



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

Minutes

March 16, 2012

Members Present: 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
Angie Stratig, LICSW
Antonia Wilcoxon, Public Member

Members Absent: Christine Black-Hughes, LICSW, Chair
David Sandry, Public Member

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

1. PROPOSED AGENDA: Black-Hughes (Attached]

Vice Chair Richardson called the meeting to order at 9:05 a.m. in Chair Black-Hughes' absence. A quorum was present and the Board unanimously approved the agenda.

2. MINUTES FOR JANUARY 20, 2012 BOARD MEETING: [Attached]

The Board of Social Work (BOSW) reviewed the January 20, 2012 minutes.

A motion was made by Middlebrooks, and seconded by Ryan, to approve the January 20, 2012 minutes. The motion carried unanimously.

- 3. EXECUTIVE SESSION – CLOSED TO THE PUBLIC:** Compliance Committee: Hallman, Hoffman. [Closed 9:10 A.M. - 9:45 A.M. Open 9:45 A.M. – 10:00 A.M. Closed 10:00 A.M. - 10:20 A.M.] [Attached confidential documents-Board Members only]

A motion was made by Compliance Panel A to approve the Stipulation and Order in the Matter of Ronda K. Gowan, LSW #10310. The motion carried unanimously.

A motion was made by Compliance Panel B to approve the Stipulation and Order in the Matter of Steven A. Gribas, LICSW #11987. The motion carried unanimously.

A motion was made by Compliance Panel B to approve the Stipulation and Order in the Matter of Jessica J. Wolf, f/k/a/ Jessica J. Johnson, LSW #20179. The motion carried unanimously.

A motion was made by Compliance Panel B to approve the Stipulation and Order in the Matter of Valandra, LISW #13552. The motion carried unanimously.

A motion was made by Compliance Panel B to approve the Stipulation and Order in the Matter of Kristen M. Zimba, LSW #16671. The motion carried unanimously.

- 4. EXECUTIVE DIRECTOR'S REPORT:** Zacher-Pate [To be distributed]

Zacher-Pate commented on the following:

- The Attorney General's Office has made a reassignment of the Board's counsel. Ben Garbe will remain as co-counsel with new co-counsel, Greg Schaefer. Appreciation was expressed to Karen Andrews, former co-counsel.
- Labor negotiations have begun and may affect the Board budget in terms of salary costs and benefits. The budget will be discussed in item number 8.
- A legislative update will be provided in item number 6. Zacher-Pate expressed her appreciation to Senator Rosen, the Board's author in the Senate; Representative Abeler, the Board's author in the House; Pam Luinenburg, Coordinator for the Minnesota Coalition of Licensed Social Workers; Alan Ingram, President of NASW-Minnesota Chapter; and staff members McNair, and Hoffman, and Oberle who worked on preparing fiscal notes.
- An invitation was extended from the Governor's Office Appointment Staff to Zacher-Pate to provide input on the 21 applicants for Board member appointments. Three appointments are needed for the Black-Hughes, Hallman, and Ladd slots. Appointments must include one LSW, one LGSW, one LISW or LICSW, an educator, a county employee, and 2 must be from outside the 11-county metropolitan area.
- Grace Rhee, in-house IT developer, is working on a program for searching for supervisors online and is building a mechanism to audit licensing supervisors for the new 30 hour supervision training requirement. The project to implement submitting online supervision plans and supervision verification forms is on hold.
- On a statewide level, all agencies will be migrating to the Office of Enterprise Technology (OET) Statewide Enterprise e-mail system. OET has also requested all

agencies to complete a 65 question business case study regarding online services, web-based infrastructure, backend licensing system operations, the types of services offered, and the life cycle of the systems. This information will be used to determine if the Health Licensing Boards' (HLBs) backend licensing system should be moved to the Versa statewide e-licensing system. The HLBs presented a Request for Proposal (RFP) to OET requesting that the HLBs be permitted to continue to use their present backend licensing system instead of being migrated into the Versa system; however, the RFP was denied.

- The ASWB Spring Education Meeting is April 26-29, and Zacher-Pate was asked to present on a panel addressing "Where are Boards in the E-World?" Administrators were asked to complete a survey on Board "e" initiatives, and as a member of the panel, Zacher-Pate will share the Board's experience with its e-Compliance initiative. ASWB will pay Zacher-Pate's travel expenses, as a presenter.
- The Board is collaborating with the Minnesota Council on Social Work Education (MCSWE) MSW Program Directors regarding implementing and reporting the new 360 clinical clock hour LICSW licensure requirement. McNair, Kramer-Prevost, and Zacher-Pate have had two meetings with the MSW Program Directors. Carol Kuechler from St. Thomas/St. Kate's, Megan Morrissey from the University of Minnesota-Twin Cities, and Zacher-Pate will offer a breakout session at the MCSWE Spring Conference to discuss the new 360 clinical clock hour requirement and how the schools are working with the Board to assist students in meeting this requirement.
- There was one variance request denied since the last Board meeting, however, the individual will have the opportunity to submit additional information.

