

TENNESSEE BOARD OF SOCIAL WORKER LICENSURE MINUTES

DATE: February 7, 2019
TIME: 9:00 a.m. CST
LOCATION: Iris Room, Ground Floor
665 Mainstream Drive
Nashville, TN 37243

BOARD MEMBERS

PRESENT: Robert Zylstra, LCSW, Chair
Rachel Horton, LBSW
Kenneth J. White, LAPSW
Tara Watson, LCSW
Ann-Marie Buchanan, LMSW
Kimberly Mallory, LAPSW

BOARD MEMBERS

ABSENT: BJ Olivas, LBSW
Karen A. Armstrong, Citizen Member
Kenya Anderson, LMSW, Secretary
Jennifer Williams, LAPSW
Elizabeth Randall, LCSW

STAFF PRESENT: Christi Stacey, board Administrator
Teddy Wilkins, Unit Director
Nathaniel Flinchbaugh, Assistant General Counsel

Robert Zylstra, board chair called the meeting to order at 9:03 a.m. A roll call was conducted and a quorum was present. The board staff introduced themselves: Christi Stacey, Board Administrator, Teddy Wilkins, Unit Director, and Nathaniel Flinchbaugh, Advisory Attorney.

Minutes

The minutes from the October 25, 2018 meeting were reviewed and motion to approve was made by Ms. Watson seconded by Ms. Horton. The motion carried.

Investigative Report

Ms. Lori Leonard, disciplinary coordinator for the board gave the summary of currently monitored practitioners. Currently the report showed that two (2) were under suspension, four (4) licensees placed on probation, one (1) license had been revoked, and one (1) under a board order reprimand.

Ms. Leonard stated for the 2018 year end totals there were nine (9) new complaints against an LMSW, of the nine; one was drug related, one was for criminal charges, six (6) were for unprofessional conduct, and one (1) for practice beyond the scope of practice. The closed complaints for LMSW's in 2018 were six (6), two (2) of which went to the office of general counsel for formal discipline, two (2) were closed without any action, and two (2) were closed with a letter of warning. A letter of warning is non-public discipline which is not reported on the data bank. With ten (10) open complaints for LMSW's at year end of 2018 that were being investigated or reviewed.

LAPSW's for the total in 2018 had one (1) new complaint for unprofessional conduct, one (1) complaint closed with a letter of concern, and one (1) complaint currently open being investigated or reviewed.

LBSW's total for the year 2018 had two (2) complaints opened, one closed with no action. One (1) was opened for falsification of records, one for unprofessional conduct, and one (1) currently open being investigated or reviewed.

LCSW's had a total of eighteen (18) new complaints. Four (4) were for sexual misconduct, one (1) for action in another state, one (1) for criminal charges, eleven (11) for unprofessional conduct, and one (1) for failure to supervise. For the year of 2018 there were a total of twenty nine (29) complaints closed, two (2) were closed with insufficient evidence to discipline, four (4) were closed and sent to the office of general counsel for formal discipline, ten (10) were closed with no action, thirteen (13) were closed with a letter of warning. There were twelve (12) open complaints being investigated or reviewed at end of December 2018.

The board had some questions for Mr. Flinchbaugh regarding what might constitute unprofessional conduct charges, and asked for examples. Mr. Flinchbaugh explained that would be anything that falls within the board's code of ethics e.g. boundary violations, inappropriate relationships, inappropriate clinical settings without the proper approval insuring that the client is not harmed; per the code of ethics.

Criminal violations are only followed up on after there has been a conviction, and depending on what the actual charges were is what the disciplinary charges are based on. Mr. Flinchbaugh went on to explain some of the most common criminal charges reported to the board and the process in which they are referred to the District Attorney's office.

Office of General Counsel

Mr. Flinchbaugh reminded the board of the conflict of interest policy and its purpose as they would be voting on a consent order and an order of compliance during the meeting today. If there is a conflict they are required to let the board know and recuse themselves.

Consent Orders / Disciplinary Activity

As of January 28, 2019, the Office of General Counsel has cases against seven (7) of the Board's licensees. Two (2) cases are set for resolution today:

Mr. Flinchbaugh presented the Consent Order for **Erin Clary, LCSW #5631**

Facts: In September 2017, Respondent pleaded "no contest" to possession of a controlled substance and tampering with evidence; both are felonies in Florida. Respondent is on probation for two (2) years with adjudication withheld. The State of Florida later dropped the "tampering with evidence" charge. On May 22, 2018, Respondent pleaded guilty to violation of probation and was sentenced to two (2) years drug offender probation. Discipline for the license is probation for twenty-four (24) months and until no longer on criminal probation, if she violates again the judge would most likely extend the probation. She will be assessed costs not to exceed \$1,000, to be paid in twelve (12) months. Ms. Buchanan made a motion to accept the Consent Order for **Erin Clary, LCSW** seconded by Mr. White. The motion carried.

