

Report Highlights

Why DLA Performed This Audit

The purpose of this audit was to determine if there is a need for the board's continued existence and whether its termination date should be extended. The board is set to sunset June 30, 2018, and will have one year from that date to conclude its administrative operations.

What DLA Recommends

1. The Division of Corporations, Business, and Professional Licensing's director should improve procedures to ensure board required documentation is obtained prior to licensure.
2. The Office of the Governor, Boards and Commissions director should work with the board to identify potential applicants for the board's vacant clinical social worker position.

A Sunset Review of the Department of Commerce, Community, and Economic Development, Board of Social Work Examiners (board)

October 24, 2017

Audit Control Number 08-20108-17

REPORT CONCLUSIONS

The audit concluded that the board operated in the public's interest by effectively licensing and regulating social workers. Board meetings were conducted in compliance with law, investigations were generally processed timely, and the board issued or changed regulations to improve the profession.

In accordance with AS 08.03.010(c)(21), the board is scheduled to terminate on June 30, 2018. We recommend that the legislature extend the board's termination to June 30, 2026.

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ALASKA STATE LEGISLATURE

LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Audit



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November 17, 2017

Members of the Legislative Budget
and Audit Committee:

In accordance with the provisions of Title 24 and Title 44 of the Alaska Statutes (sunset legislation), we have reviewed the activities of the Board of Social Work Examiners (board) and the attached report is submitted for your review.

DEPARTMENT OF COMMERCE, COMMUNITY,
AND ECONOMIC DEVELOPMENT
BOARD OF SOCIAL WORK EXAMINERS
SUNSET REVIEW

October 24, 2017

Audit Control Number
08-20108-17

The audit was conducted as required by AS 44.66.050(a). Per AS 08.03.010(c)(21), the board is scheduled to terminate on June 30, 2018. We recommend that the legislature extend the board's termination date to June 30, 2026.

The audit was conducted in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. Fieldwork procedures utilized in the course of developing the findings and recommendations presented in this report are discussed in the Objectives, Scope, and Methodology.

A handwritten signature in black ink, appearing to read "Kris Curtis".

Kris Curtis, CPA, CISA
Legislative Auditor

ABBREVIATIONS

AAC	Alaska Administrative Code
ACN	Audit Control Number
AS	Alaska Statute
board	Board of Social Work Examiners
CISA	Certified Information Systems Auditor
CPA	Certified Public Accountant
DCBPL	Division of Corporations, Business, and Professional Licensing
DCCED	Department of Commerce, Community, and Economic Development
DLA	Division of Legislative Audit
FY	Fiscal Year

CONTENTS

Report Sections	Organization and Function	1
	Report Conclusions	3
	Findings and Recommendations	9
	Objectives, Scope, and Methodology	11
Agency Responses	Office of the Governor	19
	Department of Commerce, Community, and Economic Development	21
	Board of Social Work Examiners	23
Appendix	Appendix Summary	15
	Appendix A: Analysis of Public Need Criteria	17
Exhibits	Exhibit 1: Board of Social Work Examiners as of October 2017	1
	Exhibit 2: Board of Social Work Examiners Licensing Activity FY 14 through March 31, 2017	6
	Exhibit 3: Board of Social Work Examiners Schedule of Revenues and Expenditures FY 13 through FY 17 (Unaudited)	7
	Exhibit 4: Board of Social Work Examiners License and Other Fees FY 13 through FY 17	8

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ORGANIZATION AND FUNCTION

Board of Social Work Examiners

The Board of Social Work Examiners (board) was established for the purpose of controlling and regulating the practice of social work in Alaska. The board is comprised of five members: two licensed clinical social workers, one licensed master social worker, one licensed baccalaureate social worker, and one public member who has never been licensed by the board. Alaska statutes stipulate at least one of the licensed board members may not be an employee of a federal, state, or local government or of a private tax exempt nonprofit organization.

Exhibit 1

Board of Social Work Examiners as of October 2017

Danielle LaFon, Chair
Baccalaureate Social Worker

Laura Thiesen
Master Social Worker

Angela Christiansen
Clinical Social Worker

Vacant
Clinical Social Worker

Rachel Olson
Public Member

Source: Office of the Governor, Boards and Commissions website.

