

**THE VIRGINIA BOARD OF SOCIAL WORK
MINUTES
FRIDAY, November 30, 2012**

The Virginia Board of Social Work ("Board") meeting convened at 10:10 a.m., on Friday, November 30, 2012, at the Department of Health Professions, 9960 Mayland Drive, Richmond, Virginia. Susan Horne-Quatannens, Chair called the meeting to order.

BOARD MEMBERS PRESENT: Jennifer Blosser
Yvonne Haynes
Susan Horne-Quatannens, Chair
Arthur Mayer
Catherine L. Moore
Nettie Simon-Owens
Joseph Walsh
Bernadette Winters
Kristi Wooten

STAFF PRESENT: Howard Casway, Sr. Assistant Attorney General
Catherine Chappell, Executive Director
Patricia L. Larimer, Deputy Executive Director – Discipline
Charlotte Lenart, Administrative Assistant
Arne Owens, DHP Deputy Director
Elaine Yeatts, Senior Policy Analyst

ORDERING OF AGENDA

Ms. Chappell requested that the agenda be amended to include brief reports from board staff, board counsel, and the Regulatory Committee, and to consider revision of Guidance Document 140-10 under New Business, as well as a Consent Order under Executive Session. The agenda was accepted as amended.

RECOGNITION OF OUTGOING BOARD MEMBERS

Ms. Horne-Quatannens expressed her appreciation to former board members Wayne Martin, Patricia Smith-Solan, and Willie Greene for their service to Commonwealth of Virginia. She presented a plaque to Mr. Martin who was in attendance as a member of the public and thanked him for his contributions to the Board and for his service as board chair. Plaques would be mailed to Dr. Smith-Solan and Mr. Greene, who were unable to attend the meeting.

PUBLIC COMMENT

Joseph Lynch, LCSW spoke on behalf of the Virginia Society for Clinical Social Work (VSCSW) and offered comments related to the review of the *Regulations Governing the Practice of Social Work* under the Governor's Regulatory Reform Project. The VSCSW requested that the Board consider their

comments with respect to public health and safety, minimize the economic impact on small businesses and provide clearly written and easily understandable wording within the Regulations.

Humberto Fabelo, Associate Dean for Academic and Student Affairs and Associate Professor for Virginia Commonwealth University (VCU) provided public comment with respect to education requirements for licensure. Dr. Fabelo stated that the executive director's discussions with stakeholders have been positively received, but had concerns about the degree to which the Board can or should defer to the Counsel of Social Work Education (CSWE) to determine what courses are appropriate to establish a sound curriculum. In addition, Dr. Fabelo expressed frustration that his graduate program is unable to tell students which course can or cannot be counted towards the educational requirements as the Board will not approve courses.

Aimee Perron Seibert, representing the NASW, Virginia Chapter, provided public comment with respect to the definition of "Clinical Social Work Services" as found in Guidance Document 140-10. She asked that the guidance document be amended to include reference to preventative and early intervention services and treatment service which are part of the definition of "Clinical Social Work Services."

APPROVAL OF MINUTES – July 20, 2012 Board Meeting

Ms. Simon-Owens moved that the minutes of the July 20, 2012 Board meeting be approved as written. The motion was seconded by Ms. Haynes and passed.

CHIEF DEPUTY DIRECTOR'S REPORT – Mr. Arne Owens

On behalf of Dr. Reynolds-Cane, Mr. Owens welcomed the new board members and thanked them for their service to the Commonwealth. He recognized Mr. Wayne Martin for his service to the Board for the past eight (8) years. In addition, Catherine Chappell was congratulated on her recent graduation from the Virginia Executive Institute (VEI). VEI provides a dynamic forum for leaders to be a part of a network of state executives who have committed to developing their leadership strengths and becoming change agents for Virginia's future.

Mr. Owens provided the following updates:

- 1) DHP's Prescription Monitoring Program is participating with the National Governor's Association Policy Academy to develop a statewide plan to reduce prescription drug abuse; and
- 2) The Board of Health Professions (BHP) is reviewing the transitioning of military members, spouses and veterans back into the workforce. To assist military personnel in this transition, the BHP has developed a website link containing relevant licensure requirements and additional available resources.

