

## TENNESSEE BOARD OF SOCIAL WORKER LICENSURE MINUTES

**DATE:** April 25, 2019  
**TIME:** 9:00 a.m. CDT  
**LOCATION:** Iris Room, Ground Floor  
665 Mainstream Drive  
Nashville, TN 37243

### **BOARD MEMBERS**

**PRESENT:** Robert Zylstra, LCSW, Chair  
Kenya Anderson, LMSW Secretary  
Rachel Horton, LBSW  
Kenneth J. White, LAPSW  
Tara Watson, LCSW  
Ann-Marie Buchanan, LMSW  
Jennifer Williams, LAPSW  
BJ Olivas, LBSW

### **BOARD MEMBERS**

**ABSENT:** Karen A. Armstrong, Citizen Member  
Kim Mallory, LAPSW

**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 9:04 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. Ms. Wilkins took a minute to welcome and introduce the new director of the Health Related Boards, John Tidwell.

She also requested that the board take a moment of silence to remember Ms. Vicki Williams in her passing. Ms. Vicki Williams had served on the board of social work for a number of years and was highly respected for her work in the advancement and in promoting the field of social work, and the ASWB.

## **Agreed Order**

Tennessee Department of Health vs Julie Moore, LMSW, LCSW Docket Number 17.40-154944A. Ms. Moore and her attorney Mr. Carter were present and had signed an Agreed Order on the matter. Mr. Flinchbaugh gave a brief synopsis of what occurred: from July of 2015 to December of 2015 Ms. Moore provided grief counseling to the family of KS which included the widower MS, children AL and BP. In October of 2016 Ms. Moore began a romantic relationship with MS, and on April 7, of 2017 married MS. Ms. Moore violated TCA 63-23-108(a)(7) and (9) and the Rules and Regulations 1365-01-.10 Standards of Conduct. The proposed discipline is not less than month's suspension, and the license shall stay suspended until Ms. Moore submits proof of a successful boundary and ethics continuing education course. When proof of the CE course is submitted and at least one month's time the license will be on probation for three years that will include supervision by a practice monitor who will provide monthly reviews and report to the board's disciplinary coordinator. There are two type B civil penalties totaling five hundred dollars (\$500.00) each of these penalties represent the children AL and BP in this case, to be payable within thirty-six months (36). Cost are not to exceed two thousand (\$2,000) dollars, also to be payable within thirty-six (36) months.

Ms. Moore had accepted terms of the agreed order and it was presented to the board for a motion. Ms. Buchanan made the motion to accept the agreed order seconded by Ms. Williams. The motion carried.

## **Rule Making Hearing to Amend Rule 1365-01.09**

Mr. Flinchbaugh, Assistant General Counsel, called the rule making hearing to order. For the record the full board and staff present introduced themselves. Mr. Flinchbaugh gave the date April 25, 2019 and the rule making pursuant to Tennessee Code annotated section 45204 in the Iris conference room, 665 Mainstream Drive, Nashville Tennessee. Purpose of the rule making hearing is to solicit comments on rules proposed by the board in order to amend rule 1365-01.-09 and 1365-01.-10. Pursuant to Tennessee annotated section 45204, Mr. Flinchbaugh gave a summary of the factual information of which the amended rules contain in the rule making are based. The amendment to rule 1365-01.-09(1)(d) added a new paragraph to include suicide prevention training which a requirement of licensees, both new and existing licensees must obtain suicide prevention training; describing how licensees can apply for hours and training towards satisfying that continuing education requirement. The amendment to rule 1365-01.-10 (1) specifies which addition of the code of ethics the board is adopting. A rule is defined as an agency statement of general applicability that implements or prescribes law or policy or describes the procedures or practice requirements of the agency. Proposed rules are filed with the Office of the Secretary of State, notice is given to the public for comment and a rule making hearing is held. Upon conclusion of the hearing an adoption of the proposed rules, the rules are forwarded to attorney general's office for review of legality. If approved they are then filed with the Secretary of State which is responsible for publication and the government operations committee of the general assembly. The rules must remain in the secretary of state's office for ninety (90) days, the end of which they will become effective. Members of the public that wish to speak were required to sign the sign in sheet at the door, and only those that had signed in would be permitted to speak.

