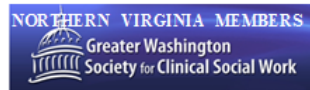




AND



Virginia Society for Clinical Social Work
10106-C Palace Way
Henrico, Virginia 23238

**What has VSCSW done for social work lately?
“Behind the Scenes”**

**By: Joseph G. Lynch LCSW
June 15, 2018**

Occasionally this question comes up. When I think about the answer I realize that VSCSW does many things “behind the scenes” and therefore the members and others don’t really have a chance to know about this important work. The Bylaws of VSCSW state seven “*Purposes of the Society.*” The one that I want to focus on is #6 “*To protect the rights of clinical social workers to practice.*”

That purpose may seem a bit odd today. Obviously clinical social workers have the right to practice their profession. But I am part of the history of social work in Virginia and have a unique perspective on the path we have traveled to acquire that right and to maintain that right to practice. Some examples are:

- I helped accomplish vendorship for LCSW’s in Virginia so we could bill insurance companies directly for the services we delivered without paying a “kickback” to another professional.
- I helped to establish the Privileged Communication statute in Virginia so the clients of LCSW’s (and other licensed mental health providers) have Privileged Communication and their records may not be subpoenaed in civil cases.
- I helped get legislation passed to require licensed mental health professionals to educate their clients of the client’s right to file a complaint against a previous provider who may have violated the code of ethics of that profession.
- I helped get the Department of Health Professions to change their policy so that any person who had a license that was revoked due to disciplinary actions would have their name continue to be in the “License Look-up” database so consumers could be informed of that history and be protected from providers who continued to practice but used a non-regulated title.

I continue to be involved in monitoring social work regulation in Virginia by attending most of the Virginia Board of Social Work (VBSW) board meetings and the Regulatory Committee meetings. Below are two recent “behind the scenes” efforts that myself, the legislative committee and VSCSW-GWSCSW have been involved with on behalf of clinical social work.

#1 Behind the scenes 2017-2018

Over the last few years the VBSW has explored the idea of dividing the LSW license into a LBSW and an LMSW license. I provided public comment and written information to help inform the VBSW of ways under current law and regulation they could accomplish their goal of dividing the LSW license. VSCSW wanted to make sure that this division of the LSW did not set up a “back door” to engage in private practice without acquiring the LCSW license.

In the spring of 2017 the Assistant Attorney General (who was legal counsel for the VBSW) informed the Board that they must get the social work statute changed to accomplish this goal. Following their counsel's advice the VBSW submitted Proposed Legislation for the 2018 General Assembly session. Anytime that the licensing law for social work is "opened up" at the General Assembly it poses a risk that others might use the opening up process to harm the LCSW license. After the VBSW voted to pursue this proposed legislation I asked the VSCSW Lobbyist, Sue Rowland:

"Do we want to know now what the 846 current LSW's think about this change or do we want to wait until we are sitting at a House subcommittee meeting in January 2018 and hear an LSW testify at a subcommittee meeting about how they feel?"

If you have ever been involved in any legislative effort you know the answer is that you want to know now. Sometimes things happen very quickly when the General Assembly is in session and VSCSW needs to be prepared to provide testimony, data, or information at very short notice.

The VSCSW authorized the legislative committee to conduct a survey of the 846 Virginia LSW's. A person with an LSW can have either a BSW + experience or an MSW without experience. The proposed legislation provided for the first time definitions for Bachelor's Social Worker and Master's Social Worker as noted below:

Baccalaureate social worker means a person, engaged in the practice of social work, who practices under the supervision of a master's social worker within an entity not otherwise exempted by provisions of § 54.1-3701 and who is engaged in a basic generalist practice to include casework management and supportive services and consultation and education.

Master's social worker means a person, engaged in the practice of social work, who is employed by an entity not otherwise exempted by provisions of § 54.1-3701 and who is engaged in a non-clinical, generalist scope of practice of social work to include staff supervision and management.

Our impression was that many of the LSW's with Master's degrees were engaged in the practice of clinical social work in exempt settings. But we did not have any data on this so our first step was to send a Virginia Freedom of Information (VFOI) request to the VBSW for information by asking the following questions:

How many of the 846 LSW's are Bachelor's social workers?
How many of the 846 LSW's are Master's social workers?
How many of the LSW's are employed in "non-clinical" social work practice?
How many are engaged in "clinical" social work practice?
How many of the LSW's are employed in exempt settings?
How many of the LSW's are employed in non-exempt settings?
How many of the LSW's are required by their employer to have the LSW?

The answer from the VBSW on all these questions was the same:

"The VBSW does not track this information."

We were a bit surprised by the answer but it helped VSCSW to know some of the questions we needed to ask in our survey. VSCSW then:

- Purchased the mailing addresses of the 846 LSW's.
- Designed a brief survey and cover letter.
- Put information in the cover letter offering the option to fill out the survey online using survey monkey.
- Compiled all of the data from the surveys.
- Made a binder for each VBSW member that included the results of the study, a DVD with all of the survey materials, some PowerPoint slides with highlights, and some other documentation.
- Presented the study to the VBSW at their Board meeting that was prior to the General Assembly session.
- Put all of the study documents up on the VSCSW website. And
- Other task to ensure all of the items above happened.

