



STATE BOARD of LICENSED SOCIAL WORKERS
Friday, October 26th, 2012
Morrow Crane Building,
3218 Pringle Road SE, 2nd Fl. Large Conference Room
Salem, OR 97302

Board Members Present: Mark Oldham, *Chair*
Carol Copley Zancanella, *Vice Chair*
Donna Henderson
Mary (Kathy) Outland
Kittee Custer
Martha Lopez

Board Members Absent: Rachel Jensen (excused)

Board Counsel Present: Kyle Martin, *AAG, Oregon Dept. of Justice*

Staff Members Present: Martin Pittioni, *Executive Director*
Pam Johansen, *Licensing Manager*
Jeremy Arguien, *Investigator*
Jesse Milich, *Compliance Assistant*

Invited Guests: Debbie Pillsbury-Harvey, *DAS EHRS*
Jennifer Rogers, *DAS EHRS*

Members of the Public: Donja Bunnell
Pete Coffman
Delmar Stone*

*=Participating by phone

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1. CALL TO ORDER:
Chair Oldham called the Board Meeting to order at 11:46 a.m.
 2. REVIEW OF AGENDA:
Chair Oldham asked for review of the draft agenda, and requested that several business item be added, specifically the matter of a fee waiver request submitted to the Board by Donja Bunnell in a public records request matter, communication with the ASWB ACE Committee on a continuing education certification issue, Recruitment for a new Executive Director to be discussed at about 1:30 p.m. with guests from the Department of Administrative Services, and a request from Delmar Stone, Executive Director of NASW, to participate in the meeting by phone. **Oldham** advised that Mr. Stone had planned to attend the meeting in person but was dealing with a family emergency and was thus requesting consideration of being allowed the opportunity to participate by phone.
 - i. **Custer moved to adopt and approve the agenda so amended.**
 - ii. **Outland seconded.**
 - iii. **Motion passed unanimously.**

- i. Zancanella moved to allow Delmar Stone to participate by phone.*
- ii. Henderson seconded.*
- iii. Motion passed unanimously.*

Pittioni called **Stone** on the speakerphone. **Stone** joined the meeting at 11:50 a.m.

3. PUBLIC COMMENT

Chair Oldham advised that he would next move to the agenda item of public comment to allow the members of the public present to speak. **Bunnell** addressed the Board with questions about the Board's public meeting practices, especially with respect to the Board meeting of July 13, 2012, and the switch from conference call to in-person meetings. **Oldham** advised that the public comment period was not a question and answer period. **Pittioni** added that he had, for that reason, offered an opportunity for a direct conversation between him and Ms. Bunnell yesterday, and that the offer still stood. **Coffman** addressed the board and advised he believed that the Board had been secretive and non-compliant with public meeting laws, and that he would review the minutes that had just been published accordingly. **Coffman** further advised that he was going to complain about the Board to the Governor's Office and Office of the Secretary of State, the Attorney General's Office and news media because the complaint process took 17 months. **Coffman** also asked questions about the process the Board uses to notify the public of its meetings, and that he was researching public meetings laws. **Bunnell** addressed the Board and explained they are not trying to be difficult, the issue simply is they filed a complaint, and it was not fully looked at. **Bunnell** told the Board that the case related to her family that had been investigated by the Board was everything to her, and that she was devastated by the outcome of the case, and did not feel heard in the process.

Chair Oldham expressed appreciation for the difficulty of addressing a room full of strangers with these issues, and thanked **Bunnell** and **Coffman** for coming. **Pittioni** reviewed the fee waiver request and process with the Board, and advised in his estimate the cost of the Board of responding to **Bunnell's** records request would be about \$800.

- i. Henderson moved to approve Bunnell's request for a fee waiver of her public records request made to the Board.*
- ii. Outland seconded.*
- iii. Motion passed unanimously.*

4. APPROVAL OF MINUTES

Chair Oldham asked for review of the draft minutes of October 12, 2012. Board members reviewed the minutes.

