MINNESOTA
BOARD OF SOCIAL WORK

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Protecting the Public

REGULAR BOARD MEETING
University Park Plaza
Conference Room A – 4TH Floor
2829 University Avenue Southeast
Minneapolis, Minnesota 55414

Minutes
May 11, 2018

Members Present:	Thomas Brooks, Public Member Donna Ennis, LSW Jill Grover, LISW, Secretary/Treasurer Angela Hirsch, LICSW, Chair Kathy Lombardi, LICSW, Vice Chair Kenneth Middlebrooks, Public Member Carol Payne, LSW Lori Thompson, LSW Mary Weaver, Public Member Shawn Yates, Public Member
Members Absent:	Jason Collins, LSW Susan McGeehan, LSW Laura McGrath, Public Member
Staff Present:	Heather Conley, LICSW, Social Work Licensing Coordinator Michelle Kramer-Prevost, LISW, Assistant Director Connie Oberle, Office Manager Kate Zacher-Pate, LSW, Executive Director Melissa Franzen, LGSW, Licensing Specialist
Staff Absent:	Megan Gallagher, JD, Regulations Analyst

Chair Hirsch called the meeting to order at 9:03 am. A quorum was present.

1. PROPOSED AGENDA

The Board reviewed the Proposed Agenda included in the Board packet. A case was added to Agenda Item 13.

Middlebrooks motioned and Yates seconded to approve the agenda as amended. The motion carried unanimously.

2. MINUTES FOR JANUARY 19, 2018 REGULAR BOARD MEETING

The Board reviewed the March 16, 2018 Board meeting minutes.

Middlebrooks motioned and Grover seconded to approve the March 16, 2018 minutes as presented. The motion carried unanimously.

3. MEMBER UPDATES and ROUNDTABLE: McGrath

Hirsch and Zacher-Pate, in McGrath's absence, introduced new staff member Melissa Franzen. Board members gave a brief description of themselves and their Board role. Board members shared specific recent accomplishments and achievements.

4. BOSW FEE INCREASE PROPOSAL UPDATE & NASW-MN COMMENTS: Officers and Members of the National Association of Social Workers, Minnesota Chapter

Karen Goodenough, Executive Director of NASW-MN; Jessica Toft, NASW-MN President; Rob Edwards, NASW-MN President Elect; Mike Arieta, NASW-MN Treasurer; and Judy Parr, NASW-MN Secretary; and Jenn Hamrick Vander Woude, NASW-MN At Large Representative presented the NASW-MN stance on the proposed fee increase. NASW-MN presented a "Position Statement on the Proposed Social Work Licensing Fee Increase – May 11, 2018", which identified the following based on member survey data:

- Low salaries for social work profession
- Lack of support for the 30% increase
- Support for up to 20% increase along with direct communication with social workers and NASW-MN social work licensure work group
- Support for a 20% increase in CE Provider fees

Discussion and a question and answer period followed.

5. EXECUTIVE DIRECTOR'S REPORT: Zacher-Pate

Zacher-Pate distributed the sign-in sheet and contact lists. Sign-up sheets were distributed for attendance at the Council on Licensure Enforcement and Regulation Annual Conference (CLEAR) and the Association of Social Work Boards (ASWB) Fall Conference. The written Executive Director's report was included in the board packet. In addition, Zacher-Pate highlighted the following topics:

- Personnel & Staffing
    - Franzen was hired May 2 to fill the vacant Office and Administrative Specialist, Intermediate position.
    - Interviews for the Customer Service Representative, Office and Administrative Specialist position will be conducted the week of May 14-18, 2018.
    - Megan Gallagher is expected to return from leave at the beginning of June.
- Board Member Vacancies
    - The Governor's office is still considering applications and no appointments have been made.
    - This meeting would have been Collins' and McGeehan's last meeting, however they were unable to attend.
- The Federation of Associations of Regulatory Boards (FARB) will hold a training in Minnesota on August 10, 2018 for Health Licensing Board (HLB) members and staff. The event is free for members and staff to attend.
- BOSW IT Initiatives
    - Greater IT capacity to be discussed in Item 9.
- MS 148E.035 Variance Requests
    - Two variance requests have been denied since the last Board meeting.

