



STATE OF MINNESOTA

BOARD OF SOCIAL WORK

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REGULAR BOARD MEETING
University Park Plaza
University Conference Room A – 4th Floor
2829 University Avenue S. E.
Minneapolis, Minnesota 55414

September 16, 2005

Members Present: Kathleen Beehler, LSW
Anthony Bibus, III, LISW, Chair
William Cullen, Public Member
Paul Gaston, LSW
David Hallman, LSW, Secretary-Treasurer
Rosemary Kassekert, Public Member
Margaret Sebring Khali, LSW
Mary Casey Ladd-Bowman, LICSW
Peter Langseth, LSW
Kenneth Middlebrooks, Public Member
Anoma Mullegama, LICSW
Beverly Ryan, LISW
Antonia Wilcoxon, Public Member, Vice Chair

Members Absent: Roy Garza, LGSW

Staff Present: Louis Hoffman, Compliance Director
Brenda Mammenga, Compliance Coordinator
Sheryl McNair, LICSW, Staff Social Worker
Frank Merriman, Executive Director
Connie Oberle, Office Manager
Kate Zacher-Pate, LSW, Assistant Director

1. PROPOSED AGENDA

Chair Bibus called the meeting to order at 10:00 a.m.; a quorum was present. The agenda was approved.

2. INTRODUCTION OF NEW BOARD MEMBERS: Tony Bibus

On behalf of the Board, Bibus welcomed the new Board members and said they would offer a new perspective and expertise to its membership. Rosemary Kassekert, Public Member, introduced herself and shared that she had previously been a member of the Chiropractic Board. Beverly Ryan LISW, introduced herself and said she has a Masters in Social Work and works at United Hospital in St. Paul. Bill Cullen, Public Member, introduced himself and said that he works with social workers by providing affordable housing to their clients. Accordingly, each Board member, Board staff, Christy Cail, the new Program Manager for the Office of

Mental Health Practitioners, and Pam Luinenberg, Coordinator of the Minnesota Coalition of Licensed Social Workers, introduced themselves.

Bibus thanked the Board staff for its new member board orientation, adding that he also learned a lot from the presentation.

3. MINUTES FOR MAY 20, 2005 MEETING

Merriman noted that the July 15, 2005 Board meeting was cancelled due to the impending shutdown of State offices, which included this Board. **A motion was made by Gaston, and seconded by Mullegama, to correct a typographical error and approve the May 20, 2005 minutes. The motion carried unanimously.**

4. EXECUTIVE DIRECTOR'S REPORT: FRANK MERRIMAN

A. Work Plan

- Merriman stated that the Board had previously requested a statement of his goals and objectives. He referred to his "Work Plan" dated September 2, 2005. The plan includes target dates, the activity to be performed and the staff member responsible for carrying it out, and an outcome to determine if the duty was accomplished.
- Merriman noted that the office works in a collaborative leadership style, but that he is ultimately accountable for the entire staff. The Executive Committee has reviewed the plan, and Merriman would use this format for the Executive Director's Report in the future if the Board approves this method.

(Wilcoxon arrived at 10:15 a.m.)

Other Information

- There has been no response from the Governor's office on filling the remaining vacancy for a public Board member.
- Bibus and Board staff recently provided a brief orientation to the new Board members. ASWB will provide a new Board member training at this Board's location on November 17. Donna DeAngelis, ASWB Executive Director and Dale Atkinson, ASWB legal counsel will present. Everyone is welcome and encouraged to attend. Several overviews are also scheduled for today and in the future.

(Ladd-Bowman arrived at 10:20 a.m.)

- Computer operations have been going very well. We have an excellent IT team, the process is in place, goals have been well identified, and the project plan has been well thought out. This Board's progress with computer operations has been better than that of any other Board. Merriman gives much of the credit to Zacher-Pate.
- At the ASWB presentation here in November, the Board will have the opportunity to ask questions about the ASWB examination and ESL issues.
- Implementation of the Board's 2005 legislation has been a huge undertaking, but work on new forms, online processing and new staff responsibilities are on track. The new legislation is effective January 1, 2006.

