

BEFORE THE IOWA BOARD OF SOCIAL WORK EXAMINERS

IN THE MATTER OF:) DIA NO. 04DPHSW007
)
) PROPOSED
) FINDINGS OF FACT,
BECKY GRABE) CONCLUSIONS OF LAW,
) DECISION AND ORDER

On September 24, 2004, the Iowa Board of Social Work Examiners (Board) denied the application of Becky Grabe (Applicant) for a license to practice social work at the independent level. The Applicant appealed, and a Notice of Hearing was issued on November 22, 2004. The Applicant requested a hearing before an administrative law judge.

The hearing was held before the undersigned administrative law judge on May 9, 2005 at approximately 9:30 a.m. in the fifth floor conference room, Lucas State Office Building, Des Moines, Iowa. The Applicant appeared and was self-represented. Heather Adams, Assistant Attorney General, represented the state. The hearing was recorded by a certified court reporter. The hearing was closed to the public, pursuant to Iowa Code section 272C.6(1)(2005) and 645 IAC 11.19(10).

THE RECORD

The record includes the Notice of Hearing, Request for Administrative Law Judge, the testimony of the witnesses, and the following exhibits:

State Exhibit A: Iowa Code sections 154C.6, 154C.3(1)(c)
State Exhibit B: 645 IAC 280.6, 282.1
State Exhibit C: Application and accompanying materials
State Exhibit D: Supervision Report Form, 9/21/03
State Exhibit E: Letter dated 1/21/04 (Sparks to Grabe)
State Exhibit F: Supervision Report Form, 4/1/04
State Exhibit G: Letter dated 4/7/04 (Grabe To Sparks)
State Exhibit H: Supervision Report, 4/6/04
State Exhibit I: Letter dated 6/10/04 (Sparks to Grabe)
State Exhibit J: Notice of License Denial, 9/24/04
State Exhibit K: Hearing Request
State Exhibit L: Prior Decisions

Applicant Exhibit 1: Letter dated 12/30/02(Lappe to Gearheart)
Applicant Exhibit 2: Iowa Code section 154C.3
Applicant Exhibit 3: Iowa Code section 154C.1
Applicant Exhibit 4: Letter (Waldrup to Board)
Applicant Exhibit 5: Letter dated 5/6/05 (Ochiltree to Board)
Applicant Exhibit 6: Letter 4/28/05 (Hammel to Grabe)
Applicant Exhibit 7: Section 19-302, Annotated Code of Maryland
Applicant Exhibit 8: Applicant Resume

ISSUE

Was the Board's initial decision denying the application for social work licensure at the independent level correct because the Applicant's supervised social work practice did not include the performance of psychosocial assessment, diagnosis, and treatment?

FINDINGS OF FACT

1. The Applicant currently holds License #G09870 as a Graduate Social Worker in the state of Maryland and also holds License #06201 as a Licensed Master Social Worker in the state of Iowa. (Testimony of Applicant; Roxanne Sparks; Applicant Exhibit 8)

2. In December 2002, the Applicant and her husband began making plans to relocate to Iowa. The Applicant contacted the Iowa Board and asked Clerk Specialist Paulette Lappe to send her an Iowa licensure application and copies of the required supervision reports, because she was having difficulty downloading the forms from the Board's website.¹ Lappe sent the forms on December 30, 2002, but the Applicant did not complete and submit the application until October 2003. (Testimony of Applicant; Applicant Exhibit 1)

¹ The Applicant claims that she told Paulette Lappe that she would be one month short of the required two years of full-time supervised social work practice necessary for licensure and that Lappe agreed the Applicant could meet the two year requirement by doubling her hours of supervision each week until the application was submitted. It seems unlikely that a clerk would have assumed the authority to approve such a request. However, even if she did, the Board is not bound by erroneous information given by a clerk over the telephone. (Testimony of Applicant; Roxanne Sparks)

3. On October 21, 2003, the Applicant filed an Application for Social Work Licensure at the independent level. The Applicant earned an M.S.W. from the University of Maryland, Baltimore School of Social Work in May 2001. The Applicant listed the following post-master's degree social work experience on her application:

a. 5/01-9/4/03: Social Worker II, Carroll County Dept. of Social Services, Westminster, Maryland. Social work practice included investigation of reports of child abuse and neglect, completion of risk assessments and safety plans, completion of detailed reports for juvenile court, testimony in civil and criminal cases, and weekly exit meetings.

b. 8/29/03 to present: Social Worker II, Linn County Department of Human Services, Cedar Rapids, Iowa. Social work practice includes case manager of case load (foster care, dependent and delinquent children, provide social work services and placement services for clients, perform outreach services/activities, gathering and evaluating information regarding clients or programs, and developing treatment plans.

