top five states for persons applying for temporary licenses came from Maryland, North Carolina, District of Columbia, New York and Pennsylvania. Ms. Lenart also reminded the Board granted extensions for the completion of continuing education for the 2020 renewal period. Before licensee can renew in 2021 they will have to attest to having completed the continuing education requirements for 2020.

The Board took a break at 11:09 a.m. and reconvened at 11:17 a.m. Ms. Hoyle conducted a roll call. Ms. Hoyle announced that nine Board members were present.

REGULATORY COMMITTEE REPORT:

Dr. Walsh informed the Board that the Regulatory Committee met on yesterday and had three recommendations to present to the Board for proposed regulatory changes.

Recommendation #1: To make the below changes to 18VAC140-20-50 in the Regulations as provided below.

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

A. Supervised experience. Supervised postmaster's degree experience without prior written board approval will not be accepted toward licensure, except supervision obtained in another United States jurisdiction may be accepted if it met the requirements of that jurisdiction.

1. Registration. 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, a supervisor, clinical social work services or location:~~

a. Register on a form provided by the board ~~and;~~

b. Submit a copy of a supervisory contract completed by the supervisor and the supervised individual supervisee; and

b.c. Pay the registration of supervision fee set forth in 18VAC140-20-30.

Motion: Ms. Clancey seconded the recommendation from the Regulatory Committee, to make the above changes to section 18VAC140-20-50 of the Virginia

Quarterly Board Meeting Minutes Virginia Board of Social Work
Regulations Governing the Practice of Social Work. Ms. Hoyle conducted a roll call vote. With nine members present at the time of roll call, the motion passed with nine unanimous votes in favor.

Recommendations #2 & #3: To change the definition to “Face-to-face supervision” as provided below and add a definition for supervisory contract as provided below.

“Face-to-face supervision” means the physical presence of the individuals involved in the supervisory relationship during either individual or group supervision or in the delivery of clinical social work services by a supervisee ~~or~~ and may include the use of technology that provides real-time, ~~visual~~ interactive contact among the individuals involved.

“Supervisory contract” means an agreement that outlines the expectations and responsibilities of the supervisor and supervisee in accordance with regulations of the board.

Motion: Ms. Clancey properly seconded Recommendations 2 and 3 brought forth by the Regulatory Committee to make the above changes and additions to the definition section of the Regulations. Ms. Hoyle conducted a roll call vote. With nine members present at the time of roll call, the motion passed with nine unanimous votes in favor

Dr. Walsh informed the Board that the Committee also discussed the consideration of any changes needed to the Regulations that would prevent the need for a Waiver request in future emergencies. The Committee asked that Board staff compile a list of likely or possible future emergencies where a waiver request would be required and the Board could later add. The Committee did not recommend formal action at this time, but that staff would work on it and report to the Committee.

Dr. Walsh also informed the Board that the Committee discussed the consideration of any waiver of experience requirements for spouse of active duty military or veteran. The legislation that passed the 2020 General Assembly gives the Boards the authority to waive certain experience requirements for someone applying for licensure by endorsement for spouses of the military or someone who is a veteran who recently left service. At the last meeting the Board voted to eliminate those experience requirements altogether. The Committee informed the Board that they could authorize the executive director to waive that requirement.

Motion: Ms. Clancey made a motion, which Mr. Aguirre properly seconded that the Board authorize the Executive Director to waive all experience requirements in the section for licensure by endorsement for spouses and veterans who left service within the last year. Ms. Hoyle conducted a roll call vote. With nine members present at the time of roll call, the motion passed with nine unanimous votes in favor.

Lastly, Dr. Walsh informed the Board that the Committee reviewed the list of entities approved to provide Continued Education currently outlined in the Regulations. The Committee decided not to make any changes at this time.

The Board re-visited 18VAC140-20-50 in the Regulations to discuss additional language that was suggested to be added to this section.

Motion: A motion was made by Dr. Walsh, which was properly seconded by Ms. del Villar, to make the below changes to section 18VAC140-20-50 of the Virginia Regulations Governing the Practice of Social Work. Ms. Hoyle conducted a roll call vote. With nine members present at the time of roll call, the motion passed with nine unanimous votes in favor.

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

A. Supervised experience. Supervised post-master's degree experience without prior written board approval will not be accepted toward licensure, except supervision obtained in another United States jurisdiction may be accepted if it met the requirements of that jurisdiction. Prior to registration for supervised experience, a person shall satisfactorily complete the educational requirements of 18VAC140-20-49.