Mr. Flinchbaugh presented an Order of Compliance for **John Wells, LMSW #10297** Facts: On February 21, 2017, Respondent was indicted for Domestic Assault and later pleaded guilty. Respondent was sentenced to eleven (11) months and twenty-nine (29) days probation. Respondent's license expired on November 30, 2017. Discipline for the license is a reprimand. Mr. Wells was unsure he was ever going to apply for licensure again, but because this occurred while he was still actively licensed it was decided that a minimum discipline should be a reprimand. Ms. Mallory made a motion to accept the Consent Order for **John Wells, LMSW** seconded by Mr. White. The motion carried.

Mr. Flinchbaugh stated that there would be a rule making and contested case at the next board meeting scheduled for April 25th. There is an executive order that has been issued by the new governor (Bill Lee) to stay all new rule making decisions for ninety (90) days. Mr. Flinchbaugh's office has contacted the governor's office and we were granted permission to have our rule making hearing. Mr. Flinchbaugh cannot file the final rule until after the stay is lifted. The board will be permitted to do their voting, and have everything ready to actually file. The proposed legislation that may affect this board is the House Bill 0036 which will change the timeframe on suicide prevention training from 5 years to 4 years.

Administrative Report

Ms. Stacey stated that as of February 4, 2019, there were 599 Licensed Baccalaureate Social Workers; 2,891 Licensed Master Social Workers; 268 Licensed Advanced Practice Social Workers; and 2,768 Licensed Clinical Social Workers.

Ms. Stacy said from October 23, 2018 thru February 4, 2019 that no (0) LBSW, forty one (41) LMSWs, three (3) LAPSW's and eleven (11) LCSWs had retired their licenses.

Ms. Stacey said from October 23, 2018 thru February 4, 2019 that eight (8) LBSWs, forty eight (48) LMSWs, four (4) LAPSW and twenty four (24) LCSWs license had expired.

Ms. Stacey stated from October 23, 2018 thru February 4, 2019 there were three (3) LBSWs licensed; one hundred (100) LMSWs were licensed; two (2) LAPSWs were licensed; and fifty six (56) LCSW's were licensed.

Other board business discussed: Ms. Stacey requested of the board permission to approve ASWB waivers as they occur from applicants that have tested, failed by less than five (5) exam items of the passing score and whose employment is in jeopardy. Ms. Stacey also explained that the employment circumstance must be documented in writing and given when the waiver is requested. This decision previously had to be presented to the board. Motion to give Ms. Stacey permission to approve this type of waiver was made by Mr. White, and seconded by Ms. Mallory. Motion carried.

Ms. Stacey gave the details on the upcoming ASWB Spring Education Conference, April 12-13, 2019 In Arlington Virginia, inquiring if any of the members had interest in attending. Ms. Watson expressed interest, and motion was made by Ms. Buchanan, and seconded by Ms. Mallory approving Ms. Watson to attend. Motion carried.

Ms. Stacey also asked permission for the board to attend the 2019 ASWB Day on the Hill. Approval was requested for the Board of Social Worker Licensure to support NASW, Tennessee Chapter at the \$1000 Custom Sponsorship level in recognition of Social Work Day on the Hill and that Christi Stacey, Board Administrator, and Teddy Wilkins, Unit Director attend the event. The event will be held Wednesday, March 27, 2019 at the War Memorial Auditorium in Nashville, Tennessee. The board staff would be distributing information to licensure, directing future applicants to our website and answering a multitude of questions. This is an event the board has supported for a number of years. Motion was made to approve sponsorship of \$1000 by Ms. Buchanan, and seconded by Ms. Watson.

The remaining dates for the board of Social Work meetings are:

04/25/2019

08/01/2019

10/24/2019

Agreed Citation

The board reviewed an Agreed Citation for **Elizabeth Mazza LMSW #8433** who was audited and found to be deficient on her continuing education hours. Mr. Mazza was fined one hundred dollars (\$100.00) per board policy. She paid the fine and chose to retire the license. Should Ms. Mazza decide to reinstate the license at a later date, she will have to complete the deficient hours stated in the audit and the continuing education required to reinstate. Motion to accept the agreement was made by Ms. Mallory, seconded by Mr. White. The motion carried.

