

TENNESSEE BOARD OF SOCIAL WORKER LICENSURE MINUTES

DATE: October 26, 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
Tara Watson, LCSW
Elizabeth Randall, LCSW
Ann-Marie Buchanan, LMSW
Kenya Anderson, LMSW
Jennifer Williams, LAPSW
Billie Jo Nesler, LBSW

BOARD MEMBERS

ABSENT: Kimberly Mallory, LAPSW
Karen A. Armstrong, Citizen Member

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

Ms. Axley, board chair, called the meeting to order at 9:39 a.m. Ms. Wilkins asked the board to welcome our two new board members Jennifer Williams, LAPSW and BJ Nesler, LBSW. The board also welcomed our new board attorney Nathaniel Flinchbaugh. 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 Nathaniel Flinchbaugh.

Contested Case Hearing / Rhonda Fish LMSW

The respondent of the contested case, Ms. Rhonda Fish was present and spoke with Mr. Flinchbaugh concerning a settlement of the case prior to the hearing. Mr. Flinchbaugh asked his assistant to draft terms of an agreed order which was then presented to the board. Mr.

Flinchbaugh went over the reason the action was taken, stating that Ms. Fish was deficient in her CEU hours for the calendar years 2013 and 2014. Ms. Fish brought with her some of the CEU certificates she had completed in that time frame but was still deficient for the ethics requirements for 2013. The agreed order terms that were reached were an assessment of five hundred dollars (\$500.00) in costs, and three hundred dollars (\$300.00) Type C civil penalties for the deficient CEU hours of 2013, for a total assessment of eight hundred dollars (\$800.00). Her license would be placed on probation until the completion of all CEU's.

Mr. Flinchbaugh asked for a motion from the board on the agreed order which would resolve the contested case that had been previously set to take place.

Motion to accept the agreed citation as written was made by Mr. Zylstra, seconded by Ms. Nesler and a roll call vote was conducted. All board members voted in the affirmative. The motion carried.

Minutes

The minutes from the July meeting were reviewed and no corrections noted. Motion to approve the minutes was made by Ms. Kenya Anderson, seconded by Mr. Zylstra. The motion carried.

Office of General Counsel

Mr. Flinchbaugh reminded the board of the Conflict of Interest Policy, and if a member has a conflict of interest they should recuse themselves. Also that the board operates under the open meetings act which prohibits the use of calls, emails and text messages from one board member to another. Everything that is discussed must be on the record for everyone to see.

Mr. Flinchbaugh reported that As of October 17, 2017 the Office of General Counsel had cases against five (5) of the Board's licenses; Three (3) of these are set to be resolved by Consent Order and one (1) by Contested Case Hearing.

Consent Orders

- Angela West – L.C.S.W. 768 – Substance Abuse- DUI Conviction
The discipline shall include:
Probation of her license for three (3) years maintained with the disciplinary coordinator;
Inpatient Treatment Program within 12 months of ratification of this order;
Outpatient Treatment Program completed within 18 months;
Must attend sobriety group meetings for duration of probation (for the entire three years).

Mr. Zylstra made a motion to accept the Consent Order for **Angela West, LCSW** seconded by Ms. Buchanan. The motion carried.

- Valerie Hayden – L.B.S.W. 695 – fraudulent/incomplete billing/false reported home visits
The discipline to include:
Her license will be suspended for six (6) months;
Probation of her license for two (2) years (after the suspension time period);
Fined under the Type B Civil Monetary Penalty of \$500.00 – which must be paid within twelve (12) months of this ratification;

She will be required to complete fourteen (14) Continuing Education hours with seven (7) in proper billing and ethics. Must be completed within 6 months; only three and one-half (3.5) hours may be done online and the remaining hours must be in person.

Ms. Vicki Williams made a motion to accept the Consent Order for **Valerie Hayden, LBSW** seconded by Ms. Watson. Ms. Anderson recused herself. The motion carried.

- Ami Phillips, L.M.S.W. 5084- Improper relationship/to include a criminal conviction as a result
The discipline shall include:
She is voluntarily surrendering her license

Ms. Buchanan made a motion to accept the Consent Order for **Ami Phillips, LMSW** seconded by Ms. Nesler. The motion carried.

