

TENNESSEE BOARD OF SOCIAL WORKER LICENSURE TELECONFERENCE
MINUTES

DATE: August 26, 2008

TIME: 9:00 a.m., CST

LOCATION: Health Related Boards
Poplar Room, Ground Floor
227 French Landing, Suite 150
Heritage Place, Metro Center
Nashville, Tennessee

BOARD MEMBERS

PRESENT: Teresa Housteau, LCSW, Chair
Beverly Esposito, LCSW, Secretary
Pamela Sams, LCSW
Frances Mazzaferro, CMSW
Sheryl DeMott, CMSW
Michele Horton, APSW
Julie Axley, BSW
Amy Gasser, BSW
Steven Pharris, LMSW

STAFF PRESENT: James A. Hill, Board Administrator
Diona Layden, Advisory Attorney
Barbara S. Maxwell, Administrative Director

Ms. Housteau, chair, called the meeting to order at 9:05 a.m. to discuss new rules for Social Worker Licensure pursuant to Public Chapter 1016. A roll call vote was conducted and all Board members were present.

Mr. Hill stated the purpose of the meeting was to review and discuss proposed draft of rules regarding new legislation for licensure, to ratify newly licensed LCSW's and LMSW's, and to review and approve LCSW and LMSW application files.

Alison Cleaves, Office of General Counsel, stated that TCA 8-44-108(b)(2) governs a meeting held by teleconference. Ms. Cleaves said the section states that if a physical quorum is not present at the location of a meeting of a governing body, then in order for a quorum of members to participate by electronic or other means, the governing body must make a determination that a necessity exists. Ms. Cleaves said such a determination and recitation of the facts and circumstances under which it is based must be included in the minutes of the meeting.

Ms. Cleaves stated she offers the following as meeting the necessity requirement:

Pursuant to Chapter 1016 of the Public Acts of 2008, the Social Worker Licensure Board Practice Act was rewritten. Through the rewriting of the act, which became law on May 22, 2008, and was effective July 1, 2008, the levels of licensure that are allowed through the practice of social work were expanded from two (2) to four (4). The expansion of the Board's scope of practice and levels of licensure required new rules to be promulgated as soon as possible to accommodate any new applicants for the new levels of licensure. The necessity to consider the licensure applications by teleconference is that those applicants need to have their applications reviewed.

A roll call vote was conducted and all Board members voted in the affirmative that the necessity for the teleconference as stated by Ms. Cleaves meets the requirements contained in T.C.A. 8-44-108(b)(2).

Mr. Hill turned the meeting over to the Board chair, Ms. Housteau.

Review/Discuss Proposed Draft of Rules Regarding new Legislation for Licensure

Ms. Housteau stated it appears the first order of business is to review and discuss the draft of the rules regarding the new levels of licensure and the requirements for licensure.

Ms. Layden introduced Mr. Christopher Larkin who will be the Board's new attorney.

Ms. Cleaves said while they were changing the levels of licensure many of the chapters were reorganized to consolidate them. Ms. Cleaves said she took out some definitions that were no longer applicable. Ms. Cleaves said she took out the scope of practice rule because the Board's statute provides the scope of practice, and she amended the titles to conform to the new law, consolidated the procedures for licensure, consolidated the requirements for licensure, added reciprocity and retirement, put all of the requirements for licensure in one place and made an accommodation for grandfathering. Ms. Cleaves suggested the Board appoint a designee to review the application.

Ms. Cleaves said she took out the right to a hearing rule for an applicant because, while minimum due process is allowed, the constitution provides minimum not maximum due process. Ms. Cleaves said that should an application be denied, the applicant has the right to appear before the Board.

Ms. Housteau asked if an applicant has ever appealed a licensure denial.

Mr. Hill stated there was one applicant who appealed the Board's decision to deny licensure.

Mr. Pharris said he was not sure that the Board was in a position to vote on this today. Mr. Pharris said he would like to have an opportunity to review what was omitted as it relates to due process before proceeding.

