

TENNESSEE BOARD OF SOCIAL WORKER LICENSURE MINUTES

DATE: July 27, 2017
TIME: 9:00 a.m. CDT
LOCATION: Iris Room, Ground Floor
665 Mainstream Drive
Nashville, TN 37243

BOARD MEMBERS

PRESENT: Julia Axley, LBSW, Chair
Vicki Gardine Williams, LAPSW, Secretary
Robert Zylstra, LCSW
Elizabeth Randall, LCSW
Kenya Anderson, LMSW
Kimberly Mallory, LAPSW
Karen A. Armstrong, Citizen Member

BOARD MEMBERS

ABSENT: Tara Watson, LCSW
Ann-Marie Buchanan, LMSW

STAFF PRESENT: Christi Stacey, Board Administrator
Teddy Wilkins, Unit Director
Todd Pinckley, Assistant General Counsel

Ms. Axley, board chair, called the meeting to order at 9:08 a.m. Ms. Axley asked the board to welcome new board member Kimberly Mallory to the board. A roll call was then conducted and a quorum was present.

Ms. Wilkins asked the Board staff to introduce themselves: Christi Stacey, Teddy Wilkins and Todd Pinckley.

Contested Case Hearing / Jeffery D. Brandon LBSW

Judge Rachel Waterhouse introduced herself as the Administrative Judge presiding over the contested case hearing for alleged violation of statutes and rules of the Tennessee Board of Social Work: Mr. Jeffery D. Brandon LBSW #154 vs. The Department of Health, docket # 17.40-143410A. The advisory attorney for the Board is Mr. Todd Pinckley.

Mr. Brandon was not present nor was he represented by counsel. Sufficient evidence of service was presented, a motion was made to proceed in default, and the motion was unanimously granted; the case was heard in default.

The Findings of Fact showed the respondent was deficient in earning nine (9) continuing education hours for years 2013 and 2014. Respondent failed to show proof of any of the eighteen (18) hours required for the two (2) years.

Respondent violated Tenn. Code Ann. § 63-23-108(a)(1): Willful or repeated violation of any provision of this chapter or any rules of the board.

Respondent further violated Tenn. Comp. R. & Regs. 1365-01-.09:

- (2) Requirements for licensed baccalaureate social worker:
 - (a) Each licensee shall obtain (9) continuing education clock hours relative to social work during each calendar year.

Respondent's license was suspended for a period of not less than one (1) year and assessed eighteen (18) Type C civil penalties in the amount of One Hundred Dollars (\$100.00) each for a total assessment of One Thousand Eight Hundred (\$1800.00) dollars as well as the costs associated with the case.

This discipline is reportable to the National Practitioner Data Bank.

Minutes

The minutes from the May meeting had one item that needed correction, to take out the wording of "acting chair" in referring to Ms. Julia Axley. So noted, and motion made to approve with correction.

Mr. Robert Zylstra made a motion, seconded by Ms. Vicki Williams, to approve the May 4, 2017 minutes. The motion carried.

Office of General Counsel

Mr. Pinckley reported that as of July 24th the Office of General Counsel has eight (8) cases against licensees, two (2) of which will be resolved today. Jeffery Brandon as a Contested Case and a consent order for John Lancaster.

Mr. Pinckley stated the chapter rewrite was still in internal review and is moving through the process for approval. Revisions of the telehealth rules are currently being drafted. During the May board meeting the board had elected to wait for the ASWB practice guidelines. The guidelines provided some very helpful valuable and informative information that came in a guideline format which were being reviewed in order to translate that into rule format. Hopefully the draft would be ready for the October board meeting. There were no policy statements or additional legislation to be reviewed.

Consent Orders

Mr. Pinckley presented the Consent Order for John Lancaster, LMSW #9681. Mr. Pinckley informed the board that he was a professor at Martin Methodist University and asked if that created a conflict with anyone. None were acknowledged.

Mr. Lancaster is a professor at Martin Methodist and began providing sex offender treatment services through probation and parole which included providing treatment for indigent sex offenders. As part of the treatment he would allow students to observe the treatment, however he failed to obtain informed consent from his patients prior to allowing his students to sit in on those meetings. He has agreed to a reprimand of his license, and twenty five continuing education hours pertaining to ethics and informed consent documentation, of which no more than two-thirds may be completed online.

