

The Effect of Privatization on Advocacy: Social Work State-Level Advocacy With the Executive Branch

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ABSTRACT

Third-party contracting has fundamentally changed the relationship clients and consumers of social services have with state government and its agencies. Because state legislatures have load-shed service delivery responsibilities onto third-party vendors, social workers need to be more involved with administrative officials in the executive branch. This descriptive analysis examines the role of the social worker and ways social workers can become engaged in effective state-level executive policy development. A model for practice is presented that seeks to contribute to existing literature through increasing social workers' awareness and involvement in advocacy practice. Critical to successful advocacy is knowledge about key targets in the executive branch and their roles. Tactical strategies for advocacy, with examples, are included.

Implications for Practice

- Advocacy efforts can be conducted that affect private companies with third-party state contracts.
- Effective strategies directed toward the executive branch of government should be implemented.
- Social workers can improve ways to evaluate the relationship between their clients and for holding state-level systems accountable for services.

The way social workers shape policy through advocacy in the 21st century has changed as a result of privatization and third-party contracting in government. Contracting out services and administration has fundamentally changed the relationship clients and consumers of social services have with state government and its executive agencies responsible for the administration of those services. Whereas service providers, social work professionals, and consumers may have had direct contact in the past with state agencies and their workers, they now encounter state vendors, private and public corporations, and for-profit endeavors. Privatization may result in a fragmented system of separate data records, separate fiscal and program accountability systems, and multiple sets of rules according to eligibility categories. It has created a need for social workers to be more sophisticated in their advocacy efforts (Hoefer, 2005). Social work professionals engage in many roles in political arenas (Domanski, 1998). Because state legislatures have contracted service delivery and administrative responsibilities to third-party vendors, social workers need to be more involved with administrative officials in the executive branch who affect policy

change. Although this type of advocacy may not appear to contain the same level of attractiveness as working in the legislative arena, it is just as critical to recipients of services (Hoefer, 2006).

Although the literature attempts to define and classify advocacy to improve understanding, community-level practitioners often use the terms *lobbying*, *advocacy*, and *education* interchangeably. Schneider and Lester (2001) found over 90 different definitions of advocacy. Guidelines to encourage increased involvement in the executive branch on the part of social workers assist in expanding the scope of advocacy practice. This level of advocacy is often misunderstood (Hoefer, 2006). Exploration of ways social workers can enlist the executive branch as allies in advocacy efforts follows, including guidelines focusing on how to engage in state-level advocacy with the executive branch more effectively. A new classification of activities targeted to the executive branch is introduced. The role of the social worker and ways social workers can become engaged in effective state administrative practice are also discussed. After a brief literature review, the article presents material about key targets in the executive branch and their roles, explores tactical strategies for advocacy with examples, and presents a model for practice that seeks to contribute to the existing literature through increasing social workers' awareness and involvement in advocacy practice. Guidance on advocacy with the executive branch is grounded in the author's experiences advocating for health and social service programs in Missouri from 1999 through 2008. The tactics outlined in this article may be conducted by full-time advocates or clinical social workers who want to take action on injustices discovered during practice. The latter has been referred to as *case-to-cause* advocacy, where direct service problems or injustices are organized into advocacy activities by a social work practitioner or agency (Sunley, 1997). This article is a conceptual guide for social workers, and a framework for testing the model is also discussed.

The Playing Field Has Changed

Social workers have been historically concerned with social justice (Lynch & Mitchell, 1995). Case managers desire to effect structural change in addition to their direct clinical practice. Social workers need to be “active, aggressive advocates for their clients” (Lynch & Mitchell, 1995, p. 10). But how has the changing context of service delivery affected a social worker’s role? How does one “do advocacy” when the predominant interactions target third-party companies?

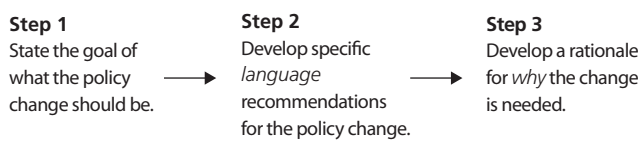
There is a dearth of practice guidelines examining the role of the policy advocate within the context of government contracting administration and services out to third parties. Effective education and advocacy directed toward executive branch officials may influence the ways laws are interpreted or enforced, hold program managers and private companies accountable, and encourage support for legislation or appropriations. Social workers may be aware of how to affect directly provided government services, but lack understanding of how to affect private companies with state contracts. They may understand the problems and be aware of solutions, but not have the skill or fully understand alternative venues through which to exert pressure (Sunley, 1970).