Ms. DeMott said she would also appreciate that opportunity because she thinks the Board is already feeling a little blind by amending the rules by telephone instead of in person and with documents in front of us.

Ms. Housteau asked if there is a problem in deferring this until November.

Ms. Cleaves said she wanted the process to move along as applications may be coming in that cannot be accepted because the fees have not been determined. Ms. Cleaves said there was no way to process the applications without rules in place.

Ms. Miller pointed out to the Board members that the rules are not the only place where due process is available. Ms. Miller said there is statutory due process that the Board cannot change by the rules.

Ms. Cleaves said that she would like to review the rest of the amendments with the Board.

Ms. Cleaves said she consolidated renewal reinstatement and retirement and graded the reinstatement for one (1) to three (3) years and three (3) to five (5) years. In order to reinstate you have to submit the fees, continuing education documents and the reinstatement application. Ms. Cleaves said reinstatement requires more documentation for more years a practitioner is out of practice to ensure competency. Ms. Cleaves said she basically did retirements the same way and reorganized the whole chapter to make more sense.

Ms. Cleaves said she kept the same continuing education requirements. Ms. Cleaves asked the Board to think about the quantity and quality of continuing education they want for the new levels of licensure and if they want the same continuing education requirements, or more, for the higher levels of licensure.

Ms. Cleaves said she changed the language regarding unacceptable continuing education, record keeping and what constitutes proof of attendance. Ms. Cleaves said she allowed some type of waiver ability so the board could waive upon good cause including, but not limited to, illness, disability and military leave.

Ms. Cleaves said she consolidated unethical conduct and standards of conduct. Ms. Cleaves said she added the language "shall not provide unnecessary or unwanted services". Ms. Cleaves said she combined advertising with standards of conduct because advertising is really standards of conduct.

Ms. Cleaves said she revised what a licensee must do when advertising their services, what they are prohibited from doing and what their responsibilities are for advertising and recordkeeping.

Ms. Cleaves said she left clinical experience the same as it is a stand alone rule.

Ms. Cleaves said she left disciplinary actions the same although she doesn't believe it is necessary to lay out the range of actions. Ms. Cleaves said she didn't think it was necessary to include how to do an order of modification in a rule but she left it in there. Ms. Cleaves said she

left the schedule of civil penalties in the rule along with assessing civil penalties screening panels.

Ms. Cleaves said she left replacement license, change of name and/or address, consumer right to know, professional peer assistance, and free clinic and volunteer practice language in the rules.

Ms. Cleaves stated most of the deleted rules were consolidated with other rules.

Ms. Cleaves asked the Board to take a look at continuing education requirements and requirements for licensure especially for advanced social worker and clinical social worker because they require clinical experience.

Upon discussion the Board scheduled September 18, 2008 for the next Board meeting.

Upon discussion of the fees for the different levels of licensure, Ms. Miller stated the Board's financial report shows they have a surplus of \$276,000 as of June 30, 2008 which would allow for consideration of a fee decrease.

Mr. Hill said changed the application fee for the baccalaureate and master's level social worker to \$100 plus \$10 state regulatory fee.

Mr. Hill said for the advanced practice and clinical social worker he changed the application fee to \$125 plus \$10 state regulatory fee. .

Mr. Hill said he lowered the reciprocity fee to \$135 because it appeared the Board was penalizing practitioners coming in from other states by charging them a \$400 application fee and \$10 state regulatory fee.

Ms. DeMott asked if a practitioners going from certified master social worker to an advanced practical or licensed master social worker are required to pay an application fee. Mr. Hill said yes, because that is considered a new application.

Mr. Pharris said he was concerned about social workers who have a Tennessee license and work in other states and suggested increasing fees for out of state workers. Ms. Sams said the VA allows practitioners to be licensed in any state and work in any state. Ms. Cleaves said it might be discrimination if the Board charged an increased amount for an out of state licensed worker. Ms. Housteau said the problem would take care of itself December 31, 2010 when the testing requirements become effective.

