

Best wishes and happiness in whatever you celebrate this time of year



association news

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Winners in the 2005 ASWB elections at the Annual Meeting in Michigan are from left, Suzan Turley, Brad Watson, Jonathan Finck, Mattie Giles and Donald Montoya. Not pictured is Charlotte McConnell.

Two incumbents, new public member director elected to board

ASWB has only one new member on its seven-person Board of Directors for 2006. Suzan Turley of Oregon was elected at the November Annual Meeting as director at large. A public member, she succeeds Walt Stamper of Massachusetts in the position.

Also elected were two incumbents, Jonathan Finck of Missouri as treasurer and Charlotte McConnell of Washington, D.C., as director at large. Finck is beginning his second term, and McConnell had served one year as an appointee in the vacancy created by the election of Roger Kryzanek last year as president-elect.

Chosen by the voting delegates for the 2006 Nominating Committee were Mattie Giles of Washington, D.C., Donald Montoya of New Mexico and Brad Watson of British Columbia.

For this year's election, speeches were given on Friday night instead of the traditional Saturday morning schedule. Both

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Changes in bylaws give board breathing room in ASWB business

Delegate Assembly vote frees up decision-making

Years of puzzling over how to do Requests for Proposal and make other decisions on examinations services with almost insurmountable bylaws restrictions were ended for the ASWB Board of Directors by a vote of the Delegate Assembly on Nov. 5.

The Bylaws and Resolutions Committee had proposed several amendments to the bylaws that changed the way the association governs itself, particularly in regard to examination services contracts. The former bylaws had given the Delegate Assembly the power to approve the selection criteria for exam services, the selection of the contractor, and the contract itself.

In presenting its amendments, the committee noted that the Delegate Assembly's powers as established created "nearly unsolvable logistical problems" in seeking services and in negotiating a contract with a vendor. Any decisions made could be rejected at the last minute by the assembly—either leaving the association with an expired contract and no time to find a new contractor, or sending the board back to square one in the negotiations.

The changes, adopted unanimously by the Delegate Assembly, remove the larger body as the final word on the selection of the examination service provider, as well as contracts and contract ex-

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BOARD OF DIRECTORS

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Oregon

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New Mexico

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Ginny Dickman, LSW
Idaho

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Washington, D.C.

Sandra Starks, Ed.D., LCSW
Kentucky

Suzan Turley
Oregon

Executive Director

Donna DeAngelis, LICSW, ACSW

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News you missed if you didn't come to the Annual Meeting

By DONNA DEANGELIS, LICSW, ACSW
ASWB Executive Director

This column contains the report that I presented to the Association of Social Work Boards (ASWB) Annual Meeting of the Delegate Assembly on Nov. 4, 2005 in Dearborn, Mich. There were 37 jurisdictions represented at the meeting, and 97 people attending. These numbers were disappointing, considering the important recommended bylaws changes and the resolutions on the agenda.

As I noted at the meeting, there were five attendees from Louisiana, and three of those were from New Orleans where Hurricane Katrina inflicted damages to their homes and businesses. I noted that if they could attend the meeting, I was confused about why at least one representative from 21 other member boards couldn't make it.

During my time with the association I have had much to be thankful for, most of all the association's staff. ASWB now has 23 staff working at the association office, and I introduced the six members attending the meeting: Christine Breeden, Office Manager, Troy Elliott, Communications Director, Lavina Harless, Board Services Associate, Jennifer Hoffman, Convention and Meeting Planner, Kathleen Hoffman, Deputy Director, and Pat Olinger, Candidate Registration Center Manager. I also introduced former ASWB president Barbara Matz, who has been reconstituted as Board Services Consultant.

There is still good financial news this year. The association ended 2004 with a net gain of \$931,288 of revenue over expenses, an amount that almost tripled the reserve funding goal of \$328,547 for last year. Through Sept. 30 of this year we already had \$713,604 revenue over expenditures, which exceeds the targeted reserve funding for this year. This association remains on solid financial ground.

At the 2004 Annual Meeting the Delegate Assembly approved the purchase of additional property to accommodate growing operations at the association office. In April 2005 ASWB purchased a partially completed building on two lots in the South Ridge Office Park where the ASWB office is located. An architect was hired to design the space to meet our needs and there was also a contract signed with a construction company to do the work. Building permits are still being sought and we hope to move part of the office staff to that building by early spring.

This year, ASWB was honored to be awarded a contract, through a competitive bid, to process social work licensing applications for the Massachusetts Board of Registration of Social Workers. We were notified in December 2004 and started processing applications Feb. 1, even before the final contract was signed. As of Sept. 30, ASWB staff had reviewed and approved 1,101 licensing applicants to take one of the social work licensing examinations and issued 763 license numbers. Ten percent of Massachusetts applicants also enroll in the ASWB Social Work Registry at the time they apply for licensure.

This is a service that we are willing and ready to extend to any of our member boards, especially those boards that do not preapprove candidates to take the ASWB exams. ASWB is your organization and the right partner to do the job for you.

Last year we gave over 26,000 social work licensing examinations which contributed to increased revenue. By Sept. 30 this year, more than 20,000 examinations

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ARE WE THERE YET?

Outgoing president: in many ways, yes; but in others, the road stretches ahead

For the 20th anniversary of ASWB (then AASSWB), the association printed a history of itself titled *Are We There Yet?* recalled president Delfino Trujillo, as he spoke to the Delegate Assembly in his last meeting as president. "I think the answer today is, yes, in many ways, we are there," Trujillo declared.

But "there" for him is not an ending, although he expressed pride in the growth and development of the association to the point that "We have grown, and now the challenge is, how can we make the best use out of the programs we have developed?"

Over now 26 years, "We have worked hard together to acquire a set of tools that can assist boards in their public protection mission," the outgoing president said. "Now it is time to see what we can do with them."

He listed the Approved Continuing Education (ACE) program, the Social Work Registry, New Board Member Training, an increasingly useful Website, listservs, and above all an examination program that is considered one of the best professional gate-keeping tools in the U.S. and Canada. "Now that some basic components are in place, we can begin thinking about how they may be used in new ways."

Perhaps, he said, ASWB has the beginnings of the answer to the ongoing questions of continued competency. Through ACE, "we are developing a system that will be able to review and approve specific continuing education courses for social workers." Perhaps through a creative connection with the Registry, it could soon be possible to guide social workers toward appropriate CE courses for their professional development. ASWB, through these two programs, could "help boards take that important step from continuing education to continuing pro-



Delfino Trujillo says his farewells as president, wearing the New York Yankees jacket that was a thank-you gift from the association. In the background is incoming President Roger Kryzaneck.

fessional development."