5. LICENSING UNIT REPORT: McNair [Attached]

McNair reported the following:

- Angela Sechler, Research Analyst, Minnesota Office of Rural Health and Primary Care for the Minnesota Department of Health-Health Policy Division, contacted Zacher-Pate in December with a preliminary analysis of the social work survey data received for the 6 to 7 months since the workforce survey was launched. The two-page survey is included with all renewal applications, but completion of the survey is optional. The number of survey responses analyzed totaled 1,950 out of 2,866 renewals, or 68%. Some discrepancies were noted in the preliminary data.
- Of the surveys completed, 8-9 % of the social workers did not identify their race and ethnicity, 14.6% did not report their primary area of practice, and 16.8% did not report their primary work setting.
- The following Information was reported in the 2011 preliminary data demographic charts:
 - Percentage of Social Workers by License Type: LSWs - 46%, LICSWs - 37%, LGSWs -12%, and LISWs - 5%.
 - Social Workers by Race: White - 88%, Non-White - 3%, Data Missing - 8%, and Other - 1%.
 - Percentage of Social Workers who are Hispanic: 1%, and Data Missing – 9%.
- Information reported in the Education charts:

- Social Workers by Post-Secondary Degree: Bachelors - 57%, Masters - 39%, Doctorate – 1%, and Non-Social Work Degree - 3%.
- Social Work Degree Received from a Program in Minnesota: 71%.
- Information included in the Volunteerism chart:
 - Social Workers who Volunteered Their Time to Provide Social Work Services: 24%, and Data Missing – 4%.
- Information reported in the Employment charts:
 - Employment Status of Social Workers: employed/self-employed full time - 83%, either unemployed or employed in another field and not seeking work as a social worker – 8%, and either unemployed or employed in another field and seeking work as a social worker – 4%.
 - Social Workers' Primary Work Settings: 16.8% did not report, school – 13%, clinic or outpatient setting – 11%, social service agency - 10.9%, hospital or medical facility - 10.6%, government agency – 10.4%, other – 7.5%, nursing home – 6.2%, home health/hospice – 3.3%, and private practice – 3.1%.
 - Social Workers by Primary Area of Practice: 14.6 % did not report, mental/behavioral health - 24.7%, children and families – 15.2%, aging – 11.5%, school social work - 10.3%, health/medical – 11%, and other – 3.6%.
 - Average number of practice years -19 Years, average number of practice years with primary facility - 8 years, and average number of hours worked in a typical week - 38 hours.
- Information reported in the Future Plans charts:
 - Social Workers and Future Plans to Practice: 59% plan to practice more than 10 years and 14% plan to practice for 5 or fewer years.
 - Social Workers and Future Plans by License Type: practice more than 10 years - LGSWs - 71%, LSWs - 59%, LICSWs - 57%, and LISWs - 50%; practice for 5 or fewer years – LGSWs – 10%, LSWs – 13%, LICSWs – 16%, and LISWs – 24%.
 - Social Workers' Reasons for Leaving Field within Five Years: retire - 63%, move to another state - 13%, change jobs - 11%, and other – 13%.
 - Social Workers and Type of Work Frequency within Primary Practice Areas (the areas coordinate with those listed in the following chart): one area of practice - 61%, two areas of practice - 14%; three areas of practice - 5%; and all four areas - 6%.
 - Social Workers by Type of Work within their Primary Area of Practice: direct practice - 50%, case management - 36%, administration - 12%, and clinical supervision - 2%.
- Information reported in the Languages Spoken charts:
 - Most Frequently Spoken Languages among Social Workers Fluent in at Least one Foreign Language: Spanish - 67%, Other - 21%, and Hmong - 8%.
- Information reported in the Caseloads chart:
 - Social Workers' Caseload by Race and Ethnicity: 76 - 100% of the caseloads are 44% White; 8% Black; 1% Native American; and 0% Asian, Hispanic, and Other. Whereas, less than 25% of the caseloads are 5% White; 38% Black; 40% Asian; 41% Native American; 73% Hispanic; and 17% Other.

[Wilcoxon arrived at 11:15 a.m.]

