

STATE OF MINNESOTA

BOARD OF SOCIAL WORK

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REGULAR BOARD MEETING

University Park Plaza
University Conference Room A – 1st Floor
2829 University Avenue SE
Minneapolis, Minnesota 55414

January 18, 2002

MINUTES

Members Present: Kathleen Beehler, LSW
Anthony Bibus, III, LISW
Jane Braun, LSW
Paul Gaston, LSW
Barbara Kaufman, LISW, Vice-Chair
Margaret Sebring Khali, LSW
Peter Langseth, LSW, Secretary-Treasurer
Lois McDougall, Public Member
Steven Sawyer, LICSW, Chair

Members Absent: Miriam Bergmark, Public Member
Marilyn Kiloran, LICSW

Staff Present: Louis Hoffman, Director of Compliance
Sheryl McNair, LICSW, Staff Social Worker
Connie Oberle, Office Manager
Penny Troolin, Executive Director
Kate Zacher-Pate, LSW, Director of Licensure

Legal Counsel: Robert T. Holley, Assistant Attorney General
Susan Damon, Assistant Attorney General

I. CALL TO ORDER; ADDITIONS TO AND APPROVAL OF AGENDA

Chair Sawyer called the meeting to order at 10:02 a.m.; a quorum was present. The agenda was approved.

II. APPROVE MINUTES FOR NOVEMBER 30, 2001 BOARD MEETING

A motion was made by Bibus, seconded by McDougall, to approve the minutes for the November 30, 2001 Board meeting, as revised. The motion carried.

III. EXECUTIVE DIRECTOR'S REPORT

Troolin distributed a written report (attached), and formally announced her resignation from her position as executive director. She referred Board members to a proposed timeline for hiring a new executive director. Troolin also announced the recent hiring of Louis Hoffman as director of the compliance unit (to replace Mary Olympia), and as well as the status of Board appointments to replace Ledvina, Lemon, and Vigil (resignations) and Raleigh (deceased). Finally, Troolin briefly reviewed her goals for the upcoming months.

IV. PETITION FOR REINSTATEMENT OF LICENSE

1. In the Matter of the Petition for Reinstatement of Expired LSW License # 6277. Zacher-Pate presented background information relating to the Petitioner's petition for reinstatement, and summarized Petitioner's reasons for failing to renew his license in September 2001, which were described in Petitioner's letters to the Board dated December 11, 2001 and January 8, 2002. **A motion was made by Braun, seconded by Gaston, to grant the petition based on Petitioner's demonstration that he was "unable to comply with the license renewal requirements due to a mental or physical condition," in accordance with Minnesota Rules, part 8740.0200, subpart 3. The motion carried.**

2. In the Matter of the Petition for Reinstatement of Expired LSW License # 10254. Zacher-Pate presented background information relating to the Petitioner's petition for reinstatement, and summarized Petitioner's reasons for failing to renew her license in July 2001, which were described in Petitioner's letter to the Board dated December 4, 2001. **A motion was made by Gaston, seconded by Kaufman, to grant the petition based on Petitioner's demonstration that she was "unable to comply with the license renewal requirements due to a mental or physical condition," in accordance with Minnesota Rules, part 8740.0200, subpart 3, contingent upon Petitioner submitting to Board staff an evaluation by HPSP or mental health care provider of her choice, confirming Petitioner's ability to practice safely. The motion carried.**

V. COMMITTEE ASSIGNMENTS AND LIAISON APPOINTMENTS FOR 2002

Board members reviewed charts of proposed committee assignments and liaison appointments for 2002. Kaufman requested to be removed from the Licensure Examination Study Work Group. The following Board members agreed to serve on the Hiring Committee: Sawyer (chair), Kaufman, Langseth, Sebring Khali and Gaston. The following Board members agreed to serve on the Rules and Policy Committee -- renamed the "Legislation and Rules Committee": Bibus (chair), Gaston and Sawyer.

It was noted that, by the Fall of 2002, the Board must develop a legislative package and strategy for the 2003 legislative session. As a first step, Bibus and Gaston agreed to attend the March 2, 2002 meeting of the Advisory Committee to solicit their ideas for the Board's short-term and long-term legislative and rulemaking strategies.

A motion was made by Braun, seconded by Kaufman, to approve the committee assignments and liaison appointments, as revised. The motion carried.

