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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

F I N A L M I N U T E S

MEETING OF:

**STATE BOARD OF SOCIAL WORKERS,
MARRIAGE AND FAMILY THERAPISTS,
AND PROFESSIONAL COUNSELORS**

TIME: 9:43 A.M.

PENNSYLVANIA DEPARTMENT OF STATE
Board Room C
One Penn Center
2601 North Third Street
Harrisburg, Pennsylvania 17110

December 11, 2018

1 State Board of Social Workers,
2 Marriage and Family Therapists
3 and Professional Counselors
4 December 11, 2018

5
6
7 BOARD MEMBERS:

8
9 Renee J. Cardone, MSW, LCSW, Chair
10 Ian J. Harlow, Commissioner of Professional and
11 Occupational Affairs - Absent
12 Joy E. Corby, Ph.D., LMFT, Vice Chair
13 Jeanne Elberfeld, M.D., LSW
14 David E. Gallick, MSW, LSW, LMFT
15 Christian Jordal, Ph.D., LMFT
16 Amy K. Keisling, LCSW - Absent
17 Kurt L. Kraus, Ed.D., NCC, ACS, LPC
18 Linda A. Martin, LCSW, RN
19 Teniola O. Osundeko, Ph.D., LCSW, SAP
20 Marilyn L. Painter, Public Member
21 Michelle Santiago, Psy.D., LPC
22

23
24 BUREAU PERSONNEL:

25
26 C. William Fritz II, Esquire, Board Counsel
27 Bridget K. Guilfoyle, Esquire, Board Prosecution
28 Liaison
29 Cynthia K. Montgomery, Esquire, Deputy Chief Counsel
30 Heather J. McCarthy, Esquire, Board Prosecutor
31 Tara J. Smith, Esquire, Board Prosecutor
32 Lisa M. Burns, Board Administrator
33

34
35 ALSO PRESENT:

36
37 Johanna Byrd, ACSW, IOM, CAE, Executive Director,
38 National Association of Social Workers,
39 Pennsylvania Chapter
40 Claudia J. Dewane, D.Ed., LCSW, BCD, Associate
41 Professor, College of Health Professions and Social
42 Work, Temple University
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1 ***

2 State Board of Social Workers,
3 Marriage and Family Therapists
4 and Professional Counselors

5 December 11, 2018

6 ***

7 The regularly scheduled meeting of the State
8 Board of Social Workers, Marriage and Family
9 Therapists, and Professional Counselors was held on
10 Tuesday, December 11, 2018. Renee J. Cardone, MSW,
11 LCSW, Chair, called the meeting to order at 9:43 a.m.

12 ***

13 Approval of Minutes of the October 30, 2018 meeting

14 CHAIR CARDONE:

15 I would like to ask for approval of the
16 draft minutes or any revisions to the
17 minutes.

18 [The Board discussed corrections to the minutes.]

19 CHAIR CARDONE:

20 Other questions or additions? Can we
21 have a motion to approve the minutes?

22 MS. PAINTER:

23 So moved.

24 DR. JORDAL:

25 Second.

1 CHAIR CARDONE:

2 All those in favor? All those opposed?

3 [The motion carried. Dr. Osundeko, Dr. Elberfeld, and
4 Mr. Gallick abstained from voting on the minutes.]

5 ***

6 Report of Board Prosecutorial Division

7 [Heather J. McCarthy, Esquire, Board Prosecutor,
8 presented the Consent Agreement for File No. 15-69-
9 14643.]

10 ***

11 [Tara J. Smith, Esquire, Board Prosecutor, presented
12 the Consent Agreement for File No. 18-69-008393.]

13 ***

14 Report of Board Counsel

15 [C. William Fritz II, Esquire, Board Counsel, noted a
16 Motion to Deem Facts Admitted for discussion in
17 Executive Session.]