- The Office of Mental Health Practitioners (OMHP) has been transferred from the Department of Health to the Health Licensing Boards. The legislature approved housing the office and Program Manager, Christy Cail, with the Board of Social Work. OMHP is a separate agency. Cail will report on the program's status under agenda item 11.
- In regard to public information and the Board's website, there is a plan to revamp the website according to the 2005 legislation. Also, a new process has been put into place to assure that the website is up-to-date.
- Bibus referred back to the Executive Director's work plan above. There was a discussion about producing a measurable outcome by identifying broader goals, objectives and accomplishments in the plan. Bibus proposed that Merriman meet with the Advisory Committee at its next meeting and then report back to the Board at its January 20, 2006 Board meeting.
- Several Board members commented that Merriman is doing an excellent job.

B. Agenda Items for Board Meetings

Merriman said that the agenda items are related to the Board itself, and they set out plans for the future. He pulls this information from the work plan. If you have suggestions about the agenda's format, please contact Bibus or Merriman and they will discuss them.

C. Buddies for New Board members

Merriman asked Board members to consider volunteering to share advice or consult with new Board members. This will be taken up in item 13. A. on the agenda.

D. ASWB Committee Interest Form

Merriman said that Bibus requested that Board members were made aware of ASWB's process for them to join an ASWB committee. If you are interested in serving on a committee, please contact ASWB. Minnesota has always had a strong role in ASWB, and interested Board members are encouraged to participate. (See the attached form.) The Board does not need to approve members serving on an ASWB committee.

E. Conferences

Merriman passed conference sign-up sheets for the following conferences: Citizen Advocacy Center (CAC November 3-5), Association of Social Work Boards' Annual Meeting/Administrator's Forum (ASWB November 4-6) and the Federation of Associations of Regulatory Boards (FARB February 3-5, 2006). Merriman noted that ASWB pays the expenses for one Board member delegate for the Annual Meeting. We may designate an alternate, but the Board would pay those expenses. Discussion will be continued in 13. C of the agenda.

F. Board Travel Policy

Merriman referred to the Board Travel Policy that was established last spring as part of budget saving measures to keep expenditures in line. According to the policy, five people may attend out-of-state conferences during a single fiscal year. This includes three staff and two Board members.

G. Board Member Lists

Merriman referred to the Board member address/information lists. If there are any updates, please note them on the lists attached to the Member Sign-in Sheet.

Cards were passed for signature for the retiring Board members.

5. ASSISTANT DIRECTOR'S REPORT: Kate Zacher-Pate

Online Services

- Zacher-Pate welcomed the new Board members. She noted that she had given an update of IT projects at the last Board meeting and it included changing the method of licensure renewal notification. In the past, the Board sent out a complete set of application materials in a 5 x 7 envelope. In an effort to promote online renewal of applications and reduce costs, licensees now receive renewal information on a 4 x 6 post card. If individuals prefer, they may download or call the Board for forms instead of renewing online.
- Online renewal has increased from 16% to 42%. The number of expirations has remained steady. The number of expirations per month will be monitored to assess the effectiveness of the post card notification system.
- Two IT contracts and projects will be completed the end of this month. One of the projects will enhance our supervision documentation tracking in the database and will go live next week. The changes will reduce paper and duplicative data entry, enhance record retention and automatically generate letters. The system will be more efficient and accurate.
- The online application for licensure project will be completed by the end of this month. This feature will go live on January 1, 2006.
- The state is moving from the Easy Gov credit card vendor to US Bank which must be in place by the end of October or we will not be able to do business online. We don't expect that this will be a huge undertaking, the cost conversion is minimal, and we hope the customer experience will be positive.
- We are also planning another IT project to make necessary modifications to our licensure database system to implement the new statutory provisions effective January 1, 2006.
- Chris Luhman from our Administrative Services Unit (ASU) should be commended for his work as the contract manager on these projects, and Mark Stensgard, the Board's developer, has been an invaluable resource. Also, Cindy Benton from ASU has had a key role in finalizing the contract work for these initiatives. We are deeply indebted to each of them.

