

# association news

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newsletter of the Association of Social Work Boards

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## New exam blueprints will be “North American” *Survey finds social work to be very similar in the U.S., Canada*



Maestro Evans of Georgia, left, and Jane Anker of South Carolina at work in Iowa City with the PATF.

The data have spoken: the examinations that will come out of the new ASWB social work practice analysis can be based on “North American” blueprints, suitable for use in both the U.S. and Canada.

After hearing a report on the analysis of the data from the survey of social workers in the U.S. and eight Canadian prov-

inces, the 16-member ASWB Practice Analysis Task Force unanimously agreed that the results from the two countries were so similar that work could go forward on unified blueprints.

The analysis has been done this time by the task force in conjunction with ASWB’s examination contractor, ACT of Iowa City. Response rates were excellent, partly because of ACT’s system of four contacts by mail with each person who was identified to receive the survey.

Social workers were given the option this time of filling out the survey on the web, and about a fourth of those responding in the U.S. did so.

The task force includes two Canadian members, Richard Shelson of Alberta and Vicki Coy of New Brunswick. Reacting to the report from ACT, Shelson noted that he had “predicted a close similarity,” but hadn’t expected the extremely high rate of correlation revealed in the analysis.

The meeting in February at ACT headquarters in Iowa City to hear the analysis

See PRACTICE ANALYSIS, page 8

## *DeAngelis to head FARB*

Donna DeAngelis, ASWB executive director, has been elected president of the Federation of Associations of Regulatory Boards (FARB). She was chosen by other board members at the recent FARB Forum in Austin, Texas.

DeAngelis has been director of ASWB since January, 1995, and has served several terms as vice president of FARB.

FARB counts as full members the American Association of Veterinary State Boards, the Association of State and Provincial Psychology Boards, the Federation of Chiropractic Licensing Boards, the Association of Regulatory Boards of Optometry, the National Association of Boards of Examiners of Long Term Care Administrators, the National Association of State Boards of Accountancy, the National Council of Architectural Registration Boards, the National Council of Examiners for Engineering and Surveying, and the National Council of State Boards of Nursing, as well as ASWB. It has three other classes of membership, associate members, affiliate members and contributing members.

About three decades old, FARB lists objectives that include providing a forum and means of information exchange for those who license professionals, and improving the standards of the professions and the services of regulatory licensing agencies for the welfare and protection of the public.



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## ***Children deserve better protection***

By **DONNA DEANGELIS, LICSW, ACSW**  
Executive Director

Recently I heard two horror stories on the evening news. Both involved children who had been neglected and abused. The first situation was in Manassas, Va., only 40 miles from the ASWB office. Two siblings were identified by teachers as having frostbite on their feet and reported to the police, who took the children to the hospital. Further investigation found that the townhouse where they lived with their parents had very little furniture or heat. The children were sleeping on the floor with only a blanket for cover, in a bedroom that had a broken window. There were previous reports to social services by school personnel and by neighbors. One neighbor called the police because of loud yelling and other noises from the townhouse where the children lived.

There was an active case on this family with Prince William County Department of Social Services. In fact, the children were identified to receive Christmas gifts from the community. There was a special note in the file, indicating that the children could only receive clothing—their parents' religious beliefs prohibited toys of any kind. Despite the open case with social services, despite repeated reports to social services and the police, this situation was allowed to deteriorate to the point where the children's toes were black from frostbite.

I held my breath for awhile, but was able to breathe again when the report described the professionals involved with the family as "caseworkers." The reporter did not say "social workers," and I hope with all my heart that a professionally trained social worker did not see this situation and let it deteriorate to this point.

But my relief was short-lived. The very next story was about two siblings found locked in the basement of an apartment building in Newark, New Jersey. They had been beaten, burned, and abused, and were on the verge of starvation. Later, after the basement was more thoroughly searched, authorities found the mummified remains of a child in a plastic storage container. The woman in whose care they had been left by their mother (who is in prison) was found several blocks away in another apartment. The cab driver who took her there and befriended her saw her picture that identified her as wanted for questioning regarding these children. He turned her in.

Again, these children had an open case file with the child welfare agency in New Jersey. This time the case was closed because the children could not be located. I breathed again when the reporter referred to "child welfare workers" and "social service workers," not social workers.

When I worked for the Illinois Department of Public Aid, before I received a degree in social work, I was assigned to provide social services to recipients of public welfare, including child welfare services. I made home visits, evaluated children and families, and wrote reports, sometimes for the court. I quickly discovered that I did not have the knowledge, skills, or abilities to perform my job.

When I completed my social work degree, I returned to providing child welfare services to families receiving public assistance. It took every bit of knowledge I acquired in school, plus some excellent guidance and mentoring from exceptionally skillful

See **CHILD WELFARE**, page 8

## THE REGISTRY

### ASWB Communications staff gets comments from focus groups of administrators, students

ASWB's communications staff is knee-deep in market research for the new social work registry. Communications Director Troy Elliott and Communications Specialist Bobbie Hartman have conducted five focus groups with board administrators and social work students to determine the level of interest in the service.

The registry will be a storehouse for social workers' professional information. Participating social workers will pay a fee to create a record in the registry, which is expected to hold identification, education, supervision, examination, continuing education, disciplinary and licensure information.

Once the information is verified by ASWB, the social worker may ask ASWB to forward the record to a jurisdiction for licensure application.

