



Annual Meeting this year in Baltimore, November 10 - 12



# association news

August 2006  
Volume 16, No. 4

newsletter of the Association of Social Work Boards

## Inside:

*Changes proposed to the Model Law.*

*Page 3.*

*In Munich, social workers worldwide gathered.*

*Page 5.*

*New exam writers trained.*

*Pages 6, 7.*

*Satterwhite leads*

*Program Committee*

*Page 8.*

## Staff position proposed for ASWB board

Proposed changes to the ASWB bylaws could result in the inclusion of the Administrators Forum as an “official” meeting of the association, and the establishment of a Board of Directors whose membership would be expanded to include a Member Board Staff position.

These issues, along with a resolution addressing appropriate use of the ASWB examinations, will be put to a vote of the Delegate Assembly during the 2006 Annual Meeting, November 10-12 in Baltimore, Md.

The amendments were developed by the ASWB Bylaws and Resolutions Committee after it considered a similar proposal forwarded by the ASWB Board of Directors on behalf of participants in the Administrators Forum. In forwarding the original document,

the Board of Directors took no position in favor of or in opposition to the ideas, but acted only as a mechanism for moving the proposal forward. This was because as the proposals were originally drafted, there was no bylaws-recognized sponsor.

The original proposals were discussed by the committee, which chose to draft similar wording that would be a better fit with existing bylaws language. In the end, the Board of Directors voted to withdraw its proposal in light of the amendments being put forward by the Bylaws and Resolutions Committee.

The proposals now being forwarded to the ASWB Delegate Assembly would create an additional seat on the Board of Directors. In order to qualify for election to this seat, the candidate would need to be

on the staff of an ASWB Member Board—if this person ceased to be employed in this capacity, he or she would be removed from the association’s board. The new position would be a full voting Director at Large slated by the ASWB Nominating Committee and elected by the full Delegate Assembly. The term would be a standard two-year term, identical to all other director positions (except the president).

Over the years, the notion of having a set-aside position for an administrator has been discussed at both the Administrators Forum and in meetings of the Bylaws and Resolutions Committee, but this is the first time a formal amendment proposal has been developed. The concept is not

See BYLAWS, page 4

## Preapproval proliferation is major gain for exam security

Preapproval of candidates for licensure before they can take one of the ASWB examinations has now extended to almost all jurisdictions, with the recent additions of Missouri, New Hampshire, Ohio, Pennsylvania and Washington, D.C. Board control over those sitting for the tests is a key to exam security.

Missouri has already made the change. Washington, D.C., notified the association in June of additions to its regulations, with amendments

added to no longer permit D.C. social work candidates to take an exam without board approval. In New Hampshire and Ohio, candidates must be preapproved beginning Jan. 1, 2007. Pennsylvania will begin preapproval next May; the delay is due to a complication with another provision of the law.

Only four states now permit the exam to be taken without first qualifying with the regulatory board. Of the Canadian provinces that are using the exam, all are using preapproval.



## **BOARD OF DIRECTORS**

### **President**

Roger Kryzanek, LCSW  
Oregon

### **Past President**

Delfino Trujillo, MSW, LISW  
New Mexico

### **Secretary**

Ginny Dickman, LSW  
Idaho

### **Treasurer**

Jonathan D. Finck, LCSW  
Missouri

### **Directors at Large**

Charlotte McConnell, LICSW, MSW  
Washington, D.C.

Sandra Starks, Ed.D., LCSW  
Kentucky

Suzan Turley  
Oregon

### **Executive Director**

Donna DeAngelis, LICSW, ACSW

*Association News* is published by the Association of Social Work Boards, 400 South Ridge Parkway, Suite B, Culpeper, VA 22701, Kathleen Hoffman and Troy Elliott, editors. The opinions and views expressed in this publication do not necessarily reflect the official views, opinions or policies of ASWB or any member board unless expressly so stated. Copyright by the Association of Social Work Boards. All rights reserved.

800/225-6880  
540/829-6880  
540/829-0142 FAX  
info@aswb.org  
http://www.aswb.org



## ***A walk on the public side of public protection***

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

From what regulatory board members tell me, many find that setting professional standards, making sure social workers meet those standards, and investigating and disciplining peers and colleagues is a lonely and often difficult job. I have just had a personal experience as a member of the public who receives services that reinforced again to me how important the job is that you do. In May I had total hip replacement surgery, the first surgery I've ever had since my tonsils were removed when I was six years old. I was very anxious about having this done and went into it with great reservations and trepidation. I am sure I felt just like many social work clients feel when they make an appointment or walk in the door.

