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PROFESSIONAL LICENSURE

## Public Session Meeting Minutes

Tuesday, October 22, 2019

9:00 a.m.

Room 1D

**TIME:** 9:00 AM

**PLACE:** 1000 Washington Street  
Boston, MA 02118

**ATTENDANCE:** Carla Saccone, Vice Chair  
Jeffrey Trant  
Dana Zais  
Shaynah Barnes

**STAFF:** James O'Connor, Board Counsel  
Brian Bialas, Executive Director  
Bruce Hopper, Deputy General Counsel

The meeting was called to order at 9:08 a.m. by Ms. Saccone.

### Investigative Conference (Closed Session under M.G.L. c. 112, § 65C)

At 9:10 a.m., a motion was made by Mr. Trant, seconded by Ms. Barnes, to enter investigative conference under M.G.L. Chapter 112, § 65C to review settlement offers. The motion passed unanimously.

During investigative conference, the Board took the following actions:

### Settlements

2018-001209-IT-ENF (WF)  
2018-001143-IT-ENF (PY)

Direction given to prosecutor  
Direction given to prosecutor



**Application Review** (Closed Executive Session under M.G.L. c. 30A, § 21(a)(1), Individual Character Rather Than Competence)

At 9:24 a.m., a motion was made by Ms. Barnes, seconded by Mr. Trant, to exit investigative conference and enter into a closed executive session under M.G.L. c. 30A, § 21(a)(1) to review the good moral character of applicants. The motion passed unanimously by a roll call vote.

At 10:59 a.m., a motion was made by Mr. Trant, seconded by Ms. Barnes, to exit executive session and return to open session. The motion passed unanimously by a roll call vote.

**LICSW Application Experience Reviews**

**Application of 258 CMR 9.03(3) and 258 CMR 12.02(2)**

To introduce the topic of the application of 258 CMR 9.03(3) and 258 CMR 12.02(2) to the clinical social work experience reviews of certain LICSW applications, Mr. O'Connor read the following guidance from DPL's Office of Legal Counsel, specifically Deputy General Counsel Bruce Hopper:

Without belaboring the point, in a nutshell 258 CMR 12.02 allows for two separate pathways for an individual to take the test. No one is licensed without passing the test approved by the Board. Section 12.02 (2) specifically refers to the defined term (section 8.03) of "Case Management Services" defined as "The performance of social work services which involve planning, coordinating, evaluating and monitoring the provision of services to a client from a variety of sources." Paragraph 2 does **Not** require "Clinical Social Work Services." It is noteworthy under the rules of statutory/regulatory construction that paragraph 1 is very specific and explicit when it notes "Provide clinical social work services, as defined in 258 CMR 8.03: *Definitions.*" Again, paragraph 2 of section 12.02 is silent with respect to clinical social work services, utilizing a different defined term and specifically lists a string of potential requirements, all combined with "OR", meaning that only one item in the list is required.

**Therefore, as the regulations currently read, there are two pathways for sitting for the LICSW examination.**

Mr. Bialas and Mr. Hopper then insisted that the Board follow its regulations as described in the guidance Mr. O'Connor read. Mr. O'Connor suggested that if the Board agreed with that interpretation then they would follow it.

Mr. O'Connor also brought up the position of Melanie Robinson Findlay, the Chair of the Board, whom Mr. O'Connor stated disagreed with DPL's guidance because, as Mr. O'Connor described Ms. Robinson Findlay's opinion, the applicants in question do not have any assessment, diagnosis or ongoing treatment experience that is required for licensure. Mr. O'Connor then said that in Ms. Robinson Findlay's opinion, social workers at DCF do not do any assessment, treatment and diagnosis but perform case management services only. Mr. O'Connor then said that it appears mere "case management" is sufficient for licensure as an LICSW.

Mr. Hopper then read 258 CMR 12.02(2) for the Board: "Provide case management services which involve the application of clinical diagnostic, assessment or treatment knowledge or skills as an employee of an agency, health care facility or unrelated individual, under the clinical supervision of another social worker. . . ."

Mr. Trant stated that some social workers perform “clinical case management” services, and Ms. Saccone noted that although social workers at the Department of Mental Health do not provide treatment, they do work in a clinical environment.

### **Alyssa Kitchen**

The Board reviewed Ms. Kitchen’s experience which previously had been rejected by the Board. A motion was made by Mr. Trant, seconded by Ms. Saccone, to approve Ms. Kitchen’s experience under 258 CMR 9.03(3) and 258 CMR 12.02(2) and to allow her to continue with the licensing process. The motion passed unanimously.

### **Jeniffer Conner**

After a brief discussion, the Board directed staff to request additional information regarding Ms. Conner’s experience.

### **Alicia Raphalian**

After a brief discussion, the Board directed staff to request a letter from Ms. Raphalian’s former supervisor.

### **Kaitlyn Schena**

Ms. Schena appeared before the Board. After a brief discussion, a motion was made by Ms. Saccone, seconded by Ms. Zais, to approve Ms. Schena’s experience under 258 CMR 9.03(3) and 258 CMR 12.02(2) and to allow her to continue with the licensing process. The motion passed unanimously.

### **Public Comments**

The Board heard comments from members of the public who attended the meeting.

**Rebekah Gerwitz:** Ms. Gerwitz is the Executive Director of NASW-MA. She emphasized that NASW’s standards for clinical social work are broad, and that the Board has been taking a narrow view of clinical social work for LICSW licensure.

