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Sanctioned Social Workers: Research Results from Three Studies

Executive Summary

**Submitted to
American Foundation for Research & Consumer
Education in Social Work Regulation**



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Executive Summary

This Executive Summary is an overview of the findings from three research projects, funded through a two year grant. The American Foundation for Research & Consumer Education in Social Work Regulation, the research arm of the Association of Social Work Boards awarded the two year grant to Kim Boland-Prom, Ph.D., Social Work Department, Governors State University.

The research results are summarized in two different sections: section one discusses school social workers sanctioned by boards of education and licensing boards, and section two presents results on social workers who are sanctioned by their state licensing boards. For more detailed information about the research protocols including data collection and analysis, please refer to the papers cited below:

Boland-Prom, K.W. (under review) Ethical challenges: A descriptive study of sanctioned social workers, 2000-2009. Submitted to *Social Work* on 12/26/11.

Boland-Prom, K.W., & Alvarez, M.E., (under review) Ethical challenges in school social work: A qualitative study. Submitted to *School Social Work Journal* on 12/16/11.

Boland-Prom, K.W., & Alvarez, M. E., (under review) School social workers sanctioned by state departments of education and licensing boards. Submitted to *Children & Schools* on 10/19/11.

Information from this study will be added to:

Boland-Prom, K., & Vogt, A., (revising for resubmission) Examination of the behavior of sanctioned social workers. Submitted to *Journal of Social Work Values and Ethics*, 9/14/11.

The data collected in this research is robust enough to support more articles about social workers sanctioned by regulatory boards. In 2017, the archived databases from these studies will be available for future researchers. Researchers can make requests directly to the American Foundation for Research & Consumer Education in Social Work Regulation.

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Governors State University, the College of Health and Human Services, current Dean Elizabeth Cada and former Dean Linda Samson, and the Social Work Department, Chairperson Dr. Gerri Outlaw granted research scholarship awards for these studies (2009, 2010 & 2011).

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All research was reviewed by the Institutional Review Board of Governors State University (#07-06-04, #09-10-04).

This summary is written by Kim Boland-Prom who is solely responsible for its content.

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Background Information

The context and purpose of this research is presented first with excerpts from the original grant proposing two research studies on sanctioned social workers. That is followed by a description of the third study on school social workers that arose after the completion of the grant funded studies.

Excerpt from the Original Grant Proposal

“This proposed research has two research efforts. The first is a descriptive study about social workers sanctioned by state regulatory boards (2000-2007); it builds on an earlier research on 873 social workers sanctioned by 27 state regulatory boards (Boland-Prom, 2009). This grant award would provide funds for a larger data set. The second study is a new research study which would synthesize information about school social workers sanctioned by state departments of education. Often school social workers are certified by state regulators that are responsible for certifying school personnel (teachers, psychologists, and counselors). It is unclear how many complaints about social workers are handled by state education regulators. By generating a list from state education departments and comparing it to social workers sanctioned by state licensing boards, a more complete picture could be generated about the unprofessional practices of school social workers and differences in regulation of the school social workers.”

“This proposed study has two subsets of research efforts. The first research study is currently in progress, the second could begin as soon as the grant was awarded. The first study is a descriptive study which synthesizes information about the unprofessional behaviors of social workers and the sanctions imposed by their state regulatory boards for the period of 2000-2007 [this was expanded to 2009]. This study builds on a previous study by this researcher that covered 1999-2004 and included information on 873 social workers sanctioned by 27 state regulatory boards (Boland-Prom, 2009). The current study seeks to include more state regulatory agencies and answer questions raised by the previous study about policies and procedures related to: criminal background checks, continuing education audits, and sanctions for nonpayment of child support, student loans or taxes. In addition the data set can potentially provide descriptive information about: the types of social work practice, type of license, length of time from offense to sanction, etc. This grant award would provide funds for that would result in a larger data base. At this point some states will only provide information at a cost as high as \$25.00 per file. If awarded this grant, more files could be purchased and the data set would be expanded to include more states. The awarding of this grant would also provide funds for a graduate assistant who could complete updated requests to boards and an updated search of the web sites for all state regulatory boards who did not respond to requests.”

“The second part of the study is a new descriptive study which would synthesize information about school social workers sanctioned by state departments of education. Often school social workers are certified by state regulators that are responsible for certifying school personnel (teachers, psychologists, and counselors). Sanctioned school social workers only appeared in the data set for the previous research study of sanctioned social workers for misconduct in the school setting in a limited number ($n = 3$). It is unclear how many complaints are handled by state education regulators on school social workers or the types of unprofessional behavior that results in school social workers being sanctioned. By generating a data set from state education departments and comparing the social workers from the new data set with social workers sanctioned by state licensing boards, a more complete picture could be generated about the unprofessional practices of school social workers as well as regulatory practices (Boland-Prom grant application, 2009).”