Since third-party contracting has changed the nature of advocacy targets, a broad definition of advocacy is required, and thus Schneider and Lester’s (2001) definition is most appropriate in this context: “Social work advocacy is the exclusive and mutual representation of a client(s) or a cause in a forum, attempting to systematically influence decision making in an unjust or unresponsive system(s)” (p. 65). A distinction can be made between the targets of advocacy efforts. While lobbying efforts toward the legislative branch can influence decisions on behalf of clients (Dear & Patti, 1981; Haynes & Mickelson, 2006; Hoefler, 2006; Jansson, 2003; Kleinkauf, 1981), the other target of advocacy efforts can be the executive branch.

In public administration literature, advocacy around policy implementation directed toward the executive branch is often referred to as *administrative advocacy*. Administrative advocacy involves negotiation with bureaucrats over regulations, written policies, and procedures and practices (Malekoff, 2000). A critical advocacy opportunity exists when the executive department is given the charge to implement policy changes and begins to develop administrative rules to govern the changes. Interest groups may play a role in influencing the executive branch (Berry, 1981; Hoefler, 2000; Staudt, 1983), especially in the rule-making phase.

There is no accepted definition of the term *policy* in the literature (Pal, 1987; Popple & Leighninger, 2008). The concept of policy is generally defined broadly, but it typically includes a sense that there is purpose, deliberation, and intent behind existing policies. However, missing from these definitions is any specific description that policy may include instruments of government that influence services provided to social work populations, such as language in third-party contracts; standards of practice for third-party vendors; and monitoring, evaluation, and enforcement practices of the executive branch over third-party contractors. For example, language that governs the practice of third parties may be omitted from contracts because of oversight or budgetary constraints, or failure to request enough data measures to obtain an accurate picture of the efficiency of tax expenditures. In addition, while appropriate language may exist, there may be no enforcement of the policy against the third-party vendor, whether purposely or because of oversight. Advocacy directed toward the executive branch must include an even broader definition of policy that includes not only any executive regulations, written policies, procedures, and practices,

FIGURE 1. Outreach steps to engage executive officials.



but also inaction that may affect government’s ability to influence third-party practice.

Where third-party contracting is present, it may be difficult to discern which party is ultimately responsible for ensuring service delivery (Hoefler, 2006; Ludowise, 2004). Social workers should be persistent in finding the key executive branch decision makers that have oversight in one’s particular issue area (Hoefler, 2006). It is essential social workers clarify their goals before outreach to the executive official; officials will be more responsive if the goals are clear. Figure 1 demonstrates guidelines to assist social workers entering into “conversation” with the appropriate elected official.

Tactics and Allies

Advocacy Tactics With State-Level Administrative Targets

In order for social work advocates to define appropriate strategies, it is important for them to know the roles and functions of the different state-level actors in the executive branch. Some persons with decision-making authority are appointed by the chief executive, while others are elected.

The following is a general description of the various state executive branch officials and the function and responsibilities of each office (pertinent to social welfare policy issues).

Governor. Acts as the chief executive officer of the state, elected to 4-year terms. Duties include overseeing each executive department; appointing members to boards, commissions, state courts, and heads of department; making legislative and appropriation recommendations to the legislature; signing or vetoing bills passed by the legislature.

Lieutenant governor. Typically plays the role of a citizen ombudsmen, and therefore acts as the state’s official advocate for certain groups, such as senior citizens, veterans, and children. Often sits on an array of boards and commissions.

Secretary of state. Oversees corporate business filings and election issues, such as preparation of statewide ballot issues, and publishes new administrative rules in the state codes of regulations.

State auditor. Acts as a watchdog agency, monitoring the efficiency and legality of state publicly funded programs and services.

Attorney general. Represents the legal interests of a state. The attorney general may seek legal enforcement of consumer and environmental protections and investigate fraud and abuse allegations.

