

**STUDY OF THE
VIRGINIA BOARD OF SOCIAL WORK
DENIALS OF LCSW APPLICATIONS-CALENDAR YEAR 2014
BY
JOSEPH G. LYNCH LCSW, CSOTP
VIRGINIA SOCIETY FOR CLINICAL SOCIAL WORK
AUGUST 20, 2015**

EXECUTIVE SUMMARY

INTRODUCTION:

Over the past several years there has been concern in the professional social work community over the denial by the Virginia Board of Social Work of applications for the Licensed Clinical Social Work license. In 2011 this concern led to legislative efforts that resulted in the passage of § 54.1-3707.1. This law clarified the Educational Requirements for the LCSW applicants.

This new law resolved any questions about the criteria for the educational requirements. However it seemed that there was still concern about the criteria for meeting the requirement of providing "Clinical Social Work Services." Some applications were denied for the reason that the services that the applicant delivered did not meet the "Clinical Social Work Services" definition.

PURPOSE OF THE CURRENT STUDY:

The Virginia Society for Clinical Social Work decided that in order to have a clear understanding of the denial of LCSW applications that a study needed to be done that collected the data on all of the applications that resulted in a decision by the VBSW to deny the application.

METHOD:

The following steps were taken to collect the data:

- The time period of the study was selected to be the 2014 calendar year.
- The minutes of the following were collected:
 - All of the VBSW Board meetings.
 - All of the Informal Conference Committee meetings.
 - All of the Special Conference Committee meetings.
 - All of the Formal Hearing meetings.
 - All of the Credentials Committee meetings
- Virginia Freedom of Information (VA FOIA) request were made for all of the Board ORDERS that were drafted as a result of any of the conferences or hearings.
- A copy of the VBSW regulations that were in effect for the 2014 calendar year was obtained.

"REGULATORY LIMBO"

- ❖ In the process of gathering data about denials of LCSW applications I discovered that there was a cohort of applicants for which there was no data collected by the VBSW. This group was applicants that were reviewed by the credentials committee and their application was not approved nor denied. These applicants were sent letters advising

them of the status of their application and advising them of their right to request an informal conference with the credentials committee to appeal the decision of the committee. The VBSW does collect data on the number of applicants that were sent these letters AND requested an informal conference. However the VBSW does not track the number of applicants who received these letters and DID NOT request an informal conference with the credentials committee.

- ❖ In order to establish some estimate of the size of this group of applicants I gathered the credential committee meeting minutes from the years 2011, 2012, and 2013. The format of those minutes identified the number of applications approved or denied and the number of applications that were neither approved or denied but were not allowed to sit for the LCSW exam. This is the group I labeled as being in "Regulatory Limbo." The size of this group is reported in the table below:

APPLICATIONS IN "REGULATORY LIMBO"

2011	2012	2013	3 year total	Average of 3 years
47	5	11	63	21

As you review the results of the study please keep in mind that there is this group of applicants that may be about 21 applicants per year but are not reported in any of the data.

Several tables were developed to place the data into the following categories:

1. Applications for Registration of Supervision for LCSW
 - a. A VA FOIA request was made for the total number of Applications for Registration for Supervision for LCSW.
The VBSW responded that they do not maintain this number.
2. Applications for the LCSW
 - a. A VA FOIA request was made for a breakdown of the number of applications for:
 - i. LCSW by Examination
 - ii. LCSW by Endorsement
 The VBSW responded that they do not maintain this breakdown of data so only the total number of LCSW applications was provided.
3. Disciplinary hearings of currently licensed persons
4. Disciplinary hearings of previously disciplined persons who were requesting reinstatement of their license.

Each of the tables then divided the data collected into the following categories:

Name of Applicant	The date of the VBSW Board meeting where action was taken on the recommendation of the Informal or Special Conference committee	
Date of Informal or Special Conference Committee hearing	If a Board ORDER was entered then the following information was listed:	a. Findings of Fact
		b. Conclusions of Law
The recommendation of the Informal or Special Conference Committee		c. Order of the VBSW

RESULTS:

The VBSW received 762 applications for LCSW during the 2014 calendar year. Of the 762 LCSW applications 23 went to a hearing with the VBSW. This represents 3.1% of the total number of applications.

