



Been there, done that. And how.

Incoming president Pat Heard has rubbed elbows with great minds, sailed on an aircraft carrier, earned an MBA, raised kids, and headed up a nonprofit—which just happens to be exactly the skill set needed to lead ASWB.

By **KATHLEEN HOFFMAN**
Deputy Executive Director

Pat Heard of Charlotte, N.C., has had dinner with Harvard behaviorist and philosopher B.F. Skinner, sailed on the inaugural voyage of the USS John F. Kennedy, and as of November 5 will be president of ASWB.

Along the way, she has switched her life plan from medical research to social work, married an urban planner and raised two children, been totally fascinated with the brain research that has come out in the last 15 years, and continued to do research while being the executive director of the BRIDGE Jobs Program in Charlotte. She's promoted social work licensure since her days with the North Carolina Chapter of the National Association of Social Workers.

Energetic and direct, the graduate of Mount Holyoke College, who also holds an MBA, says simply that "I love life and I love learning."

She was born and grew up in Norfolk, VA, which left her with a love of water and the military. Her family had a military tradition running through it, with a member in every branch of the service and an uncle who was at Pearl Harbor when it was bombed at the beginning of the U.S. entrance to WWII. Her father worked as an aircraft mechanic on the Norfolk naval base. Much of her family still lives around Norfolk.

At Mount Holyoke, she began in pre-med, intending to major in chemistry, but then read an article encouraging doctors to learn more about how their patients think. She signed up for a psychology course "and loved it" immediately.

Skinner, who had been head of the department of psychology at neighboring Harvard before retirement, came back every year for a conference. Attendance at the conference was much coveted. It helped if you were a psych major. When it was time for Heard to decide on a major, she chose psychology. It all seemed like a great combination, with her interests in science and research.

And from there to social work? The day after graduation from Mount Holyoke, she married a man who was still in graduate school at Harvard. She was offered a job with Harvard research unit at Boston City Hospital



where she worked until her husband graduated. She and her husband Isaac then moved to Charlotte. Looking at the work opportunities, and relying on her background in behavior modification, she began working at the mental health center where there was an opportunity to maintain her interest in research. "Because I felt social work was a good fit with what I wanted to do," and she had been impressed with social workers who had worked alongside her at the mental health center, when Heard went back for a master's degree it was an MSW, from the University of South Carolina in Columbia. It was a tough commute, and there was a challenging field placement at the VA Medical Center in Salisbury, NC. During the first year of her MSW education, she continued to work.

The Heards have two children. Their son is married with two children, five and two years old. Their daughter, who lives in Washington, D.C., does research for National Public Radio.

Heard's day jobs have always been pretty heavy-duty. She worked with children early in her career as a rehabilitation therapist, as a behavior therapist with Head Start, as a social worker for children diagnosed with emotional behavior problems, as a therapist for families with children with development disabilities and most recently with BRIDGE. There, she not only is involved in jobs and education efforts for a majority of clients who are 16 to 20 years old, but she is a supervisor for social work interns placed from a number of area social work programs. But she has tempered that involvement with enjoying life and her family.

"I grew up with the Four Tops, the Beatles, the Temptations, and dances at the Catholic Church." She still likes having a good time, and has enjoyed learning from others through ASWB.

When social workers in North Carolina started talking seriously about licensing, Heard was on the state NASW board. She already had a license in Marriage and Family Therapy, and had taken the test for NASW's Academy of Certified Social Workers and qualified. She wasn't on the organization's task force, but made trips to Raleigh to support the legislation. "I was aware of agencies hiring unqualified persons who were calling themselves therapists," and she was anxious to promote licensing as a means of public protection. She's in the "first wave" to be licensed, and became social work licensee #800 in her state.

It turned out that "my zeal may have been greater" than some others involved in the effort so it was a natural move to agree to be nominated as a member of the North Carolina Certification and Licensure Board. She was its vice president for several terms, and was also the board's delegate to ASWB.

"I went to ASWB New Board Member Training and I was very excited about standards being raised. I'm proud of my profession, and I always say I'm a social worker," she says. Pat is also an enthusiastic supporter of the examinations and of continuing education. "It's important for people to be current in the knowledge needed to meet the demands of consumers," she says, and a test to determine minimum competency is just that, a minimum requirement for someone who will be entrusted with the deepest secrets of clients. "I'm shocked at people who are anti-test."

Licensing was needed, she said, and still is. “There has to be some way to screen people who are not going to follow the rules,” and to determine that they are knowledgeable about the important work that they are engaged in. She is a firm believer in the behaviorist approach, and knows that social workers can’t just be people who are well-meaning. “If you want to just love everybody up, go into the ministry.”

Heard maintains a private practice as well. “Philosophically, I’m at the point where I feel I can share experience and knowledge with interns” and others. She feels interns think of the nonprofit BRIDGE Jobs Program as a learning environment. But she also wants to impart the ideal of lifelong learning to them.

With ASWB, Heard has been on the Board of Directors for four years, three as treasurer and one as president-elect. She says she didn’t think much about running for president (“I try to avoid being president” of the groups she works with), but thought “Yes, why not?” when someone asked her about running.

One of her goals during her presidency is to get member jurisdictions more engaged with the association and with the strategic plan for continued services and contact. She worries that many younger social workers are no longer inclined to join professional groups, and she thinks that’s a loss. She’d like to see ASWB’s services more fully used, including the Social Work Registry, and for the association to somehow help promote more cohesiveness of thought and responsibility in what she sees as a very important profession. That can start with member boards, she believes.

She’d like to see the trend toward more stringent supervisory services continue, and regulations that allow forms of unauthorized practice by various titles tightened up.

Heard is aware of the distinguished ranks she is joining as ASWB’s president, and knows the shoes she’s stepping into are pretty large. But she’s looking forward to it.

Oh, and about the JFK; she was able to pull strings with military connections in a military town to go on the first voyage, and she recently was in Norfolk to see it come in for retirement. “It felt like coming full circle,” she said.

And for someone who picked up on the first stirrings of social work licensure, heading ASWB not only means big shoes, but a pretty big circle as well.



Three board seats up for grabs

Delegates to the 2011 Annual Fall Meeting of ASWB in Oklahoma City will choose a treasurer for the association, two directors at large, and three members of the 2012 Nominating Committee.

The 2011 Nominating Committee, chair Teresa Young and members Patricia Heard, Micki Lilly and Wade Tyler, has slated two candidates for each of the board seats. Seeking the position of treasurer are Timothy Martel Brown of Texas and Carole Bryant of Saskatchewan. Brown is the incumbent, serving a one-year term by appointment in 2011. The seat became open last year when then-treasurer Patricia Heard was chosen as president-elect.

Running for director at large, professional member, are Fran Franklin of Delaware and Michael Hickerson of Louisiana. Slated for the director at large, public member, seat are Mary Macomber of Florida and Patricia P. O'Reilly of West Virginia. Macomber is completing a two-year term in the position.

Three of the six candidates for the 2012 Nominating Committee will be elected. Candidates for the positions are Shanna Burke of Massachusetts, Jacqueline Johnson of Minnesota, Robert Johnson of Alberta, Anwar Najor-Durack of Michigan, Melinda Pilkinton of Mississippi and Ronnie Saunders III of Indiana.

