State of Minnesota
Board of Social Work
2829 University Ave SE, Ste 340
Minneapolis, MN 55414-3239

Telephone 612.617.2100
social.work@state.mn.us
www.socialwork.state.mn.us
Fax 612-617-2103
Toll Free 888-234-1320
TTY 800-627-3529

BOSW

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

Minutes

July 18, 2008

Members Present:
Kathleen Beehler, LSW
William Cullen, Secretary-Treasurer
David Hallman, LSW, Chair
Jacqueline Johnson, LICSW
Rosemary Kassekert, Public Member
Mary Casey Ladd, LICSW
Peter Langseth, LSW
Kenneth Middlebrooks, Public Member, Vice Chair
Tamerlee Ruebke, LSW
Beverly Ryan, LISW
David Sandry, Public Member
Angie Stratig, LICSW
Antonia Wilcoxon, Public Member

Members Absent:
Christine Black-Hughes, LICSW
Robin Bode, LSW

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

1. PROPOSED AGENDA

Chair Hallman called the meeting to order at 10:05 a.m.; a quorum was present. The Board unanimously approved the agenda.

2. INTRODUCTION OF NEW BOARD MEMBER: Angie Stratig
INTRODUCTION OF NEW STAFF SOCIAL WORKER: Michelle Rhubee

Hallman thanked the Board members for serving on behalf of the public and the State, and they introduced themselves. Stratig said she is a Licensed Independent Clinical Social Worker and she works as a Family Support Program Manager at the American Indian Family Center in Saint Paul.

Zacher-Pate said the Board Staff is at full compliment with the new Staff Social Worker, Michelle Rhubee. Rhubee will bring her experience from Brown County Social Services to the Legislative Task Force. She will be the authoritative point of contact for licensure issues and will assist with public education.

3. MINUTES FOR MAY 9, 2008 MEETING [Attached]

The May 9, 2008 meeting minutes were unanimously approved with a motion made by Ladd and an amendment made by Beehler noting that she and Wilcoxon were present for the follow-up portion of the meeting regarding the July 2007 Board strategic planning. The minutes were approved as amended.

4. EXECUTIVE DIRECTOR'S REPORT [Attached]

Zacher-Pate reported the following:

A. Strategic Plan Status Report [Attached]

B. Statistics [Attached]
- Online applications for licensure are at 63% and online renewals are at 67%.

C. BOSW Staffing Update
- Michelle Rhubee, LGSW, began employment with the Board as Staff Social Worker on July 9. Rhubee was a Social Worker at Brown County and is a 2007 MSW graduate of Augsburg College.
- Bethany Henshaw, our renewal and supervision coordinator is resigning from her position effective August 19 and she will attend graduate school full time. Henshaw's position was posted yesterday within the State system.
- Jennifer Thuente, our office assistant, will reduce her time in the office due to continuing her education. We will likely be hiring for Henshaw's position in the fall and possibly Thuente's position.

D. Budget Information
- Fiscal Year (FY) 2008 ended June 30 and the second year of the biennium began July 1. 2008 direct expenditure surplus funds will carry

over and may be expended within the FY 2009 appropriated budget. We will be notified of the amount of the 2008 carry over funds in September.

- The Department of Finance will provide instructions for preparing the biennial budget for 2010 and 2011 within the next month. This budget must address the Board's temporary fee decrease which sunsets June 30, 2009. The Board's fees will revert to the previous, higher fees, if no legislative action is proposed and approved.
- The Department of Finance will also provide instructions regarding the allocation of the Health Licensing Boards' two million dollar surplus fund transfer.

E. Biennial Report

- The Board's Biennial Report is due October 15, 2008 and is required by Minnesota Statutes, Section 214. The report highlights the Board's activities for the biennium ending June 30, 2008. Compliance and IT Team Staff have convened to determine more effective methods to track and produce compliance data and statistics.

F. BOSW Website

- Board staff Grace Rhee and Jennifer Thuente have redesigned our website. Functionality remains the same with the addition of an internal search feature for easier access to BOSW website information.

G. Notice to Licensees Regarding 2007 Legislation

- The notice is being printed at this time and will be sent to all licensees, including those with active status, temporary leave status and current applications.

H. Updated Board Committee, Liaison and Staff Team Assignments and Organizational Chart [Attached]

I. Zacher-Pate noted that the Compliance video production deadline is August 31, 2008 and that she and Hoffman felt they had a good script. She thanked the Board for agreeing to film the last Board meeting, and she thanked the staff who were filmed doing their daily work. She also thanked Middlebrooks for his preparation time and narration of the video at Century College. Hoffman added that suggestions for the video's title are welcome.

