

Sunset Public Hearing Questions for
Board of Social Work Licensure
Created by Section 63-23-101, *Tennessee Code Annotated*
(Sunset Termination June 2020)

Enabling Statute, Purpose, and Rules and Regulations

- 1. Provide a brief introduction to the board, including information about its purpose, statutory duties, staff, and administrative attachment.**

The Board of Social Worker Licensure (the Board) was created in 1984 by an act of the Tennessee General Assembly. The Board is charged with the responsibilities of governing the practice of social work, safeguarding the health, safety, and welfare of Tennesseans, by requiring that all those who practice social work within this state be qualified. The Board interprets the laws, rules, and regulations to determine the appropriate standards of practice in an effort to ensure the highest degree of professional conduct. The Board is authorized to issue licenses qualified candidates who have completed appropriate education and successfully completed required examinations. The Board is also responsible for the investigation of alleged violations of the Practice Act and rules, and is responsible for the discipline of licensees who are found guilty of such violation.

The administrative staff consists of the Administrative Director, the Board Administrator, and a Licensing Technician and supports the Board by issuing licenses to those qualified candidates who have graduated from approved schools and who have completed appropriate post graduate work. The staff is attached to the Health Related Boards

All members of the Board are appointed by the Governor and serve five (5) year terms. The eleven (11) member board consists of three (3) clinical social workers, three (3) advanced practice social workers, two (2) licensed masters' social workers, two (2) baccalaureate social workers, and one (1) consumer who is not directly or indirectly engaged in the social work profession. The Board meets as needed throughout the year; generally quarterly. A quorum of six (6) or more members is required to conduct business. The meetings are open to the public.

- 2. Has the board promulgated rules and regulations? If yes, please cite the reference.**

Since the Board's inception, there have been rules promulgated as authorized by statute. The rules governing the practice of Social Worker Licensure can be found at Chapter 1365-01.

Board Organization

- 3. Provide a list of current members of the board. For each member, please indicate who appointed the member, statutory member representation, the beginning and end of the member's term, and whether the member is serving a consecutive term.**

Below are the members of the Board. All members of the Board are appointed by the governor.

Member	Representation	Appointed	Expires	Consecutive
Ashley Childers	Licensed Clinical Social Worker	7/01/2019	06/30/2024	N
Tara L. Watson	Licensed Clinical Social Worker	10/14/2014	06/30/2024	Y
Robert Zylstra	Licensed Clinical Social Worker	10/14/2014	06/30/2024	Y
Kimberly Mallory	Licensed Advanced Practice Social Worker	06/14/2017	07/31/2023	N
Jennifer L. Williams	Licensed Advanced Practice Social Worker	06/04/2017	07/31/2022	N
Kenneth J. White	Licensed Advanced Practice Social Worker	06/20/2018	07/31/2022	N
Ann-Marie C. Jones	Licensed Master Social Worker	01/22/2015	06/30/2024	Y
Kenya S. Anderson	Licensed Master Social Worker	10/18/2013	07/31/2023	Y
Rachel Horton	Licensed Baccalaureate Social Worker	10/13/2018	07/31/2023	N
Billie Jo Olivas Whitsett	Licensed Baccalaureate Social Worker	09/12/2017	07/31/2022	N
Karen Armstrong	Consumer	07/01/2011	06/30/2021	Y

4. Are there any vacancies on the board? If so, please indicate how long the position has been vacant and explain steps that have been taken to fill any vacancies.

There are no vacancies on the Board.

5. How many times did the board meet in Fiscal Years 2018 and 2019? How many members were present at each meeting? Please note meetings where the board did not have a quorum.

Meeting Date	Number Present	Meeting Date	Number Present
07/27/2017	7	07/26/2018	8
10/26/2017	9	10/25/2018	6
02/01/2018	9	02/07/2019	6
05/10/2018	10	05/08/2019	8

Financial Information

6. What were the board’s revenues and expenditure for Fiscal Years 2018 and 2019? Does the board carry a fund balance? If yes, please provide additional relevant information regarding the fund balance.

For fiscal year 2018, the Board had revenues of \$388,225.00 and total expenditures of \$231,310.19. Fiscal year 2019 has not been closed at this time but revenues collected year-to-date are \$451,264.55. The Board had a fund balance of \$1,487,524.42 as of June 30, 2018. At this time the June 30, 2019 fund balance is unavailable.

7. What per diem or travel reimbursements do board members receive? How much was paid to board members in Fiscal Years 2018 and 2019?

Board members are paid fifty dollars (\$50.00) per diem. Travel reimbursements are paid according to the Department of Finance and Administration’s Comprehensive Travel Regulations.