VI. REPORT OF SPECIAL COMMITTEE ON BOARD OPERATIONS (SCOBO)

SCOBO chair Kaufman presented SCOBO's final recommendations to the Board (attached), which had been adopted by SCOBO on November 15 and December 6, 2001. Following discussion, a motion was made by McDougall, seconded by Kaufman, to adopt the following recommendations relating to **INACTIVE AND EMERITUS STATUSES**:

- 1. The Board should continue to offer licensees the option of going on inactive status, because it generates significant revenue and is valued by many licensees.**
- 2. The Board should make the following changes to the inactive status application process:**
 - a. Provide licensees with simple instructions about inactive status requirements; and**
 - b. Require a simple, signed attestation agreeing not to practice social work while their license is on inactive status; do not require a notarized affidavit.**
- 3. The Board should continue to offer emeritus status as an option to licensees.**
- 4. The Board should change the emeritus application process to**
 - a. Provide licensees with simple instructions about emeritus status requirements; and**
 - b. Require a simple, signed attestation agreeing not to practice social work while their license is on inactive status; do not require a notarized affidavit.**

The motion passed. The Board considered, but did not adopt, SCOBO's recommendation that licensees on inactive or emeritus status be allowed to retain their license wall certificates.

Following further discussion, a motion was made by Kaufman, seconded by McDougall, to adopt the following recommendations relating to **TEMPORARY PERMITS**:

- 1. The Board should seek the following changes to the law governing temporary permits:**
 - a. Eliminate the differentiation between candidates by graduation and candidates by reciprocity, and apply a single set of eligibility requirements to all students (resident or non-resident) and social workers licensed in another state or jurisdiction;**
 - b. Eliminate the four levels of temporary permits, and issue a single temporary permit;**
 - c. Allow a person's scope of practice to be dictated by their educational level (BSW or MSW);**
 - d. Increase the application fee to better reflect the Board's costs; and**
 - e. Authorize the Board to rescind the temporary permit without recourse (if legal to do so).**
- 2. The Board should amend its rules governing temporary permits to speed up the process. Upon submitting an application for licensure and the requisite fee,**

applicants for temporary permits should be required to complete the following limited steps:

- a. Complete and sign an Application for Temporary Permit;
- b. Submit the fee for and complete a criminal background check;
- c. Pay a temporary permit application fee;
- d. Submit documentation of the applicant's arrangement to meet temporary permit supervision requirements;
- e. Document completion of degree requirements from a social work program accredited by CSWE (documentation could be either a copy of the degree or diploma, or a signed affidavit attesting to the completion of all degree requirements when the degree has not yet been conferred); and
- f. Submit official verification of having a license or credential in another state or jurisdiction, or having passed the ASWB licensure examination.

The motion passed.

The Board then considered SCOBO's recommendations relating to the levels of licensure. Following discussion, a motion was made by McDougall, seconded by Kaufman, to seek legislative changes to replace the current four LEVELS OF LICENSURE with three levels of licensure: one for BSWs, one for MSWs, and one for clinical social workers, and to refer this to the Board's Legislation and Rules Committee for follow-up. The motion passed.

A motion was made by Kaufman, seconded by Braun, to seek legislation ending the ongoing SUPERVISION REQUIREMENTS FOR LGSWs who are not engaged in "*clinical practice*." The motion passed.

A motion was made by Sebring Khali, seconded by McDougall, to develop a NEW FEE STRUCTURE FOR THE THREE NEW LEVELS OF LICENSURE that does not result in a net loss of revenue for the Board. The motion passed.

(The Board recessed for lunch at 11:35 a.m., and reconvened at 12 noon. The Board then moved directly to agenda item VII.)

VII. DISCIPLINARY MATTERS

1. **CONTESTED CASE:** In the Matter of the Social Work License of Halle S. Ricketts, LICSW, License # 14301. Board Chair Sawyer read instructions to the Board. Kaufman identified herself as the Complaint Panel member and Assistant Attorney General Robert T. Holley identified himself as the attorney for the Complaint Panel. Ricketts was not in attendance. Assistant Attorney General Susan Damon described the procedure to be followed in the Board's consideration of this contested case. Holley presented oral argument on behalf of the Complaint Panel, including the fact that Ricketts had failed to appear at the prehearing conference before Administrative Law Judge Beverly Heydinger, and therefore this was a default proceeding. Holley then presented the Complaint Panel's Proposed Findings of Fact, Conclusions, and Final Order, for the Board's consideration. Damon provided further instructions to the Board, and instructed persons involved in the case to leave the room during the Board's deliberations.