Addition of a Third Research Study

In the process of gathering information about sanctioned school social workers, it became apparent that many states did not keep track of sanctioned individuals by their certificate type but rather the type of unprofessional misconduct. Hence, the study results would reflect limited quantitative information. A third study was developed to gather qualitative data through interviews with professional staff from state boards of education. Employees from state departments of education who were involved with the sanctioning of school social workers were interviewed. The participants were asked about the complaint and sanctioning patterns in their state for school social workers, school counselors, and other certified professionals. In addition, participants were asked their views about what the ethical challenges that school social workers experience. Results from the two studies on school social work provide multifaceted perspectives about social work practice in the schools and its regulation.

Supplementary Information

Through the study process two additional resources were gathered that while not used as a primary focus in the three articles submitted to date, provide thought provoking insights that are not commonly available in the social work literature. First, grant funds were used to commission a specialized data analysis of information about complaints against school social workers in California. The unique data did not match study parameters; hence it was used in background information in one of the articles on school social workers. Second, sanctioning information from the National Practitioners Data Bank maintained by Health and Human Services was used as a benchmark for comparison with study data. The information confirmed the validity of the study sample. When combined with information from the Association of Social Work Boards about the number of certified and licensed social workers in each jurisdiction, state sanctioning rates can be calculated. Information, on these two sets of data, is included in this report in the supplementary information section.

School Social Workers

After combining the results from the quantitative and qualitative studies on school social workers, some interesting themes emerge. The highlights from the two study results are presented in a list with selected quotes from the qualitative study. Finally, the information from the studies is combined into a table that summarizes results according to states. (A version of the table in this chapter is contained in the Boland-Prom & Alvarez article submitted to the journal *Children & Schools*.)

Highlights of Results

- ▲ Most state boards of education, for which information is available, report that no school social workers were sanctioned.
- ▲ State social work licensing boards are more likely to sanction school social workers than state boards of education.
- ▲ Boards of education are more likely to revoke a school social worker's license than other types of sanction options. This may reflect that sanctioning options available are limited to revocation in some states. In other words, many state education boards are utilized as the last option to protect the public with the revocation of licenses of educators.
- ▲ Crimes more frequently related to child pornography appear in the data of sanctioned school social workers. However, many regulators commented that the occurrence of child pornography on school computers in particular has disappeared as the software filters improved on district computers and staff know that computer use can be tracked.
- ▲ Boundaries continue to be a challenging area. For school social workers confidentiality is a recurrent problem particularly in communication with professionals from different disciplines.
- ▲ Use of technology to communicate with students and about students is an evolving professional ethical issue that can result in misinterpretation.
- ▲ Most disciplining of school personnel occurs at the district and building level.
- ▲ While similar behavior is sanctioned by state education boards and regulatory boards, and some school social workers have both an education department certificate and a regulation board license, not one case appeared in both data sets.

Perspectives from Staff from State Boards of Education

These excerpts are from the article: Boland-Prom, K.W., & Alvarez, M.E., (under review) Ethical challenges in school social work: A qualitative study. Submitted to *School Social Work Journal* on 12/16/11.

These quotes are based on interviews of staff from state departments of education who are responsible for handling complaints against certified school personnel, including social workers.

Sanctioned School Personnel

Comments from staff about ethical challenges for all school personnel include:

- ▲ “We have a lot of sex... inappropriate comments, fondling, oral... all grade levels... in the past, male teacher with female; now 50/50 female with male.”
- ▲ “Sexual misconduct (grooming) continues as the most prevalent problem. Sanction less than .5% of educators in the state annually. Sexual misconduct equals .1 - .2%.”
- ▲ “If someone is really incompetent, you move them somewhere like a central office to get them away from the kids - as long as they are not doing something that endangers a kid. Most people are tried in the press long before you go to court or the administrative hearing, and we know it. Even if you have a dirty person, the union is going to have to defend them. Some cases, they will gently throw them under the bus.”
- ▲ “#1 charge for educators is convictions for DUI. If we took action against teachers with DUI would lose 60-70% of educators. #2 battery- domestic violence. #3 crime when 15-25 years old. Made a mistake (crime), now a teacher. Most revocations are for things not happening within the school.”

Complaints About School Social Workers

Comments from staff of state departments of education about school social workers:

- ▲ “Computer issue is more about storing student information- the fact that it is traceable. All of that is accessible by at least one other person, so not a good idea to store confidential information on computer. It would not be considered privileged if subpoenaed to court... What is interesting to me right now is the way students are communicating with each other and how to use [this communication] to social work advantage without boundary issues. Facebook communication is leaving middle aged social workers in the dust... not crossing boundaries... Facebook... texting... I message. Problems when responding to text or message giving personal information... parents contact the schools... parents thinking the worst. Teacher or coach wanting to be helpful... student asks teacher to assist with personal issues... communication outside school... parents assumed there was a relationship and being concerned... Problematic to communicate with students through their ways of communication... give out cell phone numbers outside or as emergency contact... expectation for school social workers to do the same... many technical advances. I don't think the ethical theory has caught up with it...”

