

“Don’t Shame Me; Walk with Me”: The Impact of Sanctions for Social Work Licensing Violations

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***Abstract:** Although prior research has explored the types of sanctions imposed by regulatory boards on social workers for licensing violations, empirical investigations surrounding the impact of sanctions on social workers is limited. This qualitative study explored the lived experiences of 13 licensed social workers who participated in licensing investigations and received sanctions by a state licensing board for violating state laws, rules, or ethical standards. The researchers used a phenomenological approach to analyze the interviews and identify common themes. Participants described the impact of the investigation process and sanctions on their emotional well-being, reputation, finances, and careers. They also expressed concerns about the potential impact on their clients. Participants’ recommendations for licensing boards include greater use of corrective actions rather than relying on punitive measures, avoiding suspensions, and a more strategic use of supervision and consultation.*

Keywords: Licensing, sanctions, investigations, social work, regulatory

The primary purpose of social work licensing is to protect clients and the public from harm (Boland-Prom et al., 2018). As with other licensed professions, when social workers breach licensing laws, they may be held accountable by their state licensing board. Research on ethics allegations against social workers suggests that the most common complaints are related to boundary violations, substandard practice, record-keeping, competence, informed consent, honesty, and conflicts of interest (Boland-Prom, 2009; Daley & Doughty, 2006, 2007; Strom-Gottfried, 2000a, 2000b, 2003). Prior to 2007, most research on ethics violations by social workers was based on professional review processes conducted by the National Association of Social Workers (Phelan, 2007). More recently, research has focused on licensing violations and sanctions. In the most recent study of licensing sanctions, Boland-Prom et al. (2015) found that 2,607 licensed social workers were sanctioned between 2000 and 2009. The most common corroborated violations were related to record-keeping and confidentiality. Other corroborated violations were related to informed consent, standards of care, continuing education, and lapsed licenses. The most common sanctions for serious offenses were licensure revocation and voluntary surrender of licenses. While there is significant research on the types of complaints against social workers, there is little research on the consequences experienced by clinical social workers who have been sanctioned for licensing violations (Gricus, 2018). This article shares the findings of a qualitative study of the experiences of 13 clinical social workers who were sanctioned for licensing violations by the Ohio Counselor, Social Worker, and Family and Marriage Therapist Board (OCSWFMT).

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Literature Review

Social work licensing boards are mandated to protect the public and client systems by promoting safe, competent, and ethical social work practice (Donaldson et al., 2014; Magiste, 2020). To practice clinical social work in the United States, state licensing laws require social workers to have clinical licensure. Different states have different categories of social work licensure and different requirements for social work education, field training, supervision, and continuing education (Boland-Prom et al., 2018). For clinical licensure, states typically require a master's degree in social work plus two years of supervised post-master's experience. In Ohio, the state where the current study was conducted, clinical social workers are licensed under the title "Licensed Independent Social Worker" (OCSWFMT, n.d.b). Some states use alternative designations such as "Licensed Clinical Social Worker" or "Licensed Independent Clinical Social Worker" (Association of Social Work Boards, n.d.b).

When clients or others submit complaints about the actions of a licensed social worker, licensing boards are responsible for conducting investigations to determine whether the licensee has violated any licensing laws (Carnahan, 2019). The board's investigators conduct investigations in a private and confidential manner (OCSWFMT, n.d.b). In situations where the licensee admits to a violation, the licensee may agree to sanctions or corrective actions. If the licensee does not admit to a violation that has been identified by the investigation, the case proceeds to a hearing by the board. If the board determines that a violation has occurred and the licensee does not sign a consent decree, the board determines appropriate sanctions or corrective actions. In Ohio, the consequences for violations may include:

- permanent reprimand placed on the license,
- disciplinary action, including suspension or revocation of the license or certificate,
- probation and/or limitations added to the license or certificate through the implementation of a legal consent agreement, constructed by the Ohio Attorney General's Office,
- a requirement for the licensee to take part in impairment-appropriate therapy or treatment (OCSWFMT, n.d.a).

In a study of the prevalence of licensing complaints against Licensed Independent Social Workers (LISWs) in Ohio between 1985 and 2013, Magiste (2020) found that the board substantiated 592 complaints (averaging 21 per year). The most common complaints were failure to comply with licensing standards (221), nonsexual boundary violations (120), standards of care breaches (65), legal issues not related to direct practice (62), fraud (59), sexual violations (36), and confidentiality breaches (17). Licensing boards may investigate and adjudicate upon complaints that relate specifically to violations identified in state licensing laws. Although violations such as breaches of confidentiality and standards of care are common across various states, there are significant differences in the scope of violations across states. For example, some states incorporate the National Association of Social Workers (2021) Code of

Ethics into their licensing laws, giving their licensing boards jurisdiction over a greater range of violations than in states with licensing laws that have a more limited range of violations. The Association of Social Work Boards (n.d.b) maintains an online database that includes comparisons of licensing laws and regulations across different jurisdictions in Canada and the United States.