Ms. Karen Franklin was the first to speak; she had a clarifying question to begin with. The suicide prevention training had been amendment by legislation to be required every four (4) years and

questioned if that could be included in the rules. Mr. Flinchbaugh had earlier passed out a copy of the public chapter 131 which had passed, initially the required schedule was on a five (5) year cycle and had since been amended to a two (2) year cycle to match the renewal of the license. Ms. Franklin also spoke briefly in support of the two amendments; the suicide prevention training something that they had worked collaborated with the suicide prevention network making revisions to some of the initial proposals and further stating the importance of suicide training for licensees in counseling their clients.

Ms. Wilkins gave the sites where the public notice was given: Secretary of States website and the Tennessee Board of Social Works website under rule making hearings. Mr. Zylstra asked the board if they had and questions or comments or further discussion. Ms. Williams questioned if there was an approved course list for suicide training? Mr. Flinchbaugh reminded the board of the policy the board had made for the suicide training. That policy includes any approved course, through any approved trainer that deals with suicide prevention.

Mr. Flinchbaugh read the substance of the rule to the board and such said amendments. Motion was made to approve the final language that will be submitted to the secretary of state's office by Ms. Buchanan, seconded by Ms. Williams.

Roll call vote:

Tara Watson – Yes

B.J. Olivas – Yes

Robert Zylstra – Yes

Kenya Anderson – Yes

Kenneth White – Yes

Rachel Horton – Yes

Ann-Marie Buchanan – Yes

Jennifer Williams – Yes

Motion carried.

## **Minutes**

The minutes from the February 7, 2018 meeting were reviewed and motion to approve was made by Ms. Watson seconded by Ms. Buchanan. 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, five (5) 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 fourteen (14) 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 sixteen (16) open complaints being investigated or reviewed at end of December 2018.

Ms. Leonard then moved on to the year 2019. LMSW's has received a total of six (6) new complaints. Of the six complaints; one was for falsification of records, two for unprofessional conduct, one for lapsed license, one for practice beyond the scope, and one was outside the investigative scope. Investigations have closed one complaint and it was sent to the office of general counsel for formal discipline, with thirteen (13) currently open complaints regarding licensed LMSW's being investigated and or reviewed. LAPSW's had no new complaints, closed no new complaints, and one complaint open being investigated and or reviewed. LBSW's had no new complaints, closed one complaint with insufficient evidence to formally discipline, and no open complaints. LCSW's has received four new complaints, three for unprofessional conduct, one for lapsed license, investigations has closed eight complaints, three were closed with insufficient evidence to formally discipline, one was close and sent to the office of general counsel for formal discipline, three were closed with no action and one closed with a letter of warning. Currently there are eight open complaints being reviewed or investigated.

## **Financial Report**

Ms. Noranda French presented the midyear Financial Report that is from July 1, 2018 – December 31, 2018 for fiscal year of 2019, stating the board had total direct expenditures of \$218,095.00. The direct expenditures comparison December 31, 2017 and compare that to December 31, 2018 to trend how the boards are performing with the board of social work right on top from year to year.

Ms. French explained they do take into consideration increases in salaries and benefits every year. The projections were that the board could close with an estimated total of board fee revenue of \$403,475.75, which could give the board net of \$155,142.88 which is right on track with how the board closed last year with a net of \$156,914.81. These are the projections based on the current numbers they had.

## **Office of General Counsel**

Mr. Flinchbaugh reminded the board of the conflict of interest policy and its purpose as they had three consent orders to consider during the meeting today. If there is a conflict they are required to let the board know and recuse themselves.