As previously mentioned, FY2019 books are not closed at this time so the amounts for FY2019 are as of July 12, 2019. The per diem and travel amounts for each committee member represents the amounts paid during July – June of each year.

Member	FY18- Per Diem	FY18-Travel	FY19-Per Diem	FY19-Travel
Tara Watson	\$150.00	\$53.58	\$500.00	\$1,499.46
Elizabeth Randall	\$100.00	\$929.45	\$50.00	\$539.97
Rachel Horton	\$0.00	\$0.00	\$100.00	\$439.42
Kenneth White	\$0.00	\$0.00	\$200.00	\$1,630.15
Billie Jo Olivas Whitsett	\$150.00	\$995.89	\$100.00	\$33.84
Karen Armstrong	\$150.00	\$1,480.06	\$100.00	\$985.94
Julie Axley	\$150.00	\$2,451.31	\$0.00	\$0.00
Ann-Marie Buchanan	\$150.00	\$1,515.03	\$150	\$3,025.45
Vicki G. Williams	\$600.00	\$85.54	\$0.00	\$0.00

8. Please provide a list of fees collected and indicate whether these fees were established through rule or through state law.

According to the Board’s rules the following fees are collected:

Fee Category	Fee Amount	Profession	Rule or Statute
Application	\$50.00	Ba. S.W.	Rule
License	\$50.00	Ba. S.W.	Rule
Endorsement	\$0.00	Ba. S.W.	Rule
Biennial Renewal	\$45.00	Ba. S.W.	Rule
Late Renewal	\$50.00	Ba. S.W.	Rule
Biennial State Regulatory	\$10.00	Ba. S.W.	Rule
Temp. License	\$50.00	Ba. S.W.	Rule
Replacement License	\$25.00	Ba. S.W.	Rule
Application	\$75.00	Master S.W.	Rule
License	\$75.00	Master S.W.	Rule
Endorsement	\$0.00	Master S.W.	Rule
Biennial Renewal	\$95.00	Master S.W.	Rule
Late Renewal	\$100.00	Master S.W.	Rule
Biennial State Regulatory	\$10.00	Master S.W.	Rule
Temp. License	\$50.00	Master S.W.	Rule
Replacement License	\$25.00	Master S.W.	Rule
Application	\$100.00	Adv. Pract. S.W & Clinical S.W.	Rule
License	\$125.00	Adv. Pract. S.W & Clinical S.W.	Rule
Endorsement	\$0.00	Adv. Pract. S.W & Clinical S.W.	Rule
Biennial Renewal	\$95.00	Adv. Pract. S.W & Clinical S.W.	Rule

Late Renewal	\$100.00	Adv. Pract. S.W & Clinical S.W.	Rule
Biennial State Regulatory	\$10.00	Adv. Pract. S.W & Clinical S.W.	Rule
Replacement License	\$25.00	Adv. Pract. S.W & Clinical S.W.	Rule

Sunshine Law, Public Meetings, and Conflict of Interest Policies

- 9. Is the board subject to Sunshine law requirements (Section 8-44-101 et seq., Tennessee Code Annotated) for public notice of meetings, prompt and full recording of minutes, and public access to minutes? If so, what procedures does the board have for informing the public of meetings and making minutes available to the public?**

The Board is subject to the sunshine law requirements of Tenn. Code Ann. 8-44-101 et seq. A public meeting notice is posted to the board’s web site by the 15th day of the month proceeding the month of the meeting date as well as posting the information on the Public Participation Calendar. The Board’s administrative staff attends all meetings and takes minutes. Those minutes are then prepared for review and ratification by the Board at its next regularly scheduled meeting. After the minutes are ratified, they are then placed on the Board’s web site.

- 10. Does the board allow for public comment at meetings? Is prior notice required for public comment to be heard? If public comment is not allowed, how does the board obtain feedback from the public and those they regulate?**

The Board does not function as a public forum. The business meetings of a health related board/committee are conducted in full view of the public pursuant to a sunshine notice which provides information for physical location, a link to remotely view live-streaming of the meeting and notice of agenda items. The meeting is guided by this published agenda. However, the chair of a board/committee will often recognize members of the public who signify a desire to be heard on a matter properly before the board.

Additionally, all health related boards have instituted a sign-in sheet procedure that would permit members of the public to make time limited comments on matters properly noticed and before the board for consideration. Discussion of matters not receiving proper notice would violate the sunshine laws of Tennessee. Therefore, should a member of the public have a topic or comment that requires discussion, the most effective practice is to make the request known to the board administrator or director in advance to have the matter placed on the monthly sunshine notice. The Board also accepts and reviews letters to the Board as another means of addressing questions/concerns raised by the public and stakeholders.

A video recording of the meeting is available on the Department's web site for one month following the meeting. An audio recording of the meeting is also available upon request.

