

Rosenfeld, Lisa (HOU)

From: Khan, Kay - Rep. (HOU)
Sent: Tuesday, April 07, 2009 1:38 PM
To: Ferris, Maureen (HOU); Rosenfeld, Lisa (HOU)
Subject: FW:
Attachments: Letter to Rep. Kay Kahn.doc

Thoughts

From: Delger, Robert (DCF)
Sent: Tuesday, April 07, 2009 1:13 PM
To: Khan, Kay - Rep. (HOU); O'Day, James - Rep.(HOU); Dwyer, James J. - Rep. (HOU); Ferris, Maureen (HOU)
Cc: Zevorah Bagni (dss@509seiu.com)
Subject:

As the DCF Chapter Recording Secretary, I am sending you the following letter, also attached as a Word document, at the request of DCF Chapter President Zevorah Ortega-Bagni.

April 7, 2009

Representative Kay Khan
Chair of the Committee on Children and Families and Disabled Persons
Room 146
Massachusetts State House
Boston, Massachusetts 02133

Madame Chairwoman:

I remain grateful for the audience that you afforded us on Wednesday, 25 March 2009.

Please accept the following as a summary of our concerns:

- Chapter 176 of the Acts of 2008 was signed into law by Governor Deval Patrick on 15 July 2008. It was enacted with an emergency preamble and specifically forbade deferred operation. Commissioner McClain has not complied with this requirement of Chapter 176.
- The Commissioner has refused to establish the pilot program (Chapter 176, section 135) that was designed by the Legislature. He has insisted that he has the option to forego doing a pilot that the Legislature clearly believed was necessary to assess the cost to the Commonwealth.
- The Commissioner has extracted specific parts of the pilot language and appears to have simply created his own version of the law from these parts.

- His version is called "*Integrated Casework Practice using a Differential Response Design.*" Some parts of this approach are directly extracted from the pilot that the Legislature designed. However, the Commissioner has initiated what he refers to as pre-implementation across the entire agency. The pilot as envisioned by the Legislature provided that he study the value of the Differential Response method by cross-referencing a control group. To date, no other state has used such empirical examination.
- The law extended the time frame to screen an allegation from 24 hours to 48 hours. The Commissioner has decided to extend this time frame to 72 hours (three business days). Because the law did not empower the commissioner to use additional time, it appears that he has decided to design his own law and "extract time (three business days) from the fifteen days allotted to complete a thorough investigation.
- These three business days will be extracted from the 15 business days that the law allotted to complete a quality investigation. This means that the Commissioner has decided to ignore the improvement that the legislators deemed necessary. For over 25 years, investigators have struggled to gather all of the pertinent information about abusive and criminal parents within five to seven calendar days. After a quarter of a century, the Massachusetts Legislature rectified a problem and Commissioner McClain decided to ignore their correction.
- The Commissioner has not implemented the directive to devote 15 business days to complete an investigation.
- The Commissioner has not implemented the directive to use five days to complete an emergency response.

Representative Kahn, of the fourteen states that use the Differential Response method, all of them have delivery systems that differ from Massachusetts, as most are county based. Furthermore, the threshold and standard for intervention that they use are dangerously different than ours. As evidenced by the death of one child this month in Brockton and the horrible stabbing on another only weeks later in Gardner, we should not venture into a practice that places so much pressure on a work force that is already strained.

The pilot would have defined Massachusetts as a fore-runner in the field of social work with children and families. At this point, policies have not been re-written. None of the proposed changes have been submitted for public hearings. More than 90% of the staff has not been trained on the use of the assessment tools. The overall, associated and ultimate cost to the Commonwealth has not been calculated. Whether these changes are viable with a reduced budget in the middle of a recession is not known. The results of the one year pilot would have provided the Legislature with information about the fiscal impact on the agency's budget.

Madame Chairwoman, I plead that you insist that Commissioner Angelo McClain adhere to the directives of the Legislature and initiate the pilot program, the program that will test the format at four (4) to eight (8) DCF area offices utilizing the League of Child Welfare standards. These standards presently recommend twelve (12) cases to one (1) social worker.

pendent evaluation of the pilot would provide the Legislature with the effect on racial
proportionality and disparity, as well the impact on children and the benefit to families.

ot demands that the agency use a control group to compare findings. Further, the pilot
ls that the agency employ an independent, post-pilot evaluation. These results were to have
bmitted to your committee, Madame Chairwoman.

your response,

n J. Ortega-Bagni

M.S.W.S, M.S.W., L.I.C.S.W

nt of the Department of Children and Families Chapter

Local 509

cott Avenue

l on the Charles

own, Massachusetts 02072

mes O'Day

mes Dwyer

n Ferris, aide

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Testimony in Support of House Bill 174
April 14, 2009

As currently structured, the Board of Registration of Social Workers is no longer able to effectively operate. It has been on more occasions than not unable to achieve a quorum to conduct official business. There have been vacancies for over a year. This is, in part, as a result of the Byzantine requirements in the current law dictating who may serve. House Bill 174 will change that.