Social work boards and social workers themselves are the most critical

parties in the success of the social work registry. Without a critical mass of social work boards accepting information provided by ASWB, the benefits of the registry to social workers would be extremely limited. Without participation by social workers, the registry won't reduce the workload for the boards.

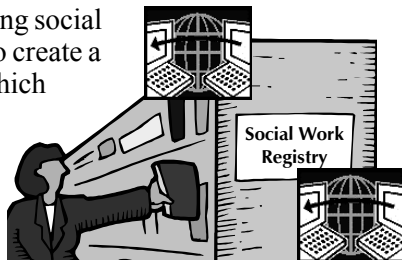
The focus groups conducted so far have provided valuable information to ASWB as the registry plan continues to evolve. By asking board administrators and early-career social workers for their opinions, staff members can incorporate suggestions into the structure and marketing of the registry.

By and large, the response has been favorable. Board administrators met in September and November of last year to discuss the registry program. The focus group setting allowed them to share their concerns about and suggest improve-

ments to the system. Participating administrators told staff that they saw the benefits of such a system: credentials verified by ASWB wouldn't need to be double-checked by member boards.

Robert Schneider at Virginia Commonwealth University, Kim Strom-Gottfried at University of North Carolina—Chapel Hill and Steve Marson at the University of North Carolina—Pembroke assisted Hartman and Elliott in conducting focus groups among social work students on their campuses. The students provided opinions on the system in February, particularly focusing on the cost. With their input, ASWB staff can develop a fee structure that will cover the cost of the program while being within financial reach of early-career social workers.

As ASWB wraps up the market research for this new program, the next step is a thorough cost analysis to ensure that the system can support itself financially and further discussions with boards of social work. Final details will be getting the computer software and records storage into place.



## New Brunswick is the third Canadian province to apply to ASWB

The New Brunswick Association of Social Workers/ Association des Travailleurs Sociaux du Nouveau-Brunswick has applied to become the third Canadian province to be a member of ASWB. The NBASW has submitted all required application materials, which have been forwarded to association delegates and alternates and board administrators for comment.

Acting in accordance with ASWB bylaws, the Board of Directors will receive input from the membership, and then consider the application in its March 25 conference call meeting.

Replies may be sent via e-mail, to one of the listservs, to [telliott@aswb.org](mailto:telliott@aswb.org), or by phone at (800) 225-6880, Ext. 3005, or by fax to (540) 8929-0142.

The provinces of Alberta and Nova Scotia have already been added to the association membership. The NBASW-ATSNB has more than 1,200 members. Its operation is bilingual, and its Webpage, [www.nbasw-atsnb.ca](http://www.nbasw-atsnb.ca), gives visitors a choice of English or French on its homepage. Suzanne McKenna is executive director/registrar, and Vicki Coy is the executive assistant.

The provincial regulatory body has been determined to be equivalent to the boards current served by ASWB, and New Brunswick participated in the current practice analysis. First former president Brenda MacPherson and more recently Vicki

Coy have served on the Practice Analysis Task Force (PATF).

For more information, visit the Website above, or read the law at [www.nbasw-atsnb.ca/en\\_act.htm](http://www.nbasw-atsnb.ca/en_act.htm).

### Provincial organizations were grassroots, too

In 1999, ASWB (then the American Association of State Social Work Boards) celebrated its 20<sup>th</sup> anniversary, and took a look at its beginnings in a book, *Are we there yet? The first 20 years of an association's visionary journey*.

One of the association's newest members, Alberta, Canada, took a look at its own origins in a recent issue of the newsletter of the Alberta College of Social Workers (ACSW). Written by Baldwin Reichwein, a "not really retired" member of ACSW's Edmonton Retired Social Workers Interest Group, it went back to the minutes of two meetings from 1949 and 1950.

ACSW now has a membership of about 4,500 registered social workers, but "this ground group had more modest beginnings," the article noted. For example, notes from the first meeting indicated plans for further gatherings—that they would be held at various members' homes, and that refreshments should be limited to coffee and cookies.

That first small group met on Tuesday, Nov. 1, 1949, with 14 people present.

# At the FARB Forum, approaches to continued competence examined

Is it necessary to do something to enforce continued competence?

Dr. John Boyce, executive director of the National Board of Veterinary Medical Examiners, thinks so. "I was licensed in 1974 in Michigan," Boyce told participants in the 2003 Federation of Regulatory Boards (FARB) Forum, "and have been paying my renewal fee. I never practiced a day in my life, but I could go back there and practice."

Boyce, who is also executive secretary of the North Dakota Board of Veterinary Medical Examiners, was one in a series of speakers about continued competence, and they all agreed that nobody has the one definitive answer.

Continuing education can be what keynote speaker Paul Carmona, Chief of the Texas Consumer Protection Division, described as "proof that you can sit still for 15 hours." But Peter Vlasses, executive director of the American Council on Pharmaceutical Education (ACPE), was blunt to the audience of regulators: "The issue is where's our resolve in trying to do something better?"

Partial solutions examined at the Forum included continued formal testing for practitioners, self-testing and self-direction in continued education, tighter licensing and renewal controls, and improved education of the public so that the marketplace will encourage greater continuing competence.

Presumably, Boyce said, "there are only a few licensees not meeting minimum standards." He added that working with a licensing board had made him understand "there are a few bad people." But because of the limits, one possibility is the Hazard Analysis Critical Control Point approach—focus on the triggers.

Is an exam really the best tool? Exams are being used in many ways, including as a way to evaluate public education. And the first question to be answered is "Can we use entry-level tests for experienced people?" This question is

asked, Boyce said, because as people progress in practice, they narrow their focus. It may not be fair to give a broad-based exam to them, because "You forget what you don't do."