5. COMPLIANCE COMMITTEE: Hallman, Middlebrooks, Ladd, Ryan
[No cases for action]

Hoffman reported that several months ago the Board requested a general review of the compliance process and policies. On August 8 the Compliance Committee will meet to begin the project, which hasn't occurred in seven years. The following are Hoffman's comments:

- A list of policy issues will be gathered.

- Guidelines for corrective and disciplinary actions will be developed.
- Hoffman will organize inherited documents into a Compliance Unit manual.
- The Committee will discuss the type of statistics they would like reported and how often.
- The Compliance Committee met yesterday and Hoffman said a contested case hearing may occur during the September Board meeting if the licensee doesn't agree with the negotiation process. Hoffman explained the contested case process requirements that will be followed at the Board meeting, and he said it may last up to 90 minutes.

6. **ASWB ESL/FL TASK FORCE SURVEY:** Middlebrooks, McNair
ASWB PRACTICE ANALYSIS TASK FORCE
[Information Attached & Distributed]

- Middlebrooks reported this is the first time ASWB has organized such a Task Force and it will be meeting in Virginia in September.
- Allison MacDonald is the Chair of the Task Force and spoke at the ASWB Spring Conference, which Middlebrooks attended.
- Middlebrooks asked the Board about its thoughts on the Survey for Administrators.
- Stratig asked about the number of members on the Task Force who speak English as a second language and whether other ethnic members should be recruited.
- Ladd responded that ASWB contends there is no cultural bias in the examination.
- Langseth commented that this Board has a record of longevity and activism with ASWB and it is important that Minnesota expands its delegation at their meetings. He also said that we should not underestimate the political clout of ESL candidates.
- Wilcoxon commended Langseth and the ESL Committee for their work on the study of challenges faced by foreign born applicants to become licensed. She also said the 2007 Minnesota Legislature passed appropriation to provide funding to qualified grantees to increase the availability of mental health services for children from cultural and ethnic minorities within the state and to help members of cultural and ethnic minorities communities to become qualified mental health professionals and practitioners. Funding can be used to provide clinical supervision, purchase of equipment for agencies seeking to bill for publicly funded services, and training on culturally competent modalities for persons from cultural and ethnic minorities communities.
- Johnson asked about the Board's position on the ESL issue. Hallman responded that the Board has consistently voted to continue ESL and alternative licensure. Middlebrooks said that Minnesota and Texas are two of the few states that allow ESL licensure examination alternatives.
- Ladd said the Board has been concerned about lowering standards versus having social workers representing communities of color, and that having representatives of these communities working in their communities is a public

protection concern. She also said the additional year of supervision required under the provisional license is another means of protecting the public.

- Johnson responded, as a member of a minority race and person of color, she does not want special provisions made for her and said we should deal with cultural issues in the examination. Ladd said there has been very strong arguments and discussion on these issues.
- Langseth noted our ESL and other committees have had ideas and solutions on these matters but the Board has not had the resources to work on them. However, a $10,000 RFP has recently been approved by the Board and a researcher has been hired to study ESL issues.
- As Minnesota is ahead of most jurisdictions in researching the ESL issue, Board Members suggested that Minnesota's history be shared with the ASWB ESL/FL Task Force. Middlebrooks said comments from the Board and Staff, along with Ralph Holcomb and Colleen McDonald's reports and Donna De'Angelis' written response, will be forwarded to the Committee.
- Zacher-Pate asked if anyone is interested in participating on the ASWB Practice Analysis Task Force. If so, they should submit resumes to Kathleen Hoffman at ASWB. Langseth said he was a member in 2003 and encouraged other Social Work Board Members to apply.

7. CONFERENCE ATTENDANCE: CLEAR, CAC, and ASWB FALL DELEGATE ASSEMBLY: Hallman (To be Distributed)

- Hallman reviewed the conference sign-up attendance sheets. **A motion was made by Ladd, and seconded by Ryan, to approve the following Board members' attendance at the following conferences:**
  - **Wilcoxon and Hallman will attend the CLEAR conference in September.**
  - **Sandry will attend the CAC Annual Meeting in October.**
  - **Beehler will continue as delegate and Middlebrooks as alternate delegate to the ASWB Annual Meeting/Administrator's Forum in November.**

  The motion passed unanimously.