Mr. Zylstra made a motion to accept the Consent Order for **John Lancaster, LMSW** seconded by Ms. Randall. The motion carried.

Investigative Report

Ms. Dorsey Luther reviewed the statistical complaint report stating there have been no new or open complaint cases in their office against LAPSW's or LBSW's. Ms. Luther stated there are ten new complaints against LMSW's this year, seven of which were currently being investigated. The LCSW's had fifteen complaints this year, thirteen were currently open. The office's monitoring report shows two practitioners license were currently suspended, two licensees that have been placed on probation, one license had been revoked, and four licensees have been reprimanded with civil penalties. One of the probationary cases afore mentioned has paid their civil penalties in full, and is only awaiting the length of the probation to run out.

The board expressed interest in the process of investigation when a complaint has been made against a licensee. Ms. Luther gave a brief overview explaining that complaints come in from the public via the phone or written complaint with any supporting documentation the individual has to submit. The social work board attorney and a licensed consultant review the complaint. The determination comes from both legal and professional to make a decision on the complaint. The board asked to receive more information at a future meeting on the whole process, and how the consultants are chosen, who they are, what they do for living, etc. Ms. Luther assured the board that they run a background on the consultants thru the national licensing board's data base as confirmation they have no issues with their license under other states.

Administrative Report

Ms. Stacey stated that as of July 24, 2017, there were 649 Licensed Baccalaureate Social Workers; 2,713 Licensed Master Social Workers; 278 Licensed Advanced Practice Social Workers; and 2,642 Licensed Clinical Social Workers.

Ms. Stacy said from May 3rd thru July 24th, 2017 that one (1) LBSW, twenty three (23) LMSWs, two (2) LAPSW's and six (6) LCSWs retired their licenses.

Ms. Stacey said from May 3rd thru July 24th, 2017 that twelve (12) LBSWs, forty six (46) LMSWs, one (1) LAPSW and sixteen (16) LCSWs licenses expired.

Ms. Stacey stated from May 3, 2017 thru July 24, 2017 there were four (4) LBSWs licensed; seventy six (76) LMSWs were licensed; two (2) LAPSWs were licensed; and fifty (50) LCSW's were licensed.

The Fall Delegate assembly to be held in Atlanta in November was mentioned. Ms. Axley, Ms. Anderson and Ms. Williams expressed interest in going. Three members from the Tennessee delegate assembly can attend per our board. Ms. Buchanan had also mentioned at the February meeting she would like to attend. Ms. Williams and Ms. Anderson will be attending through the ASWB committee they are on, but weren't sure on the funding and requested to be included on the request (pending ASWB committee approval). A motion was made by Ms. Randall to send Ms. Axley, Ms. Anderson, and Ms. Williams to Atlanta, Georgia to the Delegate Meeting in November, seconded by Mr. Zylstra. Motion carried.

Ms. Wilkins informed the board members that travel to Atlanta could not be approved by air.

Ms. Wilkins requested the board to give some thought about getting away from clinical logs being required for clinical application, and to give consideration to having a supervisory agreement as used in other social work boards.

Agreed Citation

The Board reviewed an Agreed Citation for **Renetta Albea** who was non-compliant of six hours on her CE Audit. Ms. Albea paid the \$100.00 civil penalty, and completed six hours of continuing education hours. Motion to accept the agreement was made by Mr. Zylstra, seconded by Ms. Williams.

The Board reviewed an Agreed Citation for **Carla Dowlen** who was non-compliant of nine hours continuing education on her CE Audit. Ms. Dowlen paid the \$100.00 civil penalty, and completed nine hours of continuing education hours. Motion was made to accept the agreement by Ms. Williams, seconded by Ms. Mallory.

The Board reviewed an Agreed Citation for **Thomas Hart** who practiced in excess of five months over the sixty days grace period on an expired license. Mr. Hart was fined five hundred dollars (\$500.00), which is one hundred dollars (\$100.00) per month per board policy. He paid

the fine and completed the requirements for reinstatement of his license. Motion to accept the agreement was made by Mr. Zylstra, seconded by Ms. Randall.

The Board reviewed an Agreed Citation for **Keith Lowen** who was non-compliant on his CE audit of thirty hours including six hours of ethics. Mr. Lowen has paid the \$100.00 civil penalty, and completed thirty hours including ethics, of deficient continuing education hours. Motion to accept the agreement was made by Ms. Randall, seconded by Mr. Zylstra.

