

Kentucky Board of Social Work

Monthly Board Meeting

October 11, 2022

Board Members Present:

Hank Cecil, LCSW

James Haggie, CSW

Whitney Cassity-Caywood, Ph.D., LCSW

Lori Vogel, LCSW

Staff Present:

Marc Kelly, Executive Director

Vanessa Jones, Executive Assistant

Nicole Bearse, Board Attorney

Call to Order

Whitney Cassity-Caywood, Vice-chairperson, called the meeting to order at 11:36 a.m. ET.

Board Minutes: - A motion was made by Whitney Cassity-Caywood and seconded by Hank Cecil to approve the September 13, 2022, minutes. Hank Cecil asked for an amendment to reflect his motion following the closed session to have elections each August, with new officers taking office in September of each year. The original motion had been seconded by James Haggie and approved unanimously by the Board. Hank Cecil made a motion to amend the minutes with the process of the election of officers. Whitney Cassity-Caywood seconded. All approved by a unanimous voice vote. Motion to approve September 13, 2022, minutes as amended carried by a unanimous voice vote.

A motion was made by Hank Cecil and seconded by James Haggie to approve the September 30, 2022, special board meeting minutes. Motion carried by unanimous voice vote.

Board Members Travel and Per Diem:

James Haggie made a motion to approve per diem for the September 30, 2022, special board meeting via zoom. Lori Vogel seconded the motion. Motion carried by unanimous voice vote.

James Haggie made a motion to approve per diem and travel for today's (10/11/22) board meeting. Hank Cecil seconded the motion. Motion carried by unanimous voice vote.

Operations Report:

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

Applications-91

LSW licenses-5

CSW Licenses-41

LCSW Licenses-41

Reinstatements-4

Renewals-127

Supervision Contracts -33 approved; 2 deferred

CEUs-7 new sponsors

Hank Cecil reported he and Lori Vogel attended the new Board of Directors training provided by ASWB where it was advised that boards approve the operations of staff with regards to applications, contracts, and CEU approvals, board tasks delegated to staff. He suggested the Board approve the operations report and recognize staff for their work. All agreed and thanked the Board staff for all their work.

Financial Report

James Haggie reported that expenditures and revenues look great. Our revenues are strong. The other professional services (our investigation services) were processed this month; along with new Board members travel and per diem from previous months Board attendance making the expenditures slightly higher. So, we will adjust our monthly expenditure amount and watch it closely to ensure we stay under or as close to that new amount as possible.

Committees

Application Committee

James Haggie, CSW

Applicant 1 – James Haggie reported that the applicant wants to sit for the CSW exam. The applicant had a prior felony but is now doing great and working in a recovery center. The applicant provided several letters of support. After review of these letters and the applicant’s application, the committee recommends approval for Applicant 1 to take the CSW master exam. Motion carried by unanimous voice vote.

Applicant 2 – James Haggie reported that the applicant still has some pending documents that are needed, so the committee recommends this application be deferred to our November meeting or until we receive the additional information. No motion needed on Applicant 2 at this time.

Applicant 3 – James Haggie reported that the applicant wants to sit for the CSW exam. The applicant had a prior felony but is maintaining sobriety and still talking with their sponsor. The applicant met with a social worker and now wants to be a social worker and work in recovery. After review of the applicant’s application and talking with the applicant, the committee recommends approval for Applicant 3 to take the CSW master exam. Motion carried by unanimous voice vote.

Applicant 4 – James Haggie reported that the applicant wants a KY license. The applicant currently holds a master in Social Work from India and has been licensed in another country for over 20 years. The applicant is now in the U.S. and is seeking their license and employment in social work once they are approved. After review of the application, the supporting documents, and the educational equivalency, the committee recommends approval for Applicant 4 to take the CSW exam. Motion carried by unanimous voice vote.