While a great deal of the thinking about ASWB's future is in sharing information by technology, Trujillo said that "Our greatest strength has always been the people who contribute their time and energy to the work of ASWB." Because of the wealth of regulatory knowledge within the organization, "Could we develop a list of volunteers willing to provide their expertise to other regulatory boards on certain issues, and then help connect these people?"

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ELECTION

From page 1

candidates and participants reacted favorably, with those running saying that they had a number of questions and discussions with people before the election which they would not have had the opportunity for on the old schedule. Evaluation forms also expressed agreement that Friday worked better.

Turley has been a public member of the Oregon State Board of Clinical Social Workers for more than six years, and is its vice-chair. She is retired after several decades in the financial industry and

a long career with the state of Oregon. Her most recent position with the state was in the Department of Justice, in the Charitable Activities Section. There she regulated and trained nonprofit boards in their rights and responsibilities.

Finck owns and operates a private mental health practice with more than 50 employees and contractors providing clinical, mentoring and education services statewide in Missouri. He has been a member of the Finance Committee, and as treasurer has served as chair.

McConnell is executive director of Family and Child Services of Washington, D.C., Inc., one of the city's oldest and largest full service non-profit organizations. She has chaired several ASWB committees, and until this past year was chair of the board in her jurisdiction.

Besides the three election winners, the 2006 Board of Directors will be Roger Kryzaneck of Oregon, president; Delfino Trujillo of New Mexico, past president; Ginny Dickman of Idaho, secretary; and Sandra Starks of Kentucky, the third director at large.

Standards for technology are finally in place

Joint task force takes its best shot at the fast-moving target of electronic practice

A lengthy consideration of electronic practice standards by representatives of ASWB and the National Association of Social Workers (NASW) has resulted in new Standards for Technology and Social Work Practice, adopted by both organizations. ASWB approval came at the October Board of Directors meeting.

The standards will be a resource document, and are expected to change as technology evolves.

Current president Roger Kryzaneck, who served as a member, said that while the joint task force at first seemed to have a very intimidating task, the consensus was eventually just to apply social work ethics to technology.

The two groups began working together in the spring of 2004 to craft standards addressing activities ranging from clinical practice to research. Last spring, the nine-member task force worked on a somewhat shortened version, and then opened the draft for review and comment

until late summer. Then, it met again, discussed responses, and considered changes.

The resulting standards contain 10 general topic areas: ethics and values; access; cultural competence; technical competencies; regulatory competencies; identification and verification; privacy, confidentiality, documentation and security; risk management; practice competencies; and continuing education. The "practice competencies" section contains six subcategories: advocacy and social action; community practice; administrative practice; clinical competencies; research; and supervision.

Copies of the standards can be obtained from ASWB by emailing a request to info@aswb.org; additionally, the draft has been sent to all participants on the ASWB administrators and regulatory board member email groups.

Representatives to the task force from ASWB were Charlotte McConnell of Washington, D.C., Amanda Randall, Ne-

braska, Andrew Marks, Texas, Mary Burke, Maryland, and Kryzaneck (board of directors liaison). Representatives from NASW were Yvette Colon, Maryland, co-chair; Rebecca Ashery, Maryland, Dick Schoech, Texas, and Robert Vernon, Indiana.

TRUJILLO — From page 3

While examining ways for the association to do new things, the association must take care of the "tools" it already has, the president said, especially the examinations.

The care, attention and financial resources that are given to the exam would be weakened "if we have to expend resources defending ourselves against accusations based on the misuse, misinterpretation, and misrepresentation of exam-related data.

But referring to the discussion on the New York resolutions about sharing exam data, a discussion yet to come when he spoke on Friday, Trujillo said that he appreciated both the fact that the New York board, originator of the resolutions, was bringing its ideas out for a full discussion and vote. But "possibly most important is the fact that we can have these discussions in the first place," secure in the knowledge that "there are no claims of hidden agendas or motives—we recognize that we share the same goals."

"It has been my honor to serve as ASWB president during what I feel has been a time of transition from an organization seeking its proper role to an organization that has become comfortable in its role," the president added. During his term, beginning at the end of 2003, the list of Canadian provincial members has grown to seven. "ASWB has matured into an important international organization and it is now time to accept that role and the responsibilities that come with it."

Finances may swell and shrink, membership may increase rapidly or level off, "but it is my hope that ASWB never stops growing," Trujillo said.

After a year as president-elect and two in the office itself, the former New Mexico board chair still has a year on the board as past president.



Volunteers who were recognized for completing work on one or more association committees were recognized at the November meeting with the presentation of ASWB Jefferson Cups. In front, from left, are Joyce Westphal (IA), Nominating Committee; Charlotte McConnell (DC), NASW/ASWB Joint Task Force on Social Work and Technology; Janine Granchelli (NB), Nominating Committee; and Ben Foster (VA), Bylaws Committee. In back, also from left, are Patrick Wolberd (MT), Finance Committee; Tom Tupa (ND), DARS Committee; Amanda Randall (NE), joint task force; and Roger Kryzaneck (OR), joint task force. Not attending, but receiving Jefferson Cups for committee work, were Virginia Adolph (MS), ACE Committee; Gary Bailey (NC), Program and Education Committee; Tony Bibus (MN), DARS; Mary Burke (MD), joint task force; Jane Christiansen (VI), ACE; Ruth Hallett (IN), Bylaws; Leticia Hermosa (MA), Bylaws; Janice James (KY), New Board Member Training; Rashel Jeffrey (MT), Program and Education; Andrew Marks (TX), joint task force, Program and Education; Louise Murray (NJ), ACE; Dan Wheelan (RI), Nominating; and Kate Zacher-Pate (MN), Finance.

OUTSTANDING SERVICE

And yes, Louisiana folks had a tough year, but it wasn't about sympathy

Two out of four of ASWB's top service awards went to people from Louisiana this year, but the choices weren't made out of sympathy for the difficult times the state has been going through. Louisiana Board Chair Taylor Aultman was chosen to receive the Sunny Andrews Award for Outstanding Commitment to Social Work Regulatory Board Service, and Emily Efferson was picked for the Outstanding Board Administrator Award, at the August board meeting—before the visits by Katrina and Rita.

There were two of each award given at the Annual Meeting. Also recognized were past treasurer Patrick Wolberd of Montana, with the Sunny Andrews Award, and Vanessa Beauchamp of Missouri for the administrator award. Wolberd had to be brought out of retirement to attend the meeting in Detroit, since he has gone off his board after more than a decade.