The Applicant attached a Supervision Report from Laurie Waldrup, LCSW-C, who was her supervisor at the Carroll County, Maryland Dept. of Social Services.² Ms. Waldrup certified that she supervised the Applicant a total of 153 hours from 9/14/01 through 8/15/03 (one year and eleven months). (Testimony of Roxanne Sparks; State Exhibits C; D)

4. On January 21, 2004, Board Administrator Roxanne Sparks spoke to the Applicant over the phone and then sent her a follow-up letter noting that:

- The Applicant had submitted an obsolete supervision report form with her application that failed to indicate two years of practice at the master's level (performing

² By the time that the Applicant submitted her application, the supervision report form used by the Applicant was obsolete and a new form had been developed. The new form required the supervisor to specify that the supervisee completed the number of supervision hours required by the board in a position performing psychosocial assessment, diagnosis and treatment. (Testimony of Roxanne Sparks)

psychosocial assessment, diagnosis, and treatment) as required by state law;

- The Applicant could submit a signed statement from her Maryland Supervisor attesting that her practice included psychosocial assessment, diagnosis, and treatment; and
- The time period was just a month short.

Roxanne Sparks understood from speaking to the Applicant that she did not perform psychosocial assessment or diagnosis in her current job. Sparks advised the Applicant that her application would remain pending for a period of two years. (Testimony of Roxanne Sparks; State Exhibit E)

5. On April 9, 2004, the Applicant submitted a new supervision report form completed by Laurie Waldrup, LCSW-C. Waldrup again reported providing 153 hours of supervision to the Applicant from 9/14/01 to 8/15/03. Waldrup answered affirmatively to the question on the form "has the supervisee completed the number of supervision hours required by the board in a position performing psychosocial assessment, diagnosis and treatment?"

The Applicant also submitted a supervision report from her current supervisor in Iowa, Steve Ochiltree, LISW. Ochiltree reported providing 28 hours of direct supervision to the Applicant from 8/29/03 to 3/31/04. He also affirmed that the Applicant had completed the number of supervision hours required by the board in a position performing psychosocial assessment, diagnosis and treatment. (Testimony of Roxanne Sparks; Applicant; State Exhibits F-H)

6. The Board reviewed the application at their May 2004 meeting. The Board determined that the job descriptions on the application indicated that the Applicant had been working at the bachelor's level performing child abuse investigations, case management, and risk assessments. On June 10, 2004, the Board asked the Applicant to submit detailed descriptions of her job duties from her two supervisors, Laurie Waldrup and Steve Ochiltree. The Board alerted the Applicant that it was looking for evidence that she performed diagnosis and treatment activities during her supervised work experience. (Testimony of Roxanne Sparks; State Exhibit I)

7. The Applicant did not submit any additional information to the Board. On September 24, 2004, the Board notified the

Applicant, in writing, that it was denying her application for licensure at the independent level for the following reasons:

- The Applicant had not submitted the requested additional information from her supervisors detailing the work she performed, specifically diagnosis and treatment;
- The Applicant had indicated that she was not employed at the master's level performing psychosocial assessment, diagnosis and treatment.

The Applicant was surprised that the Board denied her application. The Applicant erroneously assumed that she would be given until January 21, 2006 to provide additional information supplementing her application. (Testimony of Roxanne Sparks; Applicant; State Exhibit J)

8. On May 6, 2005, the Applicant's former supervisor, Laurie Waldrup, wrote to the Board and provided additional narrative concerning the Applicant's social work practice in Maryland. Waldrup noted that the Applicant was promoted to a higher pay scale, as a Social Worker II, after she received her graduate level licensure. Waldrup gave the following description of the Applicant's position and duties:

- short-term interaction with families who were in crisis due to domestic abuse, substance abuse or child abuse;
- predominantly focused on crisis intervention;
- utilized rapport building to engage children in identification of abuse/neglect, exposure to violence, and any identifiable emotional or developmental deficits;
- used assessment skills to determine children's feelings of safety at home;
- used anatomical dolls as a demonstration aide if a child disclosed abuse;
- provided expert testimony;
- used the problem solving model to identify goals, assess and evaluate the problems related to client needs, identify available resources, offer a professional judgment based on facts and professional knowledge, formulate a plan of action, and carry out the plan with the family in the brief period before the case was forwarded to a case manager;
- used the following treatment models: parent education training, brief psychotherapy techniques, crisis

intervention, system theories, cognitive-behavioral therapy techniques, bio psychosocial theory, coping skills therapy, solution oriented therapy, and family therapy model.