- ▲ “About 2-3 times a year, principals will call up “I am having a trouble the social worker isn't telling me anything”. Only one time went out and had a meeting. Principal was ‘I need to know everything’ -not. And the social worker responded with “I am not telling you anything...” Get called into mediate all the time. School social workers who receive clinical training get very obsessive about privacy, (and there are) regulations about sharing information about students. If it affects the wellbeing, safety and operation- administrators have a right to access information, because they are collegial, because of the safety to other students. Administrator perceives as “secretiveness” and social worker views it as “impropriety”. Social workers say we were dealing with his suicidality, and I didn't want to warn the parents... need consultation and don't play it off on yourself. [There are] elements in FERPA- privacy school has access, second part are the legitimate access for education purposes. Example, does he [principal] need to know mom is alcoholic? Not for high school, elementary kid going home to a passed out mom, maybe... need consultation. Clear about what information to share and how to negotiate boundaries. Best you can say is talk through the problem... Here is my issue about talking about Mom's stuff- doesn't affect child's education, that is why I am having trouble sharing... don't have a justification for sharing that. Then allow the administrator to respond to this.”

Sanctions by State Boards of Education and Licensing Boards

When the data from state boards of education and state licensing boards are compared, it appears that state licensing boards more frequently sanction social workers who work in school settings. The most frequent types of offenses were: child pornography, dual relationships, working on a lapsed license, and various kinds of misrepresentation. The table below also demonstrates the two different state boards focus in slightly different types of offenses.

Table 1

Offenses Sanctioned by Department of Education and State Licensing Boards

Offense	Department of Education	Licensing Board	Total
Child Pornography			
Possession	3	1	4
Distribution	1	0	1
Dual Relationships			
Dual Sexual (age of victim not specified)	0	2	2
Sexual relationship with minor client	0	1	1
Dual (not described)	0	2	2
Working on Lapsed License	1	3	4
Misrepresentation			
Misrepresented License	0	2	2
Forged supervision	0	1	1
Fraudulent records (never treated client)	0	1	1
Impaired			
Alcohol	0	1	1
Alcohol and/or drugs	0	1	1
Failure to Maintain Case Notes	0	1	1
Nonpayment of taxes	1	0	1
Unknown	1	0	1
Total	7	16	23

This table above is from:

Boland-Prom, K.W., & Alvarez, M. E., (under review) School social workers sanctioned by state departments of education and licensing boards. Submitted to *Children & Schools* on 10/19/11.

The table that follows includes all the information that was gathered in both studies. A version of the tables is also contained in the above referenced article.

Table 2: States' Sanctions of School Social Workers: Information from Three Studies

