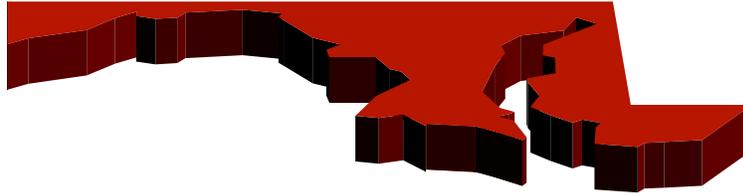


State of Maryland Board of Social Work Examiners



**Open Session Minutes
December 11, 2020, 10:45 AM
Teleconference Board Meeting**

Board Members: Via Telephone Call-In

Gerard Farrell	Consumer Member, Chair
Karen Richards	Professional Member, Vice Chair (Absent)
Donald J List	Professional Member, Secretary/Treasurer
Sondra G. Petty	Professional Member
Adrienne Ekas-Mueting	Professional Member
Sherryl Silberman	Professional Member
Allyson Stanton	Professional Member
Maria Cole	Professional Member
Barbara Gassaway	Consumer Member
Susan P. Coppage	Professional Member
April A. Cockrell	Professional Member
Martin P. Schnuit	Professional Member

Board Staff: Stanley E. Weinstein	Executive Director
Rhonda Edwards	OAG, Board Counsel
Kara Brooks-Tyson	Director of Compliance and Investigations (Absent)
Lillian Reese	Legislation and Regulations Specialist
Gail Wowk	Director of Planning and Continuing Education
Gloria Jean Hammel	Director, Certification and Licensing Unit
Tyrone Willoughby	Board Social Work Supervisor
Earnest Ford Sr.	Board Investigator
Stacie Rigby	Continuing Education Associate

Guest: Daphne McClellan	Executive Director, NASW-MD-MD Chapter
Kimberly Link	MDH Liaison to Boards and Commissions
Jeff Jones	Member of the public

CALL TO ORDER:

The Open Session was called to order at 10:38 am. by Board Chair Gerard Farrell.

MINUTES:

Stanley Weinstein addressed the delay in the completion of the minutes.

BOARD CHAIR

Gerard Farrell

- Gerard Farrell opened up the meeting with full video and audio participation with the public. He said he hoped it would work out well and will continue doing that in the future. He asked everyone to use the icon to raise their hands for questions and comments. There were no adjustments or additions to the agenda.
- He welcomed the guests and discussed about the meeting that he and Dr. Weinstein held with the MD State Delegate Cullison regarding the Board's proposed bill to update social work practice. This was the second follow-up meeting with representatives from NASW-MD and Greater Washington Clinical Society. There were two issues regarding the proposal.
 1. First issue was changing the requirements for designated seats on the Board that were reserved for LBSW, LMSW and LCSW for a full twelve member Board. Delegate Cullison offered an alternative model for filling the board seats. Gerard Farrell and Dr. Weinstein consulted with the Board's Executive Committee and in the spirit of compromise he offered to withdraw those changes to the Statute, hence leaving Board composition as it is now. He added that currently there are four Board seats filled appropriately for the next three and a half years, and therefore plenty of time to review the issue.
 2. Second issue was changing the number of supervision hours required for licensure as a LCSW-C from 144 to 100. He said that 144 hours was more than any of our neighboring states require and what really needed to change was the quality of the supervision. The Board is committed to seeking ways to improve supervision and training for social workers. The Board is waiting for confirmation from the Clinical Society that they would support this change.

EXECUTIVE DIRECTOR

Stanley Weinstein

- Dr. Stanley Weinstein said that there were two issues that he wanted to discuss. He asked Gloria Hammel to give an overview of the criminal background checks scheduled for the coming year.
- Gloria Hammel shared that the criminal background checks would be happening for the 2021 renewals as revised in our Statute a year or two ago. She added that we have been discussing whether to go forward with it for three reasons.
 1. About 7000 social workers would be renewing and to get fingerprinted which would be difficult for some people during the pandemic.
 2. It would also increase the work load on staff to process all the reports that would be coming in due to teleworking. There is only one full time employee in licensing, Tyrone Willoughby. The rest of the staff is teleworking full or part time.
 3. She added that the FBI has not implemented its Rap Back Service and the reason why it was attached to the renewals is that once you have had a background check under the Rap Back

Service you don't need another criminal background check. This was presented at the Statute meeting and the Board's attorney was to look into it. The Board agreed to amend current 2021 requirement to 2023 in the proposed bill.

