



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

Minutes

September 18, 2009

Members Present: Christine Black-Hughes, LICSW
David Hallman, LSW, Chair
Rosemary Kassekert, Public Member
Janna Kovach, LSW
Mary Casey Ladd, LICSW
Kenneth Middlebrooks, Public Member, Vice Chair
Carol Payne, LSW
Ruth Richardson, Public Member
Tamerlee Ruebke, LSW
Beverly Ryan, LISW
David Sandry, Secretary-Treasurer
Angie Stratig, LICSW
Antonia Wilcoxon, Public Member

Member Absent: Jacqueline Johnson, LICSW

Staff Present: Louis Hoffman, Director of Compliance
Michelle Kramer-Prevost, LGSW, Staff Social Worker
Brenda Mammenga, Recording Secretary
Sheryl McNair, LICSW, Assistant Director
Kate Zacher-Pate, LSW, Executive Director

Staff Absent: Connie Oberle, Office Manager

1. PROPOSED AGENDA [Attached]

Chair Hallman called the meeting to order at 9:10 a.m.; a quorum was present. The Board unanimously approved the agenda.

2. MINUTES FOR JULY 17, 2009 BOARD MEETING [Attached]

The Board unanimously approved the July 17, 2009 minutes.

Middlebrooks congratulated Zacher-Pate as she was designated ASWB's Administrator of the year. Zacher-Pate thanked the Board for supporting and recognizing her by nominating her for the award, and she said the work of the Board is accomplished by staff team work.

3. EXECUTIVE DIRECTOR'S REPORT: Zacher-Pate [Attached]

Zacher-Pate noted the report was included in the packet mailed to Board members and asked if there were any questions. She then reported the following:

A. Strategic Plan Status Report [Attached]

- Staff continues to implement the internal policies and procedures initiatives in the Strategic Plan Report utilizing three staff work teams to assess and improve three primary business areas: 1) "bottlenecks/streamline processes; 2) "communications" including email, website, telephone; 3) "record/file systems" including paper, electronic, website, policy, procedures. Target date for completion is February 2010.
- During their supervisory meeting, Hallman and Zacher-Pate discussed overhauling the Strategic Plan so it is easier to use. This process will include reevaluating, reprioritizing, and deleting items that are no longer timely. Completed items will be consolidated and tracked on a separate list. The Board will begin this process soon.
- The communications team has completed a review of all website content. The Board's assistant, Jessica Schultz, has been trained as the new webmaster. Content updates and minor reorganization will be completed very soon.
- The legislative changes effective in 2009 and 2011 have been posted in a prominent position on the BOSW website homepage.

B. Printing of brochures and Student Handbook

- Final edits are close to completion for the new Supervision Requirements and Licensure Requirements brochures and the Student Handbook. The legislative changes effective in 2009 and 2011 have been integrated into these publications.

C. Electronic Document Management (EDM)

- Testing has begun for our new EDM system to be utilized for record management and implementation will follow. Grace Rhee, Temporary IT Developer, has done an excellent job building the system. Developing and implementing this system in-house by current staff has saved the

Board approximately \$100,000 because it did not require an outside vendor and contractor.

- E-Compliance training for the Compliance Panel members was held September 17, 2009. More details will be provided in the Compliance Committee report.

D. Request to serve on Workgroup on Rural Telemental Health

- The Department of Health is convening a task force to discuss telemental health as technology being used in therapy, and to find a better way for consumers to access services. One consideration is whether these services are reimbursable, and what safeguards, standards and regulations should be put in place.
- Jill Meyer from the Rural Health Advisory Committee is forming the workgroup to discuss and develop recommendations regarding telemental health services (in primary care, hospital, and mental health center settings) in rural Minnesota. Meyer asked Zacher-Pate to serve on this committee.

E. Update on E-Licensing Surcharge, Meeting with Senator Marty, MDH Rural Health Survey [Oral report provided]

- The Health Licensing Board's (HLBs) Executive Directors have discussed which licensing fees will be assessed the e-licensing surcharge. The statute refers to initial licensing and license renewals. The E.D.s have asked for direction from the Office of Enterprise Technology (OET) and the Attorney General's Office. The assessments went into effect July 1, 2009 and the EDs are refining the guidelines and tracking the fees.
- The EDs and ASU are working with OET to identify which specific fees the surcharge will apply to. The initial estimate for the e-licensing surcharge is approximately \$100,000 for BOSW, per fiscal year FY 2010, and will be transferred from the BOSW accumulated surplus funds directly to OET.
- A meeting with Senator Marty is scheduled for September 29th.
- Work continues on the Rural Health Survey with Jill Meyer and the target date to begin using the survey is January 2010.

