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Board Mission: To ensure to the residents of Minnesota quality social work services by establishing and enforcing professional standards."

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

Minutes

May 21, 2010

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

Members Absent: Antonia Wilcoxon, Public Member

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

1. PROPOSED AGENDA [Attached]

Chair Middlebrooks called the meeting to order at 9:05 a.m.; a quorum was present. Middlebrooks said Agenda numbers 5 and 6 would be switched and number 8 would be part

of the Compliance Committee report. The Board unanimously approved the revision to the agenda.

[Stratig arrived at 9:10 a.m.]

2. MINUTES FOR MARCH 19, 2010 BOARD MEETING [Attached]

The Board unanimously approved the March 19, 2010 minutes.

3. BOARD STRATEGIC PLANNING REALIGNMENT WORKSHOP: Charlie Petersen, Facilitator, Management Analysis & Development, MN Management & Budget.

See report from Petersen.

4. LUNCH

3. BOARD REALIGNMENT WORKSHOP (continued)

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

Hoffman reported there were 47 open cases through May 14 but that number will decrease because Compliance Panel A met yesterday and closed a number of cases. There has been an increase in the number of complaints in terms of their age and status, but this pattern is the same compared to statistics that have been calculated in the past. Also, calculations have been made in regard to e-compliance and the amount of money it is saving the Board. The cost of the paper, copying, mailing, and staff time for the cases Compliance Panel A reviewed yesterday would have been \$704, which is close to the price of a new laptop. The projected savings of using e-compliance will likely pay for all of the laptops within two years.

In regard to the Compliance Outreach Committee, Hoffman reported the deadline for applying to the St. Louis County Health and Human Services Conference to have a booth and present in October is the end of this month. The Committee has offered 1.5 hours of continuing education (CE) in social work ethics the past several years and perhaps it would like to change the content of the presentation.

Ladd reported Mary Bridget Lawson asked her to submit a proposal to present at the St. Louis County Health and Human Services Conference so that participants could use the CEs offered toward the 30 CEs required for licensing supervisor training, effective August 1, 2011. Ladd spoke about implementation of the 2011 standards at the University of Minnesota – Duluth, and she said she will do a similar presentation at the St. Louis County Conference. Zacher-Pate said the Legislative Task Force recommended that the Board also be included on the St. Louis County Conference agenda to talk about the modification of licensure exemptions. This conference is an important opportunity to reach out to Greater Minnesota. Ladd volunteered to be on a panel regarding this issue.

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

Zacher-Pate referred to the information included in the Executive Director's (ED's) Report in the Board packet and commented on the following:

- Under the "Staffing Update" section of the report, it is noted that Minnesota Management & Budget (MMB) approved the reallocation of the BOSW Temporary IT Developer position from a temporary to permanent, classified position, effective April 15, 2010. BOSW is very pleased that Ms. Grace Rhee, who is an outstanding employee and IT Developer, has been placed in this position. In terms of cost savings to the Board, the cost of contracting for the work Rhee does would cost three to four times more than Rhee's salary, and there would also be the additional process of initiating a Request for Proposal (RFP) for contracting of projects. Also, for some time Rhee's salary has been absorbed in the Board's budget, and now as a permanent position, her salary and benefits are being paid at the same rate. Therefore, there will be no change in the personnel budget.
- Under the "IT Initiatives" section of the report, BOSW is pleased to announce that Ms. Rhee's current IT project is to create and enhance online services which will decrease staff processing time and the new, enhanced services will be available to licensees and supervisors 24/7. These new online services are being developed in conjunction with the 2011 changes to license requirements, including the 30 hours of training required for licensing supervisors. Licensing supervisors will be able to attest online that they have completed their 30 hours of training in supervision. Licensees will be able to search for licensing supervisors by license level, zip code, and perhaps practice settings or areas of expertise. These new services will be very robust and dynamic, and may be effective by the end of the calendar year.
- Under the "Board Member Appointments" section of the report, John Hultquist, the Governor's Appointments Secretary, reported that BOSW has received applications for the state agency seat. Over the years this has been a difficult seat to fill and has delayed the overall Board appointment process as a full slate of appointments is required before Hultquist may take them to the Governor. Hultquist did say that Johnson and Ruebke's applications for reappointment were received, and he believes there is a good chance that they will be reappointed.
- "2010 Session Legislative Update, Executive Director's Report" and "H.F. No. 3834" were distributed. The Health and Human Services Omnibus Finance bill includes the Conference Committee H.F. No. 3834 and specifies budget appropriations and transfer of accumulated surplus in the Health Licensing Boards' (HLBs) State Government Special Revenue Fund (SGSRF) to the State General Fund (SGF). The following requests were made by Representative Clark's committee which was preparing the proposal: 1) an amendment of Minnesota Statute, Section 214.06, subdivision 1a, to require that fees collected by HLBs may be used only by the boards identified in section 214.01, subdivision 2, and only for the purpose of programs they administer; 2) exemption from the 3% operational cut/transfer to the SGF based on the HLBs having "core public safety functions"; and 3) essential appropriations for three boards. Representatives also asked the Boards to change their revenue funding model to have a special dedicated revenue fund so the HLBs would be able to spend all revenues they collect. Currently, the HLBs may only spend money which the Legislature has appropriated, and the appropriations do not include the total amount of funds collected. Over the past several years