18 ***

19 Report of Regulatory Board Counsel

20 [Cynthia K. Montgomery, Esquire, Deputy Chief Counsel
21 for the Bureau of Professional and Occupational
22 Affairs, discussed the Proposed Preamble and Annex to
23 the General Revisions regulation (16A-6923), which had
24 been approved by the Board in 2015. She also noted
25 the passage of the Suicide Prevention Continuing

1 Education Act and its effect on the Board.

2 Ms. Montgomery noted the policy changes made by
3 the Board. Ms. Matter and she reviewed and updated
4 the draft regulation. Ms. Montgomery informed the
5 Board of her monthly meetings with the Office of
6 General Counsel and the Governor's Policy Office to
7 work on eliminating burdensome regulations.

8 Ms. Montgomery defined HIPAA as the Health
9 Insurance Portability and Accountability Act and
10 discussed the associated rules and regulations,
11 including HIPAA privacy and security rules. She
12 discussed changes to the definition of supervisee in
13 § 47.1. She also noted that Ms. Matter suggested that
14 the definition of the word "year" be added.

15 Ms. Montgomery reviewed § 47.1a, Qualifications
16 for Supervisors, with the addition "of individuals
17 pursuing a clinical social work license" to clarify
18 the Board's intent on the matter. She further
19 explained, to be a supervisor, an individual must hold
20 a current license as a clinical social worker in the
21 state where the supervisee's experience is occurring
22 and have 5 years of experience within the last 10
23 years or hold a current license in a related field in
24 the state where the supervisee's experience is
25 occurring.

1 Ms. Montgomery stated § 47.12, Qualifications for
2 Licensure, had been updated to the fact that paper
3 applications are no longer accepted and individuals
4 must submit an application for licensure and
5 supporting documents on forms and in the format
6 required by the Board through the Pennsylvania
7 Licensing System.

8 Ms. Montgomery addressed § 47.12c, Licensed
9 Clinical Social Worker, regarding supervised clinical
10 experience, including direct client services and
11 whether the service has to be in person or not. She
12 suggested leaving the language as direct client
13 services, which is open for interpretation, and for
14 the Board to consider undertaking a more global
15 regulation on the question of teletherapy, both active
16 practitioners and those doing the hours of clinical
17 experience. The Board decided to leave language as
18 direct client services.

19 Ms. Montgomery further commented that this
20 proposed rulemaking would be published for public
21 comment and then from educators and from the
22 associations.

23 Ms. Montgomery noted § 47.12c, which addresses
24 Electronic Supervision, whereby a supervisor cannot
25 provide supervision of the clinical experience to more

1 than 6 supervisees.

2 Chair Cardone questioned the importance regarding
3 group supervision being concurrent with individual
4 supervision. Dr. Corby explained the difference
5 between group supervision and individual supervision,
6 which must be done concurrently.

7 Claudia J. Dewane, D.Ed., LCSW, BCD, Associate
8 Professor, College of Health Professionals and Social
9 Work, Temple University, stated the original
10 regulation did not require the concurrency. Dr.
11 Dewane did not see any benefit with supervision being
12 concurrent, noting the financial burden on individuals
13 to pay for group and individual supervision
14 simultaneously.

15 Ms. Montgomery noted a general consensus of the
16 Board to delete the example but to leave in the
17 language that group supervision must be done
18 concurrently.

19 The Board discussed changes to § 47.12d,
20 Standards for Supervisors, and §§ 47.12e and 49.13a
21 regarding Electronic Supervision.

22 Ms. Montgomery addressed § 49.15, noting the
23 deletion of language regarding exemption from
24 licensure examination.

25 The Board discussed § 49.32, continuing education

1 requirements for biennial renewal, with the addition
2 of at least 1 clock hour to be in the assessment,
3 treatment, or management of suicide risks.

4 Ms. Montgomery discussed § 49.33, acceptable
5 continuing education courses and programs. The Board
6 decided to include and clarify online courses, as well
7 as provide a clarification of a synchronous webinar,
8 in which the participant is able to interact with the
9 instructor in realtime.

10 Ms. Montgomery discussed § 49.35 regarding
11 standards for courses and programs, which changes the
12 minimum duration of a course from 2 hours to 1 hour,
13 and clarifying that the Board will not accept partial
14 credit for a course.