Alaska statutes define the practice of social work as “a service in which special knowledge of social resources, human capabilities, and the part unconscious motivation plays in determining behavior is directed, through the application of social work principles and methods, at helping individuals to achieve more adequate, satisfying, and productive social adjustments.”

Per AS 08.95.030, the duties of the board include:

1. Issuing licenses to qualified applicants;
2. Establishing continuing education requirements for license renewal;
3. Establishing a code of professional ethics and standards for the practice of social work;
4. Establishing standards for supervisors and for supervision

required for licensure; and

5. Adopting regulations as necessary for the profession of social work.

**The Department of
Commerce, Community,
and Economic
Development (DCCED)**

By statute, DCCED's Division of Corporations, Business, and Professional Licensing (DCBPL) provides administrative support to the board. Administrative assistance includes budgetary services and functions such as collecting fees, maintaining files, receiving application forms, publishing notices of meetings, and assisting with board regulation development.

Alaska Statute 08.01.087 gives DCBPL authority to act on its own initiative or in response to a complaint. The division may:

1. Conduct an investigation if it appears a person is engaged or about to engage in a prohibited professional practice.
2. Bring an action in Superior Court to enjoin the act.
3. Examine or have examined the books and records of a person whose business activities require a business license or licensure by a board listed in AS 08.01.010, or whose occupation is listed in AS 08.01.010.
4. Issue subpoenas for the attendance of witnesses and production of records.

Alaska Statute 08.01.065 requires the department adopt regulations that establish the amount and manner of payment of application, examination, and license fees.

REPORT

CONCLUSIONS

In developing our conclusion regarding whether the Board of Social Work Examiners' (board) termination date should be extended, its operations were evaluated using the 11 factors set out in AS 44.66.050(c), which are included as Appendix A of this report. Under the State's "sunset" law, these factors are to be considered in assessing whether an entity has demonstrated a public policy need for continuing operations.

The audit concluded that the board operated in the public's interest by effectively licensing and regulating social workers. Board meetings were conducted in compliance with law, investigations were generally processed timely, and the board issued or changed regulations to improve the profession.

The audit also concluded that the Division of Corporations, Business, and Professional Licensing (DCBPL) management lacked procedures to ensure board-required documentation is received prior to licensure. (Recommendation No. 1) Additionally, the audit found one clinical social worker board position became vacant in March 2017 and remained vacant through October 2017. (Recommendation No. 2)

In accordance with AS 08.03.010(c)(21), the board is scheduled to terminate on June 30, 2018. We recommend that the legislature extend the board's termination to June 30, 2026.

Detailed report conclusions are as follows.

The board operated in the public interest and does not duplicate the efforts of other entities.

Board meetings held from July 2014 through March 2017 were conducted in an effective manner. During this period, 12 meetings were held, which exceeded the minimum number required by statute; however, the board's workload supported the number held. Additionally, board meetings allowed time for public comment and meetings were generally public noticed timely. There were

vacancies in board membership during the audit period; however, quorum was consistently met. In March 2017, one of the clinical social worker positions became vacant. The position remained vacant as of October 2017 due to a lack of qualified applicants. (Recommendation 2)

A review of board investigative activity found 36 cases were open or opened between July 2014 and March 2017 and 15 remain open as of March 2017. During this time, there were seven cases open for over 180 days. Auditors reviewed two of the seven cases and found one was inactive for a period of 47 days, due in part to competing priorities of the assigned investigator.

One board related complaint was received by the Office of the Ombudsman between July 2014 and March 2017. The audit found the complaint was resolved in an efficient manner.

The National Association of Social Workers creates and administers examinations required by the board for licensure, maintains standards of practice, and issues a code of ethics. The board adopted the association's standards of practice and code of ethics through regulation. The audit concluded that the board does not duplicate the activities of the association. Rather, the association's expertise and knowledge of best practices is incorporated through regulation to improve social work practices in Alaska.

During the period of July 2014 through October 2017, the board worked to improve the occupation through the following regulatory changes:

- 12 AAC 18.210 was added to limit the number of continuing education credits permitted in one day to 12 contact hours¹ to promote the quality of continuing education.

¹12 AAC 18.210 (c)(1) states: one "contact hour" equals a minimum of 50 minutes of classroom instruction between instructor and participant.