(Applicant Exhibit 4)

9. On May 6, 2005, the Applicant's current supervisor, Steven Ochiltree, wrote to the Board and provided additional narrative concerning the Applicant's social work practice in Iowa. Ochiltree gave the following description of the Applicant's position and duties as a Social Worker II with the Linn County Department of Human Services:

- assessed the parent/child bond;
- identified problems and evaluated symptoms and behaviors;
- established treatment goals and performed case planning;
- participated in interdisciplinary consultation and collaboration;
- assessed the effects of the environment on behaviors;
- taught parent education training;
- completed psychosocial histories on each new juvenile court case;
- completed danger evaluations and safety assessments, identified indicators of abuse and neglect, and contracted with parents regarding safety;
- testified in court;
- facilitated family team meetings, helped clients develop a plan of action to reach goals, and identified internal and external client supports;
- utilized different interventions based on the family's individual strengths and needs;
- identified the mental health needs of clients and discussed her "clinical impressions" with Ochiltree in detail;
- applied social work models that focused on crisis management and crisis intervention and applied systems theory principles to identify different systems that impacted her clients;
- utilized the empowerment model and role playing techniques to help clients prepare for job interviews and cope with peer pressure;

- applied skills stemming from resource-based interventions, strengths based perspective, problem solving methods, and a task centered approach.

(Applicant Exhibit 5)

10. In her post-master's degree social work positions, the Applicant has not diagnosed and has not provided psychosocial therapy³ to clients. The Department of Human Services refers all clients for therapy by outside agencies or contractors. (Testimony of Applicant)

11. On April 28, 2005, the Maryland Board of Social Work Examiners notified the Applicant that her credentials had been approved for the examination for licensure at the Certified-Clinical level. Maryland's requirements for the Certified social worker-clinical license provide that in addition to a master's degree in social work, applicants must provide documentation of having completed 2 years as a licensee with supervised experience of at least 3,000 hours after receiving the master's degree with a minimum of 144 hours of periodic face-to-face supervision in the "assessment formulation of a diagnostic impression", and treatment of mental disorders and other conditions and the provision of psychotherapy under the terms and conditions that the Board determines by regulation. (Testimony of Applicant; Applicant Exhibits 6, 7)

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

³ "*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 individualized treatment plan. 645 IAC 282.1.

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)(2003).

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)(2003).

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

3. "*Practice of social work*" means the professional activity of licensees which is directed at enhancing or restoring people's capacity for social functioning, whether impaired by environmental, emotional, or physical factors, with particular attention to the person-in-situation configuration. The social work profession represents a body of knowledge requiring progressively more sophisticated analytic and intervention skills, and includes the application of psychosocial theory methods to individuals, couples, families, groups, and communities. The practice of social work does not include the making of a medical diagnosis, or the treatment of conditions or disorder of biological etiology which involve psychosocial aspects and conditions. 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;...

The issue is whether the Applicant has completed the relevant supervised practice at the master's level performing psychosocial assessment, diagnosis and treatment. The Applicant points solely to the statute, Iowa Code section 154C.3(1)(c),

and argues that she has met the requirement for two years in the "practice of social work" as that term is broadly defined in Iowa Code section 154C.1(3). However, the Applicant's argument ignores the legislature's delegation of authority to the board to determine standards of supervision and also ignores the board's properly promulgated and relevant rule.

Based on the documentation provided by the Applicant and based upon her testimony, it is clear that the Applicant did not provide diagnosis or psychosocial therapy in either Social Worker II position that she has held since receiving her master's degree. 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. 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 performing psychosocial assessment, diagnosis and treatment. Iowa Code section 154C.3(1)(c); 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 Becky Grabe, is hereby DENIED.

This Findings of Fact, Conclusions of Law, Decision and Order is issued on May 20, 2005.

Pursuant to 645 IAC 11.9(5), this proposed decision may be appealed to the Iowa Board of Social Work Examiners within ten (10) days of the date of issuance of the proposed decision. A party must seek appeal to the board in order to exhaust adequate administrative remedies.