15 Ms. Montgomery addressed § 49.36 regarding
16 preapproved providers of continuing education courses
17 and programs for professional counselors. She
18 referred to the paragraph to clarify that entities may
19 sponsor or cosponsor but may not approve continuing
20 education courses or programs.

21 Johanna Byrd, ACWS, IOM, CAE, Executive Director,
22 National Association of Social Workers, Pennsylvania
23 Chapter, stated the National Association of Social
24 Workers (NASW) is one of the groups that would be
25 authorized to approve, noting the difference as to

1 whether outside people can be approved. She further
2 explained NASW's approval program to work with other
3 organizations to approve their continuing education
4 (CE) events, which is outside of the organization but
5 provides the approval for CE recipients.

6 Ms. Montgomery explained that "the following are
7 approved providers" meant that these entities all had
8 to submit the course information and the regulations
9 would be changed to recognize the providers that
10 approve CE courses, programs, and workshops of other
11 organizations.

12 Ms. Martin suggested that "the following entities
13 may sponsor or cosponsor but may not approve" needed
14 to be clarified in § 49.36.

15 Chair Cardone commented that the word "approve"
16 is problematic, misleading, and too vague.

17 Ms. Montgomery will reword § 49.36 for the
18 Board's review.

19 Ms. Montgomery addressed § 49.37 concerning other
20 sources of continuing education regarding accrual of
21 clock hours. Dr. Corby suggested providing
22 clarification for individuals that they can receive 15
23 continuing education credits with 1 course. Dr. Corby
24 also suggested changing the language from "offering a
25 course to teaching a course." Chair Cardone agreed

1 with clarifying the language.]

2

3 [Kurt L. Kraus, Ed.D., NCC, ACS, LPC, exited the
4 meeting at 12:22 p.m.]

5

6 [Ms. Montgomery suggested wording that a writing
7 needed to be published during the biennial period for
8 which the credit is claimed. The Board agreed to
9 changing language to the "current period or preceding
10 period."

11 Dr. Elberfeld, to clarify § 49.37a(2), suggested
12 adding per biennium where it refers to a course in
13 social work or a related field for a regionally
14 accredited college or university that is credit-
15 bearing per biennium. Dr. Corby suggested stating,
16 "May accrue up to 15 of the clock hours required per
17 biennium" and utilizing the same language in
18 § 49.37a(4) to be consistent.

19 Ms. Montgomery stated that § 47.37, reporting by
20 licensee of hours spent in continuing education;
21 continuing education audit and enforcement, just adds
22 the requirements for the course provider to identify
23 whether the course is in person, synchronous webinar,
24 home study, or online.

25 Ms. Montgomery noted that the only change in

1 § 47.39, Exemption and Waiver, is to require an
2 individual requesting an extension or waiver of the CE
3 requirements to submit their requests at least 30 days
4 prior to the biennial renewal deadline.]

5 ***

6 [Kurt L. Kraus, Ed.D., NCC, ACS, LPC, reentered the
7 meeting at 12:27 p.m.]

8 ***

9 [Ms. Montgomery noted that comparable changes were
10 made in §§ 48.13(a) and 49.13(a), which incorporated
11 the change made in Act 76 for marriage and family
12 therapists and professional counselors, that clinical
13 supervision must be after a Master's Degree is
14 granted.]

15 Ms. Montgomery commented that when the
16 regulations were drafted, there was only Chapter 47,
17 which included social work, clinical social workers,
18 marriage and family therapists, professional
19 counselors and then added bachelor social workers.
20 She noted that marriage and family therapists were
21 given Chapter 48 and professional counselors, Chapter
22 49.]

23 ***

24 [Jeanne Elberfeld, M.D., LSW, exited the meeting at
25 12:30 p.m.]

1 ***

2 [Ms. Montgomery stated that not all of the provisions
3 for Chapter 47 were copied over into Chapter 48 and
4 Chapter 49 and were just copying over the sections
5 allowing marriage and family therapists and
6 professional counselors to form multipurpose
7 professional corporations with other licensed
8 professions and to use fictitious names.]