Tim Brown has a master's degree in social work from Baylor University, and is a Licensed Clinical Social Worker (LCSW) in Texas. He is chair of the Texas State Board of Social Work Examiners, and has been on the board since 2004.

With ASWB he has served on the Bylaws and Resolutions Committee, and chaired both the bylaws group and the Nominating Committee. He is Associate Chief of Social Work, Mental Health, with the Veterans Administration North Texas Health Care System.

Carole Bryant holds an MSW and an MBA, as well as a Certified Management Accountant (CMA) designation. She is president of the Saskatchewan Association of Social Workers, and chaired the association's Professional Conduct Committee before becoming president.

She has had a 35-year career in social work, and is currently vice-president of administration and quality improvement with a multi-faceted agency providing a range of services in Saskatchewan.

Delaware Board of Clinical Social Work Examiners President Fran Franklin, a candidate for director at large, professional member, has both an MSW and a Ph.D. in social work, and is licensed in clinical social work in four jurisdictions. Currently, she is the senior program director and clinical supervisor for a non-profit social work agency.



Tim Brown



Fran Franklin



Carole Bryant



Michael Hickerson

She was a member of ASWB’s most recent Practice Analysis Task Force, and has been trained as an item writer for the exam. She’s also on the Regulation and Standards (RAS) Committee and the ASWB/NASW Joint Task Force for Supervision Guidelines.

Michael Hickerson, vice chair of the Louisiana Board of Social Work Examiners, is a Registered Social Worker (RSW) and has both a BSW and an MSW from Southern University at New Orleans. He’s a program manager with Total Community Action, Inc. Previous experience included founding and directing a small non-profit organization in New Orleans providing support for those with life challenging illnesses.

In 2009, he was elected to the 2010 ASWB Nominating Committee, and he has served for several years on the Approved Continuing Education (ACE) Committee.

Both candidates for director at large, public member, have long lists of professional and community volunteer activities. Mary Macomber holds a law degree, and is retired as general counsel for a computer corporation. She has been vice chair and now is chair of the Florida Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling. Now completing her first term on the association’s Board of Directors, she has been on the Finance Committee and the Bylaws and Resolutions Committee, and was elected to the Nominating Committee.



Mary Macomber

Patricia O’Reilly has been on the West Virginia Board of Social Work since 2004, and has served as vice-chair. She has been on the bylaws committee, and on the Discipline and Regulatory Standards (DARS) Committee, now Regulation and Standards, and this year is on the Finance Committee. Her community work centers on agencies that serve persons with disabilities.



Patricia O’Reilly

The candidates for Nominating Committee are a diverse group, which is one major goal of the slate. Shanna Burke has an MSW and is working toward a doctorate in social work. She is vice chair of the Massachusetts Board of Registration of Social Workers, and has served on the association’s RAS Committee and bylaws committee. She was trained as an item writer for ASWB, and works with an agency serving clients with developmental disabilities.



Shanna Burke

Jackie Johnson holds an MSSW degree from the University of Wisconsin, and is an LICSW. Her employment, for the past 24 years, has been with the Mayo Clinic in Rochester, Minn., as a transplant social worker and in other capacities, including Director of the Social work Graduate Student Internship Program. She is on the RAS Committee with ASWB.



Jackie Johnson

Now president of the Alberta College of Social Workers, Robert Johnson has been a social worker for 39 years, most recently in senior



Robert Johnson



Melinda Pilkinton

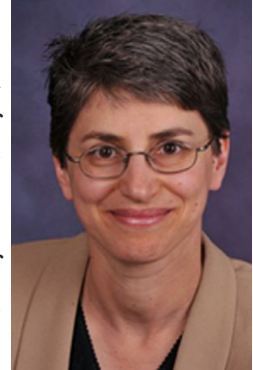
management of various areas of service, and has also taught social work. His social work degree, an MSSW, is from the University of Tennessee. He holds a number of appointed and elected seats on boards, and has been on ASWB's Program and Education Committee for two years.

The director of field education for Wayne State University's School of Social Work, Anwar Najor-Durack has an MSW and a PhD in educational leadership and policy studies. A Licensed Master Social Worker in Michigan, she is vice chair of the Michigan Board of Social Work, and is in her second year on ASWB's ACE Committee.

Melinda Pilkinton has an MSW and a Ph.D. in social work, and is on the Mississippi Board of Examiners for Social Workers and Marriage and Family Therapists. She has taught at Mississippi State University for the last 12 years, and maintains a small clinical practice at an outpatient facility. She was on the recent Practice Analysis Task Force, and is on RAS.

The assistant board director with the Indiana Professional Licensing Agency, Ronnie Saunders III has worked with a number of Indiana's health-related regulatory boards since 2004. In 2009, he assumed his job with the Behavioral Health and Human Services Board. His bachelor's degree is in political science, with a focus on on legal studies. He is currently on ASWB's bylaws committee.

Complete election information is available from the association's Website at www.aswb.org/pdfs/ASWB2011Elections.pdf, and will be included in the fall meeting packets.



Anwar Najor-Durack



Ronnie Saunders, III



We're OK if you're in OK

The 2011 ASWB Annual Meeting will cover a range of topics from potential bylaws changes to recognition of outstanding regulatory board members. Here's a rundown of what's in store.

It won't exactly be all work and no play in Oklahoma City when the ASWB Delegate Assembly convenes, but there won't be a shortage of business that will demand the attention of attendees, either. As is typical, attendees will be presented with a notebook full of materials covering both the internal and volunteer operations of ASWB, and will be asked to absorb information covering topics ranging from ASWB finances to proposed changes to the association's Model Social Work Practice Act, from guidelines for acceptable psychometric properties of examinations to a discussion of what the future governance of the association might look like. Here's a quick guide to what's on the agenda, and some of what will be discussed:

Friday morning

- Report from the Association Office: ASWB Executive Director Donna DeAngelis updates attendees on office operations, and provides summaries of association programs, outreach, and other activities.
- Presentation of the slate/nominations from the floor: The slate of candidates running for Board of Directors and Nominating Committee positions will be formally announced, and attendees will have the opportunity to nominate additional candidates from the floor. (see related story in this issue of association news)
- Sunny Andrews Award winners recognition: The association will honor this year's outstanding social work regulatory board members.
- Candidate speeches: Candidates for all ASWB positions up for election will present brief remarks.

