BOARD OF LICENSED SOCIAL WORKERS
Minutes of Meeting
July 31 – August 1, 2009

The Board of Licensed Social Workers met on July 31 – August 1, 2009, at Post Oak Lodge, 5323 West 31st Street North, Tulsa, Oklahoma. The meeting was held in accordance with the Administrative Procedures Act and Open Meeting Act of Oklahoma.

Members Present:

Joy Leuthard, LSWA, Board Chair
Gwendolyn Gibson, LCSW, Vice Chair
Jeff Chace, LCSW, Secretary
Antoinette Lempicki, LSW
Larry G. Cassil, Jr., Esq.
Lanny Endicott, LCSW

Also Present:

Debra Schwartz, AAG
Kandi Hoehner, Board Administrator
Laura Maguire, Administrative Assistant.
Dwight Hymans, LCSW, Director of Board Services, ASWB

Noting there was a quorum, Ms. Leuthard called the meeting to order at 10:10 a.m.

The Board reviewed the cost of purchasing a new server, locking rack for the protection of the server and the software associated with the server. Ms. Hoehner advised there will be a substantial fee incurred with the purchase of these items. However, the cost associated with the Medical Board continuing to perform this function exceeds the cost for purchase of the server if depreciated over a two year period.

Mr. Chace and Ms. Leuthard both noted they have witnessed the connectivity issues arising when the Medical Board hosts the OSBLSW server. Mr. Chace expressed his concern that the OSBLSW staff and Board members have invested a great deal of effort and time attempting to function effectively independent of another agency to not make this purchase. Of great concern is the efficiency and effectiveness of the OSBLSW staff functioning without a connection to the database.

After extensive consideration Mr. Cassil moved to accept the proposal to purchase the server, rack and software. Mr. Chace seconded the motion and the vote was unanimous in the affirmative.

Ms. Leuthard inquired as to a timetable for getting this implemented. Ms. Hoehner advised she would contact Mr. Ferguson at Advancia to begin this process immediately.

Mr. Lyle Kelsey and Reji Varghese of the Oklahoma Medical Licensure Board, were contacted by conference call. Mr. Kelsey and Mr. Varghese both reviewed the financial information with the Board.

Mr. Varghese noted the budget was approved at the last Board meeting. Mr. Kelsey advised the Board the budget is a deficit budget and there are three areas the Board needs to be aware of payroll, inter/intragovernmental agency costs and data processing which includes a server and computers. Software was budgeted at $1,000. There will be savings in the budget in the inter/intragovernmental payments as the budgeted amount was $30,000 but the true cost will be approximately $21,000 with the new Contract being entered into with the Medical Board. Mr. Kelsey explained there may be some flexibility in the budget, but not a great deal.

Mr. Varghese did note that the Board would be accessing the cash reserve for some one time expenditures and advised that was appropriate usage of the funds.

The Contract between the Medical Board and OSBLSW was reviewed for approval. There are changes in the administrative support services, as the Medical Board staff becomes less involved in the day-to-day services for the Board. Mr. Kelsey stated that the fees charged by the Medical Board are outlined on a spreadsheet submitted to the Board for review documenting the hours spent by each Medical Board employee at the current time. Mr. Kelsey advised as the OSBLSW staff begins assuming more of the services provided by Medical Board staff the fees involved in the payment to the Medical Board would be decreased.

The investigative services available through the Medical Board will remain the same, if the OSBLSW chooses to investigate a complaint and use the Medical Board staff for investigation of said complaint.

Mr. Varghese reviewed the findings of the Auditor's office regarding accounts receivable. The Auditor requires that an outside agency perform reconciliation with the State Treasure's Office, Office of State Finance and CORE. The documents are to be prepared, signed and filed with OSF by the 10th of each month. Mr. Varghese stated the Medical Board staff would be undertaking these duties as a part of the Contract.

Mr. Varghese advised the Board that the inventory records will be given to the OSBLSW staff and advise Ms. Hoehner how to update the inventory list when equipment is purchased for the Board office. This list is reported to the Office of State Finance and Department of Central Purchasing on an annual basis.

Mr. Varghese advised the Board that in September the Medical Board staff will be working on the FY 2011 budget requests. These requests must be filed by the end of September or beginning of October. Mr. Varghese stated he would train Ms. Hoehner to perform this duty. He also stated the Medical Board would assist Ms. Hoehner in April or May, 2010 to compose the 2011 budget.

Mr. Varghese stated that either the entire Board or a committee of the Board and Board staff needs to schedule a meeting with Mr. Varghese in October 2009 to update the five year strategic plan. Mr. Varghese stated this task that needs to be completed this year and would provide the guidance and necessary instructions. This needs to be completed by October 2010.

Mr. Varghese stated if an audit of OSBLSW activities was requested by the Department of Central Services, State Auditor's Office or CompSource the appropriate Medical Board staff would become involved if requested.

Mr. Varghese stated that with regard to legislative activities, updating handbooks, etc., Kathy Plant at the Medical Board has historically ordered the law books but Ms. Hoehner would now be assuming that responsibility. Ms. Plant will assist Ms. Hoehner upon request.

Mr. Varghese advised the Board during the licensure renewal season (October 1 through March 31) the Medical Board does provide some help desk assistance and will continue to do so.

Mr. Varghese stated Ms. Hoehner has been doing an excellent job with updating the website, converting forms and preparing public requests for data. These duties have now been transferred permanently to the OSBLSW staff.

Mr. Varghese acknowledged when the OSBLSW office obtains a separate server and software, the e-mail filtration that is billed by the Medical Board office will move from the Medical Board exchange server to the OSBLSW server. At that point the charges from the Medical Board will cease for those services rendered which will result in a great deal of savings to the OSBLSW office.

Mr. Kelsey noted the Auditor's office requested some division of duties continue to be maintained and advised at this time the Medical Board is performing those services and would continue to do so if requested.