9 ***

10 [Jeanne Elberfeld, M.D., LSW, reentered the meeting at
11 12:34 p.m.]

12 ***

13 [Ms. Montgomery commented that most Boards develop a
14 newsletter article for regulation changes or post a
15 notice on their website. She stated this proposed
16 rulemaking would be published in the bulletin for
17 public comment. The Board can put notices on the
18 website or do an email blast with the Pennsylvania
19 Licensing System (PALS) on the regulation becomes
20 final.

21 Ms. Guilfoyle commented that whenever there is a
22 change in the law or the regulations, prosecution
23 allows a grace period and nobody will be prosecuted
24 the first time for not following a change.

25 Dr. Corby questioned § 49.2 regarding educational

1 requirements for professional counselors, stating that
2 there was no provision for a certain number of direct
3 contact hours. Ms. Montgomery will revise § 49.2,
4 educational requirements, to state a minimum of 240
5 hours of supervised direct client contact with
6 individuals, couples, and families.]

7

8 [The Board recessed from 12:46 p.m. until 12:58 p.m.]

9

10 Appointment - Office of General Counsel Mediation
11 Program

12 [Bridget K. Guilfoyle, Esquire, Board Prosecution
13 Liaison, discussed the process for cases to be brought
14 before the Board through a consent agreement or a
15 proposed adjudication from the Hearing Examiner's
16 Office. She explained that attempts are made to
17 settle the case between the prosecution office and
18 either the respondent or the respondent's counsel.
19 She stated many times the prosecution is not
20 successful in getting any type of agreement between
21 the two parties.

22 Ms. Guilfoyle stated the mediation program would
23 involve the prosecutor assigned to the case, the
24 licensee, and the licensee's counsel meeting with a
25 neutral mediator individually, although sometimes

1 together. She further detailed the mediation process.
2 She noted that the mediation program has been in
3 effect for all Commonwealth agencies since 2002, which
4 was an Executive Order under Governor Schweiker.

5 Ms. Guilfoyle noted that Chief Counsel chose this
6 Board and the State Board of Psychology to try the
7 program first, which will decrease the use of expert
8 services that is costly to the Board. She stated the
9 Office of General Counsel has a long list of trained
10 mediators from the Dickinson School of Law or
11 comparable programs. She explained that there would
12 be no cost to either party other than the time that it
13 takes for the Board to review the matter.

14 Ms. Guilfoyle stated that the program is
15 voluntary and explained how mediation would affect
16 unrepresented individuals. She anticipates that the
17 mediation process would move cases along faster and
18 avoid appeals. She further discussed the Board's role
19 in the mediation process. She is hopeful that at some
20 point in the future, Boards would have the ability to
21 order a case into the mediation program.

22 Ms. Guilfoyle addressed a Screening Committee of
23 one, where the person could go to mediation and be
24 able to identify the importance of each issue. She
25 requested the Board's support regarding the mediation

1 program, noting that the job of a mediator is to
2 facilitate and come to a common ground, not to
3 advocate or act as an attorney.]

4 CHAIR CARDONE:

5 Unless there are other questions, I am
6 going to ask that someone make a motion
7 that we endorse utilizing mediation
8 where the prosecutors think appropriate.

9 DR. JORDAL:

10 So moved.

11 DR. KRAUS:

12 Second.

13 CHAIR CARDONE:

14 All those in favor? All those opposed?
15 Abstentions?

16 [The motion carried unanimously.]

17 ***

18 Report of Board Chair

19 [Renee Cardone, MSW, LCSW, Chair, noted her attendance
20 at the Association of Social Work Boards (ASWB)
21 Meeting, where the ASWB continues to push forward the
22 issue of mobility.

23 Chair Cardone questioned the requirements for the
24 Board to move forward with mobility. Mr. Fritz stated
25 that the only self-imposed barrier the Board would

1 have is the Board only grants reciprocal licenses to
2 people coming from states whose licensing requirements
3 are similar or stricter than Pennsylvania and the
4 requirement to allow Pennsylvania to have reciprocity
5 in their state.

