

IDAHO BOARD OF SOCIAL WORK EXAMINERS
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 10/27/2015

BOARD MEMBERS PRESENT: Kristopher L Walton - Chair
Dr. Eleanor P Downey
Dr. Joan M Cloonan
Lynnet R Kase
Robert Payne
Virginia K Dickman

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, General Counsel
Mitchell Toryanski, Legal Counsel
Jean Uranga, Board Prosecutor
Marilyn London, Technical Records Specialist

OTHERS PRESENT: Justin Walker
Marisela Butler
Michael Harris

The meeting was called to order at 9:00 AM MDT by Kristopher L Walton.

APPROVAL OF MINUTES

Dr. Cloonan made a motion to approve the minutes of July 20, 2015. It was seconded by Ms. Kase. Motion carried.

Dr. Cloonan made a motion to approve the minutes of September 3, 2015. It was seconded by Ms. Kase. Motion carried.

LEGISLATIVE REPORT

Ms. Cory gave the legislative report and referred to the Counselor Board's proposed rules that require recertification for clinical supervisors. Mr. Payne commented that this comes in line with the social work rules and will work better since counselors and clinical social work supervisors can supervise each other. The Board directed the Chair to send a letter to the Counselor Board Chair letting them know they appreciate the proposed rules on supervision.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$35,797.46 as of September 30, 2015.

DISCIPLINE

Ms. Uranga presented a memorandum regarding case numbers SWO-2015-19, SWO-2015-18, SWO-2015-11, SWO-2015-17, SWO-2015-16, SWO-2016-2, SWO-2016-5, and SWO-2016-1.

Ms. Dickman made a motion to close case SWO-2015-19. Ms. Kase seconded the motion. Motion carried.

Mr. Payne made a motion to close case SWO-2015-18. Ms. Kase seconded the motion. Motion carried.

Ms. Kase made a motion to close case SWO-2015-11 and send a letter of reprimand. Mr. Payne seconded the motion. Motion carried.

Ms. Dickman made a motion to close case SWO-2015-17 and send a letter of reprimand. Mr. Payne seconded the motion. Motion carried.

Mr. Payne made a motion to close case SWO-2016-2 and send a letter of reprimand. Ms. Dickman seconded the motion. Motion carried.

Dr. Cloonan made a motion to close case SWO-2016-1 and send a letter of reprimand. Dr. Pepi Downey seconded the motion. Motion carried.

After discussion, the Board gave recommendations for appropriate discipline on cases SWO-2015-16 and SWO-2016-5.

Ms. Uranga presented a Stipulation and Consent Order in case SWO-2015-1. Ms. Dickman made a motion to approve the Consent Order and approve the Board Chair to sign on behalf of the Board. It was seconded by Dr. Pepi Downey. Motion carried.

INVESTIGATIVE REPORT

Ms. Peel gave the investigative report, which is linked above.

FOR BOARD DETERMINATION

Mr. Payne made a motion to approve the Bureau's recommendation and authorize closure in cases I-SWO-2014-19, I-SWO-2014-25, I-SWO-2014-42, I-

SWO-2014-43, I-SWO-2014-44, I-SWO-2015-6, I-SWO-2015-3, I-SWO-2015-9, I-SWO-2015-19, I-SWO-2015-36 and close with a warning letter in case I-SWO-2016-1. It was seconded by Ms. Dickman. Motion carried.

DISCIPLINARY

The Board reviewed supervision reports in cases SWO-2013-28 and SWO-2014-25.

Ms. Pepi Downey made a motion to approve termination of probation in cases SWO-2010-20 and SWO-2009-3. Ms. Dickman seconded the motion. Motion carried.

Ms. Dickman made a motion to deny the request of waiving the remaining fine balance on cases SWO-2010-20 and SWO-2009-3. Ms. Pepi Downey seconded the motion. Motion carried.

The Board reviewed a letter in case SWO-2015-2. No action was taken.

COURT OPINION – BOARD IMMUNITY

Mr. Toryanski presented information to the Board about a Supreme Court case regarding the North Carolina State Board of Dental Examiners, which has the potential to affect regulatory board with active market participants throughout the United States.