11. Does the board have policies to address potential conflict of interest by board members, employees, or other state employees who work with the board?

Yes. All board members are educated on the Department of Health's Conflict of Interest Policy and reminded during the course of each meeting of the obligation to strictly adhere to the policy. Board members are required to sign a conflict of interest statement upon appointment or as soon as practical and annually thereafter. It is the responsibility of the Board Administrator to ensure that the Conflict of Interest Statement is properly and timely signed. Board staff is required to sign a new Conflict of Interest statement annually. The Board's administrative office keeps signed copies on file in the Central Office of Health Related Boards.

12. Does the board have a website? If so, please provide the web address. What kind of public information is available on the website?

The website for the Board is <https://www.tn.gov/health/health-program-areas/health-professional-boards/sw-board.html>.

Information available to the public includes a listing of board members; the schedule of meetings; meeting minutes; information regarding national organizations relating to social work; social work educational programs; information regarding continuing education; information regarding licensure including a link to look up an individual's licensure information and a link to the online renewal portal; information regarding complaints; applications; legislative updates; statutes and rules which provides a link to the Tennessee Code Annotated as well as the Rules and Regulations of the Board; and a section containing the policies adopted by the Board.

Application and Licensure Process

13. Describe the criteria for issuing a license. How were these criteria determined? How long does the licensing process take? What are the established time goals for obtaining a license? Are those goals being met?

The following criteria describe the qualifications for licensure for each level of social worker. The criteria were determined by rule. The licensing process varies according to the level of licensure. All levels must sit for the national examination given by the Association of Social Work Boards (ASWB). After the applicant has been approved to sit for the exam, the applicant has one year in which to take and pass the exam. The established benchmark for granting a social work license is 550 days; however, this time frame includes the one year period during which the applicant must pass the exam. After all requirements are met and exam scores have been transferred to the Board, licenses are issued quickly. The benchmark is being met.

A baccalaureate social worker must have graduated and received a baccalaureate degree in social work from a council on social work education approved program and have successfully passed the association of social work board's bachelor's licensing exam.

A licensed master social worker must have graduated and received a master's degree in social work from a council on social work education approved program or has received a doctorate or Ph.D in social work. They must have successfully passed the association of social work board's master's licensing exam.

A licensed advanced practice social worker must have graduated and received a master's degree in social work from a council on social work education approved program or has received a doctorate or Ph.D in social work. They must have successfully passed the association of social work board's advanced generalist licensing exam. They must have practiced for no less than two (2) years as a licensed master's social worker or temporarily licensed master's social worker under the supervision of a licensed advanced practice social worker or licensed clinical social worker.

A licensed clinical social worker must have graduated and received a master's degree in social work from a council on social work education approved program or has received a doctorate or Ph.D in social work. They must have successfully passed the association of social work board's clinical licensing exam. They must have worked for no less than two (2) years as a licensed master's social worker or temporarily licensed master's social worker under the supervision of a licensed clinical social worker.

14. How many individuals and/or businesses are currently licensed by the board? Please provide a list by category/type of license.

Licensed Baccalaureate Social Workers	591
Licensed Masters Social Workers	2900
Licensed Advanced Practice Social Workers	268
Licensed Clinical Social Workers	2792
Total Social Workers	6551

15. How many applications did the board receive in Fiscal Years 2018 and 2019? By category, how many applications were approved and a license granted? How many applications were rejected? Of those rejected, what was the primary reason for rejection?

FY 2018	Total Applications	FY 2019	Total Applications
LBSW	44	LBSW	32
LMSW	588	LMSW	630
LAPSW	9	LAPSW	11
LCSW	282	LCSW	284

FY 2018	Approved	FY 2019	Approved
LBSW	19	LBSW	18
LMSW	385	LMSW	389
LAPSW	11	LAPSW	4

LCSW	210	LCSW	227
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FY 2018	Rejected/Denied	FY 2019	Rejected/Denied
LBSW	2	LBSW	2
LMSW	15	LMSW	36
LAPSW	7	LAPSW	4
LCSW	13	LCSW	21

The reasons for the rejected/denied licenses were: lack of proper degree (degree must be in social work); national examination failure; and inappropriate or insufficient clinical work under supervision.

16. How many licenses were revoked during the same time period? What were the primary reasons for revocation? Please provide information by type of license.

There were no revocations, but there were voluntary surrenders (equivalent to revocation). There were four (4) licensees who surrendered their licenses: One (1) for criminal charges, one (1) for sexual misconduct, and two (2) for unprofessional conduct (married a former client and falsifying a police report to cover an inappropriate relationship with a client).

Complaint Handling Process

17. Describe the complaint handling process. Please explain how consumers are made aware of the process for filing a complaint, how complaints are taken and investigated, how complaints are resolved and what actions may be taken as a result.