Zacher-Pate said she has been invited to present at the Fall FARB Attorney Certification Seminar held in Chicago on October 2nd. She will present the "administrator's perspective" on regulatory legal issues in a panel presentation format. Zacher -Pate said she is very pleased to represent the Board at a national venue.

F. Attachments

- Statistics. There is a new format which includes the average percentage of online renewals per calendar year and it reflects a more accurate trend in growth activity. The July-August online renewals are 73%, and the average percentage per year is 71%
- Board Operations Events Calendar. The Board requested a calendar to track Board activities, and it is attached.

- 2009 & 2010 BOSW Meeting Dates now includes 2010.
- BOSW Committee/Liaison Members List will be revised with several small changes.

4. **COMPLIANCE COMMITTEE:** Hallman, Johnson, Kovach, Ladd, Middlebrooks, Payne, Ryan, Stratig [No cases at this time; Other Information Attached]

- Hoffman reported there were no cases at this time. Compliance statistics were distributed, but they do not reflect the actions of Compliance Panel A which met yesterday.
- There are 44 open cases. The pattern for older cases is that they are generally under the Attorney General's ("A.G.") investigation. Currently, there are 18 cases at the A.G.'s Office
- Of the 44 cases, 19 of them are three months old or less, and 28 of them are six months old or less. The number of older cases is declining with the largest amount of older cases either being investigated at the A.G.'s Office, being reviewed by the Compliance Panel after the A.G. has completed an investigation, a conference or educational meeting is being held, or corrective or disciplinary action is pending.
- At yesterday's Compliance Panel A meeting there was discussion about four cases that are scheduled for an educational meeting or investigative conference in November. The investigative conferences require the A.G.'s Office to draft Notices of Conference and the licensees should receive them three weeks in advance of the meeting.
- Hoffman referred to the two policies the Board will be asked to act upon today. The first one is the "Compliance Committee Publications Policy and Procedure" which is a compilation of a number of policies that have been adopted and practices that have been in place that are not new. The document is being brought to your attention today because a licensee who was disciplined about ten years ago would like to have the Stipulation and Order that the licensee entered into with the Board removed from our website.

A motion was made from the Compliance Committee that the Board approve the recommended Publications Policy and Procedure (see attached for complete language). The motion carried unanimously.

- The second policy the Board is being asked to act upon is the "Compliance Committee Provisional Licensee Non-Compliance Policy and Procedure" which refers to the revocation of licenses of provisional licensees who are not in compliance with the provisions for holding a provisional license. The A.G. has advised Board staff that these revocations are public "administrative" revocations and are non-disciplinary, based solely on the provisional licensee's failure to comply with licensing requirements and not related to standards of practice. Therefore, they should not be reported to the Association of Social Work Boards' Disciplinary Action Reporting System or to

the Department of Health and Human Services' Health Insurance Portability Data Bank, National Practitioner Data Bank, or Office of the Inspector General.

A motion was made from the Compliance Committee that the Board approve the recommended Provisional Licensee Non-Compliance Policy and Procedure (see attached for complete language). The motion passed with one abstention.

- Hoffman spoke about the Compliance Committees receiving electronic compliance training on their new computers yesterday and the first electronic committee meeting will be held in October.

Zacher-Pate expressed her appreciation to everyone who has had a part in this pilot program and for the Compliance Committee willingness to begin using e-compliance. The Board will become more paperless using this system and there will be enhanced security with confidential documents. Zacher-Pate also extended her appreciation to Hoffman who documented, organized and worked on completing this project and our Office Assistant, Jessica Schultz, who has been scanning compliance documents and is available to Board members for trouble shooting problems with the system. Also, Bryan Smalley, our ASU Network Administrator, who trained, documented, and set up the system, and Ian Danielson, ASU IT staff.

5. ASWB EXAM FEE INCREASE PROPOSAL: Executive Committee: [Attached]

The Board discussed the exam fee increase proposal at length. Information prepared by ASWB regarding the proposed fee increase resolution was reviewed and discussed. In addition, Alan Ingram, Executive Director, NASW-Minnesota Chapter, distributed copies of an e-mail he sent to the Board and its Advisory Committee regarding the ASWB exam fee proposal (see Public Comment section).