Research into the impact of licensing board decisions on licensed social workers is limited (Gricus, 2018). Accordingly, this literature review includes the findings of studies related to social workers and allied professionals. Existing research on licensed social workers, nurses, family and marriage therapists, psychologists, and counselors suggests that when licensees are sanctioned for ethical or legal violations, they experience significant personal and professional consequences (LaDuke, 2001; Thomas, 2005; Warren & Douglas, 2012; Wilkinson et al., 2019). Personal consequences refer to physical, emotional, and social impacts, including relationships with family and friends. Professional consequences include effects on work, finances, and professional reputations.

Prior to the current study, the only published research on the experiences of American social workers disciplined by their licensing board was Gricus (2018), a qualitative study of 17 sanctioned social workers in an unnamed state. Gricus found that sanctioned workers suffered feelings of embarrassment, shame, fear, and anxiety. They also experienced sleep problems, financial issues, and missed time at work. Some social workers “connected the experience of disciplinary action with feelings of being watched” (Gricus, 2018, p. 9). Participants feared the discipline would be a *scarlet letter* haunting them throughout their careers. Many participants were no longer proud to be social workers. Some became ambivalent about the profession or disheartened about the investigation process and their ability to gain employment as social workers. Others contemplated leaving the profession. While Gricus (2018) identified many negative results from discipline, some social workers said the experience of being disciplined resulted in some positive outcomes, particularly, greater attention to practice and ethical concerns.

In a qualitative study of 8 registered social workers in England, Worsley and colleagues (2017) found workers who were the subject of a complaint often experienced negative impacts on their mental and physical well-being. Some workers experienced suicidal thoughts. Worsley et al. (2017) note, “Although they did survive this process, few emerged unscathed” (p. 2433). Certain workers believed their problems escalated when they were investigated “because they feared losing their professional identity, credibility, and career for which they had worked hard” (Worsley et al., 2017, p. 2434). Sanctioned social workers also reported negative financial impacts related to the cost of legal defense and lost ability to work.

In a phenomenological study of 8 sanctioned marriage and family therapists (MFTs) from three states, Coy et al. (2016) found that some MFTs reported positive outcomes, including increased professional knowledge, skills, resilience, and personal growth and understanding through therapy. However, MFTs also experienced negative consequences, including lost income and business relationships, stigma, and feelings

of isolation. Some MFTs felt the licensing boards shared too much information. They questioned the necessity of publicizing their sanctions. In an article based on a case study of sanctioned counselors, Warren and Douglas (2012) highlight the negative impacts of stigma and professional isolation. Given the stigma associated with being sanctioned, licensees may have trouble identifying and accessing support such as professional supervision or counseling. Stigma and lack of support may exacerbate their problems.

Schoenfeld et al. (2001) surveyed 240 psychologists who experienced licensing investigations in a southern state. Seventy-one received sanctions for licensing violations. Study participants identified the following negative effects from the investigations: shock, depression, anxiety, anger, sleep disorders, sexual dysfunction, interpersonal stresses, and costs in time and money to defend themselves. The negative effects were greater for psychologists found to have committed a violation than for those not found to have committed a violation.

Although there is a growing body of research regarding the impact of sanctions on licensed psychologists and other mental health professionals (Peterson, 2001; Wilkinson et al., 2019), little research exists regarding the impact of sanctions on licensed clinical social workers (Gricus & Wysiekiersky, 2021). The purpose of the present research is to explore how sanctions affected the professional and personal lives of social workers who received sanctions for licensing violations.

Research Methods

This study used a phenomenological approach (Neubauer et al., 2019; Wojnar & Swanson, 2007) to explore the lived experiences of 13 LISWs in Ohio who had been sanctioned by their state licensing board for violating laws, rules, or ethics. The study was approved by the Institutional Review Board of the first author's university. Potential research participants were identified through the Ohio Counselor, Social Worker, and Family and Marriage Therapist Board's website, which lists LISWs who received sanctions. The first author emailed and phoned a random sample of 62 LISW from this list, inviting them to participate in the research. Among those contacted, 13 agreed to participate, 9 declined, and 40 did not respond (including at least 8 people whose email addresses or phone numbers were not working). The first author conducted in-depth, semi-structured interviews. Questions surrounded participants' perceptions of the impact of the sanctions on their personal and professional lives. Each interview lasted 30 to 60 minutes. Eleven participants allowed the interview to be audio-recorded and transcribed. One participant requested no audio recording so the interviewer took detailed notes. One participant submitted responses in a text document.