Ms. Layden said when the Board is reviewing the rules pertaining to consultants to consider if they want the section which states the consultant may recommend whether and under what terms complaints and disciplinary actions may be settled to be changed.

Ms. Housteau asked Mr. Hill if the supervision requirements were in line with ASWB. Mr. Hill said no, the ASWB is indicating there needs to be more requirements.

Ms. Cleaves said promulgating public necessity rules is necessary, because of the effective date July 1, 2008. Ms. Cleaves said the public necessity rules are a quicker form of rulemaking yet it does not cut any corners. Public necessity rules, if voted on by the Board to be approved, would be sent to the Attorney General's Office for review as to legality. Ms. Cleaves said once they leave the AG's office they are sent to the Secretary of State's office. Ms. Cleaves said during that process they will file a notice of rulemaking to have a rulemaking hearing, during which there can be received comments from associations, licensees and anyone can attend and give written or oral comments. The rule will be sent to the AG's office again for review for legality and then to the Secretary of State's office where they have a 75 day waiting period to be effective.

Ms. Cleaves asked Ms. Franklin to give her any written comments she may have to be addressed at the rulemaking hearing.

Ms. Housteau thanked Ms. Cleaves for her hard work on the rules.

Ratify newly Licensed Clinical Social Worker and Licensed Master Social Workers

Upon review, Ms. DeMott made a motion, seconded by Ms. Sams, to ratify the following newly licensed master social workers and licensed clinical social workers:

Licensed Master Social Workers

Ashley Acord
Lilia Adams
Diane Allen
Fredra Andrews
Emetria Arnold
Kristin Bailey
Ronette Bailey
Marie Baldwin
Aaron Beaird
Amanda Bell
Joyce Bender
Amanda Bennett
Beverly Bickford
E. R. Booker
Ingrid Bornia
John Bradley
Angela Branch
Jacqui Brooks
Neeka Brown
Elizabeth Bryson-Harts
Mary Byrnes
Evelyn Caine
Sherbet Canady-Mosby

**Mary Caprio
Jennifer Castle
Sarah Cavett
David Cecil
Nicole Cineas
Tori Clear
Heather Cobb
Nickie Cosgrove
Lorita Covington
Marion Crenshaw
Notashia Crenshaw-Williams
Patricia Cunningham-Purtteman
Neal Daugherty
Linn Davidson
Shelley Davis
Tiffany Davis
Brenda Dawson
Amyliza DeJesus
Michael Demaster
Taryn Cobson
Lisa Docktor
Sarah Dodd
Nancy Dossett
Mary Duff
Amy dugger
Amanda Dunn
Erica Ekstrom
Kristin Farver
Kimberly ford
Kathryn Fowler
Jandell Gallion
Marilyn Garrett
Lesley Granholm
Carolyn Gray
Amelia Guilford
Rebecca Haas
Rebecca Hall
Robin Hall
Jonathan Hartsell
Michelle Hathaway
Erma Hayslett
Anna Hendricks
Cynthia Hensley
Dawn Herring
Quotia Holland
Julie Hooper**

**Vonda Hunter
Brittany Hyman
Anna Jackson
Eleanor Jackson
Jenna Jenkins
Archie Johnson
Maria Johnson
Karen Jointer
Amanda Jones
Jennifer Jones
Lakesha Jones
Rashida Jones
Shannon Jordan
Susan Jordan
Sarah Keiser
Jayne Kraft
Jennifer Lancaster
Tina Lawson
Katelyn Leary
Tamara Lindsey
Amber Longworth
Maureen Macias
Renita Maiten
Christopher Martin
Rebecca McCullar
Allison Midden
Linda Miller
Crystal Mitchell
Deborah Mooney
Angela Moore
Allen Moore
Kellye Moss
Lesley Muenzen
Misty Neeley
Hudson Neely
Demetria Newman-Smith
Sarah Noffsinger
Rayshaun Peete
Esmeralda Perez
Jennifer Perkins
Darlene Peters
Rachel Peterson
Sheila Peterson
Toni Pickle
Daniel Pilarski
Christine Polk**