The MN BOSW acknowledges ASWB's request for a fee increase and does support the "tiered" exam fee structure resulting in a lower exam fee for the Bachelors and Masters exams, and a slightly higher exam fee for the Advanced Generalist and Clinical examinations. In order for the Board to further consider any fee increases, additional information is important for the Board's consideration. Also, if a fee increase is required, the Board asks that cost-cutting measures be reviewed and presented to the Delegate Assembly.

A motion was made Ladd, and seconded by Black-Hughes, authorizing Zacher-Pate as the Board's Executive Director, and Ken Middlebrooks as the Board's Delegate to the Assembly, to make a statement at the ASWB Delegate Assembly on October 31, 2009 that the Minnesota Board of Social Work ("MN BOSW") does not support the ASWB exam fee increase proposal in its present form, and the MN BOSW requests the ASWB Delegate Assembly consider the following:

- The MN BOSW asks ASWB for sensitive consideration of the current economic conditions facing our licensees. The Board requests ASWB consider additional cutbacks to non-exam essential activities and to postpone the expansions as identified and the refinement of services as identified in the “ASWB Finance Committee Exam Increase Proposal - Question and Answers”, page 4.
- Take action to creatively implement more efficient ways of conducting business and reducing present expenditures by using teleconferencing for new Board member training and the Examine Writing Committee. Also, if a fee increase is required, the Board asks that cost-cutting measures be reviewed and presented to the Delegate Assembly.
- Delay implementing any fee increase until January 2011, which would be reviewed at the 2010 Delegate Assembly before implementation. For example, a 10% increase for the Bachelor and Master examinations and a 15% increase for the Advanced Generalist and Clinical examinations effective January 1, 2011.
- Consider cutbacks to non-essential activities and define and refine services currently offered, including the Social Work Registry, licensure application review service, continuing education audit service and Approved Continuing Education program.
- In light of the current economy, the MN BOSW asks for a suspension of implementation of new programming.
- The MN BOSW would like specific financial information from ASWB to make an informed decision on the exam fee increase proposal.

The motion carried unanimously.

A motion was made by Stratig, and seconded by Black-Hughes, in support of Zacher-Pate initiating a conversation regarding the ASWB fee increase proposal on ASWBs administrator list serve prior to the ASWB Delegate Assembly meeting on October 30 and 31, 2009, and to draft and send a letter to Donna DeAngelis, ASWB Executive Director, opposing the increase in its present form prior to the delegate Assembly. The motion carried unanimously.

6. LUNCH: 11:35 – 12:15

(Hoffman left the meeting at 12:15)

7. ASWB FOUNDATION GRANT – Research on Increasing Supervision Opportunities in Greater Minnesota: Paula Tracey, LICSW [to be distributed]

Hallman introduced Paula Tracey. Tracey said she is a LICSW at the Human Development Center in Duluth. Tracey works in a program that provides therapy to school children and their families and she is a Doctoral Student of Education at the University of Wisconsin, Superior.

Tracey said she has a passion for increasing clinical supervision opportunities in Greater Minnesota and became involved with the National Health Service Corps (“NHSC”), a federal organization which places primary care clinicians into rural or underserved communities, and it also offers a loan repayment program to social workers.

In her research, Tracey reviewed several of the Board’s reports on supervision including, the “Summary of Reports and Recommendations to the Legislature”, and Christine Black-Hughes’ “Executive Summary” which defined shortages of LICSWs, and the statutory changes requiring increased supervision, effective August 2011. Tracey wrote a research proposal which she submitted to ASWB and she was granted \$10,000 to fund the project over 18 months through the American Foundation for Research & Consumer Education in Social Work Regulation. The grant area proposal is best practices/case studies in effecting regulatory change. Board member, Ladd, was directed by the Board to review Tracey’s information and provide input.

Tracey said she will present today on the identifiable resources for and barriers to clinical supervision opportunities in Greater Minnesota. The objectives for the project are as follows:

- Identify 4-5 of the most frequently identified barriers or needed resources cited by LICSWs for increasing clinical supervision opportunities in Greater Minnesota.
- Identify 3-4 best practice techniques to address barriers to clinical supervision for use in Greater Minnesota.
- Identify 3-4 best practice techniques for regulatory entities to strengthen support for increasing clinical supervision opportunities in Greater Minnesota
- Identification of 3-4 best practice techniques that academic programs could implement to support the increase of clinical supervision opportunities in Greater Minnesota.