Order of Compliance

Rebekah Staats, L.M.S.W. #9638 – Ms. Staats was previously disciplined by the board, and was requesting that her license be restored to an unencumbered status. Mr. Flinchbaugh received an affidavit of compliance from Ms. Lori Leonard (disciplinary coordinator) that indicated that she was compliant and met all of the terms of her previous board order.

Ms. Vicki Williams made a motion to accept the Order of Compliance for **Rebekah Staats LMSW**, seconded by Ms. Randall. The motion carried.

Investigative Report

Ms. Lori Leonard reviewed the statistical complaint report stating that there are a total of sixteen new complaints against LMSW's for this year, closed a total of thirteen and currently were monitoring thirteen. The LAPSW's for the year had no new complaints, closed no new complaints, and were currently monitoring one. The LBSW's for the year had one new complaint in August, had closed four complaints, and none were currently being monitored. The LCSW's received twenty-six new complaints this year, closed fifteen, and were currently monitoring twenty four. The majority of the allegations were related to medical record keeping.

The office's monitoring report shows three practitioners license are currently suspended, two licensees are on probation, one license was revoked, five licensees have been reprimanded by board order, and two were suspended under TSAC violations.

Financial Report

Ms. Noranda French presented the year-end Financial Report for fiscal year ending June 30, 2017, stating the Board had total direct expenditures of \$138,367.14 and allocated expenditures of \$100,108.34 for total expenditures of \$238,475.48. Ms. French said Board generated revenues for fiscal year 2017 of \$376,098.10, with current year net of \$137,622.62. LARS improvements for the year totaled \$42,845.54 for a total cumulative carryover of \$1,366,138.69 for 2017. The LARS improvements were taken from the carryover amount and not from board revenues.

Ms. French gave a five year expenditure comparison tracking all the same details with the spending trend of the board. The comparison reflected that they were very much in line with the previous years, with the exception of the expected variations. Ms. French also went over the growth of the board, the retired numbers, and the revenue sources from 2008-2016 as shown on her detailed graph chart. Ms. French discussed the Administrative Policies and Procedures that pertained to the Board of Social Work which states “if a boards report reveals that its cumulative carryover balance for two consecutive years is twice the amount of the three year average of such entities annual operative expenditures this review shall include a discussion concerning the modification of its current fee structure”. Ms. French stated that from our fiscal reports she was automatically triggered to present the board a possibility of a fee reduction based on that policy. She gave three different scenarios of fee reductions amounts and the projected outcome. Ms. Axley reminded the board to keep in mind the proposed contracting of printed educational materials, and getting additional information into the public regarding licensing. It was suggested by Ms. Wilkins that the board take the year-end report home and review it and consider the fact that this board is continually growing, that some expenditures are unpredictable e.g. administration, investigations, legal/cash offices, but to also remember that currently the board has a huge revenue/net amount. Mr. Zylstra asked about the time line involved in approving a fee reduction to better understand the process and the timeline in the board’s decision. Ms. French let the board know that it is not mandatory for the board to reduce fees, but due to the policy she had to initiate the conversation. The board had several questions for Ms. French, and much discussion was had for each level of fee reduction that her charts gave example of. The board concluded that they would like to table a fee reduction decision until the mid-year report is given.

Administrative Report

Ms. Stacey stated that as of October 24, 2017, there were 647 Licensed Baccalaureate Social Workers; 2,744 Licensed Master Social Workers; 278 Licensed Advanced Practice Social Workers; and 2,678 Licensed Clinical Social Workers.

Ms. Stacey said from July 25th thru October 24th, 2017 that two (2) LBSW, thirty five (35) LMSWs, no (0) LAPSW’s and six (6) LCSWs retired their licenses.

Ms. Stacey said from July 25th thru October 24th, 2017 that eight (8) LBSWs, forty three (43) LMSWs, two (2) LAPSW and twenty three (23) LCSWs licenses expired.

Ms. Stacey stated from July 25th, 2017 thru October 24th, 2017 there were five (5) LBSWs licensed; one hundred one (101) LMSWs were licensed; no (0) LAPSWs were licensed; and sixty two (62) LCSW's were licensed.