Knowing about professional regulation, I of course checked out the surgeon with the Maryland medical board and the organization that certifies orthopedic surgeons. I also checked the accreditation status and report of the hospital. But I didn't know who the anesthesiologist would be, so I could not do any research on that person, and I was attended by at least

two dozen nurses at various times during my four day incarceration. I was physically vulnerable.

I had to trust that

these people, who were privy to all things usually guarded in the strictest privacy, were qualified, competent, honest and ethical.

I had to rely on the fact that they were all required to be licensed in Maryland, and that they were currently licensed or they would not be practicing. Registered nurses, licensed practical nurses, nurses aides, medical technicians, physical therapists and occupational therapists came into my room like members of a parade, and each day there were different ones. I only had two nurses aides and one physical therapist who were on duty and assigned to me twice during my stay in the hospital. Fortunately, the care I received was excellent, sensitive and compassionate and my worst fears were not realized. My vulnerability was not exploited.

Then I came home and the parade continued with visiting nurses, occupational therapists and physical therapists marching into and through my home. They found me wherever I was—upstairs in bed, downstairs at the computer, or on the porch—strangers came into my home to prod and question me. Again, I had to trust that these people were licensed in the state of Virginia in good standing and thus, competent, knowledgeable, sensitive and ethical. Again, I was fortunate to get excellent home health care from reliable, caring providers who did not knock me unconscious and ransack my house. Again, my vulnerability was not exploited.

This is what we ask social work clients to do—to trust us, to share with us their deepest secrets, their thoughts and feelings, and their most dreaded fears at a

---

I had to trust that these  
people . . . were qualified,  
competent, honest and ethical.

---

See **PUBLIC PROTECTION**, page 11



On this year's DARS Committee are, from left, Patricia O'Reilly of West Virginia, board liaison Ginny Dickman, Ben Foster of Virginia, chair Taylor Aultman of Louisiana, Jim Rough of Ohio, Janine Granchelli of New Brunswick and R. Dale Smith of Kentucky. Not pictured, but joining the summer meeting by conference call, is Jennifer Elpers of Colorado.

## MODEL LAW

### *Exam retake limits, researched supervisor requirements, and fingerprinting may be added*

A limit on examination retakes for failing candidates, as well as a requirement for a criminal records check, will be added to the ASWB Model Social Work Practice Act if proposals from the Discipline and Regulatory Standards (DARS) Committee are accepted by the Delegate Assembly.

The committee has recommended additions both to the text of the law and to the regulations on retakes, which have not been addressed before. The DARS report was approved by the Board of Directors in its August 11 meeting to be presented for a vote at the Annual Meeting in November.

Wording would be added to the model statute itself giving boards the authority to limit the number of attempts on the exam "to protect the integrity and security of the examination and to ensure minimum competence."

Model regulations proposed by the DARS Committee permit a maximum of three attempts to pass the exam before the candidate must request permission for another retake from the board, which would have the option to require remedial education.

There are such limits in some jurisdictional laws already, but others do not limit the retakes; candidates may take the

exam as many times as they want to attempt it, within the limitations imposed by the 90-day wait between takes.

Another major change recommended by the committee and approved by the board for a Delegate Assembly vote was the criminal records check. Language was added to require possible state and federal criminal records checks, by means of fingerprinting, to determine good moral character.

A third major change proposed for the model act is a new section that would allow more leeway in gathering data needed by candidates for licensure when they apply to the board. It would empower the board to rely on documentation and verified dated "gathered and stored by not for profit organizations which share in the public protection mission of this board." In an increasingly electronic age, boards would be able to accept documentation from verifying sources that have originals, rather than storing the paper originals themselves. The ASWB Social Work Registry is one such source.

Detailed information on those and other amendments to the model act will be given in writing to those attending the Annual Meeting.

Since social work supervision for licensure is increasingly a topic under discussion, the board approved in concept a recommendation from the DARS Committee for a job analysis or other method of study on supervision.

The committee, meeting in Virginia on July 15, responded to comments by committee members Ben Foster of Virginia and Jim Rough of Ohio. In examining a part of the model act, the two administrators realized that the section on supervision needed more detail than they felt able to provide. They knew from experience in their home states that there is little information on what supervisors should be able to do and how they should be qualified, and they suggested that the job analysis was the way to lay the groundwork for changes to the law.

Options on how best to handle the project will be considered at the next board meeting.

The 2006 DARS Committee was chaired by Taylor Aultman of Louisiana. Besides Foster and Rough, members are Jennifer Elpers of Colorado, Janine Granchelli of New Brunswick, Patricia O'Reilly of West Virginia, Dale Smith of Kentucky, and Ginny Dickman of Idaho as board liaison.