transfers of surplus funds from the SGSRF to the SGF have been approved by the Legislature. The Omnibus Bill (H.F. No. 3834) did not make it through the Conference Committee and was carried over into a special session as H.F. No. 1. As of last evening, the result of the bill is unknown.

- HF 3834, Section 6, provides that in FY 2010, the HLBs will transfer \$591,000 from the SGSRF to the SGF. In FY 2011, there will be a transfer of \$3,052,000. Both of these transfers are in addition to the laws passed in 2009 and the \$6,000,000 transfer that will be made in FY 2012 from all HLBs having a positive surplus balance as of 2010. BOSW does have a positive balance, and its projected share of the transfer is \$600,000 out of the \$6,000,000 transferred from the HLBs. The proposed 3% holdback, which was not applied to the HLBs operating funds, was estimated to be \$800,000 to \$1,000,000.
- There have been no specifications given as to how the \$591,000 and the \$3,052,000 transfers will be allocated among the Boards. The Executive Directors' Forum is not sure how to manage the allocations and will look to Minnesota Management & Budget (MM&B) for direction.
- Two other pieces of legislation were enacted. One was related to extensive publicity regarding a psychologist and chiropractor who were convicted of criminal sexual conduct and sexual relationships with clients. Consequently, a bill was introduced in the Senate and a companion bill in the House which provided for revocation of chiropractic licenses for licensees who were convicted of criminal sexual conduct. The Senate bill required the Board of Chiropractic Examiners to deny or revoke the license of a chiropractor, and it exempted the Board from applying the Criminal Rehabilitation Statute. The bill introduced in the House applied to all HLB licenses. The current law applies to chiropractors with the provision that the Council of Health Boards conduct a formal study for the Legislature by January 15, 2011, to determine if, how, and when the law should apply to all licensees regulated by the HLBs.
- The other piece of legislation enacted was in regard to cheating on licensure examinations. This law states that if any applicant or licensee cheats on a licensing or certification exam, the act falls under the Civil Liability Statutes. In addition, this determination gives the HLBs clearer authority for Board action. Zacher-Pate sent the bill to the administrators at the Association of Social Work Boards (ASWB), as she is not sure if this provision exists elsewhere.
- "Online Renewal Statistics" were distributed. Online applications are higher than online renewals which may reflect the different pools applying and using the internet.

7. EXECUTIVE SESSION: Closed to the Public [Attached] (*Closed from 1:40 – 2:00 p.m.*)

The Compliance Committee made a recommendation to the Board to approve the Stipulation and Order which would reprimand and suspend the license of Lyle G. Elenkiwich, LICSW, License No. 11797. The suspension is stayed as long as Licensee complies with the terms of the Stipulation and Order. The Board approved the recommendation with seven approvals, four opposing, and one abstention.

The Compliance Committee made a recommendation to the Board to approve the Stipulation and Order of Donald Peterson-Burr, LSW, License No. 10931, in which licensee voluntarily terminated his license to practice social work in the state of Minnesota. The Board unanimously approved the recommendation.

Stratig left the meeting at 1:45 p.m. (before the voting took place)

8. COMMITTEE & LIAISON REPORTS

A. Advisory Committee: Wilcoxon – Request for Reconsideration of July 1, 2010 Assessment of OET e-Licensing Surcharge

McNair reported, in Wilcoxon's absence, that she and Wilcoxon attended the meeting on April 2 and made the following comments:

- Final distribution of the Minnesota Department of Health's Social Worker Workforce Survey was discussed.
- The "Legislative Update" from the March Board meeting was distributed to committee members and discussed.
- Wilcoxon offered comments on the Board's presentation entitled: "Social Work Licensing Exemptions: What Do You Think?" at the Minnesota Social Service Association (MSSA) Conference on March 25. The "Legislative Task Force Draft Proposal Modifying Current Public Sector Exemptions" and the "Frequently Asked Questions" documents were distributed.
- There was discussion about the motion made at the March Board meeting regarding the implementation and assessment of the OET e-Licensing surcharge to licensees, as of July 1, 2010, and Alan Ingram's (Executive Director, NASW-Minnesota Chapter) public comment about the motion at the March Board meeting. Ingram asked the Board to reconsider its decision, and this issue will be addressed in the Finance Committee report.