Review, approve/deny and ratify new licensure files

Upon review Ms. Buchanan made a motion, seconded by Ms. Watson, to approve the following **LBSW** applicants for licensure:

Jamie N. Amer
Whitney Nicole Rath-Wald

Rebekah Mitchell

The motion carried.

Upon review Mr. White made a motion, seconded by Ms. Watson, to approve the following LMSW applicants for licensure:

Wanda Allen
Tonya Arnold
Amy G. Barker
Diana Smart Bawcum
Kathryn P. Bennett
Lisa Berkenpas
Amy Blount
Mary Juanita Brooks
Shelby Buffin
Stacia Chaplin
Rachel Parrish Craig
Ashley Shook Cutshall
Haley Delaney
Allison Durham
Helana Marie Everhart
Katelyn Diane Fuller
Patricia Merrill Gormley
Daniel Thomas Hall
Julia Ann Hanneken
Kassy Danielle Harmon
Elizabeth Hartstein
Ashley Nicole Higginbottom
Caitlan Carney Ingros
Kathryn W. Kranitzky
Brooke E. Leach
Morgan Darsey Lewis
Stephanie Lynch
Mahan Logan
Kerrie Mayfield
Pamela Miller
Walter P. Morris
Ebony D. Pass
Hannah Petersosn
Herbert Hayes Piercy IV
Erin Powell
Amy Raper

Nicole Kayla Aloisi
Chelsea Brooke Bailey
Lauren Bassford
Lauren Beasley
Marie Bentley
Sydney Bickers
Syrenia Boclear Johnson
James Phillip Bryan
Suzanne Caldwell
Ian Matthew Chapman
Lindsey Grace Crowder
Alex Davidson
Janiine Dorsey
Melissa Thorton England
Elizabeth Francis
Hayleigh Morgan Garner
Elizabeth Graves
Matthew Hancock
Amanda Lynn Hargis
Marquite Harris
Rachael Leanne Hawkins
Kristina R. Hoyt
Marybeth Jensen
Kaelin Alexis Large
Kristy M. Lee
Katie Lindsey
Freda Shanta Lynom
Danielle Marking
Ashley McMillen
Chelsea Morgado
Elizabeth ashley Nichols
Chloe Fisher Paterson
Julie Phillips
James Pincham
Janielle S. Pratcher
Kathryn Leslie Reed

**Robin Elizabeth Rhodea
Suzanne Robinson
Haley Ross
Heather Ciera Scarbrough
Tracy Sharpe
Mary Kathryn Smith
Lillian Rachels Sory
Kimberly Diane Stewart
Sumer Tatum-Clem
Kendra Taylor
Kate Tessmann
Teaira Tucker
Chesney Ward
Lisa Winfree**

**Stephanie L. Rice
Chandler Ross
Beth Ann Rust
Kristen E. Schwindt
Sarah Grace Shults
Jacqueline C. Sneed
Chelsey Spencer
David Ezekiel Strober
Camille Dyvonna Taylor
Victoria Taylor
Trista Torres
Heather Ashlyn Vandyke
Justin Williams
Maryam Asiya Wright**

The motion carried.

Upon review Ms. Buchanan made a motion, seconded by Mr. White, to approve the following LAPSW applicant for licensure:

Lisa Corbett

Jennifer Elizabeth Trail

The motion carried

Upon review Ms. Buchanan made a motion, seconded by Mr. White, to approve the following LCSW applicants for licensure:

**Wendy C. Anderson
Isaac L. Balduf
Janelle N. Billiny
Amber B. Carney
Ciara G. Collier
Nakeesha D. Davidson
Robin A. Deloache
Olivia Gobble
Janet Heilbronn
Melinda Hornback
Carla Jackson
Danielle Elisa Jimenez
Abby Dawn Jones
Andria L. Jordan
Debra Yelencich
Elizabeth G. Lamberson
Trisha Cohen
Michelle H .McKenzie
Kathleen E. O'Brien
Diana Puckett**

**Melissa Sparkman Bakas
James Q. Bennett
KatharineCampbell
Chantal A. Carter
Mary Star Damm
Penny Degoosh
Susan Ennis
Rebecca Greenway
Erricka Odom Hill
Robert Edwin Hutchinson
Laurie Jackson
Tamara Johnson
Kristen Richmond Jones
Sherry L. Kidner
Holly Krzyaniak
Kim L. Lewis
Leah K. McConoughey
Kim Myunghee Nelson
Lindsay Preskenis
Rebekah Raines**