6 Chair Cardone commented that mobility is good,
7 and Pennsylvania must bring down the barriers.

8 Dr. Corby stated that there was no reason why
9 Pennsylvania could not amend the licensure by
10 endorsement.

11 Chair Cardone referred to the Model Social Work
12 Practice Act, which essentially gives the state
13 language, for the Board's review. Chair Cardone
14 questioned the Board's next step if the Board agreed
15 to put the Model Social Work Practice Act into effect.
16 Mr. Fritz recommended that the Board lobby the
17 legislature and/or the association.

18 Chair Cardone stated that this matter will be
19 revisited again after reviewing whether a new law is
20 needed or if there is some way to incorporate it into
21 Ms. Montgomery's material.]

22 ***

23 Report of Commissioner - No Report

24 ***

25 Report of Board Administrator

1 [Lisa M. Burns, Board Administrator, asked for
2 volunteers to review requests for extension or
3 exemption of CE requirements outside of the Board
4 meeting and to review CE provider applications.

5 Dr. Jordal, Dr. Santiago, and Ms. Martin
6 volunteered.]

7

8 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
9 1:37 p.m. the Board entered into Executive Session
10 with C. William Fritz II, Esquire, Board Counsel, for
11 the purpose of conducting quasi-judicial deliberations
12 on a number of matters that are currently pending
13 before the Board and to receive the advice of Counsel.
14 The Board returned to Open Session at 2:20 p.m.]

15

16 MOTIONS

17 MR. FRITZ:

18 The Board met in Executive Session and
19 conducted quasi-judicial deliberations
20 on the following matters:

21 I believe the Board would entertain
22 a motion accepting the Consent Agreement
23 at File No. 15-69-14643.

24 DR. OSUNDEKO:

25 So moved.

1 DR. JORDAL:

2 Second.

3 CHAIR CARDONE:

4 All those in favor? All those opposed?

5 Abstentions?

6 [The motion carried unanimously. The Respondent's
7 name is Bernard Townley Revis, LPC.]

8 ***

9 MR. FRITZ:

10 I believe the Board would entertain a
11 motion approving the following Consent
12 Agreement at File No. 18-69-008393.

13 MS. PAINTER:

14 So moved.

15 DR. ELBERFELD:

16 Second.

17 CHAIR CARDONE:

18 All those in favor? All those opposed?

19 Abstentions?

20 [The motion carried unanimously. The Respondent's
21 name is Richard Gerard Deakin, LSW.]

22 ***

23 MR. FRITZ:

24 I believe the Board would entertain a
25 motion granting the Motion to Deem Facts

1 Admitted and directing Board Counsel to
2 draft an Adjudication and Order in the
3 following case of Emily Elizabeth Wasel,
4 LSW, File No. 16-69-01739.

5 DR. CORBY:

6 So moved.

7 DR. KRAUS:

8 Second.

9 CHAIR CARDONE:

10 All those in favor? All those opposed?
11 Abstentions?

12 [The motion carried unanimously.]

13 ***

14 MR. FRITZ:

15 I believe the Board would entertain a
16 motion granting the Application of
17 Alexandra M. Juya.

18 DR. CORBY:

19 So moved.

20 DR. JORDAL:

21 Second.

22 CHAIR CARDONE:

23 All those in favor? All those opposed?
24 Abstentions?

25 [The motion carried. Dr. Santiago opposed the motion.]

1 Dr. Osundeko abstained from voting on the motion.]

2 ***

3 MR. FRITZ:

4 I believe the Board would entertain a
5 motion denying the Application of Ann
6 Christine East.

7 DR. SANTIAGO:

8 I make a motion.

9 DR. JORDAL:

10 Second.

11 CHAIR CARDONE:

12 All those in favor? All those opposed?
13 Abstentions?

14 [The motion carried unanimously.]

