

Approved: Feb Mar 10, 93
Date

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE.

The meeting was called to order by Chairperson Joann Flower at 1:30 p.m. on February 22, 1993 in Room 423-S of the Capitol.

All members were present except:
Rep. Nichols, excused
Rep. O'Connor, excused

Committee staff present: Emalene Correll, Legislative Research Department
Norman Furse, Revisor of Statutes
Sue Hill, Committee Secretary

Conferees appearing before the committee:

Representative Snowbarger
Doug Henning, Ph.D.,
Neal B. Deutch, Ph.D., President Kansas Association of Professional Psychologists
Wendy Roach, interested citizen
David Rodeheffer, Ph.D., President of Kansas Psychological Association
GiGi Felix, Executive Director, Kansas Chapter of National Association of Social Workers, licensed Master Social Worker
Carl Myers, Asst. Professor in Undergraduate Social Work Department, Washburn University, licensed Specialist Clinical Social Worker
Alice Lieberman, Ph.D. Licensed Master Social Worker, Assistant Professor, University of Kansas, School of Social Welfare
Tamara Hawk, licensed Specialist Clinical Social Worker, former Chair of Kansas Chapter National Assn. Social Worker Child Welfare Committee
Janice Denning, faculty at Kansas State University in Social Work
Elisa Breitenback, Legislative Director, National Child Abuse Defense Resource Center
Barbara Armstrong, interested citizen
Wilma Moore, interested citizen
Candi Armstrong, Qualified Day Care Director
Donavon R. Rutledge, Licensed Master Social Worker (written testimony only)
Chris Concannon, Hugoton, Kansas (written testimony only)
Mary Ann Gabel, Executive Director, Board of Behavioral Sciences (answered questions only)

Others attending: See attached list

Chair called the meeting to order drawing attention to Committee minutes for February 16. The Chair encouraged members to read the minutes and if there are any corrections, please contact the Committee secretary before 5:00 p.m. tomorrow (February 23, 1993). If there are no corrections, these minutes will be considered approved as presented.

Chair requested a staff briefing on HB2196.

Ms. Correll gave a comprehensive explanation of HB2196, noting this bill would amend one of the statutes in the Psychologists Licensure Act. The bill relates to granting a license without examination to someone who has been licensed or certified in another state. Ms. Correll also noted there are other statutes that prohibit the granting of a license in this kind of circumstance to someone who had engaged in some kind of activity that has caused suspension or revocation of their license.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE, Room 423-S
Statehouse, at 1:30 p.m. on February 22, 1993.

HEARINGS BEGAN ON HB 2196.

Representative Snowbarger, sponsor of HB2196 stated, this concern had been brought to his attention through the problem that has faced Dr. Henning in trying to obtain his license in the state of Kansas. He gave a detailed explanation, then introduced Dr. Henning

Dr. Doug Henning provided (Attachment No. 1). He related his frustration in trying to obtain licensure as a Psychologist in the state of Kansas. He detailed the steps he has taken since 1991 in that effort. He stressed he has requested what kind of documentation he would need to provide, and the Behavioral Sciences Regulatory Board would not respond in specifics. After each attempt to gain licensure, he would receive a letter stating he did not meet requirements for licensure according to Kansas regulations. He related the events in obtaining documentation from a Dr. Shoemaker, Washington State University to validate his credentials. He related the fact he was advised to obtain legal representation in this quest for licensure. He detailed point by point comparison of the Washington State's law governing Psychology Licensing. He stated, he expected high standards for licensure in Kansas, but he also expected fairness. He stated, it is his belief the purpose of the law and related Boards, is to rule in adequately trained persons, and to rule out inadequately trained individuals. The purpose of regulations and requirements should not be to control competition in the market place.

Neal B. Deutch, Ph.D. offered hand out (Attachment No. 2). He detailed his educational background information. He noted, in his opinion, HB2196 would undermine the quality of psychological services offered to Kansans by allowing licensure to psychologists that do not meet acceptable standards. Services would be provided by psychologists whose competence and training is not decided by Kansas psychologists, but by psychologists from outside the state. HB2196 if enacted, would take psychologist licensure to the lowest common denominator, would likely affect the ability of psychologists in Kansas to have reciprocity with other states. Current criteria is accepted and recommended by the American Psychological Association, National Register of Health Service Providers in Psychology and the Federal Government. He urged defeat of HB2196.

Wendy Roach, an interested citizen, offered (Attachment No.3). She opposes HB2196, and noted many psychologists from other states and other countries are attracted to Kansas because of the number of mental health facilities per capita. In her view, high standards of testing should be maintained to insure quality mental health care for all Kansas citizens. She expressed concerns regarding incompetent psychologists being permitted licensure simply because they have a license from another state. The Board of Behavioral Sciences has a duty to protect the citizens of the State. She urged defeat of this proposal.

David C. Rodeheffer, Ph.D., President of Kansas Psychological Association offered hand out (Attachment No.4). He expressed strong opposition to HB2196, and noted this measure would lower standards for independent practice to those of the lowest standard in the United States. He cited numerous examples, i.e., requirements on supervised experience, examination score requirements, education and continuing education credit requirements. He noted HB2196 would delegate the licensing authority to other states, i.e., if a licensee from another state is accepted in Kansas, then Kansas loses its ability to control the level of training and preparation. He noted some indicate the requirements are stringent, and he agrees, but this level of high standards is not unreasonable, and is necessary, given the level of professional responsibility the state has entrusted to psychologists for the care of Kansas citizens. He urged defeat of this measure. He noted also that he is unaware of the concerns of Dr. Henning, and he has not been privy to any information surrounding this particular case discussed earlier by Dr. Henning.

Numerous questions were asked. Mary Ann Gabel, Executive Director, Board of Behavioral Sciences was asked to provide information obtained in a survey done on the requirements of other states, so that information could be made available to members in order that comparisons could be made with those regulations of Kansas. Ms. Gabel agreed to provide same.

Per request, it is recorded this date, comments made by Rep. Neufeld are not those of the entire Committee when he makes assertions with regard to Kansas University influencing approval or non approval of applicants for licensure.

It was noted, there are others having the same problem as Dr. Henning in trying to obtain licensure in Kansas, however, Rep. Snowbarger stated, he has only been in contact with Dr. Henning and his attorney regarding this issue.

CHAIR CLOSED HEARINGS ON HB 2196.

Chair requested a staff briefing on HB 2343.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE, Room 423-S
Statehouse, at 1:30 p.m. on February 22, 1993.

Ms. Correll gave a comprehensive explanation of HB2343. She stated the caveat in lines 30-31 require the individual seeking licensure be in a position classified under the Kansas Civil Service Act as a social worker position, which would mean the individual would have to meet the requirements set out in the act in the examination, (if there is an examination for that position). It is not open for everyone, but only to those who would meet those requirements for that position in the Act.

Chair OPENED HEARINGS ON HB 2343.

Chair noted Rep. Heineman, sponsor of HB2343, was present, but had to leave and testify on another bill and he will try to return later to present his testimony.

GiGi Felix, Executive Director of Kansas Chapter of National Association of Social Workers offered hand out, (Attachment No.5). She noted the regulatory components to set standards for the profession of social workers is to ensure that Kansans receive professional quality service. By exempting SRS from the requirement of hiring licensed social workers, several things will occur, i.e., a double standard of care is established; a double standard of public protection is established; a double standard is set up between rural and urban Kansas. She expressed concerns in regard to an inadequately trained social worker being given the responsibility of making decisions on whether or not a family should remain together, whether or not to remove a child from the home, or to return the child to their home. This decision making comes with social workers being able to draw on their education, their values and ethics of their profession. She noted the scarcity of social workers in rural Kansas is a rural issue, not a social work issue. She opposes HB2343.

Carl Myers, Assistant Professor, Washburn University, in Undergraduate Social Work Department offered hand out (Attachment No.6). He opposes HB2343. If this legislation were enacted, the basic educational requirements and professional standards of social work would not apply to any employees of SRS. In essence, anyone employed by SRS could become qualified to practice social work by simply being designated as a "social worker". He detailed social worker's educational requirements, and rationale for these strict standards. He noted the rationale behind HB2343 is to increase the availability of qualified social workers in under-served areas, particularly in Western Kansas, but to exempt these social workers from licensing would be doing the wrong thing at the wrong time. Enrollment in social work education is at an all time high, and it is his belief that to hire a full-time social work recruiter to work with the various social work programs in the state would be very beneficial to the concerns in rural areas.

Alice Lieberman, Ph.D. Associate Professor, University of Kansas School of Social Welfare offered hand out (Attachment No.7), and stated HB2343 is neither necessary nor in the best interests of Kansans. She understands the concerns that led Representative Heineman to request this legislation, however, there are serious and compelling reasons for not declassifying social work positions. She noted clients require the best educated and best trained workers. She detailed a study in which 5,000 social welfare workers were surveyed. Findings indicated, public child welfare work consists of 33 skilled areas and knowledge bases, some of which are "sexual abuse treatment, "permanency planning", "how to remove a child from their home", "how to testify in court", with results showing the non-trained worker did not score higher than the highly trained worker. She stated, the University of Kansas School of Social Welfare has undertaken a major effort to increase the supply of trained baccalaureate social workers in the state. She detailed this program. She noted, in her view, once the data is presented today, members will conclude HB2343 is neither necessary, nor in the best interest of Kansans.

Tamara Hawk, Chair of Kansas Chapter of National Association of Social Workers Child Welfare Committee offered hand out (Attachment No.8). She stated many clients receive services from ill-trained staff who have large, unmanageable caseloads that prevent them from providing quality services. She urges the state to move in the right direction to increase opportunities for child welfare staff and their clients by continuing the demand for professional social work education. She indicated funding priorities must address the need for increased levels of education of social workers in the public sector. Too often funds that could have been invested for educational purposes are spent on items with little long-term return, i.e., fees paid to defendants' attorneys to fight class action suits. This is a tragic waste of public funds that could have been spent on upgrading working conditions and hiring more qualified staff. The use of non-professional staff with inadequate training by SRS continues to be a likely issue over and over again. She noted and detailed, i.e., recruitment and retention strategies do work; current progressive trends in child welfare base programs implementation on the professional knowledge and skills of educated social workers do work; continued high standards for social work for social work in child welfare protects the most vulnerable. A formula that will have a positive impact on public child welfare would be to increase availability of resources; decrease barriers to resources; increase staff; increase funding; increase prevention training and education; increase definition, restriction, and legal penalties.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE, Room 423-S
Statehouse, at 1:30 p.m. on February 22, 1993.

Janice Denning, faculty at Kansas State University stated her main area of research involves child welfare training and family preservation. She offered hand out (Attachment No.9). She stated, the negative effects that will occur the proposed legislation in HB2343 would have on the public, i.e., a change from traditional services to providing family preservation services represent a radical shift in child welfare philosophy across the country and in Kansas. She detailed this change in great length. She drew attention to several cases in her printed testimony, noting the necessity for skilled family preservation workers. She does understand the difficulty SRS has to fill vacant positions in rural areas, however, there are ways to recruit staff without deregulating the social worker profession.