**Tina Robin
Natalie Rothwell
Julian Sanborn
Stacie A. Scott
Clifton Smith
Tameka Smith-Granberry
Ashley Harris Underwood
Robert T. Williams**

**Lisa K. Rome
Jessica M. Sain
Brian Schultz
Latonya Shelton
Valerie Lynn Smith
Marquita Thurman
Jerome T. Viltz
Kimberly Ann Wittrock**

The motion carried

Approve LCSW applicants to sit for written exam

Upon review of the initially approved, Ms. Buchanan made a motion, seconded by Ms. Mallory, to approve the following LCSW applicants, and one *LAPSW applicant to sit for the written exam.

**Tangele Babb
Margaret Bell
Charly Bjornsen
Kevin Cuchia
Amanda Dodson
Marie Gilland
Emily Haug
Amy Hulings
Deborah Kelly
Ashley Kershaw
Amye Lewis
Amber Mahan
Caitlin McGinnis
Moly Meyer
Amber Riley
Felix Saintlouis *
Kristen Santos-Silva
Andrea Stackpole
Tiffany Turner
Jerry Watson
Regina Williams
The Motion Carried**

**Bridget Bearer
Rhonda Bier
Devon Crisman
Rachel Disney
Amber Fortenberry
William Groves
Timothy Hook II
Cynthia Jackson
Kisha Kelly
Kiki Kotsianas
Leslie Lindsey
Megan Malis
Marie McLaughlin
Maryam Moosa-Williams
Ginger Rios-Baez
Lisa Sanders
Shannon Sea
Margaret Stewart
Erica Walker
Adrian Shields**

Approve/deny reinstatement applications.

Upon review Ms. Buchanan made a motion, seconded by Ms. Watson, to approve the following LBSW reinstated license:

Rashondalyn D. Nixon

Upon review Ms. Buchanan made a motion, seconded by Ms. Mallory, to approve the following LMSW reinstated license:

Wonjen C. Bagley
Cherie L. Bruckman
Tara Hixon
Angela M. Taflinger

Sarah E. Black
Sarah Butler
Katherine W. Oliver

The motion carried.

Upon review Ms. Buchanan made a motion, seconded by Ms. Watson, to approve the following LCSW reinstated license:

Anne Kirkpatrick
Amy Lynn Dinkel
Beverly Booth Lowdermilk
Melissa R. Routh
Jacqueline S. Thomas

Anne Renee F. Dillard
Thomas E. Edwards
Annette C. Rogers-Vaughn
Barbara Ellen Sims

The motion carried.

CE Waiver Request

Pursuant to Rule 1365-01-.09 the following licensees qualified to have the 2018 continuing education requirements waived:

Alyssa Kamens LMSW
Christopher Myers LMSW

Motion was made to accept the CE waivers by Ms. Buchanan, and seconded by Mr. White.
Motion carried.

Going forward after a brief discussion the board agreed to give administrative staff Ms. Stacey permission to approve continuing education waivers providing the licensee meets the requirements during the first year of licensure. Motion was made to allow Ms. Stacey to approve CE Waiver request by Ms. Buchanan, and seconded by Mr. White.

Correspondence

Kassy Harmon, LMSW submitted correspondence stating she is a military spouse in the process of gaining clinical contact hours toward clinical license. She recently had to relocate due to her husband's orders that took them to Japan. Prior to the move to Japan she had completed the majority of her hours in California. Though located in California she had been keeping the recorded record (logs) of her hours per Tennessee's requirements. She also stated that she and her husband plan to move to Tennessee upon his retirement from military service. Her request to the board is

that the board allows her to complete supervision with an LCSW located here in Tennessee that has agreed to provide supervision via tele- communication. She provided the following reasons and documentation; that Mr. R.W. Vandergriff, LCSW 6727, is willing to provide supervision through tele-communication upon the board's approval. That tele-communication will be done through a secure network that she has created on doxy.me, a secure network generally used to support telemedicine; therefore it can help maintain confidentiality during supervision. That she is currently stationed in Japan and there is no other LCSW licensed in the state of TN located on this base to provide supervision, therefore she needs to utilize a supervisor stateside, and tele-communication would have to be the mode of primary contact. Further she currently works for the federal government and therefore is able to practice regardless of the state in which she is licensed. Motion was made by Ms. Buchanan to allow the supervision via tele-communication means as described. Ms. Mallory seconded the motion. Motion carried.