When House Bill 614 was introduced by the patron of the bill in the subcommittee of the House Committee on Health, Welfare and Institutions it ran into difficulty immediately with the Chair of the Subcommittee raising many concerns and questions. The fact that the Chair of the Subcommittee was Republican and the Patron of the bill was Democrat may have contributed to the bill having difficulty. The Patron realized that the bill was endangered and requested that the bill be “passed by” for one week. This action bought time for the bill. We learned that the Chief Policy Analyst for the Department of Health Professions visited with the Chair of the subcommittee. She took with her the VSCSW study of LSW's. All of the Chair's questions and concerns were answered satisfactorily. The following week the bill was heard again in subcommittee and passed. The full committee, the House of Delegates and the Senate passed the bill and Governor Ralph Northam signed the bill which became law on July 1, 2018.

Many hours of effort by VSCSW board members and committee members, some money from the VSCSW, and having the experience and foresight to know that this LSW study might be needed to ensure passage of the legislation are all factors that made a difference in the outcome. Our lobbyist worked hard to let legislators know that our biggest concern was that nobody tried to use this legislative opportunity to diminish the LCSW license in any way.

The majority of folks were never aware of any of this “behind the scenes” work.

#2 Behind the scenes 2017-2018:

If you have studied the process of malpractice suits you learn that the vast majority of them are settled out of court. The reason for this is that each side in the suit gathers all of the evidence together that they plan to introduce in court. Then there is a process of each side showing the other side what evidence they will present. (I sometimes think of it as a military battle where each side displays all of their weapons to the other.) When each side evaluates the strength of their evidence and the strength of the opposing side's evidence they need to make a determination about their chances of winning the suit. Most of the time each side sees some strength and weaknesses of the evidence on their side and on the opponent's side and usually there is a decision to make a settlement agreement rather than take their chances in the court

room. So the public usually never knows about the research, evidence and preparation that were done to accomplish the settlement agreement.

I give the above analogy as background for “behind the scenes #2”. In #1 we needed the LSW study to be presented to the VBSW and then to the Chair of the subcommittee. In #2 none of what I am about to describe was ever used.

When VSCSW is involved in some way in the legislative process we need to make preparations. The LSW study is an example. The legislative process by its nature is a political process. So if any bill is being discussed in any committee the legislative members of that committee all have constituents-that is people who live in their voting district. When the legislator is contacted about a bill the people they are most interested in hearing from are the voters who live in their district. They know the lobbyist for XYZ organization is a hired gun sent to advocate for that organization. They know that the Board member of that organization is also an advocate for that organization. And they know that neither one of those folks live in their district. So if the VSCSW wants to make their position on a bill known to a legislator the most effective way for VSCSW to do that is to have VSCSW members who live in that legislators district contact the legislator. All legislators know how to count. By that I mean they know if 10 of their constituents contact them and are all either in favor or opposed to a bill then the legislator knows that they can multiply the number of constituents who contacted them (10 constituents in this example) by at least 2 and maybe more. Because the majority of constituents don’t contact the legislator but they do vote. And unless a bill is about something controversial then very few constituents contact the legislator. Also keep in mind the number of bills and resolutions that are introduced (See table below):

NUMBER OF BILLS AND RESOLUTIONS INTRODUCED IN THE 2018 VIRGINIA GENERAL ASSEMBLY			
House- number of bills introduced	1610	House- number of house resolutions introduced	210
		House- number of joint resolutions introduced	576
Senate- number of bills introduced	996	Senate- number of Senate resolutions introduced	81
		Senate- number of joint resolutions introduced	249
	2606	TOTAL	1116

With thousands of bills and resolutions to be reviewed by each legislator and their staffs they must prioritize where they put most of their efforts and attention. So if several constituents contact a legislator about a bill it gets elevated on the priority list.

The challenge to VSCSW is to find an effective way to get our membership list matched with members of the General Assembly sorted by voting district. In the past this has been a hit-and-miss approach or some sort of phone tree system. But today the technology exists to pull this together using computers, email addresses, and creating a data base system of all this information.

Well you also have to have someone who knows how to use the technology or you have to be able to afford to pay someone to use it to bring all of this together. VSCSW is a bit low on each count. But VSCSW took the following steps:

- Using the “Who’s my legislator” tool on the Virginia General Assembly website we entered the home address of each VSCSW member and entered in an Excel spreadsheet

the legislator's first name, last name, party affiliation, voting district number, phone number, and email address.

- We also identified which legislators were members of the House of Delegates Health Welfare and Institutions committee and which members of the Senate were members of the Education and Health Committee and the Senators who were members of the Health professions subcommittee.
- We then took the information on each VSCSW member from our membership directory and entered on the Excel spreadsheet the first name, last name, home address, office address, home phone number, office phone number, membership status, and email address.
- We then started to sort and match our members:
 - To their Senator
 - To their House of Delegate member
 - To the House Welfare and Institutions Committee
 - To the Senate Education and Health Committee
 - To the Health Professions subcommittee

This process created a database of all of our VSCSW members with all of the members of the General Assembly. If needed we could at short notice pull together the email addresses of all of the VSCSW members who were constituents of Delegate "X" or Senator "Y" and ask those members to contact the legislator and let them know they supported or opposed Bill # xxx. We never had this available previously. And the database can be updated. New members of VSCSW can be added and New legislators can be added to the database.

The majority of folks were never aware of any of this "behind the scenes" work and we never needed to use the database during the 2018 General Assembly session

As we go back to the original question "What has VSCSW done for social work lately?" the answer is VSCSW has done quite a bit of work for social work lately. But the majority of the work was "behind the scenes" type of work. This work counts, it matters but it is not very visible. This article is an opportunity for VSCSW to give you a "peek" into the effort and work that the VSCSW does all the time as your advocate to protect your right to practice clinical social work.