Elisa Breitenbach, Legislative Director, National Child Abuse Defense and Resource Center, Attachment No.10, stated opposition to HB2343. When SRS and social workers are given unlimited power by the state, no one is well served. It is too easy for social work to become a vehicle of social policy rather than a system for individual help. She expressed concerns in regard to, if an agency such as SRS would be willing to police themselves. Social workers should be qualified individuals of high character, and ethics is a vital virtue. They have the power to interrogate small children, even strip search them, which would indicate a need for more stringent licensing, rather than less. She drew attention to Douglas Brumley who died and cannot say whether or not he died at the hands of the supposed child savers. Too many social workers allow personal feelings to cloud their judgment. These children are worth every safe guard that we can apply in their defense. Integrity is something that should be achieved in social programs. The Child Abuse Defense and Resource Center prays that this Committee will see the importance to maintain integrity in the system and keep social workers under the regulation of the Behavioral Sciences Regulatory Board.

Barbara Armstrong, interested citizen from Wyandotte County (Attachment No. 11), stated concerns with HB2343, i.e., language would allow the hiring of less qualified personnel without the knowledge and experience needed to deal with complex situations; SRS will no longer be accountable to the Behavioral Science Regulatory Board if this legislation is passed. She stated, for any one individual to not be accountable to anyone else could be chaotic, for any Organization not to be accountable to anyone else could catastrophic.

Wilma Moore, concerned citizen, offered hand out (Attachment No. 12). If HB 2343 is passed, there would be no accountability required of SRS on this issue. Presently the Behavioral Sciences Regulatory Board is a professional tool to monitor the behavioral practices of SRS while serving families in Kansas. Without this tool of accountability, the families and children will be unable to appeal decisions in a fair manner. It is her belief that any Government agency needs to be accountable for their actions and decisions. She opposes the passage of HB2343.

Candi Armstrong, Qualified Day Care Director, (Attachment No. 13), stated a system without check and balances will not work, and in her view, that is what HB2343 represents. In the past she has witnessed SRS workers coming into a day care, take a child out, say the child was being abuse with no proof offered to the director or the staff of the day care facility. Never at any time in those situations did they ask a child's teacher or the director if they believed this abuse might be happening. A trained professional who is with a child all day would certainly have an idea as to whether this child might be being abuse or not. In her view, a child day care worker would be able to offer insight to the SRS worker that could be of help, and this is not how these situations have been handled. If this legislation is passed, it will allow SRS to do anything it wants, any time it wants, without answering to anyone. She urged for defeat of this measure.

Rep. Rutledge drew attention to a hand out that was provided for members, (Attachment No. 14), written testimony only from Donavon R. Rutledge, Licensed Master Social Worker.

Fiscal note was provided on HB2343, see (Attachment No. 15)

Written testimony only provided from Mr. Chris Concannon, (Attachment No. 16)

Chair adjourned the meeting .

The next meeting is scheduled for February 23, 1993.

VISITOR REGISTER

HOUSE PUBLIC HEALTH AND WELFARE COMMITTEE

DATE Feb. 22, 93

NAME	ORGANIZATION	ADDRESS
Chip Wheelen	Ks Psychiatric Soc	Topeka
Doug Henning		145113 So. Greenwood Olathe
Lisa & Margaret Breitenbach	National Child Abuse Defense and Resource Center	8805 State Rd Merriam KS 66002
Chadi Armstrong		P.O. Box 12182 KC KS 66112
Wilma Moore		839 N 34th Apt G KC KS 66102
Barbara Armstrong	Concerned Citizens	6341 Cernich K.C. KS 66104
Robert Inatt	Washburn Social Work	Topeka
Julie Osborne	Washburn	Topeka
Sarah Zale	Washburn	Topeka
George M. Doyle	Washburn U.	2110 S.W. Wayne #2 Topeka, KS. 66611
Neal Alentz	Kansas Association of Prof. Psych	10550 Quivira Rd Suite 33 O.P. KS 66215
David C. Bodeloff PhD	Ks Psychological Assn	Topeka
John Petersen	Ks Assn of Prof Psychologists	Tyrone, Ia
Renée Murphy	Univ. of Ks. BSW program	210 Linden Circle Perry, KS. 66073
Pam Marsh	Univ of KS - BSW student	1243 N Blackfoot Olathe KS 66062
Dee Riser	Washburn	3005 S.W. Randolph Topeka
Carl S. Myers	Ks Council on Social Work Education	Topeka -
Denah Dykes	Washburn SW Student	Topeka
Brenda Goering	KU - BSW Student	10766 Flint OP, KS 66210
Karen D. Spradlin	KU - BSW Student	12442 W 97 Terr #301 Lenexa KS 66215
Frances Kastner	Ks Physical Therapy Assn	Topeka
Amy Murphy	KU - BSW student	4102 Naismith 1800 Naismith Dr Lawrence, KS 66044
Angela Holowbek	KU - BSW student	1729 W 14th St. #6 Lawrence KS 66044

HOUSE PUBLIC HEALTH AND WELFARE COMMITTEE

DATE _____

[illegible]

TO: House of Representatives
State of Kansas

FR: Doug Henning, PhD
14513 So. Greenwood
Olathe, KS 66062

Re: H.B. 2196

I appreciate the opportunity to testify regarding my frustrations with my application for licensing as a Psychologist in Kansas. I have passed the National Psychology Examination and have been licensed as a psychologist in the state of Washington since December, 1988. I began the application for Kansas licensing in the spring of 1991. Since that time I have appeared before the Behavioral Sciences Regulatory Board (referred to as the board from here on) on two different occasions and had my application considered by them a couple other times. At each meeting I asked the board what documentation I could provide, or what I could do to bring my qualifications to their standards. Each time it was difficult to get them to respond with specifics. However, when they did respond with a specific answer, I set out to find sufficient documentation, or evidence, to support my belief that I did satisfy their stated concerns. Then six to eight weeks later I would receive a letter stating only in general terms that I merely "did not meet the requirements" for licensing according to the Kansas Regulation.

To my frustration at each subsequent meeting the Board would not address my response, a response that was based on what they told me. They would instead address some other area of concern that I was unaware they were concerned about.

The last series of exchanges were as follows. On February 10, 1992 Dr. Gentry stated that my application was being denied because my program at Oregon State University (OSU) did not "require" a supervised pre-doctoral internship for graduation. However, I did complete pre-doctoral internship supervision because it was required for licensing. Upon my questioning, the board said they were hesitant to tell me what to do to bring my training up to expectations. They finally said that the only thing they could think for me to do, to satisfy the Board's standards, was to go through a "Respecialization Program" (RP). They admitted they did not know where such a program was, but suggested that I contact the University of Oklahoma. They thought the U of O had such a program. However, Oklahoma did not have such a program. I then contacted the American Psychological Association (APA) for a list of available RPs. The list indicated only six programs in the nation, closest one being in Ohio. The APA did say that some APA approved programs were willing to design RPs on an individual basis and that I should contact ones in my area. When I called Kansas University's (K.U.) Counseling Psychology program they stated that they did not do RP's since they "...could not figure out what the Behavioral Sciences Regulatory Board wanted..." on a consistent basis.

I began to realize, however unfair, that I may have to temporarily move back to Washington to practice while I worked at satisfying the board's expectations. Therefore I contacted the Director of Training of the APA approved program at Washington State University (WSU), Dr. Shoemaker. He agreed to evaluate my credentials, and subsequently stated that they would be happy to work with me, although they had nothing new to offer. Dr. Shoemaker stated my training looked as good as their present graduates, and that I had more than an adequate amount of supervised training. At my request Dr. Shoemaker sent a letter to the board stating this. (Dr. Shoemaker is also on the Board of Ethics for Washington and on the board of Psychologists in Idaho).

During this same period of time it was suggested I seek legal counsel to help insure I was getting fair consideration by the board. My attorney suggested that in addition to the documentation provided by Dr. Shoemaker, we also document a detailed point by point comparison of Washington State's law governing Psychology Licensing. The Kansas Regulation states that the board can grant licensing provided the state's law, under which someone

2-22-93
Attm #1

currently holds a license, is "...Substantially the equivalent of the requirements of..." the Kansas act (K.S.A. 74-5315). The two laws are very similar with the main departure being that Kansas requires two years post-doctoral supervised experience prior to licensing. Washington requires one year. (Most states require one year.) I have well over two years of post-doctoral supervision prior to receiving my license in Washington. This includes one year of supervised work in Rehabilitation Psychology (similar to a residency).

In August, 1992, once again the board did not address my response, or the letter from Dr Shoemaker, to their own suggestion for retraining. This time they denied my application based on the fact that Washington law does not "require" two years post-doctoral supervision as does Kansas. Even though I have more supervision than is required this does not seem to matter to the board. It is my understanding that there has been at least one strong recommendation by a member of the board that my application be approved.

I moved 18 months ago to Olathe from the Seattle area. A couple of my peers in Washington, one of which who had practiced psychology in Kansas City, Missouri, told me it was extremely difficult to become licensed in Kansas because of a "closed shop" or an almost "good-old-boy mentality". I anticipated high standards, however I also expected fairness. Over the last 18 months several local licensed Psychologists and Social Workers have also made statements similar to those listed above. It is not my goal to prove or disprove these statements. However, it is my belief, as I am sure it is yours, that the purpose of the law and related boards is to rule in adequately trained and rule out inadequately trained individuals. The purpose should not be to control competition in the market place or create professional "group think" by allowing only professionals with similar philosophical ideology to practice in the state.

Respectfully submitted,



Douglas D. Henning, PhD
2-22-93

PHU
2-22-93
Att # 1
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Kansas Association of Professional Psychologists
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Joann Flower
Chairperson
Public Health and Welfare Committee
House of Representatives
Topeka, KS 66603

Dear Chairperson and Members of the Committee,

I am providing testimony about House bill 2196, from the position of President of the Kansas Association of Professional Psychologists, a psychologist in practice in Kansas and a life long citizen of Kansas. I also attended the University of Kansas and worked 4 years as a psychologist for the state before entering private practice. I appreciate your taking the time to listen to my concerns and read this correspondence.

Kansas has a rich history and nationally recognized reputation for outstanding psychological services. We have a respected position for maintaining fair and high standards for licensure as psychologists. Our standards allow us to achieve increasing responsibility for mental health care of those requiring our services in this state.

House Bill 2196 would seriously undermine the quality of psychological services offered to Kansans by allowing licensure to psychologists that do not meet acceptable standards. States vary considerably in the standards they require for psychologist licensure. Kansas would be dependent on the licensing laws of other states to determine who can be licensed in our state. Citizens of Kansas would be provided services by psychologists whose competence and training is not decided by Kansas psychologists, but by psychologists from outside the state. Several states have very lax licensure laws with minimal educational or experiential requirements. House Bill 2196 would take psychologist licensure in Kansas to the lowest common denominator.

In addition, House Bill 2196 would likely effect the ability of psychologists in Kansas to have reciprocity with other states. Other states would be reluctant to allow psychologists licensed in

HW
2-22-93
Hm#2

Kansas Association of Professional Psychologists

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our state to have reciprocity since the standards for licensure would be so low.

