



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

Minutes

January 20, 2012

Members Present: Christine Black-Hughes, LICSW, Chair
David Hallman, LSW
Jacqueline Johnson, LICSW
Rosemary Kassekert, Public Member
Janna Kovach, LSW
Kenneth Middlebrooks, Public Member
Carol Payne, LSW, Secretary Treasurer
Ruth Richardson, Public Member, Vice Chair
Nicole Roiger, LSW
Tamerlee Ruebke, LSW
Beverly Ryan, LISW
David Sandry, Public Member
Angie Stratig, LICSW
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, LISW, Staff Social Worker

1. PROPOSED AGENDA: Black-Hughes (Attached]

Chair Black-Hughes called the meeting to order at 9:25 a.m. A quorum was present and the Board unanimously approved the agenda with the following amendments: 1) there will be a closed Executive Session in Agenda Item 6 and 2) under Agenda Item 8, Carol Payne should be listed as the Finance Committee Chair.

2. RECOGNIZE NEW & RETIRING BOARD OFFICERS: Black-Hughes

Black-Hughes thanked Middlebrooks for his leadership as Board Chair and Sandry for his excellent work as the Secretary-Treasurer. Middlebrooks thanked the Board for their dedicated work in helping him throughout his term as the Chair. He also thanked the staff for their hard work which he said is often not seen unless you are on the Executive Committee.

Zacher-Pate expressed her sincere appreciation to the officers who have served for the last two years and especially to Middlebrooks who has given steady leadership to staff and to mentoring her as her direct supervisor. She thanked Black-Hughes for her work over the past two years as Vice Chair including participating on many committees, and Sandry as the Secretary-Treasurer who was always on task in working on the budget. Zacher-Pate presented certificates of appreciation to the three retiring officers.

Zacher-Pate also commented that the new Executive Committee met last evening and they requested the retiring officers to attend future committee meetings in order to provide input and mentorship to them and to enable a smooth transition. Zacher-Pate also welcomed the incoming officers, Black-Hughes, Richardson and Payne and said she is looking forward to working with them over the next two years. Richardson thanked the Board for the opportunity to serve as Vice Chair.

[Payne arrived at 9:30 a.m.]

3. MINUTES FOR NOVEMBER 18, 2011 BOARD MEETING: [Attached]

The Board of Social Work reviewed the November 18, 2011 minutes. Payne noted a typographical error.

A motion was made by Middlebrooks, and seconded by Payne, to approve the November 18, 2011 minutes with one revision noted on page 11 under G, the second bullet, line 4, should read "spending" instead of "sending". The motion carried unanimously.

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

Zacher-Pate referred to the information included in the Board packet and commented on the following:

- The Board is transitioning to paperless meetings and the public Board meeting information may now be found on the website for viewing or downloading. The Board will save approximately \$1200 in photocopying costs over the course of a year.
- IT initiatives work continues.
- The Health Licensing Boards' (HLB) Request for Proposal (RFP) submitted to the Office of Enterprise Technology (OET) was denied and the Executive Directors (EDs) are planning to revise the RFP specifications and appeal the denial.
- Work continues on the OET enterprise e-mail system.
- Bargaining Unit contract negotiations may begin in the near future.
- Two variance requests have been granted according to MS 148E.035 based on legal advice, since the November Board meeting.

5. LICENSING UNIT REPORT: McNair [Attached]

McNair reported the following:

- 71 LICSW applications have been received since August 1, 2011 when the law changed. 11 of the applicants applied through endorsement based on holding a current clinical license in another state.
- 26 of the 71 applicants applied through examination and demonstrated that they have met the new 360 clock hours in the six specific clinical knowledge areas through their MSW program.
- 4 of the applications have been referred to the Application Review Committee (ARC) for review. The remaining 30 applicants are working to get their supervision and/or 360 academic clinical clock hours completed and submitted to the Board for review.
- The new ASWB Advanced Generalist exam was administered this month and the study guide is available on their website.
- Since January 2010, Zacher-Pate has approved 20 LGSWs or LISWs, who have engaged in more than 8000 hours of clinical practice without holding an LICSW license, to be granted an extension, based on hardship, to continue to engage in clinical social work practice under supervision for an additional 2000 hours.

Zacher-Pate commented that she has received inquiries about the new 360 clinical clock hour requirement from several MSW program directors, who must verify clinical clock hours met through the Council on Social Work Education (CSWE) MSW program. One meeting has occurred to discuss questions posed, with a follow-up meeting planned for some time during February.

Wilcoxon arrived at 9:45 a.m.

