

BOARD OF LICENSED SOCIAL WORKERS
Minutes of the Meeting
November 2, 2007

The Board of Licensed Social Workers met on November 2, 2007 at the office of the Board of Medical Licensure and Supervision, 5104 North Francis Avenue, Suite C, Oklahoma City, Oklahoma. The meeting was held in accordance with the Administrative Procedures Act and Open Meeting Act of Oklahoma.

Members present:

Antoinette Lempicki, Board Chair
Joy Leuthard, Vice Chair
Eunice McDowell
Jeff Chace
Elaine V. Eddens
Gwendolyn Gibson

Also present:

Debra Schwartz, AAG
Kandi Hoehner, Administrator
Linda Edmondson, Consultant
Kathy Plant, Executive Secretary for the Medical Board

After roll call and noting that a quorum was present, the Chair called the meeting to order at 10:05 a.m.

The first item of business was approval of the minutes from the September 28, 2007 meeting. Ms. Lempicki noted on page two that she did not make the motion in the matter of Karla Kempf. Ms. Hoehner said she would listen to the tape to see who made the motion. Ms. McDowell thought she may have made the motion but was not sure. Approval of the September minutes was tabled until the January meeting.

Jack L. Fortenberry, LMSW appeared with his attorney, Steve Nash, for a complaint interview regarding issues with employment and supervision contract. Ms. Schwartz explained this was not a hearing but an informal interview, which is a way for the Board to express their concerns about complaints received. She advised Mr. Fortenberry that the Complaint

Committee had had concerns regarding his knowledge of what he is allowed to do as a LMSW, particularly in the area of billing. Mr. Fortenberry testified regarding his employment, supervision and billing procedures. Mr. Chace advised Mr. Fortenberry that he could not be an independent contractor with a LMSW. Mr. Chace was concerned that this was the same issue that had brought Mr. Fortenberry before the Board in the past. Mr. Fortenberry testified regarding his current employment duties. He testified that he has been employed by Transitions, Incorporated since October 8th, where he has done counseling and a few assessments. However, he has not been able to get a supervision contract.

Mr. Chace said because of Mr. Fortenberry's last complaint around November 2006, two years were added to his supervision requirement along with additional continuing education. Mr. Fortenberry has had three jobs since that time and none have worked out. Mr. Chace expressed concern that the same issues keep coming up, i.e., working outside the scope of his license and his behavioral issues with employers and clients. Ms. McDowell suggested that Mr. Fortenberry had not educated himself about the laws regulating LMSW and LCSW. She recommended that he look for employment in the areas in which he has been trained.

Mr. Fortenberry testified regarding his continuing education, his skills and abilities, and his current job duties. The Board reviewed the duties that he could perform and the limitations on his license. Mr. Fortenberry indicated that he understood he must get a contract for supervision approved by the Board prior to providing any services.

Mr. Chace made a motion to move forward with a hearing and resolution of the complaints that are pending. Ms. Eddens seconded the motion and the vote was unanimous in the affirmative.

Mr. Nash said they would clarify with Mr. Fortenberry's employer that he could not bill for services because he does not have a supervisor. Mr. Nash asked for clarification on the motion. The Board advised him that the motion was to proceed with an investigation and a formal hearing if evidence of violation was found.

Ms. McDowell moved to reorder the agenda to move the Administrative Report and Contract with Medical Board until later in the meeting. Mr. Chace seconded the motion and the vote was unanimous in the affirmative.

The Board asked that any contract submitted by Mr. Fortenberry for supervision be brought before the Board.

The Board discussed HB 1804, a new law impacting requirements for license applications. Ms. Schwartz said all agencies that issue licenses must verify that all applicants are legal residents of the US. There will be two affidavits and applicants will have to sign one or the other affirming that they are either citizens or legal residents of the United States. The requirement would begin immediately.

The Board discussed requiring criminal background checks for applicants for licensure. Ms. Schwartz reported that an agreement had finally been reached on the language for a contract with Trak 1. The contract will be ready for Board review in January. Ms. Schwartz reviewed the process applicants will go through in having their background check submitted to the Board. She advised the Board she was working on the notices required to be given to applicants. She suggested that the Board might want to consider a change to law and rules to allow the Oklahoma State Bureau of Investigations to do nationwide background checks based on fingerprints.

Staff reported to the Board on the Supervisor Training classes. Ms. Lempicki updated the Board on changes and updates made to the training program.

Ms. Hoehner asked if using a web cam would count as face-to-face educational supervision. The Board's consensus was yes, it would meet the criteria. Ms. Lempicki asked about clarifying the in the rules locations in which supervision can occur, i.e., a restaurant, a public library, in a car. The consensus was that it needed to be in a safe, private appropriate environment. The Board asked that it be added to the list of needed rule changes.

The President called for a report from the Subcommittee on Private versus Independent Practice. Mr. Chace said the subcommittee had not met yet but he would be scheduling a phone conference. The subcommittee also would be dealing with the Adoption Home Studies. Ms. Eddens moved to postponed discussion and action on Private versus Independent Practice and Adoption Home Studies. Ms. McDowell seconded the motion and the vote was unanimous in the affirmative.

The Board discussed concerns regarding discrepancies in the Model Act and OSBLSW Licensing Act. The statutes use the language "accredited by the

CSWE” and “approved social work program”. The Model Act uses the language “approved social work program”. The Board felt the language should be changed to be consistent with the Model Act. It was decided to change the language to “Board approved social work program”. Mr. Chace indicated concern regarding international programs, as OSBLSW has always used CSWE for the approval. Ms. Lempicki stated the Board could always consult with CSWE. She suggested we remove the language and end at “case by case basis.”

