State of Alaska Department of Commerce, Community and Economic Development Division of Corporations, Business and Professional Licensing

Alaska State Board of Social Work Examiners August 24, 2021

Written meeting minutes only reflects a brief overview of the business conducted during the boards meeting. For a more detailed account, please request a copy of the meeting recording.

By Authority of AS 08.01.070(2) and in compliance with the provisions of AS 44.62, a regularly scheduled meeting of the Alaska State Board of Social Work Examiners was held <u>August 24, 2021</u>. The meeting was held via <u>Zoom</u>.

August 24, 2021

Agenda item #1Call to order/Roll CallThis meeting was called to order by Chairperson Mindy Swisher at 9:04am.

<u>Board Members present, constituting a quorum:</u> Mindy Swisher, Licensed Clinical Social Worker, Board Chairperson Geoffry McCormick, Licensed Master Social Worker Sharon Woodward, Licensed Baccalaureate Social Worker

Board Members absent: Brandon Ercanbrack, Licensed Clinical Social Worker Gabriel King, Public Member

<u>Division Staff present were:</u> Lacey Derr, Records and Licensing Supervisor Stefanie Davis, Occupational Licensing Examiner

 Agenda Item #2
 Review Agenda

 A motion duly made by Geoffry McCormick, seconded by Sharon Woodward, and approved by unanimous consent, was:

Resolved to approve the agenda as stated.

Agenda item #3 Ethics Disclosures

There were no ethics conflicts to report.

Agenda item #4 Old Business

A. Audit Update

OLE Davis updated the board on the status of the audits. All approved, tabled, and failed audits have been closed by the OLE, or passed on to the paralegal for further processing. The remaining audits for review are being presented to the board in groups of two during each review period until all have been completed. The board stated that the form used by the paralegal is easier to use when reviewing audits. Board staff will begin to use this form when reviewing audits to transfer the information to before presenting them to the board.

B. Annual Report Update

The board was informed that the Annual Report has been completed and is now posted on the website.

C. Administrative Business

During review of the minutes from October 5, 2020, OLE Davis found a regulation project that had been previously discussed by the board. This was brought before the board again to see if they would like to move forward with the regulation change. Below is an excerpt from the October 5, 2020 meeting minutes:

"A motion duly made by Danielle LaFon, seconded by Geoffry McCormick, and approved by unanimous consent, was:

Resolved to strike (d) from 12 AAC 18.115

A motion duly made by Danielle LaFon, seconded by Geoffry McCormick, and approved by unanimous consent, was:

Resolved to revise 12 AAC 18.115 (c)(1) to state: (c)to be accepted by the board,

(1) direct clinical supervision must be provided in synchronous meetings between the supervisor and the applicant"

RLS Derr will put the regulation changes into a FAQ regulation worksheet to give to the Regulations Specialist. Once completed, this will go out for public comment.

Agenda item #5 Compacts/SB21

The board reviewed SB21 which pertains to military personnel and spouses. The department or appropriate board may issue a temporary courtesy license to an active duty member of the armed forces of the United States or the spouse of an active duty member of the armed forces of the United States. The temporary license would be expedited and would be required to be issued within 30 days after the appropriate board receives the person's completed application for the temporary license. SB21 goes into effect on January 1, 2022.

The Board of Psychology is using language from their Emergency Courtesy License regulations to make additional language for Expedited Military Licensure. Since the Social Work board also has Emergency Courtesy License regulations, they could do look into doing the same. The division is looking to circle back on this topic in October so when this bill goes into effect in January the board has input on what they are willing to do.

No decisions or action on this agenda item has been made at this time. The board will set an October meeting date once additional information has been received from the Division.

With time before Investigations, the board elected to move on to New Business. All new business notes are under agenda item #12.

Agenda items #6, #7, #8InvestigationsInvestigators Josh Hardy and Amber Whaley joined the meeting at 9:59am

Investigator Hardy reviewed the investigative report for the period of March 27, 2021 through August 9, 2021. The Division opened twenty (20) matters and closed fourteen (14) matters.

The board chair inquired about if there are any trends to what types of investigations seem to be occurring to see how the board could empower social workers so there aren't as many complaints happening. Investigator Hardy stated that there are no specific trends happening at this time.

Investigative Memo (Executive Session)

A motion duly made by Geoffry McCormick, seconded by Sharon Woodward, and approved by unanimous consent, was:

Resolved that the Alaska State Board of Social Work Examiners enter into Executive Session in accordance with AS 44.62.310(c), and the Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion. Board staff to remain present: Lacey Derr, Stefanie Davis, Josh Hardy, and Amber Whaley.