## BYLAWS

Continued from page 1

an unusual one for groups like ASWB—staff research into governance structures of other regulatory board associations revealed about a 50-50 split between groups that do and do not create set-asides for member board staff on their governing body. Pros and cons about the adoption of this amendment are discussed in the ASWB Bylaws and Resolutions Committee report to the Delegate Assembly, due out in early September.

The second proposal would retitle Article VI of the bylaws, currently called “Delegate Assembly Meetings,” to “Association Meetings” and would add the ASWB Administrators Forum to what is essentially a list of officially recognized meetings offered by the association. The amendment was drafted as a way to recognize the forum event as an important meeting offered by ASWB, but does not obligate the association to fund attendance, and does not constitute the forum as a standing committee or other body within the association. Under this proposal, all forum agendas would be subject to the same approval and dissemination guidelines as agendas for the Annual Meeting and Spring Education Meeting.

In addition to the proposed amendments, the Bylaws and Resolutions Committee is also forwarding a resolution that would direct the Board of Directors to “enhance and strengthen existing policies, procedures and letters of agreement

with ASWB member boards to ensure the use of ASWB examinations within designed categories, and to require all examinees to apply for licensure and be approved by a member board as a prerequisite to taking an ASWB examination.”

The resolution was drafted after committee members agreed that a resolution from the Delegate Assembly would provide official support for efforts already being made by the Board of Directors to protect the examination program. The preamble text to the resolution cites the potential security and validity risks associated with allowing candidates to take an ASWB exam before they have been approved to do so by a member board, as well as the risks involved in allowing examinations to be administered to groups other than those targeted by the specific exam category (for example, allowing recent MSW graduates to take the Clinical examination, or allowing BSW students to take the Masters examination).

Bylaws amendments require a two-third vote of member boards present at an annual meeting; resolutions require a simple majority. The 2006 Bylaws and Resolutions Committee chair is Jenise Comer (Mo.), with members Mary Macomber (Fla.), Robert Showers (La.), Tom Tupa (N.D.), Alison MacDonald (Alberta), and Timothy Martel Brown (Texas). Charlotte McConnell (Washington, D.C.) serves as Board of Directors liaison.



On this year's Bylaws and Resolutions Committee are, from left, Timothy Martel Brown of Texas, Jenise Comer of Missouri (chair), Mary Macomber of Florida, Robert Showers of Louisiana, board liaison Charlotte McConnell of Washington, D.C., and Alison MacDonald of Alberta. Not at the meeting was Tom Tupa of North Dakota.

## *National media notes that ACT's college admissions test is gaining on the troubled SAT*

ACT, the Iowa City testing contractor that helps develop and administer ASWB's examinations, has gotten quite a bit of attention in the news recently.

Its big college-entrance exam, called the ACT and for years somewhat in the shadow of the SAT, has been gaining ground in the wake of problems with the SAT. The ACT has been accepted for years by many colleges, and is now getting more and more use.

According to a major story in *Newsweek* magazine, high school guidance counselors interviewed said the ACT, with 1.2 million test takers in the class of 2005 compared with 1.5 million for the SAT, will eventually catch up. Educators are advising students to take both, in many cases.

The two tests are scored very differently, and the SAT has always been the longer test, but students usually do equally well on both. The SAT was recently revamped, with a new writing section including an essay, more difficult math questions and more reading analysis questions. But the new SAT was very long, and educators are concerned that fatigue plays an unacceptably large role in the scores.

In addition, last fall there were mistakes made in scoring the SAT. More than 4,000 students had scores reported to colleges that were lower than they should have been. The College Board, operator of the SAT, was slow to report the errors, and the admission process was well underway by the time corrections were made. Again, there was major media coverage.

In comparison, when ACT had an error in the test scoring construction that caused some candidates on the social work licensing exams to score too low in 2001, the Iowa City company immediately reported it to ASWB. It then contacted all the candidates, and handled all complaints and damages very carefully and thoroughly.

# IFSW IN MUNICH

## *"A World Out Of Balance – Working For a New Social Equilibrium"*

By **ROGER KRYZANEK, LCSW**  
ASWB President

This was the title of the recently held 50<sup>th</sup> anniversary World Conference of the International Federation of Social Workers (IFSW). Past President Delfino Trujillo, Executive Director Donna DeAngelis and I had the pleasure of attending the conference on behalf of ASWB. The conference took place in Munich, Germany from July 30 through Aug. 3. There were over 1,500 social workers in attendance, representing 76 different nations.

This was my first time to attend such an event and I must say it was both overwhelming and reassuring at the same time. I was really taken by the rich cultural diversity of the attendees. I met people from around the world, most for the first time and some, like the friends I met in New Zealand in 2005, for a second time, and on another continent to boot. I learned that social workers in other parts of the world sometimes speak a different language when it comes to the setting in which they work, the funding they receive to do their work and the political challenges they routinely encounter. However, it was reassuring to realize that the social work values that I hold most dearly seem to have a universal basis. Even though our languages may have differed, our challenges and concerns as social work professionals were very much alike.