The first author analyzed the interviews using qualitative data analysis, including word coding to identify patterns of words, phrases, and contexts within the transcripts and notes (Denzin & Lincoln, 2017). They identified quotations relating to the impact of sanctions and tentatively labeled each quotation with the essential theme for each quotation (e.g., lost income, expensive to defend, fearful, cannot sleep, traumatized,

reputation hurt, shame, punitive, disproportionate sanctions, permanent record). They then identified common themes among the quotations (Denzin & Lincoln, 2017), as presented in the findings section. To promote rigor of the analysis and ensure the accuracy of the themes, the second author conducted an external audit of the transcripts and themes (Creswell & Miller, 2000). This external audit involved the second author reading and coding all transcripts independently, developing major themes and subthemes, and comparing them with the first author’s themes and subthemes. The first and second authors discussed differences in their theming and built consensus about which themes fit best with the data.

Findings

The research participants comprised 11 female and 2 male LISWs who received sanctions for violating licensing laws between 2004 and 2020. Table 1 indicates the participants’ years of post-licensure practice experience, practice settings, and areas of practice. Table 2 indicates the reported licensing violations and the outcomes imposed by the board.

Table 1. <i>Practice Experience, Contexts, and Areas (n=13)</i>	
n (%)	
Post-Licensure Practice Experience	
1-5 years	6 (46.2%)
6-10 years	2 (15.4%)
21-30 years	3 (23.1%)
Over 30 years	1 (7.7%)
Unanswered	1 (7.7%)
Practice Contexts	
Private practice	10 (76.9%)
Agency-based	3 (23.1%)
Retired	1 (7.7%)
Practice Areas	
Mental health	10 (76.9%)
Forensic	1 (7.7%)
Addiction	1 (7.7%)
Supervision	1 (7.7%)
Older adults	1 (7.7%)
Total may add up to more than n=13 because some respondents gave more than one answer.	

When asked about their experiences of being sanctioned, research participants discussed the fairness of the sanctions and the impacts of the sanctions on their personal and professional lives. The “fairness” theme comprised two factors: whether participants felt sanctions were needed and whether they felt the sanctions were proportionate to the type of violation. The “impacts” theme involved three types of impacts: emotional impacts; reputational, career and financial impacts; and impacts on clients.

Fairness of the Sanctions

Some participants suggested the sanctions imposed by the board were fair. These participants tended to be licensees who acknowledged they had violated a regulatory law and signed a consent agreement. They were also able to maintain their jobs or obtain a new position. They did not necessarily think

that the board needed to punish them, as they had acknowledged their offenses; however, they thought the types of sanctions were proportionate to the type of violation.

Most participants felt that the sanctions were disproportionate or unfair. Some did not think that they violated any laws. Others felt that their violations were relatively minor, for instance, not submitting the appropriate paperwork to document their continuing education. The fact that certain participants signed consent agreements with the board did not mean that they actually agreed with the finding of a violation or the sanctions imposed. They felt that it was not worth fighting the board or they did not have the financial means to contest a decision by the board. Some participants tried to retract their consent agreements; however, they said the board would not allow them to do so. One participant noted that the consent agreement with the board stated that the consent was “in lieu of formal discipline;” however, the participant felt the consent agreement was indeed formal discipline.

Some participants suggested the board went too far in meting out sanctions, particularly in situations where the clients did not incur harm. As one participant noted, “Although there was a conflict of interest, which I agreed, there was no harm... I felt there was a complete overreaction by the board.” Several participants noted that the board treated them more harshly than social workers who had sex with their clients: “I think it’s ridiculous. I mean people sleep with their clients.” Others suggested that the social work board was much harsher than boards that oversaw other licensed professions: “When are other disciplines going to be held by the same standards as social work and mental health professions?” Several participants said they felt they were treated too harshly based on their research of prior board decisions or based on what they had been told by their attorneys. As one participant said, “[My attorney] got [the board] down to 18 months [license suspension], but they wouldn’t go below that. He said, ‘You’ve got to be kidding. All these other cases, very severe... what [is the board] doing?’”

Some participants who felt the sanctions were disproportionate received severe sanctions, such as permanent license revocation. Others received less severe sanctions, such as a suspended license or an order requiring supervision. Even a relatively minor sanction, however, could be experienced as disproportionate. Some felt that they had admitted their wrongdoing and had taken corrective steps, so a warning letter would

Table 2. *Reported Violations and Investigation Outcomes*

<u>Violations</u>	<u>n (%)</u>
Nonsexual boundary violations	5 (38.5%)
Not obtaining informed consent	2 (15.4%)
Felony	1 (7.7%)
Inappropriate documentation	1 (7.7%)
Insufficient continuing education	1 (7.7%)
Impaired practice	1 (7.7%)
Making threats	1 (7.7%)
Sex with client	1 (7.7%)
Not reporting a supervisee’s violation	1 (7.7%)
Bias	1 (7.7%)
<u>Outcomes</u>	
Permanent revocation	5 (27.8%)
Supervision	5 (27.8%)
Ethics course	4 (22.2%)
Suspended sentence	3 (16.7%)
Reprimand	1 (5.6%)
Total may add up to more than n=13 because some respondents gave more than one answer.	