Friday afternoon

- Top regulatory cases: Federation of Associations of Regulatory Boards Executive Director and ASWB legal counsel Dale Atkinson will highlight recent court decisions around professional regulation.
- Outstanding administrator award: The association will honor excellence in social work regulatory board staff service.
- Committee panel and action items: Representatives from three ASWB committees and the Administrators Forum program will participate in a panel discussion about the activities of the various groups. The ASWB Regulation and Standards Committee will present an action item for vote by the Delegate Assembly.
- Recess: 3:30 pm

Saturday morning

- President's report: ASWB President Amanda Duffy Randall will update attendees on the work of the board and the overall strategic direction of ASWB.
- Policy manual update: Attendees will be brought up to speed on changes to association policy made over the last year.
- Elections: Elections for Treasurer, Board of Directors Member at Large, Board of Directors Member at Large – Public member position, and three members of the ASWB Nominating Committee.
- Financial report/Finance Committee report: ASWB Treasurer Tim Brown will lead attendees through ASWB financial reports for 2010 as well as for the first nine months of 2011. He will also discuss the 2012 ASWB Budget recently approved by the ASWB Board of Directors, and will cover the work of the ASWB Finance Committee during 2011. There will be an opportunity for questions and discussion.
- ASWB examination information (open and executive sessions): This two hour session will cover this year's examination development and maintenance efforts, as well as information related to the 2010 administrations and performance, examination security, and ASWB's work to date with Pearson VUE. Plenty of opportunity for discussion and questions will be built into this session. Most of the presentations will be held in open session, but executive session will be required for certain technical presentations. Participation in executive session is limited to attendees who qualify for the session and who sign confidentiality agreements.

Saturday afternoon

- Recognition of volunteers: ASWB President Amanda Duffy Randall will lead this program honoring the people who worked on ASWB committees and task forces.
- Delegate Assembly action item – Bylaws and Resolutions Committee recommendations: The committee is proposing amendments to the ASWB Bylaws in three areas: exam fee approval, Nominating Committee terms and elections, and use of a parliamentarian at meetings.
- Delegate Assembly action item – RAS Committee recommendations: The committee is proposing changes to the ASWB Model Social Work Practice Act that would include changes that clarify that social work doctoral degrees are not acceptable in place of MSW degrees for purposes of licensure.
- Program and Education Committee report: Program and Education Committee Chair Janice James will outline the committee's plans for the 2012 Spring Education Meeting in Lexington, KY.
- Passing of the gavel: The presidency of ASWB will be passed from Amanda Randall to Pat Heard, current President-Elect.
- Closing remarks and adjournment: Newly installed ASWB President Pat Heard will close the meeting with final remarks before entertaining a motion for adjournment.
- Adjournment: 3:30 pm



Scratch that niche

Oklahoma City has lots going on—particularly if you're a pigeon-racing cowboy-obsessed osteopath whose softball team loves banjo music.

Okay, look: if attendees to the 2011 ASWB Annual Meeting coming up Nov. 3-5 in Oklahoma City complain the teeniest, tiniest bit that there's not enough to do in the off-hours, they need to maybe open the curtains of their room and look out the window. Want great art? Got it. Symphony performances? Yup. And live music, and shopping, and local sports and theatre and movies, and all the normal things a normal city would offer.

But let's get a little more...specific. How do you feel about, say, Cowboys? Oklahoma has a whole museum devoted to them. What about Chihuly glass? Only the largest collection in the world. Go-Kart racing? Biggest indoor track in the US, open year round. Rock climbing? Another huge, fully indoor facility waiting for you. Maybe you're into banjos (hey, nobody's judging here). Three words: American Banjo Museum. Matter of fact, Oklahoma City is the place to go if you're feeling like wandering through museums and halls-of-fame devoted exclusively to areas of interest ranging from pigeons to softball players, and from gymnasts to... bones. That last one would be the Museum of Osteology.

Turns out, Oklahoma City is, like, the niche city for niche lovers. Chances are, if you have a specialized interest, Oklahoma City has a specialized attraction to suit.

Yes, the ASWB Delegate Assembly will keep attendees plenty busy with business, elections, receptions, and the like. But there will also be time for sightseeing, something that should be fairly easy given the location of the meeting hotel, the Hilton Skirvin (www.skirvinhilton.com) in the heart of downtown Oklahoma City, and adjacent to Bricktown (<http://bricktownokc.com/>), the revitalized entertainment district that offers a wide range of restaurants, bars, and shopping. And there's even a niche-based site *there* for crying out loud: those with a particular reverence for cherry limeade and chili over corn chips should make sure to grab a couple snapshots of the Sonic Drive-In World Headquarters, right there, big as life in Bricktown.

But attendees shouldn't limit themselves. Following are a few ideas for things to do while in the city:

- Oklahoma City Museum of Art. Museum covers wide range of art, including largest Chihuly glass collection in the United States. Current exhibits include photographs of Havana. <http://www.okc-moa.com/>

- Oklahoma City Philharmonic. Thursday, November 3 performance features alt-rock piano man Ben Folds accompanied by a not-so-alt full orchestra. <http://www.okcphilharmonic.org/ben-folds1>
- National Cowboy and Western Heritage Museum. Current offerings include an exhibition devoted to the Bowie knife. <http://www.nationalcowboymuseum.org/>
- Myriad Botanical Gardens. I.M. Pei-designed, 17-acre indoor and outdoor facility featuring plants from around the world. <http://www.myriadgardens.com/index.html>
- Overholser Mansion. Over 11,000 square feet of early 20th century opulence. <http://www.overholsermansion.org/>
- Pole Position racing. Largest indoor Go-Kart track in the US featuring karts that can travel up to 45 miles an hour. Channel your inner Ricky Bobby—you know you want to. Walk-ins welcome. <http://www.polepositionraceway.com/oklahoma-city>
- The Museum of Osteology. America’s only skeleton museum, which is obviously awesome, features over 300 skeletons on display. <http://museumofosteology.org/>
- World of Wings Pigeon Center. “Preserving the legacy of domestic pigeons.” No, really. <http://www.pigeoncenter.org/>
- American Banjo Museum. Get your pluck on—often features free live performances (with paid admission) on Saturdays. <http://www.americanbanjomuseum.com/>

In addition to the specialized offerings, Oklahoma City also plays host to the Oklahoma City National Memorial and Museum, created in remembrance of the largest domestic terrorist attack in the history of the United States at the Alfred P. Murrah Federal Building on April 19 , 1995 (<http://www.oklahomacitynationalmemorial.org>). The Oklahoma board will be sponsoring a group visit to the memorial on the afternoon of Friday, November 4—attendees will be given more details on the trip at the meeting.

What to wear during a visit to Oklahoma City in early November? Well, there are no guarantees, but averages for that time of year are a tolerable average high of 62 degrees, with lows in the 40s.



Off by a degree

*ASWB's RAS
Committee
is hoping its
work will
bring attention
to a gap in
regulation that
could permit
non-MSWs to
be licensed as
clinical social
workers.*

By **BOBBIE
HARTMAN**
Publications and
Web Applications
Coordinator

What does the CHEA know about your DSW? Did you know you can get an LCSW without an MSW? Is this OK with ASWB, CASWE and CSWE?

Regulators are used to the alphabet soup of their work. Between degrees, licenses and accrediting bodies there's a string of letters for everything. It's the intersections of those letters that are often the most important.

CSWE—the Council on Social Work Education—and CASWE—the Canadian Association for Social Work Education—are, of course, the accrediting bodies for higher education social work programs. Both CSWE and CASWE accredit dozens of programs that offer BSWs and MSWs. Neither, however, accredits programs offering DSWs or PhDs in social work. Masters and Bachelors degrees with CASWE approval or CSWE accreditation will be accepted by most licensing boards as adequate education for a corresponding social work license.