NEW BUSINESS

EXECUTIVE SESSION

Ms. Kase made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Dr. Cloonan. The vote was: Ms. Dickman, aye; Mr. Payne, aye; Dr. Pepi Downey, aye; Ms. Kase, aye; Dr. Cloonan, aye; and Mr. Walton, aye. Motion carried.

Mr. Payne made a motion to come out of executive session. It was seconded by Dr. Pepi Downey. The vote was: Ms. Dickman, aye; Mr. Payne, aye; Dr. Pepi Downey, aye; Ms. Kase, aye; Dr. Cloonan, aye; and Mr. Walton, aye. Motion carried.

APPLICATIONS

Ms. Dickman made a motion to approve the examination application for Justin Walker. Dr. Cloonan seconded the motion. Motion carried.

Ms. Dickman made a motion to approve the examination application for Marisela Butler. Dr. Pepi Downey seconded the motion. Motion carried.

Ms. Dickman made a motion to deny the reinstatement application for applicant Michael Harris based upon statute 54-3204(6), 54-3210, 54-3211(6)(7), 54-3212 and Rule 450.01(h)(i), .02(b), .05. Mr. Payne seconded the motion. Motion carried.

OLD BUSINESS

To Do List – The Board reviewed the to do list and no action was taken.

JURISPRUDENCE EXAM

Dr. Pepi Downey presented information from the Association of Social Work Board's web page regarding states that administrator a jurisprudence exam. No decision has been made by the Board to administrator a jurisprudence exam at this time.

TELEPRACTICE

Mr. Payne discussed the telepractice rules' progress and said it is a hurry up and wait process. Mr. Toryanski stated that most of the organizations are stopping and taking a second look at telepractice before going forward with rules. Mr. Payne suggested that the ASWB and National Association Social Work telepractice information be posted on the Board's web page to help give guidelines for licensees. He will send the websites to the Bureau for the Board members to review before a decision is made to post it on the Board page.

ASSOCIATION OF SOCIAL WORK BOARDS

The Board reviewed the ASWB candidates running for office and the By-law changes.

CORRESPONDENCE

The Board reviewed a letter from Daniel Harkness asking if professors should have an active social work license to teach and call themselves a social worker. The Board indicated that an inactive license is a license, but students must be supervised by actively licensed supervisors.

The Board reviewed a letter from Dawn Doepke asking if LMSW or LCSWs can do online counseling. The Board stated they are not able to give legal advice and refer them to statute 54-3204(8).

The Board reviewed a letter from Iris Miller-Gallegos requesting to reinstate their LCSW license. The Board indicated they need to make application and submit appropriate documentation for review.

The Board directed the Chair to respond to the correspondence as discussed.

EXECUTIVE SESSION

Dr. Pepi Downey made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Ms. Dickman. The vote was: Ms. Dickman, aye; Mr. Payne, aye; Dr. Pepi Downey, aye; Ms. Kase, aye; Dr. Cloonan, aye; and Mr. Walton, aye. Motion carried.

Ms. Kase made a motion to come out of executive session. It was seconded by Dr. Cloonan. The vote was: Ms. Dickman, aye; Mr. Payne, aye; Dr. Pepi Downey, aye; Ms. Kase, aye; Dr. Cloonan, aye; and Mr. Walton, aye. Motion carried.

APPLICATIONS

The Board reviewed inactive applications.

Ms. Dickman moved to deny the request from a LMSW for credit for previous supervision before the clinical supervision plan was approved. Dr. Pepi Downey seconded the motion. Motion carried.

Mr. Payne moved to request additional information from a clinical applicant regarding their supervision report. Ms. Dickman seconded the motion. Motion carried.

NEXT MEETING was scheduled for January 26, 2016 at 9:00AM MST.

ADJOURNMENT

Dr. Pepi Downey made a motion to adjourn the meeting at 3:50PM MDT. It was seconded by Mr. Payne. Motion carried.

Kristopher L Walton, Chair

Dr Eleanor P Downey

Dr Joan M Cloonan

Lynnet R Kase

Robert Payne

Virginia K Dickman

Tana Cory, Bureau Chief