The board went off record into Executive Session at 10:06am Back on the record at 10:17am

A motion made by Sharon Woodward, and by roll call vote, was:

	Resolved to approve request to reconsider case number 2021-000582				
	APPROVE	DENY	ABSTAIN	ABSENT	
Mindy Swisher		X			
Geoffry McCormick		X			
Sharon Woodward		Х			
Brandon Ercanbrack				Х	
Gabriel King				Х	

MOTION DID NOT PASS

Investigators Josh Hardy and Amber Whaley exited the meeting at 10:19am

The board took a recess at 10:48am The board returned from recess and went back on record at 10:59am

 Agenda item #9
 Office of Administrative Hearings, Deliberative Process (Executive Session)

Board Member Brandon Ercanbrack and Judge Carmen Clark joined the meeting at 10:59am

A motion duly made by Geoffry McCormick, seconded by Brandon Ercanbrack, and approved by unanimous consent, was:

Resolved that the Board of Social Work Examiners enter into deliberative session under AS 44.62.310(d) solely to make a decision in the following adjudicatory proceeding:

In the Matter of Windy Russ, Board Case Number 2017-000796 & 2018-001315, Office of Administrative Hearings Case Number 20-0659-CSW.

The parties, their attorneys, and all the members of the public must be excluded from the deliberative session. The administrative law judge and administrative Board staff will remain with the Board during the deliberative session.

The board went off record into Executive Session at 11:02am Back on the record at 12:33pm. The board took a recess at 12:33pm The board returned from recess and went back on record at 12:47pm

After discussion, the board voted to accept the Adoption language for this Board Case with the amended language as presented:

	APPROVE	DENY	ABSTAIN	ABSENT	
Mindy Swisher	X				
Geoffry McCormick	X				
Sharon Woodward	Х				
Brandon Ercanbrack	Х				
Gabriel King				X	

A motion duly made by Brandon Ercanbrack, seconded by Geoffry McCormick, and approved by unanimous consent, was:

Resolved that the Alaska Board of Social Work Examiners accept the revisions of the proposed sanctions and the revised disciplinary actions as described: The ALASKA BOARD OF SOCIAL WORKEXAMINERS, in accordance with AS 44.64.060(e)(3), revises the enforcement action, determination of best interest, order, award, remedy, sanction, penalty, or other disposition of the case as follows:

Windy Russ's. license is suspended for eighteen months to be followed by twenty-four months of supervised probation. She is required to complete six hours of approved ethics training: three hours focused on dual relationships and three hours focused on the NASW Code of Ethics. Ms. Russ is to complete the ethic training within one year of the final order in this matter. She is fined \$1,000.00; however, the fine will not be imposed if the ethics training is completed within one year of the final order in this matter.

Judicial review of this decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with AS 44.62.560 and Alaska R. App. P. 602(a)(2) within 30 days after the date of distribution of this decision. Dated this 24th of August, 2021

	APPROVE	DENY	ABSTAIN	ABSENT	
Mindy Swisher	X				
Geoffry McCormick	X				
Sharon Woodward	X				
Brandon Ercanbrack	X				
Gabriel King				Х	

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Brandon Ercanbrack exited the meeting at 12:54pm The board took a brief at ease from 12:54pm to 1:00pm.

Judge Clark exited the meeting at 1:01pm

Agenda item #11

Public Comment

Public comment period opened at 1:00pm

No persons present for public comment. Due to this, the board elected to move on to additional New Business, Agenda item #12.

Public comment period closed at 1:15pm

Agenda item #12

New Business

A. Correspondence

- The Association of Social Work Boards sent an email stating that as of January 1, 2022, SB1632 will go into effect in Illinois. SB1632 removes the testing requirements for Illinois LMSW and LBSW license types. LCSWs will still be required to pass the ASWB exam. The main concern for the Alaska board is that Illinois applicants would not meet the Alaskan requirements for licensure. The OLE has been tasked with ensuring that any Illinois LMSW or LBSW applicants initially licensed after January 1, 2022 have passed the ASWB Exam. Illinois applicants will need to complete this requirement even though this will no longer be required in their state. If they have not yet taken the exam at the applicable level, they would need to apply with Alaska via Examination rather than via Credentials.

- The board received a question from a licensee regarding the board's stance in regards to legal and ethical considerations on receiving training on substance use diagnosing and treatment by an unlicensed Chemical Dependency Counselor Supervisor. The board's stance on legal and ethical considerations are in accordance with NASW. Due to this, the board directed the licensee to review the NASW Code of Ethics. The licensee is then directed to take a stance based on their employment agency.

- A prospective applicant provided a letter and two forms of supervision hours to be approved by the board prior to applying. This applicant received group supervision from a separate supervisor with the same employer and wanted to be sure the hours would be accepted by the board. After reviewing the forms, the board approved the supervision hours. The OLE will contact this applicant letting them know the supervision hours were approved.

- An email was received from Spring Arbor University, a private not-for-profit institution located in Michigan. They are seeking advisement on any requirements for approval from the board for an out-of-state program with an instate internship. The board stated that this is a common and accepted occurrence, and this university will not be required to receive any additional approval from the board.

B. NASW Alaska Chapter Bi-Annual September Conference Update

Dates were changed from September 22-24 to September 24-25. This conference was originally to take place in Fairbanks and has since been changed to a virtual conference. Registration opened the day of the board meeting. A conference request has been sent in for the board. Once approved, they may register themselves for the conference.