But what if a candidate has earned a DSW or a PhD? Neither CSWE nor CASWE accredit doctoral programs in social work. Social work PhD and DSW programs may be part of a college or university's general or regional accreditation (that's where CHEA—Council for Higher Education Accreditation—comes in, along with the separate accrediting bodies it comprises). In Canada, higher education institutions get a *de facto* accreditation through their provincial charter.

These regional or institutional accreditations are not programmatic. Such an accreditation of doctoral programs—at least by way of CSWE or CASWE—does not exist.

Many of those doctoral programs require an MSW from a CSWE/CASWE-accredited program for admissions, but not all. Doctoral programs, almost by definition, focus on research; and many of the social work doctoral programs focus on clinical social work research and practice. However, it's not always possible to tell what, if any, clinical focus a DSW or PhD in social work includes.

Further, there are 39 U.S. states that will accept a doctoral social work degree as a qualification for clinical licensure. Often these states will evaluate a licensure candidate's transcript to determine whether that person has completed adequate clinical coursework for licensure—but, again, not always.

When you add the lack of doctoral program accreditation to the varying admissions requirements, it becomes possible for a candidate to receive a social work license for clinical practice without ever having

earned an MSW—the degree that is generally considered the educational marker of preparation for this level of practice.

That's where public protection and the responsibility of regulators come into play. This year, the Regulations and Standards (RAS) Committee has proposed the elimination of language in the Model Social Work Practice Act that accepts doctoral degrees in lieu of MSWs for licensure. When ASWB delegates assemble for the Annual Meeting next month, that revision is one that they'll be considering. The committee's hope is that, if passed by the Delegate Assembly, this change will help to motivate individual regulatory boards to take a careful look at their own laws, and perhaps close up this loophole.

As is often the case, the combination the alphabet soup (CSWE, CASWE, CHEA and all its members, MSW, DSW, PhD) and exceptional cases (those “sometimes but not always” and “many but not all”), make for murky regulation and by extension, gaps in public protection.



Revisiting supervision

ASWB and NASW are working together to create an updated set of supervision guidelines for social workers.

The first steps toward new social work supervision guidelines were taken in mid-September, with the first meeting of the National Association of Social Workers (NASW) and Association of Social Work Boards Joint Task Force for Supervision Guidelines

The group, four representatives from ASWB and four from NASW, as well as staff from both associations, met at NASW headquarters in Washington, D.C. Most of a morning was spent brainstorming, and then the afternoon session concentrated on organization of ideas – and making work assignments. The goal is both to update a 1994 NASW document on supervision guidelines, and to provide some answers in the current climate of searching for better ways to supervise.

In 2007, ASWB completed and published *An Analysis of Supervision for Social Work Licensure*, concentrating on the skills needed to do supervision that will meet the growing list of expectations (and legal requirements) of member jurisdictions. As a result of that document, ASWB has expanded the section of its Model Social Work Practice Act dealing with supervision.

But while the practice analysis was used as part of the background information for the new task force, its work will be more encompassing. According to NASW Senior Practice Associate Mirean Coleman, the Washington, D.C., office has for several years been receiving queries about supervision; who social workers can get to provide it, how someone can know good supervision from bad, and where administrative supervisors who are not social workers can turn for useful information on supervising members of the profession. “There is a huge need for national supervision guidelines,” she said.

Co-chairs of the task force are Amanda Duffy Randall, ASWB president, and NASW representative Hal Lipton of the Washington, D.C., Office of Aging. Other members from ASWB are Board of Directors members Dorinda Noble, director and professor of Texas State University -San Marcos, Alison MacDonald, associate registrar with the Alberta College of Social Workers, and Fran Franklin, president of the Delaware Board of Clinical Social Work Examiners and a senior program director and clinical supervisor for a nonprofit agency.

Also attending the meeting and participating in the work assignments were two members of ASWB staff, Executive Director Donna DeAngelis and Deputy Executive Director Kathleen Hoffman.

Besides Lipton, the NASW members are Reinaldo Cardona, executive director of the New York State Chapter of NASW, Laura W.

Groshong, Director of Government Relations for the Clinical Social Work Association in Seattle, Wash., and Brenda Shepherd-Vernon, Executive Director, Family Services, at the Children's National Medical Center in Washington, D.C. Coleman and NASW Administrator Janice Harrison also was there to work with the group.

A complete work schedule was set up, with conference calls planned and responsibilities distributed. Sections that will be written by task force members will be due the first of the year, with calls to discuss them following. The goal is a document that will be available online and in hard copy.



Ready to roll

*The new
ASWB Advanced
Generalist
examinations
are set to debut
in January
2012.*

Apparently, the word “free” hasn’t lost its attraction, even when it comes to licensing exams.

Thanks in large part to a special project that offered an expanded version of the ASWB Advanced Generalist examination free to qualified candidates, new test forms will be ready for administration beginning in January of 2012. The exams, based on the results of the 2009 practice analysis, required extra data collection as a result of shifts in content that will contain a stronger macro and administrative component.

During the first half of 2011, ASWB offered one free exam to any qualified candidate willing to take a 260-question test over six hours, instead of the standard 170-item test administered over four hours. Candidates were still scored on the standard 150 items based on the prior test content outline. An additional 110 questions were included as nonscored “pretest” items in order to accrue performance statistics that would allow new questions to be used in examinations beginning in 2012. By the end of July of this year, sufficient numbers of test-takers had participated, making it possible for ASWB to assemble versions of the new Advanced Generalist tests.

The new forms have been assembled and reviewed, and are now ready to go online. During its upcoming November meeting, the ASWB Board of Directors will take the final step toward implementation by approving a passing standard that will apply to all Advanced Generalist tests administered across North America.

The changes to exam content were the result of the last social work practice analysis, completed in 2009. The analysis was the foundation for new Bachelors, Masters, and Clinical examinations rolled out in 2011.

The Advanced Generalist examination is used by fewer states than other ASWB tests, and is intended to assess competence of social workers with an MSW and at least two years of supervised experience in macro or administrative practice. The new exam has an even stronger focus on these areas than past versions, and ASWB is urging its member boards to carefully assess whether the Advanced Generalist test is being used appropriately in their jurisdictions. Earlier this year, the association informed members that it would not be able to support the use of the Advanced Generalist exam for clinical licensure categories. Since that notification, several member boards have announced that they will stop allowing clinical licensure candidates the choice of taking either the Advanced Generalist or Clinical test.



That's the ticket

Pennsylvania's direct discipline program issues on-the-spot citations to professional licensees, saving time and money.

For those among us who've experienced it, the sound will never leave your memory: it's that short, stuttered, tugging tear of paper, followed by that final pop, that moment of release when the carbon copy is at last freed from its attachment to the original; and then, if it's a quiet day on the highway, the airy, birdlike flutter of the yellow or pink paper as the officer who pulled you over hands you the citation. It's the sound of 32 in a 25; the sound of failure to yield; the sound of stinging guilt and cringing embarrassment, of your wallet getting emptier and your insurance premiums increasing.