### **Consent Orders / Disciplinary Activity**

Mr. Flinchbaugh presented the Consent Order for **Celesta N. Young, LMSW #5450**

Facts:

While employed at Woodridge Psychiatric Hospital in Johnson City Tennessee Ms. Young admitted to regularly consuming alcohol to prevent withdraw symptoms. Ms. Young has been evaluated and is currently receiving treatment. Ms. Young violated TCA 63-23-108(7) and (9) as well as Rules and Regulations 1365-01-.10. Her license will be placed on suspension effective the date of entry of the order if she maintains sobriety, then the suspension will be stayed and placed on probation for not less three years and must maintain 100% sobriety. If she fails to maintain sobriety the suspension will automatically be revoked and the license will go into a suspended status. She will have to maintain a 100% sobriety to continue to practice. At the completion of the probation she may petition the board for an Order of Compliance to return the license to an unencumbered status.

Motion was made to accept the citation by Ms. Williams, seconded by Ms. Olivas. The motion carried.

Mr. Flinchbaugh presented the Consent Order for **Jana McCommon, LCSW #6100**

Facts:

January 18, 2019 Ms. McCommon was convicted of a DUI and placed on eleven months and twenty-nine days probation. Ms. McCommon violated TCA 63-23-108(9). Her license will be placed on probation for one year.

Motion was made to accept the citation by Mr. White, seconded by Ms. Buchanan.

Motion carried.

Mr. Flinchbaugh presented the Consent Order for **Martha Smith, LCSW #711**

Facts:

From February of 2018 to May of 2018 Ms. Smith assisted a minor who was housed at the Tennessee Baptist Children's Home. The respondent contacted the child's uncle prior to obtaining consent from the child's mother who at the time was her legal guardian. Ms. Smith violated TCA 63-23-108(7) and (9) as well as Rules and Regulations 1365-01-.10. Discipline is a reprimand of the license, continuing education of three hours to include confidentially and ethics. She will be charged costs not to exceed \$500.00 dollars payable within twenty-four months.

Motion was made to accept the citation by Ms. Buchanan, seconded by Mr. White.

Motion carried.

### **Policy**

Mr. Flinchbaugh presented the amended language for the policy on continuing education waivers to allow board administration to approve continuing education waivers. He presented the revised policy with the minor change stating that "these request are made on an individual basis, and may be approved by board staff". The vote had been made at the February meeting; Mr. Flinchbaugh was just giving the board the final draft.

He also gave an update on the chapter rewrites. The internal review has been sent to the General Counsel office for review, then on to the governor's office. The telehealth rules are in internal review pending a discussion with internal supervisors to discuss the language. There are some restrictions that have been put in place and he would be verifying that are correct legally. He is in consultation with the Attorney General's Office on the restrictions, and the language that will take some additional time.

### **Administrative Report**

Ms. Stacey stated that as of April 22, 2019, there were 591 Licensed Baccalaureate Social Workers; 2,900 Licensed Master Social Workers; 268 Licensed Advanced Practice Social Workers; and 2,792 Licensed Clinical Social Workers.

Ms. Stacy said from February 5, 2019 thru April 22, 2019 that no (0) LBSW licensee, twenty one (21) LMSWs, no (0) LAPSW's and seven (7) LCSWs had retired their licenses.

Ms. Stacey said from February 5, 2019 thru April 22, 2019 that fifteen (15) LBSWs, forty four (44) LMSWs, one (1) LAPSW and thirteen (13) LCSWs license had expired.

Ms. Stacey also stated that from February 5, 2019 thru April 22, 2019 there were seven (7) LBSWs licensed; sixty seven (67) LMSWs were licensed; no (0) LAPSWs were licensed; and forty three (43) LCSW's were licensed.

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

08/08/2019 (Changed from 08/01/2019)  
10/24/2019

### **Review, approve/deny and ratify new licensure files**

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

**Charlotte Denise Armstrong**  
**Cynthia L. Hacault**  
**Autumn Morgan**  
**Alicia Danielle Thomas**

**Andrea Ensley**  
**Lewis Brandon McCarter**  
**Marybeth Sop**

The motion carried.