8. COMMITTEE & LIAISON REPORTS

A. Advisory Committee: Wilcoxon [Attached]

- Wilcoxon reported she is the Board liaison to the committee which includes representation from the professional associations. The Committee provides advice to our Executive Committee and meets bi-monthly.
- Wilcoxon gave a report to the committee on the Board's Legislative mandate to "study and make recommendations to the legislature by December 15, 2008, on how to increase the numbers of licensed social workers serving underserved communities and ethnically diverse communities. The study shall also explore alternative paths to licensure

that does not include a standardized examination." Black-Hughes has completed work on the first part of the mandate.

- The committee is interested in the Board's budget surplus and whether there will be a transfer of these funds to the General Revenue Fund.
- There was discussion about the sunset date for licensing fees.
- Wilcoxon introduced Sara Lovat who was present representing the Advisory Committee. Sara stated that there is consensus among Advisory Committee members for current license fees to be maintained. She said that the committee appreciates Board representation and expressed the need to increase diversity on the committee. Zacher-Pate said an invitation has been extended to the Minnesota Association of Black Social Workers to participate on the committee.
- Hallman asked Wilcoxon if she will reapply for her appointment with the Board. Wilcoxon said she may and that her term expires in January 2009.

B. ASWB Spring Conference Report: Middlebrooks, Ladd, Ryan
   - Middlebrooks reported the conference was held in Whitefish, Montana and was a good balance of education and regulation. Dr. Julia Watkins, Executive Director of CSWE, presented on ethics and moral courage, and Andrew Marks spoke on education and regulation.
   - Ladd reported that CSWE and ASWB have new educational policies and accreditation standards, and one step to licensure is for students to graduate from an accredited social work program. There was discussion about ASWB's examination reflecting the work done in educational programs and whether faculty should be licensed.

C. Compliance Education Outreach Committee: Wilcoxon
   - Wilcoxon reported the committee supports the Board's effort to provide education to the community on its compliance process and standards of practice. McNair and Hoffman are staff members on the committee and Ladd, Ryan, Hallman and Wilcoxon represent the Board.
   - Hoffman reported that he, Hallman and McNair will present on the compliance process and ethical practice at the DHS Age and Disability Odyssey Conference in Duluth in August. Hallman, Hoffman, Ladd and McNair will also present on the compliance process at the St. Louis County Health and Human Services Conference in Duluth in October. McNair will also staff an informational booth at both conferences.
   - McNair reported the Board will have an informational booth at the Nursing Home Social Work Conference in October.
   - Ladd reports she has submitted an application to present on the new 30 hour continuing education requirement for supervisors at the St. Louis County Health and Human Services Conference.

D. Council of Health Boards: Kassekert

Kassekert reported the Council consists of the Executive Directors and one representative from each Health Licensing Board. They meet as needed to discuss common problems and legislative issues. The council has not met recently.

E. Finance Committee: Cullen [Budget to be distributed]

Cullen reported the Finance Committee met and said the following:

- Although the Board had anticipated spending down some of its surplus during the 2008 fiscal year which ends June 30, 2008, in fact, revenues came in at 106.08% and expenditures were 78.17% of the total budget. The financial books for fiscal year 2008 will not close until mid-August.
- The Finance Committee will be preparing the biennial budget for 2010 and 2011 and discussing how the Board's temporary fee decrease which sunsets June 30, 2009, will impact the budget.
- Zacher-Pate commented that Juli Vangsness from ASU said we should consider big projects and special expenditures in planning the biennial budget. Zacher-Pate noted the following possible future expenditures: improving our computer infrastructure, making laptops available for the Compliance Committee to alleviate paper costs, having visual interconnectivity for committee meetings, having video conferencing capability, and offering open meeting sites. She said we also need to consider future mass mailings which cost about $12,000.
- Oberle reported that expense reports and per diems for activities or expenses prior to June 30, 2008 need to be submitted to her by July 31, and mileage reimbursement has increased to 58.5 cents per mile.

F. HPSP: Kassekert

- Kassekert reported she is on HPSP's Program Committee which meets quarterly and there is one representative from each Board on the committee. She said HPSP monitors health professionals who have an illness that may impair their ability to do their job. Illnesses may include chemical dependence, physical illness or mental health issues. HPSP referrals may come from the Board, third parties, or the licensees.
- At the May meeting the Committee reviewed program participation. Our Board had nine referrals from 7/1/07 to 4/25/08. There were six discharges: one for noncompliance, one voluntary withdrawal, one for non-cooperation, two were non-jurisdictional and one practice violation.