The criteria that is currently used in Kansas for licensure is accepted and recommended by the American Psychological Association, National Register of Health Service Providers in Psychology and the Federal Government.

As a life long citizen of Kansas, practicing psychologist who was educated in Kansas and worked in both the private and public sector of this state and president of KAPP, I hope you prevent House Bill 2196 from being implemented. Once again, thank you for listening to my position.

Sincerely,



Neal B. Deutch, Ph.D.
President KAPP

PHB
2-22-93
AHM#2
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TO: Members of the Public Health and Welfare Committee

FROM: Wendy J. Roach, 1900 S.W. Washburn, Topeka

DATE: February 22, 1993

SUBJECT: House Bill No. 2196

I am here today to oppose HB 2196. The City of Topeka, in the State of Kansas, is the mental health capital of the United States: there are more mental health facilities per capita than in any other city in this country. As such, Kansas attracts psychologists from not only other states, but other countries as well. We must maintain a high standard of testing to insure quality mental health care for all Kansas citizens.

PHWJ
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Attn #3

(2)

Please remember that one (1) psychologist treats hundreds of patients each year. That means if one (1) incompetent psychologist is allowed to obtain a license in the State of Kansas merely because she or he has obtained a license in another state, hundreds of people in Kansas would be at risk of being harmed. The board of behavioral sciences has a duty to protect the citizens of Kansas from such harm. I strongly urge you to vote no when considering HB 2196.

Thank you -

Wendy J. Roach
~~2020-10~~ Tel: 234-3012

PHW
2-22-93
44m #3
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KANSAS PSYCHOLOGICAL ASSOCIATION

Testimony On HB 2196

House Committee on Health and Welfare

February 22, 1993

I am David C. Rodeheffer, Ph.D., President of the Kansas Psychological Association. On behalf of our Board of Governors, I would like to thank you for the opportunity to offer testimony on HB 2196. We would like to express strong opposition and concern with regards to this legislation. The changes proposed in the licensing statute by this bill would dramatically lower the standards for licensure of psychologists in the state of Kansas. This is because it would lower our standards for independent practice to those of the lowest standard in the entire United States now and in the future. Let me give you a few examples:

1. On the national licensing exam, Kansas requires a score of 75% to pass the exam. Passing scores in other states range from 49% to 75%. Thus this bill would effectively lower Kansas's level to 49%.
2. Kansas requires two (2) years of supervised experience prior to the granting of a license. Other states range from zero (0) to two (2) years. Again, our state's standard would be effectively lowered to zero (0) years of supervision prior to a psychologist being granted a license to practice independently.
3. Kansas requires 100 clock hours of continuing education credits every two years in order to maintain a license. Other states range from 0 to 100 clock hours with an average of 18.7 hours of continuing education credits across all jurisdictions in the United States. This means that a psychologist from a state that has minimal hours of continuing education, who may have practiced for a number of years in that state, could move into Kansas and begin practicing. This is a dangerous practice in a field such as mental health where the knowledge base is so rapidly expanding.

The passage of this bill would also create a dual standard for licensure in the state with those receiving their initial license in Kansas being severely penalized. Kansas has a long tradition of superior standards for psychologist, as well as other professions. Those rising to and achieving those standards are prepared to offer a superior level of care to Kansans. Allowing those from states with less stringent and careful standards to practice creates a class of providers that falls well below those intended by the state's licensing statute.

We are concerned as well, that lowering our own standards greatly jeopardizes our chances of developing realistic reciprocity agreements with other states that have appropriate and similar standards to our own. Once states who currently have equal levels of standards see that we have lowered ours, they will not want to accept licensed Kansas psychologists into their state. In this vein, it is important to keep in mind that the failure to achieve reciprocity arrangements with other states can limit Kansas's ability to attract high quality psychologists.

It also seems to us that this bill would delegate the state's licensing authority to all other states. If any license from another state is accepted in this state, then Kansas loses its ability to control the

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Kansas Psychological Association
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level of training and preparation that its psychologists must achieve and maintain. Other states, with varying levels of concern about professional standards, would be making those decisions.

In considering this legislation, it is important to keep in mind that licensed psychologists practice at an independent level in this state. That is to say that they are permitted to diagnose and to conduct mental health treatment on their own. Psychologists operate in numerous settings in this state including Mental Health Centers, private industries, universities (as both teachers and therapists) and private practice. They practice with not only complete autonomy and independence, but in many cases they are asked to supervise the treatment provided by others or to develop and direct intervention programs. They are asked by the court to provide expert assessments and testimony on issues ranging from child custody, sexual and physical abuse and forensic issues. The public and its institutions are dependent upon our expertise and judgment in many critical situations. Our organization has testified repeatedly over the years that higher standards increase the protection of the public who seek our services while lowering standards increases the risks to the public.

In meeting the requirements for my license, I completed a 5 year training program that was nationally accredited by the American Psychological Association. That training included over 6,000 hours of supervised clinical work, in addition to four years of course work and related training. This training included the completion of a year long nationally accredited full time internship program. Following this training, it included 2 years (a total of over 4,000 hours) of supervised clinical work culminating in completing a nationally accredited exam that surveyed my understanding and knowledge of the basic foundations of psychological knowledge. Since receiving my license in 1987, I have completed 50 hours each year of continuing education that helps me to keep abreast of the expanding knowledge base of my profession. Some might say that these are stringent standards. I would agree; but, this level of standards is not unreasonable and is necessary given the level of professional responsibility that the state has entrusted to psychologists for the care of its citizens. I urge you to not turn back these standards with this legislation for the sake of those who need and seek out psychological services.

I would like to thank-you again for the opportunity to testify today on HB 2196. I would be happy to answer any questions now or in the future.

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TESTIMONY OPPOSING HB2343

Good Morning. I am Gigi Felix, a licensed master social worker in Kansas. I serve as the executive director of the Kansas Chapter of the National Association of Social Workers. As the professional social work association, we are adamantly opposed to this legislation for several reasons.

First, licensing sets up statutory standards for the profession. Those standards include education, assurance of the public trust through references - which are carefully screened, and the passing of a national written test. These regulatory components ensure that your constituents receive professional quality service. By exempting SRS from the requirement of hiring licensed social workers, several things happen:

1. A double standard of care is established. If a Kansan is able to pay for service, they will, by law, be served by a professional social worker who has met the statutory standards. If, on the other hand, a Kansan is in the care of SRS, or in need of SRS services, they will be served by someone who has none of the educational, ethical, or value system of the professional. This would allow someone who is working at the Kwik Shop today, to become a "social worker" tomorrow. I will talk about the implications of this later.
2. A double standard of public protection is established. The Behavioral Sciences Regulatory Board (BSRB) is the regulating body for social work. Part of the function of any regulatory body is the investigation of alleged acts of unprofessional conduct, and sanction of the professional if the allegations are found to be true. Those acts include incompetent practice, and sexual involvement with a client among others. However, BSRB can only receive, or

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investigate complaints for the persons they regulate. In other words, if a person is not a licensed social worker, there is no public vehicle for a constituent to take action against someone who is alleged to be practicing unprofessionally. Attached to my testimony is a memo from Cheryl Kinderknecht, ACSW, a licensing/registration specialist for BSRB, showing that 36.4% of allegations brought against social workers in the twelve year period of 9/81 - 12/92 either were, or still are, employees of SRS. If there were no licensing, what would those citizens have done? SRS has claimed in the past that they can police their own employees... I offer the above statistics to show that that is not real. Sixty eight of their employees were accused of unprofessional conduct in the time frame cited.

3. A double standard is set up between rural and urban Kansas. There is a shortage of professionals in rural Kansas - we all know this. It is my understanding that the rural positions in SRS are the ones most difficult to fill, and are the basic impetus for this legislation. If this is true, then SRS is able to fill the urban position with qualified people. If the urban positions are filled, the unqualified people will be hired in rural areas. Urban clients get quality, rural clients don't. It also sets up a system down the road that the "social worker" serving you in the SRS system may be qualified and really help you and your family, or maybe they won't be. This seems ridiculous to me.

Secondly, I'd like to talk about the power the state has given to social workers in SRS - especially in child protection. The social worker is charged with the responsibility of deciding if a family should remain together, or the child(ren) be removed from the home; they are charged with deciding if a child should be returned

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to a home, or not. In making these critical decisions which impact entire family's lives, professional social workers draw on the education, values, and ethics of their profession. The judicial system relies heavily on the social worker's assessment of these situations; the system understands that it is not qualified to make them. Think about that on a personal level - what if a relative of yours has a child removed from the home without cause? Or what if a Kansas child dies because someone did not remove him/her from an abusive home? These are frightening, but very real scenarios which can happen if unqualified people are allowed to be "social workers" for SRS.

Third, there are several innovative things going on in SRS to recruit and retain social workers for the agency. First, they are developing a summer job program for social work students with acceptable qualifications. I am working with them to develop appropriate tasks for the different levels of education they will bring to the summer positions. Secondly, they are actively recruiting in the 9 BSW programs in the state, and at KU for the master level people. It should be further noted, that there are less than 10 positions open from those 200 recently opened. That says a lot. SRS has shown a commitment to providing quality service to its clients whenever possible. This legislation will cut that effort significantly.

Just one more comment. The scarcity of social workers in rural Kansas is a rural issue, NOT a social work issue. There are not enough physicians, nurses, attorneys, or any other professional in the rural areas of our state, or the nation. If the belief is that rural Kansas can be served by unlicensed social workers, then I suggest you consider dropping the licensure requirements for all the professions. Let rural Kansans be treated by orderlies or physician's assistants instead of licensed physicians, or let paralegals serve in the Attorney General's office without passing the Kansas Bar exam, or drivers for the Department of Transportation drive

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NASW

National Association of Social Workers

KANSAS CHAPTER

without valid driver's licenses. Of course this seems silly. However, there is NO DIFFERENCE between those licensure requirements, and ours. All regulating laws are enacted for the public's protection.

In closing, I'd like to suggest that as you discuss and deliberate this bill, you will remember the double standard of care that I've talked about, and the terrible implications of unqualified people deciding what families will stay together and which won't. The possibility of a child being separated from the family unnecessarily, or even worse, a child's death because of a decision to leave the child in an abusive home. If you do, I believe you will not allow this legislation to be enacted.

Thank you for allowing me the time to address you this morning, I'd be glad to stand for questions.

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M E M O R A N D U M

TO: Gigi Felix, Executive Director
Kansas Chapter NASW
Jayhawk Tower
700 Jackson St. - Suite 901
Topeka, KS 66603-3740

FROM: Cheryl H. Kinderknecht, ACSW Licensure/Registration
Specialist

DATE: February 18, 1993

RE: HB 2343 - An Act to Exempt SRS Social Workers from
Licensure Requirements

As per our February 18, 1993 telephone conversation: from 09/81 thru 12/92, there have been 187 licensed social workers or social work applicants who have been named in reports of alleged violations. Of this number, at least 68 (36.4%) are/were employees within the SRS system at the time of the alleged violations.

