

BEFORE THE IOWA BOARD OF SOCIAL WORK EXAMINERS

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IN THE MATTER OF: ) DIA NO. 05DPHSW006  
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) FINDINGS OF FACT,  
ROCHELLE D. MARSHALL ) CONCLUSIONS OF LAW,  
) DECISION AND ORDER

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On August 16, 2005, the Iowa Board of Social Work Examiners (Board) denied the application of Rochelle D. Marshall (Applicant) for a license to practice social work at the independent level. The Applicant appealed, and a Notice of Hearing was issued on September 19, 2005.

The hearing was held on November 14, 2005 at 9:30 a.m. in the fifth floor conference room, Lucas State Office Building, Des Moines, Iowa. The following members of the Board presided at the hearing: Lance Clemsen, LISW, Chairperson; Joyce Westphal, LISW; Ken Zimmerman, LISW; David Stout, LMSW; and Christine Hoffman, LBSW. Administrative Law Judge Margaret LaMarche assisted the Board in conducting the hearing. The Applicant appeared by telephone and was self-represented. Assistant Attorney General Heather Adams represented the state. A certified court reporter recorded the hearing. The hearing 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 testimony of the witnesses and the following exhibits:

State Exhibit 1: Iowa Code sections 154C.1, 154C.3(1)(c)  
State Exhibit 2: 645 IAC 280.6, 282.1  
State Exhibit 3: Application and accompanying materials  
State Exhibit 4: Supervision Report Form, 6/29/04  
State Exhibit 5: Supervision Report Form, 5/31/05

State Exhibit 6: Notice of License Denial, 8/16/05  
State Exhibit 7: Appeal Letter, 8/24/05  
State Exhibit 8: Notice of Hearing, 9/19/05

#### ISSUE

Whether the Board's initial decision denying the application for social work licensure at the independent level was correct because the Applicant's supervised professional practice did not include the equivalent of two years of full-time post master's social work degree practice at the master's level performing psychosocial assessment, diagnosis, and treatment? 645 IAC 280.6(1)"a".

#### FINDINGS OF FACT

1. The Applicant is currently licensed as a master level social worker in the state of Iowa (License #3985). On June 16, 2005, the Applicant filed an application for social work licensure at the independent level. The Applicant earned a Master of Social Work Degree from the University of Iowa on May 12, 2000. The Applicant listed the following post-master's degree social work experience on her application:

- a. 9/1/95-7/1/02: Social Worker, Department of Human Services. Provided intervention services to reduce the risk of harm of future child abuse.
- b. 2/17/03 to present: New Parent Support Social Worker employed by Choctaw. Social Work practice included "complete psychosocial assessments on new parents to determine risk level with the Army community. Provide intervention services to Army families due to deployment, abuse, or adjustment problems.

In a cover letter, the Applicant explained that she resides in Hohenfels, Germany with her husband, who is on active duty in the Army. She is employed by Choctaw Management Service Enterprise, an Army Community Services agency, and works with the New Parent Support program. The Applicant also works with deployed families regarding problems with poor adjustment to military life, post traumatic stress disorder, post partum depression, child abuse/neglect and domestic violence. The Applicant facilitates a post partum support group for deployed

spouses and provides re-integration services for returning deployed soldiers and their families. The Applicant also works with domestic violence cases by referral from the Victim Advocate and with child abuse or high risk cases on referral from social work services. (Testimony of Applicant; Roxanne Sparks; Exhibit 3)

2. Applicants for licensure at the independent level are required to submit a Supervision Report form verifying their supervised professional practice. The Applicant attached two Supervision Report forms to her application.

a. Richard Adams, LCSW, completed the first Supervision Report. Adams supervised the Applicant from 2/11/03 until 6/25/04 for a total of 55 hours of direct supervision. Adams answered "no" to question #6: "Has the supervisee completed the number of supervision hours required by the board in a position performing psychosocial assessment, diagnosis and treatment?"

In an attached letter, Adams explains that the providers in the New Parent Education and Support Program (NPESP) do not provide therapy or counseling to their clients, but do provide assessments, case management, and individual or group support. Adams stated that the Applicant has performed very well in all of these areas, and he recommended her without reservation. (Exhibit 4)

b. Theodore Olejnik, LISW, completed the second Supervision Report. He supervised the Applicant from 7/1/04 through 5/23/05, a period of nearly eleven months, for a total of 55 hours of direct supervision. Unlike Adams, Olejnik answered "yes" to question #6 and verified that the Applicant had completed 55 hours under direct supervision in a position performing psychosocial assessment, diagnosis and treatment. (Exhibit 5)

3. On August 16, 2005, the Board notified the Applicant that it was denying her application for licensure at the independent level because she had not been in a master's level position performing psychosocial assessment, diagnosis and treatment as required by 645 IAC 280.6(1)"a." (Exhibit 6)

CONCLUSIONS OF LAW

The Iowa legislature mandates licensure for social workers in Iowa and has specified requirements for three levels of permanent licensure: bachelor social worker, master social worker, and independent social worker. Iowa Code sections 154C.2; 154C.3. Requirements for licensure at the independent level include, in part, possession of a master's or doctoral degree in social work, passing an examination, and having engaged in the practice of social work, under supervision, for at least two years as a full-time employee or four thousand hours prior to taking the examination given by the board. Iowa Code section 154C.3(1)(c)(1)-(4)(2005).