Alaska	<i>Department of Education</i> - Staff report no known complaints.	Minnesota	<i>Department of Education</i> - 2006- Pled guilty to "dissemination of pornographic work involving minors". Court "barred from any job working with children". "Permanently barred from receiving any Minnesota teaching licenses." 2005- "Employed in the district office", child pornography found on office computer, convicted. Criminal court "barred from any job working with children..." Board of Teaching "Permanently barred from receiving any Minnesota teaching license." 2004- "Commissioner of Revenue instructed Board of Teaching to revoke license." Certificate suspended "until the Board received a tax clearance certificate..." <i>Licensing Board</i> - 2003- Lapsed license. Reprimand. 2002- Dual-sexual. Supervision 1 year, CEU.
Arizona – no certificate for school so work	<i>Department of Education</i> - Staff report one social worker working on a "substitute teaching certificate" employed as a "guidance counselor" convicted of child molestation. Revoked.	Nevada	<i>Department of Education</i> - No statistics available. Staff report no known social workers sanctioned.
California	<i>Department of Education</i> - 2005-2010: Alcohol (26), misdemeanor crimes (16), serious crimes & felonies (9), drugs (4), total of 55. Commissioned report prepared by Sylvia Ferrari (2010).	New Hampshire	<i>Department of Education</i> - Since 1981, no school social workers have been suspended or revoked. (Personal communication, letter from Judith Fillion, dated 11-17-09.)
Connecticut	<i>Department of Education</i> - Staff report no known social workers sanctioned.	New Jersey	<i>Department of Education</i> - Sanctioned individuals are listed on the website. 77 cases reviewed include teachers, school board officials, administrators, and custodians. None are social workers; however, there are 10 cases where the type of certification is not listed.
Delaware	<i>Department of Education</i> - Staff report no known social workers sanctioned.	New Mexico	<i>Department of Education</i> - Staff reported complaints are not categorized by type of certificate. No known school social workers sanctioned.
District of Columbia	<i>Licensing Department</i> - 2007-Misrepresent license, forged LCSW license, working without supervision. Suspended 6 months, probation, supervision, CEU, \$500 fine.	New York	<i>Department of Education</i> - Staff report they do not keep track of sanctions by discipline. Personal communication, letter from Deborah Marriott (no title listed), dated 2/23/10.
Florida	<i>Department of Education</i> - Staff report "not many, if any, complaints against school social workers."	North Carolina	<i>Department of Education</i> - Staff report no known social workers sanctioned.
Georgia	<i>Department of Education</i> - Staff report that database cannot separate complaints based on type of certificate. Staff report no known complaints against school social workers.	Ohio	<i>Department of Education</i> - Staff report 1-2 complaints (dates unknown) related to working on an expired license.
Idaho	<i>Department of Education</i> - Staff report no information about the number of complaints or the reason for the complaints.	Pennsylvania	<i>Department of Education</i> - "The commission does not aggregate data by certification type." Personal communication, letter from Theresa Lynn Barnaby, Director, dated 12-15-2009. <i>Licensing Board</i> - 2005- Dual-sex with minor. Surrender license.
Illinois	<i>Department of Education</i> - 2009- Conviction for child pornography. Revoked. 2007- Conviction for child pornography. Revoked. <i>Licensing Board</i> - 2005- ("employed as an elementary school counselor") arrested and charged with 2 counts of child pornography. Revoked.	Rhode Island	<i>Department of Education</i> - Staff report no known complaints against school social workers.
Indiana	<i>Department of Education</i> - 2005- employed as a "Home School Advisor", charged with child seduction for sexual relationship with a high school student. Suspended 90 days. (No information about possible conviction or further action to revoke.)	South Dakota	<i>Department of Education</i> - "No school social workers sanctioned in our state are on file." Personal communication email from Melody Schopp, Director, Accreditation and Teacher Quality, dated 1/11/10.
Kentucky	<i>Department of Education</i> - Staff recalled 1 case of a school social worker sanctioned for working as a principal without the required certificate.	Tennessee	<i>Department of Education</i> - Staff report no known complaints against school social workers from 2000-2008. Personal communication from Kenneth Nye, Consultant, dated 2-12-10.
Louisiana	<i>Licensing Board</i> - 2005- Under the influence of alcohol (confirmed with breathalyzer) while monitoring students. Probation 1 year, evaluation by Board's Impaired Professional Program, pay \$1200 (costs). 2003- Submitted forged credential to the school board that she had an LCSW, practiced clinical social work without supervision. Suspended minimum of 2 years, pay restitution (costs) of \$900. 2003-Saw clients while impaired by "alcohol and/or drugs". Probation 3 years, psychological assessment, continue chemical dependency treatment.	Utah	<i>Department of Education</i> - Staff report no known complaints against school social workers.
Maine – no certificate for school so work	<i>Licensing Board</i> - 2005- Working on a lapsed license. Warning, \$250 civil penalty. 2005- Working on a lapsed license. Warning, \$500 civil penalty.	Vermont	<i>Department of Education</i> - Staff report 291 licensed educators sanctioned last year, but don't remember any school social workers sanctioned.
Maryland	<i>Department of Education</i> - New certificate for school social work started September 8, 2005. No disciplinary actions. Personal communication letter, John Erickson, Chief, Certification, dated 12/21/2009. <i>Licensing Board</i> - 2006- Employed by school as a "therapist". School complained no treatment for student, false treatment records. Suspended license 2 years, probation 2 years, supervised practice, CEU required.	Washington	<i>Department of Education</i> - Staff report no known complaints against school social workers.
Massachusetts	<i>Department of Education</i> - Staff report one school social worker license revoked, unknown reasons. <i>Licensing Board</i> - 2009- Failed to maintain case records. Fined 100, CEU. 2002- Dual relationship- not specified. Not qualified to treat diagnosis. Probation and supervision 1 year, CEU.	West Virginia – no certificate for school so work	<i>Licensing Board</i> - 2002-Continued to have "personal contact with former client". Supervision required, CEU on ethics required.
Michigan	<i>Department of Education</i> - Staff report one social worker sanctioned for forging supervisor's signature when no supervision was received.	Wisconsin	<i>Department of Education</i> - Staff report no known complaints against school social workers.

Discussion

Social workers who work in the schools are rarely sanctioned at a state level, personnel actions are more likely to be handled at the building and district levels. Criminal behavior is more likely to come to the attention of the state boards of education than other issues. Dual relationships, a challenge throughout the social work professional, are also recognized as being challenging for school personnel, including social workers. Technology including the misuse of computers (inappropriate sites: pornography, dating, personal businesses, etc.) and communication utilizing various technologies are recognized as challenging to school personnel as well as the social work professionals.

While many states have specialized certificates for school social workers, it appears that more frequent sanctions for unprofessional conduct occur through state licensing boards. It is notable that there is not a single case in these studies where both the state departments of education and regulation list sanction. These research studies highlighted the types of records and information maintained by state education departments. It appears that many education departments are not able to access historical information about sanction action based on discipline and a few reported that historical records were not maintained.

Information about ethical challenges and research about unprofessional conduct are an important part of professional social work practice. This author proposes that effective regulation of a profession should include considerations about research and study. This cannot be accomplished without data bases that are designed to capture information including descriptions about the type of certificate, the individual, the unprofessional behavior, and the resulting sanction. Research is a vital feedback loop for all professions. While it might be argued that state boards of education and others that keep general information are completing their regulatory responsibilities, this record system may leave the context of the practice and descriptions of services offered as an information void. Even though school social workers are among the certified education professionals in many states, their educational training is outside of most schools of education. Social work is a unique profession, as can be argued are psychologists, counselors, speech pathologists, physical therapists and occupational therapists who work in the K-12 school system. Data systems, that do not allow identification of the type of certificate of sanctioned individuals, fail to provide useful information for many professionals and their educators. Along with the discussions about professional standards and unprofessional conduct of staff in schools, parallel discussions can occur about the responsibilities of regulatory agencies and their professionals for research and related public feedback.