Allison Anderson, LMSW submitted correspondence to the board for clarification regarding a job opportunity and the job duties per that job. Ms. Anderson described what the job entails asking the board if the described duties would be considered countable clinical contact hours. After the board read over the described duties and discussion was made they concluded the work would be in direct contact with supervisors and not with clients. The work as described did not reflect direct clinical contact with clients as required and defined in the rules. Mr. Flinchbaugh stated that he would draft a letter of response to Ms. Anderson stating that clinical contact requires direct contact with a client.

Other board business

Ms. Mallory addressed the board with a subject touched on briefly at a previous board meeting regarding the social work website. Ms. Mallory felt the board has a responsibility to better serve our constituents to explain the rules and policies as not everyone is well versed in reading policies. There had previously been discussion in NASW having a role in serving to identify where areas of confusion were. Possibly determining some frequently asked questions or a user friendly way of explaining policies written in a plainly stated understandable ways e.g. steps toward licensure, trainings, frequently asked questions.

Karen Franklin of NASW addressed the board stating this has been on their "to do" list for some time, and that it would be crucial to be done in coordination with licensure board staff. She said the NASW had the flexibility to answer questions practically where the board would be guided by law. Ms. Franklin said she could put together a list of frequently asked questions pretty quickly as one-third of their manager calls were on the licensing procedure. Ms. Franklin requested that Ms. Stacey (board staff) and possibly one board member be pulled in to review what the NASW could draft. Ms. Mallory said she would be glad to assist with reviewing and advising once that has been drafted. Ms. Franklin said due to her schedule it would be after the next board meeting before she could produce the draft.

Ms. Wilkins informed the board members that the website serves all health related boards in considering adding information to the website but could possibly be listed under the licensure tab.

Ms. Buchanan gave a report on recently attended meetings. She and Ms. Anderson attended the ASWB delegate meeting in November 2018. She said there were fifty-one (51) jurisdictions at that meeting usually entailing the provinces of Canada and Guam. ASWB has a new president elect, Harold Dean from Arkansas. She said there had a lot of discussion on the ASWB exam and why it seems a lot of people don't pass the exam with the possible thought that the passing rate should not be 100% because that would make it too easy and it wouldn't be legally defensible. CSWE has posted the DSW guidelines, which are important as they affect a lot of clinical licensee's working toward their doctorate in social work. Ms. Buchanan gave a brief overview of the topics addressed at the meeting.

Ms. Buchanan thanked the board for allowing her to attend the FARB conference, and covered her attendance of the informative sessions. She gave high reviews of the training and informative coverage the conference provided. Ms. Buchanan gave the board a quick "take-away" from the conference; that regulators should be communicators, innovators, observers, we should ask questions, and we should advocate for our clients, our customers, our community. Ms. Wilkins and Mr. Flinchbaugh also attended the conference in January. Ms. Wilkins thanked the board for allowing her to attend and reinforced the value of attending these conferences as she always takes away new information.

Mr. Zylstra opened discussion seeking clarity on an LMSW working toward their logged clinical contact hours if working at a private practice. His question to the board was: a colleague is an LMSW currently working toward his LCSW licensure. An LCSW in private practice, who has no connection with his licensure process, has asked him to work for her. She would pay him a salary, supervise his clinical practice, and bill for his services under her clinical license.

The social worker regulations [p. 2, (13) (b)] (Please put actual rule number in) state that "Licensed mater's social workers shall engage only in supervised practice in or for an agency or organization and may not practice privately or independently. "Would the arrangement I listed above meet these criteria? If not, what is required in order to be recognized as an "organization" under this regulation? Ms. Wilkins gave the definition of an "organization" which is defined as an organized body of people with a particular purpose, especially a business, society, association, etc.

Ms. Franklin of NASW advised that anyone in this position should look at they need to be very familiar with this local practice for each license. If the person that is hiring them and they are receiving direct reimbursement form clients that is considered inappropriate practice. They should also consider that an LCSW cannot bill for someone else's services. The LMSW supervisee would need to know how the salary would be paid. It also spills over into the billing and taxes, if they are receiving a 1099 that is considered as private practice. This is not appropriate practice for an LMSW working toward their clinical license as it not considered an agency or organization. The board also referred to our rules, and asked clarity from Mr. Flinchbaugh. Typically you will see a salary with an employee; you will not see a salary with a 1099 and a salary contract is in place.

With no other board business to conduct Ms. Buchanan made a motion, seconded by Mr. White to adjourn at 10:43 am. The motion carried.