-
- 12 AAC 18.150 (code of ethics) and 12 AAC 18.160 (standards of practice) were amended to ensure licensees adhere to national standards. The national standards specify the types and methods of provided services including electronic delivery of social work services, also referred to as tele-health.

Board meeting minutes show that the board actively worked on drafting additional regulations to address the electronic delivery of social work services.

The board licensed individuals according to statutes and regulations; however, improvements are needed.

The audit found the board operated in the public's interest by licensing baccalaureate, master, and clinical social workers in accordance with statutes and regulations. A random sample of 25 licenses issued during the audit period was tested, and all were found to be approved by the board in compliance with state laws. However, one licensing file did not contain sufficient evidence that the licensee had met regulatory requirements. Although the board appropriately approved licensure pending receipt of key documentation, the license was issued by DCBPL staff without obtaining the required documentation, resulting in noncompliance with regulatory requirements. (Recommendation 1)

As shown in Exhibit 2 on page 6, from FY 14 through FY 16, the board issued 349 new licenses. As of March 31, 2017, there were a total of 783 licensees, representing a 41 percent increase when compared to the 2009 sunset audit.² According to the board chair, the increase may be due, in part, to more tele-health services provided to Alaskans by out-of-state practitioners who must be licensed in Alaska.

²Excluding temporary licenses, the number of total licenses reported in the 2009 sunset audit (ACN 08-20062-09) was 535.

Exhibit 2

Board of Social Work Examiners Licensing Activity FY 14 through March 31, 2017				
	New Issued (Exclusive of Renewals)			Total Active as of
	FY 14	FY 15	FY 16	March 31, 2017
Baccalaureate Social Worker	3	10	5	47
Master Social Worker	25	38	35	117
Clinical Social Worker	49	48	56	590
Temporary License				
Baccalaureate Social Worker	7	3	3	6
Master Social Worker	25	24	18	23
Totals	109	123	117	783

Source: Compiled from DCBPL licensing database.

**DCBPL management,
in consultation with
the board, increased
fees to cover the costs of
regulating the profession.**

The board receives most of its revenue from licensure and renewal fees. Renewals are conducted on a biennial basis, creating a two-year cycle in board revenues. DCBPL management, as requested by the board, increased fees in May 2014 and April 2016 to more closely align revenues with the annual costs. As shown in Exhibit 3, the board had a surplus of \$95,871 at the end of FY 17. According to DCBPL management, fees will be reassessed after FY 17. Exhibit 4 presents a schedule of fees from FY 13 through FY 17.

Exhibit 3

**Board of Social Work Examiners
Schedule of Revenues and Expenditures
FY 13 through FY 17
(Unaudited)**

	FY 13	FY 14	FY 15	FY 16	FY 17
Revenues					
Licensing Fees	\$45,935	\$190,015	\$52,615	\$275,443	\$57,424
Other Sources	-	2,353	2,557	916	-
Total Revenues	45,935	192,368	55,172	276,359	57,424
Direct Expenditures					
Personal Services	70,990	81,544	63,079	47,341	50,876
Travel	14,806	17,421	14,399	15,361	2,227
Contractual	603	18,920	4,366	8,170	1,780
Supplies	397	24	192	32	85
Total Direct Expenditures	86,796	117,909	82,036	70,904	54,968
Indirect Expenditures	45,949	63,497	42,947	44,186	45,866
Total Expenditures	132,745	181,406	124,983	115,090	100,834
Annual Surplus (Deficit)	(86,810)	10,962	(69,811)	161,269	(43,410)
Beginning Cumulative Surplus (Deficit)	123,671	36,861	47,823	(21,988)	139,281
Ending Cumulative Surplus (Deficit)	\$36,861	\$47,823	\$(21,988)	\$139,281	\$95,871

Source: DCCED management.

Exhibit 4**Board of Social Work Examiners
License and Other Fees
FY 13 through FY 17**

	FY 13	FY 14	FY 15	FY 16	FY 17
Application fee for initial license	\$ 50	\$ 60	\$ 60	\$100	\$100
Initial license fee for all or part of biennial license period					
Clinical Social Worker	250	300	300	400	400
Master Social Worker	250	300	300	350	350
Baccalaureate Social Worker	250	300	300	300	300
Biennial license renewal fee					
Clinical Social Worker	250	300	300	400	400
Master Social Worker	250	300	300	350	350
Baccalaureate Social Worker	250	300	300	300	300
Temporary license fee	50	60	60	75	75
Initial continuing education course fee	50	60	60	100	100
Continuing education course resubmittal fee	25	30	30	50	50

Source: DCBPL Regulations.