Tracey said she will use a mixed method approach in researching the project. The quantitative section includes a pilot and study survey. LICSWs may obtain the pilot survey by mail or on-line and it will include approximately 100 open-ended questions. The study survey will be larger and include revisions from the pilot study, and will be available to 500-700 LICSWs. The qualitative section includes the focus groups with key stakeholders in target population areas in Greater Minnesota who will review the surveys. The target population is LICSWs in health professional shortage areas defined by the Department of Human Social Services’ Health Resources and Services Administration, and counties with a shortage of LICSWs and mental health providers. Tracey will also cross-reference the counties indicating a shortage with the counties Black-Hughes identified in her report as having shortages in LICSWs.

Tracey commented she will partner with the following to complete the study:

- The “Expert Panel” will review survey questions to make sure they are good and relevant questions and include the Minnesota Coalition of Licensed Social Workers. Tracey is on the Coalition’s Supervision Task Group which works

with the Accessibility Task Group, and they will work with the cultural competency group which is trying to increase the number of clinicians from disadvantaged backgrounds and encourage them to become supervisors.

- Rosanna Armson from the Minnesota Center for Survey Research will assist Tracey in determining whether the survey questions are valid and reliable.
- Tracey extended an invitation to Board members to be on the Expert Panel.
- Tracey would like to partner with the Board in receiving public data information such as mailing addresses, which is provided for under Minnesota Statute, Chapter 13.

Tracey's goal for completing the project is as follows:

- Phase I: Pilot Study would be completed by December 31, 2009
- Phase II: Study Survey would be completed by June 30, 2010
- Phase III: Focus Groups would be completed by February 28, 2011

Tracey is in the process of applying for an exempt status from the IRB for the following reasons:

- There are minimal potential risks which include survey participants divulging sensitive information about their employers.
- The expected benefit of the exempt status is that it will provide key stakeholders with information from LICSWs who will be able to assess available support for increased supervision requirements. The other expected benefit is the advancement of the profession by increasing supervision opportunities.
- Informed consent is important because it negates the need for a participant's signature on the survey.

Tracey commented on the survey as follows:

- Research has the best return rate if the participant in a survey receives a follow-up mailing and they are offered to respond either by mail or on-line using Survey Monkey or Qualtrics.
- Survey questions will address the following:
 - Demographic information including whether the participant has a supervisor and their ethnicity.
 - Support for providing provision.
 - Whether there are barriers to accessing resources for providing supervision (general beliefs/identifiable factors) including recruiting supervisors from racial, ethnic and diverse populations.
 - Training needs for providing supervision, including cultural competence.

Tracey distributed the cover letter to her survey which would be mailed to the LICSWs in Greater Minnesota. Tracey asked the Board if they would consider endorsing the letter to encourage LICSWs to complete the survey. Also she asked for feedback on revising the letter, accessibility to the mailing addresses, which she can purchase if needed, whether the Board would like her to report back to it after each phase of the project, and if Board members would serve on her Expert Panel.

Zacher-Pate commented that Minnesota Statute, Chapter 13 requires the Board to provide public data to individuals requesting it from the Board, and provides that a fee may be charged for the cost of compiling and producing public data. In the past, Black-Hughes and Tony Bibus, a former Board member, conducted studies which benefited the Board and no fees were collected.

Wilcoxon, Chair of the Licensing Study Committee, commented Tracey's information is important to the Board and will support licensees with the new supervision requirements effective in 2011. Also, the only way the Board would have received this information would be to enter into a contract with a research analyst. Wilcoxon said the Committee will be meeting with Senator Marty who was involved in the Legislative mandate which took 1-1/2 years to produce and was submitted to the Legislature in December 2008. She believes this additional information from Tracey's research would be beneficial in their meeting with Senator Marty.

Tracey concluded by thanking the Board for the opportunity to speak today. She said her e-mail address is on the letter she distributed and she would appreciate feedback from the Board. Zacher-Pate thanked Tracey for her work and today's presentation.

Ladd, Black-Hughes and Stratig volunteered to act as the Board member representatives on the Expert Panel, and Wilcoxon, a public member, agreed to consult with the committees involved in the project.

(Mammenga left the meeting at 1:30)

8. COMMITTEE & LIAISON REPORTS

A. Advisory Committee: Wilcoxon

Wilcoxon, Kovach and Zacher-Pate attended the October 7 meeting and reported the following:

- Wilcoxon reported there was a discussion on the timely publication of Board Stipulations and Orders on the Board's website, the e-licensing surcharge for FY 2010 of approximately \$100,000, and an update on Paula Tracey's report (see above).
- Kovach reported there was a discussion on the Minnesota Department of Health-Office of Rural Health & Primary Care, Workforce Study draft survey.

