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Newsletter

April 2008

Oregon Board of Clinical Social Workers
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Most Proposed Rules Adopted at April Meeting

The Board adopted several changes to the rules which govern social work licensure at their meeting on April 8, 2008. This capped an 18-month process during which the Board completely re-worked Divisions 20 and 25, Section 40 of Division 30, and added a whole new Division 22 to the rules.

The Board re-organized the basic information in both Division 20 and 25 to make them easier to read and understand. In Division 20 they made some changes to the procedure for certification and licensing. When we moved to birth-month renewal two years ago, the Board adopted rules that pro-rated the cost of a new license or certificate. That slowed the turnaround time for issuing licenses so this rule change makes the fee for the initial license or certificate the same as the annual renewal rate. The Board also changed the supervisory requirements for CSWAs prior to passing the national exam. Once an Associate has accrued the necessary hours of client contact and total hours worked, they will be approved to take the exam for licensure and will continue to receive supervision until they pass the exam. They will have up to two years in which to accomplish that.

Division 25 deals with continuing education reporting requirements. The Board adopted two main changes. They abolished the distinction between “formal” and “informal” continuing education. They also changed the lead time to submit non-credentialed CE coursework to the Board for approval from 90 to 45 days prior to licensure renewal.

Division 22 is a completely new division in the Board’s Chapter of rules. This division implements the law passed by the 2005 Legislature that allows the Board to require a national FBI fingerprint background check on all new applicants and selected other categories of licensees.

Section 40 of Division 30 identifies the times when licensees must self-report various situations to the Board. The rule now includes the need to self-report in-patient psychiatric hospitalization or psychiatric day treatment in addition to the other reportable categories already contained in the section.

The rules changes adopted at the April meeting will become effective on July 1, 2008. Three separate parts of the rule changes will be effective at later dates based on administrative needs.

Based on feedback to the Board, the proposed rules regarding client records were withdrawn. The Board will convene a Rules Advisory Committee to review a revised set of proposed rules related to record keeping later this year.

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It's time for a change!

The August '07 Newsletter article, *Complaint Resolution Takes T-I-M-E*, dealt specifically with the time (and process) it takes for the Consumer Protection Committee (CPC) to evaluate, process, investigate and resolve consumer complaints of unethical conduct. This article explains why the board needs to hire a full time compliance specialist (a person to investigate and evaluate consumer complaints.)

CPC case loads increased nearly 100% in one year! For those who are curious what this really means, let me explain. It means an increase from 19 cases in 2006 to a staggering 36 cases in 2007. Additionally, please note that 19 new cases have come in so far in 2008.

In addition to the challenging increase in case numbers, the complexity of the cases has also dramatically increased, which means a tremendous amount of fact-finding, investigation, interviewing, etcetera. Currently, the committee has 24 pending cases, several of which are exceedingly complex. For example, one case currently contains over 800 pages of information. The Committee isn't through reviewing the complaint yet and might need to request additional documentation.

Remembering that the Board's *primary* purpose is to protect the public from incompetent and unethical social work practice, ***it's definitely time to change the Board's complaint resolution process!*** A case load of this size and complexity is simply too much for the volunteer Committee and Board members to have to process. Hiring a full time compliance specialist will enable CPC to more timely complete its investigations and make recommendations to the full Board. This will enable the Board to better accomplish its mission of protecting the public.

A full time compliance specialist will also help address concerns raised by licensees who are the subject of an investigation about the length of time the process currently takes. It is definitely in the best interest of both the complainant and the licensee that complaints be processed fairly, thoroughly, professionally, ***and timely.***

The Board proposes raising the annual renewal fee for LCSWs by \$40/year to fund this needed change. They also propose raising the one-time application fee from \$100 to \$150. They are proposing no change to the CSWA annual renewal fee or to the fee for LCSWs on Inactive Status.

Please remember that the Board is funded entirely by fees from licensees. By law, the Board cannot receive money from the State's general tax fund, or funds from the Lottery or other sources. The lone source of the Board's operational funds come from fees established for application, initial licensure or certification, renewal, and a few other minor categories. This is the same as with all of the other health-related licensing boards.

Be sure to visit the Board's website at www.oregon.gov/bcsw to view the documents related to the Board's proposed staffing and fee increase. Please provide feedback in writing to the Board office at 3218 Pringle Road SE, Suite #240, Salem, OR 97302, or by fax to 503.373.1427, or by e-mail to Jon.Langenwalter@state.or.us. Your feedback must be received in the Board office by noon on Tuesday, May 13, 2008.