If you happen to be a barber, cosmetologist, or member of about 14 other licensed professions in Pennsylvania, it may also be the sound of a ticket being issued to you for one of several professional licensing violations that are handled by way of a "direct discipline" process. The system, modeled after the state's system for handling traffic violations, allows for the issuance of on-the-spot citations, with pre-established penalties and an opportunity to contest a ticket at a once-a-month hearing day that resembles traffic court. The specifics of the program were presented as part of the program offerings at the most recent conference of the Council on Licensure, Enforcement, and Regulation (CLEAR), held in Pittsburgh in early September.

*From the
CLEAR
Conference*

According to presenter Darrell Crimmins, Deputy Director of the Pennsylvania Bureau of Enforcement and Regulation, the state's direct discipline program has resulted in significant savings for the state—to the tune of about 7300 staff hours and over \$500,000 last year alone. The program also boasts a "success rate" of 98 percent, meaning that nearly every citation is paid on time.

The legislation that allowed the program to be put into place passed the Pennsylvania legislature in 1993 but was not implemented until 1995, and then only in a few professions. The lead-up to implementation required boards to agree on which violations would be considered minor enough to be handled at the citation level, and what should be the appropriate fines for violations.

Setting the appropriate fine for violations required some very careful thought, according to Crimmins. The overall approach demands that boards balance the seriousness of the offense with the probability that the state's money would be spent defending challenges. Again,

he said, his bureau looked to the State Police as a model. “If you get a [\$150] speeding ticket, you’re going to be angry, but you’re going to pay it,” Crimmins said. “If it were 500, 600, 700 bucks you might be more likely to fight it.” The idea is to settle on an amount that will be big enough to serve as a deterrent, but not so large as to inspire lengthy and potentially costly challenges.

The boards that were the first adopters tended to be in professions that required on-site inspections, such as the barber examiners board, Crimmins said. He provided the list of offenses and fines covered under the direct discipline program, which included practicing without a license (first offense - \$500), failure to employ licensed persons (first offense - \$500 for each unlicensed barber), practice in a place other than a licensed shop (\$500 for first offense) and failure to register a trade name (\$100 for first offense). In practically all instances, the licensee must submit to the formal disciplinary process if he or she receives more than three citations. Repeat offenses also trigger more direct board involvement.

Violators are afforded an opportunity to challenge their tickets by way of monthly “citation days” in which licensees can plead their case to a hearing office. Crimmins said that most hearings last 15-30 minutes, with the longest taking about two and a half hours, but only because “that respondent watched way too much court TV.”

From its six-board beginnings, the program has grown to include 16 licensing boards in the state, with more considering the move to direct discipline systems. Compliance is high, and about 70 percent of all cases are closed within a few weeks of the citation being made. Many boards offer licensees the opportunity to pay off fines in installments—another feature that Crimmins believes helps with compliance.

Crimmins said that to date, the program has issued 11,299 citations and collected about \$2.8 million in fines. This year alone, the program has issued 776 citations and collected over \$220,000. Though not appropriate for all types of violations, Crimmins believes that the direct discipline approach is a good way for a licensing board to attend to its work while relieving some of the strain on the traditional disciplinary and hearing system. The amount of time and money saved last year alone is estimated by Crimmins to be equal to about 4.4 FTE positions, but best of all, he said, his bureau could realize this savings while feeling confident that “we have met our mandate to protect the public.”



A board that KAREs

The Kentucky board of nursing is offering a pathway out of addiction that avoids disciplinary action.

Many understand—often firsthand—how drug addiction affects more than just the addict, impacting family and friends. But what happens when the addiction reaches into professional relationships and behavior? Should professional discipline be set aside in favor of rehabilitation? Is the impaired practitioner the violator of a law, or the victim of a disease?

For nursing regulators in Kentucky, the answer to that question may be up to the practitioner. Under the ten year old Kentucky Alternative Recovery Effort for nurses (KARE) program, impaired licensees can volunteer to enter a rehabilitation program in lieu of more traditional disciplinary proceedings. If they successfully complete a five-year contract involving counseling, 12-step program attendance, sponsorship, random drug testing, and various practice restrictions, they can return to full practice with no record of disciplinary action having been taken against them. According to KARE representatives, the program is not only a more humane alternative to standard discipline and remediation, it's an approach that's actually working.

According to Michael Bloyd, Case Manager in the Compliance Section of the Consumer Protection Branch of the Kentucky Board of Nursing, the KARE program was created as an alternative to disciplinary actions that would relieve nurses of liability and ensure confidentiality if the nurse in turn adhered to the rehabilitation program. Bloyd presented details of the program as part of a session on regulatory approaches to substance abuse presented at the 2011 conference of the Council on Licensure, Enforcement, and Regulation (CLEAR) held in Pittsburgh, PA in early September.

From 2001 through 2006—the last year in which a KARE participant could have completed the five-year rehab plan—a total of 245 nurses were admitted to the program. Within that initial cohort, 145 have completed the entire KARE plan. Bloyd feels that the nearly 60 percent success rate is proof that the program is more effective than more traditional disciplinary pathways.

The program is voluntary, and begins with a referral (including self-referral). After enrollment, the first step is for the nurse to admit to abuse, “something that’s hard to do,” Bloyd said. Once the admission is made,

*From the
CLEAR
conference*

the nurse enters into a five-year contract that mandates 12-step work, twice-weekly sessions with a sponsor, individual counseling, random drug testing, and a mandated daily morning call to a KARE tollfree number. Practice is closely monitored, the employer and immediate supervisor are informed of the enrollment, and supervisor evaluations are submitted to KARE every four months. The nurse's actual practice is limited to no more than 88 hours over two weeks, with limitations on access to narcotics, and no management responsibilities for at least three years.

Given the tough reporting and practice requirements, Boyd is not especially surprised that some enrollees never make it. And given the nature of addiction, he added, the program does allow for slipups. "Relapse does not always lead to suspension," Boyd said. "It's considered part of the process."

Instead of immediate suspension, the KARE program looks at the circumstances around the relapse—issues such as whether the relapse is self-reported or revealed through the supervisory process. The question, Boyd said, is "Is this nurse worth salvaging?" That's a big decision. I'm holding somebody's livelihood in my hands." Of the 145 nurses who entered the program between 2001 and 2006 and successfully completed KARE, nearly 10 percent suffered relapse and were readmitted.

While the well-defined rehabilitation process and compassion associated with KARE are certainly draws for nurses in trouble with addiction, Boyd believes that the possibility of coming through the program free from officially reported disciplinary action is what attracts many nurses to the program. "That's the big draw," Boyd said. "[If nurses complete KARE] it will never show that they had anything going on with the board of nursing." More information on the KARE program can be found at <http://kbn.ky.gov/kare/>.



ASWB member boards, in their own words

In ASWB profiles we highlight a few ASWB member jurisdictions and get them to answer some basic questions about how things are going and what's in store, as well as some basic facts about social work regulation in their neck of the woods. Get to know your fellow boards—chances are, you have more in common than you think!