The following dates for the 2018 Social Work Board meetings were given by Ms. Stacey for the board to note in their calendars:

02/01/2018

05/10/2018

07/26/2018

10/25/2018

Review, approve/deny and ratify new licensure files

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

**Casey Bills
Conchetta Johnson
Amy L. Pickell**

**Anna E. Farmer
Haley P Miller**

The motion carried.

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

**Evan Ashley Alderson
Ladella L. Austin
Tonya K. Bailey
Patricia Barr
Jennifer Leigh Bass
Aftyn A. Behn
Ellen C. Blasing
Catherine R. Bowles
Tiffany Jingles Burks
Carly Caldwell
Madeline L. Cash
Claire Marlene Chesnutt
Nicole M. Craig
David Lowell Crouch
Haskin A Davis**

**Allison Anderson
Jessica L. Baddorf
Cortina M. Baird
Danielle R. Bartley
Holly A. Bearden
Jason Bertram
Gabriel K. Bolling
William A. Braswell
Tonya Teresa Caffey
Jessica M. Cameron
Shaina Blair Champion
Shelby Cook
Douglas A. Crews
Brittany N. Davis
John Shelby Deaderick**

**Lee A. Deckard
Amy K. Dunning
Ariella P. Fleet
Rebecca Turner Gonzales
Ramon A. Harris
Christian K. Hayes
Lindsey C. Herren
Anna Hodges
Kelsey Michele Huff
Jessica Ivey
Rachel Jetton
Amalia Jones
Jaqueline D. Jones
Frances M. Kernea
Ashley R. Lucas
Amy Hudson Malcolm
Hillary P Martin
Janet D. McClora
Jennie McBribe-Holloway McSweeney
Makenzey Jean Moore
Jessica Elizabeth Murr
Kayla L. Norris
Sara V. Pitts
Brittany D. Pray
Kaylee Michelle Raggio
Kamrie L. Reed
Marjorie Rice
Kizzy M. Rogers
Annacie Katherine Sastry
Dawn Charese Smith Gibbs
Amanda Dawn Stevens
Rico D. Street
Yohana T. Temesghen
Aimee L. Twohig
Sarah J. Welch
Michelle L. Worley**

**Shanice Douglas
Laura Fieser
Candi D. Glasscock
Joshua E. Hall
Vicky Marie Hausler
Catherine Hebert
Holly Hickey
Irene C. Hopkins
Stephanie Jensen Huguley
Elizabeth A. Jasper
Betty S. Jewell
Bethany B. Jones
Krysten Kelch
Gena Roseanne Leone
Arah Lea' Macnaughton
Megan Watkins
Anna Grace Masterson West
Rosa M. Mena
Allison Milam
Jennifer L. Moseley
Sarah Doris Nielsen
Mary Theresa O'Neill
Brandon K. Powell
Cameesa A. Pyburn
Patrick W. Rathbun
Shadeau Lea Rhodes
Quinn McKinley Roberts
Kristen Janeen Santos-Silva
David Schuster
Sarah Beth Steinbruegge
Sarah M. Stone
Therese Faith Teer
Karen Trent
Jessica Washington
Shea Wingate
Brienne Melissa Wright**

The motion carried.

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

**Kimberly D. Arvin-Long
Tomekia S. Blackmon
Tara Minatra Booker**

**Emily L. Baumgart
Sandra H. Bondelier
Jessica Donna Bowers**

**Katherine Bowers
Renee D. Burwell
Paula M. Charbonneau
Lisa Clapper
Trisha A. Darling
Connie M. Farmer
Amanda E. Gholson
Gloria L. Gordon
Angela M. Haviland
Robbie L. Hayter
Marcia A. Hill
Jennifer Trimble Johnson
Robin T. Kempner
Danny Wayne Long
Tanya Kehaulani
Erika G. McMurtrey
Maeven Elizabeth Miller
Michael Pulver
Kari L. Riddell
Kerri D. Russ
Krista Simmons
Mary Stangarone
Rachel L. Tarantino
Suzanne M. Towne
Regina E. Vander
Keisha J. Watson
Jill J. Whitaker
Quintina Yates**

**Jessica R. Burk
Jill A. Cagney
Virginia E. Childs
Jenna Coleman
Kate A. Emmerich
Robert L. Ferry
Asia Gibson
Lequandra R. Hale-Banks
Jaema M. Hayes
Tiffany S. Higginbotham
Anne L. Johnson
Kristen Kakanis
Justin James Knodel
David H. Marcotte
Marnie J. Matthews
Sara J. McVeigh
Robin Morgan
Rhett M. Reynolds
Traci L. Rollinger
Joan E. Settle
Melanie M. Spoon
Elizabeth L. Steinmann
Marion L. Thomasson
Kayla E. Turner
Noemi T. Vorhis
Megan E. Wellhausen
Kasey E. Wyrick
Amanda York**

The motion carried.