Mr. Kelsey advised the Board if they would like to review the Contract over the remainder of the meeting and have Ms. Leuthard and Ms. Hoehner meet to discuss the same after the retreat that would be acceptable. Or, in the alternative,

if the Board wished to simply approve the Contract at the meeting, Mr. Kelsey and Ms. Leuthard could meet to sign the Contract at a later date. The Board chose to discuss the Contract further during the meeting and ask Ms. Leuthard and Ms. Hoehner to schedule a meeting with Mr. Kelsey and Mr. Varghese in the future regarding negotiations of the Contract.

Ms. Lempicki moved to accept the financial statement submitted by the Medical Board. Mr. Chace seconded the motion and the vote was unanimous in the affirmative.

Ms. Lempicki did note that it would be helpful to have the budget available when discussing financials. Ms. Leuthard agreed and requested the Medical Board provide that documentation during their presentations.

Ms. Lempicki moved to accept the Contract with the Medical Board with the provision that Ms. Leuthard negotiate the administrative support services to reflect what responsibilities are currently performed by Medical Board staff and OSBLSW staff. Mr. Endicott seconded the motion. Mr. Cassil inquired if that would include the negotiations with the Medical Board after Ms. Hoehner reviews the line items outlined on the Contract of services that will not need to be provided. Ms. Leuthard responded that her intent was to schedule a meeting with the Medical Board representatives, review the time frame on the transition for the server and detail the costs month by month. Ms. Leuthard agreed it would be appropriate to revise the figures to reflect a more accurate estimation. After further discussion the vote was unanimous in the affirmative.

The request for waiver of continuing education of Linda Buchanan was presented for review. Mr. Endicott recused himself from the discussion and vote as Ms. Buchanan was one of his undergraduate students. Mr. Chace requested clarification for which year Ms. Buchanan was seeking a waiver and Ms. Hoehner advised for the period to renew the license through December 31, 2009. Ms. Lempicki moved to grant the exception to the continuing education as a one time only exception for the 2008 calendar year. Mr. Cassil seconded the motion and the vote was as follows:

Larry G. Cassil, Jr. – Yes
Gwendolyn Gibson – Yes
Antoinette Lempicki – Yes
Jeff Chace – No
Joy L. Leuthard – No

Motion passes, the waiver is granted. Ms. Leuthard suggested strongly recommending to Ms. Buchanan that she obtain her continuing education for the 2009 calendar year.

Mr. Endicott returned to the meeting.

The request for ADA approval while sitting for the ASWB exam for Felicia Cummings was reviewed for approval. Mr. Cassil moved to grant the request. Mr. Chace seconded the motion and the vote was unanimous in the affirmative.

Tanja Dougherty's required report of drug screening process was reviewed for approval. Mr. Endicott moved to approve this report. Ms. Gibson seconded the motion and the vote was unanimous in the affirmative. Ms. Schwartz advised that she would send correspondence to Ms. Dougherty, with a copy to her counsel, stating that the informal disciplinary process has terminated and nothing further is required of Ms. Dougherty by this Board.

The request of Scott Draughon for a waiver of continuing education for the 2009 calendar year (2010 renewal) was reviewed for approval. It was noted that Mr. Draughon has undergone extensive medical treatment and is requesting his waiver prior to the time of renewal. Mr. Cassil moved to grant the waiver of continuing education for Mr. Draughon for the 2010 renewal. Mr. Endicott seconded the motion and the vote was unanimous in the affirmative.

The report of Arun Mathew was reviewed by the Board. Mr. Mathew had started a discussion group on the internet regarding questions on the ASWB exam and the difficulty surrounding them. Other forum members posted questions that were extremely close to the actual exam questions on the internet and in response to those postings the ASWB was required to dispose of two questions from the databank. The Board was seeking information more related to the ethical violations of disbursing ASWB questions rather than intellectual property law.

Mr. Hymans stated an applicant must sign in nine different places on the application, the computer screen, score report and other documents that any sharing of information regarding the exam is strictly prohibited. Mr. Hymans questioned Mr. Mathew's argument that he was unaware of the illegality of the posting was irrelevant to the ASWB.

Ms. Schwartz did state that immediately after Mr. Mathew was advised to cease and desist communications on the website by Mr. Atkinson, legal counsel to ASWB, he did fully cooperate.

Mr. Cassil inquired of Ms. Schwartz if English as a second language might possibly be an issue in terms of Mr. Mathew's understanding of what was being requested of him by the Board and the Minutes not being clear, if the Board could accept the submitted correspondence. Mr. Cassil also requested Ms. Schwartz send correspondence to Mr. Mathew informing him of our acceptance of the submission and reiterating the Board's concerns surrounding security and expense. With a Consent Decree in place there was question as to what could actually be requested of Mr. Mathew at this point in time.

Ms. Schwartz informed the Board she could send correspondence to Mr. Mathew advising him the Board had reviewed what he had submitted and felt that the Board's request was not clear to Mr. Mathew. The Board was most concerned with the ethical violation, but also acknowledged concern of the intellectual property issue and breach of contract issue. The Board would like an additional submission from Mr. Mathew regarding his understanding of the violations of the Code of Ethics in starting the internet group. It was requested that the correspondence also ask Mr. Mathew to type the next report.

Mr. Chace moved to require Mr. Mathew to submit a typewritten letter addressing the ethical issues related to the exam security. Ms. Lempicki suggested that we include in our correspondence to him that the Board is not interested in copyright issues but ethical issues. The Board members reviewed the NASW Code of Ethics for violations for which Mr. Mathew could review and provide a report.

Mr. Chace amended his motion to request Mr. Mathew to review the Code of Ethics and submit a typewritten report outlining the areas of the Code of Ethics that pertain to the complaint. Mr. Cassil seconded the motion and the vote was unanimous in the affirmative.

Ms. Gibson inquired as to the number of times an applicant can sit for the ASWB exam. Ms. Hoehner stated at the current time it is unlimited but that was an issue to be discussed in the Rules and Regulations revision.

The request of Judith Ann Rickman for a waiver of continuing education for her 2009 renewal due to extenuating circumstances was reviewed by the Board.