Exempting employees within the SRS system from the statutes and rules and regulations which govern the practice of social work and usage of the title social worker would remove employees within the SRS system from the Behavioral Sciences Regulatory Board's jurisdiction. Our legislated function of public protection would not extend to those individuals employed within the SRS system who chose not to be licensed. Such protection of the public includes ensuring that licensed individuals have met minimum educational and competency standards, prior to licensure, as well as investigating and adjudicating reports of alleged violations related to unprofessional conduct and/or incompetency.

MAG/jh
cc: Rep. Forrest Swall
JoAnn Briles-Klein, LSCSW
Margaret Presley, President, KS CSWE

DHW
2-22-93
44m #6

TESTIMONY BEFORE THE HOUSE PUBLIC HEALTH AND WELFARE
COMMITTEE CONCERNING HB 2343.

Representative Flowers and members of the House Public Health and Welfare Committee.

I am Carl Myers, a licensed specialist clinical social worker, and an assistant professor in the undergraduate social work department at Washburn University. I have been a social work educator and clinical practitioner in the State of Kansas for the past sixteen years.

My remarks today in strong opposition to HB 2343 are offered as an individual social work educator, and as a representative of the Kansas Council on Social Work Education, a professional association composed of the eight Kansas colleges and universities offering professional education leading to the Baccalaureate of Social Work (BSW) degree.

HB 2343 calls for the wholesale declassification and de-professionalization of all social workers employed by the department of social and rehabilitation services.

If HB 2343 were enacted, the basic educational requirements and professional standards of social work would not apply to any employees of SRS. In essence, anyone employed by SRS could become qualified to practice social work by simply being designated "social worker".

Specific professional education is required in order to provide the services and meet the serious responsibilities of the role of SRS social worker, and, that it is entirely appropriate for consumers of social work services through SRS be assured protection through legal regulation of social work practitioners.

Social work education programs are nationally standardized through accreditation by the Council on Social Work Education. Programs offering degrees in social work are rigorously reviewed for compliance to curriculum content in areas including Human Behavior in the Social Environment, Social Work Practice Theory and Methods, Social Policy Analysis, Research, and a Practicum in the senior year involving 480 clock hours of structured agency practice under close supervision. In the social work curriculum additional hours are completed in social work specialty courses which include Child Welfare, Practice with Families and Groups, Family Violence, and others;

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Social Work students must also successfully complete designated course work in economics, political science, biology, anthropology, sociology and psychology, as well as meeting general education requirements for a liberal arts degree.

The unique focus of the undergraduate degree is to prepare students to practice social work at a professional level of knowledge, values and skills in a variety of settings.

I should acknowledge that there are a number of educational programs and degrees available in the general social sciences, but no other undergraduate curriculum in any department or university has the unique focus of training social workers to practice social work.

The major employer of BSW social workers is the state of Kansas, principally through its department of social and rehabilitation services.

Why is it important to have licensed, professional social workers?

The answer is that social workers employed by the department of social services are expected to perform professional services which often profoundly influence people's lives.

Consider the heavy charge of responsibilities assigned to professional social workers who are employed by SRS. Professional social workers, licensed at the BSW level, are in the front lines of child welfare services including protective services, foster care, and adoptions. They are also in the front lines in adult protective services, and family services. They are prominent in all of the major services and programs under the SRS umbrella.

Without specifically trained professional social workers involved in these critical activities, the quality of services to dependent consumers would suffer.

Utilizing personnel who are ill-equipped due to lack of training, knowledge, competency, and ethical commitment represents a serious risk to the public well-being. It would seriously undermine the mission of the department of social and rehabilitation services, and the potential effectiveness of its programs and services.

An equally important consideration has to do with the purpose and importance of licensing of social workers, particularly those who are employed by SRS.

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We do not assume that attorneys, physicians, psychologists, or dentists employed by SRS should be regulated only by their employer and not the State.

The issue is one of public protection. When a state agency presents itself to the public as having the services of a competent physician, the public has the right to expect the services of a state licensed or certified physician. Considering the often fragile and sometimes dangerous circumstances of consumers of services of SRS, we believe the public has the same right in terms of social work. Without licensing of SRS social workers, the consumers of public services would have no avenue of redress for malpractice or negligent practice.

If the rationale behind HB 2343 is to increase the availability of qualified social workers in under served areas, particularly in western Kansas, then de-professionalizing social work positions by exempting them from licensing would be doing the wrong thing at the wrong time.

I think an unintended effect of this bill, if passed, would be a thorough demoralization of the truly professional social workers who are currently laboring under difficult and demanding circumstances. If this bill were passed, I suspect SRS would quickly lose many of its current veteran professional social work staff to jobs in the private sector.

I think the assumption that licensing standards decreases the availability of social workers is false. The fact is, enrollment in social work education is at an all time high, and I believe it is safe to estimate the total number of this year's social work graduates in Kansas will be well in excess of 200 at the end of the current spring semester. From January, 1992 to date, 267 BSW practitioners were licensed by the State of Kansas. The number is growing each year.

The solution to the problem of availability is for SRS to reinitiate the efforts began in 1990 to establish a position for a full-time social work recruiter, and for this person to work directly with the various social work programs in the state to acquaint students with the opportunities for professional practice in the service of SRS.

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The fact is an active recruitment process was initiated by SRS that lasted for about a year, and it enjoyed the active cooperation from the social work education community. A task force was established for a short time, but the efforts were dropped without warning or notice. For the past year, I do not personally know of any efforts to recruit social work students by the department of social and rehabilitation services.

Speaking on behalf of social work educators, there is a genuine desire to be helpful in these recruitment efforts. But, there needs to be consistent and on going collaboration between the schools producing social work graduates and the department of social and rehabilitation services.

I strongly believe there are many other positive and creative ways to increase the availability of qualified licensed social workers to fill these positions without resorting to such a drastic measure.

I urge this committee to report this bill adversely.

Respectfully submitted,

Carl S. Myers, LSCSW
Assistant Professor
Washburn University
231-1010 ste #1618
2/22/93

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Testimony prepared for the
House Committee on Public Health and Welfare
Hearing on House Bill 2343
February 22, 1993

Presented by Alice A. Lieberman, Ph.D., LMSW; Associate Professor
University of Kansas School of Social Welfare

I am here today as a member of the faculty of the School of Social Welfare at the University of Kansas, where I teach primarily in the baccalaureate program. From 1985 until 1988, I was a research associate with the Child Welfare Resource Center on Management and Administration, within the Edmund S. Muskie School of Public Affairs at the University of Southern Maine. While there, I conducted a national study which speaks directly to the issue at the center of this bill, and which I will describe later.

I can certainly understand the concerns which I believe led Representative Heinemann to introduce HB 2343. It is commonly believed that serious staffing shortages in the rural areas of the state demand that the qualifications of public child welfare workers be reduced in order to attract the requisite number of persons to these jobs. As other conferees will testify, such shortages do not presently exist. However, even if they did, serious and compelling reasons exist for not declassifying social work positions.

First, as we examine the characteristics of the public child welfare agency population, we find that they are extremely low-income, crisis-driven, mandated (involuntary) families, with problems which did not even exist ten years ago, and for which there are no fool-proof treatments (examples include HIV+, AIDS, and crack cocaine babies; pervasive gang violence, etc.). These clients require and our best-educated, best trained workers. And time and again, studies have shown that it is the educated social work practitioner who is most effective in these positions.

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In 1987, my colleagues and I at the Child Welfare Resource Center on Management and Administration conducted a national study in which we surveyed approximately 5,000 child welfare workers on the extent to which they perceived their education to have prepared them for public child welfare work. As we conceptualized it, public child welfare work consists of thirty-three skill areas and knowledge bases, including "sexual abuse treatment," "permanency planning," "how to remove a child from their home," "how to testify in court," etc. When we contrasted BSW workers with those who held baccalaureate degrees in other disciplines, results revealed that in no area did the non-trained worker score higher than the trained worker (they tied in only two). Other studies, such as one conducted by the private firm of Booz-Allen Hamilton, have taken a more rigorous approach to this question by actually rating performance using independent raters and found similar results.

A final point I would like to make is that the University of Kansas School of Social Welfare has undertaken a major effort to increase the supply of trained baccalaureate social workers in the state. In conjunction with the Kansas Department of Social and Rehabilitative Services and the Department of Health and Human Services, a consortium of undergraduate schools of social welfare within the state has been developed which, for a minimal investment, allows those schools to provide education grants to certain students with particularly high potential for public child welfare practice. In order to qualify for the program, students must pledge to work at SRS in public child welfare following their graduation, matching their tenure in the agency with the amount of time spent on stipend. The process for receiving such a stipend is competitive, with particular attention given to persons with a commitment to underserved areas within the state and a desire to have a career within SRS. To our knowledge, Kansas is the only state with such a program for baccalaureate-level social workers.

In summary, I hope that the Committee will carefully review all the data and conclude that this bill is neither necessary nor in the best interests of Kansans.

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Chairperson Flower and Members of the Public Health and Welfare Committee:

My name is Tamara Hawk. I am a licensed specialist clinical social worker in private practice in Manhattan. I have been chairperson of the Kansas Chapter NASW Child Welfare Committee since 1989 and am here to speak in that capacity.

This committee has researched child welfare issues from a broad national perspective and represents Kansas NASW members as "friends of the court" in the current lawsuit, Sheila A. vs. Kansas. We understand the conditions child welfare workers endure in their positions.

Alleged failures of the state to provide adequate resources to these workers (appropriate sized caseloads, and adequate training and supervision) in no way protects them individually from professional liability. The conditions they work under parallel the conditions of their clients--overworked, under trained, under funded and burned out.

Professional title protection also protects the consumer:

The profession of social work is the single profession that is most closely identified with the field of child welfare. Yet many clients receive services from ill-trained staff who have large, unmanageable caseloads that prevent them from providing quality services. NASW takes a proactive role in improving the delivery of child welfare services and advocating for programs to meet the needs of the state's most vulnerable children and families. I am here to urge the state to continue to move in the right direction to increase opportunities for child welfare staff and their clients by continuing the demand for professional social work education.

The media often draws attention to social welfare deterioration when a human tragedy occurs, such as when a child dies of abuse or neglect. Sunday's Topeka Capitol Journal headlined the story "Why did Charlie Walker Die?," which highlighted SRS Social Workers failure to remove an abused child. As with this example, many such stories are not about the failure of professional social workers, but other care givers, such as doctors who fail to address abuse directly.

Many times if workers are involved, they are individuals without a social work education or license, who were providing services using the title "social worker." Not only is the social work profession wrongfully maligned when untrained workers are designated inaccurately as "social workers," but a greater problem is masked--society's lack of commitment to provide appropriate care and services to neglected and abused children and their families. The social work profession and the child welfare field cannot be expected to repair or rebuild the dike when "the tide is washing over the walls."

Funding priorities must address the need for increased levels of education of social workers in the public sector. Funds that could have been invested in this purpose are often spent on items with little long term return. During the last legislative session in Kansas, for example, over one million dollars was allocated to pay defendants attorneys to fight the class action suit. These costs represent a tragic waste of public funds that could have been spent on upgrading working conditions and hiring more qualified staff. The use of non-professional staff with inadequate training by SRS continues to be a likely issue at the trial this April.

