

Newsletter

February 2009

Change Happens!

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There have been a number of significant changes to the operations of the Board of Clinical Social Work. Jon Langenwaller, the Board's Executive Director resigned in June. Mike Lamon guided the Board for several months. Mike was on loan to the Board from the Department of Human Services. The Board hired Martin Pittioni as its new Executive Director in September. Martin, among other positions, had previously been the Executive Director of the Board of Psychologist Examiners, the licensing board for psychologists. We are very fortunate to have Martin as our new E.D. He is already familiar with the workings of state government and the role of regulatory boards in protecting the public.

In June, the Board received temporary authorization from the Emergency Board to hire a Compliance Specialist to help the Consumer Protection Committee (CPC) evaluate complaints against licensees. The CPC has been struggling for some time to complete investigations of complaints in a timely fashion. As one of Martin Pittioni's first tasks, he hired Amber Kaatz as the Board's Compliance Specialist. The Board is now in the legislative review of its 2009-11 budget, where the Board is seeking continued authority to retain the new Compliance Specialist position. A more detailed article on this position appears on page 7.

The most recent change in the Board's operation was the resignation of Toniya Villalobos from the Board. The Board wishes to publicly thank Toniya for her years of service to the social work board. Carol Copley Zancanella, of Bend was appointed to fill the Board vacancy. Carol is a therapist with St. Charles Hospital Outpatient Behavioral Health.

The Board has been working toward a change in the statute that governs the Board. As a result, Senate Bill 177 has been introduced as part of the Governor's legislative package. This bill, if passed, will do three basic things. First, it will prevent former licensees who have had their license revoked by the Board from practicing clinical social work. Currently, a person who has had their license revoked may continue to practice but simply cannot call himself or herself a Licensed Clinical Social Worker (LCSW). Secondly, the bill establishes a new voluntary Licensed Master Social Worker (LMSW) license. This would provide an opportunity for MSWs who are engaged in non-clinical social work to obtain a license. Finally, the bill would establish a voluntary registration program for baccalaureate social workers, to be called Registered Baccalaureate Social Worker (RBSW). The authority for the Board to issue these new voluntary licenses would begin on January 1, 2011. Until then, the Board would work on developing the new licensure programs and write rules setting forth the specific licensure requirements. This will give the Board plenty of time to consult with the social work community as it develops these new voluntary licensure options.

Oregon Law Exam

In July of 2008, the 25-question exam on Oregon administrative rules and statutes was modified to a 20-question exam when five of the questions were withdrawn from the exam. The five questions were no longer valid because of changes to the Board's administrative rules that went into effect July 1, 2008.

The board recently reviewed the 20 remaining questions and made modifications to them and prepared five additional questions to be added to the exam, bringing the number of questions back up to 25. The new 25-question exam was reviewed at the February board meeting.

Reminder About Study Groups

The group must contain a **minimum** of 5 and a **maximum** of 10 licensed mental health professionals who meet for a minimum of one hour on a regular scheduled basis to discuss topics directly related to the field of clinical social work.

Rule Changes in CE requirements in Ethics

Another reminder to all LCSWs that the rule changes adopted July 2008 include a CE rule change that adds a requirement to include professional ethics training to the continuing education requirement in [OAR 877-025-0016](#). An LCSW is required to submit a report every two years that includes 40 total CE hours. **According to the new CE rule, 6 of these 40 hours must include ethics training. Any LCSW reporting CE beginning with renewal dates of January 1, 2009 must include evidence of 6 hours of ethics training with the CE.** This requirement applies to each two-year CE reporting period after January 1, 2009.

Example: The CE reporting period for a LCSW ends 9/30/09. The CE report that the LCSW will submit then must show six hours of ethics CE. The next CE reporting period for the LCSW ends 9/30/11. The CE reporting for this period must also show six hours of ethics training.

The Board decided to include the first subject driven continuing education requirement (ethics), because of the increase in complaints the Board has been receiving. This was also a national symptom, and Boards across the country have responded in similar ways.