6. COMMITTEE REPORTS

A. Compliance Education Outreach Committee: Antonia Wilcoxon

Wilcoxon reported that she and Ladd-Bowman serve on this new Board committee and always welcome new members. In your Board mailing packet under Section 3, "Minutes for May 20, 2005 Board Meeting" you will find the language which sets out the proposal for this committee. After the Board meeting there will be a half-hour committee meeting to discuss activities.

Hoffman reported that the committee meeting today will also include discussion on the outreach presentations that have been conducted this year. They include the following:

- Hallman, Khali, McNair and Hoffman were part of a panel presentation at the MSSA conference in Bloomington in March.
- Hallman, McNair and Hoffman presented at the Odyssey Conference in Duluth in August.

The next two presentations Hoffman will conduct are at the MSSA Region Nine conference in Mankato and the Home Care Social Workers in Maplewood next week. There will be another presentation at the MSSA conference in March, 2006 and it will cover information about the new legislation which goes into effect January 1, 2006. The 2006 conference in Duluth will include the Board's compliance process-how it works, what complaints deal with, and how quickly they are dealt with.

The efforts of the committee are dependent on staff time and financial resources. Since resources are limited, Hoffman said that presentations will be conducted primarily for statewide or regional audiences.

B. Finance Committee: David Hallman

Hallman reported that he, Merriman, Middlebrooks, and Oberle met last night. (The "Finance Committee Minutes-September 15, 2005" was distributed.) They discussed the temporary licensure fee decrease effective January 2006 to June 30, 2009 and whether the fees for the next four years would cover the Board's activities. Hoffman was commended for his work in compliance and using only 21% of the 2005 fiscal year budget for Attorney General services.

Bibus commented that the Board may need the Attorney General's service more in the future as the new Practice Act becomes effective January 1, 2006. For example, there may be challenges to what is authorized and unauthorized practice, and licensed social workers will be required to report unlicensed practice.

C. ESL Committee: Peter Langseth

Langseth reported that the last two meetings have been very productive, and that the committee will explore any questions that may be presented. (The following were distributed: "Foreign-Born ESL Study Committee Minutes-September 15, 2005," "FB/ESL Applications Received and Licenses Granted," "FB/ESL Applications Received and Licenses Granted by Ethnic Background," and "Historical Data.")

- Langseth said that the committee would look at all licensure examination options in addition to the ASWB examinations. Some states, including California, no longer use ASWB's examination and have written their own. California's examination is prohibited from asking about racial backgrounds.
- The question to consider in this process is whether the examination should be based on cultural bias or cultural competency, or should it deal with the examination only. The Board's consultant in this matter, Colleen McDonald, has found a new assessment tool, the Georgetown Assessment, which is based on cultural competency. The assessment will be forwarded to the Board in the future.

- Langseth said that the committee is very happy that ASWB will present its new Board member orientation in Minnesota. On behalf of the committee and the community, the committee will submit questions to ASWB in advance because we are concerned about the pass/fail rates in Minnesota and how examination results relate to race/ethnicity.
- Questions can be submitted to this committee and they will be provided to ASWB before the orientation so that they can respond in writing. Colleen McDonald will give an update under 12. of this agenda.

D. Legislation & Rules Committee: Tony Bibus

Bibus reported that the committee does not exist at this time, but that it had a major role in steering the Board to successful legislation in 2005. There are no major initiatives planned for 2006.

- The committee will consider a unanimous Board decision to eliminate exemptions for social workers in public sector agencies. This was thought to be a ten year project, and we are now into year four. The Board has begun setting groundwork regarding the issue.
- The Advisory Committee has submitted a motion to this committee asking for the formation of a task force to consider the issues and hopefully create an opportunity for dialogue among many stakeholder groups. The task force could work with the Legislative and Rules Committee now and in the future.

E. Executive Committee: Tony Bibus

Bibus reported that the committee has not met, but it has communicated by e-mail.

