



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

Minutes

January 21, 2011

- Members Present:** Christine Black-Hughes, LICSW, Vice Chair
David Hallman, LSW
Jacqueline Johnson, LICSW
Rosemary Kassekert, Public Member
Janna Kovach, LSW
Mary Casey Ladd, LICSW
Kenneth Middlebrooks, Public Member, Chair
Carol Payne, LSW
Ruth Richardson, Public Member
Nicole Roiger, LSW
Beverly Ryan, LISW
David Sandry, Public Member, Secretary-Treasurer
Angie Stratig, LICSW
- Members Absent:** Tamerlee Ruebke, LSW
Antonia Wilcoxon, Public Member
- Staff Present:** Louis Hoffman, Director of Compliance
Sheryl McNair, LICSW, Assistant Director
Brenda Mammenga, Recording Secretary
Connie Oberle, Office Manager
Kate Zacher-Pate, LSW, Executive Director
- Staff Absent:** Michelle Kramer-Prevost, LGSW, Staff Social Worker

1. PROPOSED AGENDA [Attached]

Chair Middlebrooks called the meeting to order at 9:05 a.m. A moment of silence was held in honor of two social workers who were victims of the Tucson shootings (one was killed and one is recovering). A quorum was present and the Board unanimously approved the agenda.

** Middlebrooks introduced today's guests from the Association of Social Work Boards (ASWB), Dwight Hymans, Director of Board Services, and Chuck Friedman, Exam Program Manager.

2. MINUTES FOR NOVEMBER 19, 2010 BOARD MEETING [E-mailed and distributed]

The Board unanimously approved the November 19, 2010 minutes.

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

Zacher-Pate also welcomed Hymans and Friedman and then referred to the information included in the Executive Director's (ED's) Report and commented on the following:

- Detailed budget information will be covered in the Finance Committee report including cost reductions.
- There will be an update on the Health Licensing Boards' (HLBs') legislative proposals under agenda item #7.
- The Governor's new Appointments Secretary is Tiffany Orth, and she will be invited to meet with the HLB EDs to discuss Board member appointments. Lisa Barnidge is the Governor's new Executive Budget Officer and she has met with the EDs regarding the state budget deficit. Barnidge requested that the HLBs package their budget change items and legislative proposals together so it will be easier for the Legislature, the Governor, and Minnesota Management and Budget (MM&B) to manage the proposals.
- The new Statewide Integrated Financial Tools (SWIFT) Project is underway and will require new programming to the state's accounting systems, including the Board's General Licensing System (GLS). The impact on resources will be significant and implementation is anticipated by July 1, 2011. Zacher-Pate is the Chair of the HLB IT Working Group.
- The "pilot survey phase" of the Minnesota Department of Health's (MDH) workforce shortage survey was trialed with Board members and Board of Social Work (BOSW) Advisory Committee members in late October. BOSW is the first "mental health" HLB in Minnesota to be included in this workforce shortage survey, and the data collected from licensees at the time of license renewal will be useful in planning legislative strategies.
- There has been an increase of requests for BOSW staff to make formal presentations about the 2011 licensing changes. Staff is working on implementation issues related to the changes in conjunction with the BOSW's Legal Counsel at the Attorney General's Office (AG).

[Richardson and Payne arrived at 9:15 a.m. and Johnson arrived at 9:24 a.m.]

4. COMPLIANCE COMMITTEE: Hallman, Johnson, Kovach, Ladd, Middlebrooks, Payne, Ryan, Stratig [Attached]

Hoffman reported the following:

- There will be a disciplinary matter for the Board to review today in closed session. Compliance statistics include cases prior to November 3, 2010 and prior to January 5, 2011 for comparison purposes. The total number of cases that are 3 months old or less has increased from 46 to 61 due, in part, to discussion and clarification of the standards of unlicensed practice which went into effect on July 1, 2009. Since the January 5, 2011 report, the Board has received approximately 10 additional cases. In terms of the age and status of the cases, the pattern of statistics remains consistent.

For example, the oldest cases include those cases that are or have been investigated by the AG, which is generally a six to eighteen month process.

