

BEFORE THE IOWA BOARD OF SOCIAL WORK

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| IN THE MATTER OF |) | DIA NO. 13SW003 |
| THE APPLICATION |) | |
| FOR LICENSURE OF: |) | |
| |) | FINDINGS OF FACT, |
| LISA A. BAILEY |) | CONCLUSIONS OF LAW, |
| |) | DECISION AND ORDER |

On December 31, 2012, the Iowa Board of Social Work (Board) sent Lisa A. Bailey (Applicant) a preliminary notice of intent to deny her application for a license to practice social work at the independent level because she did not have the required hours of supervised practice. The Applicant appealed and an evidentiary hearing was held on May 13, 2013 before the following members of the Board: Mark Hudson, public member, Chairperson; Mark Hillenbrand, LISW; Amy Courneya, LISW; Valerie Huntley, LISW; Dana McCarthy, LBSW; and Neil Nelson, public member. Lisa Bailey appeared and was self-represented. Assistant Attorney General Sara Scott represented the state. Administrative Law Judge Margaret LaMarche assisted the Board in conducting the hearing and drafted the Board's decision, consistent with their deliberations. Lisa Bailey is currently licensed at the master's level, and she elected to have a closed hearing, pursuant to Iowa Code section 272C.6(1)(2013) and 645 IAC 11.19(10), 11.32(2).

THE RECORD

The record includes the testimony of David Fox, Andy Eastwood, Lisa Bailey, State Exhibits 1-12 and Applicant Exhibits A-B.

FINDINGS OF FACT

In May 2010, Lisa Bailey completed her master's degree in social work at the University of Northern Iowa. On May 25, 2010, the Board issued Lisa Bailey license no. 06445 to practice as a master's level social worker in the state of Iowa. On June 1, 2010, Ms. Bailey started a position as a Clinical Social Worker for the Mental Health Center of North Iowa. (Mental Health Center) In this position, Ms. Bailey provided individual therapy, including assessment and diagnosis, to children, adolescents, and adults. She also provided group therapy to adults and supervised the Peer Support Services Program. Prior to completing her master's degree, Ms. Bailey had been employed by

the Mental Health Center in a bachelor's level position as a Community Support Specialist (CSP). (Bailey testimony; State Exhibits 6, 12)

In order to sit for the clinical examination to become a licensed independent social worker, Ms. Bailey is required to complete 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. She is also required to have 110 hours of direct supervision by a licensed independent social worker equitably distributed throughout a minimum period of two years. Board rules further specify the supervision requirements, including the requirement for a supervision plan.¹

On June 1, 2010, Lisa Bailey entered into a supervision plan with David G. Fox, ACSW, LISW, who was the chief clinical social worker at the Mental Health Center. The Supervision Plan established the following five goals for Ms. Bailey: Enhance Practice Skills, Practice Management Skills, Skills Required for Continuing Competence, Development of Professional Identity, and Ethical Practice. The projected end date for Ms. Bailey's supervision plan was June 30, 2012. (Bailey, Fox testimony; State Exhibit 6)

David Fox supervised Lisa Bailey from June 1, 2010 through February 9, 2011 and then again from June 27, 2011 through July 27, 2012. During these time periods, Mr. Fox provided Ms. Bailey with 53 hours of individual supervision and 69 hours of group supervision. (Fox testimony; State Exhibit 10)

During a temporary restructuring at the Mental Health Center from February 10, 2011 to June 27, 2011, Executive Director Andrew Eastwood, LISW, served as Lisa Bailey's supervisor. During that time, Mr. Eastwood provided Ms. Bailey with seven (7) hours of direct supervision. (Eastwood testimony; State Exhibit 11)

Lisa Bailey admits that she is a recovering alcoholic. She further admits relapsing on February 12, 2011 after 11 years of sobriety. A one week relapse culminated in Ms. Bailey's arrest for Operating While Intoxicated (OWI). Ms. Bailey hit a parked car, left the scene, and was later arrested at her home. At hearing, Ms. Bailey did not deny that she was impaired at the time of the accident but testified that she is not sure if her blood alcohol was over the legal limit. (Bailey testimony)

¹ Iowa Code section 154C.3(1)(c); 645 IAC 280.6(1).