have been sufficient. Although the board was authorized to take admissions and expressions of remorse into account, several participants felt that the board did not consider their remorse as a mitigating factor. Participants also expressed concern that even a short suspension would leave a permanent mark on their reputation. In advocating for time-limited sanctions, one participant stated, "Just, the blanket rule about everybody's disciplinary actions stay on their record forever. Even serious violations, people can turn around and people can redeem themselves. To leave it on their records for 10, 20, or 30 years, it just seems extreme."

Impact of the Sanctions

Emotional Impacts

Two participants indicated they became happier after the board's decision. They did not enjoy having to go before the board or being sanctioned. However, they used the board's decision as a "wake-up call," decided to leave social work, and started new careers. As one participant noted, "I was hurt emotionally. So, what do you do with that? I went back to school... I don't like walking around like I'm a victim. I feel like I persevered... I'm probably the happiest I've ever been in the career where I am." These participants suggested they were less stressed in their new careers and made more money.

Most participants reported a much stronger emotional impact, with experiences ranging from severe stress to high levels of anxiety, sleep disturbances, and symptoms that they attributed to the possibility of post-traumatic stress disorder. One participant suggested that she awoke with a panic attack every morning, beginning just after the first meeting with the investigator and lasting 18 months. She said she was paralyzed by fear. Although she continued to practice social work, her constant state of fear and anxiety made it very difficult to work. Another participant shared that she continued to have difficulty sleeping years after the investigation ended. "It's hard in the middle of the night...I wake up in the middle of the night, at 3 in the morning. I can't sleep."

A third participant described having a "nervous breakdown" and living in constant fear that another client might report her to the board. She avoided being assertive with clients, worrying about how they might respond: "If a client got mad about something, normally, I'd stand up to them and say, 'Come on, let's get on with it, it's a clinical issue.' And now... I was starting to cower." A fourth participant described having a sense of paranoia, fearful about making any missteps because they could result in further board investigations. The fears were not just about potential findings of violations, but also fears of having to go through the investigation process. Finally, one participant suggested that the board contributed to her experiencing "compassion fatigue." As a social worker, she hoped the board would be supportive and offer resources. Instead, she felt the Board undermined her confidence and left her in a constant state of anxiety and fear. A common theme emerging from the participants' experience of the investigation process was that they came away feeling demeaned and traumatized.

Reputation, Career, and Financial Impacts

Some participants shared that having a violation on their record did not have a substantial negative impact on their reputation, career, and finances. They suggested that their colleagues, coworkers, and clients knew about the quality of their work. They did not think the licensing violation affected how they were perceived, ethically or professionally. In the words of one participant, "My staff know who I am. My clients know who I am. [The board's decision] can't hurt that." Some participants felt that people who did not already know them might question their reputation if they discovered the violation; however, they were unsure about what effects, if any, this had on their practice or ability to attract clients. One participant said she was very well known in the community, so she was not concerned about how potential clients and referral sources might perceive her. Some participants who were less concerned about their reputation believed that the specific violation appeared trivial (e.g., receiving a 10-day license suspension).

Other participants believed that having a violation on their records affected their reputation significantly. As one participant said, "I have a scarlet letter... and I'm sure it affected my business." Another participant who lost her license noted that the violation prevented her from getting jobs that did not require licensure. "When I tried to get jobs that weren't licensed jobs, I would have to explain the whole situation and whatnot, and that would always allow me not to have the jobs." A participant from a small town noted that everyone knew about her licensing violation and she had to contend with a lot of false rumors about the violation.

Participants suggested it was embarrassing when they applied for jobs and had to disclose their licensing violations. One participant said that although she was able to obtain a new job, her employer required her to have additional in-house supervision. She did not think she needed additional supervision because she was already paying for outside supervision as part of her consent agreement with the licensing board.

Many participants felt that simply having their name and violation on the board's website was embarrassing. As one participant said, "I'm mortified. I have an excellent reputation... my name means a lot to me." Participants felt ashamed even if they were not aware of any specific instances when friends, potential clients, or others went on the website and learned that they had a violation. Another participant noted, "It was shameful. Nobody ever said anything to my face... but who knows. I knew anybody could go and see my name. It was shameful." Several participants expressed concerns that the violation stays on the Board's website forever. They also expressed concerns that others might repost the information. One participant noted that even after seven years, the effects of the violation continued to have a strong impact. "I had tons of friends who were clinical people. I'm like a joke... 'See, you lost your license.' I've lost my professional standing, money, future prospects..." Some participants struggled with when to tell potential employers about their violation. If they informed potential employers too soon, they risked not getting the job; if they did not disclose early on, the employer might also reject them.