Social Workers Sanctioned by Licensing Boards

This section of the Executive Summary provides information about the social workers sanctioned by state licensing boards. The research included data from 49 states and the District of Columbia on 2,607 social workers sanction over a decade (2000-2009). The study sample was compared with the number of cases across states in the National Practitioner Data Bank (NPDB), a national clearing house of sanctioned medical professionals managed by Health and Human Services. The study sample contained hundreds more cases than are listed in NPDB for the same time period, which is confirmation of the data collection techniques and the representativeness of the study sample for most states. The first results from the study, primarily descriptive statistics, are contained in:

Boland-Prom, K.W. (under review) Ethical challenges: A descriptive study of sanctioned social workers, 2000-2009. Submitted to *Social Work* on 12/26/11.

The study data has generated a wealth of information. Additional articles are planned.

Overview of Results

- ▲ Most of the sanctioned cases are identified as female at 61.4% with male at 35.3% and the remaining cases unknown.

- ▲ The sanctioned social workers are predominately practicing at the independent clinical social work licensure level.

- ▲ When viewing the national trends the most frequent reason for social workers to be sanctioned are:
 - 1. **License related problems** (ex. continuing education, lapsed licenses, etc.)

 - 2. **Dual relationships** (a professional relationship concurrently or consecutively with another relationship of a personal or professional nature)

 - 3. **Basic practice** (ex. records, confidentiality, and informed consent, etc.)

 - 4. **Criminal behavior** (ex. billing fraud, other thefts, drug charges, etc.)

While national trends can be reported, a closer analysis about the variety within the data suggests that viewing the results at a state level is more accurate representation of social work practice. Consider the most frequent categories of unprofessional conduct previously listed and the variation across states.

- **License related problems** are #1 in frequency when looking at the national sample, they are more frequently a problem (more than 30%) in only four states. California, Massachusetts, Pennsylvania, Tennessee, and Virginia
- **Dual relationship** problems are more frequent in these fourteen states where the category is more than 30% of the cases of sanctioned social workers: Iowa, Maine, Nebraska, Nevada, New Hampshire, Oklahoma, Oregon, Rhode Island, South Dakota, Texas, Utah, Vermont, West Virginia, and Wisconsin.
- **Basic practice** standards (records, confidentiality, etc.) are the more frequently (most frequent category or more than 30%) listed in the following twelve states: Alaska, Arizona, Colorado, District of Columbia, Florida, Kansas, Maine, New Hampshire, New Jersey, North Dakota, Ohio, and South Carolina.
- **Criminal behavior** (described, charged or convicted) as one of the most frequent categories with more than 30% of the sanctioned social workers in seven jurisdictions: District of Columbia, Delaware, Idaho, Maryland, Mississippi, Nebraska, and New York.

:

The types of unprofessional behaviors that come to the attention of the state regulatory boards are influenced by statutes, availability of investigative staff, budgetary resources, and other factors. The profiles of the unique state sanctioning patterns can help inform education that helps to prepare professionals, inform supervision during field work and employment, and focus continuing education efforts.

Sanction Patterns

Sanctions are presented in the table below in two ways. First, the most serious sanction is listed and its related percentage of sanctioned cases. Then the total sanctions as listed for all cases with its related percentage. This latter figure helps to demonstrate types of interventions that are often not the most serious sanction, but are important to recognize. While the removal of a license is the same result whether the professional surrenders a license or a regulatory board revokes, these results are presented separately.

Table 3: Sanctions

Sanction Type	Most Serious Sanction	%	Total	
			Sanctions	%
Revoked*	302	11.58	315	6.38
Surrendered*	272	10.43	272	5.51
Suspension*	459	17.61	508	10.28
Warning/Admonishment	443	16.99	472	9.56
Probation*	359	13.77	591	11.96
Fine	355	13.62	728	14.74
Continuing Education	190	7.29	807	16.34
Supervision	85	3.26	465	9.41
Limit Practice	70	2.69	426	8.62
Evaluation & Treatment	0	0.00	33	0.67
Restitution	0	0.00	10	0.20
Stop unethical	13	0.50	22	0.45
Cost recovery*	2	.08	169	3.42
Other	57	2.10	122	2.46
Total	2607	100	4940	100

- * Revocation ranged from six months to ten years and permanent.
- * Suspensions ranged from 1 day to 180 days.
- * Probation ranged from less than a year (ex. 90 days) to five years and indefinitely.
- * Cost recovery ranged from \$20.00 to \$135,870.00.