I would like to focus my remarks on two issues. First, of major importance, House Bill 174 will increase the Board's membership from 7 to 9. This will enable the Board to function in a manner similar to the Board of Registration of Psychologists, which operates efficiently. With these additional two members there will be enough members to break into committees to process complaints more expeditiously. Complaints against social workers can and do languish for over a year at the Board cause of its inability to conduct official business. Further, the board conducts many fewer investigative conferences, which used to provide an opportunity for the Board to hear directly from the consumer and the licensee.

Second, one of the great failings of the current board is that of its seven members, by statute only two have a clinical background. In addition to increasing the size of the board, House Bill 174 will increase to ~~seven~~ ^{five} the number of members with clinical training. Complaints involving clinical matters will for the first time be judged by those with clinical backgrounds.

I believe if House Bill 174 becomes law the new Board of Registration of Social Workers will be in a position to protect the public through knowing eyes and in so doing justice will be served.

Thank you.

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Phyllis W. King, LICSW, DCSW
President

Carol J. Trust, LICSW
Executive Director

April 14, 2009

Testimony in support of HB 174: An Act to Modernize the Board of Registration of Social Workers

Dear Chairwomen Khan and Candaras and Members of the Joint Committee on Children and Families:


Thank you for the opportunity to provide this written testimony. The National Association of Social Workers, MA Chapter is in support of House Bill 174, An Act to Modernize the Board of Registration of Social Workers. This bill would modernize the social work licensing board by increasing the number of clinically trained social workers on the board and expanding its membership so complaints against social workers can be expeditiously addressed. This is the model used successfully by the Board of Registration of Psychologists.

The Board of Registration of Social Workers is responsible for, among other things, hearing complaints made by consumers about social workers. NASW members have expressed concern that their cases are not heard in a timely fashion because the board has had difficulty raising a quorum. In addition, there have been prolonged vacancies on the Board, in part due to the nature of the restrictive and outdated membership requirements. The narrow and overlapping categories for Board membership in the current law, thought necessary thirty years ago when the law was enacted, no longer serve the public or the profession. Indeed, part of the rationale for this bill is to make the board as responsive as possible to the allegations raised by consumers. Increasing the number of clinicians on the board increases the likelihood that a significant number of members will have the requisite experience to understand the complicated issues that are raised in clinical settings.

Social workers provide over 60 percent of behavioral health and mental health services*. The job of social work is a challenging one with many different mental and behavioral health issues to tackle in any given setting. It's important that consumers have their complaints heard before a board that is fully responsive to the issues in the field and that their interests are paramount. Passage of this bill will help the board more adequately and successfully achieve this important goal.

Thank you for the opportunity to submit this testimony. We ask that you favorably report this bill from committee as soon as possible.

Sincerely,


Carol J. Trust, LICSW
Executive Director

If you have questions or for more information contact Rebekah Gewirtz, NASW Director of Government Relations at 617.227.9635 x12 gewirtz@naswma.org.

*Source: US Substance Abuse and Mental Health Services Administration: 2000

Association of Social Workers

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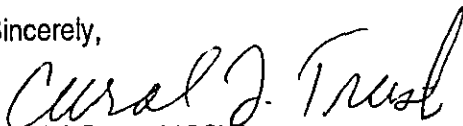
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Mark Spivak, MSW, LICSW
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4/14/09

Ms. Dale Candaras
Ms. Kay Kahn, House Chair
Committee for Children and Families
Commonwealth of Massachusetts

Dear Ms. Candaras and Ms. Kahn,

Thank you for the opportunity to testify today on this Bill to Modernize the Board of Registration of Social Workers. I am a Licensed Independent Clinical Social Worker having practiced in Massachusetts for over 30 years and in private practice for the past 10 years in Newburyport. In the past few years, I had been involved in an investigation by the Massachusetts Board of Registration of Social Workers, the first investigation in my unmarked 30-year career.

Following are a few points that I believe are relevant to the passage of this Bill as they relate to my experience with the Licensing Board of Social Workers. I believe that it is vital to increase the number of practicing social workers within the Board's membership and to upgrade and update the operating rules and procedures as I think my personal account will help illustrate.

Background A complaint was filed 11/12/04 with the Board by a mentally ill female client of a couple with whom I had been doing psychotherapy work over a year before. She alleged that I had shared confidential information with her partner in a couples session - information that she had told me in a prior individual session. In actuality, I had informed her on a prior occasion of my "no secrets" policy between members of a client couple, whereby nothing that either partner shares with me privately will necessarily be held confidentially from the other partner, a standard practice among couples practitioners.

Procedural Issues At the conclusion of their investigation, the Licensing Board did not find that any breach of confidentiality had actually occurred on my part, but instead presented a new issue of failing to make a note in the client record of my reminder to the client of my open information policy, a complete change of focus from the original complaint. In order to reach a settlement I signed the Board's proposed consent agreement, a Reprimand (which will remain permanently in my public record) and stipulation that I complete an additional 30 continuing education credits within one year's time.