- Updating the Board's web site content was discussed with Merriman, and the committee plans to discuss the work plan before the next Board meeting.
- Merriman was complimented for his role in having Board legislation passed by adjusting the language regarding sexual contact.

7. LIAISON REPORTS

A. Advisory Committee: Tony Bibus

Bibus reported that the committee has been discussing the development of a jurisprudence examination and licensee orientation to inform licensees about the new Practice Act. The committee brings pertinent issues to the Board, makes recommendations, and is very conscientious in the work it does for the Board.

- Besides laying groundwork on eliminating exemptions, the committee is considering the Board's role that is emerging from the new paraprofessional health practitioner, the Community Health Worker ("CHW"). The CHW works with indigenous individuals.
- The practice includes case management, outreach and referral, and it is unregulated and unlicensed. Community Colleges do offer a certificate for the CHW.
- The Advisory Committee is concerned that there may be confusion about the CHW duties and that of Social Work practice.

APPRECIATION LUNCHEON FOR DEPARTING BOARD MEMBERS

(Recess - 11:40-12:40)

7. LIAISON REPORTS (Continued)

A. Advisory Committee: Tony Bibus

Task Force Recommendation

- Bibus reported that the Advisory Committee recommends that the Board develop a broad-based task force to work on elimination of exemptions. Representation should include the public sector representatives and members of the public.
- It was discussed that the Board and its staff begin laying the groundwork to set up a task force modeled after SCOBO. Bibus, Gaston and Langseth volunteered to be on a steering committee and Middlebrooks may join in the future. Participation will include representatives appointed by the Advisory Committee.
- Advisory Committee member, Pam Luinenberg, Coordinator of the Minnesota Coalition of Licensed Social Workers, was introduced. She is leading the work to eliminate practice exemptions and said that it was discussed at a Coalition meeting this week. Meetings are being set up with the seven associations to talk about the importance of county social work licensure, and how it will affect each organization.
- Luinenberg noted that opposition to this issue is broad based and powerful. She said that it is important to build a groundswell within the legislative and advocacy community. In this respect, Langseth will attend the October NAMI Board meeting, and Board members are encouraged to contact people in the community who will help build support in this area.
- There was no need of a motion to set up a task force, but there were no objections.
- Luinenberg also said that the Advisory Committee discussed her telephone call with the Project Manager of the Community Health Worker group regarding state initiatives. She said they have a Policy Committee on scope of practice, but it does not include any social workers even though three health-related associations have been asked to participate. Luinenberg said that it is important for the social work community to be included in their discussions so that they have an understanding of the role of social work practice.
- Bibus asked for the Board's approval to set up the task force and the Board agreed to do so.

B. Council of Health Boards: Paul Gaston

Gaston reported that the council did not meet. Merriman stated that the council has statutory authority to review new legislation for new occupations, but recently there have not been any requests. The Council may review the Drive to Excellence, but there is nothing to respond to at this time.

C. HPSP: Casey Ladd-Bowman

Ladd-Bowman began by following-up on the last meeting, which was in March.

- She reported on the hacking of HSPS' computer system last spring. Since then the network has been reconfigured, security measures have been developed and implemented, and plans are under way to update accountability services.
- HPSP determined that a more reliable way of detecting alcohol consumption due to non-detection of watered down samples was needed. They are now using ETG testing which can detect alcohol within 2-5 days of consumption.
- Program statistics show that in FY 2005 there were 469 participants in HPSP, and 12 of them were social workers.

Bibus announced that Advisory Committee member, Chris Black-Hughes, was present at the Board meeting. He summarized the report under 7. A. and noted that he, Langseth, Gaston, and Middlebrooks will start up a task force regarding Community Health Workers, and that he had invited the Advisory Committee to set up a steering committee for individuals statewide. Discussion would include using HPSP, and the legal problems that have resulted from translators who have mistranslated medical terms.

(Gaston left the meeting at 12:30 p.m.)