The meeting went into Executive Session and was closed to the public.

The Compliance Panel made a recommendation to the Board to approve the Stipulation and Order to suspend the license of Windy A. Johnson-DeGree, LSW, License No. 14462. The Board unanimously approved the recommendation.

5. ASWB STAFF VISIT AND PRESENTATION: Dwight Hymans, Director of Board Services, and Chuck Friedman, Exam Program Manager [Portion Closed to the Public] [Confidentiality Agreements Distributed]

On behalf of ASWB, located in Culpeper in Virginia, Dwight Hymans thanked the Board for inviting him and Chuck Friedman to talk and interact with the Board today about questions Board members may have and how ASWB can serve the Board as a member of the Association. Hymans said some of the content presented today was included in the ASWB new Board member training held in August in Minneapolis, and he made the following comments:

- ASWB conducted a practice analysis of social workers who are working in the field and asked them questions about what they do in their practice, how often they do it, how important it is for them to perform a particular task in a safe manner, and whether it is necessary for them to do that task when they first enter the job as a licensed social worker. Information collected from the analysis is used to develop new licensure examination content that keeps up-to-date with practice.
- The practice analysis began in 2008 by identifying the Practice Analysis Task Force made up of 21 subject matter experts, all of whom were licensed social workers. They developed a survey consisting of 169 tasks that the members identified significant enough to be in the survey. The survey was sent to 16,000 social workers in the U.S. and Canada, and there was a response rate of approximately 40%. It was determined that the practice of social work between the two countries is extremely similar and, therefore, the exam can fairly and accurately be used as a validation of competent practice in either country.
- In regard to the demographics of those who responded to the survey, there was a wide variety of responders who were representative of the broader society and the profession.
- The tasks that were identified in response to the survey were linked to competencies and knowledge needed in the profession. The content areas become the components for the outline for each examination. For the first time, ASWB is making available a list of the knowledge, skills, and abilities statements (KSAs) that were identified on the survey as important for practice and describe the discrete knowledge components that may be tested in each part of the examination, and are the basis for individual test questions. The KSAs statements are available on ASWB's website.
- The next step was to establish a passing score study for the exam, and a new panel of 67 licensed social workers participated in this phase. The panel looked at the "anchor exam", which is the exam that the other 4 exams are built around, and rated every question according to whether or not they believed a minimally competent social worker would correctly answer the question. Their responses were examined by the psychometric experts. This method ensures that overall difficulty remains consistent, even though individual exam items may change. Over the course of two days, the panel determined the base passing score for the masters, clinical, and advanced generalist exams.

- The Practice Analysis Task Force determined that the exam needed organizational changes with minimal changes in content.
- In the Bachelors exam, there was an expansion in knowledge related to human development, diversity, and behavior. Diversity material is now woven throughout the exams rather than being a distinct area. Content related to supervision, social work administration, and research was reduced.
- In the Masters exam, human development and behavior content increased, while content related to service delivery, practice evaluation, and research was reduced.
- The new Advanced Generalist exam will not be administered until 2012 as the exam needs further question development. The reduction in micro practice content, together with definition of a new stand-alone content area titled "Macro Practice", now reinforces the distinctiveness of this exam.
- In the Clinical exam, content related to management and clinical supervision decreased, as it was determined that these areas did not apply to entry level knowledge.
- Content related to values and ethics received increased emphasis in the Masters, Advanced Generalist, and Clinical exams.

6. LUNCH (and ASWB presentation continued in closed session: 12:15 p.m. – 12:40 p.m.; ASWB presentation reopened to the public 12:40 p.m. – 12:55 p.m.)

Chuck Friedman, ASWB Exam Program Manager, thanked the Board for inviting him to speak today. He has been in the credentialing field for over 25 years and with ASWB since last fall. He works with over 30 credentialing services in various roles as a contractor and consultant and made the following comments:

- ASWB continues to build a legally defensible, viable test to protect the public.
- Last year ASWB sent a survey to its members and approximately 160 responses were received. The responses were compiled, reviewed, and taken to a strategic planning meeting made up of approximately 36 members who met for two days to review the survey and to brainstorm on what ASWBs' focus should be in the future. The information gathered was submitted to ASWBs' Board of Directors, who met prior to the Delegate Assembly last November, to further develop the strategic plan.
- Staff has begun to set priorities and also consider the cost factors.