6. COMPLIANCE COMMITTEE REPORT: Hallman, Hoffman [Attached]

Hoffman compared the Compliance Unit Case Age and Status Reports for November 9, 2011 and January 12, 2012 and said there are roughly the same numbers of cases in each category with one-third resolved within three months and about two-thirds resolved within six months. The older cases have been referred to the Attorney General's Office (AG) for investigation or are being reviewed by the panels or are in the negotiation process after the AG investigation. The total number of cases in the January report compared to the November report indicates an increase from 69 to 128 due to the unlicensed practice cases. The number of cases in the Staff Review column has increased from 3 to 70. Hoffman commented that there may not be enough time for the two Compliance Panels to review the increased number of cases, and there was discussion about the possibility of forming a third Compliance Panel from members of the two current panels.

Executive Session – closed to the public – 10:10 – 10:20 a.m.

A motion was made by Compliance Panel A for the Board to approve the Stipulation and Order In the Matter of Celin R. Manlove, LGSW, License Number 20577. The motion carried unanimously.

7. MINNESOTA SUNSET COMMISSION & LEGISLATIVE UPDATE: Zacher-Pate, Richardson [Attached]

Zacher-Pate reported the following:

- At the November Board meeting the Board endorsed the draft Self-Evaluation Report required by the Sunset Advisory Commission (SAC) and the final Self-Evaluatuion Report has been submitted. The agencies under review participated in public testimony, and Zacher-Pate commended Richardson for her testimony on December 8th. The need for licensure was discussed in relation to public protection and the important need for standards. Commission members mentioned that tangible, measureable outcomes were essential to prove that an agency was working to achieve its mission. Licensure statistics related to applications, renewals, exams, licensing and renewal processing times, a decrease in licensing fees, number of complaints, and complaint resolution time were included in the Self-Evaluatuion Report, as well as in the testimony, in an attempt to provide outcome measures.
- Previous Senator, Erickson-Ropes, acknowledged and praised the Board for its effectiveness, efficiency, and good service.

Richardson commented that the Sunset Advisory Commission (SAC) extended praise on the HLBs' testimony and appreciated the model template the EDs used in producing their reports. She said it was a good experience and that several committee members praised the EDs for their organization and presentation of the reports.

Zacher-Pate continued with the following comments:

- Public testimony from all of the agencies, councils, and commissions concluded by the end of December. The SAC published an Interim Report in early January.
- The SAC was impressed by the agencies' voluntary collaboration to create and use the Administrative Services Unit (ASU) model and said it should be a model for state government. ASU is the collaborative back office for IT functions, contracts, human resources, budgeting, etc.
- Ten days ago the SAC requested additional data about Board membership, full-time employees, salaries, job classifications, and the number of applications and licenses processed as they considered Board outcomes and effectiveness in fulfilling its mission of public protection. Complaint data provided demonstrated that the Board is effectively intervening when social workers are impaired, unprofessional, when evidence demonstrates a violation of the Pracitce Act.
- Hoffman and Grace Rhee, IT Developer, reviewed the Board's disciplinary actions taken between 2002 and 2011 and found that the Board had a recidivism rate of 2.2%. There were 91 licensees against whom the Board had intervened and taken action who had a complaint filed against them again at a later date. Of the 91 individuals, 33 individuals, or approximately 36%, were permanently or temporarily removed from practice, with 7% completing the terms of the action that was taken against them and returned to practice. Of the 91 licensees, 33% were permitted to continue to practice with conditions placed upon their practice, and 28 of the 91 licensees, or 31%, were reprimanded. It was determined that there are social workers that violate standards, the Board is taking action, and there is a low rate of repeat violations or recidivism.