The veterinarians group has done this by creating custom exams for areas of practice, because certainly someone focusing on one part of practice should have entry-level competence in it. "It's not the licensing board's job to deal with advanced knowledge. Beyond entry-level is the

responsibility of the profession and the marketplace."

Using the item banks from the entry-level exams does require that items must be well-classified, he said. For veterinarians, this means that an equine vet gets

questions about horses, and a small-animal vet gets questions about dogs and cats. In some professions, the break might not be so easy.

Self-testing has been proposed before, Vlasses said. The ACPE, which accredits professional degree programs and providers of continuing education, thinks the regulatory viewpoint of CE is to "make this more than fluff, part of protecting the public." He said that self-testing has not been well-received by professionals, because of the risk of self-incrimination. For example, if a pharmacist found he or she needed more education in psychotropic drugs, a consumer who had trouble with such a drug might use the self-test in a lawsuit.

But Vlasses said there are two possible solutions—that the self-assessment be computer generated and then computer destroyed, once the professional had the results, or that in the name of quality improvement, some documents could be made not discoverable by the courts.

Dale Atkinson, FARB Executive Director and legal counsel for a number of the professional organizations, noted that the disciplinary system under the many boards in all jurisdictions is one means of

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## Outcome testing: think cars that still won't run

By the time pharmacy professor David Brushwood brought his new car back to the dealership for the fourth time in nearly as many days, he was beginning to have his doubts about the competency of the mechanics on staff. When he complained to the head of the service department, the manager assured him that his best person was on the job. And to prove it, he showed Brushwood the many professional certifications that had been bestowed on the mechanic, adding that this particular service department also used one of the most advanced diagnostic automotive computer programs available. The manager explained proudly that Brushwood could rest assured that his car was in the hands of a highly credentialed professional using cutting edge technology.

"But...my car is still broken," Brushwood said.

The experience was one of the inspirations for Brushwood's investigations into what he calls "Outcome Based Regulation." The philosophy, according to Brushwood, can be summed up in one sentence: "It's the result that matters."

Although Brushwood presented his ideas on outcome based regulation during the most recent Federation of Associations of Regulatory Board (FARB) Forum, both the concept and his take on it have been around for a few years. "The idea is that we should regulate with an orientation toward outcomes, and not structures and processes," he said.

Brushwood believes that besides setting the initial entry-to-practice standards, regulatory boards often involve themselves with establishing ongoing standards that set the general characteristics of an acceptable care setting, and

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"The issue is, where's  
our resolve in trying  
to do something better?"

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# OUTCOME TESTING

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the various processes used to provide care. The problem, he says, is that this focus can have very little to do with the final result—whether the practitioner is able to effect a positive change in his or her client or patient. In other words, boards do a good job of drawing a blueprint for acceptable practice, but boards have no way of seeing to it that the practice is actually good—until it's too late.

By way of example, Brushwood related the story of Jennifer Cafarelle, a Florida child who died from asthma-related complications. The investigation into her death revealed that while her physician had allowed for refills of her Proventil inhaler, prescription records indicated that the drug had been refilled at a CVS pharmacy at about three times the rate of recommended use.

CVS pharmacies argued that its pharmacists were under no duty to warn the Cafarelle family or Jennifer's physician that she was overusing the medica-

tion. They complied with the structures and processes for regulated practice. Outcomes were, to say the least, a different story.

The final decision by the court supported Brushwood's view that regulatory systems need to move toward a better management of outcomes. While the court acknowledged that physicians were ultimately responsible for patient needs and prescriptions, a pharmacist "may be in the best position to know when a patient is refilling prescriptions at too fast a rate, and to alert the patient and the physician of the situation."

Brushwood believes that mal-practice law alone won't create a regulatory climate focused on outcomes. Instead, he believes that administrative law, with its prospective focus and generally broad scope, could be the best mechanism for ensuring that practitioners not only follow structures and processes, but work toward good outcomes.

But how do boards approach outcome-based regulation? Brushwood suggested a set of possible methods, some built on each other:

- **Continuous quality improvement programs.** A system that would mandate that practitioners identify and record failures in quality, and make plans for improvement.
- **Professional performance evaluation.** A system of peer review, in which practitioners would undergo practice reviews. The board would have access to evidence of peer review, but not to the review contents.
- **Consumer surveys.** Annual satisfaction surveys, administered by the practitioner, with only the evidence of completion available to regulators.
- **Criteria and standards.** The establishment of specific practice criteria, with the understanding that there may be some variation from the criterion.
- **Localized minimum data set.** Basically, a review of patient records to develop a correlation between treatment and the criteria and standards that have been developed.
- **Periodic self-audit.** A personal evaluation that would allow the practitioner to take a look at his/her patients' data sets, and determine whether good outcomes have been achieved.
- **Centralized performance database.** A database that would collect aggregate data from "practice sites" and allow the regulatory board to get a picture of overall quality throughout the jurisdiction, as well as a sense of the relative quality from area to area.
- **Practice accountability audit.** An evaluation of the centralized performance database, this audit would be triggered by violations of any criteria/standards developed, and could be pursued by the board or the professional association.
- **Initial licensure by portfolio.** Instead of relying solely on education, examination, and any application requirements (criminal background checks, etc.), boards might also require longer descriptions of patient/client care.

# FARB

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weeding out incompetent practitioners. "But look at whether discipline is working," he said. "It's a gigantic system for small numbers."

