

TENNESSEE BOARD OF SOCIAL WORKER LICENSURE MINUTES

DATE: July 26, 2018
TIME: 9:00 a.m. CDT
LOCATION: Iris Room, Ground Floor
665 Mainstream Drive
Nashville, TN 37243

BOARD MEMBERS

PRESENT: Robert Zylstra, LCSW
Kimberly Mallory, LAPSW
Kenneth J. White, LAPSW
Kenya Anderson, LMSW
Ann-Marie Buchanan, LMSW
Jennifer Williams, LAPSW
Elizabeth Randall, LCSW
Karen A. Armstrong, Citizen Member

BOARD MEMBERS

ABSENT: Julia Axley, LBSW, Chair
BJ Nesler, LBSW
Tara Watson, LCSW

STAFF PRESENT: Christi Stacey, Board Administrator
Teddy Wilkins, Unit Director
Nathaniel Flinchbaugh, Assistant General Counsel

Ms. Wilkins, Unit Director called the meeting to order at 9:05 a.m. A roll call was conducted and a quorum was present. The Board staff introduced themselves: Christi Stacey, Board Administrator, Teddy Wilkins, Unit Director, and Nathaniel Flinchbaugh, Advisory Attorney

The board began by welcoming new board member Kenneth White, LAPSW to the board. Board chair Julia Axley was unable to attend the meeting and as her term would soon expire July 31, 2018 election of officers was held. Motion was made to nominate Robert Zylstra as chair by Ms. Buchanan, seconded by Ms. Mallory. Motion passed, none opposed.

Ms. Vicki Williams, board secretary's term also expired, therefore it was necessary to elect a new board secretary. Ms. Buchanan nominated Ms. Kenya Anderson for board secretary, seconded by Ms. Armstrong. Motion passed, none opposed.

Taking the LAPSW position left by Ms. Williams's vacancy was Mr. Kenneth White.

Minutes

The minutes from the May 10, 2018 meeting were reviewed and motion to approve was made by Ms. Buchanan seconded by Ms. Jennifer Williams. The motion carried.

Investigative Report

Ms. Lori Leonard, disciplinary coordinator for the board gave the summary of currently monitored practitioners. Ms. Leonard gave the summary of disciplinary report of currently monitored; four (4) that were suspended, four (4) licensees that were placed on probation, one (1) license was revoked, five (5) are under a board order reprimand, and one (1) is under a TSAC (Tennessee Student Assistance Corporation) suspension. Reports included civil penalties, cost and balance status owed on monitored licensee.

Ms. Leonard stated in the year 2018 thus far there **were one (2) new complaint against an LMSW, two (2) closed complaints;** one was closed with no action, one closed with a letter of warning and is being monitored. Of the two (2) newly opened complaints, one was for criminal charges, the second one was for practicing beyond the scope of practice. LAPSW's had no new complaints for the year 2018 and one (1) open that is currently pending review/investigations. LBSW's had one (1) new complaint for unprofessional conduct, none were closed and one (1) is currently pending review/investigations. LCSW's had nine (9) new complaints. Sixteen were closed; four (4) were closed without action, and twelve (12) were closed with letters of warning. Of the nine new complaints, one was for sexual misconduct, seven were for unprofessional conduct, and one was for failure to supervise. They currently have sixteen (16) complaints open pending review, and or investigation.

Office of General Counsel

Nathaniel Flinchbaugh of the Office of General Counsel reminded the board of the conflict of interest policy and its purpose as they would be voting on a consent order and an order of compliance during the meeting today. He also reminded them if there were any conflicts of interest to inform the board, and to recuse themselves. Pursuant to the Open Meetings Act, board business may only be discussed by the board members during the meeting. Members should not discuss the board's business at any time other than during the open board meeting. The prohibition also applies to phone calls, emails, and text messages if board business is discussed. Board members should also ensure that all comments during the meeting are stated for all to hear; private conversations between or among members during the meeting are inappropriate. Currently the Office of General Counsel had two (2) complaints against one practitioner that have not reached a resolution. The chapter rewrite is progressing through internal review and was in administration conducting their last review. Telehealth, Ethics and Suicide rules are also moving further through the chief deputy's office and onto administrations.

Legislation

Legislative Liaison Patrick Powell discussed new public chapter's updates:

Public Chapter 611

This law requires an agency holding a public hearing as part of its rulemaking process, to make copies of the rule available in "redline form" to people attending the hearing.

This takes effect July 1, 2018.