The Board reviewed an Agreed Citation for **Lori McKinney** who was non-compliant eighteen hours of continuing education including six hours of ethics on her CE Audit. Ms. McKinney paid the \$100.00 civil penalty, and completed ten hours of deficient continuing education hours. Motion to accept the agreement was made by Ms. Mallory, seconded by Ms. Anderson.

Review, approve/deny and ratify new licensure files

Upon review Ms. Anderson made a motion, seconded by Mr. Zylstra, to approve the following **LBSW** applicants for licensure:

Ashley D. Byerly-Haworth
Paige Major

Ashley Nicole Johnson
Regina K. Prestage

The motion carried.

Upon review Mr. Zylstra made a motion, seconded by Ms. Williams, to approve the following **LMSW** applicants for licensure:

Tachika L. Anderson
Rebecca Paige Bedwell
Raquel Y. Booker
Amy M Burgess
Christina N. Cecotto
Laura M. Clabo
Amanda R. Collins
Kate R. Corrigan
Coralotta A. Cromer
Kelly E. Ennis
Debra Gibbs
Rachel L. Gibson
Shanna G. Grimes
Mary L. Haycraft
Shawn L. Hickey
Lakenya Humphrey
Crystal L. Kee
Kelli C. Knott

Tara L. Anderson
Larisa Black
Brittany E. Bull
Leslie M. Carter
Courtney Cheek
Stephanie M. Coley
Candace-Tara C. Cook
Ashley R. Crate
Jessica A. Culp
Gwenette R. Eubanks
Deresha Dashun Gibson
Leah M. Giles
Laura A. Hawken
Cassie L. Hester
Rachel B. Hill
Lori Johnson Smith
Shareetah Kirby
Jennifer M. Kuhn

**Dana D. Loudermilk
Angela D. MaCasland
Lucia McKnight
Jessalyn F. Medlock
Franketta Mumford
Angela Powell
Shaina L. Rabb
Erika Michelle Rodriguez
Cassandra M. Satterfield
Patricia J. Smith
Christopher Tate
Richard A. Unthank
Bianca C. Wahlstrom
John'Na Webster
Melissa Wright**

**Katie Mallinger
Amanda M. McKinney
Katie L. McMurray
Donna Moulton
Stephanie M. Perlman
Alexa C. Quattrocchi
Caitlain Roberts
Princess A. Roshell-Gahan
Mark S. Smith
Christina K. Swift
Charity Thomas
Mary A. Vaughan
Megan Watkins
Terrika L. Williams**

The motion carried.

Upon review Ms. Anderson made a motion, seconded by Ms. Mallory, to approve the following LAPSW applicants for licensure:

Sabrina C. Clark

John D. Joslin

The motion carried.

Upon review Mr. Zylstra made a motion, seconded by Ms. Williams, to approve the following LCSW applicants for licensure:

**Jessie Alder
Stephanie Kristan Armstrong
Stefan A. Bain
Jennifer R. Booker
Sandon B. Bull
Anna L. Cameron
Cindy Kay Davis
Melissa M. Depaola
Jillian Gautier
Wesley Hatcher
Kimberly Iverson
Amy P. Jonston
Kate A. Lach
Amanda Lewis
Anna R. Meservy
David Pearl
Megan F. Sanders**

**Sarah C. Andrus
Carissa N. Bacon
Dylesia Barner
James Paul Brook
Rachel Krass J. Burrows
Ashley J. Crist
Trina B. Davis
Dr. Courtney Eichelberger
Sammy B Glenn
Jason R. Herring
Tia Kyles Jackson
Laura D. Knopp
Dinah M. Latham
Krystal McCann
Hannah M. Owens
Rene Latasha Rivers
Daniel E. Simpkins**

**Kelly Spargo
Marie Elaine Suprano
Nicole J. Thompson
Lauren Elizabeth Valencia
Kimberly R. Weeks
Ronna A. Whitaker
Tywanda L. Williams
Raphael K. Woodall**

**Donald W. Strauss
Gerik M. Tatarzycki
Laura J. Vacheresse
Ashlee N. Watson
David C. Whipple
Patricia H. Widger
Virginia Winn-Cooper**

The motion carried.

Ms. Stacey made a request to the board that they allow her (Board Administrator) and or Ms. Wilkins (Unit Director) to approve Clinical applications for licensure to applicants applying by reciprocity to Tennessee.