He said he was not suggesting a "witch hunt," but said boards could do a number of things to improve the operation of their own laws and procedures, resulting in the removal of a larger number of incompetent or unethical practitioners. "Analyze your practice acts," he urged. Board members should be sure that the qualifications for licensure and renewal are stringent. They should include the grounds for discipline, a requirement of good moral character and the ability to refuse a license on that basis. "If someone is not qualified, don't license them."

Disciplinary orders should be carefully crafted, and should include the burden of proof, findings of fact, conclusions of law, sanctions, means for reinstatement, publicity and appeal rights.

He also advocated limits on the number of exam takes that are permitted. If someone fails and exam a large number of times, and then passes, "Is the validity of the result questionable? He recommended criminal background checks, which must be legislated, and applications that include every question that is legal and necessary. Then, boards should act on the information, with an eye to refusing a license if such an action is indicated. And "every felony conviction is relative to practice." All actions should be reported to databanks, and boards should not allow individuals to withdraw applications, or surrender a license without getting an action on the record.

It is also part of the responsibility of boards, Atkinson said, to work to educate the public. Consumers of services should know what standards of care to expect, and who to complain to if the standards are not met.

Over time, most of the speakers agreed, the marketplace will weed out the incompetent, but the job of boards is to protect the consumers who don't have the wisdom of the marketplace—or who may come to a professional before incompetent or unethical behavior has occurred. "We can't cut corners, we have to do the job right," according to Carmona. "That's true for the professions, true for regulators."

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## The listserv: your questions answered

As states, and many social work boards with them, have headed into some difficult financial times this year, one at least minor comfort is knowing that many regulators are in the same boat (one that's stripped to the gunwales these days.)

Social work board administrators have shared some of their concerns via the ASWB administrators listserv. Members of the association's Board of Directors have also gotten a closeup look at developments as they are happening, courtesy of listserv information. These electronic means of communication have brought a sense of being in touch in situations that once could have felt very isolated.

The only ASWB listserv that hasn't really seen much use is the one for board members. And that's odd, because "networking" always brings the most favorable comments in evaluations of both the spring and fall meetings.

Board members who meet each other over breakfast or dinner, or who connect through comments on a presentation during or afterward, have found their peers an invaluable source of information. It's possible to find out how things are done elsewhere or how a particularly difficult problem was handled in another jurisdiction, or to compare the often difficult questions of fees or sanctions.

Networking can also be done on the member listserv, and ASWB's board is hoping to encourage more people to use it. It's a good way to keep up some communication that may have begun in Virginia Beach or Savannah, and to bring others who may have valuable experience to share in on something that is particularly puzzling.

To be added to the listserv for electronic networking, send an e-mail to [info@aswb.org](mailto:info@aswb.org), and begin asking and answering questions about regulation.

## For one exam program, the worst fears are realized

For pharmacy association, the only answer was to

suspend the Foreign

Graduate Equivalency Exam

Administration of the Foreign Pharmacy Graduate Equivalency Examination (FPGEE) has been halted because of an "extensive security breach," according to the National Association of Boards of Pharmacy (NABP).

NABP's Examination Security Group has said it discovered the breach "improperly caused by a group of FPGEE candidates." The exam will not be given until a new one can be established. The association plans to notify candidates in writing about future exam dates in early 2003.

"NABP, in keeping with its responsibility of aiding the state boards in the protection of public safety and welfare, initiated a large-scale investigation and will pursue all workable remedies to the fullest extent as permitted by law," according to association President John A. Fiocco. "We deeply regret having to take such serious actions, but feel that it needs to be made clear to candidates that NABP does not tolerate such security breaches." He added that additional security measures are being created.

To ensure the integrity of its testing program, NABP has invalidated computer-based FPGEE scores affected by the compromise, invalidated FPGEE certificates awarded on the basis of passing the compromised exam, and cancelled all FPGEE appointments that had been made. The incident does not affect any of NABP's other exams, such as the North American Pharmacist Licensure Examination or Multistate Pharmacy Jurisprudence Examination.

## OUTCOME TESTING ————— From page 5

- **Relicensure by portfolio.** Renewal systems that would require elements of peer review, clinical experiences, and outcome data.

Brushwood acknowledged that actual implementation would be costly. Additionally, surveys he conducted with pharmacists showed that while practitioners might agree in theory with the idea of increased attention to outcomes, the actual programs suggested tended to meet with a lukewarm response, and sometimes, outright distaste.

Before any real changes can be made, Brushwood said, regulatory boards, practitioners, and governments need to decide whether simply plucking the "bad apples" off the tree is enough. For his part, Brushwood thinks the stakes are high. "It's a matter of picking versus polishing," he said. "You can cull the bad apples, but if you don't also go and polish those that are remaining, soon you end up with a tree with all rotten apples on it."

## And speaking of questionable apples . . . (see above)

The Disciplinary Action Reporting System (DARS) maintained by ASWB now has 2,125 actions reported against 1,616 social workers.

Querying and reporting can now be done online to the entry-restricted system. Administrators from about half of ASWB's member jurisdictions now have access codes to use the system through

the Website, [www.aswb.org](http://www.aswb.org). Administrators who have not yet received such a code are asked to contact Systems Administrator Dan Sheehan at the national office, (800) 225-6880, Ext. 3022, or [dsheehan@aswb.org](mailto:dsheehan@aswb.org).

As of now, ASWB is also the reporting agent for many of its member jurisdictions to the federal disciplinary databank.