ESL and the National Test a Hot Topic at ASWB

Several supervisors of Clinical Social Work Associates (CSWAs) have expressed concern that the Association of Social Work Boards (ASWB) clinical test might be biased against social workers who have English as a second language. One of these supervisors, Ann Sinclair of Portland, wrote a letter to the Oregon Board expressing her concern that people for whom English is a secondary language seem to struggle more with the national exam, even when they clearly are excellent clinicians. The Oregon Board forwarded Ms. Sinclair's letter to ASWB so that this concern would be on the agenda for the next meeting of the Association. As a result, there was a lively discussion of this issue at the ASWB Fall, 2007 Meeting. Subsequently, ASWB appointed a Task Force on English as a Second Language to study this matter. Mark Oldham, LCSW and Chair of the Oregon Board, has been appointed to this Task Force. A special thanks to Ann Sinclair for bringing this important issue to the Board's attention.



Board Takes Public Disciplinary Action

The Board took two public disciplinary actions at their meeting on January 11, 2008, one at their meeting on February 16, 2008, and one at their meeting on April 8, 2008. A summary of each action is listed below. Please note that you can check on disciplinary actions at any time by visiting the Board's website at www.oregon.gov/BCSW.

Below is a summary of the four most recent actions:

Dennis C. Florendo, MSW (LCSW 676)

Stipulated Final Order Assessing Civil Penalty (January 8, 2008). Violation of OAR 877-030-0040(3) related to failure to notify the Board within 30 days of receiving a DUII citation. Board imposed a \$500 civil penalty.

Samuel Tallman, MSW (LCSW 2057)

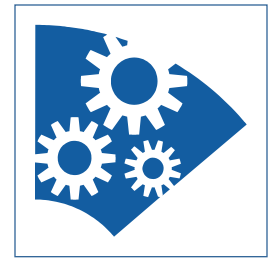
Stipulated Final Order of Probation and Assessing Civil Penalty (January 8, 2008). Violation of OAR 877-030-0070(11) related to breach of client confidentiality; OAR 877-030-0070(1)(a) related to violation of the therapeutic relationship of power and trust; and OAR 877-030-0070(3) related to provision of inappropriate treatment. Board imposed 3 years of probation with specific supervision and continuing education requirements, and a \$1,000 civil penalty.

Michael V. Stevens, MSW (LCSW 2581)

Stipulated Final Order Assessing Civil Penalty (February 16, 2008). Violation of OAR 877-030-0070(11) related to breach of client confidentiality. Board imposed a \$1,000 civil penalty.

Stephen R. Beck, MSW (LCSW)

Stipulated Final Order of Probation and Assessing Civil Penalties (April 8, 2008). Violation of OAR 877-030-0040(1) related to failure to separate his private life from his professional work; OAR 877-030-0070(1)(a, b, c, and d) related to dual relationships; OAR 877-030-0070(3) related to providing inappropriate or unnecessary treatment to clients; OAR 877-030-0070(4) related to failure to provide clients with explicit information regarding the extent and nature of services provided; OAR 877-030-0070(5) related to failure to seek timely consultation or make referral when it was in the client's best interest; and OAR 877-030-0070(7) related to failure to terminate services when appropriate. The Board imposed 3 years of probation that includes supervision twice a month, the completion of 12 hours of continuing education above the normal amount needed to maintain licensure, and a \$4,050 civil penalty.



Thanks to Rules Advisory Committee and Process

The Oregon Board of Clinical Social Workers would like to recognize the social workers who participated on the Rules Advisory Committee. These social workers spent many hours reviewing proposed rules and spent one Saturday in Salem fine tuning the rules. The members of the Rules Advisory Committee were Krystal Ashling (LCSW/Portland), Amy Baker (LCSW/Hillsboro), Paul Deutshlander (LCSW/Pendleton), Michael Krumper (LCSW/North Bend), Susan Jones (LCSW/Salem), Kristen Powers (CSWA/Bend), Wendy Robinson (LCSW/Tillamook), and Carol Zancanella (LCSW/Bend). The Board would also like to thank the dozens of people, mostly LCSWs, who took the time and effort to comment on the proposed rules.

Contrasting the Board and NASW/OR

Some confusion exists between the function of the State Board of Clinical Social Workers and the Oregon Chapter of the National Association of Social Workers (NASW). Each year several social workers send license applications or renewals to NASW thinking that they process licensure information. Additionally, people frequently contact NASW regarding license requirements and other licensure related questions. Conversely, the licensing board often receives inquiries about social work programs that are sponsored by the NASW. The distinction between these two important organizations is relatively easy.