Motion was made by Ms. Anderson to allow the Board Administrator or Unit Director to approve reciprocity applications, and seconded by Ms. Mallory. The motion carried.

Approve LCSW applicants to sit for written exam

Upon review Ms. Mallory made a motion, seconded by Ms. Anderson, to approve the following LCSW applicants to sit for the written exam:

**Nurhan Bozkurt
Renee Burwell
Allison S. Crane
Amanda Gholson
Jaema Hayes
Danny Long
Kimberly Miller
Ricki Peone
Mary Stangarone
Curtisha Taylor
Kalya Turner**

**Jessica Burk
Paula Charbonneau
Robert Ferry
Cassidy Hartley
Tiffany S. Higginbotham
Nicholas Masser
Maeven Miller
Kari Riddell
Theresa Tankson
Ashley Truman
Vicky Valentine-Phillips**

The motion carried.

Approve/deny reinstatement applications

Upon review Mr. Zylstra made a motion, seconded by Ms. Randall, to approve the following LMSW reinstated licensees:

**Deborah H. Abrams-Cohen
Linda S. Fry
Thomas Hart
Ann E. Newhouse
Tasha D. Watson**

**Crystal C. Biggs
Jennifer J. Gervin
Catherine S. Holland
Tanahia Newman**

The motion carried.

Upon review Mr. Zylstra made a motion, seconded by Ms. Mallory, to approve the following LCSW reinstated license:

Holly Biggs

The motion carried.

Correspondence

Holly Biggs submitted a letter requesting the time that her license was expired not affect the “three years of continuously licensed” requirement of providing clinical supervision for an LMSW working toward clinical licensure. The board did not see expired time as counting in referring to “continuously” as the rules state. Continuously being the time in which a license is current for an uninterrupted three year period.

Mr. Zylstra made a motion, seconded by Ms. Williams to not allow the break in licensure to be countable toward a continuous three year period. The motion carried.

Tennessee Board of Social Worker Licensure
Legislative Updates - 2017

Lacey Blair legislative liaison with the department of health presented the legislative update of public chapters that passed the first half of the one hundredth and tenth general assembly. She went through the following seven of the public chapters that passed:

Public Chapter 396

Named the “Kenneth and Madge Tullis, MD, Suicide Prevention Training Act,” this legislation requires the professionals licensed under several occupational boards, including the board of social worker licensure, to complete a suicide prevention training program that is approved by rule by the respective board. Beginning January 1, 2020, this training must be completed once every five years and before initial licensure for those applying for initial licensure on or after that date. TDMHSAS must develop a model list of training programs that cover suicide prevention, assessment, screening, treatment, management, and post-vention. The licensing board may approve a program that excludes one of these elements if the element is inappropriate for the profession in question. The hours spent in the training program shall count towards meeting any continuing education requirements and the Board may promulgate rules to effectuate the purposes of this act. This act took effect on May 18, 2017.

Public Chapter 413

As enacted, this legislation allows NGO’s approved by TDH to establish and operate needle and hypodermic syringe exchange programs. The needles and syringes must be provided at no cost and in sufficient quantity to ensure they are not shared or reused. There is no one-to-one exchange requirement. The programs must provide educational materials on the prevention of HIV and AIDS, prevention of drug abuse and overdose, and the treatment of mental illness and substance abuse, including referrals. The programs must also provide access to naloxone or a referral to a program that provides naloxone.

The law provides for limited civil immunity and criminal immunity from drug paraphernalia charges. Finally, the law requires the programs to report certain program information to TDH and allows for TDH to promulgate rules to effectuate the purposes of this act. This act took effect on May 18, 2017.

Public Chapter 350

This will allow healthcare providers to satisfy one hour of continuing education requirements through the performance of one hour of voluntary provision of healthcare services. The maximum amount of annual hours of continuing education that a provider can receive through providing volunteer healthcare services is the lesser of 8 hours or 20% of the provider's annual continuing education requirement. The legislation allows for rulemaking by the division of health related boards in order to administer this section. This took effect on May 12, 2017.

Public Chapter 215

This will require state governmental entities that establish or adopt guides to practice to do so through the promulgation of rules, rather than policy. The rules so promulgated must specify all provisions included in and relating to the guide to practice. Any changes to guides to practice made after the guides are adopted must also be promulgated by rule in order to be effective. For purposes of this part, guides to practice includes codes of ethics and other quality standards, but does not include tests, examinations, building codes, safety codes, or drug standards. This legislation took effect on April 28, 2017.