**Exam  
committee  
adds one  
member;  
other  
appointees  
drawn from  
many  
jurisdictions**

This year, the ASWB Examination Committee was expanded by one member, to 16, and faced a year that included a co-operative effort with the Practice Analysis Task Force to help produce new, updated examination blueprints.

The group that will be doing this includes a new co-chair, Steve Marson of North Carolina, who will be working with Barbara Kaufman of Minnesota, returning as co-chair from last year. There is also a new Board of Directors liaison, President-Elect Delfino Trujillo of New Mexico.

Seven new members have been added. Three are practitioners—David Aiken of Ohio, Kim Holley of Texas, and

Megan McNeill of Maryland. Four are academics, or retired academics. They are Susan Mercer, retired from the University of Arkansas at Little Rock and now of New Mexico, Jacquelyn Mitchell, who teaches at Jackson State University in Mississippi, Glenda Rooney of Augsburg State in Minnesota, and Nancy Sidell, BSW program director at Mansfield University in Pennsylvania. All seven are former item writers, some of them as recently as 2002.

Other appointments made by President Bruce Buchanan, and leaders chosen by election, have added up to direct representation of 39 member jurisdictions.

## Association Committees for 2003

### ACE Committee

Susan Gray (FL), chair  
Andrea Benfield (NC)  
Maria Carroll (DE)  
Cornelia Hempe (WI)  
Joyce Westphal (IA)  
Kathy Outland (OR)  
Liaison: Sandra Starks

### Bylaws and Resolutions Committee

Charlotte McConnell (DC), chair  
Jacalyn Claes (NC)  
Sharon Ekleberry (VA)  
Ruth Hallett (IN)  
Leticia Hermosa (MA)  
Evelyn Seaton (OK)  
Liaison: Roger Kryzanek

### DARS Committee

Doug Knight (WI), Chair  
Tony Bibus (MN)  
Gwen Taylor (OH)  
Amanda Randall (NE)  
Lisa Sanders (MI)  
Tom Tupa (ND)  
Liaison: Ginny Dickman

### Finance Committee

Patrick Wolberd (MT), chair  
Kate Zacher-Pate (MN)  
Jake Kuiken (AB)  
Jonathan Finck (MO)  
Delfino Trujillo

### Examination Committee

Barbara Kaufman (MN), co-chair  
Steve Marson (NC), co-chair  
David Aiken (OH)  
Carol Albott (KS)  
Catherine Clancy (TX)  
Laura Freese (IN)  
Kim Holley (TX)  
Alison MacDonald (AB)  
Megan McNeill (MD)  
Mary Meis (MT)  
Susan Mercer (NM)  
Jacquelyn Mitchell (MS)  
Donna Rewolinski (WI)  
Glenda Rooney (MN)  
Alvin Sallee (NM)  
Nancy Sidell (PA)  
Liaison: Delfino Trujillo

### New Board Member Training

Rodney Crownover (AR)  
Janice James (KY)

### Nominating Committee

Marcia Heitz (IL)  
Jake Kuiken (AB)  
Amanda Randall (NE)  
Liaison: Delfino Trujillo

### Practice Analysis Task Force

Sunny Andrews (NE), co-chair  
Marcia Heitz (IL), co-chair  
Jane Anker (SC)  
Rubi Clay (CO)  
Carol Cohen (NY)  
Vicki Coy (NB)  
Maestro Evans (GA)  
Janice James (KY)  
Peter Langseth (MN)  
Dorinda Noble (TX)  
Lynn Pehrson (UT)  
Richard Shelson (AB)  
Mila Tecala (DC)  
Robert Walker (KY)  
Dan Wheelan (RI)  
Liaison: Bruce Buchanan

### Program and Education Committee (Begin spring 2003)

Andrew Marks (TX), chair  
Beth Farnsworth (OH)  
Michael Lundy (AR)  
Jane Christiansen (VI)  
Suzanne Vandiver (TN)  
Liaison: Walt Stamper

## CHILD WELFARE

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social work supervisors, to do my job even barely adequately. Now, I was not only investigating allegations of abuse and neglect and writing reports and providing services, I was testifying in court regarding my evaluations and recommendations. I was responsible for the lives and future of the children in my caseload, and I felt that responsibility keenly. I will never forget what one of the Cook County Juvenile Court judges said to me once: "You are the eyes and the ears of the court."

I thought the child welfare situation was abysmal then. I would have never imagined that it would get worse. Child abuse was being talked about; mandatory reporting laws were being passed. How could this happen today?

The explanation lies in the systematic de-professionalization of child welfare workers. How can anyone hear the stories from Virginia and New Jersey, and think that a person with a degree in history, or business, sociology, psychology—if any higher education degree is even required—could begin to accurately evaluate those family situations and act as the "eyes and ears of the court"? How could anyone think that this job could be handled by someone other than a professional social worker who is licensed by the jurisdiction as having the minimum competence necessary to protect the public?

As social work laws were passed throughout the '70s, '80s, and '90s, the most common exemption to licensing was for public agency employees. As steadily as jurisdictions have tried, in many cases successfully, to remove these exemptions, other jurisdictions have had to fight to keep licensing for social workers who are employed in public agencies, and some of these battles have been lost, or the issue circumvented by redefining and renaming child welfare positions as other than social work jobs.

I think it is time to renew the social work profession's efforts to have only licensed social workers provide child welfare services, from the frontline to the administrative head of the agency, to all the supervisory and administrative positions in between.