Although some participants continued to struggle with the impact on their reputation, others said they were moving on. “The fact that you can look at my license, it drives me crazy, but I’ve got to let it go. It doesn’t define me. I’m not giving them the power to define me.” Some participants moved out of state to re-establish their reputations and careers. Some participants returned to school and entered new professions. Of the 5 participants who had their licenses revoked, 4 wanted to continue to practice social work. One participant was planning to leave social work even before the licensing investigation. Among the 8 participants who did not have their licenses revoked, all said they continued to practice social work right after the investigation process ended or after their licensing suspension ended.

Not surprisingly, some of the strongest financial and career impacts were reported by participants who had their licenses permanently revoked. One participant said that she was unable to return to work and was living in poverty. Some participants reported having large debts, in part because of legal expenses to defend themselves and in part because of lost jobs or lost business (for those in private practice). One participant reported that her practice was \$40,000 in debt and she paid \$13,000 in legal fees. Although some participants had professional liability insurance that covered legal fees, others did not.

Several participants suggested that the Board did not consider the impact of its decisions, not only on them, but also on their family. The lost jobs and lost income affected their whole families. Some participants had recently experienced the death of a spouse, a divorce, or mental health issues within the family. After the finding of a violation, they were no longer able to support their families, including basic needs such as housing. One participant estimated lost income at over \$1,000,000 over the prior 10 years. Some participants believed that the information on the Internet continued to affect their reputation and ability to earn a living. Another participant said she took a job at a restaurant, earning minimum wage and struggled to support her children. She was eventually able to return to school and earned a new degree to obtain a better paying job.

Impact on Clients

Some participants who continued to practice social work suggested that the emotional impact of the licensing investigation and sanctions affected the way they practiced. They chose not to accept clients in risky situations, for instance, clients with borderline personality disorder, families with conflictual dynamics, and clients involved in the legal system. As one participant suggested, “I am scared to death to do custody work... I’m too concerned about losing my license... It was valuable work... I won’t do it anymore because I’m too fearful with my board.” Another participant said, “I started distrusting my clients, started living in fear... looking over my shoulder.” The participant went through her client list with a professional colleague and decided to terminate work with clients who could be too risky to work with, including clients who experienced trauma. The participants felt bad about having to turn away clients in need, but they were too scared about losing their licenses and

livelihoods. Some participants reported that other professionals in their agencies quit practice due to their fears about the licensing board.

One of the biggest concerns among participants who lost their licenses or had them suspended was that they were forced to terminate work with clients who still needed help. One participant noted, "I had people who were suicidal who ended up in the hospital... Another man who's going through divorce, is depressed and going through substance abuse... and more. And I wasn't able to do anything but cancel." Some participants who worked in agencies were not allowed to terminate work or transfer them to other workers; the agency took responsibility for the clients. Other participants were able to contact their clients and explain their license suspensions. Although participants provided referral information, many clients did not want to switch therapists.

Several participants felt the board should consider the impact of license suspensions on clients, for instance, by giving licensees time to speak with clients before the suspensions took effect or by offering sanctions other than suspensions. Rather than suspensions, for instance, one participant suggested that the board could arrange opportunities for clients and licensees to meet and work through the issues themselves. The participant felt that it would have been much more helpful for the board to mediate a solution, bringing a sense of peace and closure to the issues between the licensee and client. The participant believed the current process was more punitive rather than restorative or helpful to the client. Because regulatory processes and sanctions are governed by state laws, boards would need legislative reforms in order to incorporate some of these suggestions.

Some participants whose licenses were revoked believed that they lost their ability to contribute to their clients, community, and society. One participant said, "I have a lot to offer to the public. I have a lot of experience... I do substance abuse work. I do mediation. I do court work. I've got a unique blend of experience." This participant felt the board ignored her capacity to contribute as a social worker and the license revocation brought about more harm than good.

Limitations

This study was based on a sample of 13 participants from a licensing board in one state. Accordingly, the primary limitation of this study is the transferability of the findings (Denzin & Lincoln, 2017). Although the sample was drawn randomly from a list of LISWs who had received licensing sanctions, the sample may be skewed because 9 people declined to participate and 40 others did not respond to calls or emails (including the possibility of incorrect contact information). People with stronger concerns, lower feelings of shame, or less trauma may have been more likely to respond. Others may have felt they had little of significance to share regarding their experience. Still, the sample generally mirrored the demographics of the Ohio board's cases regarding gender, agency-based versus private practice, practice areas, and the range of violations. The findings may be more transferable to licensing boards with investigation processes similar to those of Ohio (e.g., boards with paid professional

investigators rather than volunteer investigators selected from among board licensees).