This issue: North Carolina and Oregon

ASWB

profiles

NORTH CAROLINA

Name of jurisdiction: North Carolina

Name of board: N.C. Social Work Certification and Licensure Board

Number of board members: 7 (5 professional members/2 public members)

Licensure levels offered: 4 – CSW-Certified Social Worker (BSW), CMSW-Certified Master Social Worker (MSW, DSW), CSWM-Certified Social Work Manager (BSW, MSW, DSW), LCSW-Licensed Clinical Social Worker (MSW, DSW). Because clinical practice is protected in NC, the Board may issue a provisional license in clinical social work to a qualified social worker (MSW, DSW) who desires to become a LCSW to begin documenting the practice/supervision/exam requirements.

Number of licensees: 7442 [157 CSW; 143 CMSW; 27 CSWM; 5339 LCSW; 1776 P-LCSW] active on 8/31/11

Biggest achievement in the past 12 months: Regulatory Accomplishment – Through regulation, The Board defined parameters for the surrender of a license by a practitioner under investigation for ethical misconduct (to avoid escaping adverse actions), by requiring the “surrendered license” be accepted only through Order of the Board (by Consent Order or Administrative Hearing rendering a Final Agency Decision). Through regulation, the Board also established authority to provide renewal waivers or exemptions for military practitioners whose service orders inhibit their ability to meet renewal deadlines. Administrative Accomplishment – (Besides making it through the month of June without our Credentialing Specialist who was out on medical leave – our busiest time of year with new graduates and a renewal deadline of June 30th) the Board completed a year-long internal review of fiscal and organizational operation with an established plan of action to maintain adequate funding and meet staffing needs. The Board hired an onsite investigator whose primary responsibility will be

to investigate ethics complaints; and, we will begin to move forward through regulation to seek fee increases for application and renewal of credentials. Oh, and of course, our very own Board member alumnus, Pat Heard was elected President-Elect of the ASWB Board of Directors!

Biggest lesson learned in the past 12 months: For me, I have come to recognize the value of maintaining a network of support both professionally and personally. Regulation is a continuous process, evolving and changing to keep up with legislative mandates, improved practice standards, increasing professional responsibility and public accountability. Board members and staff who are actively engaged in the process and committed to the task at hand are imperative. Now, if I could just find dependable, knowledgeable and affordable IT resources (tech elves)!

Biggest challenge facing the board: Adequate funding to meet and maintain staffing and budgetary needs, the ever increasing volume of administrative hearings and cost of investigations remains a concern as the Board has not increased fees since 1999. The Governor has mandated a legislative review of 150 Boards under her “setting government straight” plan that may result in the consolidation and/or elimination of some Boards. (Don’t think we will be impacted, but who knows!?) In addition, the NC Chapter of NASW is seeking a change to the current provisional clinical license, in an effort to address employment/reimbursement problems faced by these provisional level practitioners. This will necessitate opening our law which inevitably carries some risk of unwanted or unexpected changes. In addition, the recent change to the examination fees policy (effective 1/1/12) will significantly impact the NC Board. This Board has processed exam fees from candidates which included an additional processing fee as a source of revenue. Costs associated with required regulatory amendments, staff time and newly printed documents to reflect a change in process that mandates candidates pay exam fees directly to ASWB will impact this Board financially.

(complete the sentence) “I would really love to hear about how other jurisdictions....” operationally monitor reporting requirements, meet IT needs (onsite, contract service, etc.), achieve practice protection at all levels, train support staff to address angry/demanding licensees, how administrative hearings are conducted, and percentage of budget spent on investigating alleged ethics violations.

Micki Lilly
Executive Director

Useless tidbit from the association news editors: The first known miniature golf course was in Fayetteville, North Carolina.

OREGON

Name of jurisdiction: Oregon

Name of board: Oregon State Board of Licensed Social Workers

Number of board members: 7

Licensure levels offered: LCSW, LMSW, CSWA, RBSW

Number of licensees: 4,300 (and growing rapidly – 21% over the past two years)

Biggest achievement in the past 12 months: Implementation of 3 major regulatory changes that all took effect on January 1, 2011: Move to a practice act for clinical social work practice, offering 2 new license types in the non-clinical arena of social work (LMSW, RBSW), and educating the profession on new strong title protections for the term “social worker” requiring social work degree and licensure from this Board.

Biggest lesson learned in the past 12 months: Excellent relationships with key decision makers outside the organization and a superb team on the Board and staff were the key ingredients to making this difficult multiple-level transition work – and rewarding. In the end, it is the people that make all the oversight systems and regulations work.

Biggest challenge facing the board: Maximize utility of existing resources in order to manage continual strong growth in the licensure base while maintaining outreach and licensure / compliance education initiatives

(complete the sentence) “I would really love to hear about how other jurisdictions...” handle unlicensed practice cases – this is a very new arena for this Board where we have much to learn.

Martin Pittioni,
Executive Director

Useless tidbit from the association news editors: Oregon is the only state that has an official state nut (the hazelnut).

See something you’d like to help with or comment on? You can keep the conversation going through ASWB email groups. Administrators can post to aswb-admin@aswb.org; board members have aswb-members@yahoogroups.com. Not a member? Let us know, and we’ll get you connected! Email us at info@aswb.org and we’ll plug you in.



Who doesn't "LIKE" regulation?

*Your complete
guide to
ramblings about
social media*

By TROY ELLIOTT
Communications
Director

So there I was, sitting in yet another hotel conference room, squinting to see yet another Powerpoint presentation with my pen poised to take copious notes and/or attempt to render, in ink, a lifelike re-creation of the back of the head of the guy seated in front of me. The conference was a two-day event dedicated to the use of "social media" in government. I was attentive, my eyes wide and focused on the presenter, my hindquarters perched on the edge of my seat in anticipation and because I was totally jacked on coffee.

At any rate, the program begins and I try to pay attention, but I sense this, this, movement, this bustle, this...clicky, rattley, buzzy hum. I look around at my fellow attendees— *From the staff* all younger than me (the majority annoyingly younger than me)—and watch as they poke at handheld devices and click on keyboards, occasionally glancing up at what the presenter has to say. Initially I was appalled, and not just because being appalled is what old people do best, but because it seemed so...blatantly rude. But the presenter finished, sat down, and the next presenter got up, and the first presenter commenced poking at his handheld device, and there was generally no upset whatsoever about the fact that at a social media conference, everyone would be engaged in social media, all the time. Weird.

Well, maybe just weird to me. This, apparently, is how the rest of my fellow attendees live their lives, stopping mid-sentence to look down at a smartphone, forever assessing signal strength, being sure to "check in" at whatever restaurant they happen to be in so that they can be tracked like a tagged shark on the Discovery Channel. Whether it's a good way to live life isn't for me to say, but it's the way life is lived by a whole lot of people.

That reality is not entirely lost on ASWB. It's not entirely embraced, mind you, but it's not lost. That's why earlier this year, we fired up Facebook and Twitter accounts, and generally made a little more of an effort to find out what all this "social media" stuff is about. We still don't have many answers, but we have gained a few insights along the way. If your board is contemplating establishing a social media presence, here are a few things to consider, based on our limited knowledge, fumbling attempts, and occasional successes.