Let's start with studies that show the fiscal effectiveness of having qualified social workers providing services: better evaluations, earlier determination of family potential, earlier determination of permanency for the child if the family does not appear a viable option. If intervention is made early, if good evaluations support accurate prognoses, children will grow up safer, physically and mentally healthier, and will be able to have a productive life in which the abuse is not passed on to another generation. Let's advocate for policies that support children's rights to a safe, nurturing environment. Let's show that children who suffer abuse not only grow up to be abusers, but are disproportionately found in the criminal justice system.

If we can prove these things, things that we know to be true, we can show how the money it costs to pay social workers the salaries to which they are entitled, as well as the money it costs to have smaller caseloads that can be managed adequately, will save much more money in the end.

The next night it was reported that the governor of New Jersey mandated a review of nearly 300 child welfare cases closed because the children "could not be located." The governor also mandated a face-to-face visit by the worker every month to each child in care. That's a start. But if the worker doesn't know what to look for, doesn't know what he or she is seeing, can't really evaluate the situation, and doesn't know how or when to intervene, what ultimate good will result?

## PRACTICE ANALYSIS

From page 1

report and to update the test specifications was closing in on the end of a long pro-

cess. The analysis began with refining the survey instrument, including a pilot, and continued through the U.S. survey, the addition of the Canadian provinces and translation into French for Quebec and New Brunswick French-speakers, and a long weekend of linking the KSAs to the survey tasks.

ACT has been reclassifying the current item banks to reflect the new blueprints, but there is still more for the content experts to do.

At its March meeting, the Examination Committee will also take some time to consider the reclassification of the

KSAs. Finally, in a joint meeting between the Exam Committee and the PATF May 30 – June 1, work will be done on setting the cut score.

Chairs of the task force are Sunny Andrews of Nebraska and Marcia Heitz of Illinois. Members are Jane Anker, South Carolina; Rubi Clay, Colorado; Carol Cohen, New York; Vicki Coy, New Brunswick (replacing Brenda MacPherson); Maestro Evans, Georgia; Janice James, Kentucky; Peter Langseth, Minnesota; Dorinda Noble, Texas; Lynn Pehrson, Utah; Richard Shelton, Alberta; Mila Tecala, District of Columbia; Robert Walker, Kentucky; and Dan Wheelan, Rhode Island. President Bruce Buchanan is the Board of Directors liaison.



**Bob Walker of Kentucky, a designated snow driver, cleans the van windows outside of ACT headquarters.**

## COUNSEL'S COLUMN

### *Court flushes arguments*

By DALE ATKINSON  
Atkinson & Atkinson

The ability of a regulatory board to gather and, perhaps, use information about a licensee or applicant can create several legal issues worthy of consideration. Boards of social work are created and empowered through a legislative process. They may only exercise the power and authority given to them in the enabling legislation, sometimes referred to as the practice act. Boards are also encouraged to have some working knowledge of additional statutes within the state and/or federal legislative scheme that may have an effect on the operations of the board.

Confidentiality and privacy rights are a prime example of the fertile legal ground that may provide licensees/applicants with opportunities to challenge board actions. Consider the following case.

Based on a new law in Texas, applicants for licenses as plumbers, as well as renewal applicants, must provide their social security numbers to the board. Effective in 1996, the statute requires licensing boards to collect social security numbers from all applicants for licensure and renewal in an effort to better enable the state to enforce child support obligations by suspending professional licenses.

A plumber, licensed since 1974, submitted his renewal application with his social security number and renewed his license. He then began litigation seeking a declaratory judgment that requiring him to provide his social security number to the board violated his rights under the equal protection clause of the Texas constitution.

Although acknowledging the need by society for such a numbering system and admitting he used his number to file tax returns, the plumber argued that his religious beliefs make him leery of the use of the number as an identification tool. Specifically, the plumber argued that the federal statute prompting state licensing boards to collect social security numbers is section 666 of Title 42 of the United States Code. The plumber argued that "[666] codification reinforces to him that the use of the social security number merely as an identification tool is a precursor to the mark of the beast that will be used after the rise of the anti-Christ foretold in the Bible." The plumber believes that the "use of the social security numbers may condition people to accept the beast's mark later."

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Any question of  
constitutional rights  
can trigger close  
scrutiny by the courts.

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Dale Atkinson is a partner with the Illinois law firm that is counsel for ASWB. He is also executive director of the Federation of Associations of Regulatory Boards, of which ASWB is a member.



Based on this, the plumber filed suit in Texas state court arguing that the disclosure of his social security number as a requirement for keeping his license violated his right to work, to worship, to have privacy, to not speak, to defend himself and to be free from official discrimination. He sought an injunction to prevent the board from acquiring the numbers and to expunge his number from the records of the board. The district court denied the request for an injunction. The plumber appealed the matter to the appellate court in Texas.

On appeal, the court addressed the equal protection arguments. In so doing, the court recognized that the required burdens and judicial review of equal protection arguments is dependent on the rights affected. If the statute limits a fundamental, constitutional right or rights, or implicates a suspect class, the courts strictly scrutinize the governmental action. Otherwise, the courts look to see if a rational basis exists for the governmental action.

The court quickly determined that the plumber did not belong to a suspect class which is generally limited to classifications such as by gender, race, alienage and national origin. The court also addressed the issue of whether the rights alleged to have been impacted constitute "fundamental" rights. Upon review, the court held that the rights alleged to have been impacted do not constitute fundamental rights.

Accordingly, the court held that the scrutiny demanded under these circumstances requires the court to assess the matter under a rational basis test.