Department heads. State services are delivered via executive departments, each of which has a head of the department. Alternative names of these entities may be bureaus, divisions, agencies, authorities, or units. Appointed by the governor, the chief executive of the department oversees the functioning of programs within the jurisdiction of the department.

Office of budget and planning. States assign various names for the executive department or subdepartment that oversees state budget and planning activities. This office collects and analyzes budget policy issues and provides fiscal information to the governor’s office; the legislature; congressional delegations; and state, local, and federal agencies. It also reviews state agency fiscal operations, prepares annual budget instructions, analyzes budget requests, and prepares the annual executive budget and appropriation bills.

TABLE 1. *Identifying Goals for Executive Branch Advocacy Efforts*

TYPE OF ACTION SOUGHT	TYPE OF ADVOCACY TACTIC
Direct policy action	Request that the entity perform a direct action within its legal function.
Fiscal and budgetary action	Request actions resulting in fiscal policy change.
Improving the functioning of state government	Request administrative changes.
Educating the executive branch	Conduct education and information-oriented activities.

Enlisting Allies

Advocacy actions with executive branch targets do not require an adversarial relationship. Cooperative work is highly desirable whenever possible. Directing advocacy efforts toward executive targets is analogous to enlisting additional allies to current advocacy efforts. However, even when an advocacy action requires a more adversarial relationship with the target, the level of tension varies according to the advocates approach to the relationship. Negotiation and collaboration are preferred. Requesting a person or entity in the executive branch to take action against a third-party vendor often requires more resources (which are limited) or more labor output (which is limited). There is also the implication that someone is not doing their job efficiently. These implications may result in resistance to change and action. Perseverance and creative strategies are needed to get a target to take action. Table 1 establishes categories to help guide social workers in pondering the type of action they are seeking from a particular executive office.

Direct policy action. Refers to the instances when a social worker may ask an executive branch official to perform a specific, direct action or decision that is part of the function of that person's office. For example, one can ask the attorney general to investigate a questionable practice by a third-party contractor; the governor can be asked to veto a bill the legislature has passed because it may result in negative consequences for the social worker's clients; the Medicaid division can be alerted to a managed care organization not meeting the obligations of its contract, including a request to take corrective action; social workers can submit names of reputable persons to the governor for appointment to commissions; and last, when legislative inaction on a social welfare issue exists for various reasons, the governor may issue an executive order creating new policy on the issue. These examples demonstrate actions within the legal function and jurisdiction of the target involved. Those officials elected to office may take particular interest in an issue during an election cycle so that they can state during campaigns that they have taken action on issues important to voters.

Fiscal and budgetary action. Is distinctive in both the nature of the advocacy process and because it reveals accountability in the use of public tax dollars. Department executives and the governor may be supportive of an effort to request an item in their budget that has not yet mustered enough interest in the legislature, especially during an upcoming election year. Fiscal action is illustrated here with a concrete example of policy efforts directed at the executive branch by the author. The author initiated state-level advocacy with the executive branch as a result of budgetary policy advocacy efforts with the legislative branch. A group of advocates, including service providers, across Missouri worked hard to secure a \$6.1 million increase in legislative appropriations to raise the level of Medicaid reimbursement for dental providers. The policy goal behind the appropriation increase was that increasing reimbursement to dental providers would encourage more dentists to participate in Medicaid, thus increasing access to oral health

services for the Medicaid-eligible population. After multiple interviews with general practicing dentists that served the Medicaid population, there was a concern that managed care organizations were not passing the new appropriations increase down to the dental providers. The Medicaid division, in monitoring the managed care organizations, tracked whether the dental products were delivered under the contract (utilization), but passing on increases in reimbursement was not part of their monitoring activities. While department officials claimed that access to health care was improving under managed care, there was little evidence that the number of dental services by Medicaid-enrolled children and families was increasing based on the policy goals of the appropriations increase. When advocates asked the state for empirical data regarding managed care organizations, especially financial reporting, state officials claimed the information needed to be obtained from the third-party vendor directly; when the managed care organizations were asked, advocates were told the information was "proprietary" and not subject to public disclosure. The conclusion of advocates was that more advocacy would be needed to make sure that the budgetary policy goals were being implemented. In response, 30 advocates and nonprofit organizations were organized to separately draft letters requesting the Missouri state auditor to conduct a financial audit of the managed care subcontract arrangements in oral health care. It drew attention to the issue, and the auditor agreed to conduct an audit. One primary and relevant finding of the audit was that Medicaid general practice dentists were underpaid for services provided (Missouri State Auditor, 2004). As a result of the audit, the Department of Social Services created a list of "mandated codes" requiring the managed care organizations to reimburse providers at a specified level, so dental providers were aware of the reimbursement they should receive. In turn, dentists were less likely to drop existing Medicaid plans, preventing further decreases in access for low-income children and families.