Middlebrooks thanked Hymans and Friedman for presenting today and said the information was very important for Board members to hear. Hymans also thanked the Board for the opportunity to speak today and said that he likes to be in contact with the Boards.

7. 2011 LEGISLATIVE PROPOSALS UPDATE: Zacher-Pate [Attached]

Zacher-Pate made the following comments:

- There are several HLB collaborative legislative proposals that the Board must be informed about and which will require consensus and action by the Board. The data in the proposals is non-public data because it relates to the budget, but the concepts are public data and will be presented today.
- The first item is a bill that several Legislators supported during the previous session which would change the HLBs' funding model. Currently, the HLBs' operate from the State Government Special Revenue Fund (SGSRF), and receive budget appropriations. The proposal would change the HLBs funding from direct appropriations to dedicated appropriations, giving each board spending authority equal to its fee revenue and any accumulated balance. The Board would be able to use any revenues collected, and the Board would not be required to request an

appropriation from the Legislature to use the funds for Board business. Theoretically, a Dedicated Special Revenue Fund would dedicate funds exclusively to each Board's account, which would protect the funds from being transferred to the General Fund. However, the HLBs would still be under the Legislature's authority regarding fees and fee amounts.

- If MM&B approves the change item proposal, it would be recommended to the Governor and it may be included in the Governor's budget, which gives the proposal a better chance of being enacted into law. If MM&B does not approve the change item proposal, the HLBs' EDs may seek legislative sponsors and take the bill forward in this Legislative Session.
- Given the critical impact on the BOSW's fiscal structure, the Finance Committee reviewed the proposal and will report to the Board today.

The Finance Committee made a motion for the Board to support the HLBs' EDs in the pursuit to change the HLBs funding model from a Special Revenue Fund to a Special Dedicated Revenue Fund either through a change item proposal or legislation. The Board unanimously approved the motion.

Zacher-Pate asked Hoffman to report on the collaborative HLB proposal to amend Minnesota Statutes section 214.103, and he reported the following:

- Hoffman said there was discussion at the last Board meeting about the statute which is the law that governs the HLBs and the complaint process.
- Hoffman is on a committee the HLB staff formed to develop a set of proposed amendments in response to concerns from a licensee of one of the HLBs to Representative Abeler, about the HLBs' complaint review system.
- The result of the communication between Representative Abeler and the HLBs, and a hearing and subsequent meetings between Representative Abeler and several EDs on behalf of the HLBs, is that the HLBs would propose a more feasible set of amendments to Chapter 214. The following are the issues Representative Abeler expressed interest in having the committee address:
 - 1) Creating guidelines on notification time lines to complainants and licensees about the existence and status of complaints. These are, substantially, the amendments to the Social Work Practice Act that were adopted in 2005.
 - 2) Clarifying that the HLBs may coordinate and conduct joint investigations that involve more than one governmental agency.
 - 3) Clarifying in several sections of the law that decisions are made by boards and by "designated board members" and not by HLB EDs.
 - 4) Limitations on reopening complaints that were closed without corrective or disciplinary action. Boards may reopen cases if there is information that was not available to the Board during the initial investigation of the complaint or if the Board receives an additional complaint that indicates a pattern of behavior or conduct.
 - 5) Raising the statutory threshold for entering into a contract for expert services related to resolving complaints from \$5,000 to \$15,000.
 - 6) The HLBs having the ability to issue advisory opinions is currently unresolved, as Representative Abeler prefers that the HLBs have this authority, and the AG and the HLBs have raised concerns regarding HLBs having this authority.
 - 7) The assurance of confidentiality of public and non-public data, which is already addressed by the Government Data Practices Act.

Zacher-Pate said the EDs will move forward on meeting Representative Abeler's expectations. Middlebrooks asked if the Board agrees on the issues listed above, and there was general agreement from Board members.