Barbara Kaufman, Chair of the Advisory Committee, commented that neither Zacher-Pate nor Ingram were present at the Advisory Committee meeting and said that Pam Luinenburg (from the Coalition of Licensed Social Workers) spoke on behalf of Ingram and McNair spoke on behalf of Zacher-Pate. The Committee was concerned about the early imposition of the e-licensing surcharge, but more importantly, the Committee was concerned that its input was not sought in this matter, which amounts to a licensure fee increase. The Committee does not question the Board's authority to take such action, but it is the understanding of the committee, that its role is to advise the Board on such issues. The Advisory Committee does not expect the Board to base decisions on its recommendations, but the Committee does wish to have the Board ask for its input.

Middlebrooks noted that the Finance Committee took the Advisory Committee's comments very seriously and that a great portion of the Finance Committee meeting was spent on the e-licensing surcharge matter. Also, this matter was a Board budget decision, and the Board would send a letter to the Advisory Committee.

B. Executive Committee Session: Middlebrooks, Black-Hughes, Sandry

Middlebrooks commented that he is obligated to report that the Board conducted Zacher-Pate's annual review at the last Board meeting. Middlebrooks thanked Zacher-Pate for her work at the Board and said she is doing a great job.

C. Finance Committee: Sandry (Distributed)

Sandry reported the following:

- The Committee met last night. According to the April budget report and through 83% of the fiscal year, the Board has expended 71% of its direct operational budget and collected 83% of its revenue. The Board has done a great job of keeping expenses below its revenues.
- As Zacher-Pate stated above, there will be a transfer of \$591,000 from BOSW funds on July 1, 2010. There will be a combined transfer of \$3,000,000 in FY 2011, and \$6,000,000 in FY 2012 from Boards with positive surplus budget balances as of FY 2010. After reviewing the Revisor's website today, the Governor did pass the transfers into law today. The Executive Director's Forum will meet on June 2 to decide how to allocate the transfers to the particular boards.

The Finance Committee recommends that the Executive Director, when working with the Executive Directors' Forum and the Administrative Services Unit (ASU), advocate for and vote for an option whereby the proposed transfer of accumulated surplus funds from the State Government Special Revenue Fund to the State General Fund, as specified in 2010 Special Session, HF 1, Omnibus Budget Bill, be implemented in a cost allocation formula in which equal amounts, by percentages of operational budgets, are required of each health related licensing board. The Board unanimously approved the recommendation.

The Finance Committee recommends that the Board delegate authority to the Executive Committee to work with the Executive Director to determine the best course of action related to the allocation of the transfer of surplus as new information and direction becomes available. The Board unanimously approved the recommendation.

The Finance Committee at its meeting on May 20 gave careful consideration to the request from the Advisory Committee to reconsider the March 19 Board decision to assess the OET e-Licensing surcharge to licensees, effective July 1, 2010. In light of the anticipated transfers of accumulated surplus funds from the State Government Special Revenue Fund to the State General Fund, the Finance Committee has determined it is necessary to stand by its original recommendation to implement the surcharge, effective July 1, 2010. The Board unanimously approved the recommendation.

D. Legislation & Rules Committee: Ladd (Summary Distributed)

Ladd reported the following:

- The Committee met last evening and was well attended. Those present included Pam Luinenburg and Pam Berkwitz, as well as many Board members.
- The Committee reviewed the Legislative proposal timeline that the Legislative Task Force has in place for its 2011 Legislative proposal to modify public sector exemptions. (The working draft of the proposal was distributed, "Section 2, 148E.065 – Exemptions"). The Committee will present and ask for the Board's approval of the draft legislation at the September Board meeting so that it may be submitted to the Legislature in January.
- The purpose of this report is to keep the Board informed about how the committee is moving with the draft legislation to modify exemptions, how it will affect licensure requirements, and to invite input from the entire Board and staff who are not present at the committee meetings. The next two meetings are scheduled for June 17 and July 8 from 5:00-6:30 p.m.
- The Attorney General's Office (AGO) has reviewed the proposal and recommends that, if the Board determines to maintain the geographic waiver, criteria should be developed to better define this provision. The committee asked Zacher-Pate to work with the AGO to develop language that would enable the Board to maintain a geographic waiver exemption. Section 2, 148E.065, Subd. 3. states that the waiver would provide for exemption of licensing on a case-by-case basis to agencies with special regional hiring problems. This provision would allow agencies to hire individuals who do not meet the qualifications in 148E.55 or .60 to practice social work.