FINDINGS AND RECOMMENDATIONS

The prior 2009 sunset audit made one recommendation:

- The Division of Corporations, Business, and Professional Licensing's (DCBPL) administrative officer should take steps to improve administrative support.

The prior audit recommendation to improve administrative support reported problems with accurate reporting of licensing statistics in annual reports, public noticing board meetings, accounting of expenditures, and analyzing fees. The prior deficiencies have generally been addressed by implementing checklists and changing administrative staff.

This audit makes two new recommendations.

Recommendation No. 1

DCBPL's director should improve procedures to ensure board-required documentation is obtained prior to licensure.

One of 25 licenses tested as part of the audit did not contain sufficient evidence that the licensee had met regulatory requirements. The Board of Social Work Examiners (board) appropriately approved licensure pending receipt of key documentation. However, the license was issued without obtaining proper documentation by DCBPL staff, resulting in noncompliance with regulatory requirements. Licensing a person that has not met the requirements for licensure increases the risk to public safety.

According to AS 08.01.050(a)(3), (9), and (14), DCBPL is responsible for overseeing the licensing activity for the board. The audit identified a lack of procedures to ensure board-required documentation is received prior to licensure.

We recommend DCBPL's director improve procedures to ensure board-required documentation is obtained prior to licensure. Additionally, corrective action should be taken to address the noncompliant licensee.

Recommendation No. 2:

One clinical social worker position on the board became vacant March 2017 and remained vacant through October 2017.

The Office of the Governor, Boards and Commissions director should work with the board to identify potential applicants for the board's vacant clinical social worker position.

Per AS 08.95.010(a), the board is statutorily required to consist of five members appointed by the governor, including two clinical social workers. One of the five board members must be a social worker who is not employed by a federal, state, or local government or a federally tax exempt non-profit organization. According to Boards and Commissions staff, the stringent requirements make it difficult to find qualified applicants. The lack of a clinical social worker may limit the board from conducting business with appropriate professional input and perspective.

The Office of the Governor, Boards and Commissions section is responsible for actively recruiting, interviewing, and vetting board applicants. The board is in the unique position to help identify potential applicants.

We recommend the Boards and Commissions director work with the board to identify potential applicants for the board's vacant clinical social worker position.

OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with Title 24 and 44 of the Alaska Statutes, we have reviewed the activities of the Board of Social Work Examiners (board) to determine if there is a demonstrated public need for its continued existence.

As required by AS 44.66.050(a), this report shall be considered by the committee of reference during the legislative oversight process in determining whether the board should be reestablished. Currently, under AS 08.03.010(c)(21), the board will terminate on June 30, 2018, and will have one year from that date to conclude its administrative operations.

Objectives

The three central, interrelated objectives of our report are:

1. To determine if the termination date of the board should be extended.
2. To determine if the board is operating in the public's interest.
3. To determine the status of recommendations made in the prior sunset audit.

Scope

The assessment of operations and performance of the board was based on criteria set out in AS 44.66.050(c). Criteria set out in this statute relates to the determination of a demonstrated public need for the board. We reviewed the board's activities from July 1, 2014, through October 24, 2017. Financial information is presented, unaudited, from FY 13 through FY 17.

Methodology

During the course of our audit we reviewed and evaluated the following:

- The prior sunset audit report (ACN 08-20062-09) to identify issues affecting the board and to identify prior sunset audit recommendations.

-
- Applicable statutes and regulations to identify board functions and responsibilities, determine whether statutory or regulatory changes enhanced or impeded board activities, and help ascertain if the board operated in the public interest.
 - The State's online public notice system to verify the board meetings were adequately public noticed.
 - Board meeting minutes and annual reports to gain an understanding of board proceedings and activities, the nature and extent of public input, whether a quorum was maintained, and whether board vacancies impeded operations.
 - Expenditures, revenues, and fee levels for the board to determine whether fee levels covered the costs of operations.
 - Investigation data of the board for cases open six months or longer from FY 15 through March 31, 2017. A judgmental sample of two of seven cases open over 180 days was reviewed for unjustified periods of inactivity.
 - Various State and news related websites to identify complaints against the board or other board related concerns. One complaint received by the Office of the Ombudsman was reviewed for the nature and status of the complaint.
 - The National Association of Social Worker's Code of Ethics and Standards of Practice/Code of Conduct, including 2008 and 2012 amendments, to gain an understanding of the tele-health requirements as adopted through regulatory reference by the board.
 - Internal controls over the licensing database and investigative case management system to determine if controls were properly designed and implemented.