G. Legislation & Rules Committee: Ladd

- Ladd reported the Committee studies and prepares legislation for the Board. She said during the 2009 session we will submit adjustments to last year's 2007 legislation.

- At the last meeting Ladd said the committee discussed the definition of direct clinical client contact. Effective August 1, 2011, 200 hours of clinical supervision will be required over 4000 hours of clinical practice, including 1800 hours of direct clinical client contact to be eligible to apply for the LICSW license. However, there may be a recommendation to extend the 200 hours of clinical supervision over no less that 4000 hours and no more than 8000 hours of clinical practice.
- Zacher-Pate said the continuing education requirement will increase from 30 to 40 hours as of August 1, 2011, and there will be an increase of independent study hours from 10-15. There will also be some modifications recommended for the new supervisor requirements.
- Ladd said she may leave the Committee as she is moving to Duluth. Beehler and Langseth will no longer be serving on the committee as their terms on the Board will end in January 2009.

H. Legislative Task Force: Langseth
- Langseth reported several members of the Task Force met on July 9 with DHS representatives Glenace Edwall, Director, Children's Mental Health Division, Erin Sulivan-Sutton, Director, Child Safety and Permanency Division, and Sharon Autio, Director, Mental Health Division, to present information to DHS about modifying the licensure exemption for county social workers.
- Langseth thanked Tony Bibus, former Chair of this committee, for presenting an overview and highlighting the charge of the committee and the work done to date.
- The overall message from DHS was to maintain high standards, competence and quality in the social work profession, especially in light of the changes to clinical practice standards.
- DHS representatives expressed some concerns regarding the grandparenting provision and academic requirements in the current draft. Based on their comments, the committee decided to reassess the proposal.
- Zacher-Pate thanked Wilcoxon for facilitating the gathering of this meeting.

I. Licensing Study Committee: Wilcoxon
- Wilcoxon reported the Committee met last evening and is conducting a study and preparing a report to make recommendations to the Legislature in December 2008. The Legislature mandated that the Board's report include recommendations about how to increase the numbers of licensed social workers in underserved and ethnically diverse communities and to explore alternative paths to licensure that does not include a standardized examination
- Black-Hughes completed the first part of the study during her sabbatical on a pro-bono basis for the Board.

- Wilcoxon said the Board approved hiring two consultants to work on the second part of the project. Lindsey Anderson and Bill Johnston were approved by Zacher-Pate, Middlebrooks and Wilcoxon as project consultants.
- Anderson and Johnston will do a literature review of alternative paths to licensure that does not include a standardized examination, will conduct surveys and present a draft of their recommendations to the Board at the September meeting.

J. Nomination & Recruitment Committee: Black-Hughes, Hallman, Johnson, Kassekert, Langseth, Ruebke, Sandry
   - Sandry reported this new committee met. Its purpose is to find new Board Members and promote Board membership. Hallman reminded committee members that a Nominating Committee is identified in the Board's By-laws. Hallman recommended, with consensus from committee members, that the expanded duties of this committee be included in the already established Nominating Committee.
   - Staff will develop a Board Member position description and a press release regarding vacancies which will be released to various professional associations regarding Board membership requirements. Six Board Members' terms will expire in January 2009 and there has been one resignation.
   - Board Members have expressed interest in expanding Board officer terms from one year to two years. The current statute prohibits this change and requires that officers are elected annually.
   - Two legislative changes are being recommended: 1) to simplify Board Member requirements and 2) to require election of officers biennially and to allow officers to serve two-year terms.
   - Sandry said the 2009 slate of officers must be voted upon at the November Board meeting. Please contact him if you are interested in any of the positions.

K. OMHP: Bode
   - Gina Green, Program Manager of OMHP for 1-1/2 years, said the program was established in 1991 for consumers receiving mental health services from unlicensed health professionals. The program was housed with the Department of Health until 2005 when the Legislature transferred it to the mental health related boards and the Board of Social Work became its administrative agency.
   - OMHP's purpose is to receive and investigate complaints against unlicensed mental health professionals in this state, and it may take and enforce disciplinary action against these professionals for committing violations of prohibited conduct. The Board also acts as a referral point and clearinghouse of information for the consumer and it transfers complaints to other Boards.