Zacher-Pate said two issues have surfaced regarding the 2011 legislative proposal. The first issue is that staff identified a drafting error in the re-codified 2009 legislation. The temporary license provision for academic programs and their graduates who are in CSWE candidacy status was not brought forward and included in 148E. Consequently, when 148D expires and 148E goes into effect on August 1, 2011, this one temporary license provision will not be available. Middlebrooks wrote a letter requesting the Revisor to revise the bill to include the temporary license candidacy provision, and the response from the Revisor was that it was not their error and the revision could not be made. Zacher-Pate spoke with Nathan Hart, AG, and he recommended including the provision in the 2011 Legislative Proposal. The issue was brought to the Executive Committee last evening and three options were discussed: 1) do nothing at this time, 2) include the provision in the 2011 legislative proposal, or 3) identify the need for the provision.

Middlebrooks stated that the Executive Committee agreed that the temporary license provision should be included in the 2011 Legislative Proposal, as a way to correct the error.

A motion was made by Ladd, and seconded by Stratig, to approve the temporary license candidacy provision as a permanent addition to Board Statute 148E by attaching it to the 2011 Legislative Proposal. The Board unanimously approved the motion.

Zacher-Pate said the other issue that has surfaced is whether the supervisor requirements included in the grandparenting section of the Board's legislative proposal to modify licensure exemptions should be expanded to include supervisors who were permitted during the Board's original grandparenting period. In addition to the required supervisors listed in 148D.120 and 148E.120, a proposed modification to the Revisor's bill would be that an alternate supervisor of non-clinical practice may include a qualified professional who has a bachelor's or graduate degree, and the authority to direct the practice of the applicant, including but not limited to an agency director, or agency or consulting supervisor, as determined appropriate by the Board.

The Executive Committee made a recommendation for the Board to approve the inclusion in the grandparenting section of the Board's legislative proposal of an alternate supervisor of non-clinical practice who is a qualified professional who has a bachelor's or graduate degree, and the authority to direct the practice of the applicant, including but not limited to an agency director, or agency or consulting supervisor, as determined appropriate by the Board. The Board unanimously approved the recommendation.

Zacher-Pate said she has been monitoring legislative action occurring at the Capitol including zero-based budgeting, state workforce reductions of 15% by June 30, 2015, an early retirement incentive, a salary and wage freeze for state employees effective July 1, 2011, a sunset review of all state agencies by June 30, 2013, FY 2011 Executive Branch general fund agency reductions in funds by \$200 million which will be forwarded to the State Government General Fund (SGGF), an alternate provisional teaching license, and state government reorganization.

Middlebrooks said that Ladd would make a report on the alternate supervisor proposal from the Legislation and Rules Committee at this time.

9. COMMITTEE & LIAISON REPORTS [Change in agenda placement]

E. Legislation & Rules Committee: Ladd

Ladd gave a power point presentation on the alternate supervisor proposal which was brought forward by the Advisory Committee at the last Board meeting and was discussed at the Legislative and Rules Committee meeting yesterday and made the following comments:

- The Minnesota Coalition of Licensed Social Workers and the Board's Advisory Committee proposed that the Board add to its legislative proposal a provision that would allow social work licensees to receive up to 25% of their licensing supervision from alternate supervisors who would be licensed mental health professionals – Licensed Psychiatrists, Licensed Psychologists, Licensed Marriage and Family Therapists, Licensed Professional Clinical Counselors, and Licensed Master's Psychiatric Nurses.
- The pros for utilizing alternate supervisors are: 1) increased workforce in Greater Minnesota; 2) expediting the hiring process making licensed social workers more marketable and able to use existing agency supervisors; 3) reduced resistance to repeal the exemptions; 4) enhanced knowledge/skills with a multidisciplinary perspective; and 5) reduced cost of supervision if licensees could take advantage of alternate supervision.
- The cons for utilizing alternate supervisors are: 1) potential inaccurate monitoring of the 25% of the hours; 2) increased time processing supervision plans which may delay Board response; 3) no jurisdiction over unethical, incompetent supervisors; 4) added confusion about the August 1, 2011 licensing requirements; 5) possible interference with license portability, as 30 states may not recognize alternate supervision hours; and 6) not enough time to consider the full impact.
- If this change were added to the Requirements of Supervisors provision in statute, it may also be necessary to amend the current alternate language in statute as "a thorough search" for supervision is not defined. Therefore, a licensee could claim they conducted a "thorough search" and obtain 100% of their supervision from a nonsocial worker supervisor. The options to rectify this issue are as follows: 1) create a separate legislative proposal for allowance of a 75%/25% ratio for alternate supervision; 2) add this proposal to the exemption legislation; 3) alter the current statute to limit the number of licensees who could obtain 100% of supervision from a non-social worker supervisor; 4) create a hybrid proposal to address #1 and #3; or 5) take no action.