The day after the OWI, Lisa Bailey called David Fox and told him that she was “black out drunk” and did not remember anything about the accident. Mr. Fox’s report of this conversation was credible. (Fox testimony; State Exhibit 10) Lisa Bailey also reported her OWI arrest to her supervisor at the time, Andrew Eastwood, who encouraged her to take responsibility for the OWI. Ms. Bailey was placed on administrative sick leave, obtained an evaluation, notified the Board of her arrest, and was allowed to return to work after two weeks. Ms. Bailey reports that she has been sober since the OWI arrest and is actively participating in a 12-step recovery program. (Bailey, Eastwood testimony; State Exhibit 9)

On August 1, 2011, David Fox completed a generally favorable Performance Evaluation for Lisa Bailey concerning her first year of supervised practice. Mr. Fox did note some concerns about Ms. Bailey’s challenges in adjusting from the role of a Community Support Specialist to a clinician and understanding the different professional boundaries for a clinician. He also noted her tendency to “overshare” with colleagues. (State Exhibit 9; Bailey, Fox testimony)

Lisa Bailey was convicted in March 2012, following a trial, and was sentenced in April 2012 to three concurrent 30 day jail sentences for OWI, leaving the scene of an accident, and causing personal property damage. Both Lisa Bailey and David Fox were surprised by the severity of Ms. Bailey’s sentence for a first OWI. In addition, Mr. Eastwood and Mr. Fox had serious concerns about Ms. Bailey’s ongoing employment at the Mental Health Center if she was out of work for 30 days serving the jail sentence. (Bailey, Eastwood, Fox testimony; State Exhibit 10)

Sometime after Ms. Bailey was sentenced, David Fox ran into her trial judge at a golf course. In the course of their conversation, the judge asked Mr. Fox what he knew about Lisa Bailey’s accident. When Mr. Fox responded that he only knew that she ran into a car and was charged with OWI, the judge told him that it was much more than that. The judge told Fox that an eyewitness saw Ms. Bailey crash into a car and then followed her into a convenience store. The eyewitness saw her “stumble barely able to walk” into the store and buy beer. The eyewitness followed her home right past the car she crashed into. The judge also told Fox that despite the eyewitness testimony and overwhelming evidence, Ms. Bailey stood in front of him and denied she was intoxicated at the time of the accident. The judge told Mr. Fox that Lisa Bailey’s case was now out of his hands. David Fox told Lisa Bailey about this conversation with the judge “in the hopes she would realize that she has some issues related to her recovery”

and so she would understand why she received the 30 day jail sentence. Ms. Bailey was upset that the judge spoke to David Fox about her case and felt she was being treated unfairly. (Fox testimony; State Exhibit 10, p. 43)

On July 27, 2012, Lisa Bailey wrote to Tony Alden, the Board's Executive Officer and reported that David Fox had refused to sign off on the supervision section of her LISW application. She also reported that Mr. Fox became angry and told her "you are pushing me closer to firing you" when she told him that he could answer "yes" or "no" to the questions on the supervision form and then provide explanations for any "no" answers. Ms. Bailey further reported that her employment at the Mental Health Center had been terminated. She asked for an exception from the requirement that her supervisor sign the supervision section of her license application, given her supervisor's outright refusal to complete the supervision form. (Bailey testimony; State Exhibit 6)

On August 15, 2012, Tony Alden wrote to David Fox and asked him to provide the Board with a completed supervision report for Lisa Bailey and for a copy of her supervision plan, as required by board rule 280.6(3)"f." Mr. Alden also asked Mr. Fox for an explanation concerning the termination of Ms. Bailey's employment. (State Exhibit 7)

On August 27, 2012, David Fox submitted a completed Supervision Report for Lisa Bailey to the Board. He reported that he provided Ms. Bailey with 53 hours of individual supervision and 69 hours of group supervision for the periods of time from June 1, 2010 to February 9, 2011 and from June 27, 2011 to July 27, 2012. Question 16 on the supervision report form asked if the supervisee, to his knowledge, adhered to the board's administrative rules, including the rules of conduct. Mr. Fox answered this question "no." Question 17 asked "do you recommend to the Board of Social Work that this applicant/supervisee be allowed to sit for the ASWB clinical level examination, and be licensed at the independent level, thus allowing him/her to provide mental health services independently in private practice?" Mr. Fox also answered this question "no." (State Exhibit 10)

In his detailed letter accompanying the supervision report and in his testimony at hearing, David Fox cites to the following reasons for checking "no" to Questions 16 and 17 on the supervision report:

- When Lisa Bailey told David Fox that she was going to plead not guilty to the OWI on the basis that she drank enough between the time of the accident and when the police arrived at her home and tested her blood alcohol level, he reminded her that she called him the day after the accident and told him that she had been “black out drunk” and remembered nothing of the accident. Ms. Bailey told Fox that she never called him. From this point on, Mr. Fox began having serious concerns about Ms. Bailey’s personal judgment and insight into her recovery;
- On June 27, 2011, Ms. Bailey was given a written reprimand for failing to arrange coverage of her dual diagnosis “drop in” group as instructed;
- In July 2011, Ms. Bailey reportedly told a “peer helper” that the CSP workers had confronted her and had her in tears during a meeting about the peer helpers’ concerns about Ms. Bailey’s supervision of them. In addition, Ms. Bailey admitted sharing information about her drinking relapse with a drop-in center client;
- There were several incidents in August 2011 when Lisa Bailey “over shared” information about her past and personal issues with colleagues and peers;
- On September 6, 2011, David Fox learned that a client told Lisa Bailey that she was having some suicidal ideation after she was not hired as a peer helper. Ms. Bailey failed to report this information to the client’s therapist. When Mr. Fox asked Ms. Bailey about the incident, she reported that the client was distraught and she meant to tell the therapist but forgot;
- On May 29, 2012, Lisa Bailey approached David Fox and asked if he knew the schedule of one of the CSP workers. He did not know her schedule. Later in the afternoon, the CSP worker called Fox and told him that Ms. Bailey had left her a message to call her. Ms. Bailey’s message did not appear urgent so the CSP worker finished her visit and then returned Ms. Bailey’s call about an hour later. Ms. Bailey then told the CSP worker that one of their mutual clients had called her to report that she had taken too much of her medication. Ms. Bailey asked the CSP worker to check on the client. The CSP worker called the client, who was then almost unresponsive. The CSP worker called the police to do a welfare check on the client, who was suffering from an overdose. The next day Mr. Fox told Ms. Bailey that he was concerned she did not respond with sufficient urgency and that the client could have died. Ms. Bailey told David Fox that the CSP worker returned her call within 15 minutes, but this was inconsistent with what the CSP worker reported;

- On July 3, 2012, Lisa Bailey's dog bit one of her clients who was walking by her house. Ms. Bailey was at work at the time, and her husband was in charge of the dog. The client filed a police complaint against Ms. Bailey's husband and sought medical care. Charges were filed and court action was pending. Ms. Bailey did not tell Mr. Fox about the dog bite incident until a week later nor did she inform any of the other senior staff members. Ms. Bailey told Fox that she called the client to see if she was ok and assured the client that she could continue to see her in spite of what happened. Ms. Bailey exhibited no understanding of the professional conflict of interest that the situation presented or the difficult position that the client would be in if she wanted to pursue civil action against Ms. Bailey's husband. Lisa Bailey was issued a written reprimand for this incident and was required to develop a corrective action plan in regard to using and seeking out supervision.
- On July 13, 2012, David Fox discussed two additional incidents with Lisa Bailey. A CSP worker reported overhearing Ms. Bailey tell a client that she would not be able to continue seeing him after he was on Medicare because David Fox would not sign off so she could take the LISW examination. Ms. Bailey told the client that if he wanted to complain, he should call Mr. Fox. Ms. Bailey denied saying this to a client but told Fox that the client may have overheard her explaining to the receptionist why the client needed to see someone else. In addition, while checking Ms. Bailey's schedule, David Fox discovered that she had been seeing a client on a regular basis during evening hours when the Mental Health Center was closed. Ms. Bailey had done this without notifying her supervisor or seeking permission. When this was discussed with her, Ms. Bailey showed little recognition of the issues that could arise from this practice;
- On July 16, 2012, Lisa Bailey called David Fox to report that she had seen a girl ride her bike into the side of a truck. Ms. Bailey reported that she stopped to give aid, identified herself to the girl as a therapist with the Mental Health Center, and administered mental health first aid by helping the girl with deep breathing and relaxation exercises. While she was helping the girl, the truck driver left the scene. Ms. Bailey did not get the name of the truck driver or the license plate number. She asked the girl if she wanted her to call the police or anyone else, and the girl said no. The girl's bicycle was broken so Ms. Bailey gave her a ride and dropped her off at home. On the ride home, the girl told Ms. Bailey that she was a client of another therapist at the Mental Health Center. Ms. Bailey called Mr. Fox to report the incident because the girl was a client of the Mental Health Center. In reviewing the matter, Mr. Fox discovered that the

girl was only 12 years old. As a professional social worker, Mr. Fox believed that Ms. Bailey should not have transported the girl in her personal car and should not have dropped her off at home without speaking to her mother and letting her know what happened;