6. LICENSING UNIT REPORT: Kramer-Prevost

Kramer-Prevost reported the following:

- Welcome Franzen to the Licensing Team

- Database issues related to license reactivations and license status changes continue to be worked on.
- Processing time for all licensure applications is in the target area of 30-45 days.
- Licensure training for BSW and MSW CSWE accredited social work programs are completed for the academic school year. The training materials will be refreshed for the upcoming academic year beginning in September.

Lombardi arrived at 10:26 am.

7. COMPLIANCE UNIT REPORT: Zacher-Pate

Zacher-Pate reported on the following:

- Compliance Panel A is no longer represented by Noah Lewellyn, AAG, who transferred to another division in the Attorney General's office.
- Greg Schaefer, AAG, will serve as Compliance Panel A representative from the Attorney General's office until a replacement is assigned.
- Jodi White, Compliance and CE Coordinator, was recognized and thanked for her additional contributions during Gallagher's leave.

8. REPORT: FEDERATION OF ASSOCIATION OF REGULATORY BOARDS (FARB) JANUARY 25-28, 2018 PART 2: Weaver, Zacher-Pate

Weaver and Zacher-Pate presented the part 2 training from their attendance at the annual FARB conference. Highlights included:

- North Carolina Dental Board Anti-Competitive Supreme Court Case
- Open Meeting Laws
- Open Records Laws
- Website accessibility

9. 2015-2018 BOSW STRATEGIC PLAN REVIEW: Hirsch, Payne

The Strategic Plan items update included:

- Many of the items in the Strategic Plan have been assigned and are moving through committees.
- Technology:
    - New board member devices were distributed. New devices include Skype for Business so they should be video-conferencing capable.
    - WebEx service has been purchased and will be utilized for meetings and webinars for people outside of the state email system.
    - GovDelivery service has been purchased and will be used for delivering Board updates, including newsletters, via email via a subscription service for applicants, licensees, the public and stakeholders.

10. COMMITTEE & LIAISON REPORTS:

A. Advisory Committee (AC): Zacher-Pate

Zacher-Pate reported that the Advisory Committee met on April 13, 2018. Minutes were included in the Board packet. The following items were highlighted.

- New members to the AC were welcomed and include: Renita Wilson, LICSW and Deseria Galloway, LGSW, representatives from the Minnesota Association of Black Social Workers; Karen Frees, LICSW, representative from the Minnesota Coalition of Licensed Social Workers; and Karen Goodenough, representative from NASW-MN.
- The new AC Chair for 2018 is Kari Schuster, LISW, from the Association of Macro Social Workers.

- Updates from Committee members
- Updates from the Board
- Committee engagement
- Three AC volunteers were named to participate on the BOSW Legislation and Rules Committee

Lunch 11:48 am-12:20 pm

G. EXECUTIVE COMMITTEE: Hirsch, Lombardi, Grove Payne

2. Office of Administrative Hearings Judge Lipman, Administrative Law Judge (ALJ) Order: Greg Schaefer, AAG

Schaefer reviewed the May 7, 2018 findings of the Office of Administrative Hearings Order in the Matter of the Petition to Cease Enforcement of Unadopted Rule regarding recording of investigative data by a client's attorney.

Findings included that the "Minnesota Government Data Practices Act does not include a prohibition on licensees recording themselves in any context – and there is no bar on recordings in the context of investigative interviews".

Weaver motioned and Brooks seconded to not appeal the Administrative Law Judge's decision in the Matter of Petition to Cease Enforcement of Unadopted Rule OAH 8-0910-35091. The motion passed unanimously.

The order must be published in the State Register in the next few weeks.

Zacher-Pate requested that information regarding the ability for licensees and/or Legal Counsel to record investigative conferences with the BOSW Compliance Panels be included in future Notice of Conference sent to complaint respondents.

The ALJ order will be presented to the Executive Directors' Forum by the AGO Office because the finding will affect all Health Licensing Boards.

1. Board Member Code of Conduct Complaint: Lombardi

Hirsch recused herself from this matter and Lombardi presided as Vice-Chair.

Lombardi noted the data reported is public data according to Minnesota Statutes section 13.43, subdivision 2(a)(4). Data must be disclosed at a public Board Meeting regardless of the findings according to Minnesota Statutes, section 13D.05, subdivision 2(b).