**Khrystian King:** Mr. King is a representative from Local 509. He is concerned that people are considering leaving DCF because they believe they cannot get licensed as LICSWs while working there.

**Mary Bern:** Ms. Bern works at Salem State College. She asked the Board not to negate the work of people at DCF by denying LICSW licensure to them, and stated that denying licensure would not help professionalize DCF.

The Board then discussed ASWB’s enforcement of a rule that individuals without a bachelor’s degree in social work will not be permitted to take the exam. Ms. Gerwitz stated that NASW supports the elimination of the LSWA license.

**Efua Dufu:** Ms. Dufu is an applicant who worked at DCF and expressed concerns about her application.

**Carlos Guzman:** Mr. Guzman is an applicant who worked at DCF and expressed concerns about his application. He emphasized that many DCF employees perform clinical case management.

**Rachel Monge:** Ms. Monge is an applicant who works at DCF and expressed concerns about her application.

**Janelle Walsh:** Ms. Walsh stated that she is eligible to apply for the LICSW license with experience from DCF but is concerned because of the uncertainty regarding the issue.

Ms. Saccone left the meeting at 12:25 p.m.

### **Open Session for Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of Meeting**

#### **Brittany Iris Belden-Scott: LICSW Application**

Ms. Belden Scott appeared before the Board. After a brief discussion, a motion was made by Mr. Trant, seconded by Ms. Barnes, to approve Ms. Belden-Scott's experience under 258 CMR 9.03(3) and 258 CMR 12.02(1) and to allow her to continue with the licensing process. The motion passed unanimously.

#### **Approval of Jeffrey Trant as Board Delegate to ASWB Conference**

After a brief discussion, a motion was made by Ms. Branes, seconded by Ms. Zais, to approve Mr. Trant as the Massachusetts delegate to the upcoming ASWB Conference. The motion passed unanimously.

#### **Final Decision and Order** (Closed Quasi-Judicial Session under M.G.L. c. 30A, § 18)

At 12:30 p.m., a motion was made by Ms. Barnes, seconded by Ms. Zais, to enter into a closed quasi-judicial session under M.G.L. c. 30A, § 18 to review a final decision and order. The motion passed unanimously.

During the quasi-judicial session, the Board took the following action:

20160624SW059-IT-ENF (JB)	Determined sanction for final decision and order
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#### **Investigative Conference** (Closed Session under M.G.L. c. 112, § 65C)

At 12:34 p.m., a motion was made by Ms. Zais, seconded by Ms. Barnes, to exit quasi-judicial session and enter a closed investigative conference under M.G.L. Chapter 112, § 65C to review open cases. The motion passed unanimously.

During investigative conference, the Board took the following actions:

2019-000794-IT-ENF (LM)	Referred to Office of Prosecutions
2019-001037-IT-ENF (ST)	Referred to Office of Prosecutions

**Monitoring Reports** (Closed Executive Session under M.G.L. c. 30A, s. 21(a)(7) to comply with M.G.L. c. 4, s. 7, para. 26(c) and M.G.L. c. 214, s. 1B)

At 12:44 p.m., a motion was made by Mr. Trant, seconded by Ms. Barnes, to exit investigative conference and enter into a closed executive session under M.G.L. c. 30A, s. 21(a)(7) to comply with M.G.L. c. 4, s. 7, para. 26(c) and M.G.L. c. 214, s. 1B to maintain the confidentiality of sensitive personal and medical information. The motion passed unanimously by a roll call vote.

At 12:50 p.m., a motion was made by Mr. Trant, seconded by Ms. Zais, to exit executive session and return to the open meeting. The motion passed unanimously by a roll call vote.

### **Monitoring Reports**

- **Elio Carretta, 2018-000455-IT-ENF, Approval of Supervisor:** After a brief discussion, a motion was made by Mr. Trant, seconded by Ms. Zais, to approve the proposed supervisor. The motion passed unanimously.
- **Vijay Dalal, 2018-001211-IT-ENF, Approval of Consultant:** After a brief discussion, a motion was made by Ms. Zais, seconded by Ms. Barnes, to approve the proposed consultant. The motion passed unanimously.

### **Investigative Conference** (Closed Session under M.G.L. c. 112, § 65C)

At 12:55 p.m., a motion was made by Ms. Barnes, seconded by Ms. Trant, to enter a closed investigative conference under M.G.L. Chapter 112, § 65C to review an open case. The motion passed unanimously.

During investigative conference, the Board took the following action:

2019-000835-IT-ENF (DT)

Referred to Office of Prosecutions

At 1:03 p.m., a motion was made by Mr. Trant, seconded by Ms. Zais, to exit investigative conference and return to the open meeting. The motion passed unanimously.

### **Adjournment**

The meeting adjourned at 1:03 p.m.

The above Minutes were approved at the open meeting held on February 25, 2020.



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Brian Bialas, Executive Director

### **List of Documents Used During the Public Meeting:**

- Agenda for Meeting of October 22, 2019
- Application of Alyssa Kitchen
- Application of Jeniffer Conner
- Application of Alicia Raphalian
- Application of Kaitlyn Schena
- Application of Brittany Iris Belden-Scott
- Elio Carretta, 2018-000455-IT-ENF, Documents for Approval of Supervisor
- Vijay Dalal, 2018-001211-IT-ENF, Documents for Approval of Consultant