Public Chapter 638

This chapter prohibits healthcare prescribers and their employees, agents, or independent contractors from in-person solicitation, telemarketing, or telephonic solicitation of victims within 30 days of an accident or disaster for the purpose of marketing services of the healing arts related to the accident or disaster. There are specific exceptions laid out in the chapter.

This act takes effect July 1, 2018.

Public Chapter 675

This act requires the department of health to accept allegations of opioid abuse or diversion and for the department to publicize a means of reporting allegations.

Any entity that prescribes dispenses, OR handles opioids is required to provide information to employees about reporting suspected opioid abuse/diversion. That notice is to either be provided individually to the employee in writing and documented by the employer OR by posting a sign in a conspicuous, non-public area of minimum height and width stating: "NOTICE: PLEASE REPORT ANY SUSPECTED ABUSE OR DIVERSION OF OPIOIDS, OR ANY OTHER IMPROPER BEHAVIOR WITH RESPECT TO OPIOIDS, TO THE DEPARTMENT OF HEALTH'S COMPLAINT INTAKE LINE: 800-852-2187."

Whistleblower protections are also established. An individual who makes a report in good faith may not be terminated or suffer adverse licensure action solely based on the report. The individual also is immune from any civil liability related to a good faith report.

This act takes effect January 1, 2019.

Public Chapter 744

This statute allows a licensing entity the discretion to not suspend/deny/revoke a license in cases where the licensee has defaulted or become delinquent on student loans IF a medical hardship significantly contributed to the default or delinquency.

This act took effect January 1, 2019.

Public Chapter 745 and Public Chapter 793

These public chapters work together to create and implement the "Fresh Start Act." Licensing authorities are prohibited from denying an application or renewal for a

license/certificate/registration due to a prior criminal conviction that does not directly relate to the applicable occupation. Lays out the requirements on the licensing authorities as well as the exceptions to the law (ex: rebuttable presumption regarding A and B level felonies). These acts take effect July 1, 2018.

Public Chapter 754

This chapter prevents any board, commission, committee, etc. created by statute from promulgating rules, issuing statements, or issuing intra-agency memoranda that infringe on an entity member's freedom of speech.

Freedom of speech includes, but is not limited to, a member's freedom to express an opinion concerning any matter relating to that governmental entity, excluding matters deemed to be confidential under TCA 10-7-504.

Violations as determined by a joint evaluation committee may result in recommendations to the general assembly concerning the entity's sunset status, rulemaking authority and funding. This act took effect April 18, 2018.

Public Chapter 844

This act requires the department of education to establish a student support collaborative to review and define the roles and responsibilities for school social workers, school counselors, school psychologists, and school nurses. The collaborative shall identify available resources and areas the groups can collaborate on to provide high quality support to students. The collaborative shall include (among others) representatives of:

1. The National Association of Social Workers, TN Chapter
2. The Tennessee Association of School Social Workers
3. The Tennessee Association of School Counselors
4. The Tennessee Association of School Nurses
5. The Tennessee Association of School Psychologists

This act took effect April 26, 2018.

Public Chapter 929

This act redefines policy and rule and requires each agency to submit a list of all policies, with certain exceptions, that have been adopted or changed in the previous year to the chairs of the government operations committees on July 1 of each year. The submission shall include a summary of the policy and the justification for adopting a policy instead of a rule.

This act also prohibits any policy or rule by any agency that infringes upon an agency member's freedom of speech.

Finally, this act establishes that an agency's appointing authority shall have the sole power to remove a member from a board, committee, etc.

This act takes effect July 1, 2018 and applies to policies adopted on or after that date.

Public Chapter 954

This legislation requires the initial licensure fee for low-income persons to be waived. Low income individuals per the statute are defined as persons who are enrolled in a state or federal public assistance program including but not limited to TANF, Medicaid, and SNAP. All licensing authorities are required to promulgate rules to effectuate the purposes of this act. This act takes effect January 1, 2019.

Public Chapter 964

This legislation requires the Department of Children's Services (DCS) to develop instructional guidelines for child safety training programs by January 1, 2019 for members of professions that frequently deal with children at risk of abuse. DCS is required to work with each licensing board to ensure any child safety programs created by a licensing board fully and accurately reflect the best practices for identifying and reporting abuse as appropriate for each profession. This act took effect May 15, 2018.

Public Chapter 997

This act requires public safety employers to provide, in addition to any other mental health benefits, not less than 10 visits to a mental health provider for purposes of treating PTSD. The act establishes a number of other requirements on public safety employers. The legislation also requires that a mental health service provider (that provides treatment to public safety employees) to participate in training at least once per year that familiarizes the provider with the unique problems associated with each public safety profession lifestyle. Some of the mental health service providers that may be affected by this act are professional counselors, licensed clinical social workers, marital and family therapists, psychiatric mental health nurse practitioners, and occupational therapists. This act takes effect July 1, 2018.