- Collaboration with Health Professionals Services Program (HPSP) was included in the report to indicate how the HLBs work to protect the public from impaired licensees.
- Examination pass rates were also used to demonstrate standards and outcomes for calendar years 2008-2011 and compared Minnesota statistics to those of North America. Minnesota social workers are soundly prepared educationally.
- A comparison of licensed and unlicensed professionals was included in the report.
- The bottom line in gathering information for the report is whether the Board makes a difference and fulfills its mission of public protection.
- For the first time qualitative data received from personal testimonies regarding individual experiences and customer service provided by the Minnesota Board of Social Work, which is an independent board, was compared to experiences with composite boards.
- Appreciation was extended to staff for their work on the initial and supplemental report. The last report was submitted on Wednesday.
- The public hearing required by statute and the SAC Act commenced on Tuesday, January 17th. Appreciation was extended to Pam Luinenburg, Coordinator for the Minnesota Coalition of Licensed Social Workers, for testifying and to Alan Ingram, President of NASW-Minnesota Chapter, for offering input and being present throughout this process. Cindy Dubansky, LICSW, who is employed in the health care system, provided a powerful testimony as she was not part of a professional association, but a front-line social worker. Appreciation was also extended to Sue Abderholden, the Executive Director of the National Association for Mental Illness (NAMI), who wrote a letter to the Commission indicating her support of the Mental Health Licensing Boards. An individual from the Institute of Justice presented to the SAC the point of view that licensure was unnecessary, did not serve the public, and, in fact, interfered with the free market by fencing out qualified individuals, contributing to unemployment, and driving up health care costs.
- The SAC held a discussion yesterday, led by Representative Kiffmeyer, Commission Chair, and Senator Bonoff, Commission Vice-Chair, about their charge to make recommendations to the Legislature and the Governor by February 1, 2012. A major issue that was discussed was the discontinuation of the transfer of funds from the HLBs' Special Revenue Fund to the General Fund. There was interest in the following: adequate representation on boards in terms of gender, ethnicity, and demographics; total number of licensees; HLB fees, accumulated balances, possible fee reductions, and boards that are currently experiencing deficits; and the model that fees reflect the "cost of doing business". This BOSW moved to the "cost of doing business model" of budgeting several years ago.
- There was discussion about the e-Licensing surcharge and migration to the Office of Enterprise Technology (OET) e-Licensing system. Comments were made about the HLBs already having a reliable e-Licensing system that should not be duplicated, but rather remain autonomous.
- There was discussion about the HLBs developing internal legal and investigative services housed in ASU to augment services from the AG.
- The SAC will ask the Legislature for an appropriation to hire staff to assist them in their work, including having access to the Office of Legislative Auditor. The Commission also asked for the costs of preparing the Self-Evaluation Reports, and this Board's first report cost approximately \$7,700.

- Concerns were noted about several of the Commissions and Councils that were being reviewed.

8. COMMITTEE & LIAISON REPORTS:

[The Legislation and Rules Committee was moved to the first report]

A. Legislation and Rules Committee: Hallman

Hallman reported the following:

- The committee met last night and he thanked the Board and public members who attended. There was discussion about the Board's legislation and it is in the same position that it was at the end of the last Legislative Session

The Legislation and Rules Committee passed a motion including the following items:

- 1) Giving the Executive Committee the authority to take action in the best interests of the Board of Social Work in regard to the Sunset Advisory Committee and the Board's pending legislation;**
- 2) If a member of the Executive Committee is unable to attend a meeting in regard to #1, they may appoint a Board member in their place, with voting privileges;**
- 3) The most recent past Board Chair (Middlebrooks) and the current Chair of the Legislation and Rules Committee (Hallman) will be non-voting members of the Executive Committee for matters involving Item #1;**
- 4) The Executive Committee will report by e-mail all significant actions taken within 7 days to Board members and in person at the next scheduled meeting of the Board.**
- 5) The authority under this motion will end upon the adjournment of the 2012 Legislative Session.**

The Board unanimously approved the motion.

Zacher-Pate reported the following on the Board's policy bills:

- The three items left open at the conclusion of the 2011 Legislative Session included the exemptions, the temporary license correction to include CSWE programs in candidacy status, and alternate supervisors. Zacher-Pate met with Representative Abeler to discuss the amended bill, which passed out of the House Health and Human Services Reform Committee last session. As amended, this bill no longer included the counties, but continued to include state, city, and private, non-profit agencies whose primary service focus is to ethnic minority populations for title jurisdiction only. Representative Abeler said he would support the bill only as amended during the last session.
- Since the bill was heard in the House last year, it has met the first deadline for this session.
- The Senate BOSW bill, authored by Senator Rosen, was not heard in the Senate last session. Black-Hughes and Zacher-Pate met with Senator Rosen several weeks ago, and Senator Rosen supports moving forward with the bill in its original form, including the county exemptions. Tentatively, within the next week Senator Rosen plans to call a meeting with Representative Abeler, Minnesota Association of County Social Service Administrators' (MACSSA)

representative, Minnesota Social Service Association's (MSSA) representative, Black-Hughes, and Zacher-Pate.

B. Advisory Committee (AC): Wilcoxon, Kovach [Attached]

Wilcoxon thanked Kramer-Prevost and Zacher-Pate for attending previous meetings in her absence, and referred to the December committee minutes. Zacher-Pate thanked Luinenburg for drafting the minutes and noted the following:

- The Board approved the ACs newly adopted bylaws, and the AC Chair sent a letter and a copy of the bylaws to the professional organizations that have seats on the committee. The AC also drafted a committee representative job description.
- There will be three new committee members in February including Ryan Petros, NASW, and two new members from the National Association of Black Social Workers-Minnesota Chapter sharing the seat, Chester McCoy, LICSW, and Dorothea Harris, LGSW.

C. Application Review Committee (ARC): Black-Hughes, Johnson, Stratig, McNair

Black-Hughes reported that she, Johnson, Stratig and McNair will meet to discuss cases for the first time after the Board meeting, and it is open to the public.