- McNair referred to the ASWB Examination Pass Rates - National and Minnesota Statistics 2011 handout and noted that new bachelors, masters, and clinical examinations were created and administered in 2011. The advanced generalist examination did not change until January 2012.
- In Minnesota there was an 8% increase in the total number of exams taken in 2011 compared to 2010, and nationally there were 5% fewer exams given in 2011. In Minnesota in 2011, the number of bachelors exams taken increased from those taken the previous year by 4%, masters exams increased 3%, clinical exams increased 16%, and advanced generalist exams almost doubled. In 2010 26 advanced generalist exams were taken compared to 53 exams taken in 2011. This increase was likely due to ASWB offering free advanced generalist examinations between January and June 2011 to gather data for their practice analysis and develop the new advanced generalist exam that became available in January 2012.
- In 2011 in Minnesota, overall first-time test-taker pass rates improved by 3 - 4% compared to pass rates the previous year. In 2010 85.9% of first time test takers passed the bachelors exam and 88.5% passed in 2011; 91.5% passed the masters exam in 2010 compared to 95.6% in 2011; 80.8% passed the advanced generalist exam in 2010 compared to 92.5% in 2011; and 89% passed the clinical exam in 2010 compared to 91.8% in 2011. For repeat test takers in Minnesota, approximately 50% will pass the exam if it is taken a second or subsequent time. Overall, comparing Minnesota and national statistics, Minnesota's pass rates are 10 - 20% higher, which demonstrates that Minnesota applicants are well prepared for the national licensing examinations.

Several Board members expressed interest in reviewing the Association of Social Work Board's (ASWB's) race/ethnicity test data. Informally, Zacher-Pate requested this information from ASWB in the past and was informed that this data is not collected in the exam administration process. The only method to track the data is by the number of candidates approved by jurisdictions who offer English as a Second Language (ESL), examination special provisions. Not all jurisdictions offer this so the data is not statistically reliable. The Board does have some race/ethnicity test data, which is optional to report, and Roiger and Wilcoxon will work with Board staff to determine the type of data they would like to have available at the next Board meeting.

- McNair noted that 14 LICSW license applications, received since August 1, 2011 when the new licensing requirements became effective, have been sent to the Application Review Committee (ARC) for consideration. All 14 applications have been approved by the ARC.

[The Advisory Committee Report located in item number 8 was reported at this time.]

6. MINNESOTA SUNSET COMMISSION & LEGISLATIVE UPDATE: Zacher-Pate, Black-Hughes [Attached]

Zacher-Pate reported the following legislative update:

- The "2012 Legislative Proposal Summary" and the House and Senate Board policy bills are on the Board's website.

- Representative Abeler amended House File (HF) 1461 on February 16, containing all three BOSW policy provisions, to require effective July 1, 2016, an individual who is newly employed by a city or state agency or a private nonprofit, nontribal agency whose primary service focus addresses ethnic minority populations, and the individual is a member of an ethnic minority population within the agency, be licensed if: 1) the individual presents to the public with the title of "social worker"; or 2) the individual has a Council on Social Work Education (CSWE) accredited bachelors or graduate social work degree, and engages in the practice of social work; proposed modifications to the alternate supervisor requirement; and corrected the omission of the temporary license for students graduating from programs in CSWE candidacy status.
- Representative Abeler amended HF 1461 into the dental bill, as a vehicle to the House Ways and Means Committee, where Senate File (SF) 288 and SF 753 would be aligned.
- A fiscal note was required to support the Board's request for a change item in last year's legislative proposal to increase budget appropriations to approximately \$40,000 to cover expenses if the modifications to exemptions were approved. By removing county agencies from the proposal, it is estimated that about 500 social workers employed by city and state agencies and private non-profit minority agencies with a primary minority focus could become licensed through the grandparenting provision, which would increase Board expenditures by approximately \$28,000.
- On February 29th the bill was heard in the Senate House and Human Services Committee and was referred to the Judiciary Committee. The Judiciary Committee had questions about the Bureau of Criminal Apprehension (BCA) background check provisions. The Committee was reviewing many agencies this session with background check proposals. Their concerns included not enough uniformity, the need to ensure protections for individual workers or licensees in regard to BCA checks, and more closely defining agency authority regarding criminal convictions. The Judiciary Committee passed The BOSW bill yesterday, and it is going to the Senate Floor.

LUNCH [12:05 p.m. – 12:35 p.m.]

A motion was made by Wilcoxon, and seconded by Johnson, to table item number 7 of this agenda to a subsequent agenda. The motion carried unanimously.