All complaints are handled through the Office of Investigations. Below is what is provided on the website.

Filing a Complaint

While the Department of Health hopes that you will never have to file a complaint against a health care practitioner, doing so is a simple matter. You may contact the Complaint Divisions of the Department of Health at 1-800-852-2187 to request a complaint form. (PH-3466)

The form must be completed in its entirety. All materials received in connection with the complaint will become property of the Department of Health and cannot be returned. Please return the complaint to:

**Office of Investigations
665 Mainstream Drive, 2nd Floor, Suite 201
Nashville, TN 37243**

18. What are the time goals for resolving complaints and are those goals being met?

All complaints are handled through the Office of Investigations. The process is as follows:

Step 1. Report or complaint is received in the Office of Investigations.

Step 2. If the complaint constitutes a violation within the scope of authority of the board/committee, a file is opened and assigned a priority code base on harm or risk of harm.

Step 3. The complaint is reviewed by an attorney and clinical consultant to determine early disposition (Closed no action, Letter of Warning or Letter of Concern) or prepare for a field investigation – First Phase Review

Step 4. Complaint goes out for investigation, if necessary. The Office of Investigations assigns timeliness goals from the date the complaint is assigned to the field to the date the complete investigation is returned from the field. The goals are assigned based upon harm or potential harm and rank as follows:

- Immediate Jeopardy – 7 days
- Actual Harm Severe – 30 days
- Actual Harm Not Severe – 60 days
- Potential Harm – 120 days
- No Potential Harm – 150 days

Step 5. Complete investigation is reviewed by an attorney and a clinical consultant to determine disposition or further prosecution for disciplinary action – Second Phase Review

Step 6. If the complaint is deemed to require disciplinary action, the complete file is transferred to the Office of General Counsel for further prosecution.

- Next possible steps include: Propose a Consent Order (prior to notice of charges); Propose an Agreed Order (after notice of charges) or Proceed to administrative trial.

The goals are being met for the Board.

19. How many complaints were received in Fiscal Years 2018 and 2019? What types of complaints were received? What, if any, enforcement actions did the board take as a result of complaints filed?

2018 – 30 new complaints opened, 37 closed complaints (from prior year as well), 2 closed with insufficient evidence, 6 closed to OGC for further legal action, 13 closed with no violation, 1 closed with letter of concern, 15 closed with letter of warning. Types of complaints: Falsification of records/reports (1), Drugs (1), Sexual Misconduct (4), Action in another state (1), Criminal Charges (2), Unprofessional Conduct (19).

2019 – 20 new complaints opened, 23 closed complaints (from prior year as well), 4 closed with insufficient evidence, 8 closed to OGC for further legal action, 7 closed with no violation, 2 closed with letter of concern, 2 closed with letter of warning. Types of complaints: Falsification of records/reports (1), Drugs (1), Unlicensed practice (1), Criminal Charges (1), Unprofessional Conduct (10), Lapsed License (2). (These are YTD totals so far in 2019).

Reports, Major Accomplishments, and Proposed Legislative Changes

20. What reports does the board prepare concerning its activities, operations, and accomplishments? Who receives copies of these reports? Please provide a link to any such reports issued in Fiscal Years 2018 and 2019.

The Board reports its disciplinary actions to the Department of Health for inclusion on the Monthly Disciplinary Action Report. The Board also reports its disciplinary action to the Office of Investigations for the purpose of reporting to the National Practitioner Databank when required by law. The Disciplinary Action Report can be found at: <https://www.tn.gov/health/health-professionals/health-professionals-boards-disciplinary-actions.html>

21. What were the board’s major accomplishments during Fiscal Years 2018 and 2019?

The Board took steps to make it easier to retake examination through ASWB, if the eligibility criteria are met. The Board continued to work on the Rule Chapter re-write, drafted telehealth rules, and provided guidance on how to calculate non-clinical/clinical hours.

22. Please describe any items related to the board that require legislative attention and your proposed legislative changes.

There are no items requiring legislative attention at this time.

23. Should the board be continued? To what extent and in what ways would the absence of the board affect the public health, safety, or welfare of the citizens of Tennessee?

Yes, the Board should be continued. Social Workers at all four levels impact the lives of thousands of citizens of the State of Tennessee daily. Many departments in state

government hire social workers for positions in their department. Hospitals and nursing homes employ social workers for work with patients and clients. Mental health facilities hire social workers from all levels. Advanced Practice and Clinical Social Workers may have independent practices. Without the presence of the Board, members of the public whose care and mental health care is provided by Licensed Social Workers would be uncertain that their healthcare provider is fully qualified to practice his or her profession and does so in a safe and ethical manner.