D. ASWB: Middlebrooks

Middlebrooks said he was contacted several days ago about becoming a member of the ASWB Bylaws and Resolutions Committee. He accepted the position which will last for twelve months. Johnson said she was contacted by the President of ASWB to Chair the Regulations and Standards Committee, and at this time the appointment has not yet been made.

LUNCH [11:30 - Noon]

E. Communication Education Outreach Committee (CEOC): Wilcoxon

Wilcoxon reported there was no meeting.

F. Council of Health Boards: Kassekert

Kassekert reported there was no meeting.

G. Executive Committee: Black-Hughes, Richardson, Payne [Attached]
[Portion Closed to the Public: Annual Review of Executive Director]

Black-Hughes reported the following:

- The committee will review its responsibilities regarding the Board's bylaws and bring revisions to the March meeting for Board review. Robert's Rules will also be reviewed.

- The committee will review Zacher-Pate's goals and objectives at the next meeting and Board members may e-mail comments to the committee.

There was a comment about the status of the Board's newsletter on the website and Zacher-Pate said that it will not be continued at this time and that it should have been removed from the website.

[There was an Executive Session from 12:10 – 12:40 p.m. and the meeting was closed to the public.]

H. Finance Committee: Payne [Attached]

Payne reported the committee did not meet as the Legislation and Rules Committee needed the time slot yesterday. However, Zacher-Pate provided a condensed version of the finance report at the Executive Committee meeting. Referring to the Board packet's financial data, Payne made the following comments:

- Halfway through FY 2012, Board expenditures and direct operational expenses are at 35% of the budget. The indirect expenditures related to AG services are at 60%. The total of direct and indirect expenditures is at 36% of the budget, and revenues are at 52%. These numbers are consistent with previous budget patterns.
- LGSW original license fees are at 94% of anticipated revenues.
- Planning for the next biennium will begin in July.

I. HPSP: Kassekert

Kassekert reported there was no meeting.

J. Legislative Task Force: Middlebrooks, Wilcoxon

Middlebrooks reported there was no meeting.

K. Nominating Committee: Sandry

Sandry reported there was no meeting. Zacher-Pate commented there is no information from the Governor's Office related to board member appointments. Three appointments are needed for the Black-Hughes, Hallman, and Ladd slots.

The Board reviewed Board Committee, Liaison, and Staff Team Assignments. It was determined that the Committee on Board Processes and the Licensing Study Committee may be removed from the list as they are dormant. There was discussion about whether the Board should meet in July, which will be discussed further at the March Board meeting.

9. PUBLIC COMMENT

Pam Luinenburg, Coordinator for the Minnesota Coalition of Licensed Social Workers, said this was a very good meeting and that a lot of progress has been made. The following are her comments:

- The Associations were worried about the SAC and the possibility of consolidating the Mental Health Licensing Boards which would diminish the Boards' staff and expertise.
- Zacher-Pate met with Alan Ingram, President of NASW-Minnesota Chapter, and Luinenburg about two recommendations that would be made to the SAC regarding transfers of money to the General Fund and the OET e-Licensing system. It was decided that Luinenburg would testify about the recommendations, and requested that Zacher-Pate provide her with public data statistics to be included in her testimony. Luinenburg explained that the HLBs had been required to transfer \$16.5 million to the General Fund and this Board alone transferred \$1.5 million. She also testified that the HLB licensees have paid over \$1,000,000 to date for the OET e-Licensing system surcharge, and they should not have to continue paying for the OET system when they have an effective system in place.
- It was a pleasure seeing Senator Bonoff and Representative Kiffmeyer work so well together as a team.
- The evaluation of the Complaint Process in the report was interesting as approximately one-third of licensed social workers were permanently or temporarily removed from practice by revocation or suspension of their licenses, one-third were permitted to continue practice but were subjected to corrective action or to conditions or limitations on their licenses, and one-third were reprimanded. In the late 1990's the Associations and the Board worked together to review and change the Compliance Process, and the Board adopted a plan to offer licensees more flexibility and options.
- The Minnesota pass rate on the national licensing exams is impressive.
- It is encouraging that Senator Rosen is interested in moving forward in passing a bill this Session that would remove the licensure exemptions, and Luinenburg likes the approach that she is taking on the issue. Luinenburg said the Associations will assist in any way possible, and she thanked the Board for the opportunity to speak today.

10. OTHER BUSINESS

There was no other business.

11. ROUNDTABLE

The following comments were made:

- Black-Hughes said she will not be at the March Board meeting as she will be out of the country.
- Zacher-Pate thanked Board Members for their willingness to begin "paperless" board meetings.

12. ADJOURN

The meeting adjourned at 1:05 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Carol Payne LSW". The signature is written in black ink and is positioned above the typed name. A long horizontal line extends from the end of the signature to the right.

Carol Payne, LSW
Secretary-Treasurer