After discussion Mr. Chace moved to Ms. Rickman to obtain additional documentation from her physician in a typewritten format and her request will be considered at that time. Mr. Endicott seconded the motion. Upon further discussion it was determined that Mr. Cassil was able to decipher the physician's handwriting. Ms. Leuthard called for the vote and the vote was as follows:

Lanny Endicott – Yes
Larry G. Cassil, Jr. – Yes
Gwendolyn Gibson – No
Antoinette Lempicki – No
Jeff Chace – Yes
Joy L. Leuthard - Yes

Motion passes. Ms. Rickman will be notified that additional typewritten documentation from her physician will be required to approve her request.

The Board discussed the possibility of inviting ASWB to hold an annual conference in Oklahoma. Mr. Hymans advised the Board that ASWB only holds

conferences where invitations have been offered. The next available meeting date will be November 2011. The Board inquired as to how much time would need to be invested by Board members. Mr. Hymans responded that he was not aware of what was entailed as Ms. Hoffman, ASWB, does the majority of the planning for the conferences. He stated that there typically was 200 attendees at the annual meetings and suggested Ms. Hoehner contact Ms. Hoffman at the ASWB office for additional information.

Mr. Chace stated he thought it would be a great opportunity for the State of Oklahoma to participate in the event and moved that the Board consider approaching ASWB with a request to hold an annual meeting in Oklahoma. Ms. Gibson seconded the motion. Ms. Lempicki voiced her concern regarding what would be required from the members and staff. Ms. Leuthard requested Mr. Chace restate his motion for clarification. Mr. Chace moved to extend an invitation to ASWB to hold an annual meeting in Oklahoma at some point in the future when there is an opening for hosting said conference. Ms. Gibson seconded the motion and the vote was unanimous in the affirmative.

Supervision for dual specialties was discussed. Mr. Chace had addressed this topic at the last regularly scheduled Board meeting Mr. Chace had received a telephone call from a supervisor who had spoken with a prospective supervisee who wanted to work towards both her clinical and administrative license concurrently. The Rules do not prohibit this practice; however, with the upcoming possible rule changes the supervisee would not be able to complete the supervision in a timely fashion.

Ms. Leuthard inquired of Mr. Hymans if he was aware of this occurring in any other jurisdictions. Mr. Hymans stated he was not aware of this issue because there is not a significant number of jurisdictions that have the distinction between the two licenses. It was noted there is a small number of licensees who actually hold the administrative license or a dual specialty license.

After much discussion Mr. Cassil voiced that his understanding was that a person could undergo dual specialty supervision as long as the supervisee kept separate records and met both requirements. Ms. Reed inquired that if a supervisee was under supervision for dual licensure, could that supervisee count the 1,000 hours of "non-direct clinical practice" required for the clinical license towards administrative time. Ms. Lempicki responded that the time might not be totally administrative in nature.

Ms. Gibson stated that she believes that a supervisee should undergo the supervision for the two specialties separately and reduce the number of hours the supervisee would be required to obtain for the administrative license.

Mr. Chace stated that if the Rules change and supervision expires after six years that a person under supervision for both specialties very likely would not be

able to complete their supervision in the required time frame. It was suggested that the Board make accommodations for people under dual supervision only and allow them more than six years to meet their supervision requirements. Ms. Gibson suggested the supervisee undergo supervision with two separate supervisors, one for each specialty.

Mr. Hymans directed the Board to the Model Law to review the license categories. The Model Law offers three categories, the LSBW, the LMSW and the LCSW. There is a fourth category of independent practice which can be applied to any of those three categories. That is the general model that ASWB encourages licensure boards to put in their jurisdiction's Rules. Mr. Hymans stated this also more easily facilitates a system of reciprocity and endorsement among all jurisdictions.

The Board tabled this issue for further discussion.

Mr. Chace moved to approve Sherry Reaves as a Board Approved Supervisor, Clinical specialty. Ms. Gibson seconded the motion and the vote was unanimous in the affirmative.

Mr. Chace moved to table the Board Approved Supervisor Application of JoLynn Strate was there was not sufficient documentation of supervision experience or abilities. Ms. Lempicki seconded the motion and the vote was unanimous in the affirmative.

Mr. Chace moved to approve Elizabeth Cunningham, Patricia LaFon, Erin Lusk and Jonathan Phillips for LCSW, issue provisional. Ms. Lempicki abstained from the vote on Jonathan Phillips. Mr. Endicott seconded the motion and the vote was unanimous in the affirmative.

Mr. Chace moved to approve Gary Dan Davis for LMSW, issue provisional license, pending receipt of a clear background check. Ms. Gibson seconded the motion and the vote was unanimous in the affirmative.

Mr. Chace moved to approve Brian Kraft and Katie Oates for LMSW. Ms. Lempicki seconded the motion and the vote was unanimous in the affirmative.

Mr. Chace moved to approve Autumn Gaskill for LCSW, no provisional license, exam ID only. Mr. Endicott seconded the motion and the vote was unanimous in the affirmative.

Ms. Lempicki moved to approve John Holt for LCSW, pending receipt of clear DARS report. Mr. Chace seconded the motion and the vote was unanimous in the affirmative.

Ms. Lempicki moved to approve Nathaniel Hill for LCSW, no provisional license, exam ID only, pending receipt of a clear DARS report. Mr. Chace seconded the motion and the vote was unanimous in the affirmative.

Ms. Lempicki moved to approve Tammy Barthelemy, pending receipt of clear extended background check and DARS report and Amy Ward for LMSW, issue provisional. Ms. Gibson seconded the motion and the vote was unanimous in the affirmative.

Ms. Lempicki moved to approve Sarah Schulz and Jeanie Witcraft for LCSW, issue provisional license, pending receipt of clear background check and DARS report. Mr. Chace seconded the motion and the vote was unanimous in the affirmative.

Ms. Gibson moved to approve Jennifer Childers and Sophie Lam-Germany, pending receipt of passing ASWB exam scores for LCSW. Mr. Endicott seconded the motion and the vote was unanimous in the affirmative.