Public Chapter 1021

This act allows for appeals of contested case hearings to be in the chancery court nearest the residence of the person contesting the agency action or at that person's discretion, in the chancery court nearest the place the action arose, or in the chancery Court of Davidson County. Petitions seeking review must be filed within 60 days after entry of the agency's final order. This act takes effect July 1, 2018.

Mr. Flinchbaugh referenced PC 954 and that OGC is seeking permission from each board to allow the HRB Director to promulgate a rule in order to be applicable to all boards in the same fashion. He then inquired if the board would be interested in this, which would require a motion. Motion was made to allow the HRB Director to promulgate the rule was made by Ms. Buchanan, seconded by Ms. Williams. The motion carried.

Ms. Wilkins, as informational purposes shared with the board that there are statutes concerning their board of social work licensure, and also a chapter of statutes at Tennessee Code Annotated 63-1 which governs all health related boards. The telehealth statutes are a part of the statutes of 63-1.

Administrative Report

Ms. Stacey stated that as of July 23, 2018, there were 622 Licensed Baccalaureate Social Workers; 2,815 Licensed Master Social Workers; 276 Licensed Advanced Practice Social Workers; and 2,731 Licensed Clinical Social Workers.

Ms. Stacy said from May 8, 2018 thru July 23, 2018 that one (1) LBSW, twenty nine (29) LMSWs, one (1) LAPSW's and nine (9) LCSWs had retired their licenses.

Ms. Stacey said from May 8, 2018 thru July 23, 2018 that thirteen (13) LBSWs, twenty six (26) LMSWs, zero (0) LAPSW and twelve (12) LCSWs license were expired.

Ms. Stacey stated from May 8, 2018 thru July 23, 2018 there were four (4) LBSWs licensed; eighty two (82) LMSWs were licensed; three (3) LAPSWs were licensed; and forty six (46) LCSW's were licensed.

The remaining date for 2018 Social Work Board meeting:

October 25, 2018

Upcoming dates for 2019:

February 7, 2019

April 25, 2019

July 25, 2019

October 24, 2019

Agreed Citation

The board reviewed an Agreed Citation for **Heather M. Monson-James LCSW #4429** who practiced in excess of three months on an expired license in a job position that required her to be licensed. Ms. Monson-James was fined three hundred dollars (\$300.00), which is one hundred dollars (\$100.00) per month pass the grace period per board policy. She paid the fine and completed the requirements for reinstatement of her license. Motion to accept the agreement was made by Ms. Mallory, seconded by Ms. Anderson. The motion carried.

Review, approve/deny and ratify new licensure files

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

**Sarah Nicole Gagnon
Donna D. Parker**

Belinda Okley

The motion carried.

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

**Barin Abdullatif
Barbara A. Baker
Hilary Lynne Bell
Cynthia J. Black-Finch
Debra A. Blalock
Holly Jean Bruns
Amy Chart
Kace Crawford
Kristina M. Cusatti
Kimberly A. Demetrio
Teresa Easton
Tierra Shauntee Evans
Katie Winter Fay
Chelsie Gharavi
Kelly Haire
Erin Marie Kelly
Emily Kirsten Haug
Shaun Hill
Scott William Hurst
Kayla L. Jackson
Maria A. Johnson
Anna King
Latierra Langle
La Brea Lindsey
Chase Manley
Ann Elizabeth Matin
Nicholas Moon
Caroline Dacosta Myers
Chelsea Taylor Nixon
Amy Pulliam
Janet Louise Reuter
Allison Prescott Rogers
Lauren A. Sanders
Kristopher Schonewill**

**Jonathan Allen
Sarah Renee Belcher
Lillian A. Bhattacharjee
Lori A. Blackmon
Rachel Elizabeth Brown
Courtney Noelle Buchanan
Lascottsha Coope
Jocelin Culbreath
Stephen Dellinger
Grace Carter Dunn
Stephanie Elliot
Jacob Henry Ezell
Riann J. Garbett
Lisa M. Guthrie
Patricia S. Hardin
Jessica Marks Kerr
Stacey Baisden Hendrickson
Emily Hughes
Morgan Elyse Ikeorha
Amilia James
Samantha Hope Juniker
Jaime Krone
Jessica Kaitlyn Leinart
Colton Wayne Lockhart
Kristy Massengale
Anne Lauren McCormick
Elizabeth Moore
Kristina Nalborczyk
Holly Elizabeth Payne
Scott M. Quinlan
Juanita Y. Roberson
Carri N. Russell
Brindy L. Savage
Shelbye Levine**

**Christine Adell Sidwell
Catherine Clubb-Brown Turner
Jennifer L. Washburn
Brandon B. Williams**

**Leigh Scotten Tatum
Katelyn Mae Vermilyea
Jessica T. Watkins
Karla Yates**

The motion carried.