B. ASWB: Middlebrooks

- ASWB issues were covered above.

C. CLEAR Conference Report: Ladd, Zacher-Pate

- Ladd reported she attended the general sessions and thanked the Board for sending her to the conference.
- Ladd explained that CLEAR represents all licensed professions in the U.S. and Canada. One of the sessions was on moral turpitude, and as a member of the Board's Compliance Committee. She also attended a session on the burden of proof in civil cases versus criminal cases. Another session she participated in was the broadening of the ADA Act which affects testing accommodations. Also, she recognized that we are very fortunate to have HPSP as many jurisdictions don't have an organization which monitors impaired practitioners.
- Ladd said that the Colorado DORA (Department of Regulatory Agencies) had representation and their materials emphasized protecting the public. Ladd believes that the Board needs to continually educate the public that the mission of the Board is to protect the public.
- Zacher-Pate thanked the Board for sending her to the CLEAR Conference and the Executive Leadership Training. She said the training and conference exceeded her expectations and having been the Executive Director for 1-1/2 years, she had the tools to better assimilate the training. The Executive Leadership Training was three intensive days with 23 attendees and excellent presenters. Many sessions were covered including: 1) defining leadership, leadership styles, effective leadership and emotional intelligence; 2) organizational culture and change which resonates with internal structure, organizational effectiveness, modeling change, the challenge of change, team building and motivating staff; creating a positive regulatory public relations program, identifying and properly delivering your message, identifying the messages you want the public to receive, identifying the best medium to carry out your message, and combining medium and message, which is reflected in the brochures and banner for our public information booth with the wording; 3) role playing in interviews and contacts by the media; 4) creating appropriate relationships, the art of negotiation around stakeholder groups and elected officials; and 5) measuring results and outcomes in your agency and the tools to accomplish them.
- Two prevalent themes throughout the conference were the impact of globalization and what that means to regulators of professionals, discussing jurisdictional issues, telepractice, and preparing for working in a different and changing professional pool.
- Zacher-Pate said she will utilize and implement methods from the training to enhance results, outcomes and success in the process. Once again, she thanked the board for the opportunity to attend the conference.

D. Compliance Education Outreach Committee: Wilcoxon

- Wilcoxon reported she spoke to McNair and Hoffman about having a presence at the Minnesota Chapter of the National Association of Black Social Workers conference at the end of the month. Kramer-Prevost will staff an informational booth.

- On October 5, Hoffman, Kramer-Prevost , Ladd and Wilcoxon will be presenting a BOSW compliance session at the St. Louis County Health and Human Services Conference in Duluth. The Board will also have an informational booth at this conference.
 - Hoffman is preparing for the proposal and registration for the MSSA Conference in March.
- E. Council of Health Boards: Kassekert
- Kassekert reported the committee has not met. However, a sub-committee is being formed as the massage therapists are preparing to present their case to the Council.
 - Kassekert and Zacher-Pate have volunteered to work on the review of the Massage Therapist proposal to the Legislature for regulation in Minnesota.
 - Zacher-Pate said the Council was created primarily to serve as a consulting and review body, at the request of the Legislature, when a legislative proposal is submitted to them to regulate a profession. The Council has a structured review process and is required to submit a report to the Legislature so it is better informed about the groups.
- F. Executive Committee: Hallman, Middlebrooks, Sandry
- Hallman reported the committee met yesterday and said there are three Board appointments that end in January 2010. They are Ruebeke, Johnson and the vacant State LSW slot. The Secretary of State would like applications submitted by November 24.
 - The items that have been completed on the Strategic Plan will be removed and the plan updated. Completed items will be organized into a separate document for tracking. The Board will review and re-prioritize the Strategic Plan and bring it up to date as part of an upcoming Board meeting.
- G. Finance Committee: Sandry [Attached]
- Sandry reported FY 2009 total revenues were \$1,088,601.94 compared to the annual budget of \$1,055,099.41. The projected revenues for FY 2009 were \$964,000 which means the revenues collected were approximately \$124,000 above the projections, or about a 13% above anticipated revenues.
 - In FY 2009, the Board experienced growth in fees collected, most of which were obtained from LICSW license renewal fees. Of the \$124,000 collected above projections (mentioned above) \$87,000 was collected from the increase in LICSW renewal fees alone.
 - FY 2009 total expenses were \$1,106,141.39 which include dollars expended and dollars encumbered, but not yet expended.
 - In FY 2009 the Board paid \$12,684.56 in online service fees, including credit card company fees, US Bank monthly fees and US Bank transaction fees, which the Board does not currently assess to licensees who use online services.