Aultman has been a presence in both his home state and at ASWB for a number of years, serving recently on the association's Nominating Committee and the Disciplinary Action and Regulatory Standards (DARS) Committee. But the award is for service in a jurisdiction itself. In making the presentation, President Delfino Trujillo said Aultman's long service on the board and as chair has "cen-

tered on a true understanding of the board's public protection mission, and a commitment to demonstrating the importance of that mission whenever possible."

Award recipients are nominated using a fairly detailed outline, since the decisions are made by the Board of Directors, who need information from someone knowledgeable about the nominee's work with his or her own board. Aultman was credited from his home state with having "served as a model to not only fellow board members, but to the social work profession, and even to the staff at the board office."

Trujillo added that he has helped his board "reach out to social workers by sponsoring workshops on social work ethics," and has also seen to it that the board keeps up its education in this area. He also noted the staff's praise of Aultman for



Taylor Aultman of Louisiana, left, receives the Sunny Andrews Award for Outstanding Board Service from ASWB President Delfino Trujillo.

balancing "board work, his outreach work, and his own career . . . while being easy to reach, quick to respond to questions, and prepared for whatever work or meeting he faces."

The word "tireless" seemed to run through Wolberd's nomination. Trujillo said that those who nominated him "described a person with an amazing work ethic, and an ability to persevere long after others may have given in." He added "Many of us here at ASWB have worked with him," too, and "tireless sometimes doesn't begin to describe it." Wolberd, he said, is also "committed to looking at all sides of an issue, and thoroughly examining pros and cons before making a decision."

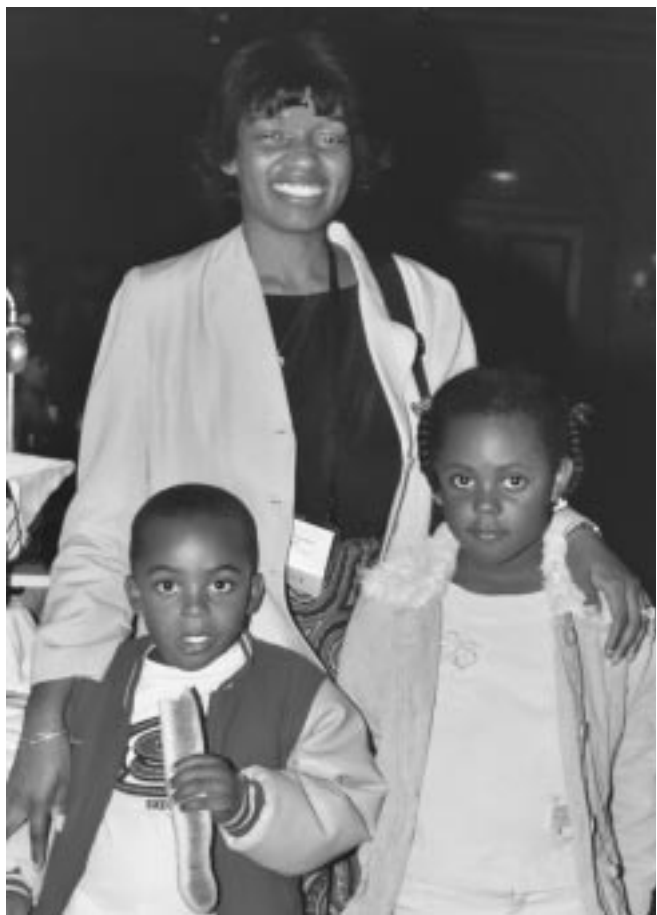
He was credited with taking on the less glamorous work of the board, looking at budgets, and dealing with state bureaucracies that can sometimes interfere with a board's ability to work effectively. "This is hard work, and no less important than the higher-profile tasks board members sometimes face," Trujillo said.

The president added a personal note. His experience with the former ASWB treasurer has shown him that "a person can be hardworking, diligent, and unafraid to question the status quo, and yet can be gentle, humble, and good humored."

In announcing the administrator awards, Trujillo said that the work of even the most dedicated board members could not be accomplished without staff support.



A second 2005 Sunny Andrews award went to Patrick Wolberd of Montana, right, pictured with then President Roger Kryzanek.



The meeting in Dearborn provided some pretty special moments and people. Clockwise from left above, Jenise Comer of Missouri spoke to the Delegate Assembly; Donald Montoya of New Mexico showed an affinity for the New York Yankees; ACE Committee chair Kathy Outland of Oregon talked with Joyce Helpern, the Nova Scotia registrar; Marty the Doorman was a big hit at the hotel; and Lisa Pruitt-Sanders, former Michigan chair, visited with children Alexis and Evan.





At top left, applauding for outgoing president Delfino Trujillo were Rick Hepfer of South Carolina, Hal Agler of Missouri, Jane Anker of South Carolina, and Doc Davis of Arizona; below right, Delphine Trujillo was a quiet presence in the back of the room as her father spoke; at center, Phyllis Vroom, dean of the School of Social Work at Wayne State University, gave the welcome to Michigan; and below, Tom Tupa of North Dakota chatted with Treasa Glinnwater, left, and Cynthia Reichenbach, both of Montana.



AWARDS

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Beauchamp, Trujillo said, is a model for what, "for better or worse, could be the administrator of the future." She manages several other boards, and is in constant demand. But what sets her apart, he added, is "the degree to which she has become a true resource for every one of the boards involved." She is well-versed in the missions of the individual boards, and knows the laws in detail. Her nomination described her as "the epitome of efficiency," with no backlog of licensure applications in any of the professions she oversees. In fact, applications for licenses are processed in less than a week after being received.

"And somehow, while doing all of this," Trujillo added, she has "managed to author brochures on social work, do presentations on licensure changes to social workers across the state, and maintain the board's Website."

The Board of Directors was particularly pleased to receive a nomination for Efferson, Trujillo said, because she is not the official administrator in Louisiana, but "a highly valued, highly competent member of that board's staff."

Efferson worked with veteran administrator Suzanne Pevey, and when Pevey retired she was left to pass on the "institutional and operational memory of the board," said Trujillo. Just into the transition, the new administrator underwent major surgery and was unable to return to fulltime work for almost two months. Efferson was "charged with keeping things running, doing every-



Emily Efferson of Louisiana, at left with Delfino Trujillo, and Vanessa Beauchamp, right, of Missouri were named the Outstanding Administrators.

thing from creating board agendas to processing board staff payroll, to corresponding with licensure candidates. "She accomplished all of this, and more."