8. COMPLIANCE OVERVIEW: Louis Hoffman

- Hoffman explained the documentation that he distributed at the Health and Human Services Odyssey conference held in Duluth this August, and distributed "Complaint Status Report – May 1, 2005 – August 31, 2005."
- Hoffman explained that complaint issues are confidential. Therefore, the only cases presented to the full Board for action are cases the Compliance Panel recommends for disciplinary or corrective action or a contested case.
- Hoffman also stated that the purpose of the Board's mission is to protect the public safety and to ensure social workers practice in a competent and ethical manner. Complaints filed against the Board's licensees are taken very seriously, and they may result in investigation, disciplinary or corrective action, or dismissal with a warning on their practice.
- Presently, grounds for disciplinary action are in statute and rule. On January 1st, all rule provisions will be in the Board's statute. Along with the Practice Act, Social Workers need to comply with federal laws and other state laws, including the Maltreatment and Vulnerable Acts law.
- The Board receives approximately 120 complaints per year, and most of them go through the compliance process within six months. Many complaints are dismissed and few licensees are suspended.

Bibus said that Hoffman's overview of the compliance process was very helpful and he thanked him for the information.

9. DISCIPLINARY MATTERS: Margaret Sebring Khali

Khali reported that the Compliance Panel, consisting of four Board members, works very well together. The panel meets monthly, and Khali commended Hoffman for his organization, review, and mailing of compliance documentation in a timely manner. Khali also thanked McNair and Mammenga for their assistance to the panel.

[EXECUTIVE SESSION – The meeting was closed at 1:10 p.m.]

1. In the Matter of Denise Jackson-Barker, LICSW, License Number 13471. A motion was made by Langseth, and seconded by Ladd-Bowman, to approve the Compliance Panel's recommendation to revoke Ms. Jackson's license and to approve the Order of Revocation. The motion carried unanimously.

2. In the Matter of Lynda K. Meador, LICSW, License Number 895. A motion was made by Langseth, and seconded by Wilcoxon, to approve the Compliance Panel's recommendation to censure, reprimand and indefinitely suspend Ms. Meador's license and to approve the Stipulation and Order. The motion carried unanimously.

3. In the Matter of Rhonda M. Burns, LICSW, License Number 12066. A motion was made by Ladd-Bowman, and seconded by Langseth, to approve the Compliance Panel's recommendation to condition and restrict Ms. Burn's license by censure and reprimand, and to suspend her license. The Board also agreed to stay the suspension and approve the Stipulation and Order. The motion carried unanimously.

Note: There was clarification made to the Board as follows: If the motion is a recommendation from the Compliance Panel, the motion is automatically in place. The Board needs only to approve the motion.

4. In the Matter of Halle S. Ricketts, LICSW, License Number 14301. (Hoffman distributed this case.) The Compliance Panel's recommendation to approve the Stipulation and Order which would condition Mr. Rickett's license and rescind the Stipulation and Orders dated May 9, 2002 and the January 21, 2003, was unanimously approved by the Board.

(The meeting re-opened at 2:00; Ladd-Bowman left the meeting at 2:05 p.m.)

10. OFFICE OF MENTAL HEALTH PRACTICE (OMHP) OVERVIEW: Christy Cail

Christy Cail thanked the Board for the opportunity to attend this Board meeting and to observe yesterday's Compliance Panel meeting. Cail gave the background history of OMHP.

- The office began in 1987 as the Board of Unlicensed Mental Health Professionals (BUMP), and required a permit to practice.
- In 1991 BUMP became part of the Department of Health (MDH) as OMHP. The permit requirement was abolished and OMHP's role was to investigate and enforce complaints.
- On July 1, 2005, OMHP was transferred from MDH to the mental health-related boards, and is housed with the Board of Social Work. OMHP's duties remain the same except that now there is a committee to make agency decisions instead of the Commissioner of Health.

- OMPH's purpose is twofold: 1) to investigate complaints and to enforce disciplinary actions against all unlicensed mental health practitioners for violation of Minnesota Statute 148B.68; and 2) to serve as a referral point and clearinghouse on complaints against mental health practitioners.
- OMHP's six member committee consists of members from six health licensing boards. Its first meeting will be on October 6 and it will discuss defining the role of the committee and staff, particularly in terms of complaints and setting up a compliance panel. Since the agency's compliance provisions are not in statute, the committee will decide what's best and it will take examples and recommendations from other Boards.
- OMPH has received 24 pending cases from MDH, has received two new cases for investigation, and has closed one referral.
- Cail is working on a record retention plan. She has agency files dating to its inception in 1987 and is using a FoxPro database from 1992.