- i. Henderson moved to approve the Board meeting minutes of October 12th, 2012, as presented.*
- ii. Custer seconded.*
- iii. Motion passed unanimously.*

5. MOVE TO EXECUTIVE SESSION:

Chair Oldham announced that the Board would now enter into Executive Session to conduct Board business, pursuant to ORS 192.660(2)(b)(f)(h)(i)(k), and asked members of the public to depart. **Stone** was disconnected from phone participation. The Board entered into Executive Session at 12:10 p.m.

Chair Oldham moved the Board out of Executive Session at 12:25 p.m., so that CPC could meet in executive session to discuss an additional matter. **Oldham** recessed the Board at 12:25 p.m., and reconvened the Board at 1:35 p.m. **Chair Oldham** announced that the Board would now enter into Executive Session to conduct Board business, pursuant to ORS 192.660(2)(b)(f)(h)(i)(k).

Chair Oldham moved the Board out of Executive Session at 1:48 p.m. and announced the Board would immediately move to the added New Business item of Executive Director Recruitment. **Pittioni** conferenced in **Stone** by phone.

6. NEW BUSINESS – Part 1

Pillsbury-Harvey and **Rogers** introduced themselves to the Board, and Board members introduced themselves. **Pillsbury-Harvey** reviewed her role as client agency manager, and advised that **Rogers** would be responsible for the recruitment itself. **Pillsbury-Harvey** advised that while permissions had been obtained from DAS and the Governor's Office to proceed with an Executive Director recruitment, there is a question as to whether or not the position may need a review for classification. **Pillsbury-Harvey** advised if her review determines that that position needs to be sent to the DAS EHRS Class and Compensation specialists for review, that would delay the recruitment for several weeks. **Stone** agreed to post the recruitment through NASW. Board members discussed the possibility of posting nationally through the Association of Social Work Boards (ASWB). **Rogers** and Board members discussed the recruitment process, and determined that the position would post for 6-8 weeks, and that **Oldham** would be the main point of contact on any questions regarding the development of the recruitment announcement, and that **Zancanella** would serve as the lead during the recruitment phase and chair the search committee. Board members thanked **Rogers and Pillsbury-Harvey**, who then left the meeting at 2:15 p.m.

7. COMMITTEE REPORTS:

Vice Chair Zancanella presented the Consumer Protection Committee Report, and advised that the committee would do its planning on Saturday morning at 8:30, and then report to the Board:

In the matter of case #2012-34:

- i. Zancanella moved to close the case.*
- ii. Outland seconded.*
- iii. Motion passed unanimously.*

In the matter of case #2012-47:

- i. Zancanella moved to close the case.*
- ii. Henderson seconded.*
- iii. Motion passed unanimously.*

In the matter of case #2012-19:

- i. Zancanella moved to close the case.*
- ii. Lopez seconded.*
- iii. Custer, Outland, Lopez and Zancanella voted yes. Chair Oldham and Henderson voted no.*
- iv. Motion passed.*

Chair Oldham presented the Continuing Education Committee Report. **Oldham** advised that the committee had approved 5 requests for continuing education, and that the goals planning for the committee would be presented to the Board on Saturday.

8. APPROVAL OF CONSENT AGENDA:

Chair Oldham requested review of the Consent Agenda.

- i. Outland moved to adopt the Consent Agenda as presented.*
- ii. Custer seconded.*
- iii. Motion passed unanimously.*

9. DIRECTOR'S REPORT/ BUDGET UPDATE:

Pittioni provided a financial and licensing update for the Board. Since July 1, 2011 through October 25, 2012, the Board experienced a net growth of 485 licensees in its licensee base, to 4,758 total, with an additional 125 applicants in the pipeline. **Pittioni** advised that based on those actual numbers, the Board was on track to grow by 18% by the end of the 2011-13 biennium (June 30, 2013), on top of the 21% growth experienced the previous biennium.

Pittioni reviewed a handout of Board financial data of the first 15 months of the current 2011-13 biennium (July 2011 through September 2012), and reported that during that period the Board took in \$710,138 in revenue against \$783,397 in expenditures. **Pittioni** reviewed the cash flow statement with Board members.