The VBSW held a total of 49 hearings of all types during the 2014 year. So 47% of the hearings held by the VBSW in 2014 were focused on LCSW applications. The "Application for Registration of Supervision" resulted in 5 hearings which represents 10% of the total hearings. So 57% of the VBSW hearings during the 2014 calendar year were focused on "Applications for Registration of Supervision" and "Applications for LCSW." Both of these categories are part of the licensure process.

APPLICATIONS FOR REGISTRATION OF SUPERVISION

In order to register your supervision with the VBSW an MSW must meet the Educational Requirements of the regulations. Key components of this requirement are "prior written board approval" and "prior to the onset of such supervision." Of the 5 "Applications for Registration of Supervision" that had hearings before the VBSW 2 were approved by the VBSW at the hearing and 3 were denied.

The three "Applications for Registration of Supervision" were denied due to the applicant not being able to:

- ❖ Verify that they had an MSW from a CSWE accredited program with a 'Clinical Course of Study.'
- ❖ Not having acquired prior written approval for their supervision and not registering their supervision with the VBSW prior to the onset of the supervised experience.

APPLICATIONS FOR LCSW BY EXAMINATION

Of the 23 "Applications for LCSW by examination" that received hearings by the VBSW, 7 were approved by the VBSW at the hearing. The remaining 16 (2.0%) were denied. The reasons for denial fell into the following categories:

1. Applications that did not meet the supervision requirement.
2. Applications that did not report criminal convictions and/or licensed in another jurisdiction.

APPLICATIONS FOR LCSW BY ENDORSEMENT

Of the Applications for LCSW by Endorsement one was denied for:

1. Failure to report on application disciplinary action against license in another state.

SUMMARY:

This study substantiates several facts:

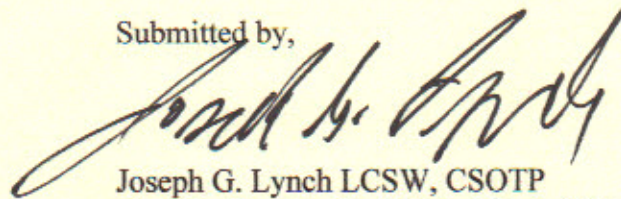
- In 2014 the majority of hearings (57%) held by the VBSW involved the registration or supervision or application for LCSW licensure process.
- Of the 762 LCSW applications received by the VBSW in 2014 only 26 (3.1%) went to a hearing.
- Of those 26 applications that requested a hearing the VBSW approved 7 of the applications as a result of the hearing and denied 16 applications.

- Of the 16 (2.0%) applications that the VBSW denied – 14 of them were denied for in some way not meeting the supervision requirements of the regulations.
- The VBSW has a gap in their data collection process in that they do not collect data on the number of applicants who were stopped in the application process and received a letter from the board offering a hearing but did not request a hearing.
- The Findings of Fact in the Board Orders provided substantial evidence that the applicant did not meet the requirements of the regulations.

The VBSW should be commended for properly exercising their responsibility as health board regulators to enforce the regulations of the VBSW. The evidence shows that the VBSW offered due process to applicants and treated them in a fair and unbiased manner.

For the VBSW, NASW VA, VSCSW and the schools of Social Work in Virginia this study points out the importance of all of these stakeholders to educate, inform and mentor new MSW graduates about the "nuts and bolts" requirements of the VBSW regulations regarding supervision. Also it points to an area of needed continuing education for any LCSW who provides supervision to seek out training in the specific requirements of the VBSW regulations regarding supervision. In one sense it seems that most of the applications for LCSW that were denied were denied for reasons that are preventable if the supervisors are well versed in the VBSW regulations.

Submitted by,



Joseph G. Lynch LCSW, CSOTP
Virginia Society for Clinical Social Work