The conference offered a wide variety of workshops and seminars. I chose to focus on the issues of social work ethics and social work regulation. On the opening morning of the "Scientific Programme," our own Donna DeAngelis was a participant in a panel with social work regulators from Northern Ireland, England, Wales, New

Zealand and the Republic of Ireland. Much to my surprise and delight the room was packed.

After each panelist made some overview remarks about the new global economy and the social work profession, we broke into small groups. What followed was a lively discussion about how social workers from around the world were dealing with the regulation of their profession. The scope of regulation discussed ranged from nothing at all to what we

For public protection,  
" it is our ethical  
responsibility to talk to  
one another and share  
information about best  
practices."

know here in North America.

Even though participants from some nations expressed apprehension about the journey into regulation, I heard no one say that this was a bad idea. Most agreed that the IFSW provided the perfect forum for an international discussion on this topic. The new president of the IFSW, David Jones from the U.K., said that he fully supported and encouraged such a forum within the federation.

The seeds had now been sown. A follow-up meeting took place the next afternoon and a group representing nine nations agreed to work informally at first to generate discussion and information sharing. The goal of the group was to gather information regarding the global regulation of social work and to create a spot on the agenda for regulators to meet again at the next IFSW World Conference in 2008.

All agreed that regulation is really about protecting the public. Sean McKinley, registrar of the New Zealand Social Work Regulation Board, said it best. "If we believe in public protection then it is our ethical responsibility to talk to one another and share information about best

See IFSW, page 11



ASWB Executive Director Donna DeAngelis was part of a panel that spoke about social work regulation at the IFSW meeting. With her are Sean McKinley of New Zealand and Brendan Johnston of Northern Ireland.



At the IFSW 50 anniversary meeting, this group representing nine different regulatory agencies or organizations agreed to create a listserv to stay in touch with each other. Pictured from ASWB are Donna DeAngelis, center rear, and Roger Kryzaneck, second from right in back.

## *26 new writers trained to feed the endless appetite of the examinations*

Five educators, three Alaska social workers, editor are included

Twenty-six new examination writers were trained this year, including ASWB Director at Large Sandra Starks of Kentucky, and three Alaska social workers who are the first to be involved in the program from their state.

Quite a bit of interest was generated in Alaska this year, as the association continued its efforts to be geographically diverse in the examination program.

Starks is particularly interested in generating difficult-to-write diversity items; she learned about the complexities of writing such questions from observation of the Examination Committee.

The three Alaska writers are themselves pretty diverse, both geographically and in area of practice. They are Samantha Abernathy from Juneau, Jennifer Halter of Anchorage, and Julie Niven from Nome. Abernathy has a private practice and works for the Rainforest Recovery Center. Halter has practiced as a clinical social worker in rural and urban settings for the past ten years, while serving in the U.S. Air Force, and Niven is a member of a mobile adolescent treatment team.

Also among the participants this year is Tim Brown of Texas, a member of the Texas State Board of Social Work Examiners, and frequent attendee at Delegate Assemblies. There are five social work educators: Dr. Matilda Casler of Eastern Nazarene College in Quincy, Mass.; Dr. JoAnn Damron-Rodriguez of the School of Public Affairs with the University of California, Los Angeles; Dr. Kristi O'Dell of the University of



Newly trained examination writers are, from left in front, Ashley Olsen, Karen Tamminga and Trevor Gates; second row, Janice Wells, Melissa Lewis and Tim Brown; third row, Sandra Fortier, Dena Sperling and Traci Bartley Young; fourth row, Zena Van Rosi, Melanie McCoy and Matilda Casler; fifth row, Shari VanderGast, Kristi O'Dell and Sandra Starks; then behind Shari, Barbara Brady; next row, from left Julie Niven (in vest), Amber Rossman, Linda Grobman and Jennifer Halter; behind her, Linda Openshaw, against the back railing; Samantha Abernathy; and then the last three, front to back, Jaime Hoffman, Joanne Damron-Rodriguez and Betty Streett.

### **Time to recruit more exam writers for next year**

With the 2006 Item Writer Training for social workers to write examination questions completed, ASWB is again starting the cycle of selecting the class for 2007. The deadline is not until the end of this year.

The training is tentatively set for June, in Northern Virginia. Potential writers are asked to send a letter of interest and a resume to the association at 400 South Ridge Parkway, Suite B, Culpeper, VA 22701, or to [khoffman@aswb.org](mailto:khoffman@aswb.org). Applicants will be asked to complete a fairly detailed screening document, which asks for not only the assurance of time commitment, but for some sample questions.