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

**Akosua Aggrey-Bekoe**

**Shawna Bearden-Allagas**

**Andrew Paul Blum  
Stephanie Irene Brave Eagle  
Sally Bryan  
Laura Chandler  
Kelsea Clark  
Candace N. Conway  
Ashley N. Crumpler  
Ashlea Elizabeth Dull  
Claressa Glaspie Everett  
Amanda Lynne Ferrara  
Whiteney Fortner  
Katie Lynn Fox  
Sarah Margaret Hairston  
Maura Hanley  
Holly Higginbotham  
Mindy Hopper  
Latoya Johnson  
Michelle Knight  
Lisa Lovell  
Christopher Irving Matthews Jr.  
Molly Helton Miller  
Jeanette Panameno  
Billy Randolph II  
Hannah Shea Ridenour  
Jeremy Daniel Seffen  
Hannah Snelling  
Charlotte Sorensen  
Keia Suttle  
Ashley Michelle Walker  
Sara Elizabeth Whitehurst  
Erin Elizabeth Williams  
Haley McKenzie Duke Wilson  
Novia Wright**

**Shannon Nicole Braida  
Elizabeth Brown  
Casy P. Chambers  
Hanna Clark  
Graham Cohen  
Amy Wilkerson Crossland  
Cusi U. De La Cruz  
Khrystal M. Dupre  
Lance W. Faegenburg  
Molly Fields  
Leisha Danielle Foster  
Kellie Fuselier  
Ashley Haliburton  
Carly Wolfinger Hedrick  
Audrey Hollingsworth  
Erika Brittainy Irvine  
Alisha Chanel Jones  
Genkoya Leaman  
Shelia Victoria Martin-Woods  
Jamil E. Matthews  
Jenna Elizabeth Najjar  
Amanda Patterson  
Alyse Reynolds  
Hannah Schonewill  
Melanie Sivels  
Kaelie Lyn Sooy  
Rebekah Gayle Stone  
Jessica Teter  
Chayla Ward  
Amber Nicole Whitten  
Miranda Colleen Willis  
Matthew Wineman**

The motion carried.

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

**Deavila S. Bennett  
Charly A. Bjornsen  
Rebecca L. Brewer  
Jennifer Clare  
Nyoki Cosey-Brown  
Jenna Ann Davitt**

**Rhonda Bier  
Syrenia Johnson Boclear  
Artice B. Carter  
Sabrina Conklin  
Kevin J. Cuchia  
Rebecca A. Deardorff**

**Amanda Dodson  
Kendall Elsass  
Melissa E. Febbrioriello  
Michelle Gomez-Salazar  
Emily Kirsten Haug  
Shannon Floyd Hillenmeyer  
Ashley C. Kershaw  
Kike M. Kotsianas  
Wendy L. Lobel  
Christen Long  
Jaclyn Montroy  
Ashley J. Petty  
Ginger L. Rios Baez  
Ashley R. Rose  
Margaret H. Stewart  
Sarah White**

**Sarah A. Duncan  
Jennifer A. Farley  
Susan Gilman  
Hale Madison  
Michael E. Hayter  
Ron Hillerman  
Yuna Kim  
Beth Lee  
Jodie M. Loiacono  
Tammy R. Meyers  
Tracy Nalory  
Amber N. Riley  
Heidi Rochelle  
James Kelly Slaton  
Tiffany R. Turner**

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. Olivas, to approve the following LCSW applicants to sit for the written exam.