EXECUTIVE DIRECTOR'S REPORT – Catherine Chappell

Ms. Chappell thanked the board members for their dedication in ensuring that a quorum for the meeting was established and thanked the stakeholders for expressing their thoughts and concerns during the public comment period. A sign-up list was circulated for board members to indicate their interests in serving on the standing committees for the coming year.

She provided financial information on the Board of Social Work as of October 31, 2012. The revenue and expenditures report documented a cash shortfall as of that date, which had been a consistent trend every 18 months into the renewal cycle. The Board proposed a fee increase and change in renewal cycle to address the shortfall concern, but the proposed changes were still under consideration.

Ms. Chappell addressed the need to fill the position for Deputy Director for Licensing, which was vacated when Ms. Chappell accepted the Executive Director position for the three behavioral sciences boards.

Since the last Board meeting, Ms. Chappell has presented information to several groups of stakeholders. Her presentations have focused on mental health provider workforce issues, the need for qualified and competent providers and supervisors, and the application process for licensure. Stakeholders have expressed their desire to work with applicants and supervisors to ensure that they submit complete packets, in order to minimize delays in processing times. She reported that board staff takes every opportunity to educate applicants and supervisors about the process to become a supervisee in social work.

DISCIPLINE DEPUTY EXECUTIVE DIRECTOR'S REPORT – Patricia Larimer

Ms. Larimer reported that since the last meeting, the Board had received 18 new disciplinary cases and closed 19 old cases. For the 3rd Quarter of the fiscal year, the clearance rate of cases was 127%; and percentage of cases closed within 250 business days was 93%. The Board closed approximately 55 cases during the calendar year.

As of the meeting date, there were 19 open, active cases for the Board of Social Work. Nine (9) cases were being investigated by the Enforcement Division, six (6) cases were at Board level to be reviewed for probable cause, two (2) cases were to be scheduled for informal conferences, one (1) case was scheduled for a formal hearing on January 25, 2013 and a pre-hearing Consent Order in one (1) case would be considered later in the meeting.

With respect to trends in disciplinary activity, Ms. Larimer commented that she continues to receive complaints relating to boundary violation cases, alleged billing fraud cases and divorce/custody matters.

BOARD OFFICE UPDATE – Charlotte Lenart

Staffing Update. Ms. Lenart stated that board staff continues to work efficiently and effectively in processing applications for licensure. There has been a noticeable increase in applications, phone calls and emails in the recent months. Board staff implemented efficiency measures which include electronic communication of supervision and examination approvals as cost-saving measures for the Board. As of the date of the meeting, there were approximately 350 files awaiting review.

Licensing Activity. Ms. Lenart noted that the Board is responsible for 5,865 licensees. Board staff received 913 new applications and registration requests, and licensed 354 new licenses in the last 12 months. There appears to be an increase of about 22% in applications received in the current year as compared to the prior year.

Online Applications: As of October 16, 2012, the Board of Social Work implemented online application for Registration of Supervision, LCSW by Examination and LCSW by Endorsement application. As of November 29, 2012, the Board has received a total of 52 online applications. Applicants will be able to view the status of their application via the online checklist, which should reduce the need for them to contact the board office to obtain a status update on information received or pending.

Re-Application. Ms. Lenart reported that a significant amount of re-applications have been received as a result of the requirement to re-apply for licensure by examination if the applicant did not pass the examination within two (2) years. In order to re-apply, they must meet the current supervision and education requirements of the Regulations.

Supervision Concerns. Additionally, individuals whose supervision began before November 26, 2008 without prior written board approval, which met the requirements in effect prior to that date, must have submitted their supervision hours by November 26, 2012 for consideration as required by the current regulations. This prompted an increase in applications received in November 2012 by 30%.