(The meeting went into Executive Session and was CLOSED at 12:18 p.m. Kaufman, Troolin, Hoffman and Holley left the meeting.)

Following lengthy discussion, a motion was made by Braun, seconded by McDougall, to issue an order immediately suspending Rickett's license to practice social work, and requiring Ricketts to comply with the following:

1. Return to Washburn Child Guidance Center all Washburn files and records in his possession within 30 days;
2. Sign an authorization or release permitting the Board and personnel from the Washburn Child Guidance Center to exchange information related to Rickett's compliance with the Board's order;
3. Meet with the Complaint Panel and provide the panel with a response to question set forth in the Board's findings;
4. Successfully complete a minimum of twelve continuing education hours, approved in advance by the Complaint Panel, on ethics in social work practice and recordkeeping; and
5. Pay \$2,500 to the Board as partial reimbursement for the cost of the proceedings.

Rickett's could petition the Board for a stay of suspension upon (a) returning the records to Washburn; (b) completing the required continuing education; and (c) paying one-half of the \$2,500 in administrative costs. The motion passed.

A motion was made by Langseth, seconded by Bibus that the Complaint Panel monitor and be authorized to pursue legal action if Ricketts fails to return the records to Washburn within 30 days. The motion passed.

(Kaufman, Troolin and Hoffman returned to the meeting, which went into Executive Session and was CLOSED for the following disciplinary matter.)

2. In the Matter of the Petition of SLS, LICSW, License # 2138, for an Unconditional License. Complaint Panel members Kaufman and Kiloran presented the Petitioner's petition for an unconditional license. They reported that the Petitioner has successfully completed all terms of the Board's Stipulation and Order and the Complaint Panel's Order Amending Board's Stipulation and Order, and recommended granting the petition. A motion was made by Braun, seconded by Bibus, to grant Petitioner an unconditional license to practice social work. The motion passed.

(The Board took a brief recess at 12:55 p.m., reconvened and RE-OPENED the meeting in Regular Session at 1:00 p.m., and returned to agenda item VI.)

VI. REPORT OF THE SPECIAL COMMITTEE ON BOARD OPERATIONS (SCOBO) *(continued)*

Following discussion, a motion was made by Braun, seconded by Kaufman, to approve SCOBO's recommendations relating to SERVICES AND FEES, as follows:

1. The Board should develop the capability to provide licensure verification information online.
2. When supplying mailing labels to individuals or organizations, Board staff should offer to sort only by licensure level and zip code.

3. The Board should charge the actual cost of preparing mailing labels, even if it is higher than what the Board currently charges.
4. Considering the small number of individuals requesting prior approval of continuing education programs, and licensees' expectations that this service should be made available free of charge, the Board should amend its policy so that individual licensees requesting a Board determination as to whether a continuing education course meets the Board's requirements are not charged a fee for this service.

The motion passed.

Following discussion, a motion was made by McDougall, seconded by Kaufman, to adopt SCOBO's recommendation that the Board consider amending its rules to require a specific number of CONTINUING EDUCATION HOURS IN ETHICS. The motion failed, with Beehler, Braun, Langseth, and Sebring Khali voting against the motion, and Bibus and Gaston abstaining.

A motion was made by Kaufman, seconded by Sebring Khali, to refer SCOBO's recommendation relating to NAME CHANGES to the Board's Legislation and Rules Committee. The motion passed.

Kaufman announced that SCOBO would submit its final report to the Board in March.

(The Board then moved directly to agenda item VIII.)

VIII. BOARD COMMITTEE REPORTS

A. Application Review Committee

Bibus, Chair of the Application Review Committee (ARC), reported that the application process for foreign-born/ESL candidates for licensure has continued to run smoothly. Staff distributed a chart (*attached*) summarizing (a) applications received, (b) licenses granted, and (c) ethnic background of applicants and new licensees. To date, no applications under the foreign-born/ESL law have been denied.

B. Compliance Committee

Compliance Committee Chair Braun welcomed Hoffman to the Board, and reported on the meeting held at 8:30 a.m. Braun announced that the Compliance Committee anticipates eliminating the backlog of complaints by June 2002. Hoffman has revised some of the letters to complainants and licensees to provide more information to each. The committee is considering amending question #9 on the license and renewal applications.