- Lisa Bailey's employment was terminated after staff members approached David Fox and told him that they felt they were being put in the middle of the drama between Fox, Eastwood and Bailey. Ms. Bailey was discussing the disciplinary actions taken against her with other staff in such a way as to appear the victim. In Mr. Fox's opinion, Ms. Bailey was attempting to create sympathy for herself and undermine his authority and that of Mr. Eastwood. Mr. Fox felt this demonstrated that Ms. Bailey was only giving lip service to the feedback that her supervisors were giving her in order to keep her job. In his opinion, it demonstrated Ms. Bailey's inability to learn from her mistakes and use supervision in a productive way.

In David Fox's opinion, Lisa Bailey needs more supervision as a master's level social worker to better understand the professional boundaries for an independent social worker. He estimates that he has supervised between 12-20 social workers during his career. He has never previously refused to certify a social worker as ready to practice at the independent level. (Fox testimony; State Exhibit 10)

On July 27, 2012, the Mental Health Center of North Iowa terminated Lisa Bailey's employment. David Fox and Andrew Eastwood have not had any contact with Ms. Bailey since that time. (Bailey, Fox, Eastwood testimony)

On September 18, 2012, Andrew Eastwood submitted a completed Supervision Report to the Board and reported that he provided Lisa Bailey 7 hours of direct supervision from February 22, 2011 to June 27, 2011. Like Mr. Fox, Mr. Eastwood answered "no" to Questions 16 and 17 on the supervision report. In his letter to the Board and at hearing, Mr. Eastwood explained that his "no" answers were shaped by the events reported to him by Mr. Fox, including growing concerns about Ms. Bailey's ability to maintain professional boundaries with clients, colleagues, and her supervisor. Mr. Eastwood expressed concern about Lisa Bailey's ability to be effectively supervised, to practice independently, and to understand the professional boundaries that apply to her role as a licensed independent social worker. (State Exhibit 11; Eastwood testimony)

On October 29, 2012, Lisa Bailey filed an Application for Independent Social Work Licensure. (State Exhibit 12) On December 31, 2012, the Board issued its Preliminary Notice of Intent To Deny Licensure to Lisa Bailey on the basis that she does not have the requisite hours of supervised practice. (State Exhibit 3) The Applicant filed a Notice of Appeal. (State Exhibit 4)

Lisa Bailey was not employed as a social worker from July 27, 2012 to April 22, 2013. Ms. Bailey testified that she has made her ongoing recovery her first priority during this time. On or about April 22, 2013, Ms. Bailey was hired as a full-time outpatient counselor at Prairie Ridge Addiction Services. Prairie Ridge Addiction Services has an LISW on staff who can provide supervision for Ms. Bailey. Ms. Bailey testified that she knows that she still needs supervision, but she does not think that it is appropriate to discount the two years of supervised practice that she has already completed. Ms. Bailey testified that her plans for work would not change if she is licensed as an independent social worker. (Bailey testimony)

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.² The 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.³

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.⁴ However, the practice of social work does not include the making of a medical diagnosis, or the treatment of conditions or disorders of a biological etiology except treatment of conditions or disorders which involve psychosocial aspects and conditions.⁵

² Iowa Code sections 154C.2; 154C.3 (2013).

³ Iowa Code section 154C.1(3)(2013).

⁴ *Id.*

⁵ *Id.*

A licensed bachelor social worker (LBSW) is qualified to 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.⁶

A licensed master social worker (LMSW) is qualified to perform the practice of a bachelor social worker and to 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.⁷

A licensed independent social worker (LISW) is qualified to perform the practice of a master social worker as a *private practice*.⁸ “Private practice” means social work practice conducted only by an LISW who is either self-employed or a member of a partnership or of a group practice providing diagnosis and treatment of mental and emotional disorders or conditions. ⁹

An applicant for a license as an independent social worker shall present evidence satisfactory to the board that the applicant:

- (1) Possesses a master’s or doctoral 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 social worker in accordance with standards for professional conduct established by the board.

⁶ Iowa Code section 154C.1(3)(a)(2013).

⁷ Iowa Code section 154C.1(3)(b)(2013)(emphasis supplied).

⁸ Iowa Code section 154C.1(3)(c)(2013)(emphasis supplied).

⁹ Iowa Code section 154C.1(4)(2013); 645 IAC 280.1.