**Monica Powell
Barbara Radebaugh
Linda Rankin
Meredith Rappaport
Merriellyn Rennard
Shawn Richardson
Delca Rickman
Sara Ridner
Anita Rives
Dana Robbins
Elizabeth Roberson
Lilliam Rodriguez
Tiffany Rogers
Lisa Rohrer
Jacqueline Ross
Tina Rowland
Holly Russell
Joivonna Russell
Andrea Samberg
Sheila Scott
Robin See
Leonard Segal
Tommy Shahan
Chaquita Shannon
Amber Shelby
Matthew Silvey
Allison Simonton
Crystal Smith
Jill Snapp
Shannon Starks
Misty Stevenson
April Stewart
Gloria Peters
George Sudberry
Jamila Sugri
Julie Sutter
Jennifer Talley
Pamela Taylor
Jana Teixeira
Darilyne Tingle
Seth Tuengel
Bryan Vralsted
Rocha Wafford
Peggy Walker
Tracy Watkins
Aubernette Watler**

**Barbara West-Nardicchio
Danita White
Ericka Williams-Hampton
Stephanie Young**

Licensed Clinical Social Workers

**Jo Anna Bement
Kristin Betbeze
Alice Brown
Erica burnette
Alison Burns
Betty Burns
Barbara Clark
Natasha Clay
Julie Cole-Upham
Robert Cooper
Eural Daniel
Sally Denton
Barbara Dombey-Fernsten
Tara Downs
Kimberly Fink
Dawn Fortich
Voctoria Gattis
Mary Goodner
Alesha Gresham
Stephanie Hamill
Daniel Heim
Rhonda Hudson
Virginia Ketschke
Shea Langs
Kimberly Lawrencwe
Kathryn McCaskill
Cinandra McCleery
Amy Olson
RaeAnn Parker
Jennifer Roach
Christa Schafer
Mary Shulruff
Sonya Stokes
Amy Swecker
Beverly Taylor
Katheryn Teague
Shuwanna Teague-Redferrin
Emily Thompson
Catherine Vest**

**Christine Wedoski
Melanie Wharton
Kimberly Whitman**

The motion carried.

Ratify Licensed Clinical Social Workers Applicants to sit for the ASWB Clinical Examination

Upon review, Ms. Mazzaferro made a motion, seconded by Ms. Esposito, to approve the following licensed clinical social worker applicants to sit for the ASWB clinical examination:

**Faith Abigail
Angela Adams
Michael Barney
Raylissa Batten
Latoya Belgrave
Amelia Blue
James Cecil
Jennifer Coffey
Brady Degrasse
Susan Dodson
Chad Duncan
Andrienna Dwing-Roush
Jennifer Geppert
Shelley Haynes
Joyce Hillman
Sarah Holzapfel
Pamela Jinks
Doreen Leo-Huneke
Leshawn Lewis
Lakesha Malone
Joanna Mansur
Theresa Riley
Melora Moore
Joy Musick
Cheryl Newton
Jamie Ogle
Shannon Pennington
Michelle Rice
Jonathan Searcy
Thelma Sherrod
Chas Spiegel
Kerry Sterk
Laura Tedesco
Sonya Thomas**

**Paula Thomason
Deborah Underwood
Dennis Vance
Kathryn Viet
Regina Williams
Susan Wood**

The motion carried.

With no other business to conduct Ms. Esposito made a motion, seconded by Ms. Horton, to adjourn at 10:12 a.m.

Adopted by the Board of Social Worker Certification and Licensure on this the 10th day of November 2008.