Complaint Committee

Whitney Cassity-Caywood, Ph.D., LCSW

A recommendation was made by the committee to dismiss **Complaint No. 22-48** as there are no violations of laws, rules, or administrative regulations governing the practice of social work. Whitney Cassity-Caywood made a motion to accept this recommendation. James Haggie seconded. Motion carried by unanimous voice vote.

A recommendation was made by the committee to dismiss **Complaint No. 22-50** as there are no violations of laws, rules, or administrative regulations governing the practice of social work. Whitney Cassity-Caywood made a motion to accept this recommendation. Lori Vogel seconded. Motion carried by unanimous voice vote.

A recommendation was made by the committee to dismiss **Complaint No. 22-57** as there are no violations of laws, rules, or administrative regulations governing the practice of social work. Whitney Cassity-Caywood made motion to accept this recommendation. Hank Cecil seconded. Motion carried by unanimous voice vote.

A recommendation was made by the committee to dismiss **Complaint No. 22-58** due to insufficient evidence to support the complaint. The committee found there are no violations of laws, rules, or administrative regulations governing the practice of social work. Whitney Cassity-Caywood made motion to accept this recommendation. Hank Cecil seconded. Motion carried by unanimous voice vote.

Nicole Bearse, board attorney provided a background on case 17-20. This case was a dual relationship with a sexual nature. This case has been going back and forth in the legal process for some time. It went back down to mediation, so we were preparing for that but received an Agreed Order counteroffer to suspend the complainant's license for 5 years as if revoked. A recommendation was made by the committee to accept and enter into the Agreed Order on **Complaint No. 17-20**. Whitney Cassity-Caywood made a motion to accept the Agreed Order. Hank Cecil seconded. Motion carried by unanimous voice vote.

Old Business

Code of Conduct – Confidentiality forms for Board members- Nicole Bearse provided follow up related to the confidentiality forms. She reviewed the prior minutes and the email exchange between her and prior Board Chair Dr. Jay Miller from 2021. She did email draft statements to the full board during that time, but they were not approved by the full board. Hank Cecil and Whitney Cassity-Caywood discussed the process. Hank Cecil stated ASWB conducted a code of conduct which could be something we can look at and work on together in order to produce a confidentiality code of conduct. He stated ours is currently too vague and we need it to have more comprehensive statements. Hank Cecil and Nicole Bearse will work on the statements and send out to the full board to review and be approved by the full Board once all is completed and accepted by the full Board.

Compact Licensing agreement – Whitney Cassity-Caywood provided follow up on the compact licensing. She stated there is no formal process to get feedback and ask for ideas from other social workers and etc. Discussion was held on what the benefits of being involved in this agreement are. Whitney Cassity-Caywood stated that if we decide to join this agreement, it will open up access to other places/states; it would ensure that all states agree on everything and how each state will handle things; the license would be recognized in the states involved in the agreement. For example, if KY, OH, IN, TN;

IL, VA. And WV were the states participating in the compact agreement, the social worker would pay a fee for one compact license that would be recognized in each of those states. She stated we (KY) would need to write regulations; and for sure a background check would be required. Whitney Cassity-Caywood stated we want opinions from social workers prior to joining this compact agreement. Guest, Brenda Rosen, stated that they (NASW) are hearing that people are little confused about this agreement so they are sharing all kinds of things on their website and Facebook pages and is willing to help share anything we can so that our social workers understand this and the importance of joining it. Brenda Rosen stated we can share anything they have shared to our social media as well. Brenda Rosen (NASW) is willing to help in any way they can.

New Business

September 30, 2022, special meeting follow up – Marc Kelly provided an update on the temporary permit (TP) regulation and our special meeting on 9/30/2022. He stated Nicole Bearse worked on the emergency regulation in conjunction with the regular regulation since it was brought to our attention it had expired. Marc Kelly and Vanessa Jones compiled both regulations and letters needed to get it filed. Both the emergency and the regular regulation were filed the following Monday October 3, 2022. Marc Kelly stated after the emergency regulation was filed, Vanessa Jones re-issued all TPs that had been issued from August of 2021 thru September 30, 2022, with a new issue date of 10/3/2022 and expiration date of 6/3/2023. There was a total of 58.