She has also become the chief representation of the board with the schools of social work in the state, and makes presentations to them, Trujillo added. As a contact at the board office, she is friendly and approachable.

Efferson was nominated by Richard Burt, the Louisiana administrator who replaced Pevey. He wrote that "her actions and spirit created a seamless transition for the board and permitted me to recover at a safe pace."

The Sunny Andrews Award, which can be given to up to two people annually, is named in honor of former president Sunny Andrews of Nebraska. It has been presented since 2002, and past winners are Evelyn Seaton of Oklahoma, Jane Anker of South Carolina, Doug Knight of Wisconsin, Mary Burke of Maryland, and Dan Wheelan of Rhode Island.

Past winners of the Outstanding Administrator Award, also given to up to two people a year, are Elizabeth Buys of Oregon, Alison MacDonald of Alberta, Suzanne Pevey of Louisiana, and Suzanne McKenna of New Brunswick.

REPORT

From page 2

had been administered. This has meant more work for the Candidate Registration Center (CRC) staff. Through Sept. 30 the CRC handled almost 48,000 telephone calls and processed 22,000 registrations.

In 2004 1,310 candidates, reflecting 5 percent of those who tested, reported difficulties with test administration or scheduling. The trend of decreased testing incidents continued this year with 763 incidents reported by candidates and/or test centers, a new low of 3.8 percent as of Sept. 30.

Although incidents are fewer, there are an increased number of candidates found removing or trying to remove test questions from the ACT centers. We take these attempts to cheat very seriously. We reported these situations to the board where the candidate is seeking licensure and asked the boards to investigate. In the meantime, the candidate's score is held pending the outcome of the in-

vestigation and decision by the board. This isn't just an indication that these candidates do not possess requisite knowledge to pass the test, but also speaks to their moral character.

On a related note, there were also reported situations of test preparation course instructors asking candidates to recall items from the test, which is clearly prohibited by ASWB. Candidates are informed in writing at four points in the registration and test administration process of exam security policies and procedures and ASWB will report candidates who violate them to the appropriate regulatory board. A notice that requesting specific information about exam questions is not permitted was sent to NASW Chapters and social work education programs.

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Internet, international—time for ASWB to widen its interaction

The globalization of human services regulation was more than a distant, “some day” idea at the Annual Meeting in Dearborn—clearly, this is something that is drawing closer, close enough to stir up some lively discussion.

As ASWB has been gathering Canadian provinces as members over the past few years, the association has begun to think of itself as international. But there were indications in talk during the meeting of just how many complications there are ahead, as the number of opinions involved in laws, practice standards and examination criteria increase. With those complications is going to come the conviction on all sides that the established way in a given location is the right way—just as the diverse states that organized ASWB thought, and in many ways still think.



Ray Chapman explained why he found the new standards disturbing.

Appropriately, the questions in Dearborn arose over technology, as the report was made on the Standards for Technology and Social Work Practice, drawn up by the National Association of Social Workers (NASW) and ASWB together. Ray Chapman, chair of the Board of Registration for Social Workers in British Columbia, said that he felt the association had “missed an opportunity” to widen its outreach. “E-therapy is a major issue,” he said. “If there is one thing in practice that needs international perspective, this is it,” because through the Internet a social worker located anywhere can reach a client a world away.

Chapman said as the Canadian provinces have joined ASWB, he has been impressed by the welcome and by the effort and willingness to keep the Canadian perspective in mind. But “it bothered me” to have a document come out co-created by ASWB with a U.S.-limited perspective.



Alison MacDonald, left, and Roger Kryzanek were on the panel that generated a discussion of bigger issues.

President-Elect and now President Roger Kryzanek, who was a member of the joint task force that did the document, said that cooperating this

closely with a professional association was new ground, and that responses from the Canadian members had jolted the group into thinking more widely and in trying to adjust the standards to take in a wider perspective. But NASW had been uncomfortable in mandating anything outside of the borders that encompass its own membership, he explained.

Joyce Halpern, registrar for the Board of Examiners of the Nova Scotia Association of Social Workers, agreed that all provinces had been impressed by the welcome and sharing of the benefits of ASWB. But she said she could not use this document, on an important topic, with the schools of social work in her province because of the immediate reference to the standard of being consistent with NASW ethics.

Amanda Randall, on the Sunday morning committee report panel as chair of the Bylaws and Resolutions Committee, was also a member of the task force. “We were the invited guests,” she said. But “I think this is a start, and maybe should be a spring education issue for us.”

Kryzanek noted that ASWB representatives hope to attend the meeting of the International Federation of Social Workers in Munich, Germany, next summer. “We need to engage them in this discussion.”

The reasons for a widespread discussion were made clear by Virginia Administrator Ben Foster, who said consumers of social work services need to be educated about the hazards of seeking care on the Internet. “If you receive therapy from outside and it’s bad, there’s not much you can do” under the current circumstances, he said. Electronic treatment is here, it is being done, but regulation has not been able to keep up with the change.

There isn’t much case law yet, Kryzanek said, but “when that starts to happen, we’ll have some indication of what jurisdictions are willing to do—there’s no point in having regulations (across state and national lines) unless there is a willingness to support them.” International unity of thought is slow to evolve, and cannot be expected to keep up with the means of communicating worldwide.

Janine Granchelli, president of the New Brunswick Association of Social Workers, said it is important for the Delegate Assembly to understand that while the Canadians who work with ASWB understand the tremendous advantages it offers, some of the membership of their organizations are leery of a U.S. organization. Maintaining their differences are important to them, she said.

The chair of the Discipline and Regulatory Standards Committee, Alberta Assistant Registrar Alison MacDonald, said the choice of directions is between being a truly international group, and a U.S. one with Canadian members. She and other speakers also pointed out the many other groups that could have been drawn in to the task force, from those that approve educational programs to the national professional associations of other nations.

ASWB Communications Director Troy Elliott said that the task force had struggled with trying to widen the applicability of the standards, but that the organization of the effort had gone too far in its two-association form to be able to change directions. There is nothing to preclude ASWB from doing a

More DARS reports, more ACE approvals, more committee work

If someone attending the Annual Meeting in Dearborn wanted to know what categories of offenses are detailed on the Disciplinary Action Reporting System (DARS), or why an individual course approval by the Approved Continuing Education (ACE) Committee only covers three presentations of the course, or what the Bylaws and Resolutions Committee was thinking, anyway, there was a chance to ask.

