

## MINUTES

### UTAH SOCIAL WORKER LICENSING BOARD MEETING

December 1, 2011  
Room 474, 4<sup>th</sup> Floor – 9:00 A.M.  
Heber M. Wells Building  
Salt Lake City, UT 84111

**CONVENED:** 9:05 A.M.

**ADJOURNED:** 2:49 P.M.

**Bureau Manager:**  
**Board Secretary:**  
**Board Members Present:**

Richard J. Oborn  
Lee Avery  
  
Doran Williams, Chairperson  
Donna Didas  
Nathan Strait  
Dennis R. Frandsen  
Kathy Searle  
Susan Egbert  
Tanya Nagahiro

**DOPL Staff Present:**

Susan Higgs, Compliance Specialist  
Brittany Butsch, DOPL Investigator  
Dan Lau, Assistant Attorney General

**Guests:**

Scott Kelly  
Garfield Cook  
Jeff Titus  
Emily Bleyl, NASW  
Pat Berkman, NASW  
Elise Hutchings, NASW  
Dr. Melanee Cherry, LCSW

#### **TOPICS FOR DISCUSSION**

#### **DECISIONS AND RECOMMENDATIONS**

##### **ADMINISTRATIVE BUSINESS:**

Swear in new Board member Ms. Donna Didas Ms. Didas was sworn in as a Board member.

Swear in new Board member Mr. Nathan Strait Mr. Strait was sworn in as a Board member.

##### **MINUTES:**

The Board reviewed the minutes dated October 6, 2011. Ms. Searle motioned to approve the minutes with changes, seconded by Ms. Egbert. The motion carried unanimously.

**COMPLIANCE REPORT:**

Susan Higgs, Compliance Specialist

**Appointments:**

#1. James Stringham is in compliance with his stipulation. He submitted two positive employer reports.

#2. Julie Bylund is in compliance with her stipulation. She submitted a positive supervisor report. She will bring her therapist report with her.

#3. Barry Richards is not in compliance with his stipulation.

**Discussion:**

Mr. Dan Lau, Assistant Attorney General, and Ms. Brittney Butsch, DOPL investigator met with the Board. Mr. Williams motioned to close the Board meeting at 9:26 A.M. to discuss the character, professional competence, or physical or mental health of an individual, seconded by Mr. Strait. The motion carried unanimously. There were no written notes taken. There was no recording made. The Board meeting opened at 10:11 A.M.

#4. Tammy Titus is in compliance with her stipulation. She is requesting early termination of her probation and submitted letters from her supervisor supporting this request.

Preliminary review of appointments and discussion items

Mr. Oborn reviewed the discussion items with the Board.

**APPOINTMENTS:**

Mr. James Stringham, probation interview

Mr. Stringham met with the Board. Mr. Frandsen conducted the interview. The new Board members were introduced to Mr. Stringham. The Board noted that Mr. Stringham is in compliance with his stipulation. The Board shared the current supervisor report with Mr. Stringham, noting that his reports have been positive. Mr. Stringham advised the Board that things are going well and he has learned a lot from his supervisor. He sees approximately 50 clients a week.

The Board asked to see Mr. Stringham on April 5, 2012. **Mr. Stringham is in compliance with his stipulation.**

Ms. Julie Bylund, probation interview

Ms. Bylund met with the Board. Ms. Searle conducted the interview. The new Board members were introduced to Ms. Bylund. Ms. Bylund's supervisor and therapy reports were received. The Board noted that these are both positive. Ms. Bylund stated work is going well. She is receiving a lot of positive support from her supervisor. The Board advised Ms. Bylund that her therapy reports need to be submitted by the 20<sup>th</sup> of the month. The Board advised Ms. Bylund that a phone interview with her therapist would be okay when there is a crisis with one of her patients. The Board asked to see Ms. Bylund on February 2, 2012. **Ms. Bylund is in compliance with her stipulation.**

Mr. Barry Richards, probation interview

Mr. Richards met with the Board. Mr. Richards introduced Mr. Garfield Cook, a long time friend. Mr. Williams conducted the interview. The new Board members were introduced to Mr. Richards. Mr. Richards advised the Board that he will be attending continuing education courses that were previously submitted to Mr. Oborn. Ms. Nagahiro motioned to approve the continuing education course proposed, seconded by Ms. Searle. The motion carried unanimously. The Board reminded Mr. Richards that he will need to submit certificates showing he completed the course to obtain credit for attending the course. The Board reviewed a letter submitted by Mr. Richards regarding a proposal to voluntarily tender his LCSW license and issue him a SSW license. The Board advised Mr. Richards that if he surrenders his LCSW license, he cannot practice mental health therapy, under any circumstances. If he were issued the SSW license, he would still need supervision and this would not eliminate him being required to meet with the Board. Mr. Richards stated that he is rescinding his proposal. He did not understand that he would still need to meet with the Board if licensed as a SSW. Mr. Frandsen motioned to close the Board meeting at 10:58 A.M. to discuss the character, professional competence, or physical or mental health of an individual, seconded by Ms. Egbert. The motion

carried unanimously. There were no written notes taken. There was no recording made. The Board meeting opened at 11:08 A.M. The Board reviewed proposed amendments to his Order with Mr. Richards. The proposed amendments included requirements that Mr. Richards complete the following:

- (1) admission essay;
- (2) CE essay;
- (3) peer supervision group participation;
- (4) structured supervision by supervisor pre-approved by DOPL and the Board;
- (5) submit names of three possible supervisors for Board to consider at Feb. 2012 Board meeting;
- (6) meetings with supervisor;
- (7) supervisor to submit reports to DOPL and the Board; and
- (8) notification of employer of terms of probation.

Mr. Richards stated he has no questions or problems with the proposed amendments. Mr. Frandsen motioned to add the proposed amendments to Mr. Richards' Order, and have Mr. Richards submit a proposed supervisor to Mr. Oborn. Mr. Oborn would then review this with the Board before the Board meeting on February 2, 2012. The motion was seconded by Mr. Strait. The motion carried unanimously. The Board asked to see Mr. Richards on February 2, 2012. **Mr. Richards is not in compliance with his** Order because he failed to propose to the Division and Board a LCSW supervisor who had agreed to supervise Mr. Richards.

Ms. Tammy Titus, probation interview

Ms. Titus met with the Board for her probation interview. Mr. Titus attended the meeting with her. Mr. Williams conducted the interview. The new Board members were introduced to Ms. Titus. Ms. Titus stated she is still at Discovery House. Sean Palau is her new supervisor. Ms. Titus stated that things at work are going well. Her work associates are a very good support system for her. This process has helped her learn a lot in her career and personal life. Ms. Titus stated she has co-dependency and boundary issues she is working on. She needed to sever some personal relationships as a result of her growth in therapy. Ms. Titus stated that she is still advocating for her hours from Ms. Alison Barber and she has

contacted the labor commission for assistance. Mr. Oborn will research whether there is anything that can be done to assist Ms. Titus with getting Ms. Barber to verify her hours. The Board noted that Ms. Titus' new supervisor stated he does not know her well enough to make a recommendation regarding early termination of her probation and the Board will reconsider this at the Board meeting on April 5, 2012. The Board noted that her supervisor reports are due March 20, 2012. The Board asked to see Ms. Titus on April 5, 2012.

**Ms. Titus is in compliance with her stipulation.**

Mr. Charles Andrews, applicant for LCSW relicensure

Mr. Oborn advised the Board that Mr. Charles Andrews is asking that his LCSW license be reinstated. Mr. Oborn noted that Mr. Andrews was issued his LCSW license in January 1983, In December 12, 2001, he voluntarily surrendered his license to practice as a LCSW, with a stipulation that he could not reapply for licensure as a LCSW for a period of three years. Mr. Andrews' license was placed on probation due to criminal convictions. Mr. Andrews has engaged in criminal conduct since he surrendered his license in 2002. Mr. Andrews was asked to submit documentation of his rehabilitation. The Board reviewed Mr. Andrews' psychological evaluation that was completed in 2002 and the continuing education courses he completed. Mr. Andrews stated that social work is his life's work. When he surrendered his license, he continued with continuing education courses and feels he is ready to take on clinical work. Ms. Didas motioned to close the Board meeting at 12:00 P.M. to discuss the character, professional competence, or physical or mental health of an individual, seconded by Mr. Strait. The motion carried unanimously. There were no written notes taken. There was no recording made. The Board meeting opened at 12:10 P.M. Mr. Frandsen motioned to recommend that Mr. Andrews' application be kept pending, allowing Mr. Andrews time to obtain a current mental health assessment as approved by the Board, seconded by Ms. Searle. The motion carried unanimously.

#### **DISCUSSION ITEMS:**

1. Investigation report, Dee Thorell

Ms. Thorell met with the Board and reviewed a summary of complaints regarding the social workers

that have since been closed.

2. Non-psychologist practice of neuro/biofeedback

Mr. Oborn informed the Board that when comparing the statutory definition of the practice of mental health therapy with the statutory definition of the practice of psychology, it was noticed that the term “biofeedback” only appears in the definition of the practice of psychology. Mr. Oborn stated that for this reason, the Division has questioned whether under Utah law, a non-psychologist, such as a LCSW, MFT, or LPC, has authority to practice biofeedback. At this time, based on research completed thus far by the Division, it is the Division’s opinion that only psychologists can practice biofeedback, regardless of the training or credentials of a LCSW, LPC and MFT. Mr. Oborn stated the Division will postpone enforcement of his position until after the next legislative session during which interested parties will have a chance to contact a legislator to propose a change in the statute to clarify the issue. Mr. Williams motioned to recommend to the Division to obtain a legal opinion to help the Division determine whether biofeedback is outside of the scope of practice of mental health therapists. Mr Williams recommended that if it is determined that biofeedback is outside of the scope of practice of mental health therapists even after consulting with an AAG, that the Division wait until after the 2013 Legislative Session to enforce the position. The motion was seconded by Mr. Frandsen. The motion carried unanimously.