- Dr. Stanley Weinstein then discussed the LMSW social workers and private practice. The State had developed a vendorship list whose purpose was to differentiate Clinical social workers so that the public and health insurance companies could differentiate between social workers in training to become clinical social workers versus going into macro practice. The LCSW-C is the licensure level that clearly defines who is a clinical social worker. It's important for the public to know who has been trained and has experience and its also important for insurance companies when they are trying to reimburse professionals at different levels. In the past, only the LCSW-C qualified for that designation.
- Dr. Stanley Weinstein stated the Board added regulatory language a number of years ago that LMSW'S could not be in private practice. The Attorney General's office felt that our position could be seen as an anti-trust issue for any competitor in the market place. So the focus was on the need that LMSW's could be supervised by LCSW-C's. There has been a lot of interest and inquiries about LMSW's opening private practices, offices and the quality of supervision. It became more complex of an issue when the Board found out that the insurance companies have been reimbursing and credentialing LMSW social workers. Carefirst and Cigna both began programs where LMSW'S were to be credentialed and reimbursed. When Dr. Weinstein asked the insurance companies why the change, they indicated that there was a change in insurance laws that permitted LMSW's to be reimbursed. But on close examination, that law was passed years ago for LMSW's who work in State Licensed Programs.
- He came across a policy statement from the DC Board of Social Work Examiners and was struck by how comprehensive it was. It targeted some of the concerns we addressed and felt was important for the Board.
The key points were that LCSW'S couldn't practice independently and must be supervised by the equivalent of LCSW-C's.
 1. They cannot receive payment for service from a client or agent.
 2. They cannot be an owner or in charge of practice.
 3. They cannot lease or sublease office space.
 4. The clients must have a bona fide patient practitioner relationship with the supervisor as evidence by documents and client agreements bearing the name of the supervising LCSW-C.
 5. They can't advertise for clients or patients but can be under practice advertisement. However the advertisement of the LMSW clearly identifies the social work supervisor. The LMSW cannot directly or indirectly recruit or solicit clients for himself/ herself or the supervisor.
- It also talked about the supervisor's full responsibility for the LMSW practice and professional conduct. This includes disciplining action as related to the LMSW practice.
 1. The supervisor must participate in the initial intake and the diagnostic assessment of all clients served by the LMSW. In the first 1500 hours the clinical supervisor must communicate face to face. In the next 1500 hours the supervisor must exercise professional judgement to determine whether it needs to be face to face or another way.
 2. The supervisor reviews and co-signs all client patent records. He/she monitors and ensures effective and ethical services to all clients' issues.

3. He/she ensures that the LMSW is properly licensed, knows relevant laws and regulations governing practice and complies with them.
 4. Both the supervisor and the LMSW must maintain full records of the practicing communications clearly establishing the LMSW as the supervisee and not an independent practitioner.
- Dr. Weinstein added that it was an important issue to bring before the Board for discussion and then go back to the Statute committee for further consideration.
 - Rhonda Edwards added that if we chose to create a policy we would still need to review it independently of the Board using an independent agency before it was adopted. Ms. Edwards stated this is usually done through regulations.
 - Gerard Farrell added that this issue would be referred to the Statutes and Regulations Committee and will be brought back to the Board in the next few months.
 - Question raised-what is the Board doing now? Board accepts complaints on LMSW's practicing independently.

COMMITTEE REPORTS

Statute and Regulations Committee – Sondra Petty, Chair

The Committee met on December 7th. Dr. Weinstein updated the Committee on the meeting that he and the Board shared with Delegate Cullison. She also said changing the seats was not going to be a preference.

1. She talked about Gloria Hammel and the FBI criminal background checks which were going to be effective 2021. She said that the Committee does not have the legal language. Rhonda Edwards added that we have that and that it would be forwarded to the Committee.
2. Cultural Competency language updates. There were some concerns from NASW-MD Social Work Unraveling Racism Committee that the training should be more than three hours. The issue would be referred back to Karen Richards Chair, Continuing Education Committee.
3. With the issue for the proposed temporary license from NASW-MD, the Committee is not in agreement for several reasons because:
 - a) First and foremost the Board's job is to protect the public. NASW National does not support this recommendation and Dr. Weinstein is waiting for their report.
 - b) Second the Government press release on December 1st recommends schools expedite testing and graduate students early. There was a review of the testing being administered during COVID and there was no need to waive the time.
 - c) Third, the Board has no manpower to implement or monitor the process due to lack of staff and a Board Approved Supervisor might not be willing to supervise someone who is not licensed or tested as it would put him/her at liability and there are no statutory guidelines if there was any reprimand of a temporary license.
- Because of these concerns, the Statutory and Regulations Committee voted not to support the temporary license proposed for the State of MD. The Executive Committee would try and meet with Delegate West and have a discussion with him about it on January 4th 2021.
- Gerard Farrell proposed a vote to have the Board remove the seat language currently proposed in legislation and keep the designated seats as they currently stand. All were in favor of that change. He also proposed a vote on language to change the 2023 for the criminal back ground checks.