- (4) Has 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.¹⁰

"Supervision" means the direction of social work practice in face-to-face sessions.¹¹ 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."¹²

Pursuant to this authority, the Board has promulgated an administrative rule which provides, in relevant part, that the supervised practice of an LISW applicant shall 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.¹³ The Board's rules require 110 hours of direct, face-to-face supervision equitably distributed over the two-year period and prescribe the manner in which the supervision must be obtained. The Board's rules further require that the supervisor must establish and maintain a plan of supervision throughout the supervisory period which includes a number of required elements, including the goals and objectives for the "clinical work experience."¹⁴

In addition, the supervisor must be responsible for supervision within the following content areas:

- (1) Practice skills;
- (2) Practice management skills;
- (3) Skills required for continuing competence;
- (4) Development of professional identity; and
- (5) Ethical practice.¹⁵

¹⁰ Iowa Code section 154C.3(1)(c)(2013).

¹¹ Iowa Code section 154C.1(5)(2013).

¹² Iowa Code section 154C.3(5)(2013).

¹³ 645 IAC 280.6(1)(a).

¹⁴ 645 IAC 280.6(3).

¹⁵ 645 IAC 280.6(3)"e." This same rule was previously numbered as 280.6(3)"d."

Moreover, Board rules require the supervisor to be “accountable” for the following areas of supervision:

- (1) Area of social work practice;
- (2) Agency providing services;
- (3) Legal and regulatory requirements;
- (4) Ethical standards of the profession; and
- (5) Acceptance of professional responsibility for the social work services provided by the supervisee.¹⁶

Finally, the supervisor must complete a supervision report sheet at the end of the supervised professional experience. The sheet must be answered in full and signed by both the supervisor and the supervisee. The report shall be submitted to the board for their review and approval prior to the board’s approval of the supervisee to sit for the clinical-level examination.¹⁷

The Board has a statutory duty to ensure that applicants for licensure at the independent level are qualified to provide diagnosis and treatment of mental and emotional disorders in a private practice setting, consistent with the ethical standards of the profession, prior to their licensure. The supervised practice is a key element in determining that the applicant is qualified to practice independently. Lisa Bailey’s master’s level practice has been supervised for more than 110 hours over a two year period. This supervision does not satisfy the Board’s rules, however, because of the supervisor’s responses on the supervision reports. Ms. Bailey’s supervisors answered “no” to the question on the supervision report form that asked if she had adhered to the board’s administrative rules, including the rules of conduct. In addition, Ms. Bailey’s supervisors did not recommend that she be allowed to sit for the AWSB clinical level examination and be licensed at the independent level, thus allowing her to provide mental health services independently in private practice.

At hearing, Ms. Bailey’s supervisors provided substantial and credible reasons for the “no” answers on the supervision reports. The testimony and letters of Ms. Bailey’s supervisors raise serious doubts as to her readiness to practice social work in a private practice setting, consistent with all applicable ethical and professional standards. Given

¹⁶ 645 IAC 280.6(3)“f.” This same rule was previously numbered as 280.6(3)“e.”

¹⁷645 IAC 280.6(3)“g.” This same rule was previously numbered as 280.6(3)“f.”

the critical importance of the supervision requirement to licensure at the independent level, the Board remains unwilling to approve Lisa Bailey to sit for the clinical level examination and obtain licensure at the independent level. The Board has concerns about Ms. Bailey's understanding of the ethical responsibilities and professional boundaries of a licensed independent social worker. These concerns are heightened because Ms. Bailey is practicing social work in a substance abuse treatment facility where she may be inclined to share too much personal information about her own recovery with her clients. The Board has determined that Lisa Bailey must be required to start over the process of obtaining her 110 hours of supervised practice. The supervised practice must be at the master's level performing assessment, diagnosis and treatment in order to qualify her for licensure at the independent level.

DECISION AND ORDER

IT IS THEREFORE ORDERED that the Preliminary Notice of Intent to Deny Applicant Lisa A. Bailey licensure to practice independent social work is hereby AFFIRMED.

Dated this 18th day of June, 2013.

A handwritten signature in black ink, appearing to read 'Mark Hudson', written over a horizontal line.

Mark Hudson, Chairperson
Iowa Board of Social Work

cc: Sara Scott, Assistant Attorney General, Hoover State Office Building (LOCAL)
Lisa Bailey, 115 North Pierce, Mason City, IA 50401 (CERTIFIED)

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.