3. Clarification of CE requirement needed in Social Worker Licensing Act Rule

**Out of order on the agenda**

Mr. Oborn reviewed R156-60a-304 (c) Course Provider or Sponsor with the Board. Mr. Oborn advised the Board that there has been some confusion specifically section (ii).

*(c) The course shall be approved by, conducted by, or under the sponsorship of one of the following:*

- (i) a recognized accredited college or university;*
- (ii) (ii) a community mental health agency or entity providing mental health services under the auspices of the State of Utah; the continuing education requirement.*

The Board discussed making the following amendment to the rule: “a community mental health

agency or a public agency that provides mental health services. Mr. Strait motioned to accept the change, seconded by Ms. Searle. The motion carried unanimously.

4. Proposal from NASW regarding special accommodations on ASWB exam for ESL candidates

**Out of order on the agenda**

Ms. Emily Bleyl, Ms. Pat Berckman, and Ms. Elise Hutchings met with the Board to review a proposal from NASW regarding special accommodations on ASWB exam for ESL candidates. Ms. Bleyl reminded the Board that in the fall she presented a request for DOPL to allow for special accommodations for the ASWB exam for foreign born students. Specifically, she requested they be granted 30 extra minutes to take the national exam. At that time the legal counsel from DOPL indicated Utah law did not allow an accommodation under that condition. Ms. Bleyl advised the Board that eligibility to take the exam is determined by individual jurisdictions. Some states allow ESL candidates to have extra time on the exam, some allow them to have a dictionary. Mr. Oborn pointed out that surrounding states, such as Idaho and Wyoming, may grant special accommodations to ESL candidates. For this reason, a ESL candidate located in Utah wanting special accommodations could take the exam in another state, pass it, and apply for a license in Utah. Ms. Egbert motioned to recommend the Division reconsider the interpretation of the current statute in light of the impact on public health issues in light of potential barriers, seconded by Ms. Searle. The motion carried unanimously.

5. Proposal to allow for a portion of the 100 hours of face to face supervision be completed via distance methods for all mental health professions

Mr. Oborn advised the Board that there is a proposal to allow for a portion of the 100 hrs of face to face supervision to be completed via distance methods for all mental health professionals. The Board discussed allowing all mental health professions to gain supervision via distance methods. The Board agreed there is a great need for clinicians, especially in rural areas, to obtain supervision via distance methods. The Board agreed there would need to be guidelines established and the approval would need to be on a case by case basis. The Board will discuss this at another Board meeting.

6. Update regarding rule change already approved

Mr. Oborn reviewed the proposed changes to the

scope of practice and licensing categories for substance abuse counselors. Mr. Oborn stated there will be a grandfather clause that will apply to people with current substance abuse counselor licenses.

**Not on the agenda:**

Mr. Oborn advised the Board that the UAMFT is trying to get a sponsor for a bill that would address therapy conducted via distance methods.

The Board reviewed the courses at Utah schools that fulfill SSW, social welfare policy, social work practice methods and human growth and development education requirements.

Mr. Oborn reviewed an inquiry the Division received regarding an applicant who received their education in Canada. The Utah statutes/rule do not provide for education from Canada to be reviewed for equivalency. The Board recommended the applicant submit an application and meet with the Board to review her education.

7. 2011 ASWB Annual Meeting, November 3-5, 2011, Dennis Frandsen

Mr. Frandsen reviewed the 2011 ASWB Annual meeting with the Board. The next meeting is in the spring and will be held in Kentucky. The new board member training meeting will be March 2, 3, 4 and June 22-24.

8. Upcoming legislative session

Mr. Oborn discussed legislation that is expected to be considered by the Utah Legislature during the upcoming legislative session.

9. Review 2012 Board meeting schedule

The Board reviewed the 2012 Board meeting schedule and noted no problems with the dates.

**CORRESPONDENCE:**

There is no correspondence at this time.

**NEXT SCHEDULED MEETING:**

February 2, 2012

**2012 Board meetings tentatively scheduled:**

April 5, June 7, August 2, October 4, December 6.

**ADJOURN:**

Motion to adjourn at 2:49 P. M.

*Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.*

February 2, 2012  
Date Approved

(ss) Doran Williams  
Chairperson, Utah Social Worker Licensing Board

February 2, 2012  
Date Approved

(ss) Richard J. Oborn  
Bureau Manager, Division of Occupational &  
Professional Licensing