

Kentucky Board of Social Work

Monthly Board Meeting

November 8, 2022

Board Members Present:

Hank Cecil, LCSW

James Haggie, CSW

Whitney Cassity-Caywood, Ph.D., LCSW

Lori Vogel, LCSW

Santosh Adhikary, LCSW

Laura Farris, Citizen At Large

Staff Present:

Marc Kelly, Executive Director

Vanessa Jones, Executive Assistant

Nicole Bearse, Board Attorney

Call to Order

James Haggie, Secretary, called the meeting to order at 11:30 a.m. ET. He stated due to the prior Board Chair resigning, we will need to start with the election of Board officers.

Election of Officers

James Haggie asked for nominations from the floor for Board Chair for 1-year term

Hank Cecil nominated Whitney Cassity-Caywood

James Haggie asked for any other nominations from the floor

Hank Cecil made a motion to elect Whitney Cassity-Caywood as the Board Chair

Lori Vogel seconded

All in favor = (5 YES) motion carried unanimously

James Haggie asked for nominations from the floor for Board Vice Chair for 1-year term since Whitney Cassity-Caywood was the prior Vice Chair and has now been elected to the Chair position

Santosh Adhikary nominated Hank Cecil

James Haggie asked for any other nominations from the floor

Santosh Adhikary made a motion to elect Hank Cecil as the Board Vice Chair

Lori Vogel seconded

All in favor = (5 YES) motion carried unanimously

Operations Report:

Marc Kelly, Executive Director reported the following for the operations report:

Applications-71

LSW licenses-2

CSW Licenses-31

LCSW Licenses-35

Reinstatements-3

Renewals-121

Temp permits-64. He noted this is new to the report and is higher than normal due to the prior temp permits that were reissued due to the temp permit regulation expiring and having to get an emergency regulation filed for the temp permits. For October we actually issued 6 new temp permits.

Supervision Contracts -28 approved; 4 deferred. He noted the main reason for the deferments are – the supervisor of record had not completed the 6 hour LCSW supervision course that is now required. So, he wanted to remind all LCSW supervisors that they must complete the 6 hour LCSW supervision training as quickly as possible, since it was to be completed prior to the beginning of this year.

CEUs-5 new sponsors

Hank Cecil made a motion to accept the Operations report. James Haggie seconded. Motion carried by unanimous voice vote.

Financial Report

James Haggie reported that expenditures and revenues look good. Our revenues are strong and we can access them if and when needed. Expenditures are slightly higher, but after review of the reports, it appears the rental of the building is being deducted more than previously so that put us over this month. James Haggie asked that Vanessa Jones look into this and let all know if this has changed and when we can expect the rental be taken out of our expenditures so we can prepare and adjust our monthly spending and future budget.

Board Minutes: - A motion was made by James Haggie and seconded by Hank Cecil to approve the October 11, 2022, minutes. All approved by a unanimous voice vote.

Board Members Travel and Per Diem:

Hank Cecil made a motion to approve per diem for Anne Adcock for attending the mediation on October 26, 2022. Whitney Cassity-Caywood noted that Ms. Adcock was still a member and the Board Chair at that time. James Haggie seconded the motion. Motion carried by unanimous voice vote.

James Haggie made a motion to approve per diem and travel for today's (11/8/22) board meeting. Hank Cecil seconded the motion. Motion carried by unanimous voice vote.

Committees

Application Committee

Lori Vogel, LCSW

Applicant 1 – Lori Vogel reported that the applicant is seeking license here. The applicant had a prior discipline against his Colorado license, but still maintains an active license there. The applicant has not had any other actions taken against them. After review of the discipline information and the applicant's

application, the committee recommends approval for Applicant 1 to obtain their LCSW license in KY. Motion carried by unanimous voice vote.

Complaint Committee

Hank Cecil, LCSW

A recommendation was made by the committee to enter into an Agreed Order on **Complaint No. 22-29**. Motion carried by unanimous voice vote.

A recommendation and motion was made by the committee to enter into an Agreed Order on **Complaint No. 22-41**. Motion carried by unanimous voice vote.

A recommendation and motion was made by the committee to dismiss **Complaint No. 22-42** as there are no violations of laws, rules, or administrative regulations governing the practice of social work. Motion carried by unanimous voice vote.

A recommendation and motion was made by the committee to dismiss **Complaint No. 22-47** as there are no violations of laws, rules, or administrative regulations governing the practice of social work. Motion carried by unanimous voice vote.

