

MINUTES

**UTAH
SOCIAL WORKER LICENSING BOARD
MEETING**

June 3, 2010

**Room 474, 4th Floor – 9:00 A.M.
Heber M. Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:21 A.M.

ADJOURNED: 3:17 P.M.

Bureau Manager:

Richard J. Oborn

Board Secretary:

Lee Avery

Board Members Present:

Tammer M. Attallah, Chairperson

Dennis R. Frandsen

Kathy Searle

Mark de St. Aubin

Jean V. McAfee

Evan C. Coats

Board members Excused:

Tanya Nagahiro

Guests:

Edward M. Heath

Kate Johnson

Elise Hutchings, NASW

DOPL Staff Present:

Mark B. Steinagel, Director of DOPL

Ray Walker, Reg/Compliance Officer

Ronda Trujillo, Compliance Specialist

Susan Higgs, Compliance Specialist

Matthew Johnson, Licensing Specialist

Rules Hearing: 9:00 A.M. – 9:20 A.M.

Judge Steve Eklund conducted the Rules Hearing.

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

MINUTES:

The Board reviewed the minutes dated April 1, 2010.

Mr. de St. Aubin motioned to approve the minutes

with changes, seconded by Mr. Frandsen. The motion carried unanimously.

COMPLIANCE REPORT:

Ronda Trujillo Compliance Specialist

Update:

Ms. Brenda Welch is in compliance with her stipulation. She is not working in the social work field. Ms. Welch stated that she mailed her essay. At the time of the Board meeting the Division had not been received.

Note* The Division received Ms. Welch's essay on June 3, 2010..

Ms. Emily Berry is in compliance with her stipulation. She is not working in the social work field.

Ms. Xan Kali is in compliance with her stipulation. She is not working in the social work field.

Mr. Enrique Velasquez is in compliance with his stipulation. He is not working in the social work field.

Appointments:

#1. Ms. Yvette Melby is in compliance with her stipulation. The Division received an updated monthly therapy report. Her monthly supervisor report indicating she had discussed her yoga classes with her supervisor. The Division received her monthly 12 step reports. She is calling CVI for the UAs (urine analysis) as required in her stipulation.

#2. Ms. Dorothy Imperiale is in compliance with her stipulation. Her continuing education hours are due August 21, 2010. She submitted her self-report.

#3. Ms. Jacqueline Allred is in compliance with her stipulation. The Division received her employer and supervisor reports. These are current and positive. She submitted a letter requesting early termination. Her supervisor, Glen Lambert, is supporting early termination.

#4. Ms. Megan Heath is not in compliance with her stipulation. She missed calling daily three (3) times in April and three (3) times in May. She has not missed any tests and has current prescriptions for all positive test results. Her quarterly therapy reports are current

and positive. She submits her employer reports stating that she is not currently working. The Division received her 12 step cards. The Division received her request for early termination of her probation.

APPOINTMENTS:

Ms. Yvette Melby, probation interview

Ms. Melby met with the Board for her probation interview. Mr. Frandsen conducted the interview. The Board noted that Ms. Melby is doing well. Her supervisor and therapy reports are positive. The Board advised Ms. Melby that her UA showed diluted and encouraged her not to drink as much before these tests. Ms. Melby reviewed her humanitarian trip to the Panama. She noted that this was not job related. Ms. Melby stated the group she traveled with is Volunteers of America. The Board reviewed Ms. Melby's request to move her supervisory reports to quarterly. After further discussion the Board decided to wait until the next Board meeting to review considering her request. Ms. Melby stated she is meeting two times a month with her therapist. She talked with her therapist and they are working together differently and this is working better for her. The Board requested she have her therapist include how often she recommends they meet on her next report to the Board. The Board asked to see Ms. Melby on August 5, 2010. **Ms. Melby is in compliance with her stipulation.**

Ms. Dorothy Imperiale, probation interview

Ms. Imperiale met with the Board for her probation interview. Ms. Searle conducted the interview. Ms. Imperiale briefly reviewed a situation she had with a client. Ms. Imperial stated that she has not been able to take the ethics course yet. She will be completing this course next week. She has not been able to find a current version of the HIPAA and ethics courses yet. The Board gave her several suggestions for her consideration. The Board noted that with the changes in the Social Worker Practice Act Rule these courses will become more available. Ms. Imperiale's continuing education courses are due August 21, 2010. The Board encouraged her to submit the course information to the Board for its approval and referred her to several websites. Ms. Imperiale stated she will be completing the "What Should I do, 38 Ethical Dilemmas Involving Confidentiality" course next week. Ms. Imperiale noted that her workload is eight

(8) to eighteen (18) clients weekly. The Board asked to see Ms. Imperiale on August 5, 2010. **Ms. Imperiale is in compliance with her stipulation.**

Ms. Jacqueline Allred, probation interview

Taken our of order on the Agenda:

Ms. Allred met with the Board for her probation interview. Mr. de St. Aubin conducted the interview. Ms. Allred stated things are going well. Her work load has increased and she is keeping busy. She is currently working nights and is looking for daytime employment. The Board reviewed Ms. Allred's letter for early termination and a letter from her supervisor, Mr. Lambert, that supports early termination. The Board reviewed Ms. Allred's stipulation and her continued compliance with her stipulation. **Mr. Frandsen motioned to accept her request for early termination as of June 3, 2010, seconded by Ms. McAfee. The motion carried unanimously.**

Ms. Megan Heath, probation interview

Ms. Heath met with the Board for her probation interview with her husband Mr. Ed Heath. Mr. Attallah conducted the interview. Ms. Heath reviewed several letters with the Board. She gave the Board a copy of the final expungement of her criminal record. Mr. Oborn advised Ms. Heath that the Board reviewed her letter requesting early termination. The Board meeting was closed at 11:10 A.M. to discuss the character, professional competence, or physical or mental health of an individual. The Board meeting opened at 11:25 A.M.

Ms. Heath outlined her probation and the steps she has taken regarding her addiction problems and remaining clean and sober. She reviewed the financial cost of her probation with the Board. Ms. Heath stated that she is requesting early termination of her probation. Ms. Heath was advised that the Board would need to see a work history before considering a request for an early release from probation. Ms. Heath asked the Board to consider reducing the requirements of her probation. She is unable to work due to her health issues; however, she continues to meet with the Board and submit reports to the Board. After further discussion, Mr. de St. Aubin motioned to recommend Dr. Marcham's reports be suspended until Ms. Heath accepts employment, then have Dr. Marcham submit a report, seconded by Mr. Frandsen.

The motion carried. Mr. Coats abstained due to a previous professional relationship. After further discussion, Mr. Frandsen motioned to release Ms. Heath from the urine analysis testing until she is employed, seconded by Mr. de St. Aubin. The motion carried. Mr. Coats abstained due to a previous professional relationship. **The Board requested to see Ms. Heath when she gains employment in the field. Ms. Heath is in compliance with her stipulation.**

Ms. Verna J. Dallin, request for additional supervisees

Taken out of order on the agenda:

Mr. Coats excused himself from this interview due to a previous professional relationship with Ms. Dallin. Ms. Dallin met with the Board. The Board reviewed Ms. Dallin's request for additional supervisees. Ms. Dallin stated she works for Project Reality until noon and supervises two (2) CSWs. Her case load is a reduced case load. She has approximately twenty five (25) clients. There are approximately ten (10) to twelve (12) clients a week for mental health therapy. Ms. Dallin stated that in the afternoons she then goes to Journey. Ms. Dallin stated that she is working approximately 35 hours at Project Reality and approximately 25 hours at Journey where she provides services for approximately thirteen (13) adults with mental health and substance abuse clients. Ms. Dallin advised the Board that she has attended the supervisory course at an accredited university. Mr. Frandsen motioned to allow Ms. Dallin to accept one (1) full time employee or two (2) part time employee's, above the current limit of three (3) supervisees, seconded by Mr. de St. Aubin. The motion carried. Mr. Coats abstained due to a previous professional relationship with Ms. Dallin.

Amanda Robinson, reinstatement of SSW license

Ms. Robinson met with the Board. The Board reviewed Ms. Robinson's application to reinstate her Utah SSW license. The Board reviewed Ms. Robinson's letter to the Board. Mr. Oborn reviewed her memorandum outlining her history as follows: *Ms. Robinson's Utah SSW license was issued on 07/27/1994 and she failed to renew her license by 09/30/1998. She completed a MSW program at Boise State University, passed the ASWB masters exam and later obtained a LMSW license in Idaho in July 1997.*

Idaho's LMSW license is equivalent to Utah's certified social worker license. In May 2001, Ms. Robinson admitted to having a sexual relationship with a minor client in February and March of 2001.

In April 2002, Ms. Robinson pled guilty to aggravated battery, a felony and received an Order Withholding Judgment and Order of Probation in the Idaho Seventh Judicial District for Jefferson County.

In June 2002, Ms. Robinson voluntarily surrendered her license, admitting to the violations of Idaho's Social Work Practice Act. In September 2002, the Idaho State Board of Social Worker Examiners revoked her LMSW license for five (5) years. The Order revoking her Idaho license set forth conditions of reinstatement of her Idaho license.

Ms. Robinson successfully completed her five year criminal probation term in January 2009. As a result, the Idaho Seventh Judicial District reduced her felony convictions to a misdemeanor.

Since the 2002 surrender and revocation of her Idaho LMSW license, Ms. Robinson has not practiced and has not held a license in any jurisdiction.

Mr. Coats motioned to close the Board meeting at 12:32 P.M. to discuss the character, professional competence, or physical or mental health of an individual. The Board meeting opened at 1:03 P.M.

The Board advised Ms. Robinson to obtain a mental health risk assessment from a psychologist. Mr. Oborn stated that he would provide her with the names of several psychologists the Division has accepted and a letter detailing what type of information the Board is looking for with the risk assessment evaluation. The Board will review the results from the assessment and then consider reinstating her license.