Writers must be licensed social workers, and they must be willing to sign a confidentiality statement to protect the security of the exams. For more information, call (800) 225-6880, Ext. 3006.

See TRAINING, Page 7

## Two kinds of training on this page

### **TRAINING** ————— From page 6

Mississippi; and Dr. Linda Openshaw, assistant professor of social work at Texas A&M in Commerce, Texas.

There are also a lawyer, Shari VanderGast, and the editor of a social work magazine, *The New Social Worker*, Linda Grobman. Both are from Pennsylvania. Other newly trained writers are Barbara Brady of Oregon, Janet Coon of Colorado, Sandra Fortier of New Mexico, Trevor Gates of Texas, Jaime Hoffman of Colorado, Melissa Lewis of West Virginia, Melanie McCoy of Maryland, Ashley Olsen of South Dakota, Amber Rossman of Missouri, Dena Sperling of New York, Betty Streett of Mississippi, Karen Tamminga of Oregon, Zena Van Rosi of British Columbia and Traci Bartley Young of Pennsylvania.

This year's trainees join more than 40 writers from previous years who are paid to produce the raw items that go to consultants and then on to the Examination Committee.

Volunteers working with the writers were Exam Committee co-chairs Megan McNeill of Maryland and Richard Shelton of Alberta.

Training was conducted by staff and by the three veteran item development consultants, Ann McAllister, Glenda McNeill and Leila Whiting, and a fourth consultant added relatively recently, Dan Wheelan.



**Shari VanderGast of Pennsylvania works away at her laptop at Item Writer Training.**



Participating in the Board Member Training in Indianapolis were, starting from left in front, Jason Floyd of Alaska, Jan Fitts of Nebraska, Kathie Miller of Missouri, Betty Ruth of Massachusetts, Joyce Reid of Saskatchewan, Terri Marty of Missouri, Susan Nasser of Nova Scotia, Nina Anglin of Kentucky, Papiya Das of Alberta, Gail Henderson of Alaska. From left in back are Henry Pretty on Top of Montana, Jose Camerino of Ohio, Matthew

Frederick of Arkansas, Karine Levesque of New Brunswick, Sharon Stuewe and Amory Lovin, both of Kansas, Amanda Duffy Randall and Bruce Buchanan, cochairs of the training, Henry Acosta of New Jersey, Noel Taxin of Utah (looking between Susan Nasser and Nina Anglin), Len Altamura of New Jersey, Doug Mitchell of Arizona, Suzan Turley, ASWB director at large (just behind Papiya Das), and Allen Cushingberry of Michigan.

# Updates

## *Satterwhite named to chair new Program and Education Committee*

A revised Program and Education Committee has been appointed—the only group to be named during the summer, following the Spring Education Meeting.

Members appointed in July by President Roger Kryzanek are Jerry Satterwhite of Alabama, chair; and Jane Anker of South Carolina, Cynthia Breen of Montana, Valerie Jones of Indiana, Emily Jean McFadden of Michigan, Mark Oldham of Oregon, Richard Silver

of Quebec, and Walt Stamper of Massachusetts. The committee will meet at the Annual Meeting in Baltimore, to plan the spring meeting in Alabama.

Another change is in the Approved Continuing Education (ACE) Committee. Joseph Bodenmiller of Louisiana was unable to balance the volunteer work with his job in New Orleans as well as his efforts to reconstruct his life there, so Kryzanek named Jason Cowart of Alabama to replace him.

## *CAC to emphasize “transparency” in accountability in October meeting*

The Citizen Advocacy Center will hold its 2006 annual meeting in Williamsburg, Va., Oct. 17–20. The theme is “Accountability Through Transparency.”

Co-hosting the event is the Virginia Department of Health Professions.

The first session will be a debate, with some panelists arguing for more transparency regarding information gathered by licensing boards, and others speaking for

more restrictive policies. Session two will address accountability and transparency through public participation in board activities.

Other presentations will be on collaboration with other stakeholders, including credentialing agencies, and the results of a survey of boards of medicine and nursing on release of disciplinary information. Elizabeth Carter, executive director of the Virginia Board of Health Professions, will be one of

the speakers on Virginia’s sanction reference study. The state has developed a structured sanctioning system using points based on histories of board actions as a basis for decisions in similar situations.

The CAC is a not-for-profit organization that provides training, research, technical support and networking for public members of health care regulatory and oversight boards.

## *Wall Street Journal online boosts social work as a satisfying career*

CareerJournal.com, the Wall Street Journal’s online “executive career site,” has listed social work as one of the best careers to pursue. CareerJournal.com surveyed people about what makes them satisfied in their careers, and then finding careers with those qualities.