Instead of making lengthy reports when their committee business came up for a vote, committee chairs gathered in a Sunday morning panel to speak briefly and invite questions. Written reports from each group were in the participant notebooks.

Amanda Randall for Bylaws, Kathy Outland for ACE, Roger Kryzanek representing the Joint Task Force on Social Work and Technology, and Alison MacDonald, chair of the Discipline and Regulatory Standards (DARS) Committee, took questions, and in some cases made notes of what they considered good points. For example, asked why the three-presentation limit on ACE-approved courses, Outland said the intent was to make a more reasonably priced alternative available for those doing limited continuing education, but there was a time limit to be sure the information remained current and that monitoring was adequate.

But she agreed that it does take time to prepare a course, and that particularly in a case cited where there were no charges to the participants, the guidelines for what was really a pilot program should be reexamined. While ACE now has its manual

for ethics courses available, social work supervision is next on the committee's list. One of the group's 2005 charges was to "identify continuing education topics that would meet regulatory board requirements for specific clinical course content," and the committee has been looking at individual laws to identify such content. Besides supervision, it sees other topics ahead as domestic violence, cultural and linguistic competencies, substance abuse and others.

There was interest in a supervision certification, which may be examined by ASWB in the coming year.

MacDonald said there are more jurisdictions reporting to DARS all the time, and that some of the Canadian members are having to look at legislative changes to be able to report. But "We'll get there," said the chair, the Alberta assistant registrar.

Her committee has been looking at the model social work practice act, first developed in the mid-'90s, and there are frequently differences in the legal systems that make the law less than directly applicable to another country.

DARS discussions have pointed out, however, that the law, like other ASWB products, is intended to be a resource, from which useful practices can be drawn. Since U.S. states are in many cases very different as well, a single practice act is unlikely to be used in its entirety anywhere.

As another part of its charge, MacDonald explained, was for DARS to look further at continuing competence. "We looked at five ways" to promote competence, "the pros and cons," she said. In almost all, "there were more cons than pros."

BYLAWS

From page 1

tensions for the examinations. As now worded, the bylaws section says that "The Delegate Assembly shall provide direction for the Association through adoption of the Association's Missions and Goals" and may take actions it considers necessary to fulfill and implement those purposes. Still reserved to the assembly itself is approval of the examination fee to be charged by the association.

For similar business reasons of timing, a requirement that purchase of capital improvements or real estate that cost more than \$50,000 be approved by the Delegate Assembly was eliminated from the bylaws. A new section requires the Board of Directors to notify ASWB members of an "extraordinary purchase over \$500,000 within 30 days of the expenditure." The committee pointed out that if desirable real estate was available, it would not be possible to make a move to purchase it if the board had to wait as much as a year to get a vote on it.

Also approved was an amendment that would make it easier for the

Nominating Committee to slate candidates for its successor committee, by creating a larger pool as well as taking away uncertainty created by the vagaries of political appointments. The language of the qualifications for running for the committee was brought into line with changes made in 2001 to the Board of Directors qualifications, with eligibility maintained for up to two years after leaving the board.

Also eliminated from qualifications wording were the words "when elected," since ensuring that board members keep their status from nomination to the election is not within the control of the association.

In other Bylaws and Resolutions Committee business, two resolutions from the New York Board of Social Work failed. One would have required the association to share all jurisdictions' pass/fail rates on the examination with all other jurisdictions, and other mandated that ASWB report pass rates for every social work educational program in a jurisdiction to the

board there—and break them down by content area.

The Board of Directors had strongly opposed the second recommendation, as did the committee, noting that such data is virtually worthless because of the small numbers involved. For some programs, very few students take the exams in a year, while in many content areas there are very few questions. The data is meaningless because of the limited numbers, according to ACT psychometrician Dr. Nisha Mittal, and as is the custom with poorly-based statistics, would inevitably be misused.

The board itself was concerned about having the data in the public realm, perhaps raising unfounded questions about an excellent examination program, with information quoted and misquoted without any context. Releasing information that is not soundly based would be a disservice to the association, members felt.

Making the report for the committee and presenting the business for votes was chair Amanda Randall of Nebraska.

EXECUTIVE DIRECTOR'S REPORT

From page 8

The ASWB examinations are given at 228 ACT test centers. Hurricanes this year disrupted testing in several states and the two ACT centers in New Orleans are closed until sometime next year. ASWB is providing free score transfers and providing free membership in the Social Work Registry, which includes paying for all fees to collect information for social workers affected by hurricanes Katrina and Rita.

As was emphasized in executive session, we take very seriously the responsibility of providing a valid, reliable, and defensible examination program to ASWB member boards. We are in touch with ACT by phone and/or email daily. ACT psychometrician Dr. Nisha Mittal makes regular reports on the status of the ASWB item banks and test performance to the Board of Directors, the Examination Committee and the Delegate Assembly. I monitor the contract with ACT, the written bi-monthly reports on examination performance, and an annual technical report for compliance.

2004 pass/fail statistics for each jurisdiction and the national pass/fail rates for each of the four ASWB examinations, were sent to member boards in March. The 2004 pass rates for first time test takers are: Bachelors, 81 percent; Masters, 75 percent; Advanced Generalist, 58 percent; and Clinical, 74 percent.

The Analysis of the Practice of Social Work 2003: Final Report was translated into French, using the resources of the Quebec board, for distribution in Quebec, and British Columbia will begin using the Clinical exam next January.

ASWB trained 25 new item writers in June, and now has 55 active writers with those continuing from previous years.

Reports on pass/fail statistics to social work education programs were delayed this year because seven schools that received these statistics in previous years had them listed on their Websites. Notices were sent to these schools that they were in violation. Verification that the data has been removed must be provided to ASWB before these schools will get any other information. A notice about the abuse of the data and the actions taken by ASWB was sent to all schools of social work with the order form for 2004 data.

In three sessions of New Board Member Training, 55 board members and

administrative staff were trained this year, with one training held in Moncton at the invitation of the New Brunswick Association of Social Workers. Evaluations continue to show that this is one of the most valuable services the association provides and other regulatory board associations are proposing to partner with us in doing this training.

There are 95 continuing education providers approved by ASWB. This year 58 new provider applications were reviewed; 15 applications were recommended for approval by the Board of Directors; 24 applications are in the review process; and 14 provider approvals were extended. For the first time, eight social work ethics courses were reviewed and six were certified and listed on the ASWB Website. Thirty-five jurisdictions are currently accepting ACE, the Approved Continuing Education program.