Recruitment and Retention Strategies Work:

Ks. NASW knows that recruitment and retention issues exist for social workers in child welfare. But this is not just a Kansas problem. States with reduced educational

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qualifications for child welfare staff actually have a bigger problem. A study by Russell (1987, pp.15-16) showed that turnover rates are higher in states that do not require BSW or MSW degrees for upper level and direct service positions, and do not engage in professionally oriented recruitment and retention strategies and activities (Russell, 1987, pp.35-38).

Child welfare service is seen as an important professional step and social workers view themselves as more prepared entering with an undergraduate degree. It is often their professional values to working with the underserved that encourage them to stay in the field and improve their skills amidst difficult working conditions, few resources and high caseloads.

Current progressive trends in Child Welfare base program implementation on the professional knowledge and skills of educated social workers:

Through the research on the effectiveness of professional social workers, formulas for change have been documented that increase the longevity of professional social workers in the child welfare field, and improve the effectiveness of programs designed to be implemented by professional staff.

Standards and policies for child welfare practice are researched and developed by social workers, such as The Child Welfare League of America (CWLA, 1984), professional staff with the American Humane Association (1986), and the National Association of Social Workers (1988). These groups develop and implement innovative pilot programs in child welfare such as Therapeutic Foster Care, permanency planning, black adoption projects, home based family therapy and Family Preservation.

As welfare reform efforts take hold across this country, programs directed towards increasing self-sufficiency of clients are being designed that require skilled case managers to assist unemployed people with training, education and job search plans. Anyone can deliver a bag of groceries to a hungry family, but a highly skilled worker is required to remove the barriers so that the family can buy their own groceries. Effective services to the children and families in public child welfare demand the values, knowledge, and skill intrinsic to social work education. Graduate and undergraduate education should be continued to be required for social work delivery in public agencies.

In 1989, the NASW national office surveyed all fifty states regarding their current concerns about the condition of child welfare services. Of those, thirty-nine responded with detailed plans on the efforts to improve service delivery in their states. All thirty-nine respondents specifically noted efforts to increase social work education requirements as the basis for planned improvements (Zlotnik, 1989)

Child welfare workers should be knowledgeable about child development, family systems, ethnic minorities, dysfunctional behavior, interviewing techniques, clinical assessment, case planning, the dynamics of various forms of child maltreatment, and many other related subjects to make effective decisions about the likelihood of future maltreatment in a family. Workers need specialized education that addresses issues of trauma, loss, emotional separation, mental illness, behavior management, and networking with other agencies. There is an increased demand for professional social work expert testimony in Child Protective Services. These skills are taught in schools of social work and in field practicums in child welfare agencies.

The lack of trained social workers has implications for service quality because a number of researchers have documented a correlation between educational background and job

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performance. In one geographic area, the content validity of the MSW curriculum for practice in child welfare was established.

More specifically, researchers have found that an MSW program provided graduates with knowledge and skills that were highly job related for practice in public welfare positions (Teare, 1987, p.12), that BSW or MSW staff have better preparation in many of the knowledge and skill areas necessary for child welfare practice compared with people with other educational degrees (Bureau of Children's Services Advisory Committee, 1982; Lieberman et al., 1988), and that the job performance of child welfare workers with MSW's is significantly higher in many areas than for social workers without MSW's (Booz-Allen and Hamilton, Inc. 1987).

It may take as much as ten years of child welfare work experience for those without a social work education to reach entry level skill of MSW's. BSW trained social welfare staff, compared with staff with undifferentiated BA degrees, have more job-related knowledge and received higher performance ratings (Baily, 1978; NASW, 1980). These studies provide an initial foundation of evidence for the value of social work training and for child welfare practice.

Continued high standards for social work in child welfare protects the most vulnerable:

We believe that children and families served through public child welfare have a right to the same level and quality of services delivered by professional social workers in other fields of practice. Furthermore, because the philosophical base of public child welfare requires both rehabilitative and preventive services, skill and professionalism are needed by social workers to deliver these services under the legally mandated authority of the public agency.

The same elements that undergird all professional social work practice should guide social work practice in public child welfare. Social workers must be able to address the vulnerability of women, children, and people of color in the delivery and receipt of public child welfare services and attempt to resolve their disempowerment.

The current Kansas social work licensing laws were established to prevent helpers in positions of power from taking advantage of those with lesser power. The authority granted to the Behavioral Sciences Regulatory Board to insure ethical social work practice protects the consumer from mismanagement of the social work-client relationship.

No where is this more important than in child welfare where family kinship and children's futures are on the line, and where the clientele is the least powerful or able to speak for themselves. I have seen the impact of helpers who are not regulated by law or professional ethics, or have any specific education to modify their often over-zealous desire to be a helper. When their unrealistic expectations of the client are not met, they can attack, ignore and distance, or blame the client. They may use their position of power to manipulate or profit from the relationship in some way, or they may attempt to impose their own cultural or religious views on the client family.

The lifelong effects of child welfare decisions demand highly qualified personnel in public child welfare services. Their decisions are critical. They can alter the future course of a child's life and that of the family. Decisions such as whether or not a child was abused, should be removed from the home, or should be placed in a particular type of treatment setting, or whether to petition the court for termination of parental rights are

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typical of those made daily by child welfare workers. Only individuals who have had professional training should be given the responsibility for such important decision making.

During the past several years, social workers have repeatedly faced threats to our practice brought about by other professionals. Family Life Educators want to practice social work; our right to diagnose is challenged; the autonomy of BSRB is threatened; legislators propose moves such as this one to deregulate SRS social workers while SRS repeatedly hires untrained staff by declassifying social work positions ; and the Board of Regents proposes to cut the social work staff and graduates at KSU. I do not believe that the efforts are necessarily directed at the social work profession, but possibly represent our close association with the least powerful, least vocal, and least economically stable people of the state who would be the target of these changes.

When legislative committees begin to address the needs of an underserved population or the public attention is focused on an increasing problem they almost always go about it from the same formula that sounds something like this: Increase availability of resources; decrease barriers to resources; increase staff; increase funding; increase prevention , training and education; increase definition, restriction, and legal penalties. It is this formula that will have a positive impact on public child welfare .

Thank you for this opportunity to address the concerns of NASW and the Child Welfare Committee.

Tamara J. Hawk, LSCSW
200 Southwind Pl. # 101 , Manhattan, Ks. (913)539-7789

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**Kansas Chapter, National Association of Social Workers
Child Welfare Committee**

Purpose: To support professional social work standards in child welfare in the state;
to serve in an expert, consultive role as a "friend of the court" in the current
class action, Sheila A. vs. Kansas since March, 1990;
to support on-going child welfare reform in a proactive manner;

to represent the interests of members of NASW in Kansas in regard to
improving child welfare services.

Issues: The class action petition currently pending in Shawnee Co. Dist. Court,
Sheila A. vs. Kansas Department of Social and Rehabilitation Services,
alleges that SRS has failed to :

- >provide for federal and Kansas constitutional rights for children in their care
- >initiate appropriate neglect and abuse investigations within the time frame of the law
and sometimes not at all.
- >effectively collect data and respond to professional recommendations to remove
children from homes
- >return children to their families with adequate reintegration services.
- >provide a legally adequate and professionally written case plan for each child.
- >to pursue appropriate relative placement by conducting adequate and timely
homestudies and followup to make placement.
- >protect foster children from abuse and neglect in foster care
- >provide foster children with appropriate medical and mental health care.
- >provide the least restrictive, most family like setting for placement.
- >remove children from inpatient hospitals after that level of care is no longer required.
- >provide adequate availability of therapeutic foster homes.
- >maintain an adequate number of trained foster homes
- >make reasonable efforts to avert a placement into foster care
- >maintain children in their initial placement
- >reassign cases after a social worker has vacated a position
- >assure safety when returning children to natural parents
- >provide adequate reintegration services
- >provide adequate efforts to place children in adoptive homes
- >initiate dispositional hearings in court as required by law
- >appropriately investigate foster homes
- >respond to a verbal court order to remove a child
- >notify guardian ad litem of administrative review
- >reduce the number of cases carried by foster care workers
- >adequately train, supervise and support social workers in an appropriate and systemic
manner
- >provide home based services
- >remove children from their homes even though there is documentation of danger
- >appropriately manage their department

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February 22, 1993

House Public Health and Welfare Committee

Representative Joann Flower and Members of the Committee:

My name is Janice Denning. I have been on the social work faculty at Kansas State University since 1983. My primary responsibilities there include teaching junior and senior level social work practice classes. My main area of research involves child welfare training and family preservation.

Since January of 1988 I have been involved with the Department of Social and Rehabilitation Services in a number of capacities. First of all, in January, 1988 I became the director of the SRS Family Preservation Training Project. Later, in 1989, I helped evaluate the special projects in Hutchinson, Osawatamie, and Salina. In January, 1992 I began a five-year project with SRS to develop a training curriculum for their rural child welfare workers. This project, the Rural Child Welfare Training Project, is a collaborative effort between SRS and the social work program and College of Education at Kansas State University. Last August I was asked by Commissioner Hill to provide consultation to the SRS committee responsible for designing their family-based services training. This training will help SRS implement the family agenda by training all employees, including the new positions created by the 1992 legislature. In addition to my responsibilities at Kansas State University, I have a private clinical social work practice where I work with individuals and families.

I speak to you today from the perspective of social work educator and therapist, and as someone who has been closely involved with SRS over the past five years regarding issues related to family preservation and staff training. This perspective compels me to talk to you about the negative effects that I feel the proposed legislation will have on the public agency, specifically, on the agency's ability to implement the family agenda, which calls for the provision of family-based services, which include intensive family preservation services.

The change from traditional services to providing family preservation services represents a radical shift in child welfare philosophy across the country and in Kansas. The goal of these programs is to reduce the numbers of children going into foster care by providing intensive services to families at imminent risk of having a child placed in out-of-home care due to abuse and or neglect. These programs treat the family as the unit of intervention in an attempt to maintain the child in the family home and avoid the trauma associated with foster care.

While many different types of family preservation programs have been developed, they share a number of common features: they use

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a crisis intervention approach to treatment, are available 24 hours a day, services are provided in the home, and are short-term (sixty to ninety days). Systems theory is the basis of the intervention strategies used in these programs; both the family unit and larger social network are viewed as resources for change. These programs also provide intensive services, in other words, workers are available to spend as much time with the family as is needed to stabilize the crisis and sufficiently reduce the risk to the child so that the child can remain at home. Worker caseloads are, therefore, reduced for these workers. In Kansas, teams comprised of a social worker and family support worker provide the direct services to families in the program.

The services provided include concrete services, such as help with housework and shopping; educational services, such as teaching budgeting skills; and counseling services, such as helping family members improve their skills in expressing their feelings to one another. The workers involved provide different services, depending upon their education and training. In Kansas, family support workers are paraprofessionals who are not required to have a professional degree. Their main responsibility is to deliver concrete and educational services. Social workers, who have degrees in social work and are licensed by the State, are the team leaders and are responsible for the case plan and overall delivery of services. Their social work education and training prepares them to make assessments and develop plans for intervening with the families.

