

APPROVED

**THE VIRGINIA BOARD OF SOCIAL WORK
MINUTES
FRIDAY, OCTOBER 31, 2003**

The Virginia Board of Social Work ("Board") meeting was convened at 10:00 a.m. on Friday, October 31, 2003 at the Department of Health Professions, 6603 West Broad Street, Richmond, Virginia. Sharon Ekleberry, Chair, called the meeting to order.

BOARD MEMBERS PRESENT:

Sharon C. Ekleberry
George Offerman
Nandini N. Assar
David R. Boehm
Valerie Carter-Williams
Anne Keast
Fredrick D. Weston

BOARD MEMBERS ABSENT:

STAFF PRESENT:

Robert A. Nebiker, Director of DHP
Gail D. Jaspens, Chief Deputy Director
Evelyn B. Brown, Executive Director
Howard Casway, Senior Assistant Attorney General
Benjamin Foster, Deputy Executive Director
Arnice N. Covington, Administrative Assistant

OTHERS PRESENT:

Debra Riggs and Grace Turner, National
Association of Social Workers

ORDERING OF AGENDA

Ms. Ekleberry opened the floor to any changes in the agenda order. The agenda was accepted as submitted.

INTRODUCTION OF NEW BOARD MEMBER:

Ms. Ekleberry introduced Nandini Assar who is a new Citizen member of the Board.

PUBLIC COMMENT:

Ms. Ekleberry opened the floor to comment from the public. Ms. Riggs indicated that her comments and those of Ms. Turner would be made later in the meeting regarding the discussion of the letter received from Joseph Lynch, LCSW.

APPROVAL OF JULY 25, 2003 MINUTES:

A motion was made by Mr. Weston and properly seconded to accept the minutes of July 25, 2003. The motion carried.

AUDIT PROCESS FOR CONTINUING EDUCATION – Robert A. Nebiker

Mr. Nebiker, Director of DHP, gave an overview of the audit process used for continuing education throughout the Agency.

Mr. Nebiker advised the Board to review the random sampling process that other boards in the Agency are using. The Board should have a reasonable audit plan. Licensees should be notified of the process in the Board's Newsletter and on the website. He further indicated that the Board should make known the names of the licensees who do not meet the continuing education requirements.

REPORT'S:

Chair's Report – Sharon Ekleberry

Ms. Ekleberry invited Ms. Jaspen to review the Confidential Consent Agreement with the Board. Ms. Jaspen advised the Board that it might be appropriate to consider the CCA for use with those licensees who have not met the continuing education requirements.

The Board reviewed the document that the three Behavioral Science Board Chairs developed at their September 12, 2003 Meeting. The Board decided to strike number 4 and refer "misdemeanors involving moral turpitude" to the Regulatory Committee. Number 7, second line, should read "unintentional" and not "intentionally." Mr. Offerman moved to adopt the possible uses as outlined in the handout and to accept the information as a Guidance Document. The Document will be placed on the Board's website.

A discussion ensued regarding 24 licensees who have not met the continuing education requirements. Mr. Weston moved that the Board offer a pre-hearing consent order, plus a fine of \$100, and allow the licensee 30 days in which to respond. If there is no response in 30 days the Board would schedule an Informal Conference. Further, the licensees will be advised that they will be included in the audit following renewal in June 2005. The motion was properly seconded and carried.

The Board requested that staff develop an audit plan regarding the number of licensees to audit and what information to request from the licensees who renewed in June 2003 (not including the 24 mentioned above). A Regulatory sub-committee of the following: Valerie Carter-Williams, Sharon Ekleberry, David Boehm, and George Offerman will meet with Benjamin Foster to develop a plan. The Committee expects to establish a draft plan by December 2003 and present it to the Board at the February 20, 2004 meeting.

The Regulatory Committee (Valerie Carter-Williams, Anne Keast) will review “misdemeanors involving moral turpitude,” as well as research what criteria is used in other states to allow students to take the basic level examination prior to graduation. Benjamin Foster, George Offerman, and Debra Riggs, National Association of Social Work, will assist the Regulatory Committee.

Continuing Education Research

George Offerman reported on the discussions that he had with other state boards regarding continuing education issues. Most Board’s have a statement regarding licensees who are unable to fulfill the continuing education requirement due to medical problems. As a separate issue the Board discussed failure to comply with continuing education requirements due to serious medical problems. Such cases will be considered on a case-by-case basis.

Executive Director’s Report

Ms. Brown advised that she had a Consent Order to be reviewed with the Board. Mr. Weston moved that the Board convene in Closed Meeting pursuant to Section 2.2.3711(A)(28) of the *Code of Virginia* for the purpose of deliberation to reach a decision in the matter of the Consent Order signed by Earnest Heatwole, LCSW. The Consent Order accepts the surrender of Mr. Heatwole’s license in lieu of further proceedings and Orders that his license to practice social work in the Commonwealth of Virginia, be INDEFINITELY SUSPENDED.

Following discussion Mr. Weston read the certification of the Closed Meeting. “All those who certify, to the best of your knowledge, that the Board heard, discussed or considered only those public matters lawfully exempted from Open Meeting requirements by Virginia law and those matters as were identified in the motion for the Closed Meeting, say “Aye.” All Board members said, “Aye.”

A motion was made by Mr. Weston and properly seconded to accept the Consent Order. The motion carried.

Ms. Brown also reported that the Department would mail a letter to all licensees regarding Emergency Contact Information within the next couple of months. The information is not available to the public and will only be used to notify licensees in a public health emergency.

Discipline Committee

Ms. Ekleberry reported that the Board currently has 20 complaints in Investigations; 10 cases at Board level; and three (3) Informal Conferences have been held since the last Board Meeting on July 25, 2003.

Regulatory Committee – Benjamin Foster

Mr. Foster reported that the changes proposed at the meeting on May 9, 2003 regarding 18 VAC 140-20-150 Professional Conduct is on the Governor's desk for review.

Newsletter Committee – Anne Keast

Ms. Ekelberry advised the Board that following review of the Newsletter it was decided not to use her article. New articles need to be written. An article regarding the Audit Plan will be included. The new board members will also be listed. Ms. Keast and Ms. Assar will work with staff for articles.

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 1:00 p.m.

Sharon Ekleberry, Chair

Evelyn B. Brown, Executive Director