Public Chapter 240

This legislation was brought by the Department of Health and was designed to address a number of issues throughout all licensing boards, committees, and councils. This legislation will:

- Insure the integrity of licensure examinations by making examination questions, answer sheets, scoring keys, and other examination data confidential and closed to public inspection.
- Allow the issuance of limited licenses to applicants who have been out of clinical practice or inactive, or who are engaged in administrative practice. Limited licenses may be of restricted scope, restricted duration, and have additional conditions placed upon them in order to obtain full licensure.
- Clarify that other documents prepared by or on behalf of the Department with regard to an investigation are confidential until such time as formal disciplinary charges are filed against the provider.
- Eliminate the "locality rule" for administrative law.
- Require the chief administrative official for each health care facility to report within 60 days any disciplinary action taken against an employee for matters related to ethics, incompetence or negligence, moral turpitude, or substance abuse, to the employee's respective licensing board. All records pertaining to the disciplinary action shall be made available for examination to the licensing board.

This act became effective on May 2, 2017.

Public Chapter 481

This legislation creates a new violation of a healthcare practitioner's practice act if that practitioner refuses to submit to or tests positive for any drug the practitioner does not have a

lawful prescription for or a valid medical reason for using the drug. It is the duty of the employer to report any violation to the Department of Health. If the practitioner fails a drug test, the practitioner has 3 business days to either produce the requisite prescription or medical reason, or report to their board approved peer assistance program. If the practitioner does not comply with any of these measures, it is the duty of the employer to report this violation of the practice act to the employee's licensing board for investigation and action. If the practitioner reports to the peer assistance program and obtains and maintains advocacy of the program, the employer is not required to notify the board.

As long as a practitioner obtains, maintains and complies with the terms of a peer assistance program, the board shall not take action on the licensee for the sole reason of a failed or refused drug test. If a practitioner fails to obtain or maintain advocacy from the peer assistance program, the program is required to report that information to the appropriate licensing board. The board SHALL suspend the license of a practitioner who fails to comply with the terms of the program. Employer drug testing must be compliant with the Drug-free Workplace requirements. This legislation allows a quality improvement committee to share information regarding substance abuse by a practitioner with other quality improvement committees. Additionally, this legislation specifies that the Department of Health is not required to obtain prior approval from the Attorney General in order to take any emergency action on a licensee. This legislation took effect on July 1, 2017.

Public Chapter 230

This legislation authorizes commissioners or supervising officials of departments to evaluate certain actions by a regulatory board to determine whether the action may constitute a potentially unreasonable restraint of trade. Supervising officials must ensure that the actions of regulatory boards that displace competition are consistent with a clearly articulated state policy. If a board action constitutes a potentially unreasonable restraint of free trade, the supervising official must conduct a further review of the action and either approve, remand or veto the action. The supervising official may not be licensed by, participate in, or have a financial interest in the occupation, business or trade regulated by the board who is subject to further review, nor be a voting or ex officio member of the board. The supervising official must provide written notice of any vetoed actions to the senate and house government operations committees.

Prior to filing a regulatory board's rule with the secretary of state, the commissioner or chief executive officer of the administrative department under which a regulatory board operates or to which a regulatory board is administratively attached, or a designee to the extent a conflict of interest may exist with respect to the commissioner or chief executive officer, must remand a rule that may constitute a potentially unreasonable restraint of trade to the regulatory board for additional information, further proceedings, or modification, if the rule is not consistent with a clearly articulated state policy or law established by the general assembly with respect to the regulatory board. This act took effect on April 24, 2017

Other board business

Ms. Karen Franklin of NASW TN Chapter addressed the board with a presentation on continuing education and the possibilities NASW provided in offering continuing education courses.

Ms. Franklin, Paula Foster and Melissa West made their presentation handing out informational packets prepared especially for the board. Listings of NASW approved courses, which included times, dates, course titles and amount of CE hours that could be earned by attending.

The board expressed a desire to use some of the surplus monies to partner with NASW to get information out to the graduate students and newly licensed individuals. The board would need a proposal of the cost as a starting point in getting approval.

With no other Board business to conduct Ms. Williams made a motion, seconded by Ms. Randall to adjourn at 12:35 pm. The motion carried.

Ratified by the Board of Social Worker Licensure on October 26, 2017