Top careers from this viewpoint included hospital and clinic managers, medical researchers, curriculum and instructional coordinators and physical therapists, as well as social workers, counselors and related managers.

## *Masters practice test is the second to be available to candidates online*

ASWB is now offering a second practice exam. The Clinical practice test has been available for months, and the Masters has just been added.

Either practice exam can be purchased by calling (800) 225-6880. Only candidates registered to take the corresponding exam may use a practice test, at a cost of \$75.

The Internet-access exams are intended to give candidates the experience of computer-based test-

ing, and on familiarizing them with the type of questions asked on the licensing exam. They are not intended to predict performance.

The poor quality of many test prep company’s questions, written hurriedly by a few people knowledgeable about the subject matter but not about producing items, in large part prompted offering the exam.

Candidates often pay several hundred dollars for this course

material, either written, online or on computer CDs, and then find the questions either simplistic or on content that is not tested in a minimum competence, practice-based exam. The questions on ASWB’s practice tests have been reviewed by the Examination Committee, and have performance statistics recorded for them because they have been retired from the actual exams.

# COUNSEL'S COLUMN

## *Psychology Board counseled*

By DALE ATKINSON  
Atkinson & Atkinson

Overlapping scopes of practice in related professions are often difficult for the public to sort out and, at times, can present interesting legal issues for regulatory boards themselves.

Practice acts are drafted to respect the fact that an ancillary profession (or professions) may also infringe upon the identified scope of practice. Ultimately, the question arises as to what board has "jurisdiction" over such practitioners and where the authority lies to administratively discipline those accused of violating the law.

Generally, these issues arise in accusations of unlicensed practice of a profession, as in the case of an individual licensed in one profession who may be practicing outside the scope of the license and in the scope of another profession. As has been presented at numerous ASWB conferences and as the topic of previous newsletter articles,

it is essential that social work boards possess the statutory authority to administratively discipline "individuals" or "persons," rather than the very limiting capacity to regulate licensees and applicants. The ASWB Model Social Work Practice Act identifies and includes board jurisdiction over all persons. (See ASWB Model Act Article III Section 301(a).)

However, issues may arise regarding the authority or jurisdiction of one board to discipline an individual who is licensed by multiple boards. The issues

become especially complex where there are overlapping scopes of practice and differing standards imposed on practitioners from each respective profession. Consider the following.

An individual was licensed both by the Psychology Board as a psychological associate (LPA) and by the Board of Licensed Professional Counselors as a professional counselor (LPC). He maintained separate practices providing group therapy to adult sexual offenders as a LPC, while also performing contract work as a LPA for Medicaid clients through a county mental health center. In fact, the licensee took comprehensive measures to keep his two practices distinct and separate, including

maintaining two separate offices, using separate letterhead without cross references to his dual licensure, and having separate listings in telephone books. In addition, he never held him-

self out as a LPA to his LPC clients.

The licensee confirmed that at all times he was engaged as an LPA, he worked under the supervision as required by the law regulating psychology assistants. But he admitted that when practicing as a LPC, he was not supervised in such practice for a period of about four years.

Eventually, the licensee informed the Psychology Board that he wished to discontinue his LPA practice, which triggered an investigation by that board. The

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.



Psychology Board found probable cause that the licensee had engaged in activities in the scope of his LPC practice that required supervision for a LPA. After an investigation and hearing, the psychology board determined that

"if the activities [performed] meet the definition of those activities requiring supervision under [the Psychology Practice Act, licensee] is required to receive such supervision no matter under which license he purports to be performing such activities."

Based on its findings, the board rejected the arguments of the licensee that he "parsed out" his activities between his LPA and LPC licenses. The board found wrongdoing and placed the practitioner's license on probation for two years. On appeal, the Superior Court affirmed the Psychology Board and upheld the sanction. The licensee appealed the matter to the Court of Appeals.

The appellate court identified the issue as whether the Psychology Board can require a LPA licensee to be supervised in his LPC practice by virtue of his LPA license, despite the fact that such activities need not be supervised under his LPC license. In its assessment, the appellate court first examined the language of the Psychology Practice Act which, in pertinent part, provides that the act precludes the Psychology Board from preventing:

**WALT and NANCY STAMPER** aren't sitting back in rocking chairs since he completed his term as ASWB director at large. They sent a photo of themselves on camels, taken in March. They were on the way to St. Simeon's Monastery, a 6<sup>th</sup> century structure in a desert area on the west bank of the Nile near Aswan, Egypt.



\* \* \* \*

Former Exam Committee member **LACEY TILLOTSON** returned for the August meeting in Herndon, substituting for a missing member.