A recommendation and motion was made by the committee to dismiss **Complaint No. 22-49** with a referral to another agency due to lack of jurisdiction in this complaint. The committee found there are no violations of laws, rules, or administrative regulations governing the practice of social work. Motion carried by unanimous voice vote.

A recommendation and motion was made by the committee to refer **Complaint No. 22-51** to the Board investigator for further investigation. Motion carried by unanimous voice vote.

A recommendation and motion was made by the committee to enter into an Assurance of Voluntary Compliance on **Complaint No. 22-56**. Motion carried by unanimous voice vote.

A recommendation and motion was made by the committee to enter into an Assurance of Voluntary Compliance on **Complaint No. 22-59**. Motion carried by unanimous voice vote.

A recommendation and motion was made by the committee to enter into an Agreed Order on **Complaint No. 22-61**. Motion carried by unanimous voice vote.

A recommendation and motion was made by the committee to dismiss **Complaint No. 22-62** as there are no violations of laws, rules, or administrative regulations governing the practice of social work. Motion carried by unanimous voice vote.

Operations Committee

Hank Cecil reported they have composed a draft of operations for all to review. He stated if there are any changes; recommendations or etc., to let them know. They want this to be a useful document for all members, future members and staff and etc. Vanessa Jones stated the Board staff is working on their office processes and will be helping the committee.

Old Business

ASWB delegate assembly update- Whitney Cassity-Caywood reported that she, Marc Kelly, and Hank Cecil will be attending the meeting in November. She will attend as the Board delegate; Marc Kelly will attend as the Executive Director and Hank Cecil will attend as a Board member. The board is responsible for the Executive Director expenses and the expenses for Whitney Cassity-Caywood are reimbursed by ASWB as she is the Board's delegate. Hank Cecil is responsible for his expenses. Whitney Cassity-Caywood asked members to read through the ASWB document that was provided and provide her some feedback on what, if anything, you would like for her to vote on. Whitney Cassity-Caywood stated, we will keep this item on the agenda for monthly updates and she will email out anything that all other members will need.

Compact Licensing updates- Whitney Cassity-Caywood provided follow up on the compact licensing. She stated we will continue to share and get this information out to social workers and etc. Hank Cecil shared that the ASWB committee has received comments and they will share those at the conference in November. He stated the licensing exams were an issue after the data released by ASWB back in August. Hank Cecil stated that eliminating the exams were not a real option for the Board. The KY General assembly meets in January, so it would be good timing for KY, but it may be another year before it can go into effect. Whitney Cassity-Caywood stated we want all opinions and thoughts from Social Workers and other agencies to show support as a Board. She requested Board staff to work on sending out emails and sharing this information via social media.

Zoom meetings- Whitney Cassity-Caywood stated during COVID the Board offered Zoom for meetings; however, they had issues with the links and etc. She stated we do want to involve everyone and provide opportunities for them to attend. She requested Hank Cecil look into this so that we can. Hank Cecil shared he will work with Marc Kelly and Vanessa Jones and our state IT personnel to help ensure we can provide meetings securely without someone accessing our zoom links. Nicole Bearse reported that the requirements are to post it as a public meeting for anyone to attend without identification. She stated we do not have to record the meetings but we can for helping type the minutes. She stated they have loosened the regulations for meetings and opened up virtual meeting spaces for people to attend virtually. Whitney Cassity-Caywood thanked both of them for their help and input. She stated this is a work in process so if there is anyone that want to share concerns or etc. to send in any feedback to the Board staff. She said she wants us to figure out how we want to do things; have a method; and maintain it. Whitney Cassity-Caywood stated, we prefer attendees be in person at the Board meetings if at all possible. However, we do want to find a hybrid method that will have a public option both ways.

Draft Code of Conduct - Whitney Cassity-Caywood shared that we want to ensure no confidential information is shared so Hank Cecil and Nicole Bearse have worked on the current code of conduct to create a more extensive code for the Board members. Hank Cecil and Whitney Cassity-Caywood discussed the process and shared what has been developed so far. Nicole Bearse stated she wasn't as involved in this process very much and has not reviewed any other versions that have been created. Discussion was held about Board attorney, Nicole Bearse, and her role in these processes; as well as, what she should be doing as our attorney. Additional discussion was help about attorney employment. Whitney Cassity-Caywood stated since we need to discuss an employment issue; we will need to go into a closed session. James Haggie made a motion to move into executive closed session. Lori Vogel seconded. Motion carried by unanimous voice vote.
Board moved into executive closed session at 12:21 pm.