Conclusion

As the reported experiences of research participants and prior research suggest, being involved in a licensing investigation and having a violation found against them can be stressful and traumatizing (Gricus, 2018; Worsley et al., 2017). Although some participants reported the ability to get on with their lives in a positive manner, many experienced significant negative impacts on their professional, emotional, and financial well-being. The primary purposes of licensing investigations are to protect the public and promote safe, competent, and ethical practice (Donaldson et al., 2014). To reduce the risks of unwarranted negative impacts on licensees, social work boards could consider the following strategies:

- *Different types of violations may require different types of actions.* When licensees have engaged in sexual exploitation, harassment, or other conduct that has caused or could cause serious harm to clients, boards may need to use stronger and longer-term actions than for less serious violations such as not completing continuing education requirements or failure to document fees in an appropriate manner.
- *Avoid licensing suspensions unless they are absolutely necessary.* Licensing suspensions may have a negative impact on the licensee emotionally and financially. They may also have negative impacts on clients, whose treatment and support services may be disrupted. If the purpose of short-term licensing suspensions is to act as a punishment or deterrent, boards could use fines or other methods of deterrence.
- *For licensing violations that do not cause significant harm to clients, designate a timeframe after which information about violations will be removed from the board's website.* Many participants expressed concerns about having permanent marks on their records. For less serious violations, it may be appropriate to have a process to expunge violations from public records to reduce the negative impact on a licensee's emotional, reputational, and financial well-being. When determining appropriate responses to violations, licensing laws require boards to take the seriousness of the violations into account.
- *When requiring supervision as a consequence for a licensing violation, boards should offer support in identifying an appropriate supervisor for the licensee.* If the purpose of supervision is to ensure that licensees practice ethically and avoid similar violations, then clinical supervision may not be necessary in situations where the licensee accepts responsibility for the violation and can demonstrate that they will not repeat it. In some situations, there may be a need for monitoring the licensee's practice rather than clinical supervision. Boards should take the licensee's prior experience and practice record into account when

considering whether mandated supervision will be useful. It may also be helpful for the board to provide specific training for supervisors who intend to work with licensees with violations. The type of supervision that they require may be different from general social work supervision, given the need to focus on specific violations or practice risks. Supervisors should also help licensees cope with the stresses associated with having a licensing violation on their records. One participant suggested the need for “trauma-informed” supervision (Pennsylvania Coalition Against Rape, 2020). “Even if I did the worst thing, don’t judge me, don’t shame me. Walk with me. Help me know why I did it. Help me so I don’t do it again. Don’t put me down further because that’s not going to help.” Social work licensing boards could draw upon the experiences of the legal and nursing professions which offer alternatives to the traditional disciplinary approach, including the use of diversion, mediation, probation, remediation, and supervision (Burgoon, 2021; Matthews et al., 2019). These approaches are based on the principles of restorative justice, corrective action, and rehabilitation rather than punishment or retribution (Barsky, 2017).

- *Boards should encourage licensees to make use of social work consultants throughout the investigation process and following the findings of a violation.* Trained consultants could provide coaching and support, helping licensees understand the process, respond to the licensing board in an effective manner, and identify appropriate support systems to help them with any emotional or financial stresses that may arise. For social workers who lose their licenses, consultants could assist with the practical and emotional issues that arise when having to transition to a new career. Given the limited budgets of social work boards, it is likely that licensees would need to pay for these consultants (just as they currently pay for any mandated supervision). Licensing boards could build on the consultation model used by the National Association of Social Workers (NASW, 2012), which encourages social workers to use consultants when they are involved in professional review processes regarding allegations of unethical conduct.

For future studies on licensing violations and sanctions, researchers could conduct an in-depth study of the processes of supervision, consultation, and other corrective actions. Different types of violations may require different responses. Accordingly, the research could focus on licensing board responses for specific types of violations such as sexual misconduct, nonsexual boundary violations, practicing outside of competency, breach of confidentiality, and failure to report abuse. In order for licensing boards to ensure that their decisions are based on evidence-based practice (Gambrill, 2018), it would be useful to identify which types of supervision, consultation, and corrective actions are most helpful and under what circumstances. It would also be helpful to study the processes that licensing boards use to determine which types of corrective sanctions or corrective actions to use for particular situations.

Although confidentiality and privacy concerns may prevent investigators or licensing boards from discussing particular cases, they could provide information about their decision-making processes and criteria without disclosing identifying information about licensees or clients.

Future research could also explore the experiences and perspectives of investigators. This research could be used to inform social workers about effective and ineffective ways to respond when they receive notifications of complaints and are participating in investigation processes (Barsky, 2020). In addition, this research could illuminate similarities and differences in the ways that investigations are conducted in various jurisdictions (Krom, 2019; Phelan, 2007).