Concrete services can be used early in the intervention process to help families connect with the team and become more accepting of additional services. They are not, however, in and of themselves, enough to help families keep their children out of foster care. Often, complicated family relationships prevent families from using concrete advice and services. Social workers with clinical skills are needed to help families sort through their resistances to accepting help. Additionally, they are needed to help families identify the barriers, both in their present environments and histories, to using the help that is available.

Often, parents own early abuse and lack of appropriate parenting has left them with emotional problems requiring longer term help or psychotherapy. While family preservation social workers do not provide this therapy, they must have the knowledge and skill level required to determine when family members need to be referred to these services and where to refer them. The Kansas family preservation program is based on a short-term treatment model: Workers must connect with a family, assess the situation, and hook the families up with appropriate services in the community within ninety days. Helping people accept help, seek help, and get hooked up with the appropriate help in the community takes a great deal of interpersonal skill. These programs need workers who have these skills and who have selected

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a profession based on their ability to relate effectively with people and who are willing to use on-going consultation as a part of their work. Social work education provides a basic framework for this type of work.

To illustrate these points about the skill-level needed for family preservation workers, I'd like to give you a couple of common case examples:

The first involves a 20 year-old, single mother of a five month old boy. She was referred to the program after a local pediatrician expressed concern that the baby might be at risk because he was not gaining sufficient weight for his age. The physician was concerned that this mother might not be feeding the child properly. The family preservation team began helping the mother immediately. During the first week she was involved with the program, the family support worker spent ten hours with this mother teaching her basic infant care skills. During the six hours the social worker spent with the mother that first week, she assessed that the mother's parenting difficulty appeared to be related to depression. It took careful examination of the mother's past and present functioning for the worker to be able to conclude that this depression was serious and needed outside treatment, perhaps even medication. The worker's assessment skills helped her make the distinction between a situational depression that would probably respond quickly to the team's help, and that of a more serious, or major depression, that would require mental health treatment.

The immediate and concrete services offered by this team helped the mother feel less resistive to services; the social worker's assessment skills helped her identify a serious problem that was not likely to respond to short-term treatment alone. The mother followed through with the recommendation that she receive treatment at the local mental health center immediately. The team continued to meet with her until the safety of the child was no longer a concern.

The second case involves a 30 year old mother and her nine year old son. The family was referred to family preservation after a report of physical abuse was made by the school. During the course of the work with the team the mother expressed confusion about the services her son was getting at school. The teacher felt strongly that the child had a learning disability and needed testing. The school counselor, on the other hand, felt that the boy had an oppositional problem. The mother felt caught in the middle of these two professionals and didn't know what to do to insure that her son would get the services he needed. The role of the social worker in this situation was one of advocate. She arranged a meeting between the principal, teacher, counselor, and the mother to discuss how to proceed and develop a plan for the boy. She accompanied the mother to this meeting and was instrumental in helping all parties to work together on behalf of the child. The social

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worker's credibility in this situation was critical to the success of the meeting. Her credentials as a licensed social worker helped her "hold her own" among the other professionals in this setting. Her social work education and training prepared her for this advocacy role and helped her appreciate the dynamics of the system involved.

Providing the types of services needed to prevent out-of-home placement of children requires that SRS employ the most qualified persons possible. The shift from providing traditional services to family preservation services is a radical one, and one that requires both a change in philosophy and resources. If Kansas is willing to invest to keep children out of the foster care system it is imperative that the public agency is staffed with appropriate resources. As I have indicated today, licensed social work professionals are needed to provide these critical services.

I understand that it is difficult for SRS to fill their vacant positions in rural areas of the state. There are, however, creative ways to recruit staff without deregulating social workers. Earlier in this presentation, I mentioned the Rural Child Welfare Training Project. One of the main objectives of this project is to recruit cohorts of social work students at Kansas State University who will do their field placements in rural areas of the state and be trained in the multi-media training technology being developed. Additionally, social work programs across the state are recruiting students for SRS "child welfare traineeships." These traineeships provide stipends to students during their senior year in exchange for work commitments in rural areas. These seem like a much more reasonable solution to providing staff in rural areas than does deregulating social workers, especially since the trend in Kansas, and across the country, is to provide child welfare services that are based on highly qualified workers and professional training.

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NATIONAL
CHILD ABUSE
DEFENSE
& RESOURCE
CENTER

PHW
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Alvin
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Elisa (Cosgrove) Breitenbach
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I come here today to speak out against H.B.2343. Social work is not a science and has no special means to assess past motivation or predict future behavior. Whenever S.R.S. and social workers are given unlimited power by our state no one is well served. It is simply too easy for social work to become a vehicle of social policy rather than a system for individual help.

It is wishful thinking that an agency like S.R.S. with their unlimited power would willingly police their selves. The many cases that I have been familiar with indicates S.R.S. lack of integrity when dealing within the agency. They are quite adamant in their denial of wrong doing. If one was to listen to them you would reach the conclusion that they are perfect and never make a mistake. Call me a cynic but I have never met or seen perfection.

Social workers have the power to interrogate small children, even strip search them. Children have no, I repeat no defense from a social worker. Social workers should be qualified individuals of high character. Their poor performance in the past along with pending litigation against the state indicates a need for more stringent licensing rather than doing away with it.

Ethics which govern the practice of social work enforce social workers to strive to become responsible, accountable, and competent workers. Social workers are to act in accordance with the highest standards of professional integrity. What better way to guarantee these standards than by an independent agency. Without licensing we stand the risk of non-professionals to be recognized as professionals. The safety of our children

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demand that we act in a more responsible manner and just say no to H.B.2343.

People in social work claim no child ever died of a social work evaluation. I submit that Douglas Brumley would disagree if he was alive to talk for himself. Unfortunately Douglas is just one of many children who have died at the hands of the supposed child savers. To many times social workers allow personal feelings to cloud their judgment. One social worker allegedly told several parents: I have the power of God. It is a scary thought that an individual would think that he has that much power. Being responsible adults I think that licensing would be one small safe guard that would help to limit this type of thinking. I know our children are worth every safe guard that we can apply in there defense. Integrity is something that we should strive diligently to achieve in our social programs. The Child Abuse Defense and Resource Center Prays that you as Legislators will see the importance to maintain integrity in the system and keep social workers under the regulation of the Behavioral Sciences Regulatory Board.

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SRS FAILED 4-YEAR-OLD DOUGLAS BRUMLEY

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THE OLATHE
**DAILY
NEWS**

BRUCE BUCHANAN, EDITOR & PUBLISHER

JULIE DOLL, ASSOCIATE PUBLISHER

RICHARD STEVENS, MANAGING EDITOR

CATHERINE BEHAN, NEWS EDITOR

Probing the system

As the justice system tries to determine if David and Kimberlee Lee murdered a 4-year-old boy entrusted to their care, a much larger question looms for Kansas society.

Kansans should be demanding an investigation into an investigation of child abuse allegations in the weeks before young Douglas Brumley died.

The Lees have been charged with first-degree murder in the youngster's death.

Douglas Brumley, the adopted child of Alberta and Delmar Brumley, was given to the Lees last spring. Kimberlee Lee is Alberta Brumley's daughter.

A jury will likely determine guilt or innocence in the case.

The issue for society is the system it supports for protecting children.

Douglas Brumley suffered a broken collar bone and a broken arm in the weeks before his death. Officials investigated the two incidents, but said allegations of child abuse were unfounded.

Just a few weeks later, the youngster died a horrible death. An autopsy determined that he had been beaten. A blow to the abdomen apparently ruptured his small intestine. The contents leaked out, causing a fatal infection.

In this case, the accused killers will

stand trial.

But, the system itself will not.

Under state law, almost all the information about child abuse investigations is kept secret. Reporters trying to find out what happened are consistently told it would be a crime to reveal anything about the investigation.

Donna Whiteman, secretary of the state welfare department, wouldn't even speak to a Daily News reporter about the case. Instead, she had one of her department's attorneys provide an impenetrable explanation of why nothing should be made public.

That's nonsense.

Douglas Brumley is dead. He no longer has any privacy to be protected.

A small group picketed the Johnson County Courthouse last week asking for a grand jury investigation into the death.

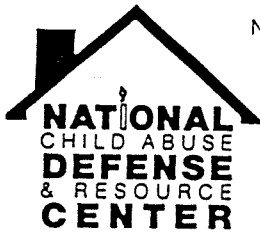
It would be far better for the official system to open its own investigation.

But, if the official system continues to hide behind the secrecy, then a grand jury might be only solution.

If the allegations of what happened to Douglas Brumley turn out to be true, then the system failed.

And those responsible — ultimately, the citizens of Kansas — should not be satisfied with it.

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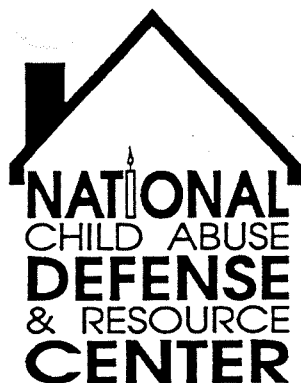
*Sent To all
National
Media*

With regards to the Kimberly Lee case and child abuse, leading to the death of the 4-year-old, Douglas Brumley, and the total negligence of the state of Kansas in this matter, if you have a few minutes, this is a true to life horror story.

Kimberly Lee is up on first degree murder charges. She is the daughter of a Mrs. Alberta Brumley. Michael Miller is also one of Alberta's children now serving time in prison for the murder of a child back in 1983. Alberta is recognized by the state of Kansas as a certified foster parent since 1980. Prior to the murder, there were numerous complaints made against Alberta's foster home. Some of these complaint's were made to the officials of the Social Rehabilitation Services of the State of Kansas, by an eyewitness, a certified foster parent. After a review of the Brumley foster home by The Governor of the State of Kansas, she stated to the SRS that the Brumley home was an unsafe place for children, and to remove the children. Ten days after the Governor met with the Secretary of the SRS Douglas Brumley was brutally murdered. The District Attorney and the Sheriff's department of Johnson County had personally investigated at least two seperate incidents of abuse, one involving Douglas and his broken bones prior to his murder. Investigations regarding the Brumley foster home started in April 1991, by the Governor of the State of Kansas. Some of these children still remain at risk in the Brumley foster home at this time. The office of the Attorney General of the State of Kansas was also notified previous to the murder of Douglas, of probable abuse in the Brumley home, when a child was removed by the Sheriff's department.

The documents available in this case consist of court decrees, court transcripts, medical records, autopsy reports, actual copies of offense/incident reports, letters from the Attorney General, an detailed compilation of in-house reports from the Governors office and the SRS, video and audio tapes of some of the children involved in the Brumley home, and much more, too numerous to mention. Some of these documents, coming from anonymous sources outraged by this situation, are not public record, and are very confidential. We have these documents on hand and will make them readily available to you at your convenience.

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FFI: Elisa Breitenbach, (913) 362-2109

STATEMENT

We are here this morning to shed light on one of the most disgraceful and disturbing practices of SRS and the system which claims to "protect" society's children.