Improving the functioning of state government. This can happen through administrative changes, typically targeted to executive departments. Forms and letters sent by the state to client populations may be written with higher literacy levels or legalistic language than comprehended; social workers can assist in reviewing letters before they are sent out. Programs may want to conduct internal evaluations of program outcomes; however, because of bias concerns with internal evaluation, social workers can request that outside, objective evaluations be conducted by a third party without an interest or stake in the outcome. While the advocacy process is frustrating when there exists a perception that no one person or agency is accountable for the problems occurring, the most appropriate state-level targets are department managers because they are ultimately the ones accountable for service delivery outcomes (Auger, 1999). Social workers should advertise their availability and willingness to assist state officials in improving administration of programs, which requires some degree of investment in building relationships with department administrators.

Education and informational advocacy activities. Social workers can engage in activities directed toward any of the executive branch entities. Educational actions may not obtain immediate action on a particular problem, but they have the ability to influence or move a department in the right direction. The first step in advocacy is a commitment to address the needs of the client(s) whose life is affected by the existing system (Sunley, 1983). For example, social workers know firsthand the difficulties clients have navigating a fragmented system of services. Sharing stories and providing recommendations for coordination can lead to positive discussion and policy change. *Interdepartmental coordination* has become a contemporary mantra in improving

the efficiency of state government. In Missouri, when it was publicized that families were relinquishing custody of their children to the state in order to receive mental health services, advocacy entailed working collaboratively with both the mental health authority and child welfare division to improve coordination of services between them. Numerous secretaries of state have been working to protect the addresses of victims of domestic violence because of the educational efforts of domestic violence advocates. Table 2 outlines the roles and functions of advocacy targets and provides examples of advocacy strategies.

Although the legislature may load-shed its responsibilities through privatization and third party contracting, various actors in the executive branch have within their power the ability to hold third-party vendors accountable for service delivery issues that may arise. This lends credence to social workers utilizing advocacy strategies with executive targets. While Table 1 aids the social worker in framing policy actions for any executive target, Table 2 provides concrete tactics after an appropriate target is identified.

Additionally, social workers can provide significant advocacy in the executive branch on behalf of direct health and social service providers. These groups often have limited resources and political expertise. The social worker can be an independent voice, defined as no attachment to funding or self-interest. When service providers engage in advocacy efforts, it is easy for legislators and administrative officials to view their cause as self-interest and profit. However, the burden of caring for Medicaid populations, for example, falls disproportionately on a small percentage of health care providers (Smith, 2006). These individuals do not necessarily have greater status or power with legislators or an executive branch official than a social work advocate would. Many providers feel they are at the mercy of third-party corporations with government contracts because they have small practices, lack time to engage in advocacy, or have a large portion of their client base as low-income patients. Sosin and Caulum (1983) define advocacy to include advocating the interests of those who are in a less powerful status than other decision makers. Social workers should embrace the opportunity to establish relationships with service providers and advocate on their behalf. While engaging in advocacy on behalf of service providers may not fit a social worker's notion of direct advocacy on behalf of a client, a key element in understanding advocacy is having a passion to promote measures that enhance human life individually and generally (Sunley, 1983, 1997).