ACE program staff worked with the Massachusetts board to develop a social work course evaluation tool and helped the board evaluate courses offered in that state. ACE staff is also working with the New Jersey board to approve supervision courses. Continuing education certificates are being issued to social workers who complete the course. ASWB is always available to assist member boards in a variety of ways.

There are 50 jurisdictions reporting to the Disciplinary Action Reporting System (DARS) and 2,303 social workers against whom 3,053 actions have been taken. ASWB reports to the HealthCare Integrity Practitioners Data Base (HIPDB) on behalf of 22 states.

As of Sept. 30, 2005 there are 312 social workers in the ASWB Social Work Registry and we have received 1,046 requests for applications. Of social workers who join the registry, 65 percent renew, and 60 percent of the registry applicants are from Massachusetts. One application has been received and 25 application forms sent to hurricane victims to whom free registry services are being offered.

I made visits to the New Brunswick, New York, and Nova Scotia boards this year and the chairperson of the Maryland board visited the ASWB office. Dale Atkinson and I also visited the Minnesota board in November. Thank you to these boards for inviting me and visiting me.

The valuable information from the ASWB administrators' email group has been aggregated and catalogued by topic so that it can be accessed in future research.

The web page, www.aswb.org, is gaining in popularity. The Social Work Laws & Regulations Comparison Guide was put on the ASWB Website. The information for each jurisdiction is still there, but there are also summary charts. The information is updated on an ongoing basis and new fields of information are being added.

Through the end of October, 12,382 study guides were sold. ASWB is working with ACT to develop web-delivered 170-question practice examinations that will be available next year.

You are well represented in the social work and regulatory communities by ASWB volunteers and staff. The association had an exhibit booth at the Council on Social Work Education, Association of Baccalaureate Social Work Education Program Directors, the National Association of Black Social Workers, and the Psychotherapy Networker Symposium. ASWB attended meetings of the Federation of Associations of Regulatory Boards and Council on Licensure, Enforcement and Regulation.

ASWB and NASW worked together to develop Standards for Technology and Social Work Practice, available from the ASWB office or from NASW. I met with a representative of the International Federation of Social Workers to discuss getting regulators from various countries together. I am working with the National Council of State Boards of Nursing and other health regulatory associations to develop interdisciplinary guidelines for scopes of practice. And, ASWB has just been invited by the Federation of State Boards of Physical Therapy to participate in an exam development and administration benchmark study.

At the meeting time, and here, space, prohibits the mention of all our activities. As always, I am grateful to the Board of Directors, the volunteers and the staff for their hard work and dedication to conducting the business of this association. We couldn't do anything without the efforts of so many people.

Regulatory board publications get better and better

In the dozen years that ASWB has been recognizing publications by social work regulatory boards, there have been “some really amazing advancements in what boards are producing,” Communications Director Troy Elliott said in presenting this year’s engraved plaques (plaques that the communications staff hope are greatly treasured and displayed.)

Not only are board publications becoming better-designed, Elliott said, but boards are producing resources that demonstrate a clearer understanding of the role of a regulatory board. It’s that level of understanding that allows boards to offer some truly useful publications to licensees and consumers.

Particularly impressive, he explained, was the winner for Outstanding Consumer Publication. The *Ordre Professionnel des Travailleurs des Sociaux du Quebec* created a multi-format media/information kit for its social work month that included publications, a CD, and posters. The work was of extremely high quality, and effective as both a solid information source and a kind of marketing too. This kit made a beautiful case for the value of regulated social workers.



Administrator Jim Rough accepted the award for Ohio.

Winner of the Outstanding Newsletter Award was the Ohio Counselor, Social Worker, and Marriage and Family Therapist Board. Elliott credited the board with producing a “clean, easy-to-read, and well-designed” newsletter, available through its website, at <http://www.cswmft.ohio.gov/News/NewsFW05.pdf>. In addition to the standard features—news about regulatory changes, lists of disciplinary actions, etc.—the Ohio board’s newsletter also



Above, Communications Director Troy Elliott makes the presentation of the consumer publication award to Claude LaBlond of Quebec. Below, Virginia administrator Ben Foster took the award home to his state.

includes profiles of individual board members, and a discussion of ethics issues. The newsletter provides licensees with a strong sense of connection to the regulatory board.

There were quite a few entries for Outstanding Website, and choosing one means balancing ease of use against sometimes technologi-

cally-advanced pages.

The Virginia Board of Social Work offers a website that makes it easy for both consumers and social workers to find what they’re looking for—<http://www.dhp.state.va.us/social/default.htm>.

It is not the flashiest Website ever created, Elliott said, nor is it the most technically advanced, but the Virginia site offers easy access to licensee listings, complaint information, applications, and general guidance for licensees, as well as the statewide “regulatory town hall” feature that makes it easy for anyone to stay on top of proposed changes to laws and regulations. The emphasis on consumer support was an especially strong element in this site.



Association office locale ‘in vogue’

“Culpeper in vogue,” said the major headline in the *Style* section of the *Washington Post*. For those with ASWB who have been noting the boom in both housing and commercial development, as well as the increase in traffic, the article put a lot in perspective. Maybe not totally accurate perspective, but perspective nonetheless.

The location of the association office, an operation that has a physical expansion underway into a new office building, Culpeper is described in the *Post* as a “languid farming town . . . “70 miles southwest of Washington.” That 70 miles is getting shorter all the time, and the community hasn’t really been a farming town in a while.

“Everybody calls it instant success, but there was a lot of groundwork,” the article quotes Diane Logan of Culpeper Renaissance, a nonprofit downtown revitalization program. Many of the town’s historic buildings have been renovated, and are being filled with new shops and upscale restaurants.

Rich in Civil War history, Culpeper has an increasingly diverse population of about 15,000. New food shops such as El Nopal and Rincon Hispano, along with some very upscale eateries, reflect changes in the people who work and shop there.

COUNSEL'S COLUMN

To be continued . . .

By DALE ATKINSON
Atkinson & Atkinson

Those granted licenses by a board of social work are considered under the law to have a "property" interest in the license to practice. When a property interest is conveyed by the state, certain due process rights apply, and before an adverse action can be taken against the license, certain fundamental rights related to fairness must be granted. These rights are based on state and federal constitutional principles as well as certain statutory rights at the state level. As described in the ASWB New Board Member Training, due process rights generally equate to a question of "fairness" to the accused licensee.