The following is a list of some suggested topic areas: Boundaries; relationships; Local, State, and Federal violations in codes of ethics; confidentiality; reporting impairment; unethical practice; incompetence; maintaining competence; maintaining written records of clients including plans, issues and outcomes; general topics in ethics as they apply to the Social Worker in daily practice; interaction between ethical codes. Note this does not cover all possibilities for topics and therefore if you have question about a specific course or program the Continuing Education Committee of the Board can review them if an outline is provided which shows content.

Rule Granting Relief to Licensees Moving into Retirement

The board has received a few requests from experienced licensees requesting a reduction in renewal fees and continuing education requirements for licensees who continue to work, sometimes as volunteers, after retirement. The board has been working on the concept and approved entering the rulemaking process for a proposed rule revising OAR 877-030-0100. The timeline for this process and opportunities for written and public comment will follow the same proposed timeline as outlined in the Rulemaking article on page 3 of this newsletter. As with any issue affecting persons regulated by the Board, we welcome written comments from licensees on this matter.

Rulemaking

The Board has been reviewing its administrative rules and evaluating the need to make appropriate changes. During the past summer, several possible changes were identified in divisions 1, 35, and 40, and the proposed rules were evaluated by a Rules Advisory Committee that met with the Board’s Rules Committee on October 11, 2008. The Board approved a revised version of the proposed rules for rulemaking at its February 10, 2009 Board meeting, and will file a notice of proposed rulemaking with the Secretary of State, who will publish the notice in her Bulletin.

Once the notice is published in the Bulletin, the public, including all persons licensed or certificated by the Board, will have a chance to send written comments about the proposed rules to the Board. The Board will also conduct a public rulemaking hearing, most likely concurrent with the Board’s regular Board meeting scheduled for Tuesday, May 12, 2009. During the hearing, members of the public may provide oral or written testimony on the proposed rules. The Board will receive written comments through 5:00 o’clock on the day of the public hearing; the Board cannot consider comments received after that time. The timeline goal is for rule adoption at the Board’s June 9, 2009 meeting, and a rule effective date of July 1, 2009.

In addition to the changes in Divisions 1, 35, and 40, the Board has drafted changes to OAR 877-030-0100 to grant relief to licensees moving into retirement (see article on page 2 of this newsletter).

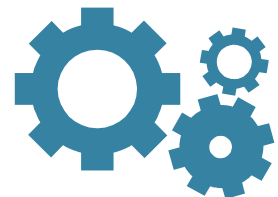
The Secretary of State’s Bulletin may be accessed at <http://www.sos.state.or.us/archives/banners/rules.htm>

Once the Board’s notice is published by the Secretary of State, a copy of the proposed rules may be obtained from the Board by emailing Oregon.bcsw@state.or.us.

FYI

The Association of Social Work Boards, a national organization that writes and administers the licensing exam, as well as, providing other functions for Social Work Licensing Boards in the US and Canada, has started a registry for Social Workers. In the wake of the Katrina disaster, educational transcripts from New Orleans’ Tulane University were lost in the storm. ASWB got the idea of creating a registry, or repository for individual Social Workers’ items necessary for licensure, their exam scores etc. All important information will be secured in another location. This registry can also ease the process if a Social Worker moves and licensure is needed in a different state. The initial cost is \$60 and then \$25 annually. For more information please see:

<http://www.aswb.org/SWL/swregistry.asp>.



Mark your calendars- Board Meeting Schedule for 2009:

Month	2009
January	13
February	10
March	10
April	10 and 11(Planning Meeting)
May	12
June	9
July	14
August	11
September	8
October	9 and 10
November	10
December	8

Board Takes Disciplinary Action

Since publication of the Board's last newsletter in April 2008, the Board issued five new public disciplinary actions. A summary of each action is listed below. Please note that you can check on disciplinary actions at any time by visiting the Board's website at www.oregon.gov/BCSW. The Directory/Verifications link allows you to review the disciplinary status of any licensee, and will allow you to view the public Final Order. Below is a summary of the five disciplinary actions taken since the April 2008 newsletter:

Board Disciplinary Actions since April 2008

Robert R. Conniff, MSW, (LCSW 200)

Stipulated Final Order (November 4, 2008). Violations of OAR 877-030-0070(1)(b) [2005], entry into a dual relationship with clients that conflicted with the ability of the clients to benefit from social work practice. Violations of OAR 877-030-0070(1)(d) [2005], entry into a dual relationship with clients that increased the risk of exploitation of the clients for the licensee's advantage. Violations of OAR 877-030-0070(1)(f) [2005], entry into a dual relationship with clients or former clients within a year from the last date of therapeutic services. Board ordered Reprimand, 1 year supervision, completion of 12 hours of Continuing Education on dual relationships, and assessed civil penalties of \$3,000.

Jenepher M. Woods, MSW, (LCSW 3692)

Stipulated Final Order of Probation and Assessing Civil Penalties (October 11, 2008). Violation of OAR 877-030-0070(1)(b) [2005], entry into a dual relationship with a client that conflicted with the ability of the client to benefit from social work practice. Violation of OAR 877-030-0070(1)(f) [2005], entry into a dual relationship with a person for whom licensee had provided social work services within the past year. Respondent was placed on probation for 2 years with supervision and assessed civil penalties of \$2,000.

Robert J. Beatty, MSW (LCSW 1805)

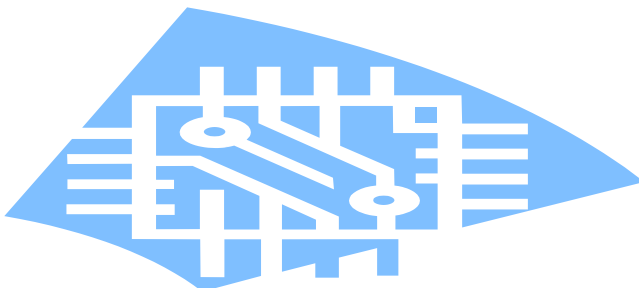
Stipulation for Voluntary Surrender of Clinical Social Worker License In Lieu Of Revocation and Final Order (August 16, 2008). Violation of OAR 877-030-0070(1)(g), sexual relationship within three years of providing clinical social work services. Violation of OAR 877-030-0070(1)(f) by entry into a business relationship with a client within one (1) year of providing clinical social work services.

Barbara L. Wilkins, MSW (LCSW 735)

Stipulated Final Order Assessing Costs (May 13, 2008). Violation of OAR 877-030-0090(2) related to failure to cooperate with a Board investigation. Board assessed a cost of \$500.

Jeanette C. Chardon, MSW (CSWA 1914)

Stipulation for Voluntary Surrender and Final Order (May 2, 2008). Violation of OAR 877-02-0009(2), 877-020-0012, and 877-020-0013 related to failure to have a current Plan of Supervision with a Board approved supervisor, failure to submit required six month supervision evaluation reports, and failure to comply with the terms of an Agreement with the Board's Impaired Professional Program.



Pending Changes in client record keeping

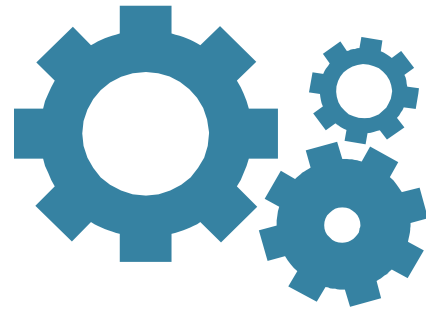
The Board has been dealing with the issue of record keeping for some time. A proposed rule change requiring maintenance of a clinical record was first introduced in January 2008. The board listened to feedback from licensees on the client record rule received by the February 16, 2008 rule hearing date and decided to revisit the rule. After further discussion and review, the following new language is now proposed to the “client record rule,” to become OAR 877-030-0100(2), as follows:

(2) A licensee who serves clients outside of an agency setting must ensure that a client record is maintained for each such client and that all client records are legible and are kept in a secure, safe, and retrievable condition. At a minimum, a client record must include an assessment of the client, a treatment or intervention plan, and progress notes of therapy sessions, all of which should be recorded concurrently with the services provided.