Merriman spoke about OMHP's relationship with our Board.

- Bibus is a member of OMHP's committee, along with members of other health-related licensing boards. At the next committee meeting decisions will be made regarding committee assignments.
- Merriman explained that Cail has a separate office located in our Board office, and we provide services to her. Hoffman is helping her with compliance issues, and she reports to Merriman. As provided in statute, Cail is a Social Work staff member, but she is accountable to Merriman and the committee, not the Social Work Board.
- Cail may receive services from the Administrative Services Unit, and she can use HPSP. These fees come out of the OMHP budget.
- The budget or revenue for OMHP's program is set by formula provided for in statute. One-half of the funds come from Social Work's indirect costs, and the remaining funds come from other health licensing boards according to the number of licensees they have.

11. ESL OVERVIEW: Colleen McDonald

Bibus introduced Colleen McDonald, and she distributed an outline of her Power Point presentation entitled, "Reducing Disparities in Social Work Licensure – A summary of progress from 2001 to present." McDonald noted the following:

- The purpose of this presentation is to give the Board an overview of her work the past several years. She also spoke about her background working with Community University Health Care Center and the study she did for the Center regarding ESL disparity issues.
- The Board has similar disparities in licensing social workers. Under statute, the Board was required to conduct research and a study in order to determine the level of disparity. However, the legislature did not provide funding for the project. McDonald was hired to secure grants and Ralph Holcomb, Ph.D., was identified to perform the study by December 2005.
- Holcomb found that there were differences between oral and written cultures and between equity and equality, and that exam failure was related to the complex interactive nature of the exam, all of which contribute to disparity.
- Holcomb consulted with ASWB, social work boards in other states, Minnesota social work educators, culturally based community organizations and other health-related boards. Interviews from these sources found that either the exam represents an

externally-derived objective measure of a candidate's competence, or the exam is merely a measure of a candidate's ability to navigate the dominant culture.

- As a result of the research, the Board approved the continuation of the alternative licensure option until August 2007, and McDonald will continue working on identifying other options.

Merriman noted that Holcomb's report is on the Board's website, and that the executive summary will be available on-line in the near future. He also noted that Holcomb's report includes a response to the report from ASWB's Executive Director who will attend our next Board meeting, and will be open to questions from the Board on this subject.

(Beehler left the meeting at 3:00 p.m.)

12. Board Decisions

A. Buddies for New Board members

Merriman asked for volunteers to assist new Board members with questions and to support them in their new position. Ladd-Bowman, Langseth and Mullegama agreed to become buddies.

B. Appointment of Nominating Committee

Merriman stated that the Board Chair may appoint three Board members to be on the Nominating Committee, and he read the Board Bylaws. Khali, Langseth and Middlebrooks volunteered to be on the committee for the January 2006 election. Bibus thanked the volunteers and said that this is a very important duty.

C. Attendance at Conferences

- Merriman asked for two volunteers for ASWB'S delegate and alternate positions at its annual meeting. A decision will be made at a later date. In the meantime, Merriman will attend ASWB's Annual Meeting/Administrator's Forum November 4-6, 2005.
- Kassekert volunteered to attend the Citizen Advocacy Center (CAC) conference November 3-5, 2005 in Denver. Merriman asked her to share her experiences at the next Board meeting.
- Hallman, Kassekert and Mullegama volunteered to attend the Federation of Regulatory Boards (FARB) conference February 3-5, 2006. The conference's attendees will be decided at the next Board meeting.

13. PUBLIC COMMENT

There was no public comment.

14. OTHER BUSINESS

There was no other business.

15. ADJOURN

The meeting adjourned at 3:15 p.m.

Respectfully submitted,


David Hallman, LSW
Secretary-Treasurer