Advocacy Caveat

Although this article has provided practice guidelines for social workers to develop tactics for action with the executive branch, it is important to understand the potential repercussions in the context of privatization and third-party contracting. Private companies may perceive advocacy actions as accusatory, may take offense to the social worker's portrayal of the problem, and may thus take counteraction. In response, third-party vendors may attempt to file libel or slander claims; file SLAPPs (strategic lawsuits against public participation; Donson, 2000) against the agency or social worker; retaliate against clients by limiting services; or conduct more monitoring and micromanaging of the social worker or agency's activities (such as approval of treatment interventions). However, utilizing public officials in the executive branch diminishes the prospect of repercussions directly from the third-party vendor. Furthermore, social workers can reduce these prospects through having clear policy goals, proper documentation, and sticking to the facts, as opposed to subjective judgment, when publicizing their findings to state

officials. Social workers may think, or be told by government officials, that they need to address the third-party vendor directly. However, executive branch offices are an appropriate venue for advocacy in these instances, and it is important to stress that it is within their role to investigate the answers being sought concerning practices that inhibit the full potential of clients.

Some social workers have Hatch Act concerns that being part of a 501(c)(3) nonprofit limits their ability to do advocacy (Domanski, 1998; Thompson, 1994). This article does not address those concerns, but there are extensive resources one can access that show the extent and scope of advocacy that can be engaged in.¹ Social workers and social service agencies should not prohibit any advocacy-oriented activities outlined in this article without first having knowledge of what activities may be pursued.

A Framework for Testing the Model

More research is needed focusing on empirical testing of efforts targeting the executive branch, especially in the context of third-party contracting. Evaluation of advocacy efforts has traditionally proven difficult. The guidelines and tools for measurement being offered cover a wide range of advocacy strategies. The challenge is in measuring influence on outcomes beyond actual reporting of activities. In addition, even successful efforts may not manifest effects until some longer-term future period. There also exists the ethical implication of "taking credit" for someone else's action—did the governor veto the legislation because of one's sole influence, or was her memory of her grandfather's interaction with the issue the driving factor? In other words, there exist greater threats to internal validity when measuring advocacy efforts. Due to the mix of private and public interests influencing the decisions of the executive branch, new models need to be developed to test reasonable causality that advocacy interventions are having impact on the targets of the effort. Furthermore, inferring causal relationships in advocacy interventions when third-party vendors are involved is unique. Although influencing an executive branch policy decision is a goal of the advocate, the policy decision is actually an intervening variable, and a model to measure outcome effects on private vendors is needed.

Philanthropic foundations have been at the forefront of scientific inquiry in advocacy measurement. Major foundations, such as The Annie E. Casey Foundation and California Endowment, are publishing guidelines and tools in response to the void of literature on measuring effective advocacy efforts (Guthrie, Louie, David, & Crystal Foster, 2005; Reisman, Gienapp, & Stachowiak, 2007). Social workers could avail themselves of these user-friendly tools to evaluate and measure one's own advocacy efforts within the executive branch. Focusing on various applications of the logic model, the foundations offer both theoretical guidelines and hands-on tools for measurement. As a result of policy change efforts, these guides suggest measuring changes in the population and ecosystems. The following are indicators that could be added to measurement when third-party contracting is involved:

1. Changes in business practices, including consumer-friendly practices.
2. Changes in financial and accounting practices.
3. Reinvestments of revenues in improved programming.
4. Other responses to the executive branch policy decisions.

¹ The Alliance for Justice is a primary resource for social workers and nonprofit agencies. It has resources about the definition, scope, and extent of lobbying practices, available at <http://www.afj.org>.