C. Executive Committee

Executive Committee Chair Sawyer reported that the Executive Committee has not met since the last Board meeting. The Executive Committee's next meeting with NASW - Minnesota Chapter's executive committee is scheduled for February 6, 2002 at noon.

D. Finance Committee

Finance Committee Chair Langseth reported the following information from the committee's January 16, 2002 meeting:

1. The Board's expenditures (both direct and indirect) are well below budget. Receipts are only slightly (2%) under budget.
2. We have not seen a decrease in the number of new applications or renewals since the July 2000 fee increase.
3. The union contracts for MAPE and AFSCME are not yet finalized, but when they are salary costs will increase accordingly (retroactively).
4. Revenue from official, written licensure verifications (to employers and insurance companies) is up.
5. AGO costs for the month of January are expected to be higher due to a contested case (default).
6. The Finance Committee will revise future budget projections to reflect savings/costs resulting from SCOBO recommendations.
7. Future Finance Committee meetings will be held the day before Board meetings, so that meetings can be conducted in person (although it is recognized that some committee members may have to be connected by phone).

E. Licensure Exam Study Work Group

Licensure Exam Study Work Group Chair Langseth reported on the work group's first meeting, which was held just prior to the Board meeting. He announced that the work group discussed (a) the need for funding for the study and possible funding sources, (b) how to involve the social work community in seeking funding, and (c) the need for someone to draft a "Request for Proposals." The work group's next meeting is scheduled for February 6, 2002.

VII. OTHER COMMITTEE/ORGANIZATION REPORTS

A. Advisory Committee

Advisory Committee member Pam Berkwitz, LICSW, expressed appreciation for the Board's adoption of the Advisory Committee's mission statement at the previous Board meeting, and stated that the Advisory Committee is looking forward to future open communications with the Board.

B. Association of Social Work Boards (ASWB)

Troolin announced that ASWB was offering three training sessions for new board members in 2002. She reminded Board members of ASWB's upcoming Spring Educational Meeting in Milwaukee, Wisconsin, which will focus on supervision issues. Troolin referred Board members to an attached memorandum explaining a recent examination error on the part of ACT.

A motion was made by Langseth, seconded by McDougall, that the Board send staff members Zacher-Pate and McNair, and up to three interested Board members, to the Spring Educational Meeting. The motion passed.

C. Council on Licensure, Enforcement and Regulation (CLEAR)

Sawyer, Zacher-Pate and Hoffman reported on their attendance at CLEAR's annual conference held January 10-12, 2002, in San Antonio, Texas.

D. Council of Health Boards

McDougall reported that the Council of Health Boards plans to meet monthly while the legislature is in session to review issues that arise.

E. E-Therapy

Zacher-Pate reported on the multi-board E-Therapy Committee that meets monthly.

G. Health Professionals Services Program (HPSP)

Bibus reported that HPSP has received a total of four self-reports from social workers, and suggested that this may be attributed to the Board's increased efforts at publicizing HPSP by enclosing pamphlets in all license renewal packets.

X. STAFF REPORTS

McNair referred Board members to materials in the meeting packet, and requested the Board to consider accepting ASWB's Approved Continuing Education (ACE) program, and NASW's CEU approval program – either fully or provisionally. Following lengthy discussion, **a motion was made by Langseth, seconded by Kaufman, not to accept either ASWB's ACE program or NASW's CEU approval program at this time, on the grounds that it may be more confusing than helpful to licensees. The motion passed.**

XI. PUBLIC COMMENT

Pam Luinenburg, Coordinator for the Minnesota Coalition of Licensed Social Workers, announced that the Coalition supports SCOBO's recommendation (adopted by the Board at this meeting) that the Board seek legislation to change the license structure from four levels to three. She stated that the Coalition remains concerned about how changing licensure credentials may affect other statutes and rules.

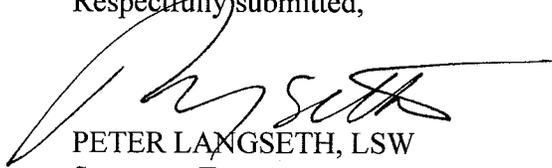
XII. OTHER BUSINESS

There was no other business.

XI. ADJOURN

The meeting adjourned at 3:02 p.m.

Respectfully submitted,


PETER LANGSETH, LSW
Secretary-Treasurer