Upon review Ms. Buchanan made a motion, seconded by Ms. Anderson, to approve the following **LAPSW** applicant for licensure:

Crystal Renea Parker

Ms. Williams recused, the motion carried.

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

**Sarah Adams
Nancy Bandel
Beatrice E. Berry
Laura Brown
Jade Butler
Lindsey Carter
Emily Germany Connell
Angela M. Cord
George Thomas Delbridge III
Allison Leigh Garland
Angela Kay Husband
Tamara N. Johnson
Anne M. Landry
Tawanda Lauderdale-Dickerson
Sara L. Macke
Leahanna McDonald
Amber C. Nichols
Donna L. Pyle
Cali Probst Semeatu
Julie Ann Williams**

**Nora Jean Allen
Megan Bergfeld
Marcia Blackshear
Katherine Ruth Coyle Bryant
Shannon Patrick Mee Cain
Christina N. Cecotto
Kimberly Cook
Alison S. Crane
Catherine Johnson Furbish
Kathy Thompson Heustess
Brittany Johnson
Serena D. Jones
Sue Lassin
Einre Anne Lopez
April L. McCann
David Neal
Hinda Osina
Kristi Lyn Rood
Amy Elizabeth Whitaker
Heather jade Wright**

The motion carried

Approve LCSW applicants to sit for written exam

Upon review of the initially approved, Ms. Buchanan made a motion, seconded by Ms. Mallory, to approve the following **LCSW** applicants to sit for the **ASWB** exam. Ms. Anderson recused herself on Willie Copeland, and Ekinia Dillard-Cole. Ms. Randall recused on Kathy Phillips. Ms. Williams recused on Jessica Cowick

**Sonya Applewood
Syrenia Boclear-Johnson
Latonia Brooks-Williams
Molly Cameron
Willie Copeland
Deborah Cox
Andres Estes-Byrd
Rachael Hanson
Carla Jackson
Sherry Kinder
Corinne Lewis
LaVera McCaskill
Kathleen O'Brien
Kathy Phillips
Amber Reece
Latonya Shelton
Jennifer Smith
Kathleen Sullivan
Danielle Williams-Omor
Julie Wright**

**Brittany Barber
Hargrove Bowles
Melissa Burton
Jinger Cathey
Jessica Cowick
Ekinia Dillard-Cole
Sarah Fritsch
Marshall Hendrix
Brienne Johnson
Debra King
Kim Lewis
Jenny Nash
Shelly O'Connor
Cynthia Poole
Tina Robin
Kimberly Simerly
Lantz Smith
Amber Williams
Lorraine Wiseman
Tobi Young**

The motion carried.

Approve/deny reinstatement applications.

Upon review Ms. Buchanan made a motion, seconded by Ms. Williams, to approve the following **LBSW** reinstated license:

Ginger R. Simpson

The motion carried.

Upon review Ms. Buchanan made a motion, seconded by Ms. Williams, to approve the following **LMSW** reinstated licenses:

**Leslie Carter
Taylor U. Laird
Catherine Smith
Amy Walter**

**Mary M. Johnson
Chinise L. Ray
Margaret M. Sularin
Grant Solomon**

The motion carried.

Upon review Ms. Williams made a motion, seconded by Ms. Buchanan, to approve the following **LAPSW** reinstated licenses:

Dubose R. Dubose

Jennifer Bearden Thorn

The motion carried.

Upon review Ms. Buchanan made a motion, seconded by Ms. Williams, to approve the following LCSW reinstated licenses:

Jennifer C. Bennett
Heather M. Monson-James
Stephanie F. Senogles

Nathan E. MaColly
Ellen Gaddis Parkinson
Maria F. Walton

The motion carried.

Correspondence

Nina Bratcher, LCSW California licensee, submitted correspondence requesting licensure in Tennessee from the board. Ms. Bratcher did not qualify to be licensed by reciprocity because she did not have a Tennessee residence, or work address. In addition could not apply through exam as she had not passed the Clinical ASWB exam. Ms. Bratcher became licensed in California before the ASWB exam was required. She had taken and passed the California Clinical Exam and Clinical Vignette exam in 2010. Ms. Bratcher's letter stated she had been licensed at Clinical level licensure and working for more than eight (8) years in both private and public practice as an LCSW, and in social work for more than ten (10). She requested licensure here to provide services to a client returning to classes this fall here at a Tennessee University via telehealth to comply with California Board requirements. After much consideration, conversation, reviewing her letter and work history documents she had submitted made the determination to license her "by exam". They determined the two part California test and licensing requirements were equivalent to those of Tennessee and to grant her license. Ms. Randall made motion allowing her an LCSW license here, Ms. Buchanan seconded the motion. Motion carried.