To identify and evaluate board activities, we conducted interviews with Division of Corporations, Business, and Professional Licensing staff, board members, and staff of other state agencies.

Specific topics of inquiry included board operations, regulations, duplication of effort, fee levels, complaints, and licensure requirements for state-employed social workers.

A random sample of 25 licenses, 15 new and 10 renewal applications, was selected from 783 licensees that were active as of March 31, 2017. Applications were assessed for statutory and regulatory compliance. The sample size was based on low/moderate control and inherent risk and moderate/high audit risk. Test results were projected to the population.

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APPENDIX SUMMARY

In developing our conclusion regarding whether the Board of Social Work Examiners' termination date should be extended, its operations were evaluated using the 11 factors set out in AS 44.66.050(c), which are included as Appendix A of this report.

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APPENDIX A

Analysis of Public Need Criteria (AS 44.66.050(c))

A determination as to whether a board or commission has demonstrated a public need for its continued existence must take into consideration the following factors:

- (1) the extent to which the board or commission has operated in the public interest;
- (2) the extent to which the operation of the board or commission has been impeded or enhanced by existing statutes, procedures, and practices that it has adopted, and any other matter, including budgetary, resource, and personnel matters;
- (3) the extent to which the board or commission has recommended statutory changes that are generally of benefit to the public interest;
- (4) the extent to which the board or commission has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service that it has provided;
- (5) the extent to which the board or commission has encouraged public participation in the making of its regulations and decisions;
- (6) the efficiency with which public inquiries or complaints regarding the activities of the board or commission filed with it, with the department to which a board or commission is administratively assigned, or with the office of victims' rights or the office of the ombudsman have been processed and resolved;
- (7) the extent to which a board or commission that regulates entry into an occupation or profession has presented qualified applicants to serve the public;

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- (8) the extent to which state personnel practices, including affirmative action requirements, have been complied with by the board or commission to its own activities and the area of activity or interest;
 - (9) the extent to which statutory, regulatory, budgeting, or other changes are necessary to enable the board or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection;
 - (10) the extent to which the board or commission has effectively attained its objectives and purposes and the efficiency with which the board or commission has operated; and
 - (11) the extent to which the board or commission duplicates the activities of another governmental agency or the private sector.

Agency Response from the Office of the Governor

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December 19, 2017

Governor Bill Walker
STATE OF ALASKA

Kris Curtis, CPA, CISA
Legislative Auditor
P.O. Box 113300
Juneau, AK 99811-3300

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DEC 22 2017

LEGISLATIVE AUDIT

Dear Kris Curtis:

Thank you for the opportunity to respond to the Legislative Budget and Audit Committee regarding the audit report for the Board of Social Workers under the Department of Commerce, Community and Economic Development.

Your findings are correct. Our office has found it difficult to find a social worker who "is not employed by a federal, state, or local government or a federally tax exempt non-profit organization." We have contacted hospitals and other for-profit entities that employ social workers but no one has applied. We continue to place Online Public Notices soliciting applicants. After speaking with the board contact, we believe the language in the statute AS 08.95.010 that requires the restrictions on this seat should be changed. We have encouraged the board to begin that legislative process. In the meantime, we will continue to look for organizations or facilities that may be able to identify possible applicants for this unique seat.

We agree that the board is functioning in the best interest of the public. They continue to regulate the practice of social work in Alaska. We believe the board's termination date should be extended until June 30, 2026.

Sincerely,

A handwritten signature in black ink, appearing to read "Shirley Marquardt".