\* \* \* \*

**JANICE JAMES** was back at the Exam Committee for that meeting, armed with pictures of her new baby, adopted from Kazakhstan.

\* \* \* \*

**LAURA GIBSON** (formerly Freese) of Indiana, who was on the Exam Committee a few years ago, reports that she just passed her qualifying exams and is now ABD.

\* \* \* \*

The first and long-since retired executive director of the then American Association of Social Work Boards, **DAVID JEFFREYS** of South Carolina, is still in the professional oversight biz. He's serving as a board member of the Funeral Consumers Alliance of South Carolina, and recently conducted a workshop on "Funeral Education for Social Workers" at the alliance's Biennial Conference.

\* \* \* \*

Talk about the complications of the electronic world—someone began using a Website called ASWB.com a while back, which would not have been particularly disturbing except that the owner was posting connections to exam prep courses and the like. (Also travel sites, etc.) It even listed a "link" to the "ASWB exam" which was simply another version of the list of prep courses. The possibilities for misleading people were endless.

It's taken a while and some lawyers, but the Web address has been ordered transferred to the Association of Social Work Boards (Website aswb.org) through action of the National Arbitration Forum. The only thing that could stop this from happening is an appeal.

According to the lawyers, the owner of the site has a history of such activities, and doesn't appeal.

\* \* \* \*

Bad timing for some of the people coming to the ASWB Board Member Training in Indianapolis, with the whole list of "incidents" on planes on Friday, Aug. 25. Occurrences ranged from someone who brought a stick of dynamite on board to the finding of a knife in a seat. Happily, no one was really affected, except no doubt by a general unease, and everyone arrived safely. Also, they departed safely on Sunday, even with the terrible Lexington, Ky., crash happening that morning.

\* \* \* \*

Few people at the training turned down a tour of the Indianapolis Speedway, the late Saturday entertainment. **VALERIE JONES**, the Indiana administrator, was very welcoming and helpful in advance—and while everyone was there.

\* \* \* \*

Also welcoming was the Indiana NASW, which sprung for box lunches for the group—and its administrator, **JOSEPHINE HUGHES**, showed great interest in the training.

\* \* \* \*

Another Exam Committee member from the past, **KIP COGGINS**, director of the social work program at the University of Texas at El Paso, will be the keynote speaker at the Michigan Indian Day Event in late September. **KIP** is from the Grand Traverse Band of Ottawa and Chippewa Indians. NASW-Michigan is a sponsor of the event.

\* \* \* \*

Some encouraging news for the testing industry in general: a test preparation company has been ordered by a federal judge to pay about \$12 million to the organization that creates the national bar exams. The company was sued by the National Conference of Bar Examiners for violating copyrights by using questions from actual tests.

\* \* \* \*

## Association Asides

Construction is (finally) picking up on ASWB's new building.

Culpeper's building boom has slowed the pace of processing permits and inspections, but the community is now beginning to feel the slowdown. Projects already begun can now expect to move more quickly.

\* \* \* \*

There's nothing like bilingual ability for something like the International Federation of Social Workers meeting. The translator for **YOLANDA DOMENECH LOPEZ** of Spain, presenting in a session on cultural competency, had to leave before the program was finished. ASWB Past President **DELFINO TRUJILLO** was pressed into service, and by all accounts did an excellent job with his Spanish to English task.

\* \* \* \*

Other people with ASWB connections who were at the IFSW meeting were **CAROL COHEN**, former New York board member and part of the last ASWB practice analysis task Force, and British Columbia board member **BRIGITTE WAGNER-YATES**.

## Sign up for the Annual Meeting to vote on bylaws, model law

The ASWB Annual Meeting will be held Nov. 10 - 12 at the Tremont Plaza Hotel in Baltimore, Md. The deadline for registration is Oct. 3.

As usual, the Administrators Forum as well as the Board of Directors will meet for most of the day on Friday, Nov. 10, with the Delegate Assembly itself convening at 4 p.m.

The draft agenda includes reports from President Roger Kryzanek, the Finance Committee, and a panel made up of the chairs of the Approved Continuing Education (ACE), Discipline and Regu-

latory Standards (DARS), and Bylaws and Resolutions committees. There will also be an executive session on the examinations.

The Program and Education Committee, which meets preceding the rest of the conference, will give the participants a look at what to expect at the Spring Education Committee on Sunday morning.

Fall elections are set for Saturday, with speeches on Friday. Seats in the association leadership that are to be filled

are president-elect, secretary, one for director at large, and the 2007 Nominating Committee.

Proposed changes in the bylaws and the model law are also to be presented for votes by the assembly.