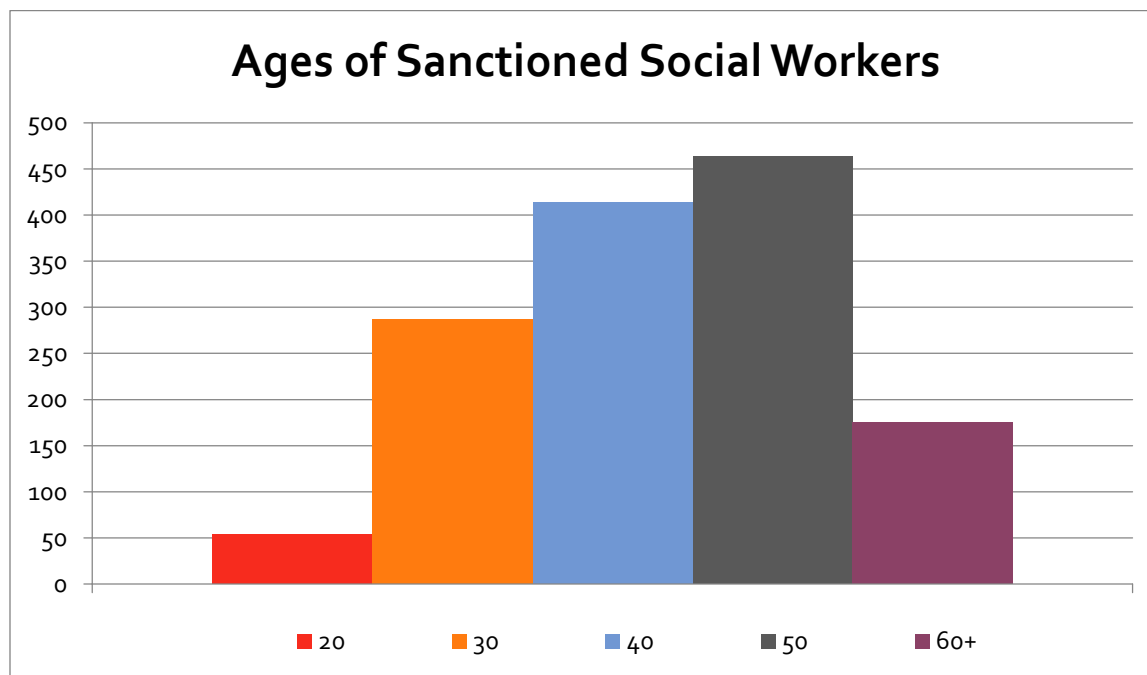
This table is from:

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Analysis of Unprofessional Behaviors

In more than half the cases in the data set, the sanctioned social workers ages were available. Interesting patterns are evident when considering age. The age of sanctioned individuals is similar to the age distribution of social workers in practice found in the survey of licensed social workers by Center for Health Workforce Studies & NASW Center for Workforce Studies (2006).

Table 4: Age and Sanctioned Social Workers



The variable of age is also entwined with other variables such as type of license, time in practice, and setting (private or agency based practice).

When the age categories are compared with the types of unprofessional behaviors, some distinct patterns emerge.

- ▲ Social workers in their 20's were more likely to be sanctioned for unprofessional behavior related to basic practice issues (records, confidentiality, informed consent, etc.).
- ▲ Social workers in their 30's as well as 60's and above were more likely to be sanctioned for license related issues (continuing education, lapsed license, etc.)
- ▲ Social workers in their 40's were more likely to be sanctioned for dual relationships.
- ▲ Social workers in their 50's were more frequently sanctioned for providing services below standards for a specific type of problem or a specialized service (standards of care, supervision below standards, not trained to treat the diagnosis, and practice beyond the scope of social work).

Discussion

Research on sanctioned social workers adds to the social work literature that includes decades of information from ethics complaints about members of NASW. While regulators are also managing complaints about dual relationships as reportedly NASW ethics committees have for decades, this research demonstrates that other issues are more common in some states. Data from individual states provides the opportunity to capture the complexity of regulation of social workers, which informs education and supports practice.

The national study of social workers sanctioned by state licensing boards would not have been as effective without the information from the DARS database provided by ASWB. And, grant funds provided by the American Foundation for Research & Consumer Education in Social Work Regulation enabled the purchasing of files and a special report generated from California's records on complaints against school social workers. Without the support from these two groups, the comprehensiveness of this study would have been significantly limited. This type of research by professionals in the field is vital particularly in light of the limited nature of the information available through NPDB. The current coding standards used by Health and Human Services for their database NPDB leaves social workers with information about unprofessional conduct that uses vague titles that obfuscate the large majority under broad terms for unprofessional conduct. Simply stated, the medical database does not have descriptors that have sufficient sensitivity to social work practice.

The school social work studies are the first published in the literature about sanctioned individuals. The ability to consider the actions taken by both the licensing boards and the boards of education is fascinating. Contrary to what might have been predicted, it is actually the state licensing boards that adjudicate more cases of unprofessional behaviors of social workers in the schools. This undoubtedly reflects hiring and contracting policies. To learn more about sanctioned school social workers, study designs that can capture district as well and state information could be the next step in understanding unprofessional conduct.