- The FY 2009 books were closed on August 22.
- The plan for FY 2009 was to reduce the BOSW accumulated surplus amount in the State Government Special Revenue Fund (SGSRF) by \$476,000 and the amount was only reduced by \$5,100.
- FY 2010 operational budget for direct expenditures only is \$921,000. Revenues collected at 17% of FY 2010 are \$177,334 or about 18.5% of anticipated revenue, and expenditures at 17% of FY 2010 are \$103,000 or about 11% of anticipated expenditures.
- Zacher-Pate said the BOSW accumulated surplus in the SGSRF will be reduced by an estimated \$735,000 during FY 2010 due to the: 1) 2009 Session Legislative transfer from the HLB SGSRF, of which BOSW share is an anticipated \$500,000; 2) 2009 Legislative E-Licensing Surcharge for HLBs, of which the BOSW share is an anticipated \$100,000; and 3) the anticipated \$135,000 reduction in revenue due to the 2009 Legislative 10% licensing fee reduction. The Board's revenues will be more in line with expenditures and the cost of doing business.
- Sandry commented that all technology expenses in FY 2010, including the Temporary IT Developer position salary must be absorbed into the operational budget for direct expenditures.

H. HPSP: Kassekert

Kassekert reported the Program Committee met on August 18 and the following was discussed:

- The Board opened 10 cases in FY 2008 compared to 13 in FY 2009. The Board had eight discharges in FY 2009, compared to 13 in 2006 and 12 each in 2007 and 2008.
- Comparing illnesses monitored, 5% are related to medical disorders, 64% are related to psychiatric disorders, including those who do not have a substance disorder and those who do. Substance disorders comprise 78% of monitored illnesses and include 56% who also have psychiatric disorders and 3% who have a medical disorder. Disorders for alcohol comprise the highest percentage of substance disorders at 48%.
- There were eight responses from the Executive Director's Survey and the only areas of disagreement regarding satisfaction with the program were concerning language and format used in the monitoring agreements and plans, HPSP's communication with Board staff, HPSP's determinations about when to report a licensee to a Board and discontinue monitoring, and how HPSP addresses participant non-compliance.
- The monitoring and reporting protocol is as follows:
 - 1) If a participant calls in late, the participant will receive follow-up education HPSP and any other necessary action will be taken.
 - 2) If a participant does not report on the date of the request, and if there are two or three such incidents in a 12-month period, HPSP will report it to the Board.

- 3) If there is a first-time positive ethanol report the report is reviewed knowing there may be problems with screens because of because of diabetes, bacteria, etc., and there can be a small metabolite of ethal alcohol produced in the liver.

I. Legislation & Rules Committee: Ladd

- Ladd reported the Committee did not meet and awaits its next legislative task.

J. Legislative Task Force: Middlebrooks, Wilcoxon

- Middlebrooks thanked Wilcoxon for chairing the August meeting in his absence. Middlebrooks distributed the "Legislative Task Force Proposed Timeline as of 9/18/09-Modifications to Current Exemptions, Target Date July 2010" and reported the following:
- The committee now meets the second Wednesday of the month from 4:30-6:00 p.m. and is drafting a proposal to modify public sector social work exemptions.
- Over several years, the committee has met with many stakeholder groups to strategize and discuss how to go forth with the proposal.
- The goal is to complete the proposal by July 2010, which is an aggressive strategy, and present it to the Board in November 2010.
- This proposal is one of the largest undertakings this Board has ever taken, and there are many groups who support the licensing exemption modifications.
- The committee will have a presentation on its work thus far at the November Board meeting.

K. Licensing Study Committee: Wilcoxon

- Wilcoxon reported the following:
- The committee reviewed the Board's report and recommendations to the Legislature on December 15, 2008, which were mandated by the Legislature. Zacher-Pate reviewed the recommendations and determined the items which would have a low or neutral cost impact on office operations and will work to implement these.
- A meeting is scheduled with Senator John Marty on September 29 at 1:30 at the State Capitol which will be an opportunity to meet with the Senator who proposed the mandate noted above.
- Paula Tracey's report (see above) will be mentioned at the meeting.
- If the Board is appointed to complete further studies, we may ask for funding to cover the costs.

L. Nominating Committee: Sandry

- Sandry distributed "Board Consideration and Action, Modifications to Bylaws - Election of Officers, September 18, 2009".