Lillian Reese stated the change has to be done online to get it into the bill in a timely fashion. She requested a vote on it today for section 19-308. Vote unanimous- all in favor.

CONTINUING EDUCATION COMMITTEE

Adrienne Ekas-Mueting, Member

- The Committee met on November 18, 2020 and voted on the draft of the new anti-oppressive social work practice CE regulations that Sondra Petty had mentioned. They reviewed and discussed some articles on learning activities not accepted. Committee to submit article for next newsletter.
- The Committee would be meeting again on December 16th and Rhonda Edwards would be present.
- There would be a meeting on January 6th with co-chairs of NASW-MD Social Workers Unravelling Racism Committee. Karen Edwards and she would be meeting to discuss proposed draft on the new CE requirement and language.

STRATEGIC PLANNING

Barbara Gassaway, Chair

- The Committee met in October and presented a draft of the plan to both Gerard Farrell and Dr. Weinstein for comments and one person's name was mentioned in the plan and the other mentions titles. So with that exception and that will be a title the plan the Board received yesterday will be changed to reflect taking out of that person's name and reflect it with a title.
- The plan of the committee is the result of the meeting held in October 2019. She personally thanked Sheryll Silberman, Donald List, Maria Cole, Kara Tyson, and Gerard Farrell for their contributions.
 1. She indicated that the Strategic Plan would cover four different initiatives. First, Executive Director's Succession Plan. In this step, the Executive Director was to hire a Deputy Executive Director to review the organization chart, and to move higher and identify the needs of Board staff and evaluate internal organizational structure, and responsibility of the Board Chair and Executive Director.
 2. Second Initiative Telehealth and Mobility. The ASWB template will be reviewed and the Statutes and Regulations Committee will help to define the telehealth and mobility labels.
 3. Third Initiative Increase Public Awareness. With this initiative, the Board will outsource the needs assessments, marketing content targeting materials and all this is to be uploaded to the website.
 4. Fourth Initiative is the Licensure Update. This means aligning those licensures with other entities. Also removing the LCSW from the list of approvals. Currently we have 400 LCSW licenses so there will be three categories available that is the LBSW, LCSW-C and LMSW. Currently licensed LCSW will remain; LCSW will no longer be offered. The staff is to notify the licensee population and disseminate the related information. In the Committee the session notes are also attached to the plan for clarity. She added that the next steps are for Board approval.
- The Board voted unanimously to accept the Strategic Plan.

AD HOC COMMITTEE

Donald List, Chair

- After thanking the Board Members and staff, Donald List stated that the Committee has not met since the last meeting. There were no updates and that the Committee would continue to be available for meetings in the future.

Gerard Farrell opened the meeting to the public:

- Daphne McClellan complimented the Board and appreciated the removal of proposed language on removing designated Board seats. She said that NASW-MD would however continue to pursue the temporary licensing bill. She said that with the current COVID situation there were people who attended the board meeting in April and talked about the inability to take the licensing exam prior to graduating and those getting dates very far into the future. She added that nothing could be done because the Statute did not permit a temporary or provisional license. However the purpose of the bill would be to address anything that may come up in the future so the temporary licensing would give the Board the ability to create a temporary or provisional license if they ever feel the need to in the future.
- Gerard Farrell said the Board would look to see if Senator West would be interested in convening a meeting to further discuss.
- He added that going back to the language of the criminal background checks in section 19-308 talking about renewal of licenses, change of address paragraph E4. There is a proposed new language which is beginning in the calendar year 2023. Going to change the year from 2021 to 2023. It's currently being drafted in legislature. There was a motion to adopt that change and everyone voted yes unanimously.
- Jeff Jones from the public had a personal appeal in regards to his license application. He was out of state (Florida) and recently applied for LMSW in MD because he got a job offer in Baltimore which could change his financial situation. It was a time sensitive issue and was hoping there was some way in which his application would be expedited so that he could accept the offer and start in Mid-January. Gloria Hammel said she would follow up on his application.

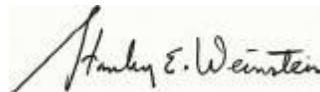
ADJOURNMENT OF THE OPEN SESSSION

The Open Session adjourned at 12:05 PM

Donald J. List

**Donald J. List, LCSW-C
Board Secretary/Treasurer**

 3/12/2021
Date



**Stanley E. Weinstein, Ph.D., LCSW-C
Executive Director**

 3/12/2021
Date