1. Registration. 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, a supervisor, clinical social work services or location:

a. Register on a form provided by the board ~~and~~;

b. Submit a copy of a supervisory contract completed by the supervisor and the supervised individual supervisee;

c. Submit an official transcript documenting a graduate degree and clinical practicum as specified in 18VAC140-20-49; and

~~b-d.~~ Pay the registration of supervision fee set forth in 18VAC140-20-30.

**BOARD OF HEALTH
PROFESSIONS REPORT:**

Mr. Salay provided a summary of the last Board of Health Profession Meeting. A copy of the minutes from that meeting were included in the agenda packet.

ELECTION OF OFFICERS:

Ms. Del Villar presented a slate of candidates from the Nominations Committee for Chair and Vice-Chair of the Board. The Nominations Committee nominated Dr. Paulson as chair and Ms. del Villar as Vice-Chair.

Ms. Hoyle conducted a roll call vote. The Board voted unanimously to elect Dr. Paulson as the new Chair of the Board of Social Work, with nine unanimous votes in favor.

Ms. Hoyle conducted a roll call vote. The Board voted unanimously to elect Ms. del Villar as the new Vice-Chair of the Board of Social Work, with nine unanimous votes in favor.

UNFINISHED BUSINESS:

I. Ms. Hoyle provided an updated on the case study for the Board to pursue reciprocity agreements with other states to allow more people to be able to come into Virginia more easily to practice. The study is due November 1, 2020.

II. Ms. Hoyle provided the Committee an update on what is going on with the Study on Mental Health needs for minors and summarized the issues. Ms. Hoyle also informed the Committee that she also needed their feedback as clinicians. Board members felt there should be a youth perspective considered in the study, persons, or organizations who advocate for youth such as Voices or Virginia Children. Board members also posed the following questions:

- What would be the implications on insurance companies? Would they then

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have to reimburse for testifying and what would that look like?

- If the code of ethics in the regulations it says it is a violation to practice outside of your purview. What happens if the therapist saying working with families that have custody issues is outside of their scope of practice?

III. Ms. Lenart provided the Board an update on the Supervisor Registry. Staff created an application for supervisors to complete to submit to the Board to be on the registry. The registry will only list public information. Staff plans to send out an email blast to LCSWs, asking if they wish to be on registry. Data also created a separate email address for applicants to submit those applications to the Board.

NEW BUSINESS:

Dr. Shobo presented a PowerPoint Presentation to the Board on the 2020 survey findings for the licensed clinical social work workforce. The PowerPoint presented was included in the agenda packet. Dr. Shobo concluded that there has been an increase in female representation, the response rate for the survey were higher, the population for the social work workforce is getting younger and there were few changes to the top work establishments.

Board members wanted to know if survey could include questions related to languages such as; languages they speak, languages they are capable of providing services in and questions related to sign language. Board members also suggested that other Boards consider adding language questions to the survey for their Board. Ms. Salay added that he would bring the suggestion to the next Board of Health Professions Meeting. Board members also wanted to know if the survey could include a question related to telehealth.

Motion: Ms. Del Villar made a motion, Ms. Clancey properly seconded, to direct staff to develop a language question for the workforce survey. Ms. Hoyle conducted a roll call vote. With nine members present at the time of roll call, the motion passed with nine unanimous votes in favor.

Motion: Mr. Aguirre made a motion, which Ms. Clancey properly seconded to direct staff to develop a question related to telehealth for the workforce survey. Ms. Hoyle conducted a roll call vote. With eight members present at the time of roll call, the motion passed with eight unanimous votes in favor.

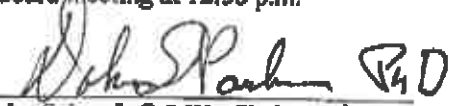
NEXT MEETING DATES:

Ms. Hoyle announced that the next Regulatory Committee would be held on Thursday, December 3, 2020 and the next Board Meeting would be hold on Friday, December 4, 2020.

Dr. Walsh reminded new Chair that new appointments would have to be made for sub-committees. Dr. Paulson requesting anyone wishing to serve a chair on any sub-committee to let herself or Ms. Hoyle know.

ADJOURNMENT:

The September 25, 2020 Board meeting at 12:58 p.m.


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


Jaime Hoyle, Executive Director