Hank Cecil stated he reached out to some of the mental health centers, and they were thankful this was taken care of so quickly. They appreciated the emails and calls to inform them and to let them know things have been corrected. Hank Cecil stated they did not know if there would be any problems with prior payments billed under the TPs. They feel that the TP holders and employers acted in good faith so they hope all will be ok. Hank Cecil suggested that they keep track of all of that in case of audits so they can share notices and etc., with the auditors if needed.

Nicole Bearse explained the regulation process. She stated the emergency regulation has a shorten process due to it being an emergency regulation that needs to be enacted now. However, there will be a public hearing in November for comments on the emergency regulation. She stated we can make changes now to the TP regulation and during the public comment period. Nicole Bearse then stated that the regular TP regulation is filed as well and has a public hearing in December. During this time, we will look over the regulation and look for any changes that may need to be done. Then after the public hearing, we review all comments, make changes (if needed), and submit all to the Legislative Research Commission (LRC) for official approval. Then once approved, we will compile copies and get the final version of the regulation filed. Guest, Sally Rhoads stated her concerns are that we be sure to close the gap, so we have more people providing services. Nicole Bearse let her know that we met with Jennifer Godby about the changes to the temporary permit application and all discussed and agreed upon changing the TP application form in order to close the gap. She stated we can change the application at will so this closed the gap and covers this until it is fixed in the regulation. Nicole Bearse stated the main issue was that the TP regulation was expired; however, it no longer is expired due to the emergency regulation being put in place as soon as we were aware that the regulation had expired. We were not aware the TP regulation had expired when we met with Ms. Godby and Ms. Rosen in December to discuss the application and how it will close the gap until the regulations were opened. She stated, if any revisions are needed in order to make the language consistent; that can be done during the public comment period.

Old Business

Hank Cecil stated he had some old business about appointing staff to positions that he learned at the new board member training. He stated that they suggested that the Executive Director share the pay grade and monthly payroll and vote on it as well. Marc Kelly stated the pay grade is a 16 and the pay range is from \$3,000-\$5,000 a month. Hank Cecil made a motion to accept the pay grade and monthly salary for Vanessa Jones. James Haggie seconded. Motion carried by unanimous voice vote.

2022 ASWB Delegate Assembly proposed amendments and resolution – Whitney Cassity-Caywood reported she will be attending the meeting in November. Whitney Cassity-Caywood will attend as our delegate and Marc Kelly will attend as the alternate, Executive Director. Whitney Cassity-Caywood made a motion for her to vote as our delegate. Hank Cecil seconded. Motion carried by unanimous voice vote. Hank Cecil then made a motion to approve both (Whitney Cassity-Caywood and Marc Kelly) to attend the ASWB delegate meeting in November. Lori Vogel seconded. Motion carried by unanimous voice vote.

Whitney Cassity-Caywood also let all know that you can register and attend the assembly virtually. She stated it does help you understand the tests and have a better understanding on who writes the test questions.

Whitney Cassity-Caywood asked if there was any other business anyone would like to discuss.

1st - James Haggie discussed forming an operations committee to help provide more communication; help be more proactive; to help stay on top of things; to have a manual of the day to day operations of the Board office; to work on code of conduct statements and etc.; to help with personnel items; to plan and work on a Board retreat with more in depth training; and to help staff. Nicole Bearse stated this committee could also help with the election process that will take place each year. All agreed. James Haggie made a motion to adopt an operations committee consisting of James Haggie, Hank Cecil, and Board staff Marc Kelly and Vanessa Jones. Hank Cecil seconded. Motion carried by unanimous voice vote.