The draft agenda was mailed out several months back, but board members and staff can register online at [www.ASWB.org](http://www.ASWB.org) (go to "members"), or by mail or fax. For questions, call Meeting Planner Jennifer Hoffman at (800) 225-6880, ext. 3007.

## IFSW ————— From page 5

practices." And this is what is already taking place. Through the good graces of Julia Watkins, director of the Council on Social Work Education (CSWE) in the U.S., a listserv for this group has already been created.

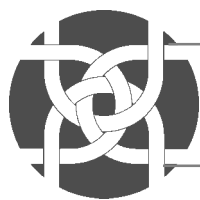
I came away from this conference with a newfound sense of pride in my profession. In spite of what seems to be an endless stream of bad news about war, terrorism, disease and poverty, it is comforting to know that there are so many caring and competent professionals from around the globe who care so deeply about these issues and for their fellow man. It was an honor to be able to meet with some of these folks for even a brief period of time.

It was also an honor to be present at this first international meeting of social work regulators for what IFSW President Jones called "a historic moment" in the history of the social work profession.

## PUBLIC PROTECTION ————— From page 2

time when they are emotionally vulnerable. Many, probably most, of these clients may not be informed consumers. They won't know what to expect, what their rights are, or how to complain to the regulatory board if there is a problem. Social workers hold a sacred trust with their clients to be knowledgeable, competent, caring, sensitive and ethical. As regulatory board members and staff, you ensure that social workers meet these standards and take action against them if they do not.

I was comforted by the fact that my professional caretakers were regulated. I am heartened by the fact that members of my own profession are regulated so that clients are protected from incompetent, unethical social workers who don't meet licensing requirements or are found to be guilty of violating the licensing law. Professional regulators, including social workers, not only protect the public but uphold the sacred trust to do no harm, and for this I am very grateful.



## THE ASWB CALENDAR

### September 14 - 16

Council on Licensure Enforcement and Regulation (CLEAR), Alexandria, Va.

### September 22 - 24

Examination Committee, Frederickton, N.B.

### October 6 - 8

Federation of Associations of Regulatory Boards (FARB) Leadership, Seattle, Wash.

### October 17 - 20

Citizen Advocacy Center, Annual Meeting, Williamsburg, VA.

### October 25 - 29

Baccalaureate Program Directors, Los Angeles, Calif.

### November 9

Program and Education Committee, Baltimore, Md.

### November 10

Board of Directors, Baltimore.

### November 10

Administrators Forum, Baltimore.

### November 10 - 12

Annual Meeting, Baltimore.

### April 26 - 29, 2007

Spring Education Meeting, Mobile, Ala.



Association of  
Social Work Boards

400 South Ridge Parkway  
Suite B  
Culpeper, VA 22701

## INSIDE:

Committee photos.  
Pages 3, 4.

# association news

## COUNSEL

From page 9

“qualified members of other professional groups from rendering services consistent with their professional training and code of ethics, provided they do not hold themselves out to the public by any title or description stating or implying that they are psychologists or are licensed, certified, or registered to practice psychology.”

Under the clear language of the statute, the court questioned whether the Psychology Board was authorized by the legislation to sanction its licensees for activities permitted by another applicable practice act. The Psychology Board argued that the Psychology Practice Act allows it to regulate a LPC practice because the licensee opted to obtain licensure as a LPA. Disagreeing, the court held that the statutory language did not support empowering the Psychology Board in such a manner.

The court also addressed the practical application of the Psychology Board’s arguments stating that following such logic would create hash results. That is, licensees who held dual licensure would be forced to adhere to the most onerous requirements, even if the practice fell squarely within the practice act of the additional license.

The court also said that a licensee under the Psychology Board’s arguments would unfairly be forced to surrender his license if he wished to engage in a LPC practice, or face disciplinary action by the Psychology Board.

Finally, the court held that the Psychology Board’s interpretation would be in conflict with the plain language of the statute. It stated that the licensee’s activities fell within both practices and the court could not state that his activities are “principally psychology any more than [the court] could say his activities are principally counseling.”

Based on its findings, the appellate court held that the Psychology Board did not have the authority to discipline a

LPA for activities of a LPC permitted under the counseling statutes. Thus it reversed the lower court and board and remanded the matter to vacate the disciplinary action.

***Trayford v. North Carolina Psychology Board***, 619 S.E. 2d 862 (App. Ct NC 2005)

## Correction

In the last issue of *Association News*, it was reported that Oklahoma had eliminated its provisional licensure. According to Jeff Chace, chair of the Oklahoma State Board of Licensed Social Workers, the board still issues a provisional license for a year. However, it did take language out of the law that permitted licensees to apply for a second provisional license once the first one had expired.