Under a rational basis test, the statute scrutinized must be sustained unless it is arbitrary and bears no rational relationship to a legitimate state interest. Citing a U.S. Supreme Court decision, the court noted that the state has no obligation to produce evidence to sustain the rationality of a statutory classification. Generally, courts must accept a legislature's statutory scheme even if there is an imperfect fit between the means and the ends and in spite of the fact that there may not be a "mathematical nicety" to the support the legislation.

Under this test, the court held that the provision of social security numbers by all applicants and renewal licensees does not impose a disparate impact or treatment on similarly

See COUNSEL, page 11

How 'bout that mid-February snowstorm? It stranded national office staff on the way home from the Practice Analysis Task Force meeting in Iowa City (they got as far as Chicago), and rerouted Kentucky PATF members **JANICE JAMES** and **BOB WALKER** to Cincinnati, where a (genuine) friend came to pick them up in an ice storm that hit the state hard.

But the most stress came for the ACE Committee, meeting in Culpeper. Members fled hastily on Saturday afternoon to a Dulles-area hotel, where members **SUSAN GRAY**, **JOYCE WESTPHAL**, **MARIA CARROLL**, **CORKY HEMPE** and **KATHY OUTLAND** and board liaison **SAUNDRA STARKS** continued working. **ANDREA BENFIELD** was able to flee south to home in North Carolina, with the storm right behind her. Most of the others didn't get out until Tuesday, because workers at Dulles were busily trying to move two feet of snow.

It was a learning experience, though, for some of the PATF folks. Turns out Canadians do know how to drive in snow—at least, judging by Alberta's **RICHARD SHELSON**.

\*\*\*\*

**VICKI COY**, the new member from New Brunswick on the PATF, got home ahead of the storm, since she was heading north. But the next day her luck turned on her--she hit a deer going into work. She wasn't hurt, but said that couldn't be said for the car or the deer.

On the bright side, **VICKI** has been accepted for her Masters in Social Work at Dalhousie University (Halifax, Nova Scotia).

\*\*\*\*

The national office received lots of nice holiday cards, but one of the best has to be from Exam Committee member **DONNA REWOLINSKI** and family. It featured an inside photo announcing "Merry Christmas from Seoul, South Korea," showing the **REWOLINSKI**s dressed for very warm weather (presumably in South Korea, but how do we know for sure? Oh, right, a sign back of them saying "Seoul"), but the front was even better. There were the **REWOLINSKI** dogs, one wearing a Santa hat, and the other announcing

"I'm no Momma's boy. I don't wear stupid hats."

And **EVELYN SEATON** from Oklahoma sent a photo of her young daughter, proclaiming, with an appropriate, widely

smiling illustration, that all she wanted for Christmas was, right, front teeth.

## Association Asides

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A gift for the publications staff came from **ALISON MACDONALD**. It's a Canadian dictionary, "to assist with your translation and interpretation as you begin to learn 'Canadian,'" **ALISON** said. She marked several key pages, including the entry for "eh," which is "an exclamation expressing doubt, surprise, or failure to hear exactly." But it can also indicate that an answer of "yes" is expected, as in "You're expecting to have difficulties with your flight home, eh?"

\*\*\*\*

More news from **ALISON**—she's being published in the *Encyclopedia of Social Welfare History in North America*. She said her submission is 500 words long, and took her two days over the Christmas break—mostly trying to cut it down.

\*\*\*\*

In a letter of appreciation to the association for the new awards program named for him, **SUNNY ANDREWS** wrote that he had waited to "live down the euphoria" before writing. "The biggest problem is that there are not enough words in the English language. . . to describe my feelings and gratitude," he said. But he added he didn't need ASWB to name an award for him "to continue feeling the highest level of commitment to the Association and loving the people involved. . . ." **SUNNY**'s award received attention in the University of Nebraska at Omaha newsletter, *The Gateway*, and was given its own page on the UNO website.

\*\*\*\*

There are now several ASWB listservs, including the one for board

members. In a recent discussion, there was agreement that a number of people post to several of the listservs regularly. New Director at Large **ROGER KRYZANEK** was mentioned as a frequent contributor to several of them. **ROGER** agreed, but wasn't totally sure this is a mark of distinction. "I gotta get a life," he admitted.

\*\*\*\*

Speaking of getting a life, **ROGER** had another take on volunteer board service, one that probably applies to most board members to some extent. He traveled 130 miles one-way to Salem, Oregon, for board meetings, and figures in nine years on the board he made the trip more than 100 times. That's 26,000 miles!

\*\*\*\*

**PAUL CARMONA**, chief of the Consumer Protection Division of Texas, welcomed participants to the February FARB Forum in Austin. For all who have wondered, he explained a bit of Southern-speak. Everyone is familiar with y'all as a basic pronoun, but he explained that "y'all's" is the possessive—and "all y'all's" is the plural possessive. A native of Texas, he went to Princeton University, and he explained that "'Y'all' was hard to stop saying when I went to college in New Jersey. Then when I came back to Texas I had to stop saying 'youse guys.'"

\*\*\*\*

Besides the presence of FARB Executive Director and ASWB legal counsel **DALE ATKINSON**, and **JULIA WORKS** of the Atkinson & Atkinson law firm, at the FARB Forum, ASWB had other representation. The Board of Directors held its February meeting there, and then attended the Forum sessions.

