



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

Minutes

May 18, 2012

Members Present: Christine Black-Hughes, LICSW, Chair
James Gaylord, LICSW
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
Beverly Ryan, LISW
David Sandry, Public Member
Antonia Wilcoxon, Public Member

Members Absent: Tamerlee Ruebke, LSW
Angie Stratig, LICSW

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]

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

2. MINUTES FOR MARCH 16, 2012 BOARD MEETING: [Attached]

The Board of Social Work (BOSW) reviewed the March 16, 2012 minutes. McNair noted the word "There" should be changed to "The" on page nine under "I. Legislation & Rules Committee".

A motion was made by Kovach, and seconded by Payne, to approve the March 16, 2012 minutes with the following amendment: "There" should be changed to "The" on page nine under "I. Legislation & Rules Committee". The motion carried with one abstention.

3. WELCOME BOARD MEMBER JIM GAYLORD & ASSISTANT ATTORNEY GENERAL GREG SCHAEFER

Black-Hughes welcomed Jim Gaylord, LICSW, to the Board and said Payne has volunteered to be his mentor. Greg Schaefer was welcomed as the Board's new Co-Counsel attorney, and Kay Hansen, LISW, as the new Chair of the Advisory Committee. Board members were asked to introduce themselves.

- Richardson, Vice Chair, Executive Committee, Finance Committee, Legislation & Rules Committee, Legislative Task Force and fills Public Member and Expertise in Community of Color slots on the Board.
- Rosemary Kassekert, Compliance Panel A, Nominating Committee, Health Professional Services Program (HPSP) Committee, Council Of Health Boards and fills a Public Member slot on the Board.
- Beverly Ryan, LISW, Compliance Panel B, Communication Education Outreach Committee and fills the LISW and Hospital setting slots on the Board.
- Nicole Roiger, LSW, Communication Education Outreach Committee, Legislation & Rules Committee and fills LSW, Outside 11 County Metro, and State Agency slots on the Board.
- Jana Kovach, LSW, Compliance Panel A, Communication Education Outreach Committee, Advisory Committee and fills LSW and Nursing Home slots on the Board.
- Carol Payne, LSW, Secretary-Treasurer, Executive Committee, Finance Committee, Compliance Panel B, and fills LSW and Private Agency slots on the Board.
- Dave Sandry, Finance Committee, Legislation & Rules Committee, Nominating Committee and fills Public Member and Outside 11 County Metro slots on the Board.
- Greg Schaefer, Attorney General's Office (AG), new Co-Counsel will serve as General Counsel, and Compliance Panel Counsel. He has met with Zacher-Pate and Hoffman and looks forward to working with the Board.
- Connie Oberle, Office Manager
- Brenda Mammenga, Compliance & Continuing Education Coordinator
- Sheryl McNair, Assistant Director and LICSW.
- Michelle Kramer-Prevost, Staff Social Worker and LISW.
- Dave Hallman, LSW, Compliance Panel A, Communication Education Outreach Committee, Finance Committee, Legislation & Rules Committee and fills LSW, Outside 11 County Metro and County Agency slots on the Board.
- Jim Gaylord, LICSW, new Board member, and with the Governor's approval, fills the LGSW, Outside 11 County Metro, County Agency slots on the Board.

- Antonia Wilcoxon, Communication Education Outreach Committee, Finance Committee, Legislative Task Force, Advisory Committee and fills Public Member and Expertise in Community of Color slots on the Board.
- Jackie Johnson, LICSW, Compliance Panel A, Legislative & Rules Committee, Nominating Committee and taking a break from the Application Review Committee. She fills LICSW, Expertise in Community of Color, Outside 11 County Metro, Clinical and Hospital setting slots on the Board.
- Ken Middlebrooks, Compliance Panel B, Communication Education Outreach Committee, Finance Committee, Legislative Task Force, Association of Social Work Boards' Delegate, and fills Public Member and Expertise in Community of Color slots on the Board.
- Kate Zacher-Pate, LSW, Executive Director, extended a warm welcome to Gaylord and Schaefer.
- Christine Black-Hughes, LICSW, Board Chair, Executive Committee, Application Review Committee, Communication Education Outreach Committee, Legislative Task Force and fills LICSW, Outside 11 County Metro and Educator slots on the Board. Gaylord and Schaefer were welcomed for serving the Board, and it was noted that two Board members are absent today (Ruebke, Stratig).
- Tamerlee Ruebke, LSW, Communication Education Outreach Committee, Finance Committee, Nominating Committee, and fills the LSW, Outside 11 County Metro, and State Agency slots on the Board.
- Angie Stratig, LICSW, Application Review Committee, Compliance Panel B, Legislation & Rules Committee, Legislative Task Force, Association of Social Work Boards' Alternate Delegate and fills LICSW, Expertise in Community of Color, Private Agency and Clinical slots on the Board.