Approve LCSW applicants to sit for written exam

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

**Amanda Aguirre
Tyler A. Banks
Jessica Brown
Turquious Byrd
Ciara Collier
Angela Cote
Michelle Fleming
Joma Harris
Erricka O. Hill**

**Kaitlyn Armstrong
Amalie Blue
Jade Butler
Sara Cadden
Angela Cord
Anna Ezell
Melissa Hall
Amy Herron
Stephanie Hynds**

**Tamara Johnson
Anne Landry
Vanessa Neri
Jacqueline Payne
Meredith Sacks
Camelia Smith
Joy Steorts
Catharine Whiting Taliaferro
Emily Wilson**

**Christopher Johnston
Donald McCasland
Amanda Nist
Ashleigh Rakestraw
Adrian Shields
Charles Steven Smith
Jamila Walker
Regina Williams
Jennifer Yates**

The motion carried.

Approve/deny reinstatement applications

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

**Susan J. Coats
DeWayne L. Parker**

Courtney Feltner

The motion carried.

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

**Bridget M. Bearer
Eileen S. Bowman
Debra McGee
Lakeshia Gallaspy Ramsey
Mallory C. Williams**

**Edna R. Booker
Lori A. Long
Stephanie Peveler
Angela G. Schmidt**

The motion carried.

Upon review Mr. Zylstra made a motion, seconded by Ms. Buchanan, to approve the following **LAPSW** reinstated licensees:

Lou Fogleman Fowler

Pete Richard Vernon

The motion carried.

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

Diana L. Crawford
Rachel Murray
Mackaria Williams

Jeffery B. Moore
Donna L. Scott

The motion carried.

Correspondence

Samantha Castro LMSW submitted a letter questioning if hours done on a volunteer basis could be counted toward those required for license as a LCSW, and if so, what the proper method of logging these hours would be. The board said “yes” in response to the first question, volunteer hours may be counted if they are of clinical nature/content. The second part of her question asked if supervision done with other licensed professionals were allowed, e.g. professional counselors. Per the rules; supervision must be completed under a LCSW (Licensed Clinical Social Worker) that has been licensed for a minimum of three years at clinical level, and has completed a one-time six hour continuing education course in clinical supervision. Mr. Flinchbaugh interjected that he had reviewed the rules and did not find that the board could give an advisory opinion. He cautioned/advised the board not to reply specifically to her letter not having an application before them to actually review. He suggested a letter of response be sent to her referencing the Rule 1365-01-.04 which specifically states the licensure requirements for licensed clinical social worker, and the statute is 63-23-105 until an actual application was received it would be best not to give a definite response.

Continuing Education Waivers

Stephanie Coley LMSW #11219

Ms. Coley met the requirements to receive a waiver for her continuing education requirement for 2017 per the board’s policy.

Motion to approve was made by Ms. Buchanan, seconded by Ms. Nesler.

Discussion on Rulemaking, Hearings, Rule Amendments and Policies

Mr. Flinchbaugh stated the chapter rewrite was still in internal review and is moving through the process for approval. The deputy general counsel requested Mr. Flinchbaugh to review the rule changes under his purview as current board attorney. The rule revisions will then go up to the chief deputy, then over to the commissioner, the governor then back for the attorney generals approval, followed by the formal rule making hearing. All of which would not be set until early next year. Hopefully they would be ready for the May 2018 board meeting.