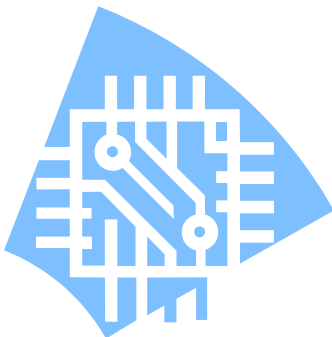
The State Board of Clinical Social Workers is focused on regulating clinical social work practice. The Mission of the State Board of Clinical Social Workers is to protect the citizens of Oregon by setting a strong standard of practice and ethics through the regulation of clinical social workers. The Board accomplishes this mission by verifying education, testing expertise, and monitoring the ethics of those who apply for and receive a license.

The NASW is the professional social workers organization that advocates for social workers, and through the legislative process, promotes causes that the organization supports.

The licensing board and the state NASW chapter have a good working relationship. In different ways, both organizations support and advocate for consumers of social work services. However, there is some predictable tension between clinical social workers and the Board that regulates them.

The Board of Clinical Social Workers is in the midst of two important activities. The Board is in the process of amending its administrative rules to improve public protection and provide better guidance to clinical social workers. The Board is also in the process of drafting a law to better protect the public by requiring more professionals providing social work services to be regulated by the Board. This is usually referred to as a "Practice Act." These Board initiatives should improve the delivery of social work services, thereby making social workers more desirable.

The Board hopes to have a social work Practice Act ready for the 2009 Legislative Session. The Board is in the process of finalizing the proposal. The Board and key social workers have been in the process of developing the legislation over the past five years. The proposal will establish at least three levels of social work licensure. Currently, there is only one level of licensure, the Licensed Clinical Social Worker (LCSW). The new proposal will have a non-clinical MSW licensure level, as well as a Bachelor's level registration.



Rules Require Timely Report of DUIs and Other Situations

Oregon Administrative Rule 877-030-0040(3) states: “Licensed Clinical Social Workers and Clinical Social Work Associates **must report to the Board** as soon as possible, but **not later than 30 days** after receiving notice, of **any civil lawsuit, criminal indictment, court-ordered diversion, driving under the influence of intoxicants arrest or conviction**, or any regulatory action having been brought against them which relates to the Licensed Clinical Social Worker’s or Clinical Social Work Associate’s professional conduct.” (Emphasis added)

Please remember that the primary mission of the Board is public protection. If a licensee has received notice of a civil lawsuit, criminal indictment, or regulatory action that relates to their conduct as a clinical social worker, the Board needs to review the situation to assess the licensee’s ability to safely practice. Just because a person has received notice of a civil lawsuit, a criminal indictment, or a regulatory action of some sort does not necessarily mean that the Board will take public action against their License or Certificate. What it does mean is that the Board will thoroughly and fairly investigate the case to assess if the clinical social worker is currently able to safely practice.

The same thing holds true for entering a court-ordered diversion program or receiving an arrest or conviction of driving under the influence of intoxicants. Clinical social workers must timely report these situations. Following such a report the Board will assess the circumstances of the problem in relation to the social workers clinical setting to determine the licensee’s safety to practice.

Please be aware of the need to timely report “...as soon as possible, but **not later than 30 days.**” When the Board becomes aware that a licensee has encountered one of the dynamics mentioned above, and the licensee has not timely reported, the Board will take action for failure to timely report, even if their review of the underlying situation doesn’t reveal that the licensee has a problem that affects their ability to safely practice.

Keep the Office in Your Informational Loop

Every month when the staff sends out renewal notices, they inevitably get from 1-5% returned because of an incorrect address. This is always due to the fact that the licensee has changed their mail address and failed to advise the Board of the change. This slows down the Board’s ability to get your renewal notice to you timely, which then increases the possibility that you will not timely renew and owe a late-fee or even have your License or Certificate lapse.

The same thing goes for changes in e-mail addresses. Over half of the licensee base receives information from the Board through e-mail only. The Board appreciates the ability to conduct business in this manner since it saves both time and resources. However, every time the Board sends out a mass e-mail notice, the staff receives anywhere from 30-50 e-mail notices back because of incorrect addresses. This impedes the ability of the Board to timely provide the entire licensee base with necessary information. It also presents an administrative challenge to the staff to take the time and correct that many e-mail addresses all at one time.

Please, please, please notify the Board office immediately if you change your mailing address or e-mail address. That way, you get the information you need when you need it, and the staff can function most efficiently.



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Board of Clinical Social Workers