Ms. Schwartz presented the complaint log. In the Case #200501, **Diane Powers, LCSW**, Ms. Schwartz thought the matter had been resolved. Ms. Hoehner checked the file, the issue had been resolved and the license had been issued. Ms. McDowell moved to dismiss the complaint. Mr. Chace seconded the motion and the vote was unanimous in the affirmative.

Ms. McDowell asked for guidance with the letters she had been directed by the Board to write in cases 200607 and 200711. The Board said they should be strong letters and otherwise imposed no limitations. Ms. Schwartz suggested focusing on the licensee’s responses to the complaints.

Mr. Lyle Kelsey, Executive Director of the Board of Medical Licensure and Supervision, presented the Administrative Report. On the issue of office space, he advised that the Medical Board’s lease would expire in a year and a half. He said if the Social Workers Board would like to stay with the Medical Board and the Board of Licensed Alcohol and Drug Counselors, he would look for space together. He advised that the Social Workers Board’s lease would be expiring soon and he has been talking to building management about what to do until a long-term decision is made. He cautioned that rent would be raised but the lease could go to a month-to-month basis. He advised that he would have more information by the next meeting.

The Board reviewed the contract between the Social Workers Board and the Medical Board. Ms. Hoehner clarified some of the jobs that she has been doing that were listed on the contract as being done by the Medical Board. After discussion, Ms. McDowell moved to enter into the contract with the Medical Board. Ms. Eddens seconded the motion and the vote was unanimous in the affirmative. (See attachment # 1)

The Revenue, Expenditure, Cash Receipts and Disbursements Report was reviewed. Mr. Reji Varghese, Business Manager for the Medical Board reviewed expenditures. Ms. Lempicki asked if there could be a place on the Board’s

website just for Board members. Mr. Varghese said a secure page could be made for posting relevant information, accessible only by Board members. Mr. Varghese reviewed the renewal process, on-line renewals, and entering continuing education on the website. Ms. Eddens moved to approve the financial report. Mr. Chace seconded the motion and the vote was unanimous in the affirmative. (See attachment # 2)

Applications for licensure, provisional licensure and examination were reviewed. Mr. Chace moved to approve the application of **SHELLEY BOWERS** for LMSW pending satisfactory completion of her file. Ms. McDowell seconded the motion and the vote was unanimous in the affirmative.

Mr. Chace moved to approve the following applications for provisional LMSW. Ms. McDowell seconded the motion and the vote was unanimous in the affirmative.

MARZIEH FIYAZI ROSE STEICHEN
PENELOPE HOLLOWAY

Mr. Chace moved to approve the application of **ALLISON BURTON** for provisional LCSW. Ms. McDowell seconded the motion and the vote was unanimous in the affirmative.

Mr. Chace moved to approve the following applications for provisional LCSW. Ms. McDowell seconded the motion and the vote was unanimous in the affirmative.

ANGELA WORKMAN DICKSON KERT KENNEDY

Mr. Chace moved to approve the application of **MONA MEIER** for provisional LCSW pending passing the exam and comments from her Board Approved Supervisor. Ms. Gibson seconded the motion and the vote was unanimous in the affirmative.

Mr. Chace moved to table the application of **WATT OSAGE** for LCSW due to a pending investigation. Ms. Gibson seconded the motion and the vote was unanimous in the affirmative.

Mr. Chace moved to approve **LINDY KROENERT** for exam ID. Ms. Gibson seconded the motion and the vote was unanimous in the affirmative.

Mr. Chace moved to approve the following applications for Board Approve Supervisor pending completion of supervisor training. Ms. McDowell seconded the motion and the vote was unanimous in the affirmative.

JODY CLEBURN, CLINICAL BAS
JEFF HENDERSON, CLINICAL BAS
LAURA TURNER, CLINICAL BAS

Mr. Chace moved to table the application of **SUZANNE KACMARCIAK** for Clinical Board Approved Supervisor until she submits new reference letters. Ms. McDowell seconded the motion and the vote was unanimous in the affirmative.

Ms. Edmondson reported that continuing education reports are up this time of year. She advised that a licensee had suggested that the Board keep a list of all approve continuing education courses.

Ms. Lempicki talked about the Board's contract with Ms. Edmondson. She advised that she would report at the January meeting on all of Ms. Edmondson's duties.

Ms. Hoehner presented her report to the Board. She discussed hiring a part time employee and presented a proposed job description. After discussion, Ms. McDowell moved to give the Administrator the authority to hire a clerical assistant effective immediately. Ms. Eddens seconded the motion and the vote was unanimous in the affirmative.

The Board heard the report from the Chair. She asked for guidance on rule changes and notification to licensees. Ms. Schwartz advised that it was not required that the Board send notice to licensees but it would be a good idea. Ms. Edmondson said that most of the rule changes were edits but a few contained substantive changes. The Board requested that she make a synopsis of the changes to send to licensees along with the complete rule document.

Ms. Hoehner updated the Board on the progress of getting the newsletter out to licensees. She reported on problems with using the Department of Central Services. She said next year, the newsletter will be done in-house to avoid delays. The Board discussed getting help from students who are required to do community service to help with folding, addressing, etc.

There being no further business, Ms. McDowell moved to adjourn the meeting. Ms. Eddens seconded the motion and the vote was unanimous in the affirmative. The time was 1:59 p.m.