TABLE 2. *Examples of Advocacy Tactics With the Executive Branch*

EXECUTIVE DEPARTMENT OR STATE OFFICIAL	ROLE IN EXECUTIVE BRANCH	EXAMPLES OF ADVOCACY TACTICS
Governor	Is in charge of the overall functioning of the executive branch.	Request investigation into questionable practice. Request current rules or contracts be enforced. Request executive order by governor. Request veto of harmful legislation. Request new committee or council be created by governor. Submit names for appointment to committee or council. Convey problems encountered requesting his or her department, look into the matter, and respond in writing. Educate staff on how to improve interdepartmental coordination.
Lieutenant governor	Often plays the role of a citizen ombudsmen.	Convey problems that are part of the commissions that the lieutenant governor oversees.
Secretary of state	Maintains databases of state records. Oversees all election-related issues, business licensing, and charters.	Advocate how a particular ballot proposal should be worded in the final ballot summary submitted to voters. Submit comments on proposed rules or regulations.
State auditor	Ensures accountability, financial integrity, and effectiveness in state government.	Request that financial and/or program audit be performed of state programs.
Attorney general	May file civil suits on behalf of state. May prosecute violations of state law. Enforces health, safety, and consumer regulations; provides educational outreach programs; and protects consumer rights. Provides legal representation of executive departments. Issues consumer protection publications.	Request fraud investigation. Request to assist state department in holding private vendors legally accountable to provide services in contract. Request litigation against third-party vendors for meeting standards in contracts. Request that they make a consumer publication, for example, on rights of persons in managed care arrangements.
Department head	Oversees all functions of the department and subdivisions. Develops and approves budget submitted by department to legislature. Oversees divisions that monitor contracts used in privatization efforts. Oversees divisions that engage in research and evaluation efforts.	Request to improve monitoring of third-party contracts. Request that items needing legislative appropriations be placed in department budget request. Request that objective, third-party evaluation be conducted on programs. Convey problems encountered requesting his or her department, look into the matter, and respond in writing; and provide initial recommendations for change to allow a point of comparison. Request improved transparency in budget and third-party contracts. Request increases in reimbursement for providers be placed in department budget request. Request to improve data collection and organization, including transparency to make the data publicly available. Request that certain items be included in a request for proposal (RFP) bid contract. Draft legislative language, and get buy-in from department officials prior to sponsorship by legislator. Use Sunshine Act requests to inform the department advocates monitoring their decisions. Educate staff about evidence-based practices. Request improvement of forms used by clients or practitioners. Request improvement of technology to decrease administrative burden on families. Request research and evaluation be conducted by an objective, third party. After a third-party evaluation group wins a bid for the state contract, a social worker can meet with the evaluators to inform their research and stress important variables.
Budget office	Analyzes budget policy issues and provides fiscal information to the governor's office; the legislature; congressional delegations; and state, local, and federal agencies. Reviews state agency fiscal operations, prepares annual budget instructions, analyzes budget requests, and prepares the annual executive budget and appropriation bills. Analyzes the state economy and tax issues, estimates revenue collections, tracks agency performance measures, reviews legislation with budget implications, and drafts fiscal notes.	Request more money for a budget item. Request improved transparency in budget and third-party contracts. Confer with special analysts who are available for each department's budget. Request detailed information on department budgets. Request that budget staff make recommendations to the governor regarding budget items.

Foundations need to understand that even though services may be publicly funded programs, information and data may be inaccessible to protect private business interests and public transparency concerns.

Implications for Practice

The growth in advocacy activities by social workers is steadily increasing, including the scope of advocacy in which social workers engage. The National Association of Social Workers (NASW) endorses the role of the social worker in conducting advocacy efforts and policy development in the pursuit of social justice and social change (NASW, 1999). The praxis in advocacy is a refreshing complement to a clinical practice that may be challenging one's sense of social change or useful when the worker is feeling burned out. In working directly with clients, social workers know firsthand how the limitations of existing policy, lack of resources, and stifling measures prevent their clients from reaching their full human potential. Advocacy presents a medium to address the ethical dilemmas presented in clinical work and case management (Sunley, 1997).

A consequence of the legislature's desire to institute third-party contracting may be the inability of executive departments to monitor public programs and contracts thoroughly. Private vendors may use their political clout to insulate themselves against accountability (Ludowise, 2004). Social workers have the opportunity to hold government entities and their officers accountable for the proper management and monitoring of programs. Implementation problems may arise that ultimately hurt the clients of social workers and persons accessing public programs, possibly resulting in benefit reduction or elimination, cumbersome processing methods, common errors, or limited scope in interpretation of policies (Sunley, 1983).

This article presents tactical strategies for social workers to become involved in state-level administrative advocacy targeting the executive branch. New tactics in advocacy directed toward the executive branch in the context of privatization and third-party contracting have not been previously discussed in the literature. A conceptual framework for advocacy practice with the appropriate executive branch target helps social workers match their issue with action and context. Social policy practice classes at universities, and field educators, should acknowledge the value in advocacy directed at the executive branch and incorporate it into educational methods.

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