The Nominating Committee made the following motion to the Board to modify the Board's Bylaws – Part 3. Board Officers:

Background: MS Chapter 148D.025 was amended during the 2009 Legislative session to require election of Officers on a biennial rather than annual schedule. Therefore, the "Elections of Officers" section of the bylaws should be considered and amended as necessary in relation to the 1) date of elections, 2) date of terms, and 3) whether a member may be allowed to be re-elected for a second term.

While the statute specifies the election of officers must be biennial it is silent on how many terms an officer may serve. The legislative intent was to allow officers to serve two year terms for greater continuity. The proposed amendment to the bylaws below is to allow officers to serve two, non-consecutive terms, should a board member be reappointed by the Governor, but not to allow an officer to serve two consecutive terms or a consecutive four year period.

Section A. General

Minnesota Statutes, section 148D.025, subdivision 3, was amended in 2009, and states: "The board must ~~annually~~ biennially elect from its membership a chair, vice-chair, and secretary-treasurer".

Section B. Elections

- 1) The officers shall be elected by majority vote of the members of the Board at the Board's last regular meeting in each odd-number calendar year. The term of office is from January 1 to December 31, over two calendar years.
- 2) A member may be re-elected for a second non-consecutive term. A member may not serve more than two non-consecutive terms in the same office.
- 3) Vacancies shall be filled by majority vote of the members of the Board for the balance of the calendar-year two-year term. An election to fill a vacancy by majority vote does not prohibit the elected member from serving consecutive terms.

The Board unanimously approved the recommendations.

- Sandry said the committee is seeking nominees for the Board Officers which includes the Chair, Vice Chair, and Secretary-Treasurer. Sandry asked if any nominations were forthcoming today. The following nominations were made:
 1. Middlebrooks for Chair
 2. Black-Hughes and Payne Vice Chair
 3. Sandry accepted the nominations for Secretary-Treasurer
- The Nominating Committee will draft a slate of qualified candidates the Board has selected, nominations will be taken from the floor at the November board meeting, and if there are several candidates for one position there will be a ballot for the election of officers.
- Nominees may e-mail Sandry to confirm if they want to be on the ballot, and nominations may also be e-mailed.

9. PUBLIC COMMENT

Alan Ingram, Executive Director, NASW-Minnesota Chapter, distributed copies of an e-mail he sent to the Board and its Advisory Committee regarding the ASWB exam fee proposal. Ingram said it is difficult to justify a 49% exam fee increase which is compulsory for licensing social workers who want to practice in their profession. Ingram said his Board meets on Monday so he wasn't able to prepare a position letter from his Board for this meeting, and the Advisory Committee doesn't meet until October. The Committee will prepare a statement which will be given to Middlebrooks, the Board's ASWB delegate who will attend ASWB's Delegate Assembly on October 30 and 31.

Pam Luinenberg from the Minnesota Coalition of Licensed Social Workers said the following:

- The Coalition has not met since June, and therefore, has not responded to the ASWB licensing fee increase. However, she believes the Coalition will be pleased with the decisions made today on the ASWB issue.
- Luinenberg said it makes sense for ASWB to address the issues in terms of a "person in environment" because the profession is based on a "person in environment" theory.
- Luinenberg also said the graduated increase in fees makes a lot of sense and so does the plan to organize before the ASWB Delegate Assembly meets.
- Luinenberg congratulated Zacher-Pate on behalf of the Coalition for her appointment of ASWB's Administrator of the Year.
- Luinenberg said she worked with the Coalition for many years and has attended Board meetings since 1989. She said she has never seen the Board operate as a team as much as it has since Kate became the E.D. She also said a lot of credit goes to the kind of people on the Board who are strong activists, intelligent, and whose expertise has made the Board strong and effective. Also, she said that Zacher-Pate has encouraged Board members to participate and, in her opinion, Zacher-Pate deserves this recognition.

Zacher-Pate thanked Luinenberg.

10. OTHER BUSINESS

Hallman asked if there was any other business, and there was none.

11. ROUNDTABLE

- Hallman thanked everyone for all they do, and said he is consistently amazed at the amount of time and effort Board members spend in a volunteer position. In regard to the ASWB fee increase issue, he said the interface and open mindedness of the Board today was amazing as it considered what is

best for the public and that it is important for the public to have social workers.

- Kramer-Prevost said student presentations are beginning for the fall and she and McNair have several scheduled (see above).

12. ADJOURN

The meeting adjourned at 2:00 p.m.