Fundamental due process protections grant licensees, at a minimum, the right to notice of the charges; the right to a hearing to confront accusers and present evidence and call witnesses in support of a defense; and the right to a fair and impartial tribunal. The right to be represented by an attorney at such an administrative hearing is not a fundamental right granted by the constitutions. However, those accused of wrongdoing may choose to be represented and it is recommended that accused licensees be notified of this right.

The fact that the right to an attorney is not a fundamental constitutional right means that the state/board is not required to provide a "public defender" at the expense of the state to the accused in the administrative proceedings.

The right to a hearing before an impartial tribunal is fundamental to the protections afforded in an administrative hearing. Whether a Hearing Officer, Administrative Law Judge, or board of social work is the adjudicating body, the right to be heard is vital to the process.

Many factors may arise to delay or prevent the licensee from being able to proceed with a defense to accusations of wrongdoing under the practice act. Conversely, the board of social work must protect the public and may have authority at its disposal to summarily remove licensees from practice under certain circumstances. Common sense should dictate the extent to which boards may immediately act and/or individuals may be allowed to delay the process. Consider the following.

A social worker was accused of unprofessional conduct related to boundary violations with a client. The social worker provided services to a husband and wife and eventually engaged in a sexual relationship with the wife. The board, as part of its investigation, requested copies of records related to treatment of the couple. After the licensee refused to comply with such requests, the board formally subpoenaed the records. The licensee failed to comply.

Later, the board received allegations from an additional

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



client that the licensee had engaged in unprofessional boundary violations. The board issued an emergency suspension order pursuant to Oregon law suspending the licensee's authority to practice social work on the grounds that continued practice presented a serious danger to public health or safety. In the meantime, the board issued notice of its intent to discipline under Oregon law with a proposed action of revocation of licensure.

The licensee requested a hearing and the matter was referred to the Oregon Office of Administrative Hearings (OAH). On October 24, 2002, the board notified the licensee of the contested case procedures, including the right to be represented by counsel. A November pre-hearing was postponed so the licensee could arrange legal representation.

At the February 2003 pre-hearing conference, the licensee agreed to an April 30, 2003 hearing date. The ALJ notified the licensee that he had a right to be represented by an attorney and that the hearing date would not be postponed so that he could obtain counsel.

On April 30, the licensee asked for a continuance so that he could obtain an attorney, explaining that he had financial issues that had prevented him from obtaining a lawyer earlier, but he just found out that morning that insurance would pay for his representation. The ALJ denied the request and the hearing proceeded with the licensee representing himself. During the hearing, the ALJ provided assistance to the licensee by asking questions of him and witnesses. The ALJ also continually asked whether the licensee needed additional assistance.

After the hearing, the ALJ issued a proposed order recommending that the emergency suspensions be upheld and that the social worker's license be revoked based on unprofessional conduct related to boundary violations and the failure to cooperate in an administrative investigation. The licensee filed exceptions to the proposed order. They were rejected by the board and the ALJ order was adopted. The licensee appealed the matter to the Oregon Court of Appeals.

On appeal the licensee argued that the ALJ erred by refusing to grant the continuance so that he could obtain an attorney. In rejecting this argument, the court noted the discretion granted to the ALJ to postpone a scheduled hearing. It held that the licensee had ample opportunity to make arrangements for counsel and that it was not an abuse of discretion to deny the request.

Perhaps related to the fact that he represented himself at the hearing, the licensee argued that the ALJ decision to ex-

See **COUNSEL**, page 16

Just before most ASWB delegates arrived in Detroit for the Annual Meeting in Dearborn, the funeral for civil rights icon **ROSA PARKS** had been held in the city of Detroit.

The service drew a large crowd, including government dignitaries and civil rights leaders. Director at large **SAUNDRA STARKS** was delighted to meet **JESSE JACKSON** at a Detroit restaurant—he had stayed over to campaign for a candidate in the mayor's race.

SAUNDRA has proof—she had a photo of **JESSE** and her, taken via her cell phone.

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Another highlight of the Detroit restaurant scene was a dinner arranged by representatives of ASWB boards, past and present, for **PATRICK WOLBERD**. **PATRICK**, who is no longer on the board in Montana, had to be lured to the meeting under false pretenses, so he could be surprised with the well-deserved **SUNNY ANDREWS** Award. Arranging the dinner was **WALT STAMPER**

of Massachusetts, who worked on the Finance Committee for a number of years with **PATRICK**. Attending were



WALT's wife **NANCY** (whose attendance now that he has completed his board term will be greatly missed), former President **BRUCE BUCHANAN**, and current treasurer **JONATHAN FINCK** and his wife, **CHARLENE**.

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CHARLOTTE MCCONNELL went to the **ROSA PARKS** service in Washington, D.C., just to be sure "someone came." But then, she said, someone did come—30,000 strong.

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PHYLLIS VROOM, dean at Wayne State University, who wel-

comed the association to Michigan, said the visit was appropriate for such a group because of the amazingly diverse population of the area.

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Maryland administrator **BILL FLEMING** has left the board there after turning it around in many ways. He's out of state service after 31 years so he could do something he always wanted to do, according to ASWB Delegate **MANNY MANDEL**—teach special education.

ASA R. FROST (known as **JACK**) is currently filling his position.

The board also has a new chair, **YVONNE PERRET**, effective Jan. 1.

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More on Katrina work: Exam Committee member and former New Mexico board chair **ALVIN SALLEE** sort of hit all bases. He reported that during an educational conference in San Antonio he took some students,

family mental health representatives, federal officials and state child welfare people to Kelly Air Force base. They

took their break food to the first responders and then worked in the sleeping areas.

It was a "disorganized mess," **ALVIN** said, "5000 people and no one in charge!"

He also worked in Dallas at the Reunion Area after Rita, and in Houston he stayed at a hotel where FEMA put up some folks. He added that although he was not down on the coast, he was in Jackson, Miss., and found that "the Mississippi child welfare people were great."

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Embroidery on the inside of **DELFINO TRUJILLO'S** Yankees jacket said who the gift was from—his "ASWB Fan Club."

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Count former Director at Large **AMMON JENKINS** among the hurricane refugee volunteers. She worked with Catholic Charities to assist the people who fled to Oklahoma; a shock to her retirement status, she reports.

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Executive Director **DONNA DEANGELIS** was asked to write a chapter on licensing and credentialing for a

major new social work library reference set, to be published by John Wiley and Sons, *The Comprehensive Handbook of Social Work and Social Welfare*. She was invited by Dr. **BARBARA WHITE** of the University of Texas at Austin, editor of book of the four-volume work, on *The Profession*.

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According to the report from Colorado at the Detroit meeting, retired administrator (and long-time ASWB item writer) **AMOS MARTINEZ** is now doing private practice and supervision.