Supervision shall be provided by a social worker licensed at least at the level of the social worker being supervised and qualified to practice without supervision, unless the board determines that such supervision is unobtainable or that supervision by another qualified professional is appropriate. The legislature has specifically authorized the board to determine "additional standards for supervision." Iowa Code section 154C.3(5)(2005).

Iowa Code section 154C.1(3) provides, in relevant part:

3. ...The practice of social work for each of the categories of social work licensure includes the following:

a. Bachelor social workers provide psychosocial assessment and intervention through direct contact with clients or referral of clients to other qualified resources for assistance, including but not limited to performance of social histories, problem identification, establishment of goals and monitoring of progress, interviewing techniques, counseling, social work administration, supervision, evaluation, interdisciplinary consultation and collaboration and research of service delivery including development and implementation of organizational policies and procedures in program management.

b. Master social workers are qualified to perform the practice of bachelor social workers and provide

psychosocial assessment, diagnosis, and treatment, including but not limited to performance of psychosocial histories, problem identification and evaluation of symptoms and behavior, assessment of psychosocial and behavioral strengths and weaknesses, effects of the environment on behavior, psychosocial therapy with individuals, couples, families, and groups, establishment of treatment goals and monitoring progress, differential treatment planning, and interdisciplinary consultation and collaboration.

c. Independent social workers are qualified to perform the practice of master social workers as a private practice.

Pursuant to the authority delegated by Iowa Code section 154C.3(5), the Board has promulgated rules defining supervised professional practice for social work licensure at the independent level. 645 IAC 280.6 provides, in relevant part:

**645-280.6(154C) Supervised professional practice for the LISW.**

**280.6(1)** The supervised practice shall:

- a. Be the equivalent of two years of full-time post-master's social work degree practice at the master's level performing psychosocial assessment, diagnosis and treatment; or
- b. Be 4,000 hours of post-master's social work degree experience at the master's level performing psychosocial assessment, diagnosis and treatment over a minimum two-year and maximum six-year period;
- c. Have at least 110 hours of supervision which shall be equitably distributed throughout a minimum of a two year period;...

"*Psychosocial therapy*" means a specialized, formal interaction between an LMSW or LISW and a client in which a therapeutic relationship is established and maintained to assist the client in overcoming or abating specific emotional, mental, or social problems and achieving specified goals for well-being. Psychosocial therapy is a form of psychotherapy which emphasizes the interface between the client and the client's environment. Therapy is a planned, structured program based on a diagnosis and is directed to accomplish measurable goals and objectives

specified in the client's individual treatment plan. 645 IAC 282.1.

The issue is whether the Applicant has completed the necessary number of hours of supervised practice at the master's level performing psychosocial assessment, diagnosis and treatment. The Applicant asserts that she should be deemed eligible because she has two years of full-time supervised experience post master's degree and because she provided psychosocial treatment and diagnosis during the second phase of her supervised experience. The Applicant argues that the Board is not authorized to deny her application because the statute and rules do not specify that a certain percentage of the supervised work experience must be spent in psychosocial assessment, diagnosis and treatment.

The Board agrees that the statute and rules do not specify a particular percentage of work time that must be spent on psychosocial assessment, diagnosis and treatment during the two years of supervised master's level practice. Rather, the rules explicitly define "supervised professional practice" to mean that the Applicant must have the equivalent of two years full-time post-master's social work degree practice performing psychosocial assessment, diagnosis and treatment. 645 IAC 280.6(1)"a." This means that psychosocial assessment, diagnosis and treatment must be provided throughout the entire two-year period of supervision. One year performing bachelor level social work under supervision and one year performing master's level social work under supervision does not satisfy this standard. Moreover, the rules state that the 110 hours of supervision must be "equitably distributed" throughout a minimum of a two-year period. 645 IAC 280.6(1)"c." The Applicant's Supervision Report forms only document 55 hours of supervised master's level practice over a period of approximately ten months.

While the Applicant disagrees to some extent with her first supervisor's description of her work duties, she admits that she did not provide any diagnosis until after July 1, 2004. Moreover, she provided no documentation to support her contention that she provided psychosocial therapy during the first phase of her supervised work experience. Absent convincing documentation to the contrary, the Board must rely on

the Supervision Report forms completed by an Applicant's supervisor.

In summary, the Applicant has failed to establish, by a preponderance of evidence, that she satisfies all of the requirements for social work licensure at the independent level. Specifically, the Applicant failed to establish that she has the requisite two years full-time or 4000 hours of post master's social work degree practice at the master's level, under supervision, performing psychosocial assessment, diagnosis and treatment. The Applicant documented only 55 hours, not 110 hours of qualifying supervised social work practice at the master's level. Iowa Code section 154C.3(1)(c)(4); 645 IAC 280.6(1).

DECISION AND ORDER

IT IS THEREFORE ORDERED that the application for a license to practice social work at the independent level, filed by Rochelle D. Marshall, is hereby DENIED.

Dated this 13th day of February ,2006.

Any appeal to the district court from a decision in a contested case shall be taken within 30 days from the date of issuance of the decision by the Board. 645 IAC 11.29.

**This findings of fact, conclusions of law, decision and order is approved by the board on February 13, 2006.**