As licensing boards consider the best ways to promote safe and competent practice, it is incumbent upon them to evaluate the impact of their investigatory processes and sanctions. By having a greater understanding of the impacts of licensing revocations, suspensions, supervision, corrective actions, fines, and other sanctions on social workers and the people they serve, licensing boards can make better decisions about what types of actions are most effective for particular violations and situations.

As a profession, social work values respect for the dignity and worth of all people (NASW, 2021). The value of respect includes empowering clients and giving them second chances when they make mistakes. The participants in this study suggest that social workers who violate licensing laws should be treated in a similar manner, with respect, empowerment, and compassion.

References

- Association of Social Work Boards. (n.d.a). Laws and regulation database.
<https://www.aswb.org/regulation/laws-and-regulations-database>
- Association of Social Work Boards. (n.d.b). Regulation.
<https://www.aswb.org/regulation/>
- Barsky, A. E. (2017). *Conflict resolution for the helping professions: Negotiation, mediation, advocacy, facilitation and restorative justice* (3rd ed.). Oxford University Press.
- Barsky, A. E. (2020). Ethics alive! Responding to NASW's professional review process. *New Social Worker*, 27(1), 4-6.
http://www.socialworker.com/topics/allan_barsky
- Boland-Prom, K. (2009). Results from a national study of social workers sanctioned by state licensing boards. *Social Work*, 54(4), 351-360.
<https://doi.org/10.1093/sw/54.4.351>
- Boland-Prom, K., Johnson, J., & Gunaganti, G. (2015). Sanctioning patterns of social work licensing boards, 2000 to 2009. *Journal of Human Behavior in the Social Environment*, 25(2), 126-136. <https://doi.org/10.1080/10911359.2014.947464>
- Boland-Prom, K., Krcatovich, M., Wagner, S., & Gilbert, M. C. (2018). Social work educators' evaluations of regulatory boards. *Journal of Social Work Values &*

- Ethics*, 15(2), 81-92. <http://jswve.org/download/15-2/articles15-2/81-Evaluation-of-regulatory-boards-JSWVE-15-2-2018-Fall.pdf>
- Burgoon, B. D. (2021). Florida's lawyer discipline system: What every attorney needs to know. *Florida Bar Journal*, 95(1), 9-21. <https://www.floridabar.org/the-florida-bar-journal/floridas-lawyer-discipline-system-what-every-attorney-needs-to-know/>
- Carnahan, B. (2019). Examining professional licensure risks. *Risk Management*, 66(3), 18-20. <http://www.rmmagazine.com/articles/article/2019/04/01/-Examining-Professional-Licensure-Risks->
- Coy, J., Lambert, J., & Miller, M. (2016). Stories of the accused: A phenomenological inquiry of MFTs and accusations of unprofessional conduct. *Journal of Marital and Family Therapy*, 42(1), 139-152. <https://doi.org/10.1111/jmft.12109>
- Creswell, J. W., & Miller, D. L. (2000). Determining validity in qualitative inquiry. *Theory into Practice*, 39(3), 124-130. https://doi.org/10.1207/s15430421tip3903_2
- Daley, M. R., & Doughty, M. O. (2006). Unethical social work: Comparing licensing and NASW perspectives. *Arete*, 30(2), 36-50.
- Daley, M., & Doughty, M. O. (2007). Preparing BSWs for ethical practice: Lessons from licensing data. *Journal of Social Work Values & Ethics*, 4(2), 3-9. <https://jswve.org/download/2007-2/4-Preparing-BSWs-for-Ethical-Practice-Lessons-from-Licensing-Data-JSWVE-4-2-2007.pdf>
- Denzin, N. K., & Lincoln, Y. S. (2017). *The Sage handbook of qualitative research* (5th ed.). Sage.
- Donaldson, L., Hill, K., Ferguson, S., Fogel, S., & Erickson, C. (2014). Contemporary social work licensure: Implications for macro social work practice and education. *Social Work*, 59(1), 52-61. <https://doi.org/10.1093/bjsw/bcx005>
- Gambrill, E. (2018). Evidence-based practice: An alternative to authority-based practice (revisiting our heritage). *Families in Society*, 99(3), 283-294. <https://doi.org/10.1177/1044389418786699>
- Gricus, M. (2018). "Of all the social workers ... I'm the bad one": Impact of disciplinary action on social workers. *Social Work Research*, 43(1), 5-16. <https://doi.org/10.1093/swr/svy023>
- Gricus, M., & Wysiekiersky, L. (2021). Social workers' perceptions of their peers' unprofessional behavior. *Journal of Social Work*, 0(0), 1-23. <https://doi.org/10.1177/14680173211012576>
- Krom, C. L. (2019). Disciplinary action by state professional licensing boards: Are they fair? *Journal of Business Ethics*, 158(2), 567-583. <https://doi.org/10.1007/s10551-017-3738-5>