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

Zacher-Pate commented on the following:

- Five thank you note cards, including one for the Governor's Office, were circulated for the Board to sign for key legislators who sponsored BOSW bills and moved them forward. Black-Hughes and Zacher-Pate recently sent formal letters of appreciation.
- Gaylord attended a new member orientation on May 10 and the orientation materials are accessible online to all Board members.
- The Office of Enterprise Technology (OET) has a new name-MN.IT Services, to reflect the change to a single, consolidated IT organization that services the State's executive branch and other Minnesota government customers.
- MN.IT is developing Service Level Agreements (SLAs) to be used with agencies to deliver all IT services beginning July 1, 2012, including new applications and systems, enhancements and changes to existing systems, ad hoc requests, telephone, website, database, help desk, hardware, and software. MN.IT will determine the appropriate cost to provide the services to state agencies. The amounts are not yet determined so the budget impact is not clear at this time.
- Based on the passage of the BOSW's Policy Bill and Sunset Bill, IT priorities include modifications to the database system, online services, and auto-generated correspondence to comply with new requirements. Work continues on enhanced

BOSW online services, including the supervisor search and licensing supervisor audit function.

- Three variances have been granted, and two denied, according to MS 148E.035, since the March board meeting.
- The Governor's Office and Minnesota Management and Budget (MMB) have approved the Achievement Award Policy for the HLBs, which has not been authorized for a number of years.
- Board staff recently completed the HLBs' annual mandatory IT training.
- In April state agencies migrated into the Enterprise Statewide e-mail system. Board members were cautioned when communicating with staff or other members outside the state address email system messages are not secure or encrypted. It is important to use the Board secure VPN system folders designated for this purpose to prevent a security breach. Email messages between state employees, the AGO and the HPSP are encrypted and secure.

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

5. LICENSING UNIT REPORT: McNair

McNair reported the following:

- From January 1 through May 9 for all license types, 825 applications were received in 2011 compared to 672 applications received in 2012, or 153 fewer applications. There was a drop in LISW applications from 33 last year to a more typical 7 this year and a drop in LICSW applications from 611 last year to 514 this year. The increased number of LICSW applications received in 2011 was due to the clinical licensing changes effective August 1, 2011, and the increased number of LISW applications received was the result of ASWB offering the Advanced Generalist examination for free during the first half of 2011. The number of LSW and LGSW applications submitted remained stable during this time period. The Board remains ahead of pace in the number of applications received this year compared to 2010 and prior years.
- There has been an increase in the number of Supervision Plan forms received this year, which was expected, due to the increase in the number of supervision hours required, effective August 1, 2011. Through May 17, 2011, 474 Supervision Plan forms were submitted compared to 578 submitted in 2012. The number of Supervision Verification forms submitted has remained stable during this time period with 744 Supervision Verification forms submitted through May 17, 2011 compared to 739 submitted in 2012.
- It appears to be taking LICSW applicants several months longer to get through the application process now due to the new 360 clinical clock hour requirement that must be met. Documentation trickles in over several months as these applicants accumulate the clinical clock hours.
- Work is in progress to implement the new law passed this session and includes updating the website and the computer database system, as well as revising forms. The new alternate supervisor provision becomes effective August 1, 2012, and grandfathering will be available to eligible, previously exempt individuals from January 1, 2013 through December 31, 2014.

- Kramer-Prevost and McNair have made over 20 presentations at CSWE accredited BSW and MSW programs throughout the state this past academic year. Kramer-Prevost has staffed vendor booths at 8 to 10 conferences this year and commented that there is value in having a presence at conferences and smaller groups, especially as there is misinformation in the community regarding the new requirements. Hoffman commented that he recently offered an ethics presentation at the Department of Human Services that was televised to many locations throughout the state and was well received.

6. COMPLIANCE COMMITTEE: Hallman, Hoffman [Attached-some documents non-public]

Hoffman reported the following:

- The compliance statistics remain consistent with 60-80 open cases which are usually resolved in 0-3 or 3-6 months. There are approximately 14 cases requiring educational meetings or investigative conferences which are on the calendar for a longer period of time and require additional work for the compliance panels.
- In June a new compliance panel will be convened to review unlicensed practice cases.

[Executive Session – Closed to the Public: 9:55 a.m. – 10:15 a.m.]