Lombardi reported that according to the Board of Social Work Bylaws complaints related to the conduct of Board Members must be referred to the Executive Committee, in consultation with the Attorney General's Office, to determine the appropriate course of action.

Lombardi provided background. The Board received two complaints regarding conduct of Board Member, Donna Ennis, LSW. One concerning her employment as manager of a community center and another involving postings to social media in which she was identified as a member of the BOSW.

Lombardi summarized the process followed by the Executive Committee in its investigation of the complaints. The Executive Committee considered the following five code of conduct sources that apply:

1. Board of Social Work Bylaws
2. Federation of Associations of Regulatory Boards (FARB) Model Code of Conduct;
3. Board of Social Work Member Responsibility and Accountability oath of office and commitment;
4. Minnesota Statutes section 43A.38, Code of Ethics for Employees in the Executive Branch; and the
5. Minnesota Management and Budget Code of Ethics, HR/LR Policy #1417.

The Executive Committee made the following findings:

Finding #1: Ennis' employment as manager of a community center did not violate any of the standards set forth in any of the code of conduct models.

Finding #2: Ennis' social media conduct were determined to violate the conduct set forth in two of the conduct models as follows:

a. The Board Bylaws require appropriate decorum in individual behavior when acting as a Board member, and Board members are to take responsibility for modeling appropriate behavior and respectful behavior toward others.
b. FARB's Model Code of Conduct requires Board members to act professionally in all interactions with the public.

In conclusion, no adverse action was recommended. The Executive Committee has encouraged Ms. Ennis to change the tone of social media postings to meet a higher code of conduct standard reflecting the professionalism of a member of the Minnesota Board of Social Work. The Findings will be reported to the Governor's Office and the Secretary of State's Office.

In addition, the Executive Committee has developed a social medial policy to support and clarify social media conduct, in concert with the five Code of Conduct sources considered in this situation. This policy will be provided for consideration and action by the Board, at its July 20 public board meeting.

B. Application Review Committee (ARC): Grover, Kramer-Prevost

Grover reported that the ARC did not meet.

C. Association of Social Work Boards (ASWB): Hirsch, Payne, Zacher-Pate

Zacher-Pate and Payne reported on the following:

- The ASWB Mobility Strategy Worksheet was completed and included in the Board packet.
- Travel permission was granted from Minnesota Management and Budget for Board members and staff to attend the ASWB Spring Conference in Nova Scotia the week after the Board meeting.
- A toolkit from the Spring Conference will be presented at the July Board meeting.
- Payne will share information at the ASWB Board Member exchange related to:
    - Ethics and compliance
    - Administrative Law Judge's order discussed earlier
    - How Boards communicate with licensees

    - Licensure fees
    - Duty to Warn
- Middlebrooks provided an ASWB handout with questions and topics to be considered by focus groups at the Spring Conference to identify important issues for ASWB to consider in their new strategic plan. Topics suggested to discuss include:
    - Technology
    - Social work wages

D. Communication Education Outreach Committee (CEOC): Brooks

Brooks reported that CEOC met on April 11, 2018. The minutes were included in the Board packet. Topics discussed included:

- Grover and Kramer-Prevost attended the Minnesota Social Service Association/Student Luncheon
- Zacher-Pate presented at the NASW Day at the Capital April 9
- Manley created draft Online Modules/Strategies
- Creation of online customer satisfactory survey with BOSW AC
- Jurisprudence Exam development
- NAMI-Day at the Fair, will not be participating this year
- Grover shared her experience at the MSSA conference
- Zacher-Pate reported the BOSW will display at the NASW Conference June 18-19, 2018. A sign-up sheet for Board member participation was circulated.

E. Compliance Review Ad Hoc Committee (CRC): Middlebrooks, Weaver

Middlebrooks reported that the CRC did not meet. The next meeting will be after Gallagher's return.

F. Council of Health Boards (CHB): Ennis

Ennis reported that the CHB did not meet.

G. Executive Committee (EC): Hirsch, Lombardi, Grover (continued)

3. Attendance at Council on Licensure Enforcement and Regulation (CLEAR) Annual Conference

CLEAR will hold its annual conference September 26-29, 2018 in Philadelphia PA.