First, why even bother with social media?

- **The conversation is already happening.** If you hold some kind of power or authority over some group of people, you are being talked about. There's a good chance you're not being talked about in exclusively flattering terms, and there's a good chance that those unflattering terms are based on misperceptions about what you do. Creating social media spaces that provide a place for these kinds of conversations to take place means that you can work to correct misperceptions.
- **One-way information is becoming less trusted.** When was the last time you took a company's word, exclusively, for the quality of their product? Time was, you put up a website, sent out a few brochures, and told people what it was they were supposed to think about you. These days, we rely on the opinions of our peers to help shape our decision-making. You check out the customer reviews before buying something on Amazon, right? Ever used TripAdvisor to figure out which hotel to visit? You're engaging in the use of social media, and you're using it to make what you believe is an informed decision. Licensees and testing candidates do the same thing—they talk to each other. By establishing a social media presence, you may be able to join (not necessarily direct) the conversation. If you're lucky, your efforts may pay off by creating satisfied "customers" who spread your message themselves. This is like word-of-mouth on steroids which, come to think of it, sounds disgusting. But you get my drift.

Second, how do you "do" social media?

- **Man, I don't know.** Seriously, there are about a million different ways to approach social media, and multiple channels to use. Obviously Facebook and Twitter are the biggies, but LinkedIn is right up there, and all those young people at that conference kept saying that Google+ is the next big thing. Apparently, MySpace has gone the way of acid washed jeans and Crash Test Dummies cds (or maybe even cds in general), so you probably shouldn't bother with that one. The key—at least for us—has been to not overreach, to not do too much at once, to take things in bites that we can handle. Facebook is easy to set up and easy to maintain, but be mindful of the policy implications—you may need to think carefully about creating rules and permissions for who can post and what they can say, and how they can say it.
- **Temper your stultifying, faceless bureaucracy with Gomer Pyle-like accessibility.** We struggle with this, but the reality of social media is such that real humans tend to fare better than Voices of Authority. This is a concept that doesn't always fit at ASWB—after all, we have to be accurate, consistent, and fair in our dealings with candidates and others—but it doesn't hurt to at least consider ways

in which your posts can be made just a little more personable and relaxed. There's a balance to be struck, but it's a toughie for sure.

- **You don't always get to say. At least not right away.** Setting up a social media presence demands patience and a certain tolerance for discomfort and anarchy, which makes it kind of like being a Redskins fan. At any rate, here at ASWB we've had to learn to tone down one of the things we've always been good at—the nipping-a-thing-in-the-bud approach—in favor of allowing some conversations to happen before weighing in with our facts and information. If you shut down every negative conversation before it has a chance to percolate a bit, you also shut down motivation to use your forum for conversation, which was sort of the point in the first place. This isn't to say that slander and damaging lies should be allowed to be perpetuated, just that you may want to consider holding back just a bit at times lest you run the risk of being seen as reactive and controlling.

Third, how do you know if it's working?

- **One way: good solid ambiguous and possibly meaningless numbers.** Facebook and Twitter, and I'm sure most other social media sources, offer all kinds of metrics so that you can gauge usage, but numbers aren't going to tell the full story. There are two reasons for this: first if you're like us, you'll be starting up something brand-new. You'll likely get a big spike in use and activity early on, then things will taper off. Does this mean you've failed? Beats me. I don't think so, though.

Second, if you're like us, you have no real idea of the social media habits of your intended population. Many ASWB members—and the association office as well—can probably safely assume that they deal with a lot of new licensees, which generally means folks at or recently out of MSW and BSW programs, or folks who've just completed their post degree supervision and are still likely pretty young. Therefore, the logic goes, they should be big social media users. Maybe, maybe not. Certainly the ASWB Facebook page's biggest user cohort are females in the 20-35 age group, but so many other variables may go into this group that it's hard to tell if we're achieving the kind of reach we should be achieving.

The point here is that data alone may not provide an accurate yardstick for success. Government agencies in general are relative newcomers to social media, and professional regulatory entities—particularly at the single-profession regulatory level—are even more green. Metrics that might apply to commercial efforts, or even to nonprofit membership association projects, likely don't apply directly to the work of regulatory boards or regulatory board

associations. So don't necessarily pull the plug or start in with the highfives based on numbers alone.

- **Another way: the general feeling that you're being awesome.** So given the mushy-ness of the numbers, what's left? There are times when anecdotal evidence is helpful—like when you're trying to warn your kids about sticking their tongues on frozen metal objects (“...and my best friend's cousin spoke with a severe lisp for the REST OF HIS LIFE!”), and when you're trying to figure out if your social media efforts are “working.” Do people seem to be more informed? Are you getting fewer questions about what seem to you like obvious issues? Do you feel as though your constituents (including the public) are being provided a service that does something good, at a reasonable or minimal cost? Are you getting support from higher up the decision-making food chain? These are the kinds of questions that are hard to answer with numbers, but easier to answer through ongoing interactions. And those interactions count.

So if you ask me what I've learned from ASWB's first foray into social media, and what advice I could give, it'd be this: don't be afraid to do it, but don't expect it to instantly lead to some dramatic all-encompassing communications victory. Be helpful, but not overbearing. Let conversations happen (so far, for us, they happen rarely, and I cherish each one no matter how negative). Give it time. Stop being so crabby about all these young people and their newfangled gadgets.

Oh, and don't let your kids text during dinner. That's not really an ASWB thing – I just think it's good policy.



Can more psychological tests really save you money on your car insurance?

By Dale Atkinson,
Partner, Atkinson &
Atkinson

On occasion, a civil case brings relevance to the regulatory community and is an appropriate topic for the *ASWB association news*. The case presented here brings up the interesting issue of whether the qualifications and judicial recognition of an expert witness in a civil case are determined solely by licensure, or whether the “expert” designation depends on additional factors. Specifically, a witness in a civil case is asked to provide opinions which will be used to rebut the testimony of a licensed psychologist as to the lack of medical necessity for psychological testing.



The litigation here centers on the medical necessity of certain tests—psychological tests, in this case. The plaintiff, a medical services provider, wanted to recover fees for psychological testing and various psychiatric interviews and reviews of medical records conducted after an automobile accident. The Defendant, an insurance company, refused to reimburse for the tests on the grounds that they were not medically necessary. Specifically, this case addresses whether a witness educated, trained and licensed in the Ukraine as a psychologist can be qualified to rebut the testimony of a New York-licensed psychologist.

On behalf of the insurance company (Defendant), a licensed psychologist testified that the psychological tests were not medically necessary. The five tests given included the Beck Anxiety Inventory, the Beck Depression Inventory, the Beck Hopelessness Scale, the Pain Patient Profile, and the Post Traumatic Diagnostic Scale. The Defendant psychologist testified that had the diagnostic interview of the victim been conducted properly, it would have been sufficient to allow the psychologist to formulate a diagnosis and treatment plan. He also testified that psychological tests are duplicative in that the tests are based upon the same subjective responses that a patient gives during the interview.