Ms. Gibson moved to approve Angela Lewis, Kristie Mills and Doug McEver, pending clear background check for LMSW, issue provisional. Mr. Chace abstained from the vote on Kristie Mills. Ms. Lempicki seconded the motion and the vote was unanimous in the affirmative.

Ms. Gibson moved to approve Pat Mitts, pending receipt of clear background check, Alisia Davis and Uganda Jones for LCSW, issue provisional license. Mr. Chace seconded the motion and the vote was unanimous in the affirmative.

Mr. Endicott moved to approve Wanda Chiles, pending receipt of clear extended background check and Susan Cothran, pending receipt of clear DARS report, for LCSW. Mr. Chace seconded the motion and the vote was unanimous in the affirmative.

Mr. Endicott moved to approved Preston Howard for LCSW, no provisional, exam ID only, pending receipt of clear DARS report. Ms. Gibson seconded the motion and the vote was unanimous in the affirmative.

Mr. Endicott moved to approve Heather Henderson, pending clear DARS report, Regina Kwendi, and Charles Greg Stiver, pending clear DARS report for LCSW, issue provisional license. Ms. Gibson seconded the motion and the vote was unanimous in the affirmative.

Mr. Endicott moved to approve Abigail Alberts for LMSW, pending receipt of a clear DARS report. Ms. Gibson seconded the motion and the vote was unanimous in the affirmative.

Mr. Endicott moved to approve Jill Enevoldsen for LMSW, issue provisional license pending receipt of clear extended background check and clear DARS report. Ms. Gibson seconded the motion and the vote was unanimous in the affirmative.

Ms. Gibson took the chair.

Ms. Leuthard moved to approve Kristin Brock and Shanetelly Staton for LCSW, issue provisional pending receipt of a clear DARS report. Mr. Chace seconded the motion and the vote was unanimous in the affirmative.

Ms. Leuthard moved to approve Stephanie Samuels and Barbara Tunney for LCSW pending receipt of a clear DARS report. Mr. Chace seconded the motion and the vote was unanimous in the affirmative.

Ms. Leuthard moved to approve Lois Jacoby, Joe McElhaney and Bren Robinson for LMSW, issue provisional license pending receipt of a clear DARS report. Mr. Endicott seconded the motion and the vote was unanimous in the affirmative.

Ms. Leuthard moved to approve Jamilah Lowe and Dannielle Nokes for LMSW, no provisional license, exam ID only pending receipt of a clear DARS report. Mr. Chace seconded the motion and the vote was unanimous in the affirmative.

Ms. Leuthard resumed as Chair.

The issue of reporting disciplinary actions to the DARS databank was addressed. Ms. Hoehner suggested Mr. Hymans address the Board regarding the DARS reporting system.

Mr. Hymans advised the Board that at the last ASWB meeting in the Administrator's Forum the proposal was made that all persons licensed be entered into the DARS databank and the system be utilized as a tool for verifying licenses or certifications, not only making inquiry of disciplinary reporting. The idea would be to move toward greater fluidity and cooperation among jurisdictions for licensees attempting to relocate. There was mixed reaction to this concept as different jurisdictions have different types of rules around confidentiality regarding what can be shared between jurisdictions, between the US and Canada, between provinces or between states. There are some states within the US that have reported they are not able to report to DARS due to the definition of disciplinary action in their jurisdiction. Many Consent Orders/Decrees go unreported currently and if reported could have been useful information to a Board receiving a licensee application.

Mr. Hymans explained to the Board the purpose of DARS is for the licensure boards to have reliable information to make well informed decisions regarding applicants for licensure. Mr. Hymans advised the Board members that not reporting disciplinary actions could, in effect, place other regulatory bodies at a disadvantage when they are inquiring of an applicant on the DARS system. The purpose of the Board is protection of the public and that should be kept in mind when making decisions regarding publication of disciplinary actions.

Ms. Schwartz voiced her concerns regarding posting Consent Decrees on the website. However, she did note that if a Consent Decree was reported to DARS the only persons with the availability to view that information would be licensing authorities who would benefit from that information while reviewing that applicant's application for licensure.

Mr. Cassil objected to posting Consent Decrees to DARS stating he felt it was punitive in nature to report this information on a national database, particularly if the person has been absolved of any wrongdoing. Mr. Cassil inquired of Mr. Hymans that when a person is reported to DARS and meets the requirements outlined in the Consent Decree, is there a tool available for reporting satisfaction of the terms of the agreement. Mr. Hymans responded that was a possibility.

Mr. Endicott requested Ms. Hoehner to log in to the DARS databank on the computer so the members could view what is reflected when the Board staff makes inquiries into an applicant. Ms. Hoehner logged into DARS and the members reviewed the website and the information available.

Mr. Hymans stated there has been a consistent increase in almost all jurisdictions of complaints being filed against licensees. Mr. Hymans stated as long as the information available on DARS remains internal within the ASWB membership, it is different than if it is posted on a public website. Ms. Leuthard agreed and Mr. Chace noted that the mission of the Board is protection of the public and that as Board members, we all need to remember that when deliberating reporting to DARS.

Ms. Lempicki stated she felt Consent Decrees should be public information and should be placed on the website for consumer protection. A consumer would be unaware of disciplinary actions taken against a licensee if it was not posted on the website and the consumer did not make telephone contact with the Board office. Having this information posted on the website and readily available to agencies hiring personnel would be considered protection of the public and would assist the agency in making a hiring determination.

As an option, Ms. Reed suggested that if the Board was not inclined to post Consent Decrees on the website that the website administrator could possibly post a note stating that not all disciplinary actions are reported on the website but that all disciplinary actions are a matter of public record.

Ms. Hoehner pulled the disciplinary action records regarding a recently disciplined social worker from the OSBLSW website and pulled the information posted on DARS. The Board acknowledged the information on the DARS database is cryptic in that everything is coded with no named violation posted. In order to decipher the "action codes" a person must have access to the violation code definitions issued by the ASWB. The "basis code" indicates the grounds for which the disciplinary action has been brought against the licensee and the "action code" is the action the Board took as a result of the "basis code" (violation).