- OMHP's program committee consists of a representative from each mental health licensing board and meets monthly. Bode is our Board's representative on the committee which determines if a professional's actions violate the Board's Code of Ethics. About 35 calls are handled through provision of information and referral, and 30 complaints are handled per year. If there are concerns, the committee will hold an educational conference with the professional. If there is lack of jurisdiction, the committee will dismiss the complaint even if the complaint is valid. Currently, there are several cases being investigated.
- The Legislature mandated the Board to evaluate OMHP's activities and make recommendations about its future to the Legislature in January 2009. If no action is taken, the Board will sunset on July 1, 2009. Green will meet with each mental health licensing board to discuss what they would recommend doing with OMHP. If OMHP sunsets, there will be a gap in public protection as unlicensed mental health practice is not prohibited.
- Funding for the Board is an issue as the mental health licensing boards each pay a pro-rated share of its expenses.
- There are four options to consider for OMHP's future:
  1) Eliminate OMHP, make unlicensed mental health practice unlawful, and require that unlicensed mental health professionals become licensed with a mental health licensing board. Enforcement of this law would be handled by local law enforcement agencies and/or an Attorney General's Special Prosecutor's Office. Under this option, psychotherapists would have a protected title.
  2) OMHP's authority would be transferred to the Attorney General's Office, which would have jurisdiction over complaints.
  3) OMHP's authority would continue, but unlicensed mental health providers would be regulated and follow Minnesota's minimum practice standards. OMHP would be self-funded by fees; unlicensed mental health providers would be allowed; complaints would continue to be handled by the OMHP Program Committee; and OMHP would be responsible for office administration, including registering providers, conducting background checks, collecting fees, and overseeing and enforcing prohibited conduct.
  4) Create a new agency/board with jurisdiction over unlicensed mental health service providers which would be funded through the general fund and would require unlicensed mental health service providers to register, pay fees, and agree to follow minimum standards. Practice by unlicensed mental health providers would be allowed, and complaints would be handled by this new agency/board. It would also be responsible for administration of the office, including registering providers, conducting background checks, and overseeing and enforcing prohibited conduct.

9. LUNCH [The meeting adjourned from 12:15 – 12:45]

10. JULY 2007 BOARD STRATEGIC PLANNING [Attached] "Implementation of Board Processes Initiatives": Hallman

Zacher-Pate facilitated the discussion and the results are in a table attached to these Board minutes. **A motion was made by Langseth, and seconded by Johnson, to accept the changes to the Strategic Plan. The motion carried unanimously.**

[Ryan left the meeting at 2:00 and Ladd at 2:40 p.m.]

11. COMMITTEE ASSIGNMENTS: Hallman

Hallman asked if Board members were interested in volunteering for Board committees. The following volunteers and motions for their consideration were passed:

- **A motion was made by Ladd, and seconded by Wilcoxon, to accept Johnson as a member of the Compliance Committee. The motion carried unanimously.**
- **A motion was made by Langseth, and seconded by Cullen, to accept Ruebke as a member of the Finance Committee. The motion carried unanimously.**
- **A motion was made by Ruebke, and seconded by Beehler, to accept Stratig as a member of the Legislation and Rules Committee. The motion carried unanimously.**
- **A motion was made by Langseth, and seconded by Johnson, to accept Stratig as a member of the Legislative Task Force. The motion carried unanimously.**

Stratig volunteered and was accepted as the new ASWB alternate delegate. All other liaison appointments will remain the same.

12. ASSIGN "BUDDY" FOR NEW BOARD MEMBER – Stratig

Wilcoxon volunteered to mentor Stratig.

13. PUBLIC COMMENT

- Pam Luinenburg, Coordinator of the Minnesota Coalition of Licensed Social Workers, commented that the Associations are very interested in OMHP's future and the fees paid by our Board to support and house it in our office. There is also the concern that if OMHP sunsets, consumers will have no recourse against unlicensed mental health practitioners.
- One solution discussed by the Associations was to make mental health services provided by unlicensed practitioners illegal, and for this Board and OMHP to make recommendations to the Legislature which would ensure public protection.
- Luinenburg will relay information Green discussed today about OMHP to the Mental Health Legislative Network at its meeting at the end of the month.

Zacher-Pate suggested Green could attend the meeting to get feedback for the Program Committee's consideration.

14. OTHER BUSINESS

There was no other business.

15. ROUNDTABLE

There was no roundtable discussion.

16. ADJOURN

The meeting adjourned at 3:05 p.m.

Respectfully submitted,

William Cullen
Secretary-Treasurer