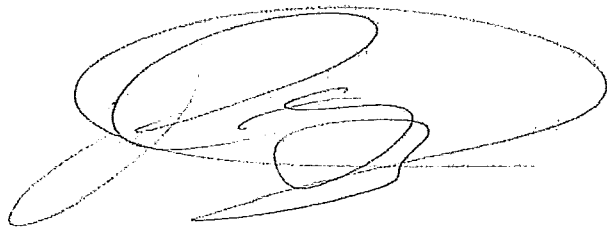
2nd – James Haggie mentioned open meetings and doing away with the streaming of the meetings on Facebook live. He stated we cannot control the data, or the devices being used, and we don't want any information getting out because when we do this, it gives our stuff to other media. He stated we have minutes, which are being more detailed, and the door is open to the public to attend in person at the Board office. He would also like to take the meetings on the road again as they did in the past. Hank Cecil stated he would like to look at using zoom again in the future as an option. Nicole Bearse stated that the open meetings act does not require us to stream live, but we could potentially use zoom; however, she noted that can be challenging because the law states we cannot ask who a person is and we had some issues with attendees not being present in the zoom meetings and they were unsure how to handle that. So, the Board decided to have all participants have their cameras turned on since if you came in person, we would see you. Nicole Bearse also shared that we had some complainants and licensees on the zoom calls that wanted to discuss their complaints and share personal information and we do not want that to happen in the future. She also shared that we are required to have minutes but not recordings of the meetings. She stated whatever is decided, you need to decide how you want to handle the open meetings and stick with that process. Whitney Cassity-Caywood stated we will add this to the November agenda for discussion.

Announcements – None at this time

Guest Sally Rhoads from KY Clinical SW Society asked about a letter she and others had sent into the Board with some concerns and requesting the Chair and the Board attorney resignations and wants to know why these concerns have not been addressed and why the Chair is not present for this meeting. Whitney Cassity-Caywood stated she cannot speak for the Chair or others but that at the last meeting no motion was entered about the letter so that is where they are on that. She stated her stance is to move forward and not get into personal attacks and address things as they arise. Brenda Rosen stated she has been coming to the Board meetings for 6 years and this is not about personal things; it is about regulation and the Board not doing what they need to do. She stated they have talked with the LRC and the Governor's office and have asked them for the resignation of the Board chair. She stated they have also talked with Boards and Commissions about their concerns. Whitney Cassity-Caywood stated we are willing to fix the problems and are working on doing that. Brenda Rosen stated, "anything less than her leaving is not accepted, and they will ask the Governor to remove her." Whitney Cassity-Caywood agrees things are troubling to all and no one is happy about things, but people have different perspectives and stated that this day may not be the best day to address this particular concern. Sally Rhoads states she has the minutes for the Board meetings from prior years and these issues were reflected in the minutes that these things came up with the prior chair Jay Miller but still nothing was done about them. Whitney Cassity-Caywood stated we are all volunteers and have other jobs but are doing the best that they can. Nicole Bearse stated that Brenda Rosen was in all those mentioned meetings, and she never mentioned any of this or brought it up until now for some reason. Sally Rhoads stated, "this situation has put us in harm's way" and that there can be financial repercussions and liability taken against them. Hank Cecil stated he does not like asking the Governor to remove the chair. He thinks a voluntary resignation would help right the ship. He doesn't want any embarrassment of anyone and wants to handle things and move forward in a productive way. Whitney Cassity-Caywood stated we are all acting in good faith to avoid this in the future. She said it has been a long day, so she entered a motion to adjourn the meeting.

A motion was made by Whitney Cassity-Caywood to adjourn the meeting at 1:12 pm. Seconded by James Haggie. Motion carried by unanimous voice vote. Meeting adjourned.

Next meeting: Tuesday, November 8, 2022, at 11:30am at the Board of Social Work Office, 125 Holmes Street, 3rd Floor, Suite 310, Frankfort.

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and lines.

11/8/22