At 12:48 pm James Haggie made a motion to move out of the executive closed session. Hank Cecil seconded. Motion carried by unanimous voice vote.

Whitney Cassity-Caywood stated that after the discussion in the closed executive session; the legal attorney contract with Nicole Bearse will be terminated. So, we will need to have some motions to end the contract and to start the process of obtaining new legal counsel.

Motion 1: James Haggie made a motion to terminate the contract with the Board's current legal counsel as of 12/31/2022. Santosh Adhikary seconded. Motion carried by unanimous voice vote. James Haggie stated, this is a mutual termination and we appreciate all her work over the years.

Motion 2: James Haggie made a motion to allow staff authority to start the RFP contract process to obtain new counsel. Hank Cecil seconded. Motion carried by unanimous voice vote.

Motion 2: James Haggie made a motion to have an MOA completed to ensure we have appropriate legal representation; as well as, allow our current counsel to continue as Board counsel until new counsel is established. Hank Cecil seconded. Motion carried by unanimous voice vote.

Draft Code of Conduct CONTINUED- Hank Cecil stated for all to review both versions of the code of conduct that you have received so we can discuss at the December meeting. He stated we want to ensure we have somethings for all new staff and future Board members. Nicole Bearse stated it would be good to have a piece in the operations manual on the attorney roles and how Board counsel should act on the Board's behalf. She stated this should not be put in the Board's code of conduct because counsel is bound by the Attorney's code of conduct. Whitney Cassity-Caywood asked if Nicole Bearse would review the draft documents and share her thoughts with the Board. She stated this would be very helpful for the Board. Hank Cecil asked Vanessa Jones to add this to the December agenda for discussion and a vote.

New Business

201 KAR 23:051 Renewal, Termination, Reinstatement Regulation – Whitney Cassity-Caywood stated Hank Cecil discovered that the renewal regulation has expired; however, he has been working on everything. He completed a draft of the Statement of Emergency; the Emergency Regulation; and the Regular Regulation. Whitney Cassity-Caywood stated Hank Cecil went to the LRC yesterday and had them review the regulations he drafted. LRC said it looked good and we can go ahead and vote on it. Hank Cecil shared a flow chart of the regulation process. He stated that when this regulation came through the process, it did not get renewed and died. However, we can make a motion on each and get them filed as soon as possible. He let all know that we can file the ER regulation along with the regular regulation and we will have a public comment period. So, if Board approves this, staff can get all filed ASAP. Nicole Bearse stated she just came on board during that regulation period. She stated she had emails from Florence about the regulation process. She stated Florence completed the letters and sent them to her in 2019. Then COVID hit and they were working on the complaint regulation at that time. So, she suggests that we make sure we state who is responsible for watching the regulations. She shared the email chain between them. Hank Cecil stated LRC and the regulations staff will work with us to get things done.

Hank Cecil made a motion to accept the Emergency Regulation and the Statement of Emergency 201 KAR 23:051E. James Haggie seconded. Motion carried by unanimous voice vote.

Nicole Bearse stated that she wanted the minutes to reflect that she did not and has not reviewed the regulation drafts.

Hank Cecil made a motion to accept the Regular Regulation 201 KAR 23:051. Lori Vogel seconded. Motion carried by unanimous voice vote.

New Business (cont.) -Whitney Cassity-Caywood discussed future Board meetings to include a Board retreat. Discussion was held about the meeting, including where it will be held and that it will be open for the public to attend. Hank Cecil stated it would be good to wrap a retreat around a regular meeting. Whitney Cassity-Caywood stated we will have it on Monday/Tuesday or Tuesday/Wednesday and potentially have it at a state park. She asked Vanessa Jones to add the monthly Board meeting dates for 2023 to the agenda for the December meeting.

Announcements – Hank Cecil stated that anyone in agency billing needs to be aware of the “no surprises act”. It is now a rule that you must share and disclose the amount of the services beforehand so the client is aware of their costs.

Hank Cecil let all know he and his company are piloting a new training entitled “How to protect your license”. It will be tips for social workers and will be available to take online. He will share information as it progresses.

Adjournment - A motion was made by Hank Cecil to adjourn the meeting at 1:12 pm. Seconded by Lori Vogel. Motion carried by unanimous voice vote. Meeting adjourned.

Next meeting: Tuesday, December 13, 2022, at 11:30am at the Board of Social Work Office, 125 Holmes Street, 3rd Floor, Suite 310, Frankfort.