6. MINNESOTA SUNSET COMMISSION & LEGISLATIVE UPDATE: Zacher-Pate, Black-Hughes [Attached] [Continued]

Zacher-Pate reported the following on the Sunset Commission bills:

- Representative Kiffmeyer, Chair of the Sunset Advisory Commission (SAC), is the primary author of HF 2555, and Senator Bonoff, Vice-Chair, is the author of the companion bill in the Senate, SF 2304. The Senate bill has not had a hearing at this time. HF 2555 has been heard in the Health and Human Services Reform Committee, Civil Law and Government Operations, and will be heard next week in the Health and Human Services State Government Finance Committee chaired by Representative Lanning.

- The HLB Executive Directors (EDs) have been in contact with Representative Kiffmeyer throughout the committee hearings. Representative Kiffmeyer has invited input from the EDs, and recently amended the background check provision in the bill.
- Representative Abeler, Chair of the House Finance Committee, is working with Representative Kiffmeyer on the unilateral 25% fee reduction bill provision, which is not sustainable by the HLBs.
- There is a provision in HF 2555 which would allow the HLBs to assess civil penalties to obligated reporting entities such as insurance companies, health care facilities, businesses, and professional organizations if they fail to report adverse licensee actions to the HLBs.
- There is a provision in HF 2555 that any fee collected by the HLBs must be used to cover expenditures to regulate the occupations, and states the Legislature may not transfer the fees to another entity. In addition there is a provision that the HLBs have authority to accumulate one year of operating funds before being required to reduce fees.
- By January 2013 the HLBs must post to their public websites any regulated individual who has had a felony or gross misdemeanor criminal conviction during the previous ten year period. The provision also includes posting malpractice judgments, as well as disciplinary or corrective actions. Adverse action information from other states must be posted to the HLBs' websites by July 2013.
- As noted above, HLB applicants and regulated individuals must have both a state and national background check. The bill was amended to include a provision providing for finger printing of new and current licensure applicants, renewal applicants, and all regulated individuals every six years with all costs being born by the applicant/licensee.
- The bill requires the following reports due to the Legislature on January 15, 2013: the Attorney General (AG) investigative services; Office of Enterprise Technology (OET) regarding the statewide e-licensing system; balancing expenditures and revenues; fee reductions; evaluation of Administrative Services Unit (ASU) services provided to the HLBs; and a study of the Medical Practice Board.

7. REPEAL OF 148D AND STATUS OF PROVISIONAL LICENSE: Zacher-Pate, Richardson
 [Attached] *[As noted above, this item has been tabled to a future Board meeting]*

8. COMMITTEE & LIAISON REPORTS:

A. Advisory Committee (AC): Wilcoxon, Kovach [To be distributed]

Wilcoxon reported the following:

- The following new AC members were in attendance:
 - Dorothea Harris, LGSW, and Chester McCoy, LICSW, representing the National Association of Black Social Workers-Minnesota Chapter, who are rotating attendance
 - Ryan Petros, LICSW, representing NASW-Minnesota Chapter.
 - Lois Bosch, LISW, and Jen Magnuson, representing the Association of Macro Practice Social Workers, who are rotating attendance

- Appreciation was extended to retiring members, Christina Erickson, LICSW, Association of Macro Practice Social Work, and Sara Lovat, LICSW, Minnesota School Social Worker's Association.
- Zacher-Pate gave an update from the March Board meeting. It was noted that the new Board officers who began two-year terms are:
 - Chris Black-Hughes, LICSW, Chair
 - Ruth Richardson, Public Member, Vice Chair
 - Carol Payne, LSW, Secretary-Treasurer
- Kay Hansen was elected new AC Chair, and appreciation was extended to Barbara Kaufman for her service and work as former Chair.
- Orientation for new AC members is planned for the next meeting on April 20th.

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

McNair reported the following:

- Johnson has temporarily resigned from the committee.
- 14 applications have been reviewed by the committee and none have been denied.

C. ASWB: Black-Hughes [Attached]

In Black-Hughes absence, Richardson reported the following:

- The ASWB Spring Education Meeting will be held April 26-29 in Lexington, Kentucky. Johnson, Chair of the Regulations and Standards Committee, and Zacher-Pate, as a presenter, will attend as ASWB's guests. Zacher-Pate said the topic is "E-World Ethics: Issues and Implications for Regulatory Boards".
- In addition it was determined that two board members would be approved to attend given the relevance of the topic. A sign-up sheet for the meeting was passed around for Board member consideration. At the conclusion of the meeting Payne, and Stratig, members of the Compliance Panel, were approved to attend.

D. Communication Education Outreach Committee (CEOC): Wilcoxon

Wilcoxon reported there was no meeting.

E. Council of Health Boards: Kassekert

Kassekert reported there was no meeting.