Last week on NBC News "Eye On America" several cases were presented where social service programs like the Kansas Social Rehabilitation Service have run amuck. Dismantling families, and placing children in homes where their safety was in greater danger than had they been left in alleged abusive homes.

There should be a grave concern in Johnson County for the safety of all its children. We are asking all Johnson County registered voters to band together to petition for a grand jury investigation into the tragic death 4-year-old Douglas Brumley. We are asking for Johnson Countians to sign a petition calling for an independent prosecutor to probe into the actions of the officials and all agencies responsible for the child abuse investigations on Douglas Brumley and all circumstances surrounding Douglas Brumley's death.

As an advocate of foster children, I have seen first-hand:

- * How state workers have the power to dismantle families, and how they are held⁴⁰ accountable for their actions.
- * Local agencies have total control over how "records" are created with slanted investigative techniques.
- * How these "Alleged" child savers hide behind the title of "confidentiality" and in fact hurt the very children that were intended to be helped.

Our forefathers came to this country⁷⁰ to escape sovereign immunity. Now, we've recreated it in our bureaucracies, the cruelest being the alleged child "protection" system. As shown on the NBC program, any child may be removed from their home and placed in a state-approved foster home to be truly abused in front of eye witnesses.

Such is the case of another child caught up in the system. To keep his confidentiality, we'll call him Teddy. On March 4, 1992, little Douglas Brumley witnessed an unspeakable crime committed against Teddy, in the home, by his foster mother, Alberta Brumley (Douglas Brumley's adopted mother).

- * Teddy was only four years old when SRS placed him and his sister in the Brumley foster home. He was the same age of Douglas Brumley at the time of his death.
- * On March 4, 1992 this boy was abused by Alberta Brumley.
- * On April 6, 1992, Det. Frank Denning took Teddy out of the Brumley's home. He left behind his sister, Douglas, and Douglas' little brother, Jeremy who is a special needs child which they adopted from SRS and their own natural daughter, Tiffany. Teddy was then put back with the Brumley's a few weeks later.

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- * We begged the Governor and the Attorney General to help the children in the Brumley's home.
- * In a letter to Deputy Attorney General Chief John Campbell, Roberta Sue McKenna, who is an attorney for SRS and Gov. Joan Finney wrote the following:

- A) The abuse was jointly investigated by local law enforcement and SRS staff.
- B) The investigation was coordinated by the Assistant District Attorney.
- C) The investigation did not result in substantiation of concerns raised.
- D) Gov. Joan Finney knows there is documentation from the Sheriff's office that abuse had likely occurred and that SRS and the D.A. has chosen not to proceed with an investigation.
- E) The Governor also learned that Teddy's sister had not been attending school so she could watch the many other foster children in the Brumley's home.
- F) The Governor found out the Brumley's had even changed the foster children's first, middle and last names illegally.
- G) The Governor also received copies of a court file to show:

FACTS
WE
KNOW

- 1) Jon S. Willard, the guardian ad litem, for Teddy and his sister, from 1984, has been involved in many hundreds of cases from SRS.
- 2) In 1988, Jon S. Willard won a large out-of-court settlement over a personal injury caused in a car accident in behalf of Alberta Brumley.
- 3) Due to the injury Alberta Brumley sustained, the foster home was not closed down.
- 4) Instead, Teddy's sister became a real-life Cinderella for the Brumley foster home.

- * The appropriateness of the Brumley's foster home has been in question other times. Other former foster children have called the Governor's office about the abuse they suffered from Alberta Brumley.
- * December 1990, Linda Butcher, a former foster parent, inquired about adopting Teddy and his sister from SRS. She had visited with Alberta Brumley.

- A) She reported to Mike Van Landingham the filthy conditions of the Brumley's foster home.
- B) The unkept physical appearance of Alberta Brumley, herself.
- C) The abusive language Alberta Brumley used toward the foster children's parents.
- D) Mike Van Landingham ordered Linda Butcher to leave the SRS premises or he would have her arrested.
- E) Mike Van Landingham told Linda Butcher that Teddy and his sister were unadaptable.

Here are the facts as we know them:

- * Douglas was a foster child placed with Alberta and Delmar Brumley.
- * The Brumley's later adopted him and his younger brother.
- * On March 4, 1992, Alberta Brumley abused Teddy in front of little Douglas Brumley and others.
- * On April 6, 1992, Det. Frank Denning took Teddy out of the foster home of Delmar & Alberta Brumley.

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- * Teddy was placed back into the foster home of Delmar and Albe Brumley on or about May 1, 1992.
- * Sometime around the investigation involving Teddy, Alberta Brumley turned over four-year-old Douglas Brumley to her daughter, Kimberlee Lee.
- * Around Oct. 6, 1992, Gov. Finney informed Donna Whiteman, who is the secretary of SRS, about the investigation her office had done on the Brumley's home in regards to the unhealthy environment. Gov. Finney asked Donna Whiteman to remove two of the children from the foster home.
- * On Oct. 12, 1992, Douglas Brumley suffered a bond fracture of his elbow. David Lee, who is Alberta Brumley's son-in-law, told police Kimberlee Lee jerked on the boy's arm "for being stubborn and refusing to do as he was told". Later David saw her jerk on the boy's arm in an attempt to reset his broken elbow.
- * On Oct. 16, 1992, Douglas Brumley was pronounced dead. Donna Whiteman called Gov. Finney to let her know that Teddy and his sister were finally removed from Delmar and Alberta Brumley's foster home.

I wonder why all those involved with the Brumley's foster home have chosen to turn away from these children. Four-year-old Douglas Brumley did not have the choice. Douglas Brumley has now become one of America's unnecessary "Little Angels". He joins Lisa Steinberg, Eli Creekmore and Little Bradley in Florida, who were all "protected" by the system when they were killed. confidentiality did not save these children. The system and all those involved failed these little children.

More money and more workers to do more of the same means more child deaths, not fewer. Only accountability for actions involving children and families will ever change this bureaucratic "unnecessary nightmare".

In this season of Thanksgiving, let us give to four-year-old Douglas Brumley what he should be entitled to; "protection for his younger brother" that will never grow up to know him or share Thanksgiving with or share the joy of childhood with.

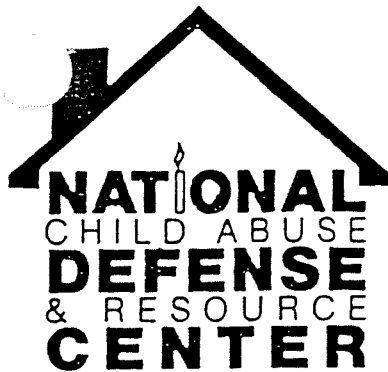
Please have a heart and if you don't, please borrow one from someone. The system could have stopped this murder but they chose not to. Please help us find out why with a Grand Jury Investigation. Please call me, Elisa Breitenbach at (913) 362-2109 and volunteer your time and support for this necessary and noble cause for Johnson County's children.

It is my understanding, if we can collect a little over 2,200 signatures on a petition of Johnson County Registered Voters within a 90 day time frame, although it is an extraordinary action, we as citizens of Johnson County can and will get a Grand Jury Investigation for Douglas Brumley.

Tomorrow on Tuesday, Nov. 24, I have been told by someone who wants to remain anonymous, that there will be a juvenile court hearing on Teddy and his sister. I want to encourage everyone to be an informer, anonymously if need be to uncover this tragedy. "A child's life is a very precious joy that can never be brought back, your jobs however can be replaced".

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2-22-93
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HISTORY AND PURPOSE

Protecting children/preserving families are goals of many groups. Hasty interventions into family life and abrupt actions which traumatize children rarely make news since they shed unfavorable light on protective agency "help" that hurts.

Requests for information flooded National Pro-VOCAL Council, the non-profit grassroots arm of National Defense Center. Affiliated VOCAL contacts gave strong support and referral to thousands experiencing lack of due process, hurt by "protection."

National Child Abuse Defense and Resource Center has emerged as a new tax-exempt educational resource to provide basic or detailed materials for researchers, professionals, media, and others toward sustaining rule of law and balanced action in child abuse and protection concerns.

National Child Abuse Defense and Resource Center has consolidated materials for defense of the falsely accused. It has referral information for those needing services. National Defense Center fills an unmet need for a central source of information to balance public response to NUMBERS of "reports" of child abuse and neglect, the often quoted "2.4 million."

NCADRC and its nationwide advisors gladly support any reasonable, lawful protection/prevention/prosecution actions which promote "the general welfare" of the nation, the health of its basic unit--the family--and the safety and security of its precious resource -- their children.

EDUCATIONAL RESOURCES

Consulting, seminars, Manual sales, publications, library services, and a newsletter highlight the available resources/materials for defense of false allegations of child abuse. In consulting and coordinating contacts between accuseds and professionals, National Child Abuse Defense and Resource Center works to ensure due process and equal justice under equal laws for those wrongly charged with a crime instantly inspiring hatred.

Consulting fees, materials sales and welcome grants, gifts, and donations to National Defense Center will cover expenses personally absorbed since principals of NDC began individual support/referral service in 1984. They and authorized contacts have fielded thousands of calls from across the nation and internationally, hosted two international conferences: Issues in Child Abuse Allegations, educated the public through media appearances, talks, written materials, documentary and research efforts.

Consulting - No fees for referrals or non-specific information

Seminars - Arranged across the nation on request of professionals with first slated June 1991

MANUAL/publications - GUILTY UNTIL PROVEN INNOCENT: A MANUAL FOR SURVIVING FALSE ALLEGATIONS OF CHILD ABUSE by Kimberly A. Hart is a must for the falsely accused and a tremendous help to attorneys.

Library Services - Reprints of journal and news articles related to case

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Kansas House Bill #2343

This has to do with Kansas House Bill #2343 concerning changes within the SRS system .

As a citizen of Wyandotte County for 40 years, I am very concerned. My concern is primarily where families and children are involved. This bill will allow the hiring of less qualified people, people without the Knowledge and Experience necessary to deal with the very complex situations that arise within families. The hiring of any lesser qualified personnel than currently employee by SRS would compromise the integrity of the entire organization. I feel that our families are our greatest asset. The future of the State of Kansas relies on the family structure. Another matter that concerns me is that SRS will no longer be accountable to the Behavioral Science Regulatory Board if this bill is passed. While I may not always agree with the Boards decisions, I believe they try to do their best.

For any one Individual to not be accountable to anyone else, can be chaotic !

For any Organization not to be accountable to anyone else, could be catastrophic !

As a Mother and Grandmother I firmly oppose the passage of H.B # 2343 .

Barbara Armstrong
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Kansas City, Kansas 66104
(913) 334-5833

PHW
2-22-93
Attn #11

STATEMENT AGAINST HB - 2343

AS A CONCERNED CITIZEN, I WOULD LIKE TO SPEAK AGAINST THE PASSING OF HB - 2343.

IF THIS BILL IS PASSED, IT IS MY CONCERN THAT THERE WOULD BE NO ACCOUNTABILITY REQUIRED OF SRS.