Weaver motioned and Brooks seconded to send Yates to the annual CLEAR conference in September. The motion passed unanimously.

4. Attendance at ASWB Annual Delegate Assembly Meeting

ASWB will hold its annual Delegate Assembly November 15-17, 2018 in San Antonio TX. Hirsch and Middlebrooks attendance will be paid by ASWB.

Middlebrooks moved and Weaver seconded to fund Zacher-Pate and Payne's attendance at the ASWB Annual Delegate Assembly in November. The motioned passed unanimously.

Hirsch reported that the Executive Committee met on May 10, 2018. Topics included:

- BOSW Social Media Policy to be considered at the July Board Meeting
- Minnesota Mobility Strategy Worksheet
- Conference Attendance
- Future Board Meetings
    - New members in July

- Possible education topics

H. Finance Committee (FC): Grover

Grover reported that the Finance Committee met on May 10, 2018. Topics reported included the following 2018 fiscal year data:

- At 83% (through April) of the year, the Board has spent 65% of its operational budget, with much of the remaining 35% encumbered.
- At 83% of the year, the Board has collected 87% of projected revenues
- Costs for OAH Contested Case
- Increased Attorney General and HPSP costs
- Increased centralized MN.IT costs
- Consideration of the fee increase legislative bills
- Budget planning for Fiscal Years 2020-2021 begins this summer

The fingerprint Criminal Background Check Program was discussed:

- The overall impact on the BOSW office is minimal due to the criminal background check requirement for BOSW applicants already in place since 1997.
- Fingerprint cards will now be accepted from private vendors.
- Volume has greatly increased tenfold in the Criminal Background Check Program office

I. Health Professionals Services Program (HPSP): McGrath

Zacher-Pate reported in McGrath's absence the HPSP Program Committee meeting held May 8. A presentation was given on the overall case management process by HPSP.

Zacher-Pate described the Prescription Monitoring Program (PMP). All 50 state have a PMP. Minnesota has participated since 2010. Although BOSW licensees do not have authority in PMP because social workers are not prescribers, the Board can access PMP data related to a complaint if there is an alleged abuse of prescriptions.

J. Legislation & Rules Committee (LRC): Hirsch, Zacher-Pate

Hirsch reported the Legislation and Rules Committee met on April 26, 2018. Minutes were included in the Board packet. Groundwork for future meetings was laid. Topics included:

- Welcome members and
- Meeting dates
- Review section of statute

Zacher-Pate stated the legislature adjourns May 21, 2018. Bills of interest or possible impact to the Board, aside from the BOSW fee increase:

- Criminal Background Check revision
- Temporary Suspension revision
- Nursing Compact

K. Leadership & Development Committee (LD): McGrath

Zacher-Pate, in McGrath's absence reported that LD Committee was canceled. However, Zacher-Pate spoke on the following:

- Committee Charge
  - Identifying mentors for new board members

    - Contact McGrath or Zacher-Pate if interested in being a mentor
    - Identifying mentor duties
- Inclusive board training attendance offered by the Secretary of State and Governor's office
- Use of surveys for Board members

11. OTHER BUSINESS

There was no other Business

12. PUBLIC COMMENT

There was no public comment.

13. COMPLIANCE COMMITTEE-EXECUTIVE SESSION: Closed to the Public: Zacher-Pate, Middlebrooks Yates motioned and Brooks seconded to go into closed session at 2:07 pm under Minnesota Statutes 13.214. The motion passed unanimously.

Closed session 2:07 pm – 2:18 pm

Compliance Panel B motioned to adopt the Stipulation and Consent Order for Sharon A. Malecha, LICSW. The motion passed unanimously.

Compliance Panel A motioned to adopt the Stipulation and Consent Order for Colleen E. Solberg, LICSW. The motion passed unanimously.

Lombardi motioned and Thompson seconded to reopen the meeting at 2:18 pm

14. ADJOURN

Weaver motioned and McGrath seconded to adjourn the meeting at 2:19 pm. The motion passed unanimously.

Respectfully submitted,

Jill Grover, LISW

Jill Grover, LISW
Secretary-Treasurer