This proposed rule has been approved by the Board for entry into the rulemaking process, and will follow the same proposed public comment and adoption timeline as outlined in the rulemaking article on page 3 of this newsletter. The Board received a large amount of feedback last year on the topic of record keeping rule changes, and welcomes additional feedback on the revised proposal described above. The Board’s core policy position is that a record requirement falls under the Board’s mission of public protection. A clinical record allows another mental health professional to aid a client, with minimal difficulty, in the case of current clinician’s inability to continue treatment.

For example, an LCSW has been treating a client for 1

year. The client has had periods of increased depression with suicidal ideation. Several interventions and medication changes have been tried over the course of the year with varying results. The treating LCSW has an unfortunate car accident and is hospitalized for some time. The LCSW has asked a colleague to cover her clients while she recovers. The above mentioned client has an increase in suicidal ideation while the LCSW is recovering. If a client record is maintained, the treatment interventions, both successful and unsuccessful have been recorded. The colleague has a written history of what best helps this client, as well as a



bigger picture of the client’s environment in the assessment. In more dire circumstances, i.e. the death of the LCSW, a written clinical record is even more valuable. Written records can also aid the Social Worker in his/her defense if a complaint is made against the Social Worker to the Board. The Consumer Protection Committee will have a record of the clinician’s interventions and rationale for these interventions, if they were to come into question by the client and thus, by the Board, at some point during or after treatment by the Social Worker.

Another example would be an LCSW/CSWA has been invited to an 18 year old client’s high school graduation. (go to p. 6)

Pending Changes in client record keeping: (continued from page 5)

The LCSW/CSWA has been seeing this client for several years, and the client's main goal was to complete her high school education. The LCSW has been a big part of this goal for the client. The Social Worker, concerned about dual relationship issues in attending the graduation, consults with his/her supervisor. Both the supervisor and the treating Social Worker feel it is clinically relevant and important for the Social Worker to attend the ceremony. The Social Worker is to attend only the ceremony, congratulate the client and leave. The consultation, clinical reasoning and attendance at the graduation ceremony is noted in the clinical record. One year later, the family of the client files a complaint with the State Board of Clinical Social Workers alleging an ethics violation of a dual relationship for attending the graduation. The LCSW/CSWA now has a written record of why it was clinically relevant for her to attend the graduation.

Legislative Session Update- Limited Clinical Social Work Practice Act?

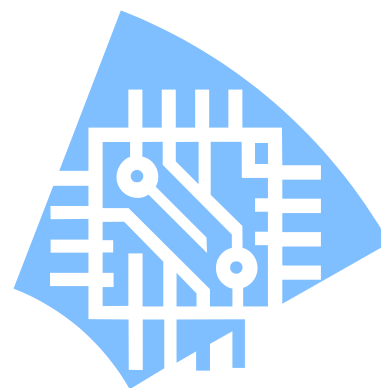
The Board has also been very busy working with its stakeholders on its Senate Bill 177, which proposes expanded voluntary title protection for non-clinical bachelor's level and master's level graduates (see "Change Happens" article on page 1). As part of these discussions, the Board is actively working on an amendment to SB 177 that would mandate licensure for clinical social workers only, beginning July 1, 2011, while maintaining the voluntary non-clinical licensure options proposed by the original bill. This approach is deliberately very limited in scope to achieve a consensus and is thus very different from prior year versions which attempted to mandate practice for clinical and non-clinical social workers.

The Board is also continuing to review and research a proposal from NASW-Oregon for additional title protection beyond what was proposed in SB 177, which would involve protecting the term "social worker" itself.

Did you know?