A motion was made by Hallman, and seconded by Kovach, for the Board to approve the draft legislative proposal, "2010 Minnesota Statutes 148E.120 Requirements of Supervisors", which was distributed today. If there are obvious errors in the proposal, the ED will have the authority to make the appropriate revisions after the AG and the Executive Committee have reviewed the revisions, and the Board will be informed of the revisions if the proposal is presented to the Legislature before the next Board meeting. The Board approved the motion with 8 Board members in favor of the motion, 3 opposing, and 2 abstaining.

[Stratig left the meeting at 2:35 p.m.]

8. LICENSING UNIT REPORT: McNair, Kramer-Prevost

McNair reported the following:

- The Board requested information regarding the number of LGSW and LICSW licensees who have been granted an extension to practice clinically beyond the 8,000 hour maximum allowed. In 2010 there were seven extensions granted to licensees, which was the first year extensions were granted.
- In mid-March Board staff will present on the 2011 licensing changes at the Minnesota School Social Workers Association Conference and at the Minnesota Social Service Association (MSSA) Conference.

9. COMMITTEE & LIAISON REPORTS [Continued]

A. Advisory Committee: Wilcoxon, Kovach [Attached]

In Wilcoxon's absence, Kovach referred to the committee minutes.

B. ASWB: Middlebrooks, Stratig

Middlebrooks said there was no report.

C. Compliance Education Outreach Committee: Wilcoxon

In Wilcoxon's absence, Middlebrooks said there was no report.

D. Council of Health Boards: Kassekert

Kassekert reported the following:

- During the last session the Legislature passed a bill that required the Council to review and make recommendations regarding the impact legislation would have upon the HLBs if they were required to consider the impact of criminal sexual conduct convictions on initial licensure or on renewal of health professionals, which was enacted to apply only to Licensed Chiropractors during the 2010 Session. A positive impact of the legislation is that Board action would be immediate and revoking licenses would be alleviated. Also, there would be consistency among multiple boards having the same set of consequences in resolving the actions.
- The Legislature also asked the Council to review a legislative proposal to license Genetic Counselors. Genetic Counselors generally work through physician referrals and a treatment team and receive supervision through their employer. There are approximately 75 Genetic Counselors employed in Minnesota, and the occupation is not regulated. Accessibility to Genetic Counselors would increase if they were licensed as their services would be covered through insurance such as Medicare and Medicaid. The Council determined that based on proposed licensee numbers, it is unlikely that Genetic Counselors could sustain an independent board through licensing fees and that licensing may fall within the purview of the Board of Medical Practice, which would appoint a Licensed Genetic Counselor Advisory Board.
- The MDH has legislative proposals this session that would license laboratory personnel and register health care interpreters.

E. Executive Committee: Middlebrooks, Black-Hughes, Sandry

Middlebrooks reported the following:

- Zacher-Pate's performance evaluation will be conducted at the March Board meeting, and every Board member is asked to submit remarks about Zacher-Pate's performance to Middlebrooks before that time. Historically, the evaluation has been conducted on Zacher-Pate's anniversary date. However, the evaluation should be conducted in January of each year. Therefore, after this evaluation, the next evaluation will be in January 2012, and each January thereafter. The evaluation will be written by the new Board Chair whose term begins in January.
- Charles Petersen, Management Consultant from MM&B, will conduct another strategic planning session at the March Board meeting to develop a detailed action plan and finish the work that was started at the last strategic planning session in May, 2010.

