

**MINUTES**

**UTAH  
SOCIAL WORKER LICENSING BOARD  
MEETING**

**December 2, 2010**

**Room 474, 4<sup>th</sup> Floor – 9:00 A.M.  
Heber M. Wells Building  
Salt Lake City, UT 84111**

**CONVENED:** 9:07 A.M.

**ADJOURNED:** 4:24 P.M.

**Bureau Manager:**

Richard J. Oborn

**Board Secretary:**

Lee Avery

**Board Members Present:**

Tammer M. Attallah, Chairperson

Dennis R. Frandsen

Kathy Searle

Susan Egbert

Doran Williams

Tanya Nagahiro

**Guests:**

Mr. Titus

**DOPL Staff Present:**

Susan Higgs, Compliance Specialist

Irene Gayheart, DOPL Investigator

Judy Jensen, Attny General

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**

**MINUTES:**

The Board reviewed the minutes dated October 7, 2010. Mr. Williams motioned to approve the minutes with changes, seconded by Mr. Frandsen. The motion carried unanimously.

New professions assigned to DOPL Bureau 3

Mr. Oborn reviewed the new professions assigned to his group.

**COMPLIANCE REPORT:**

Susan Higgs, Compliance Specialist

**Appointments:**

#1. James Stringham is in compliance. The Division received his employer report. This is positive.

#2. Ms. Dorothy Imperiale is in compliance with her stipulation. Ms. Imperiale submitted the summary report of the HIPAA Privacy Rule. She has submitted a letter requesting early release from probation.

**Discussion:**

The Board reviewed the HIPAA summary.

#3. Ms. Yvette Melby is in compliance with her stipulation. She has been consistently in compliance with her probation. She submitted a letter requesting early release from probation. Her supervisor's report is positive and he supports her being released early from probation. Her therapist also supports Ms. Melby's early release from probation.

#4. Ms. Tammy Titus is in compliance with her stipulation. The Division received positive reports from her supervisor and therapist. Her therapist moved their meetings to as needed.

#5. Mr. Fred Carlson is in compliance with his stipulation. He submitted the consulting agreement between he and his supervisor. The Division received two supervisor reports from Mr. Peterson and an employer report. Mr. Carlson is requesting early release from his probation. His reports are being submitted quarterly.

**Discussion:**

The Board discussed releasing Mr. Carlson from probation.

#6. Mr. William Green is in compliance with his stipulation. He is no longer required to submit therapy reports. He submitted a letter requesting early release from probation. His supervisor and previous therapist support this request.

**Discussion:**

The Board discussed releasing Mr. Green early from probation. The Board noted that he has done everything the Board has asked.

#8. Mr. Hugh Bates is a new probationer. He missed his appointment with Ms. Higgs as required in his stipulation, and has not returned her phone call.

**Discussion:**

The Board discussed not meeting with Mr. Hugh until after he completes his orientation with Ms. Higgs.

Preliminary review of appointments and discussion items

The Board reviewed Ms. Shumway's application for relicensure.

The Board reviewed Mr. Pierce's application for reinstatement and Mr. Lambert's application for reinstatement.

**APPOINTMENTS:**

Mr. James Stringham, probation interview

Mr. Stringham met with the Board. Mr. Attallah conducted the interview. Mr. Stringham stated that he is self employed and continues having problems obtaining affordable insurance. The Board noted that Mr. Stringham has been consistently in compliance with his stipulation. The Board advised Mr. Stringham to contact the Division to meet with the Board on February 3, 2011 if he decides to request early termination of his probation, otherwise the Board asked to see Mr. Stringham on April 7, 2011. **Mr. Stringham is in compliance with his stipulation.**

Ms. Dorothy Imperiale, probation interview

**Out of order on the agenda:**

Ms. Imperiale met with the Board. Ms. Searle conducted the interview. The Board complimented Ms. Imperiale regarding her report. Mr. Williams motioned to accept Ms. Imperiale's HIPAA report, seconded by Ms. Nagahiro. The motion carried unanimously. Ms. Imperiale stated that things are going well. Her practice is slow and she has a job interview in a week for a job that is more stable. The Board noted that Ms. Imperiale has been in compliance with her stipulation. The Board noted that her probation was for eighteen months and she has now completed two thirds of her probation term. **Mr. Frandsen motioned to release Ms. Imperiale from probation, seconded by Ms. Searle. The motion carried unanimously.**