Also there were **SUE FOSTER** and **LUCY GEE** of the Florida Department of Health, **LOUIS HOFFMAN**, **ANTONIA WILCOXON** and **STEVEN SAWYER** of the Minnesota Board of Social Work, and **ANDREW MARKS**, Executive Director of the Texas State Board of Social Work, a presenter. From Louisiana came board member **KENNA FRANKLIN** and administrator **SUZANNE PEVEY**. **DORINDA**

More ASIDES, next page



Accumulated snow made quite a heap by the time the February storms in Virginia had finished with the national office.

**COUNSEL** \_\_\_\_\_ From page 9

situated individuals. The court also held that there was a rational basis for the state in attempting to enforce the social legislation related to child support. Finally, the court rejected the arguments of the plumber that there was a less intrusive means to gathering identification data on applicants and licensees. In short, the court stated that the mere existence of an alternative or even superior method did not render the current system irrational or unconstitutional.

The debate over data collection by regulatory boards and confidentiality of information is complex and subject to the application of differing state laws and federal statutes. This case offers insight as to the constitutional analysis of courts when confronted with an equal protection argument.

*Mauldin v. Texas State Board of Plumbing Examiners*, 2002 WL 31890829 (App. Ct TX, Dec. 31, 2002)

**From page 10**

**NOBLE**, former Louisiana board member who now lives in Texas and is on the ASWB Practice Analysis Task Force, came to visit them.

\* \* \* \*

The last week in February meant retirement for **NORM COHEN**, veteran executive secretary of the New York Board of Social Work. **NORM** posted a listserv notice introducing **DAVID HAMILTON**, his replacement. **DR. HAMILTON** has been executive secretary for the boards of physical therapy, podiatry and ophthalmic dispensing in New York, but he's a Certified Social Worker (CSW). His Ph.D. in social work is from Virginia Commonwealth University, and he's worked extensively with the New York State Chapter of NASW.

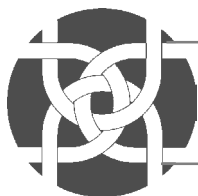
He'll be at the Spring Education Meeting in Buffalo, where the New York board is holding its own meeting as well.

\* \* \* \*

Nebraska board member and ASWB DARS Committee member **AMANDA RANDALL** has received the College of Public Affairs' Outstanding Teaching Award at the University of Omaha for 2003. She was a first-time nominee, and won handily. The School of Social Work is a unit of the college.

\* \* \* \*

ASWB had a booth at the CSWE meeting in Atlanta. **DELFINO TRUJILLO** helped with staffing, board member **SAUNDRA STARKS** was there, and visitors included present or former Exam Committee members **STEVE MARSON**, **COLLEEN GALAMBOS**, **CONNIE KLEDARAS**, and **CAROL BOYD**, item-writer **TERESA CROWE**, Item Development Consultant **ANN MCALLISTER**, and South Carolina board member **MARJORIE HAMMOCK**. Others stopping by were social work author and researcher **LEON GINSBURG** of South Carolina and the presenters for this year's Spring Education Meeting, **LARRY SHULMAN** and **ALEX GITTERMAN**.



**THE ASWB CALENDAR**

**March 7 - 9**

Board Member Training, Morristown, N.J.

**March 28 - 30**

Examination Committee, Culpeper.

**April 12**

Finance Committee, Culpeper.

**April 21 - 26**

National Association of Black Social Workers, Jacksonville, Fla.

**May 1**

Board of Directors, Buffalo, N.Y.

**May 1**

Administrators' Forum, Buffalo.

**May 1 - 4**

Spring Education Meeting, Buffalo.

**May 3**

Nominating Committee, Buffalo.

**May 30 - June 1**

Examination Committee/Practice Analysis Task Force, Chantilly, Va.

**June 27 - 29**

Board Member Training, Chantilly, Va.

**June 27 - 29**

Item Writer Training, Chantilly.

**November 7 - 9**

Annual Meeting, Colorado Springs, Colo.



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Social Work Boards

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## INSIDE:

ASWB committees for 2003.  
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# association news

## Social Work Summit looks at coalition, image campaign



Social Work Summit II drew representatives from all facets of social work. ASWB President Bruce Buchanan and Executive Director Donna DeAngelis are at the far right, standing in back.

ASWB President Bruce Buchanan and Executive Director Donna DeAngelis both attended Social Work Summit II in Washington, D.C., in early December. Sixty-eight leaders representing 42 national social work membership organizations participated in the summit, hosted by the National Association of Social Workers (NASW).

NASW president Terry Mizrahi and NASW Executive Director Elizabeth Clark began the event with welcoming remarks. Heather Booth, an organizer for social and economic justice issues and electoral politics for more than 30 years, spoke about building influence in advocacy. Her focus was on the five

Managers, Jill Manske of the Department of Veterans Affairs, Gary Bailey of NASW, Jean Quam of the National Association of Deans and Directors, Mary Raymer of the National Hospice and Palliative Care Organization, Social Work Section, Carol Marcusen of the Association of Oncology Social Work, and Angelina Martinez of the National Association of Puerto Rican/Hispanic Social Workers.

Major themes that emerged included launching a national image campaign, developing a social work coalition, and establishing a national commission on the economics and value of social work.

“M’s: message, messenger, money, mobilization and movement.”

The gathering explored legislative advocacy, fundraising, grant seeking and professional networking and collaboration. In groups, they talked about concrete ideas for improving the social work profession’s image and influence, as well as increasing collaboration among organizations. Facilitators for the groups were Frank Baskin of the Council on Social Work Education, Shelly Wimpheimer of the National Network of Social Work