

A P P R O V E D
VIRGINIA BOARD OF SOCIAL WORK
MINUTES
INFORMAL CONFERENCE COMMITTEE
FRIDAY, NOVEMBER 18, 2005

TIME & PLACE: The Informal Conference Committee convened at 9:00 a.m. on Friday, November 18, 2005, at the Department of Health Professions, 6603 West Broad Street, Richmond, Virginia.

MEMBERS PRESENT: David Boehm, Chair
Catherine Moore, LCSW

STAFF PRESENT: Evelyn B. Brown, Executive Director
Patricia Larimer, Adjudication Specialist
Arnice Covington, Administrative Assistant

OTHERS PRESENT: Michael Goodman, Esquire
Byron Greenberg, Ph.D., Clinical Psychologist

CONFERENCE SCHEDULED: Richard Lupacchino, LCSW

Mr. Lupacchino appeared before the Informal Conference Committee on Friday, November 18, 2005 at 9:00 a.m. to review allegations that he may have violated portions of the laws and regulations governing the practice of social work in the Commonwealth of Virginia.

The Chair recognized Mr. Lupacchino and Mr. Goodman and invited their comments regarding the allegations. Mr. Lupacchino made an opening statement.

Ms. Moore moved that the Special Conference Committee convene a Closed Meeting pursuant to §2.2-3705(A)(15) of the *Code of Virginia* for the purpose of discussion or consideration of medical or mental records of Richard Lupacchino excluded from the Freedom of Information Act by § 2.2-3705(A)(5) of the Code. Additionally, Ms. Moore moved Ms. Brown, Ms. Covington and Ms. Larimer, attend the Closed Meeting because their presence in the Closed Meeting will aid the Committee in its consideration of the matter. Dr. Greenberg also attended the Closed Meeting at the request of Mr. Lupacchino.

The motion was seconded and carried.

The Committee reconvened in open session.

Ms. Moore moved that the Informal Conference Committee certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom on Information Act and only such public business matters as were identified in the motion by which the Closed Meeting was convened. The motion was seconded and carried.

The Committee heard comments from Dr. Byron Greenberg and Michael Goodman.

Ms. Moore moved that the Committee convene a 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 Mr. Lupacchino regarding the allegations outlined in the Notice of Hearing. Additionally, Mr. Boehm moved that Ms. Brown, Ms. Larimer and Ms. Covington attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations.

The motion was seconded and carried.

The Committee reconvened in open session.

Ms. Moore moved that the Informal Conference Committee certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom on Information Act and only such public business matters as were identified in the motion by which the Closed Meeting was convened. The motion was seconded and carried.

FINDINGS OF FACT:

Mr. Lupacchino violated 18 VAC 140-20-160(4) of the Regulations Governing the Practice of Social Work.

ACTION:

On the basis of the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED that Richard W. Lupacchino, L.C.S.W., be placed on PROBATION subject to the following terms and conditions:

The period of probation shall begin on the date that this Order is final and shall continue INDEFINITELY. Mr. Lupacchino may request that the Board end this probation after not less than two (2) years from the date this Order is entered, at which time he shall appear before a Committee for consideration of his petition and review of his compliance with the terms and conditions of this Order.

ADJOURNMENT:

The Conference was adjourned at 12:15 p.m.

David Boehm, LCSW

Evelyn B. Brown, Executive Director
Board of Social Work

As provided by law, this decision shall become a Final Order thirty days after the service of such order unless a written request to the Board for a formal hearing on the allegations made against Mr. Lupacchino is received from Mr. Lupacchino within such time. If service of the order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of this conference shall be vacated.