Ms. Yvette Melby, probation interview

Ms. Melby met with the Board. Mr. Frandsen conducted the interview. The Board noted that her

therapy reports are very positive. Her previous therapist and her current therapist support her early release from probation. The Board noted that her supervisor report is positive and supports her early release from probation. The Board reviewed Ms. Melby's letter requesting early termination. Mr. Coates motioned to close the meeting at 10:48 A.M. to discuss the character, professional competence, or physical or mental health of an individual, seconded by Ms. Egbert. The motion carried unanimously. The meeting opened at 10:52 A.M. The Board noted that Ms. Melby has been consistently in compliance with her stipulation. **Mr. Frandsen motioned to terminate Ms. Melby from probation on December 8, 2010, seconded by Ms. Nagahiro. The motion carried unanimously.**

Ms. Tammy Titus, probation interview

Ms. Titus met with the Board. Mr. Attallah conducted the interview. Ms. Titus stated that there have been no changes since she last met with the Board. The Board reviewed Ms. Titus' therapist report. Her therapist is recommending that she schedule her therapy sessions as needed. The Board noted that her supervisor and employer reports are positive. Ms. Titus has been consistently in compliance with her stipulation. The Board asked to see Ms. Titus on April 7, 2011. **Ms. Titus is in compliance with her stipulation.**

Mr. Fred Carlson, probation interview

Mr. Carlson met with the Board. Mr. Frandsen conducted the interview. Mr. Carlson stated the facility has a consulting agreement with his supervisor, David Peterson. The Board noted that his supervisor reports are positive. The Board advised Mr. Carlson that in order to keep consistency, the supervisor reports need to be monthly and his employer reports are every four months. The Board further clarified that Mr. Carlson's employer needs to submit an interim report in February 2011, then April 2011 and every four months after this. His supervisor reports are due monthly. Mr. Carlson asked the Board to consider his request for early release from probation. The Board stated it would like to see a track record with his new supervisor and the Board will consider his request on April 7, 2011. The Board encouraged Mr. Carlson to continue being in compliance with this stipulation and to have this

employer and supervisor indicate that they support his early release from probation. The Board asked to see Mr. Carlson on April 7, 2011. **Mr. Carlson is in compliance with his stipulation.**

Mr. William Green, probation interview

Mr. Green met with the Board. Mr. Attallah conducted the interview. Mr. Green stated that things are going well. The Board reviewed the report from his supervisor, Mr. Dredge. Mr. Dredge noted that Mr. Green has done well in supervision and supports Mr. Green's request for early release of his probation. The Board noted that Mr. Green's previous therapy and supervisor reports have been positive. Mr. Green advised the Board that he has a strong support system in place. The Board noted Mr. Green's candor and honesty with the Board. The Board noted that with two exceptions, Mr. Green has been in compliance with the Board. The Board noted that these two exceptions were due to misunderstandings. **Mr. Frandsen motioned to grant Mr. Green's request for early release from probation, seconded by Ms. Searle. The motion carried unanimously.**

Mr. Kenneth Pierce, applicant for LCSW license reinstatement

Mr. Pierce met with the Board. The Board noted that Mr. Pierce's license expired 9/30/2008. Mr. Pierce was advised that he needs to complete at least 40 hours of continuing education (CE). Mr. Pierce stated that he scheduled some CE courses and he understands that all CEs should be ASWB approved. The Board encouraged him to make sure the content of the material is related to his employment and he needs to obtain at least 3 hours in ethics/law. Ms. Egbert motioned to approve the proposed CE hours as long as they are ASWB approved, including 3 hours in ethics/law, by February 2011, seconded by Mr. Williams. The motion carried unanimously.

Hugh Bates, new probation interview

The Board decided to not meet with Mr. Bates because he failed to keep his orientation meeting with Ms. Higgs. Mr. Bates also failed to keep his appointment with the Board. **Mr. Bates is not in compliance with his stipulation.**

Charles Lambert, applicant for LCSW reinstatement

**Discussion:**  
The Board reviewed Mr. Lambert's application. The Board discussed recommending Mr. Lambert complete

at least 40 hours of CE or pass the ASWB exam. The Board noted that Mr. Lambert has not engaged in clinical practice since 1987. Mr. Lambert met with the Board. The Board introduced itself. The Board reviewed Mr. Lambert's application and employment history. The Board noted that Mr. Lambert's situation is unique. Mr. Williams motioned to recommend Mr. Lambert be required to pass the ASWB clinical exam. Once this is done, the Division will issue a CSW license to Mr. Lambert allowing him to practice clinical social work and mental health therapy under a pre-approved supervisor. The supervisor will submit reports to the Board and Division. The Board and Division will evaluate the supervisor reports. Upon completion of what the Board and Division deem sufficient clinical experience, Mr. Lambert's LCSW license will be reinstated. Mr. Frandsen seconded the motion. The motion carried unanimously.