Shirley Marquardt
Director
Boards and Commissions
SM/li

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Agency Response from the Department of Commerce, Community, and Economic Development



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development
OFFICE OF THE COMMISSIONER

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JAN 05 2018

LEGISLATIVE AUDIT

January 5, 2018

Kris Curtis
Division of Legislative Audit
P.O. Box 113300
Juneau, AK 99811

RE: Confidential Preliminary Audit Report, Department of Commerce, Community, and Economic Development, Board of Social Work Examiners, October 24, 2017

Dear Ms. Curtis:

Thank you for the opportunity to comment on the Preliminary Audit Report regarding the Board of Social Work Examiners. The department has the following response to the information and recommendations presented in the letter:

Recommendation No. 1 – DCBPL's director should improve procedures to ensure board-required documentation is obtained prior to licensure

In its effort to continuously monitor and improve quality controls, the division agrees that additional checks are needed to ensure the administrative record is complete. With over 13,000 new professional licenses issued by the agency in FY2017, additional supervisory resources are needed to ensure that all license files are reviewed to meet this standard.

The division will continue to provide training to board members to ensure they are aware of their roles and responsibilities in reviewing and taking action on applications for licensure.

Recommendation No. 2 – The Office of the Governor, Boards and Commissions director should work with the board to identify potential applicants for the board's vacant clinical social worker position.

The board and division staff work closely with the Governor's office to provide insight into recruitment for potential membership.

Again, thank you for the opportunity for the DCCED to provide input on this matter. Should you have any questions about the contents of this letter, please do not hesitate to contact me at 907-465-2500.

Sincerely,

A handwritten signature in blue ink that reads "Mike Navarre".

Mike Navarre
Commissioner

cc: Janey McCullough, Director, Division of Corporations, Business and Professional Licensing
Micaela Fowler, Legislative Liaison, DCCED

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Agency Response from the Board of Social Work Examiners

RECEIVED

DEC 27 2017

19 December 2017

LEGISLATIVE AUDIT

Division of Legislative Audit,

As acting Chair, I am representing the Board of Social Work Examiners for purposes of the 2017 sunset audit. I have reviewed the confidential preliminary audit report and I agree with the auditor's conclusions. My response to the findings and recommendations are as follows.

Recommendation No. 1: DCBPL's director should improve procedures to ensure board required documentation is obtained prior to licensure.

Based on the information provided, the incident described in this finding occurred under a previous DCBL staff member. The current DCBL staff member has participated in the Association of Social Work Board's New Board Member Training. The purpose of this training is to prepare regulators for their role in managing regulatory issues. Although the board is not versed on the trainings and oversight provided by DCBL to its staff, the board has been assured that staff are trained to complete the duties of their job. As a result of this incident the board will discuss implementation of standard procedures to ensure appropriate documentation is received and approved by the board prior to DCBL staff issuing licensure. This discussion will be added to the next board meeting agenda following the publication of the sunset audit results; tentatively scheduled for March 13, 2018.

Should new board staff join the Board of Social Work Examiners they will be encouraged to attend New Board Member Training hosted by the Association of Social Work Boards to ensure that staff are prepared to manage the duties of their position.

The board will consult with DCBL staff, including its legal support team if necessary, to determine corrective action needed to address the noncompliant licensee.

Recommendation No. 2: The Office of the Governor, Boards and Commissions director should work with the board to identify potential applicants for the board's clinical social work position.

The vacant position has been a concern for the board. Individual board members have independently reached out to private entities to notify them of the vacant position and the need for a Licensed Clinical Social Worker that meets regulatory requirements. Due to AS 08.95.010(a) being a statutory requirement the board has explored whether lobbying for a statutory change is fiscally reasonable. The board has determined that given its commitment to remaining financially conservative by conducting telephonic board meetings and limiting travel

opportunities for educational purposes, the board has not been in a position to incur the expense required to lobby for statutory changes.

Although the Office of the Governor, Boards and Commissions section is ultimately responsible for actively recruiting, interviewing, and vetting board applicants, the board remains committed to continuing to assist by identifying potential applicants. The board did discuss seat vacancy with Division staff during its December 15, 2017 meeting. The board's licensing examiner is tasked to research opportunities for advertisement including announcing the vacancy on the board's website and sending out recruitment flyers to licensees.

Should you have additional questions after review of my responses, feel free to contact me at 907-978-9623.

Thank you,



Danielle LaFon, LBSW, MSW
Chair
State of Alaska Board of Social Work Examiners