F. Executive Committee: Black-Hughes, Middlebrooks, Payne

In Black-Hughes absence, Richardson reported the following:

- Zacher-Pate's performance evaluation was conducted at the January Board meeting and the committee has completed the process.
- Compliance Panel members may find the ethical focus of the ASWB Spring meeting beneficial.

G. Finance Committee: Payne [Attached]

Payne reported the following:

- The committee met yesterday and it was her first meeting as Chair. Zacher-Pate and Oberle held an orientation for her in February.
- Through January 31, 2012, which is approximately 60% of the fiscal year, direct operational expenses are at 41% of the budgeted amount and AG indirect operational expenditures are at 86% of the budgeted amount. The total direct and indirect expenditures are at approximately 45% of the budget. These numbers are consistent with previous budget patterns, except for increased AG costs due to legislative policy consultation and compliance expenses.
- Revenues are at 62% through January 31, 2012, with LICSW original license fees at 98% and continuing education provider fees at 80%.
- Planning for the next biennium will begin in July.

H. HPSP: Kassekert

Kassekert reported the following on the committee meeting in February:

- There was a report on the Sunset legislation.
- The past year BOSW referrals increased by six and discharges increased by two.
- Licensees that contact HPSP and appear unstable to practice are asked to refrain from practice and obtain necessary evaluations before they enter into a Participation Agreement with HPSP.
- There was an exercise with a facilitator and a representative from the AG's Office regarding confidential monitoring. In some cases the two teams agreed that the HLBs should not be advised of the monitoring, as the licensee may seek treatment sooner. Also, the current statute allows HPSP program managers to report certain situations, i.e., if there is a serious risk of harm or if an addict is diverting controlled substances. In criminal prosecution cases the courts should notify the HLBs, but this does not always occur. There was discussion about amending the statute to clarify when and under what circumstances information may be shared with the HLBs.

I. Legislation & Rules Committee (L&R): Hallman

Hallman reported the following:

- The committee has not met, but continues to support the Executive Committee's actions regarding the legislative proposal.

A motion was made by Hallman, and seconded by Ryan, for the Board to agree to the actions taken by the Executive Committee in the legislative process up to this point and to continue supporting the Executive Committee in its work throughout this Legislative Session. The motion carried unanimously.

J. Legislative Task Force: Middlebrooks, Wilcoxon

Middlebrooks reported there was no meeting.

K. Nominating Committee: Sandry

In Sandry's absence, Richardson reported there was no meeting. The Governor's Office is working on board member appointments.

9. PUBLIC COMMENT

In response to the HPSP discussion earlier, Alan Ingram, President of NASW-Minnesota Chapter, reported that HF 2384 includes a provision for HPSP to report to the HLBs all professionals diverting controlled substances.

Pam Luinenburg, Coordinator for the Minnesota Coalition of Licensed Social Workers, reported the following:

- About two weeks ago the Coalition began working on an issue related to a bill, HF 2425, that was brought forward by the Minnesota Health Licensing Network, of which the Coalition is a part. This bill includes a provision that Physician Assistants (PAs) be considered mental health professionals if they work under the supervision of a psychiatrist. This provision was very shocking to members of the Coalition, and the Coalition began looking at the PA law and their scope of practice. The PA is a generalist who has had one year of classroom training and one year of working with a physician. PAs must always work under the supervision of a physician, and their scope of practice is determined on a case by case basis under a delegation agreement with a physician. Representative Abeler is the author of this bill, and the Coalition was involved with a meeting with him yesterday that included the Department of Human Services (DHS), the hospitals, and many other organizations. At this point a bill was drafted, but nothing has been voted on. The outcome that the Coalition wants is to put things on pause so that a study group could be convened to look at how this change might work and how the entire mental health system might be impacted by such a change. Compromise language was put together that would not allow PAs to be considered mental health professionals, but would allow them to practice under a psychiatrist in a hospital setting. It was also recommended that a study group be convened to study the issue, make recommendations, and report back to the Legislature next year. This bill is still very controversial and a work in progress.
- At the Capitol last evening a lobbyist said the Legislature may propose a 5% cut in licensing fees instead of 25%, as currently required in the House Sunset bill.

10. OTHER BUSINESS

There was no other business.

11. ROUNDTABLE

The following comments were made:

- Roiger thanked Kramer-Prevost for representing the Board at the MSSA conference.
- Richardson thanked Zacher-Pate and Board staff for their hard work throughout the Legislative Session.

12. ADJOURN

The meeting adjourned at 2:45 p.m.

Respectfully submitted,


Carol Payne, LSW
Secretary-Treasurer