A motion was made by Compliance Panel B to approve the Stipulation and Order in the Matter of Suzanne Dresdner, LICSW #13509. The motion carried unanimously.

A motion was made by Compliance Panel B to approve the Stipulation and Order in the Matter of Terry M. Tauger, LICSW #19643. The motion carried unanimously.

[Zacher-Pate commented that Ben Garbe, AG, requests Compliance Panel B members meet after this meeting.]

7. 2012 LEGISLATIVE UPDATE: Zacher-Pate, Black-Hughes [Attached]

Zacher-Pate reported the following:

- This year's legislation resulted in significant incremental change, and appreciation was extended to Senators Bonoff, Kiffmeyer, and Rosen; Representative Abeler; Board Chair Black-Hughes; and Board members and staff for their assistance and consultation throughout the process.
- The Sunset Bill passed and continues the Health Licensing Boards (HLBs) for six years. A summary of BOSW bills follows.

[Ben Garbe, AG Co-counsel was introduced and welcomed to the meeting at 10:30 a.m.]

BOSW Policy Bill Senate File 753: Section 1 changed the exemptions, Section 2 incorporates the new alternate supervisor provision, and Section 3 reinstates the temporary license provision for students who graduate from CSWE programs in candidacy status. There is no change in the current county licensure exemption.

- Section 1 is effective August 1, 2012, and after a grandfathering period takes full effect July 1, 2016, and requires licensure for newly employed individuals from city, state, or private nonprofit, nontribal agencies, who use the title "Social Worker" or engage in the practice of social work and hold a CSWE accredited social work degree.

- Section 2 provides for a grandfathering period, effective January 1, 2013 – December 31, 2014, and includes an additional year to complete applications that are in process. To be eligible for grandfathering, the statute requires employment at a city or state agency or private nonprofit, nontribal agency whose primary service focus addresses ethnic, minority populations and the agency's client base must be, at minimum, 51% serving ethnic, minority populations. Also, the applicant must be a member of an ethnic minority population with the agency that was previously exempt. Any time within three years of the date of application and for a minimum of six months, the applicant must have held the title "Social Worker" or must have been engaged in social work practice, according to the Board's statutory definition, while employed at the agency.
 - Eligibility for all four licenses is available under the grandfathering provision. An applicant must submit an application, complete a MN BCA criminal background check, and pay the required fees. No licensing exam is required, and for the LSW, LGSW and LISW license academic degrees from a Council on Social Work Education (CSWE) social work program or in a related field with one year of social work practice will be considered.
 - All four licenses require supervised practice, and the Board may consider prior supervised practice if it was completed post-degree and meets the requirements.
 - Eligibility for the LICSW license through grandfathering requires a CSWE MSW degree, or a graduate degree from an accredited institution and designation as a licensed mental health professional.
 - Sections 3 and 4 include provisions for LGSWs and LISWs who were grandfathered in at an earlier time (1987 - 1989 or 1995 - 1996) with a related degree. These licensees may now be grandfathered to the LISW or LICSW license and must meet the supervision requirements that became effective on August 1, 2011.
- Effective August 1, 2012, Sections 5 through 9 reinstate a Temporary License (TL) provision for students graduating from CSWE programs in candidacy status. The provision was effective July 1, 2009 through August 1, 2011 and was inadvertently omitted when the Social Work Practice Act was re-codified as MS 148E.
- Effective August 1, 2012, Section 10 maintains the current exemption from licensure for students in internships/field placements who are completing accredited BSW or MSW degrees and allows students to use the title "Social Work Intern".
- Effective August 1, 2012, Sections 11-14 provide new exemption language.
- Effective August 1, 2012, Section 15 creates an alternate supervisor provision which permits licensees to use a licensed mental health professional supervisor who is authorized to provide supervision under their respective licensing Board for up to 25% of their required supervision hours.
- Sections 16-18 clarify who may use the title "Social Worker" after July 1, 2016, and are effective on August 1, 2012.
- Effective August 1, 2012, Section 19 repeals the current geographic waiver which allowed agencies with regional hiring difficulties to petition the Board and request authority to hire unlicensed professionals when there were no licensed social workers available.

Sunset Bill House File 2555 continues the HLBs for six years with a review of the sunset process in 2018.