DISCUSSION ITEMS:

1. Counting a CSW's hours in supervision toward 1,000 hours of mental health therapy

Ms. Hutchings met with the Board to review counting a CSW's hours in supervision toward the 1,000 hours of mental health therapy. The Board reviewed the following sections of the Mental Health Professional Practice Act and Social Worker Licensing Act Rule. **58-60-205** *Qualifications for licensure as a clinical or certified social worker and social service worker:*
(f) document successful completion of not less than 1,000 hours of supervised training in mental health therapy obtained after completion of the education requirement in Subsection(1)(d), which training may be included as part of

the 4,000 hours of training in subsection (1)(e), and OF WHICH documented evidence demonstrates not less than 100 of the hours were obtained under the direct personal face to face supervision of a clinical social worker approved by the division in collaboration with the Board. And

R156-60a-302c. Training Requirements for licensure as a LCSW:

a. Individual, family, and group therapy;

b. crisis intervention,

c. intermediate treatment; and

d long term treatment.

The Board noted that the language in the statutes read: "Supervised training in mental health therapy". The language on the application form reads: "Supervised Practice of Mental Health Therapy". The Board agreed that these sections may need to be clarified to eliminate confusion. Mr. Oborn encouraged Ms. Hutchings to review this with the ASWB.

2. Update regarding implementation of changes to Mental Health Professional Practice Act

Mr. Oborn reviewed the changes in the Mental Health Professional Practice Act. Mr. Oborn noted that the Division will begin pre-approval for the ASWB exam starting July 1, 2010. Mr. Oborn noted that the details are still being worked out.

3. Conflicts of interest between roles of LCSW and correction officer

Taken out of order on the agenda:

Mr. de St. Aubin advised the Board that Ms. Johnson presented the question regarding the conflict of interest between roles of an LSCW and corrections officer. Ms Johnson met with the Board. Ms. Johnson stated that her supervisor was unable to attend this meeting. Mr. de St. Aubin advised the Board that Ms. Johnson is an LCSW for the Department of Corrections. One of the requirements for this job is to attend the Police Officers Standardized Training (POST) for certification. Ms. Johnson stated that the POST certification training and job description require her to report all conversations when a client indicates that they have violated the terms of their probation. Ms. Johnson stated that her education and training as a mental health care provider and social worker and the HIPAA laws state these conversations are considered confidential. Ms. Johnson stated she is concerned about the conflict between these two requirements. The Board talked with Ms. Johnson and reviewed the Mental Health Professional Practice Act, the Social

Service Worker Act Rules, ASWB Code of Ethics and HIPAA. The Board advised Ms. Johnson that she should disclose the dual relationship with the clients.

4. Review of college/university courses that possibly satisfy SSW course requirements

Mr. Oborn reviewed an information packet with the Board regarding courses for consideration for fulfilling the social welfare policy and social work practice methods course requirements. Mr. Oborn noted that Utah code 58-60-205 (4) (d) (ii) requires that applicants with non-social work bachelor's degrees complete at least three (3) semester hours in each of the following areas: social welfare policy, human growth and development, and social work practice methods. Several Utah Colleges and universities fulfill the requirements; however, courses that currently fulfill the social welfare policy and social work practice methods courses requirements are difficult to find. Some are not made available to students completing non social work degrees, such as psychology, sociology, or criminal justice. After reviewing the information the Board noted that the older statues diluted the practice of a social service worker. The NASW and Board wanted to tighten up the education requirements making the education and training specific to social work. The Board noted that the schools may ultimately modify their courses to meet statute requirements. Mr. Oborn stated that he advised the schools of the changes, noting that their students will need to meet these requirements. The Board discussed meeting with the college and university representatives to review their social work programs and provide them with assistance. Mr. Oborn stated he will invite the schools to meet with the Board.

5. Upcoming end of Board member term

Mr. Mark de St. Aubin and Ms. Jean McAfee have completed their terms on the licensing Board. The Board thanked both members for their time, dedication and service to their profession, the public and the Division.

CORRESPONDENCE:

ASWB Analysis of Practice of Social Work
2010

Mr. Oborn advised the Board that the ASWB representatives decided they need to modify the exam due to a formal analysis.

Not on the agenda:

The Board reviewed the definition of an employee in the Mental Health Professional Practice Act noting that the term “employee” in such a way that no one but w-2 employees meet the definition. The Board expressed an interest in changing this to include 1099 employees. Mr. Oborn stated he will discuss this with the other mental health therapist licensing boards. He will also obtain input from the associations.

The Board discussed the option to better define a public and private agency. This issue will be further discussed at future Board meetings.

NEXT SCHEDULED MEETING:

June 3, 2010

2010 Board meetings are scheduled:
August 5, October 7, December 2.

2011 Board meetings tentatively scheduled:
February 3, April 7, June 2, August 4, October 6,
December 8.

ADJOURN:

Motion to adjourn at 3:17 P.M.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

August 5, 2010
Date Approved

(ss) Tammer Attallah
Chairperson, Utah Social Worker Licensing Board

July 8, 2010
Date Approved

(ss) Richard J.Oborn
Bureau Manager, Division of Occupational &
Professional Licensing