**Douglas Aitken  
Courtney Brown  
Alicia Bunch-Vargas  
Lauren Caldwell  
Stefanie Dedman  
Kathryn Dickerson  
Marlenny Franco-Johnson  
Thomas Hart  
Winzetta Jenkins  
Rebecca Matlock  
Okneco McTier  
Dianna Neal  
Elizabeth Porter  
Misty Reinecke  
Paul Scheppf  
Sherrell Steele  
Serena White  
Kelly Zachary**

**Kelly Blanchard  
Jennifer Buckner  
Elizabeth Burton  
Heather Cupp  
Deborah DeFrieze  
Amanda Ferguson  
Amy Green  
Ashlee Hyatt  
Susan Jones  
Jennifer McKinney  
Bethany Neal  
Anne Pirtle  
Maria Randall  
Lynde Ross  
Monica Urness  
Teresa Tankson  
Roberta Wilbanks**

The Motion Carried

**Approve/deny reinstatement applications.**



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

**Shannon Adams**  
**Sarah Foutch**  
**Kimberly Rogers**  
**Haley D. Stone**

**Jennifer Nicole Copley**  
**Abbott L. Jordan**  
**Jennifer R. Smith**

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

**Edward L. Stotts Sr.**

The motion carried.

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

**Cannamela Eva**

**Rebecca Buell Rodrigues**

The motion carried.

**Review to approve the reinstatement of David Dia LCSW #4736 license:**

The board was presented the reinstatement application, along with the board order in which Mr. Dia surrendered his license. Mr. Flinchbaugh was asked to give a review of the facts surrounding the case that resulted in the voluntary surrender of the license: Mr. Dia was treating a patient in November of 2014 through March of 2016. He started communicating with the patient via electronic means; he was also treating MJ who was a family member of the initial patient. Patient ended up divorcing her husband, and later marrying the respondent. He had been providing marriage counseling to the patient at the time, resulting in the voluntary surrender of his license being requested. He surrendered his license during the May 10, 2018 meeting. He has completed the required continuing education.

Mr. Dia was present and stated to the board that he had been treating the patient for anxiety, not marriage counseling, and that the relationship did not begin until after the treatment had ended.

Ms. Stacey reported that Mr. Dia would need to submit a reinstatement application, fees and required documents for a standard reinstatement of his clinical license.

Motion was made to accept the reinstatement request for Mr. Dia by Ms. Buchanan, seconded by Mr. White. Ms. Watson then opened discussion of a possible caveat during a probationary period, and or monitoring? Mr. Flinchbaugh gave the options the board had and a revised motion was made. Melissa Duckworth LCSW; former student and practicing LSCW for approximately the last twelve years has offered to provide supervision for Mr. Dia during the monitoring period. Ms. Duckworth, who also works within the practice where Mr. Dia works, would be the practice monitor and report to the disciplinary coordinator for a period of time.

Ms. Buchanan made an amended motion to reinstate with the conditions of a practice monitor from an outside party (not within the practice where he works) with a monthly reporting for a one year period. Ms. Olivas seconded the motion. This would be a one year period from the date that his license is reinstated. Seven board members voted yes, one vote of no. The motion carried.

Ms. Wilkins reminded the board of the ASWB Annual Delegate Assembly meeting coming up in November. The dates for the conference are November 7-9, 2019 to be held in Orlando Florida.

Mr. Zylstra made mention of the Q & A page to be added to the state website. Ms. Franklin addressed the board on getting that together to hopefully present at the August meeting. Ms. Franklin wanted to bring some issues back to the surface, such as allowing an LMSW to practice under an LCSW in a private practice. However the rules specifically state that it should be in an agency or organization. She wanted the board to consider how other boards address this issue, and to open the discussion that many state licensing boards have a contract with an organization to provide services for impaired professionals. She felt that this would be a very important service with the issues we all encounter within our community regarding alcohol, drug and behavioral health. That if there is a practitioner who is impaired, that some other boards have in place with organizations is a contracted service to get help for that individual in an appropriate manner. Going further to say, that this service is available currently to the medical professions only, and not to social work professionals.

She also thanked the board for being presented at Day on the Hill.

Motion was made to adjourn by Ms. Buchanan, seconded by Ms. Olivas.