15 ***

16 MR. FRITZ:

17 I believe the Board would entertain a
18 motion denying the Application of Lynn
19 Thomas Brooks.

20 DR. CORBY:

21 So moved.

22 DR. JORDAL:

23 Second.

24 CHAIR CARDONE:

25 All those in favor? All those opposed?

1 Abstentions?

2 [The motion carried unanimously.]

3 ***

4 MR. FRITZ:

5 I believe the Board would entertain a
6 motion granting the Application of Paula
7 Adrian Lambert.

8 DR. SANTIAGO:

9 I make a motion.

10 DR. KRAUS:

11 Second.

12 CHAIR CARDONE:

13 All those in favor? All those opposed?
14 Abstentions?

15 [The motion carried unanimously.]

16 ***

17 MR. FRITZ:

18 I believe the Board would entertain a
19 motion granting the Request to Complete
20 30 Clock Hours of Continuing Education
21 Online for Michael V. Roots, LCWC, CADC.

22 DR. OSUNDEKO:

23 So moved.

24 DR. CORBY:

25 Second.

1 CHAIR CARDONE:

2 All those in favor? All those opposed?
3 Abstentions?

4 [The motion carried unanimously.]

5 ***

6 MR. FRITZ:

7 I believe the Board would entertain a
8 motion granting the Request to Complete
9 All 30 Clock Hours of Continuing
10 Education Online for Margaret Bugaile,
11 LPC.

12 DR. ELBERFELD:

13 So moved.

14 DR. JORDAL:

15 Second.

16 CHAIR CARDONE:

17 All those in favor? All those opposed?
18 Abstentions?

19 [The motion carried unanimously.]

20 ***

21 MR. FRITZ:

22 I believe the Board would entertain a
23 motion denying the Request to Carryover
24 Continuing Education by Kristin M.
25 Iannuzzelli, M.Ed, LPC, E-RYT.

1 DR. KRAUS:

2 So moved.

3 DR. SANTIAGO:

4 Second.

5 CHAIR CARDONE:

6 All those in favor? All those opposed?

7 Abstentions?

8 [The motion carried. Ms. Martin and Ms. Painter
9 opposed the motion.]

10 ***

11 Miscellaneous

12 [Chair Cardone noted the 2019 Board meeting dates.]

13 ***

14 Adjournment

15 CHAIR CARDONE:

16 I need a motion to adjourn.

17 DR. CORBY:

18 So moved.

19 DR. JORDAL:

20 Second.

21 CHAIR CARDONE:

22 All those in favor? All those opposed?

23 Abstentions?

24 [The motion carried unanimously.]

25 ***

1 [There being no further business, the State Board of
2 Social Workers, Marriage and Family Therapists, and
3 Professional Counselors Meeting adjourned at
4 2:24 p.m.]

5 ***

6
7 CERTIFICATE

8
9 I hereby certify that the foregoing summary
10 minutes of the State Board of Social Workers, Marriage
11 and Family Therapists and Professional Counselors
12 meeting, was reduced to writing by me or under my
13 supervision, and that the minutes accurately summarize
14 the substance of the State Board of Social Workers,
15 Marriage and Family Therapists and Professional
16 Counselors meeting.

17
18 
19

20 Amber Garbinski,

21 Minute Clerk

22 Sargent's Court Reporting

23 Service, Inc.
24
25

STATE BOARD OF SOCIAL WORKERS,
MARRIAGE AND FAMILY THERAPISTS,
AND PROFESSIONAL COUNSELORS
REFERENCE INDEX

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| TIME | AGENDA |
|-------|--|
| 9:43 | Official Call to Order |
| 10:00 | Approval of Minutes |
| 10:00 | Report of Prosecutorial Division |
| 10:04 | Report of Board Counsel |
| 10:05 | Report of Regulatory Counsel |
| 12:46 | Recess |
| 12:58 | Return to Open Session |
| 12:58 | Appointment - Bridget K. Guilfoyle, Esquire |
| 1:25 | Report of Board Chair |
| 1:32 | Report of Board Administrator |
| 1:37 | Executive Session |
| 2:20 | Return to Open Session |
| 2:20 | Motions |
| 2:23 | Miscellaneous |
| 2:24 | Adjournment |