Helen Shumway, applicant for LCSW  
relicensure

Ms. Shumway met with the Board. The Board noted that Ms. Shumway's license was revoked on April 28, 2009. Ms. Shumway advised the Board that she realizes she did not follow through as she should have and her license was revoked. Ms. Shumway stated that she is working with a therapist regarding the circumstances behind her license being revoked. This has helped her to better understand what happened and to accept responsibility for it. Ms. Shumway noted that she made poor choices and is learning from them. She learned she should have had safeguards set up. Ms. Shumway recognizes the harm she caused her clients and claims to have written them letters apologizing and taking responsibility for her actions. Ms. Shumway stated she has obtained continuing education (CE); however, she does not have documentation of her attendance. The Board reviewed the letter from Ms. Barnson, DWS Program Specialist, recommending reinstatement of Ms. Shumway's license. The Board noted that this letter is not signed and is not on department letterhead. The Board reviewed the letter from Ms. Nisson, LCSW, recommending Ms. Shumway's license be reinstated. The Board expressed concern that Ms. Nisson is not only Ms. Shumway's therapist, she is also her mentor and former colleague. The letter submitted by her therapist lacks specificity regarding progress made in

therapy. The Board noted that Ms. Shumway's application for reinstatement of her license was submitted approximately one year after her license was revoked. Her application lacks specificity and the Board and Division are concerned about the alarming reasons for which the Division revoked her license in April 2009. The Board recognizes that Ms. Shumway made some positive adjustment by beginning therapy; however, in light of the reasons her license was revoked, she needs to be able to verify a much stronger record of rehabilitation. The Board and Division recommended that she review the reasons for which her license was revoked that are outlined in the July 21, 2008 Notice of Agency Action and Petition. Ms. Shumway noted that she had hoped that she might be able to obtain a license with restrictions like other LCSWs who the Division has disciplined in the past. Mr. Oborn emphasized that her case is very different than other cases of unprofessional conduct. Ms. Shumway's license was revoked due to nine counts of unprofessional conduct whereas most cases involve only one or two counts of unprofessional conduct. Ms. Shumway had an opportunity to respond to DOPL's allegations of the nine counts of unprofessional conduct before her license was revoked. She chose to not respond so the allegations were accepted as findings of fact by the Utah Department of Commerce. Rather than recommending that Ms. Shumway reapply for relicensure after a certain date, the Board and Division recommended that she continue to rehabilitated herself. She can do this by creating a track record of rehabilitation through doing things like continued therapy and completing CE courses approved by NASW or ASWB. Mr. Williams motioned that Ms. Shumway's application for license reinstatement be denied, seconded Ms. Nagahiro. The motion carried unanimously.

#### **DISCUSSION ITEMS:**

1. Division response to concerns regarding unlicensed practice of social service work

There was a concern expressed by a licensee regarding "resident advocates" practicing social service work without a SSW license. Mt. Oborn responded to the email by pointing out there several practices identified in the SSW scope of practice in Utah Code 58-60-202 (2)(a), such as "information gathering" carry over other professions and do not require a SSW license.

However, doing “non-clinical psychosocial assessments” does require a SSW license. Mr. Oborn invited the licensee to share specifics regarding allegations of unlicensed practice as a SSW with DOPL investigations.

2. ASWB Annual Meeting Report, Doran Williams

Mr. Williams reviewed information from the ASWB convention he attended in St. Louis.

3. Social welfare policy and human growth and development course requirements for SSW license

Mr. Oborn advised the Board that the Division is receiving questions regarding individuals who are trying to meet the human growth and development course requirement by completing child development courses. The Board noted that this course is just a piece of what is needed to practice social work. The individual needs to complete a course that covers the entire human life span meet the course requirement. Courses meeting the social welfare policy course requirement must provide education on the impact that social welfare policy has on individuals, families, and communities. A history course is not sufficient because the scope is too narrow.

4. Scott Peterson LCSW, public reprimand

Mr. Oborn reviewed Mr. Peterson’s public reprimand.

5. Conversion of administrative MSW degree to clinical MSW degree to meet CSW and LCSW license requirements

Mr. Oborn reviewed R156-60a(102) Social Worker Licensing Act Rule. Mr. Oborn advised the Board that the Division received inquiries regarding converting MSW administrative degrees into a clinical MSW degree. In one case the clinical course taken while obtaining the MSW included a practicum. Mr. Oborn advised the Board that the applicant must verify a track of professional education which is specifically established to prepare an individual to practice mental health therapy. This requirement specified in statute and rule. The Board noted that they should also complete a 600 hour clinical practicum.

6. CSW license renewal cycle and fees

Mr. Oborn reviewed the current CSW renewal cycle. The Board requested Mr. Oborn review this further to see if DOPL could change rule to allow the CSW license renewal fee to be counted toward the LCSW initial license application fee if the CSW applies for the LCSW license within 120 days after they renewed the CSW license.