REGULATORY/LEGISLATIVE UPDATE – Elaine Yeatts

Status of Regulatory Actions. Ms. Yeatts reported that two sets of proposed regulations for the Board were under consideration: proposed regulations to provide for a fee increase and change in renewal cycle were at the Secretary's office; and proposed regulations to clarify licensure requirements, which had been accepted by the Governor's office, awaited adoption as final regulations by the Board.

Regulatory Reform Project. She commented that Governor McDonnell had requested that all boards review their current regulations and submit any changes that may reduce the burden of or clarify a regulation. She asked that the Regulatory Committee meet prior to the January 25, 2013, meeting and present their proposed changes to the Board for consideration.

Legislation for 2013. Ms. Yeatts commented that the Agency had not yet learned if their proposed legislation would be included in the Governor's package to the General Assembly. She anticipated that she would learn in December whether the legislation would move forward. None of the Agency's proposed legislation directly applied to the Board of Social Work.

Consideration of Public Comment on Proposed Regulations and Adoption of Final Regulations. With respect to adoption of final regulations, the Board considered public comment and suggestions for further amendment from stakeholders. Dr. Walsh moved that section 140-20-45 be amended to lengthen the window of active practice in another jurisdiction with respect to endorsement applicants from 36 out of the past 60 months to 36 out of the past 120 months, with verification that the applicant had completed 60 contact hours of continuing education in the last 48 months preceding application. The motion was not seconded.

With respect to the use of the word "resident" in section 140-20-110, Mr. Mayer moved that section 140-20-110 be amended to replace the word "resident" with "supervisee" to be consistent with the terms used throughout the regulations. The motion was seconded by Ms. Moore and carried.

Dr. Simon-Owens moved that the Board of Social Work adopt the final regulations, as amended. The motion was seconded by Dr. Winters and passed.

REGULATORY COMMITTEE – Yvonne Haynes

Ms. Haynes reported that the Regulatory Committee had not met since the last Board meeting, but planned to schedule a meeting for early 2013 to discuss distance therapy and development of guidelines for confidentiality as a means to protect the public and the practitioner as it relates to providing therapy to a client by electronic means.

Ms. Haynes also reported that the Regulatory Committee will consider drafting a guidance document, similar to the document used by the Board of Counseling, regarding distance therapy and/or supervision.

Ms. Horne-Quatannens asked Ms. Haynes to have the Regulatory Committee continue to explore the mid-level license at the next Committee meeting. Ms. Yeatts commented that stakeholders had not expressed significant interest in a new license type when previously contemplated.

Ms. Haynes suggested that the Board sponsor an Educational Summit in 2013, in order to continue discussion of the required clinical course of study coursework. Ms. Horne-Quatannens suggested that graduate programs in the bordering states be included in the meeting. She requested that an Ad Hoc Committee be established to include both Regulatory Committee members and other interested board members.

CREDENTIALS COMMITTEE – Catherine Moore

Ms. Moore reported that the Credentials Committee had met that day, before the Board meeting, and considered eight (8) supervision and licensure requests but had not completed their entire file review due to time constraints. The Committee denied six (6) applications due to insufficiently documented education and/or experience; and deferred two (2) applications because additional information was needed. The Committee had agreed to adjourn the meeting at 10:00 a.m. in order to attend the scheduled board meeting and then planned to reconvene following the board meeting and formal hearing later that day.

Ms. Moore reported that Ms. Jennifer Blosser had been asked by the Board Chair and agreed to serve as the chair for the Credentials Committee for the coming year. Ms. Horne-Quatannens thanked Ms. Moore for her service as chair of the Credentials Committee.

OLD BUSINESS

None.

NEW BUSINESS

Ms. Chappell referenced the request for revision to Guidance Document 140-10, to include “preventative and early intervention services and treatment services.” She commented that while the guidance document was developed to guide supervisees in understanding the scope of their supervised experience, preventive and early intervention services and treatment services were certainly part of

“clinical social work services.” However, the supervised experience must include assessment, diagnosis and psychotherapy. The Board determined that the guidance document contained sufficient reference to the regulations which incorporated the suggested language.