Zacher-Pate commented that the geographic waiver was not considered for any changes by the Legislative Task Force. However, based on the AGO recommendation, the Legislation and Rules Committee will consider the waiver.

- Ladd noted that a process for grandparenting those who are currently going to lose their exemptions is needed. The AGO informed the committee that the exemption for the licensure of social workers who are employed by private nonprofit agencies whose primary service focus addresses ethnic minority populations, and who are themselves members of ethnic minority populations within those agencies, should be repealed. However, in order to include all parties involved, the committee would like to offer the minority agency exempt employees, and the city, county, and state exempt employees, the opportunity of licensure through grandparenting.

Zacher-Pate said it is important to note the differences in the Legislative Task Force concept proposal, which the Board has considered and approved in the past, compared to today's proposal of overall exemptions, which is significantly different based on the AGO recommendations. Also, Board input and approval is necessary as the proposal is refined.

- Ladd noted the grandparenting provision would be effective August 1, 2011 through December 31, 2012. Hallman added that the provision would be

effective for more than one year as the county hiring process has a one year probationary period, and applicants for licensure are required to complete their probation in order to apply for licensure. City, county, and state agency social workers are included in this provision as provided for in Section 2, 148E.065-Exemptions, Subd. 4, and tribes and private nonprofit agencies Subd. 5. This language coincides with Section 1, 148E.055-License Requirements, which includes city, county, and state agency social workers.

- Ladd noted that social workers currently working in social work positions, or social workers who have worked in social work positions in the last three years, will be included in the licensure process.

Zacher-Pate commented that the Board approved the concept proposal provisions of Section 148E.055-License Requirements, Subd. 1a. Grandparenting Period, (b) (3), which includes the social workers listed above, who are currently employed and worked in a social work position for at least six months in the most recent three years of employment prior to applying for licensure, and meet licensure requirements.

- Ladd referred to Section 1, 148E.055-License Requirements, Subd. 1a., (c)(1)(i), which adopts language used by the Minnesota Merit System for city, state, and county employees. Subd. 1a., (c)(1) (ii) provides for an individual who has completed a baccalaureate degree in psychology, sociology, human services, or social/behavioral sciences from an accredited college or university, or a baccalaureate degree with one year of social work experience.
- Ladd referred to Section 1, 148E.055-License Requirements, Subd. 1b. Transition Language, which is intended to clarify that persons licensed through grandparenting at a graduate license, as specified in 148E.055, subdivisions 2, 3, 4, and 5, may apply for a new license within a three year period and must meet other licensing requirements.

Zacher-Pate commented that the Legislative Task Force's proposal has become broader and more defined. For example, one change was broadening the baccalaureate and graduate degrees from what was originally proposed to match the Minnesota Merit System requirements. Also, the transition language was challenging as there was the question whether a social worker who is grandparented into licensure with a related graduate degree as a LGSW, for example, should have the opportunity to transition to a LICSW if clinical practice was completed without holding a Council on Social Work Education accredited MSW degree. Consensus is, if a social worker attained a graduate license during grandparenting without holding an accredited MSW degree, the opportunity to transition to a clinical license would be available one time and within a three year window. The challenge is balancing standards that will ensure good public protection and the political reality for an initiative of this nature. On the positive side, if reasonable standards are in place and there is the opportunity for grandparenting, individuals will come under the Board's jurisdiction, and there will be greater clarity regarding representation to the public.

A motion was made by Hallman, and seconded by Kovach, that the Board supports the Legislation and Rules Committee's statement of intent in its draft legislative proposal which will be presented at the 2011 Legislative Session. The Board unanimously approved the recommendation.

9. PUBLIC COMMENT

Barbara Kaufman, Chair of the Advisory Committee, thanked the Board for reconsidering the e-licensing surcharge issue. Kaufman said the Board and the committee have a very important relationship, and she would like to have good communication between them.

10. ADDITIONAL/OTHER BUSINESS

There was no other business.

11. ROUNDTABLE

- Hallman thanked everyone for their continued hard work for the Board, and Ladd said it is great to be on this Board.

12. ADJOURN

The meeting adjourned at 3:03 p.m.

Respectfully submitted,



David Sandry
Secretary-Treasurer