Mr. Hymans discussed the HIPDB (Health Integrity and Protection Data Bank) with the Board members. This is a databank wherein various health care providers are reported who have had disciplinary actions taken against them by a licensing board.. Mr. Hymans explained that reporting to HIPDB is mandatory and that all reportings made by the OSBLSW office would be required to be conveyed to HIPDB.

Ms. Hoehner and Mr. Hymans demonstrated the process of filing a report with DARS. The "basis codes" and "actions codes" were reviewed by the Board. Mr. Hymans reiterated the DARS system is not meant to be a complete reporting system, but rather a flag for Board personnel to recognize and alert them to contact the disciplining jurisdiction for further information.

Mr. Cassil stated he felt that if the Board was going to report to DARS a disciplinary action wherein virtually no violation occurred, it would brand that licensee as a sanctioned licensee for life as the DARS records never leave the database. Mr. Hymans stated that ASWB is encouraging Boards to participate in a database wherein all licensee information is obtained for verification among various social work licensing jurisdictions.

The meeting was adjourned July 31, 2009 at 6:00 p.m.

BOARD OF LICENSED SOCIAL WORKERS
Minutes of Meeting
July 31 – August 1, 2009

Members Present:

Joy Leuthard, LSWA, Board Chair
Gwendolyn Gibson, LCSW, Vice Chair
Jeff Chace, LCSW, Secretary
Antoinette Lempicki, LSW
Larry G. Cassil, Jr., Esq.
Lanny Endicott, LCSW

Also Present:

Debra Schwartz, AAG
Kandi Hoehner, Board Administrator
Laura Maguire, Administrative Assistant.
Dwight Hymans, LCSW, Director of Board Services, ASWB

The meeting was called to order **August 1, 2009 at 9:00 a.m.** There being a quorum present, the meeting commenced.

The Board began discussion of the definitions outlined in the statutes.

The first term to be discussed was "Assessment". After much deliberation, Mr. Hymans offered to research other jurisdictions' language relative to this definition and will forward that information to Ms. Hoehner. It was agreed that would be most beneficial.

"Clinical social work practice" was discussed and a definition of said term was agreed upon and approved by the Board.

"Diagnosis" was discussed and a definition of said term was agreed upon and approved by the Board.

"Employment supervision" was discussed and a definition of said term was agreed upon and approved by the Board.

"Implementation and evaluation" was discussed and a definition of said term was agreed upon and approved by the Board.

The definition of "Independent practice" was modified by the Board. The definition of said term was agreed upon and approved by the Board.

The Board discussed § 1261.1, Issuance of Licenses, inserted information regarding an applicant submitting to a national background check, and clarified the licensure levels outlined in paragraphs 1-5.

The definitions of the licenses were modified to reflect language more comprehensible. The Board felt the current language is confusing on the issue of accredited schools and programs.

"Licensure supervisor" was discussed and a definition of said term was agreed upon and approved by the Board.

"Non-clinical social work" was discussed and a definition of said term was agreed upon and approved by the Board.

"Non-clinical supervision" was discussed and a definition of said term was agreed upon and approved by the Board.

The definition of "private practice of social work" was modified to now be "private practice of clinical social work". The definition now only allows the Licensed Clinical Social Worker to perform in this capacity.

"Treatment planning (plan)" was discussed and a definition of said term was agreed upon and approved by the Board.

The language in § 1261.1 B (1–5) was clarified regarding the acceptance of schools and programs.

In § 1264, Section 17 the Licensed Social Work – Administration license was created and approved by the Board.

Ms. Schwartz stated that § 1269 needs to be stricken from the Act.

The Board discussed how a person undergoing clinical supervision for licensure purposes should sign their name on documentation. Ms. Lempicki felt this information should be conveyed to the supervisee in the initial contact letter from the Board office.

Ms. Schwartz discussed the complaint review process with the members. Traditionally, the Complaint Committee has reviewed the complaint and advised the Board if they felt the complaint merited further investigation. Mr. Hymans offered his opinions regarding complaints and that keeping Board members from having a bias is of utmost importance. Mr. Hymans echoed Ms. Schwartz's concern that the Board members should not be tainted with information prior to a formal hearing.

Ms. Schwartz advised the Board that some Boards keep the licensee's identity anonymous so as to not taint the Board members prior to a formal investigation and/or hearing. The Board decided this would be helpful to them and requested Ms. Schwartz to begin withholding the licensee's identity when discussing pending complaints. Mr. Hymans stated performing the complaint procedure in this manner gives more credibility to the process, which is important and also protects the Board from challenges.

The Board discussed and altered the language in 675:10-1-4 to more clearly define which level of license could perform which function under the Rules.

There was discussion regarding the Rules, specifically 675:10-1-5, not being consistent in the definitions of the licenses. Ms. Leuthard suggested for the sake of time it would be more productive to form a committee to meet before the next Board meeting and clarify the language. The committee will consist of Ms. Leuthard, Ms. Schwartz, Ms. Hoehner and Mr. Chace. Said committee members will meet at a later date to rewrite the definitions and make them consistent in the Rules.

Language was added in 675:10-1-6 (a)(2) regarding licensees with dual specialties. This addition allows for a licensee with dual specialties be required to obtain 24 total hours of continuing education per year, three of which must be ethics.

The issue of staggering renewals was discussed. Ms. Lempicki voiced her concerns that it would be difficult for the licensee to remember when their license expired if we were to change the expiration date. Mr. Cassil suggested making licenses expire on the birth month of the licensee. Mr. Hymans stated there were some jurisdictions that stagger renewals two different times per year. Ms. Leuthard agreed that would be less complicated for the Board staff and licensee to maintain records.

The question of how to monitor continuing education was raised and after much discussion it was determined staggering renewals at this point in time would be more time consuming, difficult and confusing for licensees than it would be beneficial for the Board staff.

Ms. Leuthard asked how the staff could be accommodated to make the renewal season less complicated and burdensome. Ms. Hoehner explained that temporary personnel would not be helpful because they would not be familiar with the Rules and would not be able to assist callers or review renewal forms.