Respectfully submitted,



David Sandry
Secretary-Treasurer

The following are the complete policy motions from the Compliance Committee referenced in Section 4.

COMPLIANCE COMMITTEE Motions to Board

Publications Policy and Procedure

The Board's publications policy and procedure for corrective and disciplinary action taken against applicants, licensees, and others subject to its jurisdiction under Minnesota Statutes section 148D.015 shall be incorporated into the Board's By-laws. The policy and procedure is as follows:

1. Under the Government Data Practices Act, Minnesota Statutes Chapters 13 and 214, *Agreements for Corrective Action, Stipulations and Orders*, and all other disciplinary orders and actions issued by the Board, one of its Compliance Panels, or a court ("documents") are public data.
2. As public data, the Board shall make all such documents available to the public upon request in accordance with the Government Data Practices Act, Minnesota Statutes Chapter 13 in terms of the time frame in which such data shall be provided and the cost of providing such data.
3. As public data under the Government Data Practices Act, Minnesota Statutes Chapter 13, and consistent with the Board's mission to protect the public, Minnesota Statutes section 148D.030, subdivision 1, the Board shall publish all such documents on the Board's website.
4. As required by Minnesota Statutes Chapter 214, and consistent with the Board's mission to protect the public, the Board shall provide individuals making reports to the Board about social workers information about the disposition of that report including any documents.

5. Consistent with the Board's mission to protect the public, the Board shall send the documents to the licensee's employer or employers.
6. As a member of the Association of Social Work Boards ("ASWB"), the Board shall provide all such documents with respect to disciplinary action to the ASWB for inclusion in its Disciplinary Action Reporting System, DARS.
7. Under federal law, the Board shall provide all such documents with respect to disciplinary action to the Health Insurance Portability Data Bank, HIPDB, and the National Practitioner Data Bank, NPDB, administered by the federal Department of Health and Human Services. Per agreement with the ASWB, the ASWB is the Board's agents for reporting disciplinary action to HIPDB and NPDB.
8. Under federal law, the Board shall provide all such documents with respect to disciplinary action where the action is the revocation or suspension of a license to the federal Department of Health and Human Services' Office of Inspector General.

Dated September 18, 2009

COMPLIANCE COMMITTEE

Provisional Licensee Non-compliance Policy and Procedure

The Board's policy and procedure on provisional licensee non-compliance is as follows:

9. When a provisional licensee fails to comply with the requirements to hold a provisional license by failing to provide a current and acceptable *Provisional License Supervision Plan* or other required demonstration of compliance with the requirements for a provisional license, Licensing staff shall send the provisional licensee a letter informing him or her that he or she is not in compliance with the law because he or she has not submitted the required documentation and asking that he or she submit it within two weeks of the date of the letter.
10. If the provisional licensee fails to respond to the letter, Licensing staff shall send the provisional licensee a second letter with the same information, asking him or her to comply within two weeks, and informing him or her that his or her provisional license will be revoked if he or she fails to submit documentation.
11. If the provisional licensee fails to respond to the second letter, the case shall be referred to the Compliance Unit. The Compliance Director shall send a letter by first class and certified mail that shall specify that the provisional licensee's provisional license shall be revoked in ten days from the date of the letter if he or she fails to submit documentation. If the tenth day is a Saturday, Sunday, or holiday, the tenth day shall be the following Monday or business day.
12. If the provisional licensee does not provide documentation within the time specified in section 3. **Provisional Licensee Non-Compliance Policy and Procedure** above, the

Compliance Director shall send a second letter informing the provisional licensee that his or her provisional license is revoked and that he or she may apply to have it restored by submitting documentation and stating that he or she has not engaged in unauthorized social work practice since the revocation of his or her provisional license.

13. If the former provisional licensee submits documentation, states that he or she has not engaged in unauthorized social work practice since the revocation of his or her provisional license, and there are no other issues present that might indicate that the former provisional licensee is not qualified to be provisionally licensed, the Board shall issue a provisional licensee.
14. If there is any question as to the acceptability of the documentation, whether the former provisional licensee engaged in unauthorized social work practice since the revocation of his or her provisional license, or whether the former provisional licensee is qualified to be provisionally licensed, the Compliance Director shall place the application on the agenda of the next Compliance Panel meeting for the Panel's consideration.
15. When an application is referred to the Compliance Panel, the Compliance Director shall ask the former provisional licensee for additional information related to the issues resulting in the referral to the Panel and shall provide that information to the Panel for its consideration of the former provisional licensee's application for restoration.

Dated September 18, 2009