- Section 17 allows 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.
- Section 21 requires the HLBs to adjust fees to balance revenues and expenditures and then propose a decrease in fees, if necessary. The HLBs are permitted to accumulate one year of operating expenses.
- Section 22 provides that HLB fees must be used for HLB business and not transferred by the Legislature for other purposes.
- Section 24 requires the HLBs to post the name and business address for each regulated individual who had a conviction of a felony or misdemeanor occurring on or after July 1, 2013 in any state or jurisdiction.
- Section 30 requires the HLBs and MN.IT to study the implementation of the best IT system to provide electronic licensing, disciplinary, regulatory, and investigative services for the HLBS.
- Section 31 requires the HLBs to report on fees to the Legislature. If fees produce more revenue than needed in a five year period, the Board must propose a fee reduction.
- Section 32 requires the HLBS to evaluate the Administrative Services Unit (ASU).
- Sections 33 and 34 require the Legislative Auditor to conduct a special investigation of the Medical Practice Board.
- Article 4, Section 1 provides that no current HLB Board member may seek employment with the HLB.
- Article 4, Section 2 includes much of the BOSW's notification language to complainants and licensees and now requires the HLBS to notify them about the status of the complaint every 120 days until it is resolved.
- Article 4, Section 3 authorizes the HLBS to offer guidance to current licensees about application of laws and rules.
- Article 4, Section 4 provides for the HLBS to take administrative (not disciplinary) action when records do not meet standards.
- Article 5 grants the BOSW spending authority to use \$14,000 from its funds to meet new sunset requirements, including the notification requirements in FYs 2014 and 2015 and updates to its website and database.

Revisor Bill Senate File 260 was created in conjunction with the repeal of BOSW's MS 148D on August 1, 2011.

- Article 3, Section 2 creates conforming language in the Provisional License provision throughout current MS 148D.061 – MS 148D.063 by changing internal references from MS 148D to MS 148E without moving the current Provisional License from MS 148D to MS 148E.

LUNCH [11:35 a.m. – 12:00 p.m. Hallman and Kovach left during lunch.]

8. COMMITTEE & LIAISON REPORTS:

A. Advisory Committee (AC): Wilcoxon, Kovach

Wilcoxon reported there was no meeting and introduced Kay Hansen, LISW, as the new committee Chair.

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

Black-Hughes reported that applications are reviewed on a continuing basis.

**[Black-Hughes called an Executive Session -Closed to the Public from 12:05 -12:20 p.m.]*

Black-Hughes reported that the Board granted Zacher-Pate the maximum achievement award amount that is available. Zacher-Pate expressed her appreciation to the Board.

C. ASWB Spring Conference Report: Middlebrooks, Stratig, Payne, Johnson, Zacher-Pate [Attached]

Middlebrooks, who attended the Spring Education Meeting held April 26-29 in Lexington, Kentucky reported that Donna DeAngelis, ASWB Executive Director for the past seventeen years, is retiring. Middlebrooks was appointed to the ASWB Search Committee. Middlebrooks also serves on the ASWB Bylaws and Resolutions Committee, which is currently reviewing ASWB policies and is exploring possible amendments to vest power from the vote of the Delegate Assembly, to the ASWB Board of Directors, to set examination fees. Middlebrooks would like input from this Board on the examination fee issue.

Zacher-Pate thanked the Board for the opportunity to attend the meeting and reported the following:

- Dr. Frederic Reamer's presentation on "Managing Social Media and Electronic Communication in Social Work Practice: Ethical and Risk-Management Issues" was excellent and she was able to obtain a copy of his presentations for Board member and Staff viewing. The first session will be viewed today and the second four hour session may be available for Board members to view individually and to discuss at the July Board meeting.
- The Administrators' Forum was valuable and she said ASWB received over 70,000 phone calls last year from applicants registering for examinations. ASWB registered 34,000 applicants and provided 32,000 examinations. 69% of the applicants are registering for exams online, and the incident rate was only 1.7%, which is the lowest in history.
- Zacher-Pate presented on Minnesota's E-Compliance Process with a Panel of Administrators. She received positive comments, including a comment from Dale Atkinson, ASWB Legal Counsel, who said that member Boards should strive to have an e-compliance system similar to Minnesota's system in terms of security, efficiency, and high operational standards.
- Kim Bolin Prom, LCSW, researched many of ASWB member websites from the perspective of consumer empowerment including public protection regarding public sanctioned, disciplinary, and corrective actions and professional development. Bolin demonstrated Minnesota BOSW's "Search/Verify a License" website screen to demonstrate valuable website public information that was easy for consumers to search and access.

- The Board Administrators completed a survey related to operationally using electronics, and Minnesota BOSW ranked high across national standards. Statistics show that only 22% of the member boards utilize online services for applications or renewals.

Payne thanked the Board for sending her to the conference and said the topic was excellent as it related to Board matters and using electronic communication. She also said it was valuable having Johnson and Middlebrooks from the two compliance panels in attendance with her.