C. ASWB Annual Meeting of the Delegate Assembly Update

The travel request for this conference has been submitted to the travel desk. This is currently taking place in person in New Orleans, LA and has not been changed to virtual as of this date. Per ASWB, more information will be sent out via email next week in early September. Mindy is currently set up as the Delegate for Alaska.

D. Exam Extension/Substance Use CE Definition Position Statements

- Multiple requests have recently come before the board regarding second or third exam extension requests. During the April 2021 board meeting, the board discussed the precedent of approving only one exam extension request per applicant. The regulations currently state: **"12 AAC 18.100. APPLICATION FOR LICENSE BY EXAMINATION** (c) Once an application is approved by the board, the applicant must sit for the examination within one year from the date of board approval. For good cause shown, the board will, in its discretion, grant <u>a</u> written request from an applicant for an extension of time to sit for the examination." Once the first exam extension request expires, the applicant would then need to reapply and provide new references. A new application fee would need to be paid. A second license fee would not be required. The board will write a Position Statement for clarification on this regulation for applicants. This will be posted online once completed by the board.

- A Position Statement was drafted in 2018 for clarification on Behavioral Addictions vs. Substance Abuse for Continuing Education requirements. After review of this draft, the board requested that "Fetal Alcohol Spectrum Disorders" be added to the list of behavioral addiction as this is topic is not acceptable for Substance Abuse Continuing Education.

	APPROVE	DENY	ABSTAIN	ABSENT	
Mindy Swisher	Х				
Geoffry McCormick	Х				
Sharon Woodward	Х				
Brandon Ercanbrack				X	
Gabriel King				Х	

After discussion, the board voted to approve the Position Statement with the amended language.

E. Telemedicine Guidelines

The Social Work Board has regulations in place for Teletherapy Practice. A few concerns have come up with other mental health boards regarding practicing telemedicine and ensuring the licensees are properly licensed in Alaska. If a business tells a licensee that the business has a Telemedicine Business license so the licensee does not need to be licensed in Alaska, this is incorrect. If you are providing telemedicine in Alaska, you must have an Alaskan professional license.

Mindy noted that Continuing Education for telemedicine is not currently a requirement for initial licensure, only for renewals. It was stated that the board may want to look at including telemedicine Continuing Education for initial licensure via credentials since telemedicine is becoming much more common. RLS Derr will start a matrix for telesupervision requirements by state, as this concern is coming across all mental health boards. The board will look into this further at their next scheduled meeting.

F. Board Member Reports

No Board Member Reports were made.

G. Emergency Courtesy License Regulation/Declaration Review

The board currently has the power to declare an emergency to reinstate the Emergency Courtesy License for 90 days based on certain criteria. An increased mental health crisis would qualify. At this point, the State of Alaska has not declared an emergency due to the reemergence of COVID-19. The board is taking the lead from the state and will not be declaring an emergency at this time. The board will keep this agenda item on their radar and will continue to review this during their upcoming meetings to ensure they are staying on top of the situation.

H. Schedule Meetings

The next board meeting is scheduled for Monday, December 20, 2021. Additional board meetings will be set at the December 20 meeting when all members of the board are present.

Agenda item #13 Application Review

A motion duly made by Sharon Woodward, seconded by Geoffry McCormick, and approved by unanimous consent, was:

Resolved that the Alaska State Board of Social Work Examiners enter into Executive Session in accordance with AS 44.62.310(c), and the Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion. Board staff to remain present: Lacey Derr, Stefanie Davis.

The board went off record into Executive Session at 1:20pm Back on the record at 1:41pm

The board approved the following previously tabled applications after discussion: 177013, 172679

	APPROVE	DENY	ABSTAIN	ABSENT	
Mindy Swisher	Х				
Geoffry McCormick	X				
Sharon Woodward	Х				
Brandon Ercanbrack				X	
Gabriel King				Х	

Application #168203 is tabled due to being short 0.75 Substance Abuse CEUs. OLE Davis will reach out to applicant to have this completed.

The board approved the following previously tabled application after discussion: 158132

	APPROVE	DENY	ABSTAIN	ABSENT	
Mindy Swisher	Х				
Geoffry McCormick	Х				
Sharon Woodward	Х				
Brandon Ercanbrack				X	
Gabriel King				Х	

Agenda item #14

Adjourn

A motion duly made by Geoffry McCormick, seconded by Sharon Woodward, and approved by unanimous consent, was:

Resolved to adjourn the Alaska State Social Work Board Meeting at 1:50 PM

Adjourned at 1:50 PM

Respectfully Submitted By:

DocuSigned by: Syper figh

Stefanie Davis Occupational License Examiner State of Alaska, DCCED, CBPL

DocuSigned by: Mindy Swisher

Mindy Swisher Board Chairperson Alaska State Board of Social Work Examiners 1/13/2022

Date

1/11/2022

Date