

BEFORE THE IOWA BOARD OF SOCIAL WORK EXAMINERS

IN THE MATTER OF:) DIA NO. 06DPHSW003
)
)
BEVERLY J. FANELLI) FINDINGS OF FACT,
) CONCLUSIONS OF LAW,
) DECISION AND ORDER

On July 27, 2006, the Iowa Board of Social Work Examiners (Board) issued a Preliminary Notice of Intent to Deny Licensure to Beverly J. Fanelli (Applicant) for a license as a bachelor social worker. The Applicant appealed, and a Notice of Hearing was issued on September 28, 2006. The hearing was held on November 13, 2006 at 9:30 a.m. in the fifth floor conference room, Lucas State Office Building, Des Moines, Iowa. The following members of the Board were present for the hearing: Joyce Westphal, LISW, Chairperson; Katinka Keith, LISW; David Stout, LMSW; Christine Hoffman, LBSW. Margaret LaMarche, Administrative Law Judge from the Iowa Department of Inspections and Appeals, assisted the Board in conducting the hearing. The Applicant appeared by telephone and was self-represented. Assistant Attorney General Heather Adams represented the state. The hearing was recorded by a certified court reporter and was open to the public, pursuant to Iowa Code section 272C.6(1)(2005) and 645 IAC 11.19(10). Following the hearing, the Board convened in closed executive session to deliberate their decision, pursuant to Iowa Code section 21.5(1)(f)(2005). The administrative law judge was instructed to prepare Findings of Fact, Conclusions of Law, Decision and Order, in accordance with the Board's deliberations.

THE RECORD

The record includes the Notice of Hearing, the testimony of the witnesses, and State Exhibits 1-9.

FINDINGS OF FACT

1. On December 22, 1990, the Applicant was awarded a Bachelor of Science degree in Social Science from the University of Wyoming. (Testimony of Applicant; State Exhibit 3)

2. On September 25, 2003, the Applicant received a passing score on the Association of Social Work Boards (ASWB) Basic Examination. On October 15, 2003, the Applicant was licensed as a Social Service Worker in the state of Utah, License No. 5417012-3503. Since her bachelor's degree was not from a Council on Social Work Education (CSWE) accredited program, Utah required the Applicant to provide verification of 2,000 hours of experience under the supervision of a certified social worker or clinical social worker. The Applicant's Utah license is in good standing. (Testimony of Applicant; State Exhibits 3, 4)

3. The Applicant moved to Iowa approximately one year ago. On June 27, 2006, the Applicant filed an Application for Social Work Licensure (by endorsement) with the Iowa Board. The Applicant provided verification of her bachelor's degree and her Utah licensure. The Applicant listed her full-time social work experience from November 2002 through November 2003 at Holladay Healthcare in Holladay, Utah and from November 2003-November 2004 at Harmony Hospice in Syracuse, Utah. (Testimony of Applicant; State Exhibit 3)

4. On July 27, 2006, the Board sent the Applicant Preliminary Notice of Intent To Deny Licensure. The denial was based on the Applicant's lack of a bachelor degree from a social work program accredited by the Council on Social Work Education. (State Exhibit 5). The Applicant appealed and submitted additional information to the Board, including Utah's licensure requirements. Utah permits licensure as a social service worker if the applicant has a bachelor's degree in psychology, sociology, educational psychology, or other approved fields and completes one year of postgraduate qualifying experience under the supervision of a licensed certified or clinical social worker. (State Exhibits 6, 8)

CONCLUSIONS OF LAW

Iowa Code section 154C.3(2005) provides, in relevant part:

154C.3 Requirements to obtain license...

1. *License requirements.* An applicant for a license as a bachelor social worker,...shall meet the following requirements in addition to paying all fees required by the board.

a. *Bachelor social worker.* An applicant for a license as a bachelor social worker shall present evidence satisfactory to the board that the applicant:

(1) Possesses a bachelor's degree in social work from an accredited college or university approved by the board.

(2) Has passed an examination given by the board.

(3) Will conduct all professional activities as a bachelor social worker in accordance with the standards for professional conduct established by the board.

...

2. *Reciprocal license.* The board shall issue an appropriate license to an applicant licensed to practice social work in another state which imposes licensure requirements similar or equal to those imposed under subsection 1.

645 IAC 280.5 provides, in relevant part:

645-280.5(154C) Educational qualifications.

280.5(1) Bachelor level social worker. An applicant for a license as a bachelor level social worker shall present evidence satisfactory to the board that the applicant possesses a bachelor's degree in social work from a college or university accredited by the Council on Social Work Education at the time of graduation.

645 IAC 280.7 provides, in relevant part:

645-280.7(154C) Licensure by endorsement. An applicant who has been licensed a social worker under the laws of another jurisdiction shall file an application for licensure by endorsement with the board office. The board may receive by endorsement any applicant from...another state...who

...

3. Shows evidence of licensure requirements that are similar to those required in Iowa.

...

The Applicant asserts that she is entitled to licensure by endorsement as a bachelor social worker in Iowa because the

licensure requirements for a social service worker in Utah are similar to the Iowa requirements. The Board disagrees. Utah allows applicants with bachelor's degrees that are not in social work to be licensed if they present verification of one year of approved post-graduate qualifying practice under supervision. This is how the Applicant obtained licensure in Utah. Iowa has no similar provision.¹

By statute, Iowa prohibits licensure as a bachelor level social worker *unless* the applicant possesses a bachelor's degree in social work from an accredited college or university approved by the Board. Iowa Code section 154C.3(1)(a)(1)(2005). The Board's rules contain similar language. Both the Iowa legislature and the Board believed that a bachelor's degree in social work from an accredited program is essential to qualify a person to hold a license as a bachelor level social worker in Iowa. The Board has consistently enforced this requirement, except for the narrow exception allowed for applications filed prior to July 1, 1998. Iowa Code section 154C.6. The Utah licensing requirements are not sufficiently similar to the Iowa requirements to allow the Applicant to obtain a license as a bachelor social worker by endorsement. It should be noted that this decision does not prevent the Applicant from being employed as a bachelor level social worker in Iowa, but she may not use words or titles that imply that she is a licensed bachelor social worker. Iowa Code section 154C.2 (2005).

The Applicant asked the Board to refund her application fee if her application was denied on appeal. The Board expends time and resources to process license applications. Board rules specifically provide that all fees are non-refundable. 645 IAC 284.1.

DECISION AND ORDER

¹ Iowa had a transition provision, which permitted the substitution of any bachelor's degree and four thousand hours of social work experience for the social work degree, by persons who filed applications for licensure as a social worker *prior to July 1, 1998*. Iowa Code section 154C.6(2005). The Applicant is eight years too late to qualify for licensure under this transition provision.

IT IS THEREFORE ORDERED that the application for a license as a bachelor level social worker, filed by Beverly J. Fanelli, is hereby DENIED.

This findings of fact, conclusions of law, decision and order is approved by the board on February 15, 2007.

Any appeal to the district court from disciplinary action of the board or denial of license shall be taken within 30 days from the issuance of the decision by the board. It is not necessary to request a rehearing before the board to appeal to the district court. 645 IAC 11.25(1). The party who appeals a decision of the board to the district court shall pay the cost of the preparation of a transcript of the administrative hearing for the district court. 645 IAC 11.23.