Johnson, Chair of the ASWB Regulations and Standards Committee, said the committee will be meeting in Virginia in July to review the Model Social Work Practice Act. A draft will be prepared for the ASWB Board on e-therapy and e-counseling guidelines, and she will prepare a summary for this Board's July meeting.

ADDITIONAL AGENDA ITEM: ASWB April 26 Conference Video Presentation
E-World Ethics: Issues and Implications for Regulatory Boards-Dr. Frederick Reamer, PhD

- 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 (EC): Black-Hughes, Richardson, Payne

*[Portion is Executive Session -Closed to the Public as noted above]

Black-Hughes thanked Zacher-Pate, Board staff, Legislators, stakeholders, and members of the public who contacted our Legislators this session. The EC is gathering preliminary data regarding pass fail rates and disparities in Minnesota regarding ethnicity and the BOSW's role and mission regarding public protection. The committee asked Zacher-Pate to sign the standard letter of agreement with ASWB with the recommendation to substitute the term "English Proficiency" for the term, "English as a Second Language", to coordinate with the terminology used in ASWB's examination policy process, and update language regarding the services ASWB provides for visually impaired individuals to provide industry standard technology that is available for use by the visually impaired in exam administration.

[Sandry left at 2:00 p.m.]

- G. Finance Committee: Payne [Attached]

Payne reported the following:

- The committee met yesterday and reviewed the budget through April 30, 2012, which is approximately 83% of the fiscal year. Direct operational expenses are at 60.05% of the budgeted amount, indirect operational expenditures are at 85.71%, and AG expenses are at 110.5%. The total direct and indirect expenditures are at approximately 62.74% of the budget. These numbers are consistent with previous budget patterns and trends.
- Revenues are at 82.53% through April 30, 2012.
- Desktop scanners will be purchased to alleviate paper files at the cost of \$3500, and a contract with an outside source to scan current paper files is being considered.
- Planning for the next biennial budget, FY 14 and FY 15, will begin in July. The Board will need to approve the budget at the September Board meeting as it must be submitted to MMB in mid-October, a non-Board meeting month.

H. HPSP: Kassekert

Kassekert said the committee met on May 15th and reported the following:

- There was a report on the Sunset legislation.
- \$25,000 of the budget has not been spent, which may be used to update HPSP's database in the next fiscal year.
- There was a case review showing the collaboration between HPSP, the boards, employers, and providers. There were three very interesting guest speakers, including a pharmacist who spoke on addictions, a dentist who spoke on confidentiality, and a doctor specializing in brain addiction who offered to speak at HLB Board meetings.
- HPSP continues to study how its confidentiality policy and the HLBs' mandate to discipline can be coordinated and welcomes input from the HLBs.
- Diversion is the main area of concern and is reported to the HLBs when prescriptions are forged or medication is diverted from patients. However, using waste medication is not reported.

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

In Hallman's absence, Black Hughes reported there was no meeting.

J. Legislative Task Force: Middlebrooks, Wilcoxon

Wilcoxon reported there was no meeting.

K. Nominating Committee: Sandry

In Sandry's absence, Black-Hughes reported there was no meeting.

9. PUBLIC COMMENT

In response to the Sunset Bill that was passed this session, Alan Ingram, President of NASW-Minnesota Chapter, commented on the HLBs' EDs' professionalism and sophistication, particularly ASU and the Board's licensing process, which impacted decisions that were

made by the Commission. Ingram congratulated and thanked everyone involved for their hard work and said the work put into the bill will be valuable in the future and to further the mission of the HLBs.

Pam Luinenburg, Coordinator for the Minnesota Coalition of Licensed Social Workers, read a card of appreciation from the Coalition to Zacher-Pate, McNair, Kramer-Prevost, Board staff, and Board members for their work on the Sunset Bill. In response, Zacher-Pate thanked Luinenburg.

10. OTHER BUSINESS

There was no other business.

11. ROUNDTABLE

The following comments were made:

- Richardson said that it was a great accomplishment to have the Sunset Bill passed.
- Middlebrooks thanked the current Board and gave credit to some of the former Board members including Tony Bibus, Casey Ladd, Peter Langseth, and Bill Cullen, who worked on legislation throughout the years.
- Black-Hughes welcomed Gaylord, thanked everyone, and said she is looking forward to the July Board meeting.

12. ADJOURN

The meeting adjourned at 2:15 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Carol Payne LSW". The signature is written in black ink and includes a long horizontal flourish extending to the right.

Carol Payne, LSW
Secretary-Treasurer