At no time during the investigation did I have an opportunity to actually talk with the Board unless I chose to go to trial. My attorney advised me against this direction based on the additional \$10,000 legal expense with no guarantee of absolution due to the procedural methods in place allowing it to issue disciplinary action wherever it wished. I was also informed that the presiding judge in a trial would have been a Board member himself, a self serving situation, inherently biased. A more objective arrangement would be to have cases heard by an outside impartial agency of government.

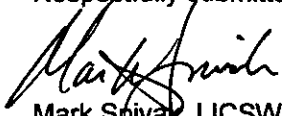
Professional Experience Issue In this case, the Board did not accurately interpret the definition of "client confidentiality." It applies to information being passed between a practitioner and an outside third party, not, as the Board interpreted it, between members of a client couple.

As a result of this Reprimand, my liability insurance company chose not to renew my policy. When one insurance company cancels a policy it is nearly impossible to obtain a policy through another company. Without liability insurance one cannot renew his/her practicing license in the

Commonwealth. For the duration of this investigation and beyond, the whole of my professional career hung in the balance of the decisions of this Board—a small group of people who had tremendous power and with whom I had no direct contact.

I believe that it is paramount to have a higher level of professional experience in the social work practicing field represented on the Board to promote relevant and appropriate decision making, particularly considering the severity of real world consequences. As this bill proposes, increasing the number and balance of professionals in the field from its current 57% (some social worker professionals of whom have relatively little experience) to 77% (increasing the number of professionals with a higher degree of experience) is a positive and necessary move. To restate the Board's operating rules and procedures as proposed would also help to ensure more accurate and fair decisions.

Respectfully submitted,



Mark Spivak, LICSW
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Statement in Favor of Modernizing the Board of Social Work Licensure

I am a Licensed Independent Clinical Social Worker and a member of NASW. A Complaint was filed against me on February 16th, 2005 for failure to file a 51A in a timely fashion. The Board issued its Final Decision on July 27, 2008. I have two concerns: one, that it took three and a half years to process this Complaint and two, that in all that time the Board never spoke with me, talked with me or knew me.

In the absence of a meeting in which they could have assessed my character, clinical skills and ethics, the Board took steps that were disproportionate to the error I had made. They issued an Order to Show Cause in August of 2005 that had the facts wrong and misconstrued my character, professionalism and ethics. Out of 12 items listed only one was accurate: the date of my licensure. What they did not know is that immediately after the incident that gave rise to the Complaint, I knew that I needed to understand the law around filing more deeply, even though no further harm came to the child as a result of my mistake. On my own initiative, I switched clinical consultants, leaving one who had minimal experience for one who had ten years working with children and 15 in private practice. Consultations with her led me to develop a liaison at the Lawrence DSS office and strengthened my sense of when to file. I did file on three occasions after that.

The Board issued a Consent Agreement in October of 2007. In it they required me to take rehabilitative steps that I had already taken. Further, had I signed it, my independent licensure would have been rendered obsolete forcing me out of private practice, a consequence inconsistent with the quality and outcome of my mistake.

I demanded a Sanctions Hearing in the hope that presenting my case directly to the Board would change the direction the process was going. It did. They settled with a formal reprimand. However, when the Hearing took place on March 4th 2008, not a single Board member came.

Increasing the number of LICSW's on the Board would enable the Board to meet quorum so that cases could move through the system in a timely way. It would also ensure that clinical experts would be on hand to meet with licensees, assess cases and propose appropriate disciplinary measures. Please vote in support of this bill to modernize the Social Work Board. Thank you.

Madeleine Pluhar, LICSW. Madeleine.pluhar@gmail.com

Testimony in Support of House Bill 174
September 23, 2009

Dear Members of the Joint Committee on Consumer Protection and Professional Licensure:

My name is Barry Mintzer. I have represented the National Association of Social Workers in Massachusetts since 1979. Over that time, I have represented several hundred social workers before the Board of Registration of Social Workers. In my experience, as currently structured, the Board of Registration of Social Workers is no longer able to effectively operate. It has been on many occasions unable to gather a quorum to conduct official business. There have been vacancies for over a year. This is, in significant part, as a result of the Byzantine requirements in the current law as to who may serve. House Bill 174 will change that.

I would like to focus my remarks on two issues. First, of major importance, House Bill 174 will increase the Board's membership from 7 to 9. This will enable the Board to function in a manner similar to the Board of Registration of Psychologists, which operates efficiently. Complaints against social workers currently languish for well over a year because of the Board's inability to conduct official business. In addition, the Board conducts many fewer investigative conferences, which provide an opportunity for the Board to hear directly from consumers and licensees when complaints are filed. With two additional members the Board will have the capacity to break into committees to process complaints more expeditiously.

Second, one of the great failings of the current board is that of its seven members, by statute only two have clinical backgrounds. In addition to increasing the size of the board, House Bill 174 will increase to four the number of members with clinical training (3 LICSW and 1 LCSW members). Complaints involving clinical matters will be evaluated by those with clinical backgrounds, in addition to the public members, upon passage of this bill.

I believe if House Bill 174 becomes law the new Board of Registration of Social Workers will be in a position to protect the public through knowing eyes and in so doing, justice will be served.

Thank you.

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