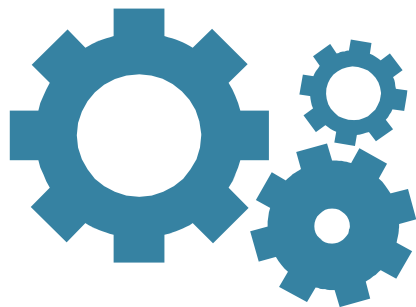
LCSWs in private practice are required by Board rule OAR 877-030-0100 to make arrangements for maintenance of and access to client records to ensure confidentiality in the event of the death or incapacity of the licensee. The rule requires that a licensee shall name a qualified person to intercede for client welfare and to make necessary referrals, when appropriate, and shall keep the Board notified of the name of the qualified person. The Board will not release the name of the qualified person except in the case of the death or incapacity of the licensee, or if the licensee is inactive and a former client is unable to locate the licensee. A qualified person under this Rule shall be defined as a Clinical Social Worker or other licensed mental health professional.

Many of our licensees in private practice are not in compliance with this rule. If you are one of them, please take steps now to contact the Board's office in writing with the arrangements you have made. There is no particular format requirement or form to submit to decrease the burden on you – a written and signed statement is sufficient.



Changes in the Board's Compliance Function

The Board hired Amber Kaatz as its first Compliance Specialist in late October. Amber has an MSW from Portland State University and comes to us with over 12 years of experience with Umatilla County Corrections. Her responsibilities included design and administrative oversight of the treatment program, drug court operations and conducting pre-sentence investigation reports. With Amber now on board, the day-to-day investigation functions that were distributed between the volunteer Board members on the Consumer Protection Committee (CPC), the occasional contracted investigator, and the Board's Executive Director, are now being consolidated with a dedicated staff person. Day-to-day oversight of this function remains with the Board's Executive Director. The CPC's role, assisted by Board counsel, is now increasingly focused on guidance of the investigation function and recommending to the full Board the adjudication of complaints.



What does this mean for you? The desired outcome here is a faster, more focused and more consistent investigation process. It will take time to achieve that goal. Right now our performance with respect to timely resolutions of complaints is way down. Here is why: The Board in essence is facing a real challenge of implementing this

transition in the compliance function while also absorbing the transition at the Director level and an unabated tide of new complaints. Up until July 1, 2007, the Board operated at a rough average of 30 complaints a year. The volume of complaints since has risen to an annual level of 50 complaints / year, and the most recent numbers are even higher. Just since the beginning of 2009 and February 20th, the Board as already received 12 new complaint cases. That is almost half of the annual level just two years ago.

None of this begins to reflect appropriately a simultaneous increase in the complexity and severity of the allegations. In calendar year 2008, the Board issued a record nine Stipulated Final Orders assessing some form of discipline on licensees. This focus on the most egregious cases, essential from a public protection point of view, does also mean that other cases are taking longer. The Board is extremely aware that licensees and complainants alike are interested in a fair – and timely – adjudication of complaints.

Our goal is to be able to show substantial progress in number of complaints resolved and timeliness by the end of this year. Absolutely essential for meeting that goal is final legislative approval of the fee increase package that was implemented last July and is tied to the funding for the compliance position, currently authorized only through June 30, 2009. The Board had a good budget hearing on February 12 and hopes to have that approval in place by the end of March 2009. Thank you all again for the strong support received for the July 1, 2008 fee increases tied to this critical Compliance function improvement.

Keep the Office in Your Informational Loop

Every month when the staff sends out renewal notices, they inevitably get from 1-5% returned because of an incorrect address. This is always due to the fact that the licensee has changed their mail address and failed to advise the Board of the change. This slows down the Board's ability to get your renewal notice to you timely, which then increases the possibility that you will not timely renew and owe a late-fee or even have your License or Certificate lapse.

The same thing goes for changes in e-mail addresses. Over half of the licensee base receives information from the Board through e-mail only. The Board appreciates the ability to conduct business in this manner since it saves both time and resources. However, every time the Board sends out a mass e-mail notice, the staff receives anywhere from 30-50 e-mail notices back because of incorrect addresses. This impedes the ability of the Board to timely provide the entire licensee base with necessary information. It also presents an administrative challenge to the staff to take the time and correct that many e-mail addresses all at one time.

Please, please, please notify the Board office immediately if you change your mailing address or e-mail address. That way, you get the information you need when you need it, and the staff can function most efficiently.

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