Ms. Lempicki asked if the Board could require licensees to renew online, or in the alternative to charge a higher renewal fee to licensees renewing by submitting paperwork to the Board office. Ms. Schwartz explained that raising fees would be a change that would have to go through legislature and typically the

legislature objects to increasing fees or adopting new fees unless there is a good argument for why the fees are necessary.

Ms. Hoehner suggested allowing all the current licensees to maintain an expiration date on their license of December 31 annually or to allow the licensee to choose if they would like to renew the month of their birth or continue renewing on December 31. All persons licensed after the Rule change would have an expiration date in the month of their birth. Ms. Lempicki stated she would not support staggering renewals. Mr. Chace supported staggering renewals.

Ms. Lempicki requested Ms. Hoehner to write language to put in the Rules to encourage licensees to renew their licenses online. Mr. Cassil and Ms. Hoehner will work in a joint effort to fine tune the language regarding online renewals for the Rules. When renewing online, the website does not allow the renewal to be submitted to the office until it has met all the requirements.

Ms. Gibson suggested the Board allow licensees to renew online each year when the licensee meets the continuing education requirement, regardless of how early in the year the requirement is met. She stated she typically attends the NASW state conference and obtains all her required continuing education by April but cannot renew her license until after October 1. If the licensee was allowed to renew as early as possible it might ease the burden on the Board staff during the renewal season of October 1 through December 31.

Ms. Lempicki stated that if the Board chose to encourage online renewals that the prohibition of renewal prior to October 1 should be lifted for those who desired to renew earlier in the year. Ms. Hoehner stated that the continuing education would still need to be accrued during the year for which the licensee was renewing which would prohibit persons from renewing years in advance.

It is the consensus of the Board that allowing licensees to renew when they have met the continuing education requirement for their license would be beneficial to both the licensee and the Board staff.

Mr. Hymans advised the Board members that ASWB offers an auditing service for a fee of $10 per licensee.

Ms. Lempicki questioned whether persons with a lapsed license actually returned their wall certificate and wallet card to the office as required by the Rules. Ms. Hoehner stated that all lapsed licensees receive correspondence from the Board office advising them of their lapsed license status and requesting them to return their wall certificate and wallet card. Ms. Hoehner stated typically most persons do return the requested paperwork. Ms. Lempicki inquired why the language would be in the Rules if in fact the Board did not enforce the requirement.

Mr. Chace stated the requirement was in the Rules because if there was an issue with the license in the future the Board office could verify that the wallet card and wall certificate were indeed returned to the Board. Mr. Chace reminded the Board members of the case wherein Wendy Wakefield took a wall certificate belonging to a licensee and changed the name on the certificate to reflect her name and practiced social work with that license until the Board issued a cease and desist order.

Ms. Reed asked if the Board staff notified employers of licensees in their employ that the social worker has allowed their license to lapse. Ms. Hoehner advised that currently that is not the practice of office staff but that topic had been discussed at the Administrator's Forum at the ASWB meeting. Several jurisdictions do report that information to employers.

It was determined that, at this time, notifying employers of lapsed licenses will generate a substantial amount of work for the Board staff for which the Board is not adequately staffed.

Ms. Lempicki addressed the issue of persons who hold a provisional license for a year but do not take and pass the exam. At that point the person no longer has a license nor can they enter into a supervision agreement for Board related purposes. The issue of a lapsed license, whether it be a full, unrestricted license or a provisional license, is an employer issue and should be handled by the employer.

Ms. Lempicki recommended an article be written for the ReNewsletter regarding the renewal of licensure. She suggested reminding the licensees that if they have not received their wallet card in the mail and their license is reflected online as not renewed they should contact the office to see if the renewal was received in the Board office.

Several years ago a licensee mailed his paperwork to an old address, another state agency cashed his check and he never received his wallet card. It wasn't until late in the year that he discovered the license was never received nor was it renewed. Fortunately for the licensee he also held another license which enabled him to bill for his services while his social work license had lapsed.

Ms. Schwartz informed the Board that she would attempt to compose language for the grandfathering provision in the statute for the licensees who have been performing independent practice for the past several years and have never obtained the two years of supervision for the clinical license. Ms. Schwartz stated if the Board was choosing to allow those persons to practice independently there would need to be a clause with a definite time period to allow those persons who have been licensed but have not undergone the supervision to apply for the ability to practice independently.

Ms. Hoehner requested the Board to discuss the issues regarding supervision meetings outlined in 675:12-1-6(c)(1). There is currently a requirement regarding how often a supervisor and supervisee must meet but there are no consequences to the supervisee if the meetings do not occur in a timely fashion. The LPC candidates cannot count any hours worked during a week towards their licensure requirement if they do not meet with their licensure supervisor. The issue at hand is protection of the public. A supervisee should be meeting with their licensure supervisor for guidance purposes at least once a week or a maximum of once every two weeks, and if the meetings are not occurring the Board may not be fulfilling its duty to protect the public.

Mr. Chace stated he was unaware that Board staff verified the hours on the evaluations as they were received in the Board office. Ms. Hoehner stated the staff does verify the hours accrued at each evaluation period but does not review the comments and/or ratings on the evaluations. Board staff notifies the supervisee upon receipt of the evaluation paperwork and confirms how many hours to date they have accrued under supervision.

Ms. Lempicki suggested that language be inserted into the Board Approved Supervisor status paragraph regarding a supervisor who is not fulfilling their obligation to a supervisee by failing to meet with the supervisee. The Board should have the ability to suspend or revoke the supervisor's status to perform supervision. The Board agreed with the language and inserted a new paragraph, 675:12-1-6(b)(3), outlining said language.

Mr. Hymans addressed the members regarding the subject of persons under supervision for LSW, LCSW or LSW-Adm be required to maintain a LMSW license during their supervision experience. Mr. Hymans stated requiring a person to maintain the LMSW license while undergoing supervision for a higher level of license would place the supervisee under the auspices of the Board in a very formal and legal sense for the duration of their supervision experience. Mr. Hymans discussed other jurisdictions and their requirements of licensure for persons under supervision. The majority of the licensure Boards do require the graduate type licensure for the person undergoing supervision. Some of the jurisdictions that require a graduate type licensure while under supervision are California, Oregon, Rhode Island, Alabama, Florida, Kentucky, Missouri, Ohio, Texas, Maryland, Massachusetts, Michigan, among others. Mr. Hymans stated this list is not inclusive of all Boards but is a representative sample of Boards with the requirement in place.