Mr. Flinchbaugh had the telehealth draft that Mr. Pinckley had worked on and had some suggestions by Ms. Foster; under 2.a it reads that “all persons engaging in the practice of social work via telehealth”. The suggested change is that it specifies clinical social workers so it’s understood that the telehealth rules only apply to clinical social workers as it is the only level that is a required license. The concern that other levels of licensure may later become a required license was discussed prompting the wording to read “licensed social work” to include any person that holds a license. A second issue brought to Mr. Flinchbaugh attention by Ms. Foster was the suggestion to add the wording under section 2c/second sentence; “in a situation where a social worker must use their personal mobile or other electronic communication device they should take reasonable steps, including but not limited to appropriate encryption and security measures, to protect confidentiality and maintain appropriate boundaries.

Under E/Subparagraph #3/first sentence; “the healthcare provider initiating the use of telehealth shall inform the client about the use of telehealth and obtain written consent from the clients specifically for the use of telehealth as an acceptable mode of delivering health care services in public health”. There would have to be a specific authorization for the use of telehealth mobility. Further discussion and questions on the specific methods of obtaining the authorization in a confidential manner was made between the board members and Mr. Flinchbaugh. The board wanted Mr. Flinchbaugh to make some minor changes to keep the language consistent throughout the rules to include “licensed social worker”.

Motion to continue the process with suggested changes was made by Ms. Buchanan, seconded by Ms. Nesler.

There were no policy statements or additional legislation to be reviewed.

Other board business

Ms. Karen Franklin of NASW TN Chapter and Ms. Paula Foster of TCSW addressed the board with a presentation on continuing education and the possibilities NASW provided in offering continuing education courses. Ms. Franklin with Ms. Foster made their presentation covering the proposed informational packets they would like to get into the hands of students to better prepare them for licensure as social workers. Sharing their proposal they would be working on together to develop a needs assessment instrument to cover the current social work programs in the state, what they are currently doing for educational information, the resources they are using and what resources they may need. The estimated time period to complete the assessment would be 6-8 weeks to include; contacting the appropriate people in the different programs, to gather information about their curriculum, follow-up phone calls, surveying students, compiling the results, and preparing the report to present to the board. Ms. Franklin gave the board printed information on the needs assessment breakdown and cost. The project will gather information to ascertain the need for expanding licensure education in the schools of social work across the State of Tennessee. Information regarding the current level of educational curriculum devoted to increasing social work students’ knowledge and understanding of the importance of professional licensing and the resources available will be the focus of the needs assessment. The resulting report is meant to guide the Tennessee Board of Social Work Licensure in determining the level of need for more comprehensive licensure education across the state. The cost is the projection of staff time with no indirect cost included. Material product is minimal as the survey will be

produced and distributed electronically. Significant time will be spent in individual follow up and compilation of the results. Total Cost for the project is \$5000.00.

Ms. Randall made a motion to accept the proposal, Ms. Buchanan seconded. The motion passed.

Ms. Buchanan made a request to the board to be sent to the 2018 Spring Education Meeting in Halifax, Nova Scotia May 17-19, 2018. Ms. Wilkins advised the board they could appoint three delegates to go. Ms. Axley, Ms. Buchanan, and Ms. Wilkins expressed an interest and requested it of the board to attend. Informationally speaking, Ms. Wilkins did mention to the board that, generally speaking, out of the country travel was rarely approved.

Motion was made by Ms. Randall, seconded by Mr. Zylstra.

Ms. Buchanan made a motion approving to send the two new board members to the “ASWB New Board Member Training”. Ms. Anderson seconded, the motion passed.

Ms. Axley reminded the board they mentioned at the last board meeting that they were going discuss and consider getting away from clinical “logs” and go to the use of a supervisory agreement/contract. Ms. Anderson asked clarification for reciprocity applicants, whether they needed their logs, and the purpose the logs serve. Mr. Flinchbaugh stated the reason the decision had gone back and forth between logs, and the use of a supervisory agreement was because the rules requires proof must be submitted. Although this board determines what that form of proof must be, the rules did not specifically state that it must be in the form of “logs”. The board has the liberty to make the decision on changing what is required by possibly doing an application change or creating a policy about what they consider as acceptable proof, which may streamline the application process.

Ms. Wilkins asked the board to think on it and possibly discuss that at the next board meeting in February. That the staff could present new forms, supervisory contracts, verification of the supervision and samples that other boards use.

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

Ratified at the February 1, 2018 meeting.