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MATTHEW FREDERICK reported that Arkansas had done emergency licensing for social workers in the state, after it received 70,000 refugees from Hurricane Katrina.

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Things learned in Michigan: board chair **DAVID NEAL** said Michigan has more shoreline and more boats than any other state—"and we don't have hurricanes." In welcoming the association, he said the state's social worker/senator **DEBBIE STABINOW** sent her regrets at not being able to attend.

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PAT O'REILLY from West Virginia included in her two-minute report that her board's long-time administrator, **JUDY WILLIAMS**,

Association Asides

MORE ASIDES — From previous page

had received the state NASW chapter's award for service.

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In making her Examination Committee report with fellow co-chair **MEGAN MCNEILL**, **CATHY CLANCY** mentioned that one of the goals of a good question is to avoid jargon. No problem for her, she said—"I know all the jargon because I'm so old." Landmark birthday for her this winter.

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In presenting the invitation to the association to visit Portland, Ore., for its spring meeting, **MARK OLDHAM** promised public transportation, a beautiful tour destination, and no sales tax.

As Program and Education Committee chair, **MARK** also gave the report of that committee, saying that one presenter on ethics would be "**ROGER KRYZANEK's** evil twin, **BRUCE BUCHANAN.**" The two, new president and past president, are often mistaken for each other.

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The board contingent from Louisiana that came to the Detroit meeting was a strong one, and not just because two people, board member **TAYLOR AULTMAN** and

staff member **EMILY EFFERSON**, were receiving the major ASWB awards for board service. In spite of worries about declining licensing fees in their storm-devastated area, they attended in strength because of interest. Three, **JOSEPH BODENMILLER**, **ROBERT SHOWERS** and **TAYLOR**, are on committees.

JOSEPH was interviewed extensively for an article on Hurricane Katrina in the national NASW News. As director of clinical programs at Covenant House, which offers services for troubled and homeless youth. He's chair of the Louisiana board.

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TAYLOR AULTMAN said his office in New Orleans turned out to be okay, because it was upstairs. The first floor, on the other hand, got three feet of water.

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The Baccalaureate Program Directors met in Austin, Texas, the same weekend as ASWB's Annual Meeting in Dearborn. ASWB sent an exhibit, with former Examination Committee co-chair **STEVE MARSON**



Regardless of the storm disasters in their state this fall, five Louisiana representatives came to the Annual Meeting in Detroit. From left are Emily Efferson and Richard Burttt, staff members, and Taylor Aultman and Joseph Bodenmiller, the board chair. Not pictured is Robert Showers.

helping to staff it. Visitors to the booth included **CONNIE KLEDARAS** of North Carolina, a former ASWB delegate and Exam Committee member, item writer **RUTH WEINZETTLE** of Louisiana, and **BILL ANDERSON** of Minnesota, a past director at large.

BPD continues to grow—it closed out 2005 with 776 members.

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That "Marty the doorman" photo on page 6 is courtesy of **JONATHAN FINCK**, whose children were very impressed by his expertise.



THE ASWB CALENDAR

February 2, 2006

Board of Directors, San Diego, Calif.

February 3 - 5

Federation of Associations of Regulatory Boards (FARB) Forum, San Diego.

February 16 - 19

Council on Social Work Education (CSWE), Chicago.

March 3 - 5

Approved Continuing Education (ACE) Committee, Culpeper, Va.

March 10 - 11

New Board Member Training, TBA.

March 16 - 19

Psychotherapy Networker Symposium, Washington, D.C.

March 24 - 26

Exam Committee, Herndon, Va.

April 8

Finance Committee, Culpeper.

April 11 - 15

National Association of Black Social Workers (NABSW), Houston, Texas.

April 27 - 30

Spring Education Meeting, Portland, Ore.



Association of
Social Work Boards

400 South Ridge Parkway
Suite B
Culpeper, VA 22701

INSIDE:

Two pages of photos from
Dearborn. Pages 6 and 7.

association news

COUNSEL ————— From page 13

clude certain evidence was prejudicial to his ability to present a defense. In rejecting this argument, the court held that most of the matters sought to be introduced which were rejected by the ALJ as irrelevant were already part of the record limiting the prejudicial impact of the denials. The court noted that the relevance of evidence is a legal question to be reviewed under a standard of whether there was an error of law. After considering the arguments of the licensee, the court held that refusal to admit the excluded evidence was not prejudicial to the licensee's defense.

Finally, the licensee argued that the ALJ did not provide him with sufficient guidance during the hearing, did not follow up on relevant evidence, and allowed conduct by the board attorney that was intended to adversely affect the presentation of the licensee's case. Therefore, the licensee argued that the requirement of a full and fair inquiry was not satisfied.

The court emphasized that the ALJ provided assistance to the licensee a number of times, to the point of satisfying the procedural requirements of an administrative hearing. Accordingly, the court rejected the arguments of the licensee on appeal and upheld the findings and sanctions entered by the board.

Interestingly, the judicial opinion makes reference to the fact that the revocation of the license was "permanent." No additional details are provided regarding the meaning of the permanent revocation and this issue was not addressed on appeal. Permanent revocation likely means that the individual will never become licensed again in Oregon. One question may be whether he may even apply for "reinstatement," or whether that will be summarily denied based on the previous board order.

Another interesting detail of this case is the summary or emergency suspension of the license. The Oregon board is empowered to enter emergency suspensions and effectively used its authority in the face of imminent harm to the public. Permanent revocation and summary suspension authority are important tools in the public protection powers of regulatory boards of social work.

Adams v. Board of Clinical Social Work, 119 P.3d 260 (App. Ct. OR 2005)

INTERNATIONAL — From page 9

similar project with the Canadian Association of Social Workers, he said, adapting the core document that has already been worked out.

In describing the work, Kryzanek said the scope had seemed "overwhelming" when it started, even for a single country, with so many diverse state laws. There are not only e-mail and telephone, but text messaging and more changes coming constantly.

ASWB was of course working from the point of view of protecting the consumer, but NASW was looking at supporting social workers in what seems to be the inevitable use of all these technologies. "But we got there," he said, by coming to see that "all those things that have to do with social work ethics apply," no matter what the milieu. The responsibility had to be the practitioner's, to know what laws, regulations and rules apply, and to practice legally and responsibly.

True regulation, true protection, will have to follow as it can, and as support is in place. The consensus seemed to be that this is the beginning of a long road. And "we want to do the struggle together, but we're different," Granchelli said.