Limitations of the Studies

Two of these research studies, based on cases of sanctioned social workers, are based on public information available through state regulators. It is unclear to what extent regulatory boards use private admonishments. In one state the statutes required the publication of warning letters that were not viewed as a sanction and hence not report to the ASWB data base- the orders were written to specify these issues. In other states non-disciplinary actions were considered confidential and only the disciplinary actions were available to the public.

The school social work data is a convenience sample because many of the state boards of education reported they could not query their data bases for type of certification. The interviews of staff who handle complaints are based on a convenience sample of individuals whose perspectives are informed by their years of employment and their respective memories. The state chart contained in this report is the best information available through these data collection procedures. It represents a combination of findings from the two studies. The published literature on the school social work does not have comparable research studies with which to validate these findings.

Supplementary Information: National Practitioner Data Bank

Utilizing the National Practitioner Data Bank (NPDB-HIPDB) as a comparison for the study sample helps to establish the validity of the sample and representativeness of the findings. Both samples are comparable in time frame and types of cases. In some states, the difference between the two suggests limitations for interpreting the study's information about the state.

The Association of Social Work Boards provided information about the number of certified and sanctioned social workers in 2009 (the last year of this research). A sanction rate can be calculated for each state using NPDB-HIPDB and comparing against the number of certified and licensed social workers. The sanction rates average across the nation at .03% per 100 social workers. The rates range from Montana with a high of 3.6% to a low of .03% in Mississippi.

A version of this table is included in:

Boland-Prom, K.W. (under review) Ethical challenges: A descriptive study of sanctioned social workers, 2000-2009. Submitted to *Social Work* on 12/26/11.

Table 5: States' Profiles

Jurisdiction	Study Sample 2000-2009 N=2607	NPDB Complaints 2000-2009 N= 2393	Number of Social Workers in 2009 N=372,943	Sanction rate per 100 social workers during 2000-2009
Alabama	25	25	5,102	0.49%
Alaska	7	12	576	2.08%
Arizona	98	100	3,116	3.21%
Arkansas	28	19	2,742	0.69%
California	133	64	25,244	0.25%
Colorado	69	68	4,354	1.56%
Connecticut	22	29	5,036	0.58%
Delaware	3	5	603	0.83%

Jurisdiction	Study Sample 2000-2009 N=2607	NPDB Complaints 2000-2009 N= 2393	Number of Social Workers in 2009 N=372,943	Sanction rate per 100 social workers during 2000-2009
D. of Columbia	8	9	4,393	0.20%
Florida	31	57	9,645	0.59%
Georgia	11	6	4,147	0.14%
Hawaii	3	2	1,657	0.12%
Idaho	39	32	4,426	0.72%
Illinois	64	57	12,130	0.47%
Indiana	31	48	5,694	0.84%
Iowa	48	67	4,180	1.60%
Kansas	52	38	6,355	0.60%
Kentucky	20	21	4,140	0.51%
Louisiana	40	87	7,057	1.23%
Maine	65	127	5,346	2.38%
Maryland	36	47	12,091	0.39%
Massachusetts	150	74	22,221	0.33%
Michigan	156	167	25,811	0.65%
Minnesota	87	68	10,837	0.63%
Mississippi	2	1	3,535	0.03%
Missouri	33	32	4,189	0.76%
Montana	1	15	417	3.60%
Nebraska	10	0	1,518	0.00%

Jurisdiction	Study Sample 2000-2009 N=2607	NPDB Complaints 2000-2009 N= 2393	Number of Social Workers in 2009 N=372,943	Sanction rate per 100 social workers during 2000-2009
Nevada	43	48	2,263	2.12%
New Hampshire	18	16	865	1.85%
New Jersey	24	54	16,461	0.33%
New Mexico	24	14	3,442	0.41%
New York	142	152	49,147	0.31%
North Carolina	92	47	6,689	0.70%
North Dakota	20	15	2,182	0.69%
Ohio	185	163	23,341	0.70%
Oklahoma	16	10	1,442	0.69%
Oregon	23	22	3,010	0.73%
Pennsylvania	294	153	10,704	1.43%
Rhode Island	8	8	1,953	0.41%
South Carolina	37	25	4,105	0.61%
South Dakota	4	4	941	0.43%
Tennessee	24	19	4,098	0.46%
Texas	115	59	17,666	0.33%
Utah	76	87	5,973	1.46%
Vermont	8	9	611	1.47%
Virginia	42	86	5,353	1.61%

Jurisdiction	Study Sample 2000-2009 N=2607	NPDB Complaints 2000-2009 N= 2393	Number of Social Workers in 2009 N=372,943	Sanction rate per 100 social workers during 2000-2009
Washington	11	30	3,323	0.90%
West Virginia	56	28	3,426	0.82%
Wisconsin	73	56	12,077	0.46%
Wyoming	0	2	629	0.32%
Unknown	0	9	-	-
Total	2,607	2,393	372,943	0.64%

Supplementary Information: California Report on School Social Workers

During the data collection process for the school social work study, the California professionals responded to inquiries by telling me that they did not keep track specifically of certified school social workers, but the information was available through a specialized query of their data. I would simply have to pay for the costs of the computer times and programmer's staff time. Grant funds were used to commission this report. There are several interesting findings in this report. First, California has a large group of complaints about school social workers and their reports of misconduct are also very large compared to other states. California makes annual reports about the Commission's activity related to the misconduct of certified school personnel. The recent reports reflect the fact that most if not all the misconduct reports are related to criminal behavior. The policies of California appear to differ from other states where complaints are received most frequently from school districts and other jurisdictions that include considerations beyond criminal behaviors.