Ms. Schwartz inquired if the requirement for graduate level licensure was solely for the purpose of acquiring jurisdiction if there are complaints against the supervisee. Mr. Hymans responded that the requirement is not solely for that purpose but that it holds the individual accountable to a Board. Ms. Schwartz agreed that for the supervisee to hold some type of licensure status with the Board would be beneficial to the public, as well as the licensee.

Ms. Hoehner and Ms. Lempicki stated it would give credibility to the LMSW status if the Board were to require the graduate level license of all supervisees. It also would be a better form of protection of the public as any supervisee with complaint issues could be reported to DARS if they were licensed at the time of a sanction.

Ms. Lempicki also stated requiring the LMSW license for supervisees would then require the person to obtain continuing education on an annual basis, they would have to renew a license each year while under supervision and they would have the opportunity to sit for the ASWB masters exam prior to sitting for the ASWB clinical exam, so as to have some experience with the exam process. The LMSW would hold the supervisee accountable to licensure requirements during their supervision process prior to their obtaining the higher level license, whether it be general, clinical or administration. The supervisees are practicing social work and should hold a license reflecting their ability to practice social work.

Mr. Chace stated he requires all persons under his supervision for licensure to obtain and maintain the LMSW license during their supervision.

This is also an issue of protection of the public. The supervisee would have to demonstrate minimal competence by passing the ASWB masters exam to obtain the LMSW license. There would also be the possibility that more persons would pass the clinical exam on the first attempt if they had exposure to the masters exam as it would reduce the level of test anxiety.

Ms. Lempicki suggested placing a requirement in the year 2015 that all persons under supervision for LSW, LCSW or LSW-Adm be required to maintain the LMSW during their supervision experience. Ms. Schwartz inquired if this was an issue the Board wanted to address in the current rule changes and the Board decided to address this issue and Ms. Lempicki stated getting this language included in the current changes would be preferable.

Office term limits for Board members being extended to a two year period rather than one year was addressed. Ms. Hoehner advocates changing the term limits to two years as it allows time for an officer to become more familiar with what is required in the position to which they have been elected and more effectively implement those duties. If the length of the term was extended, the maximum amount of consecutive terms would need to be reduced from three to two. Mr. Cassil moved to accept this change. Mr. Chace seconded the motion and the vote was unanimous in the affirmative.

Automatic acceptance of continuing education obtained through state NASW chapters was discussed. Under the current rules licensees who obtain continuing education hours from a state chapter of NASW other than Oklahoma, the licensee must submit a form, a $40 fee and workshop materials for approval.

Mr. Chace stated he is aware of licensees who attend the Arkansas State Chapter of NASW meetings because it is closer in proximity to their location than Norman, Oklahoma, where the Oklahoma chapter holds their annual meeting.

Ms. Leuthard inquired of Mr. Hymans what the practice of other licensure boards was regarding this issue. Mr. Hymans responded that the majority of the jurisdictions that have continuing education requirements accept the state/jurisdiction NASW chapter in which they reside but beyond that acceptance, he was unaware of the practices of other boards. He stated he could inquire of Jennifer Ward at the ASWB how many NASW state chapters are ASWB ACE Providers. Mr. Hymans believes there are a small number of state chapters approved through the ASWB ACE program.

Ms. Lempicki stated last year when she reviewed the continuing education applications submitted by licensees she did not deny an application submitted that documented NASW content.

Continuing education obtained by licensees employed by the military, or the spouse of military personnel shall continue to be submitted for review by the Board office on the appropriate form; however, the fee associated with the application will be waived for military personnel or the spouse of military personnel.

Ms. Lempicki addressed a concern she encountered in 2008 when reviewing continuing education application submitted by licensees for approval of continuing education obtained by school coursework. The Rules are unclear on how to equate the hours of schoolwork into continuing education hours awarded. Mr. Cassil suggested the language "awarding continuing education hours commensurate to the number of semester credit hours of the course" for clarification. The Board agreed this would be acceptable language and should simplify converting school hours for continuing education.

Historically there has been uncertainty regarding the date by which continuing education hours must be obtained. Because a licensee is allowed to renew their license as late as March 31, it has been noted some licensees believe they also have until March 31 to obtain the required continuing education for the renewal. Mr. Cassil proposed language for insertion at 675:10-1-12.(c) to read "Such lapsed licensed will be renewed upon receipt of a complete renewal application, <u>proof of all required continuing education attendance completed during the prior calendar year</u>, and payment of the renewal fee …". Adding this language should make it clear to licensees that the continuing education requirement must be met within the calendar year. All members agreed this language should be incorporated into the Rules.

Mr. Hymans discussed the issue of placing a limit on the number of times an applicant may take the ASWB exam before the Board requires, from the applicant, a plan of action to improve their exam results or a method of remedial action.

Ohio statute states after an applicant's fourth failure of an ASWB exam, the applicant is required to attend six semester hours or eight quarter hours of undergraduate or graduate coursework or other appropriate remediation as approved by the Board. Mr. Cassil stated he agrees with that language because through that method the Board is guarantees that the applicant is listening to a speaker discuss this issue with them. Alberta's requirements state if an applicant does not pass the exam after a third attempt they must begin the process again, beginning with the required supervision.

Ms. Leuthard voiced her concern of whether or not this is the Board's responsibility to monitor and require remedial action or if the exam is a reliable and valid exam and if the applicant chooses to not go into a plan of remediation and continues to take and fail the exam, then that is their prerogative. Ms. Hoehner asked that since it is the Board's duty to protect the public, and the Board continually approves an applicant to sit for the exam, is the Board fulfilling its duty to the public. She continued to state if an applicant cannot pass the exam their skills are most likely not adequate to practice.