EXECUTIVE SESSION

Prior to entering into closed session to consult with counsel on recommendations from the Credentials IFC Committee, a statement was received from Edith Beaujon regarding her application under consideration. Ms. Beaujon addressed the Board regarding her application for licensure and provided information that could benefit the Board in making a decision regarding the Credentials IFC Committee’s recommended decisions.

Closed Meeting:

Mr. Mayer moved that the Board of Social Work convene in closed meeting pursuant to §2.2 3711(A)(7) of the Code of Virginia in order to consult with legal counsel on the recommendation from the Credentials IFC Committee. He further moved that Howard Casway, Catherine Chappell, Patricia Larimer, and Charlotte Lenart attend the closed meeting because their presence in the closed meeting was deemed necessary and they would aid the Board in its consideration of the matter. The motion was seconded and carried.

Reconvene:

Mr. Mayer moved that pursuant to §2.2-3712 of the Code of Virginia, that the Board heard, discussed, or considered only those public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act and only such public business matters as identified in the original motion. The Board agreed unanimously.

Edith Beaujon: The IFC Credentials Committee concluded that Edith Beaujon, LCSW applicant, failed to satisfy the requirements of 18VAC 140-20-50(B)(2) and recommended that her application by examination be denied. Ms. Simon-Owens made a motion to accept the recommendation as presented. The motion was seconded by Ms. Wooten and carried, with one member who did not participate (Dr. Walsh).

Closed Meeting:

Mr. Mayer moved that the Board of Social Work convene in closed meeting pursuant to §2.2 3711(A)(7) of the Code of Virginia in order to consult with legal counsel on the recommendation from the Credentials IFC Committee. He further moved that Howard Casway, Catherine Chappell, Patricia Larimer, and Charlotte Lenart attend the closed meeting because their presence in the closed meeting was deemed necessary and they would aid the Board in its consideration of the matter. The motion was seconded and carried.

Reconvene:

Mr. Mayer moved that pursuant to §2.2-3712 of the Code of Virginia, that the Board heard, discussed, or considered only those public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act and only such public business matters as identified in the original motion. The Board agreed unanimously.

Laura Gabrielle: The IFC Credentials Committee concluded that Laura Gabrielle, LCSW applicant, failed to satisfy the requirements of 18VAC 140-20-49(B)(3) and recommended that her application by examination be denied. Ms. Haynes made a motion to accept the recommendation as presented. The motion was seconded by Ms. Blosser and carried, with one member who did not participate (Dr. Walsh).

Closed Meeting:

Mr. Mayer moved that the Board of Social Work convene in closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* in order to deliberate to reach a decision on a proposed Consent Order in the matter of Elizabeth Balyeat (a/k/a Kluge). Additionally, Mr. Mayer moved that Howard Casway, Catherine Chappell, Patricia Larimer and Charlotte Lenart attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations. The motion was seconded and carried.

Reconvene:

Mr. Mayer moved that pursuant to §2.2-3712 of the Code of Virginia, that the Board heard, discussed, or considered only those public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act and only such public business matters as identified in the original motion. The Board agreed unanimously.

Elizabeth Balyeat: The Board considered a Consent Order that Elizabeth Balyeat, LCSW violated Regulations 18VAC 140-20-150(D)(1) and (2), 18VAC140-20-150(C)(1) and 18VAC140-20-160(5). Ms. Blosser made a motion to accept the Consent Order as presented. The motion was seconded by Ms. Wooten and carried, with one member who did not participate (Dr. Walsh).

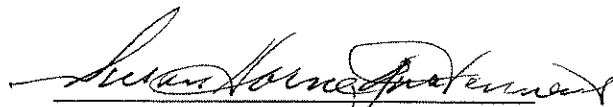
BOARD COUNSEL REPORT

Howard Casway, Senior Assistant Attorney General, reported that one disciplinary case had been appealed to circuit court. He would provide more information on the matter at the next meeting.

Mr. Casway also presented a brief presentation on board member conduct and conflict of interest concerns.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 2:07 p.m.


Susan Horne-Quatannens, Chair


Catherine Chappell, Executive Director