Irene Hopkins, LMSW submitted correspondence to the board to inquire about clinical contact hours gained in a new job position being offered to her. Ms. Hopkins would be starting a new job with Americorp in the fall, and would be placed in a church setting in which to provide counseling services. Ms. Hopkins gave description of her job duties there and wanted confirmation from the board the clinical contact hours completed there would be countable toward her clinical license. The board concluded that the agency setting was not the critical factor as much as the clinical quality factor of the work that was being done. The board suggested that Ms. Hopkins speak with the LCSW providing her clinical supervision and insure that her work would be of clinical nature as defined in the rules and policies of the board.

Other board business

Mr. Flinchbaugh gave the board copies for guidance on the "Fresh Start Act" for licensure to review, to include the questions the board should ask when considering someone for licensure e.g. the nature and seriousness of the crime, A & B or C that deals with the Tennessee Drug

Control Act felonies, and if they have been placed on one of the registries such as the animal abuse or sexual abuse registry all of which are a rebuttable presumption. What that means is that it is incumbent on the applicant to prove why they should be licensed. Once it gets down to a C non-legend drug and below, it then becomes Mr. Flinchbaugh's responsibility to prove why they should not be licensed. Other factors include the length of time since the commission of the crime, the relationship between the nature of the crime and the purpose of regulating occupation, profession business, or trade for which the license is sought. It is incumbent on the applicant to prove why they should be licensed although the board does not have to approve them. This law prevents the board from denying a license strictly based on criminal convictions, restricting the authority of the board. The department is working with administration how this will be processed, which will require a lot of input from the Office of General Counsel.

Mr. Zylstra brought the board copies of the Telehealth Rules that the state of Florida currently have in place for social work as informational purposes and for discussion in considering Tennessee's pending telehealth rules.

Ms. Buchanan brought discussion to the board on the topic of the DSW (Doctor of Social Work) degree, and if received from an applicant would the Tennessee Board of social work allow licensure directly at clinical level? Posing if their master of social work is the practice degree, and doctor of social work is the advanced degree, does the DSW degree lead to a higher level of licensure? The board's response was no, "not at this time".

Ms. Mallory stated that the DSW degree is not accredited yet as this is fairly new program. Ms. Paula Foster of the TCSW brought up the "flaw in the rules" that state that the current rules say that you must have a Master's in social work in order to gain an LMSW while working towards a clinical license. Currently the rules do not allow someone that has a master's degree in anything other than social work, e.g. a DSW to be licensed at master's level (LMSW). Ms. Anderson stated that the question asked initially did not have to impact the current board operations, even if an applicant does have a DSW they will still need to go through the same process to become an LCSW or licensed clinician. Mr. Flinchbaugh included that we currently have rules undergoing review and this may be something to discuss at the rule making hearing possibly amending the section that only allows an MSW to be eligible for licensure as an LMSW.

Ms. Wilkins informed the board that the ASWB's 2018 Annual Meeting of the Delegate Assembly meeting was coming up, November 15-17, 2018 in San Antonio, Texas. Ms. Wilkins asked if anyone would be interested in attending, that the board may approve three board members, attorney and director to attend. In order to get the justifications started for approval, the board would need to vote to send members today. Ms. Wilkins said she would be interested in attending. Ms. Buchanan made motion to approve a total of five to attend the 2018 Annual Delegate Meeting, seconded by Ms. Williams. Motion carried. If anyone is interested to please let Ms. Stacey know within the next couple of weeks to allow time for approvals.

Mr. Flinchbaugh brought to the attention of the board that the statutes already addressed the doctorate degree issue; T.C.A. 63-23-103 (D) Graduated and received a master's degree in social work from a council on social work education approved program or has received a doctorate or

Ph.D. in social work. Also found in the rules under 1365-01-.04(2)a.5 - an official transcript showing a master's degree in social work from his/her institution to be submitted directly from the school to the Board office. The institution must be accredited by the Council on Social Work Education at the time the degree was granted, or a doctorate in social work.

With no other board business to conduct Ms. Buchanan made a motion, seconded by Ms. Williams to adjourn at 11:40 pm. The motion carried.