The Plaintiff called a rebuttal witness, a clinical psychologist in the Ukraine who testified that he was knowledgeable about the five tests, having administered them in his home country. As to his qualifications,

*counsel's
column*

he stated that when he came to the United States he obtained a Masters degree in social work from Adelphi University. He also testified that he is not a clinical social worker, but that he was licensed and previously worked as a social worker doing family psychotherapy and teaching families. He stated that he currently works with the medical services provider that administered the tests at issue. While he does not currently see patients, he stated that he sits in on meetings and reviews test scores and compares such results with information gathered from the interviews.

The Plaintiff's witness also noted that he is not a psychologist in New York or any other state, does not know the requirements for licensure as a psychologist, and that he has not given any psychological tests or conducted face to face interviews since he has come to the United States. In his testimony, the Plaintiff's witness insisted that "there is no difference between what a psychologist and social worker can do, including testing, in the United States."

Based upon objections from the Defendant, the court was confronted with the issue of whether the Ukrainian psychologist was qualified to testify as an expert witness. The court first noted the lack of cases supporting the Defendant's burden of proof that the tests in question were medically unnecessary. It held that the court would look to what is generally accepted practice in determining medical necessity, and that "generally accepted practice" is that "range of practice that the profession will follow in the diagnosis and treatment of patients in light of the standards and values that define its calling."

Turning its attention to the qualifications of an expert witness, the court noted that such a decision rests in the sound discretion of the trial court, and its determination will not be disturbed short of a serious mistake, an error of law, or an improvident exercise of discretion. For a court to credit the testimony of an expert, it must be convinced that the expert exhibits "a degree of confidence in his conclusions sufficient to satisfy accepted standards of reliability."

Using this standard, the court emphasized that the competence of an expert is not necessarily dependent upon formal training or attainment of an academic degree in the subject. Indeed, lack of an advanced degree does not disqualify a proffered expert. Further, an expert witness need not necessarily possess a license or specialty certification to be recognized as an expert. Finally, the court noted that the fact that a doctor was educated and obtained a degree in a foreign country does not constitute an automatic disqualifier.

Next, the court applied the facts of the current matter to the rules described above. The court paid much attention to the fact that the expert witness did not possess the combination of long observation, real experience, or sufficient education or training to be qualified as an expert on psychological testing. It noted that the expert witness had not worked as a psychologist since arriving in the United States at least 10 years ago. Further, he had not administered the tests in question since his arrival in the U.S. Finally, and of greater significance, the court observed that the witness had not worked as a social worker

during this time frame. Indeed, the court held that although the witness “blithely dismissed any differences between a psychologist and a social worker,” there are significant differences. The court stated that there is a substantial difference between the professions, including the fundamental difference of separate governing practice acts. Also, it noted the two-tiered licensure of social workers in New York, and the fact that only clinical social workers are authorized to diagnose, administer and interpret psychological tests, emphasizing that licensed masters social workers may render clinical functions only under the supervision of a licensed clinical social worker.

Based upon these conclusions, the court held that the plaintiff’s witness did not possess the necessary qualifications to be deemed an expert in the field of psychological testing, resulting in the dismissal of the lawsuit.

Nelson v. Geico Insurance Co., 2011 NY Slip Opinion 50882U, 31 Misc. 3d. 1227A (Civil Court NY 2011)

Dale Atkinson is a partner with the Illinois law firm that is counsel to ASWB. He is also executive director of the Federation of Associations of Regulatory Boards (FARB).



association news

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Congratulations to **NADINE BEAN**, member of the ASWB ACE Committee and a grant application reviewer for the Foundation. Earlier this month, **NADINE** was the recipient of the NASW-PA Lifetime Achievement Award.

DELMAR STONE, who was a presenter at ASWB's 2011 Spring Education Meeting, appears on the front page of the September *NASW News*. **DELMAR** is the NASW chapter executive for both Oregon and Wyoming. Oregon social workers are celebrating a chapter-sponsored House Joint Memorial, in which the state's legislators backed the Dorothy I. Height and Whitney M. Young Jr. Social Work Reinvestment Act. The bill is seeking to establish a commission to look at social work workforce challenges and to make recommendations on how members of the profession can meet growing demands for services.

The Alberta College of Social Workers presented its "honorary social worker" awards to **LYNNE DAVIES** and **RALPH WESTWOOD**. Both were public members of ACSW, and active with ASWB.

The exam committee had their group dinner in Old Tucson during the recent final meeting of the year in Arizona. Old Tucson has been the film sets for countless movies and television shows, but was also being used the first weekend in October for a Halloween celebration. There were unusually scary clowns involved; a chance for some clinical work for all those social workers, except that many members of the group admitted they themselves had fear of clowns.

Saying goodbyes to members rotating of the Exam Committee can sometimes be a sad affair, but co-chair **JANE MATHESON** wasn't about to get all maudlin. Sure, all departing members receive glass awards affectionately known as "tombstones" (which they do in fact resemble), but **JANE** brightened the occasion by waxing poetic about **TREVOR GATES**, who was leaving her Masters Exam subcommittee. Somehow amidst the nonstop work of the committee, she managed to compose several limericks about **TREVOR**, and rehearsed her entire subcommittee sufficiently well to stand up with her and recite the verses at lunch. Nothing indelicate, of course, but still really really funny. Do



they give Pulitzers for limerick-writing?

She's concerned that she may not know a great many people in the association now, but **AMMON JENKINS** of Oklahoma plans to "crash the reception" when ASWB meets in November in Oklahoma City. "I'm so pleased that the meeting is here," said the former association director at large. She also recalled that the meeting ends on the birth date shared by her with Deputy Director **KATHLEEN HOFFMAN**. The same birthday that was announced by **RODNEY CROWNOVER** of Arkansas at an earlier fall meeting—when he remarked that both birthday girls were "older than dirt."

BARBARA KAUFMAN of Minnesota, an exam program bulwark of many years, had to bow out of the final 2011 meeting for health reasons, but reports that she is doing well. She also wrote (in a real letter, on paper) that she had enjoyed her work with ASWB. "From writing exam questions to working with the Exam Committee, I always felt that I was, in some small way, helping to improve the practice of social work . . ."

The new Executive Director and Registrar of the Alberta College of Social Workers is **LYNN LABRECQUE KING**. According to retiring Alberta Registrar **ROD ADACHI**, **LYNN** is a long time social worker, manager and consultant and has served 26 years with the Alberta Public Service. But if she's going to replace **ROD** she also has to be helpful, cooperative, friendly – and very, very quick with a witticism. He'll be missed.

It's getting to be a habit with ASWB Examination Program Manager **CHUCK FRIEDMAN**. He's a grandpa again – the second baby is **EDITH VIRGINIA JOHNSON-FRIEDMAN**, born in Seattle, WA, at home with midwife assistance.

The ASWB exhibit booth went to the October conference held by the Pennsylvania chapter of the National Association of Social Workers (NASW), with staffers **LATONYA BANNISTER** and **BOBBIE HARTMAN**. After that, the booth is set to travel to the CSWE Annual Program Meeting in Atlanta, then it's on to the Illinois NASW conference, where **LATONYA** and fellow staffer **AMANDA DAVIDSEN** will be joined by **MARCIA HEITZ**.