California Commission on Teacher Credentialing

Information Regarding Pupil Personnel Services Credentials with an authorization for School Social Work for FYs 2005/06 through 2009/10

REPORTS OF MISCONDUCT

	FY 05/06	FY 06/07	FY 07/08	FY 08/09	FY 09/10	5 year total
SCHOOL DISTRICT REPORTS	0	0	0	0	0	0
COMPLAINTS UNDER PENALTY OF PERJURY	0	0	0	0	0	0
ALL OTHERS (INCLUDES DOJ REPORTS AND SELF DISCLOSURES	11	14	12	6	12	55
*Total	11	14	12	6	12	55

NEW CASES OPENED

	FY 05/06	FY 06/07	FY 07/08	FY 08/09	FY 09/10	5 year total
APPLICANTS	3	0	0	0	1	4
APPLICANTS/HOLDERS	0	0	0	0	0	0
FIRST TIME APPLICANTS	7	10	9	6	5	37
HOLDERS	1	4	3	0	6	14
WAIVERS	0	0	0	0	0	0
*Total	11	14	12	6	12	55

CASES OPENED PER FISCAL YEAR BY TYPE

	FY 05/06	FY 06/07	FY 07/08	FY 08/09	FY 09/10	5 year total
APPLICATION	6	3	5	2	0	16
APPLICATION & RAP	4	7	5	4	7	27
RAP SHEET	1	4	2	0	5	12
SCHOOL						
DISTRICT/COUNTY OFFICE OF EDUCATION	0	0	0	0	0	0
WAIVER/APPLICATION/RAP SHEET	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
WAIVER/APPLICATION	0	0	0	0	0	0
ARRESTING AGENCY	0	0	0	0	0	0
AFFIDAVIT/COMPLAINT	0	0	0	0	0	0
BREACH OF CONTRACT	0	0	0	0	0	0
WAIVER/RAP SHEET	0	0	0	0	0	0
STATE TEST MISCONDUCT	0	0	0	0	0	0
WAIVER	0	0	0	0	0	0
*Total	11	14	12	6	12	55

CASES COMPLETED

	FY 05/06	FY 06/07	FY 07/08	FY 08/09	FY 09/10	5 year total
STAFF ACTION	15	11	12	9	12	59
COMMITTEE OF						
CREDENTIALS	2	0	0	2	0	4
COMMISSION	0	1	2	0	0	3
*Total	17	12	14	11	12	66

MANDATORY ACTIONS

	FY 05/06	FY 06/07	FY 07/08	FY 08/09	FY 09/10	5 year total
REVOCATIONS	0	0	0	0	0	0
DENIALS	0	0	0	0	0	0
*Total	0	0	0	0	0	0

DISCRETIONARY ACTIONS

	FY 05/06	FY 06/07	FY 07/08	FY 08/09	FY 09/10	5 year total
REVOCATION	0	0	0	0	0	0
DENIALS	0	1	0	0	0	1
SUSPENSION	0	0	2	0	0	2
PUBLIC REPROVAL	0	0	0	0	0	0
PRIVATE ADMONITION	0	0	0	0	0	0
*Total	0	1	2	0	0	3
TOTAL MANDATORY AND DISCRETIONARY ACTIONS	0	1	2	0	0	3

CASES OPENED BY OFFENSE CODE PER FISCAL YEAR

	FY 05/06	FY 06/07	FY 07/08	FY 08/09	FY 09/10	5 year total
OFFENSES						
ALCOHOL	3	6	5	6	6	26
**OTHER CRIMES	6	4	5	0	1	16
SERIOUS CRIMES/FELONIES	2	2	1	0	4	9
DRUGS	0	2	1	0	1	4
CHILD CRIME-NON-SEXUAL	0	0	0	0	0	0
CHILD CRIME-SEXUAL	0	0	0	0	0	0
ADULT-SEXUAL	0	0	0	0	0	0
*Total	11	14	12	6	12	55

*** Totals are for General Pupil Personnel Services Credentials, Pupil Personnel Services Credentials, and Standard Pupil Personnel Services Credentials with an authorization for School Social Work.**

****Other Crimes is defined as misdemeanors such as petty theft, trespass, defrauding an innkeeper, etc. Also, non-criminal offenses such as dismissals not involving serious crimes.**

Prepared by: Sylvia Ferrari (Staff Services Analyst), November 15, 2010

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