- LaDuke, S. (2001). It can happen to you: The firsthand accounts of six nurses accused of and disciplined for professional misconduct. *Journal of Emergency Nursing*, 27(4), 369-376. <https://doi.org/10.1067/men.2001.117613>
- Magiste, E. J. (2020). Prevalence rates of substantiated and adjudicated ethics violations. *Journal of Social Work*, 20(6), 751-774. <https://doi.org/10.1177/1468017319837521>
- Matthews, D., Benton, K., Moreland, S., & Wagner, T. (2019). Addressing nursing practice breakdown: An alternative approach to remediation. *Journal of Nursing Regulation*, 10(1), 28-34. [https://doi.org/10.1016/S2155-8256\(19\)30080-8](https://doi.org/10.1016/S2155-8256(19)30080-8)
- National Association of Social Workers [NASW]. (2012). *NASW procedures for professional review* (6th ed.). Author. <https://www.socialworkers.org/nasw/ethics/ProceduresManual.pdf>
- NASW. (2021). *Code of ethics*. Author. <https://www.socialworkers.org/About/Ethics/Code-of-Ethics/Code-of-Ethics-English>
- Neubauer, B., Witkop, C., & Varpio, L. (2019). How phenomenology can help us learn from the experiences of others. *Perspectives on Medical Education*, 8(2), 90-97. <https://doi.org/10.1007/s40037-019-0509-2>
- Ohio Counselor, Social Worker, and Family and Marriage Therapist Board [OCSWFMT]. (n.d.a). Filing a complaint. <https://cswmft.ohio.gov/wps/portal/gov/cswmft/for-the-public/file-a-complaint-elicence-portal>
- Ohio Counselor, Social Worker, and Family and Marriage Therapist Board [OCSWFMT]. (n.d.b). Home. <https://cswmft.ohio.gov>
- Pennsylvania Coalition Against Rape. (2020). A guide to trauma-informed supervision. https://pcar.org/sites/default/files/resource-pdfs/trauma_informed_supervision_guide_508.pdf
- Peterson, M. B. (2001). Recognizing concerns about how some licensing boards are treating psychologists. *Professional Psychology: Research and Practice*, 32(4), 339-340. <https://doi.org/10.1037/0735-7028.32.4.339>
- Phelan, J. E. (2007). Membership expulsions for ethical violations from major counseling, psychology, and social work organizations in the United States: A 10-year analysis. *Psychological Reports*, 101(1), 145-152. <https://doi.org/10.2466/pr0.101.1.145-152>
- Schoenfeld, L. S., Hatch, J. P., & Gonzalez, J. M. (2001). Responses of psychologists to complaints filed against them with a state licensing board. *Professional Psychology: Research and Practice*, 32(5), 491-495. <https://doi.org/10.1037/0735-7028.32.5.491>

- Strom-Gottfried, K. (2000a). Ensuring ethical practice: An examination of NASW Code violations, 1986-1997, *Social Work*, 45(3), 251-261.
<https://doi.org/10.1093/sw/45.3.251>
- Strom-Gottfried, K. J. (2000b). Ethical vulnerability in social work education: An analysis of NASW complaints. *Journal of Social Work Education*, 36(2), 241-252. <https://doi.org/10.1080/10437797.2000.10779005>
- Strom-Gottfried, K. (2003). Understanding adjudication: The origins, targets, and outcomes of ethics complaints. *Social Work*, 48(1), 85-94.
<https://doi.org/10.1093/sw/48.1.85>
- Thomas, J. T. (2005). Licensing board complaints: Minimizing the impact on the psychologist's defense and clinical practice. *Professional Psychology: Research and Practice*, 36(4), 426-433. <https://doi.org/10.1037/0735-7028.36.4.426>
- Warren, J., & Douglas, K. I. (2012). Falling from grace: Understanding an ethical sanctioning experience. *Counseling and Values*, 57, 131-146.
<https://doi.org/10.1002/j.2161-007x.2012.00013.x>
- Wilkinson, T., Smith, D., & Wimberly, R. (2019). Trends in ethical complaints leading to professional counseling licensing boards disciplinary actions. *Journal of Counseling and Development*, 97(1), 98-105.
<https://doi.org/10.1002/jcad.12239>
- Wojnar, D. M., & Swanson, K. M. (2007). Phenomenology: An exploration. *Journal of Holistic Nursing*, 25(3), 172-180. <https://doi.org/10.1177/0898010106295172>
- Worsley, A., McLaughlin, K., & Leigh, J. (2017). A subject of concern: The experiences of social workers referred to the Health and Care Professions Council. *British Journal of Social Work*, 47, 2421-2437.
<https://doi.org/10.1093/bjsw/bcx005>

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