Mr. Hymans advised the Board that they have an obligation to protect the public when an applicant cannot pass the exam and has continued to practice on the level of that exam. The Board has the responsibility to either assist the individual applicant in remediation or protect the public, or a combination of both. Ms. Lempicki stated the provisional license is active for one year at which time it expires and another provisional license will not be issued. This does not mean the person cannot go back under supervision and continue practicing, it simply means they do not have a license to practice social work.

Exam security is a growing concern of the ASWB. There are many different forms for the exams but when a person repeatedly takes an ASWB exam, eventually they will get a duplicate exam, which puts the exam at risk. Mr. Chace stated, if the Board decided to require remedial action after a certain number of unsuccessful attempts of taking the exam it would bring our Board in to conformity with other professional groups in the state of Oklahoma. Mr. Chace voiced his concern regarding an applicant who repeatedly cannot pass the exam. The question arises, if this individual has the knowledge base and appropriate skills to be practicing social work.

There are some instances wherein the applicant should be asking for testing accommodations due to documented disabilities or with English as a second language difficulties, but the request is not being made by the applicant.

Ms. Lempicki suggested changing the approval for examination language from one year to nine months or possibly extending the one year provisional license for another year (for a total of a two year approval, one year provisional and one year as an exam identification number only). It is the ASWB's regulation

to require an applicant to wait ninety (90) days before attempting to take the exam again. This would enable the applicant to attempt the exam six times. If the applicant had not passed the exam after the two year period, the Board could then impose a tutorial, require additional supervision or any other remedial action the Board deemed appropriate under the circumstances. Ms. Leuthard agreed this form of approval may benefit both the applicant and the Board. The applicant would have two years to pass the exam and the Board would have the ability to impose limitations on how the applicant could work and what remedial actions would be taken after the two year period. Ms. Reed offered to draft the language for the Rule change.

Mr. Hymans advised the Board that the ASWB is always available to the Board for assistance. ASWB has many resources available to the Board and that is the purpose for Mr. Hymans' attendance at the meeting, to remind the Board members ASWB is our organization. Mr. Hymans suggested anytime the Board had questions or concerns to forward those through Ms. Hoehner to the ASWB for a response. Mr. Hymans left the meeting at 12:00 p.m.

Placing a restriction of years to accomplish supervision for licensure was discussed. The Board chose to place a six year limitation on supervision hours. The language shall read "The supervision hours shall be accumulated over a period of not less than two (2) years but no more than six (6) years." Also added will be "At the Board's discretion, exceptions to the six (6) year maximum time frame for accrual of supervision hours may be made for active duty military personnel or a person with a documented disability." This language will be placed in the Rules at 675:10-1-1.2, 675:10-1-2, 675:10-1-2.1 and 675:10-1-3.

The Board discussed consequence to persons who fail to timely submit their supervision paperwork. There have been numerous occasions that persons under supervision have not submitted their supervision paperwork timely resulting in the issue being brought to the Board's attention for a review and determination of acceptance. The wording proposed for the Rules was, "At the Board's discretion, failure to comply with reporting requirements stated herein may result in loss of supervisory hours."

The Board discussed the ability to have ok.gov build a program for supervision forms wherein the supervisee and supervisor could work together and submit all supervision documentation electronically. Reji Varghese with the Medical Licensure Board had discussed this with the appropriate personnel at ok.gov to obtain a bid; however, a bid was never received. Ms. Hoehner stated she had been in contact with Katie Meadows at ok.gov and would schedule a meeting to discuss this and report the meeting results at the next Board meeting. Ms. Lempicki and Mr. Chace stated they felt this would be a wonderful resource for supervisees, supervisors and Board staff. Having the ability to submit the supervision forms online would drastically reduce Board staff time spent reviewing

and returning incomplete forms to the supervisees and re-reviewing them upon their second submission.

Mr. Chace inquired if there would be the ability to have a function wherein when the supervisor and supervisee logged into the supervision profile online they would be notified of when to submit their evaluation paperwork due to the fact that there is such a great number of persons submitted their documentation in an untimely manner. Ms. Hoehner stated she would inquire of Ms. Meadows if that would be a possibility and include that in her next report to the Board.

Ms. Reed advised the Board she felt the acceptance of out of state supervision hours being counted for a person who has moved to Oklahoma is an issue that needs to be addressed in the Rules. Mr. Chace volunteered to write the language to incorporate into the Rules regarding this matter.

An e-mail from Micah Woodard was reviewed by the members. Ms. Reed advised the Board of Mr. Woodard's attendance at the most recent supervisor training class. In that workshop, Mr. Woodard wanted clarification of what is considered client contact. It was noted that Mr. Woodard does not hold a clinical license but does hold an administrative license issued by the Board. Mr. Woodard's concern arises because he is the Executive Director of an agency wherein there are employees under clinical supervision for their licensure. Ms. Hoehner advised the Board that Mr. Woodard is also currently undergoing clinical supervision. The Board requested Ms. Hoehner send Mr. Woodard correspondence to request his suggested changes for the Board to review.

Ms. Schwartz asked if the Board wished to vote on the changes at the current meeting or wait until the next regularly scheduled meeting to vote on the changes. Ms. Leuthard stated she preferred for the Board to vote at the current meeting to avoid the possibility of not having a quorum at the September meeting. Ms. Leuthard entertained a motion, Mr. Endicott moved to accept the changes made over the course of the two day retreat (July 31 – August 1, 2009) on the statues and the Rules. Mr. Cassil seconded the motion and the vote was unanimous in the affirmative.

Ms. Reed suggested adding a definition of clinical practice, the language being added in the Rules regarding untimely submission of documentation and the time frame in which supervision may be accumulated (2-6 years) be incorporated into the proposed Guidelines for Supervision. Ms. Reed will review this document, make revisions and resubmit the document for approval by the Board at the next meeting.

Ms. Lempicki suggested adding in the definitions of the proposed Guidelines for Supervision, the new definitions of clinical practice, employment supervision and educational supervision, using the definitions that were added in the statute and Rules during the retreat.

There being no further business the meeting was adjourned at 3:15 p.m.