IT IS MY BELIEF THAT THE BEHAVIORAL SCIENCES REGULATORY BOARD IS A PROFESSIONAL TOOL TO MONITOR SRS'S BEHAVIORAL PRACTICES IN BEST SERVING THE INTERESTS OF CHILDREN AND FAMILIES.

FOR SRS TO BE AN EFFECTIVE SYSTEM, THERE MUST BE IN PLACE A TOOL TO MEASURE, MONITOR AND TO GOVERN ITS DECISIONS AND ACTIONS. THE BEHAVIORAL SCIENCES REGULATORY BOARD SERVES AS THAT TOOL.

WITHOUT THIS BOARD TO SERVE AS SRS'S SOURCE OF ACCOUNTABILITY, WE FEEL THAT FAMILIES AND CHILDREN WILL HAVE NO MEANS OF RECOURSE AND WILL BE UNABLE TO APPEAL DECISIONS IN A FAIR MANNER.

IT IS OUR STRONG BELIEF THAT EVERY GOVERNMENT AGENCY NEEDS TO BE ACCOUNTABLE FOR THEIR ACTIONS AND DECISIONS TO SOMEONE, OTHER THAN THEMSELVES, AND WE STRONGLY URGE CONTINUANCE OF THE BEHAVIORAL SCIENCES REGULATORY BOARD IN SERVING AS SRS'S REGULATOR IN SEEING THAT JUST AND FAIR DECISIONS ARE MADE IN BEHALF OF THE FAMILIESAND CHILDREN SRS SERVES.

WILMA MOORE
839 NORTH 34TH STREET, #G
KANSAS CITY, KS 66102

PhW
2-22-93
Atm #12

I am a Qualified Day Care Director, and have worked in day care for about 8 years.

I am here today to protest House Bill # 2343. I feel that this Bill is a step backwards for all concerned. Each of us must be held accountable for our actions, So should SRS personnel.

This bill will relieve the SRS from its accountability to the public. Now more than ever, we need to make sure, that all children and their families are protected from a system that answers to no one but itself. A system without check and balances will not work !

And in my opinion that is what this bill represents.

In the past, on several occasions , I have witnessed SRS workers come into a daycare, take a child out, and state that the child was being abused with no proof offered to the director or the staff of the day care.

Never at any time did they come to the daycare center to ask the childs teacher or the director if they believed this abuse might be happening.

I think that a trained professional who is with a child all day, would have an idea as to whether this child might be being abused or not.

I do believe that a professional day care worker would be able to offer insight to the SRS worker that may be of help. In my experiences this is not how it was handled.

As of today, if an SRS worker is found to be negligent in their work there is something that the parent or the public can do. If this bill is passed, this will allow SRS to do anything it wants any time it wants, without having to answer to anyone.

One day it might be you, or one of your children, who has these accusation leveled at them ! How would you feel ? More importantly how would your child feel ? Abandoned ? Without Hope ? Without Representation ? or all of the above !

If this bill is passed , please remember the (SRS) will only be accountable to themselves and no one else.

If this were you & your child, there would be nothing you could do !

Thank you for your time.

Candi Armstrong
P.O.Box 12182
Kansas City, Ks 66112
(913)334-5322

PH10
2-22-93
Attm #13

February 17, 1993

Hon. Joann Flower, Chairperson
House Public Health and Welfare Committee
State Capitol
Topeka, Kansas 66612

Dear Rep. Flower, members of
the Committee:

This letter asks you and your colleagues to act in the interest of Kansas consumers of social services by not recommending House Bill 2343 for passage. This bill unwisely exempts employees of the Department of Social and Rehabilitation Services from licensure requirements.

The licensing of practioners of behavioral sciences was created primarily to protect the public from incompetent practice. Clients were deemed unable to evaluate the specialized knowledge and skill of those upon whom they depended for evaluation and treatment of problems which were often sensitively personal and occasionally life threatening.

Of all consumers of social services, clients of the Department of Social and Rehabilitation Services are least able to evaluate the competence of those who assist them and are often "captive" clients. Among SRS clients are the frail elderly, abused and neglected children, and the mentally ill. Most have no alternative, many are reluctant clients or under duress of a court order. For this reason, if no other, SRS social workers must not be exempt from laws which specify their qualifications, require them to keep current through continuing education, and hold them to high ethical practice standards.

If House Bill 2343 passes into law, the temptation will be irresistible to hire the cheapest or most available personnel to fill these sensitive positions. Please ask yourself if your child or grandchild is in need of protection from a sexual abuser, do you want an engineer or art major (no matter how skilled in their field) to conduct the investigation?

Please reject House Bill 2343.

Sincerely,

Donavon R. Rutledge

Donavon R. Rutledge, LMSW, ACSW
2080 SW Lincoln Street
Topeka, KS 66604

*P. H. H. W.
2-22-93
Attn # 14*

STATE OF KANSAS



DIVISION OF THE BUDGET

Room 152-E
State Capitol Building
Topeka, Kansas 66612-1504
(913) 296-2436
FAX (913) 296-0231

Joan Finney
Governor

Gloria M. Timmer
Director

February 19, 1993

The Honorable Joann Flower, Chairperson
Committee on Public Health and Welfare
Statehouse, Room 426-S
Topeka, Kansas 66612

Dear Representative Flower:

SUBJECT: Fiscal Note for HB 2343 by Representative Heinemann

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2343 is respectfully submitted to your committee.

This bill would exclude employees of the Department of Social and Rehabilitation Services classified as social workers under the Kansas civil service from coverage under the statute governing the practice of social work. The bill would affect approximately 1,030 social worker positions in the Department.

The bill would have no impact on the operations of the Department of Social and Rehabilitation Services. The bill would have impacts on the Behavioral Sciences Regulatory Board by reducing the board's level of activity and receipts to its fee fund as well as receipts to the State General Fund. These reductions are not reflected in the *FY 1994 Governor's Budget Report*.

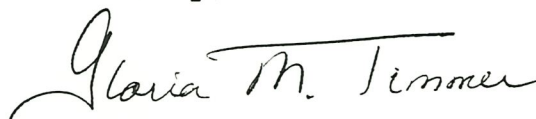
The board estimates that at any time approximately 90 percent of SRS social worker positions are filled. Further, the agency estimates that all of the social workers filling SRS positions would take advantage of the law's provisions and avoid licensure by the board. If this is the case, application, examination and renewal fees totaling \$88,100 would no longer be paid to the Behavioral Sciences Fee Fund. Twenty percent, or \$17,620, of this amount that would have been transferred to the State General Fund would not be available, and State General Fund receipts would be reduced accordingly. A net fee receipt reduction of \$70,480 also would occur.

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JHW
2-22-93
AHM #15

The Honorable Joann Flower, Chairperson
February 19, 1993
Page 2

The agency also anticipates that cost avoidance in the form of reduced Behavioral Science Fee Fund expenditures associated with the affected social workers would total \$11,449. The estimated savings would not include any expenditures for salaries and wages, but would be confined to various contractual services. The bill would affect approximately 25 percent of the board's social work licensees.

Sincerely,



Gloria M. Timmer
Director of the Budget

CC: Don Pound, SRS
Mary Ann Gabel, Behavioral Science

2343.fn

PHW
2-22-93
Att #15
Pg. 2 of 2

CONCANNON LAW OFFICES

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CHRIS O. CONCANNON

DON O. CONCANNON
Of Counsel

February 19, 1993

Representative Joann Flower
State House
Topeka, Kansas 66612

Dear Representative Flower:

Today I was handed a memorandum from Mary Ann Gable, Executive Director of the Behavior Sciences Regulatory Board regarding House Bill 2343 introduced by Representative Heinemann. From the reading of the bill, it would appear that the Department of Social Rehabilitation Services wishes to eliminate the requirement of supervision of social workers it employs by the aforementioned regulatory board .

My first experience with SRS as an attorney was in the Sedgwick County, Kansas, where I spent somewhere between 6 and 8 months prosecuting nothing but what were then known as "dependent and neglected cases". I have, since that time, as a consequence of my practice in Western Kansas, been involved in SRS and social work related cases on a regular basis.

This bill, although perhaps presenting some opportunities for reduction of budgetary needs, is ill-advised. We are presently in a situation where the Department of Social and Rehabilitation Services has notified its workers that unless and until there has been an effort to intervene without assumption of custody of minor children, no petitions for SRS jurisdiction and custody will be filed. This policy, in and of itself, increases the need for professionalism in the rank and file of social workers working for the state. Now, more than ever, social workers are going to be required to exercise discretion and judgment which can be developed via profound life experience or that training presently required for licensure. It is essential to the effectiveness of a social worker today that be able to understand the social and economic perspective of the individuals they must deal with. Absent the insight gained by the referenced curricula, I fear that the burden on the courts and the citizens of the State of Kansas will be increased, rather than decreased.

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Representative Joann Flower
February 19, 1993
Page 2

With this in mind, I would like to encourage each of the members of your committee to consider this statement, and eliminate the proposed paragraph "c" contained in House Bill 2343.

Very truly yours,



Chris Concannon

CC:cm

PHW
2-22-93
Alm #116
pg. 2 of 2

TO: HON. JOAN FLOWER, CHAIRPERSON, AND COMMITTEE MEMBERS
HOUSE PUBLIC HEALTH AND WELFARE COMMITTEE
FAX (913) 296-0042

FROM: Thomas S. White, LMSW, Ph.D., P.O.Box 89, El Dorado, KS.

This is in opposition to HB 2343 exempting SRS social workers from Behavioral Sciences Board licensure. Such exemption would subject a large class of Kansas citizens (SRS clients) to unequal protection under the law, and would inadvertently but effectively encourage the incompetent and unethical practice of unregulated social work by SRS employees.

Such action would also impose unequal burdens on social work professionals employed in private and quasi-public agencies, in that such social workers would be required to meet expenses of licensure and continuing education, while their colleagues in SRS would not.

The act would result in a loss of public understanding and confidence in the profession of social work, and would introduce serious difficulties with respect to the reliability of SRS social workers as bona fide authorities and as expert witnesses, particularly in child welfare cases.

The act would reverse improvements in the civil service employment of qualified social workers and in the classification of SRS social work positions. There is no shortage of well qualified licensed social workers available for SRS employment, and no need or legitimate rationale for the proposed special interest bill.

The hidden agenda of this bill would appear to be that of rendering actions by SRS social workers not only immune to civil proceedings, but subject to no restraints of any kind whatsoever external to the SRS bureaucracy itself. Unfortunately, the SRS ombudsman system is all but useless, since ombudspersons are themselves SRS employees, and complaints by SRS clients to the BSRB of alleged unethical and incompetent practice represents virtually the only access by clients to limited but meaningful redress.

Passage of this bill could be the first step in dismantling the entire structure of licensing of the health and health related professions. If SRS social workers are granted exemption from licensure, there could very well be similar exemptions granted to psychologists, nurses, and medical doctors employed by SRS, and then to those employed elsewhere. Many social workers chafe under the regulation of their practice by the state, but nearly all would agree that such regulation is absolutely necessary to protect the interests of the state and its citizens, including those of minor children, who are especially vulnerable to the SRS system. Please report this highly destructive bill unfavorably.

Thomas S. White

*PHW
2-22-93
Attn #17*