F. Finance Committee: Sandry [Attached]

Sandry reported the following:

- The committee met last evening and reviewed the monthly budget report. Through 50% of the year, the total of all expenses is at approximately 37.5% and total revenue is at 51%, which is a continuation of the Board's trend in finances and staff continuing to do an excellent job in keeping expenses down.
- New work stations, three replacement laptops, and basic video cameras to enable "e-meetings" have been ordered for the office.

G. HPSP: Kassekert

Kassekert reported the following:

- The committee met on November 16 which included a case review and discussion about the increase in the abuse of prescription drugs.
- There was discussion about the cost of the program which is \$2,000 per year per participant. This figure may be prohibitive for boards that have a large number of participants in the program. The Program Committee will discuss the situation at their next meeting and bring information back to the HLBs for discussion and input.
- The BOSW had 5 referrals and 3 discharges between July 1, 2010 and October 30, 2010.
- HPSP's spending is consistent with projections, and proposed budget increases of \$130,000 for FY 2012 and \$100,000 for 2013 were presented to the committee.
- A quality improvement plan for toxicology screening has been negotiated with a vendor for \$220,000 annually. HPSP receives approximately 14,000 faxed toxicology screen results annually, which are manually entered into the database and filed. The new plan would decrease time spent on this process and decrease the use of paper and printing.

H. Legislation & Rules Committee: Ladd [See # 7. above]

I. Legislative Task Force: Middlebrooks, Wilcoxon

Middlebrooks reported the following:

- The committee met with Representative Abeler to discuss authorship of the Board's legislative proposal and with the Teamsters Union Local 120 about supporting the proposal.

- The committee is in the process of developing talking points and discussing possible testimony for Board members Hallman and Middlebrooks. In addition it is expected a representative of a social work association, and perhaps a consumer advocacy representative may testify at the Legislature.

J. Licensing Study Committee: Wilcoxon

In Wilcoxon's absence, Middlebrooks said there was no report.

K. Nominating Committee: Sandry

Sandry said there was no report.

12. PUBLIC COMMENT

Hymans made a comment that approximately 30 states will not accept alternative supervision of its licensees. Therefore, the Board should communicate this information to licensees as they may have issues in this regard if they move to another state in the future, should this proposal be enacted.

Alan Ingram, Executive Director, NASW-Minnesota Chapter, said he is impressed with the work Ladd did for last evening's meeting and the presentation today. He also said he was grateful for the work Zacher-Pate did in drafting the legislative proposal and that adjustments may be made as time progresses.

Pam Luinenburg, LGSW, Coordinator for the Minnesota Coalition of Licensed Social Workers (Coalition), acknowledged the difficulty in drafting the alternate supervisor legislation and appreciates the time she was given to discuss the proposal at the November Board meeting. Also, the Coalition will have a supervision webpage with links to the Board and educational programs.

Ladd commented that if the Legislature passes the alternate supervisor proposal, there will be increased availability of supervisors for licensees.

Middlebrooks said that there is a dinner later with Hymans and Friedman.

13. OTHER BUSINESS

Hallman commented that currently the school social worker designation is under the authority of the Board of Education and school social workers are also required to be licensed by the BOSW. In the future, perhaps this designation should only be under the BOSW.

Oberle reported that the mileage amount has been increased from \$.50 to \$.51 and the change will be reflected on expense reports.

McNair said she has several copies of the research document by Donna DeAngelis, Executive Director of ASWB, which Hymans referred to earlier in his presentation.

14. ROUNDTABLE

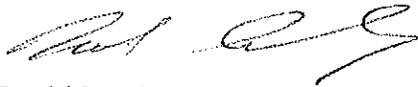
Roiger said she would like to be on a committee and the Board recommended the Compliance Education Outreach Committee and the Legislation and Rules Committee. Roiger agreed to sit on the two committees.

Black-Hughes thanked Middlebrooks for suggesting that the Board ask ASWB to present at today's meeting.

15. ADJOURN

The meeting adjourned at 3:05 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David Sandry", written in a cursive style.

David Sandry
Secretary-Treasurer