Pittioni reviewed an e-mail from the Governor's Office outlining staffing changes and responsibilities in the Governor's Office of Executive Appointments. **Pittioni** closed his report by commenting on his hire as the permanent Director for the Board of Accountancy as of November 1, 2012. **Pittioni** reported that the leadership of the Board of Accountancy had agreed to support an arrangement where he could continue to serve as interim Director for the Board of Licensed Social Workers until a successor is appointed, if such an arrangement is of interest to the Board. **Pittioni** added that such an arrangement would involve the Board of Accountancy invoicing the Board for his time spent on social work Board business, since **Pittioni** would be paid by the Board of Accountancy as of November 1. **Oldham** thanked **Pittioni** for his willingness to continue his service, and added that the Board would continue this discussion at the planning meeting.

10. NEW BUSINESS - Part 2

Chair Oldham advised that the Board had held a very sparsely attended Rulemaking Hearing at 8 a.m. in the morning, and briefly summarized the comments received orally. **Oldham** then reviewed with Board members the written comments received, which focused heavily on opposition to the proposed change to impose a 50% limit to on-line continuing education. **Pittioni** explained why the change in OAR 877-001-0005 was unnecessary, since the model rules related to rulemaking had not changed, only the model rules related to contested cases had been changed.

- i. Henderson moved to approve and adopt the proposed rules of the Board, with the exception of the proposed changes in OAR 877-001-0005, and the proposed changes that would impose a limit on on-line CE in OAR 877-025-0011(1).*
- ii. Outland seconded.*
- iii. Motion passed unanimously.*

Pittioni advised he would file the rules with an effective date of January 1, 2013, as previously discussed by the Board review it. **Martin** recommended the Board make a formal motion.

- i. Outland moved to have the new rules just approved by the Board be issued with an effective date of January 1, 2013.*
- ii. Custer seconded.*
- iii. Motion passed unanimously.*

Chair Oldham invited **Stone** to provide a brief NASW report. **Stone** updated the Board on NASW activities, and discussed the idea of establishing a more regular attendance by NASW at meetings of the regulatory Board. **Oldham** advised that he would attend the next NASW Board meeting on November 17th 2012 to provide a report from the Board.

Chair Oldham reviewed ASWB Officer Election materials briefly. Board members did not provide direction to **Oldham** as the Board's delegate to the Annual Conference of the Association of Social Work Boards.

11. CORRESPONDENCE

Chair Oldham reviewed the letter of Benjamin **Bryan** requesting a refund of a renewal fee had paid toward to the Board for his already renewed LMSW license he had not intended to renew, because he had mistakenly confused the renewal with renewal of his LCSW license with the Board. Board members discussed the matter and directed **Pittioni** to respond that the Board's statutes, specifically ORS 675.571(5) do not provide discretion to the Board and specifically prohibit a refund such as requested by **Bryan**.

Chair Oldham reviewed the correspondence of Michelle **Sobel** with Board members. **Pittioni** advised this was in essence a comment submitted one year late regarding a previous rule change of the Board voicing opposition to the late fee for LCSW renewals. **Pittioni** reported that **Sobel** had renewed on time and was not asked to pay a late fee.

12. SPECIAL REVIEWS

Chair Oldham reviewed the application of David **Elkins** to return to active status with the Board.

- i. Zancanella moved to approve the application of David Elkins to return to active status, subject to submission of 20 hours of CE, and passage of the Oregon laws and rules exam.*
- ii. Oldham seconded.*
- iii. Motion passed unanimously.*

13. ANNOUNCEMENT AND ADJOURNMENT

Chair Oldham announced that the Consumer Protection Committee would reconvene at 8:30 a.m. in the morning for planning, and asked Board members to bring their planning documents to the Board's planning meeting to start at 9 a.m. in the morning. **Zancanella** announced the Examination Committee would meet at 4:00 pm upon conclusion of these announcements. **Chair Oldham** adjourned the Board meeting at 3:50 p.m.

Respectfully submitted,

SIGNATURE ON FILE

Martin Pittioni
Executive Director