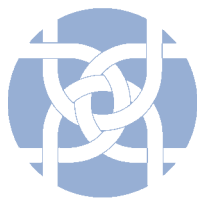


Extensive social work practice analysis ready to begin. See page 6.



association news

October 2008
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newsletter of the Association of Social Work Boards

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California evaluated the ASWB Clinical exam, and the results are in. Page 2.

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Coffee, doughnuts, and the world's largest termite: A tale of one city (namely Providence). Page 9.

Times will change, responsibilities won't

Altered schedule for Providence meeting will pack in lots of ASWB business, including consideration of foreign credentials issue



Providence, Rhode Island will be playing host to ASWB for its Annual Meeting Nov. 6-8 (photo courtesy of Providence Convention and Visitors Bureau).

A changed ASWB Annual Meeting schedule may provide some relief to the weary, but it won't lighten the load of issues requiring consideration by the association's Delegate Assembly. When it meets in Providence, Rhode Island November 6 – 8, the assembly will be considering bylaws amendments, electing its next president as well as members of the Board of Directors and Nominating Committee, and debating a resolution on ASWB's potential role in the evaluation of credentials from social workers trained outside the United States. These issues will, of course, be in addition to the reports, updates, and question-and-answer sessions that have become a regular part of each Annual Meeting.

Most of the official business will occur on Saturday, November 8, when delegates will vote on proposed bylaws amendments, elect the ASWB President, Secretary, two Directors-at-Large and three members of the Nominating Committee (see related story this page), and decide the fate of a proposed resolution sponsored by the New York Board of Social Work.

The assembly will also be provided with information, in ex-

See AGENDA, page 7

For delegates, yet another presidential election coming up

Annual meeting will include choice for ASWB President-Elect, Secretary, two Directors at Large, and Nominating Committee

ASWB will choose its 22nd president this November; the November 8 voting will make the decision between Dorinda Noble of Texas and Amanda Duffy Randall of Nebraska to be President-Elect. Both are in social work education, and both remain on their jurisdiction boards.

The President-Elect serves in that capacity for a year, and then as president for two years and finally for a year in the position of past President on the Board of Directors.

Noble is director of the Texas State School of Social Work, and has been involved with ASWB through both the Louisiana board and the Texas board. She is currently chair of

See ELECTION, page 3



Randall



Noble



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ASWB Exam gets high marks from outside audit *Study conducted for California Board of Behavioral Sciences cites "exemplary" work; decision on whether the state will use the national exam could be over a year away*

A recently-completed psychometric study from California gave the Association of Social Work Boards (ASWB) Clinical examination high marks. According to the study, conducted by an independent psychometric group on behalf of the California Board of Behavioral Sciences (BBS), the ASWB examination is founded on practices that "support making valid decisions about entry-level practice performance." The study states that in addition to meeting the requirements usually associated with valid testing programs, ASWB has taken some "exemplary actions" to support its test, including its efforts to monitor item bias, study readability, and conduct of ongoing research.

The study marks an important step in efforts by ASWB and the BBS to discuss how the ASWB examination might be used in California, currently the only jurisdiction in the U.S. or Canada that uses a social work licensing examination other than the ASWB test.

The bottom line? While the ASWB Clinical exam has been determined to be "valid and defensible," a decision on actual use of the exam by California may be dependent on a closer look at test blueprints, and the ways in which the current ASWB practice analysis will be conducted. According to BBS Executive Office Paul Riches, these issues may take a year or more to resolve themselves. The first goal, however—the verification that ASWB is currently offering a valid exam, and is capable of doing so in the future—seems to have been met.

The study, conducted by Applied Measurement Services, LLC, began in the fall of 2007, when the BBS contracted with the firm to provide a comprehensive assessment of the ASWB Clinical examination. The assessment included detailed research into the ways ASWB develops its examination, from the initial practice analysis process, to work with ACT, Inc., its testing vendor, to actual administration and followup with candidates. Review of information took place both in California and at ACT headquarters in Iowa City, IA.

A full copy of the report is available for review at the California Board website as part of board meeting materials (http://www.bbs.ca.gov/pdf/agen_notice/2008/0508_bdmgt_material_part1.pdf, beginning around page 25). The 37-page report reviews the ASWB practice analysis, examination development, passing scores, test administration standards, examination performance, information available to candidates, test security, and relationship to the test blueprint for the California LCSW examination.

"The ASWB and its psychometric partner ACT have provided a sufficient degree of evidence to support making valid decisions about entry-level practice performance from the Clinical exam," the report states, adding that "the ASWB Clinical exam has several strengths beyond traditional licensure examination programs."

While the study did not uncover any deficiencies, researchers did point to issues that the BBS may want to discuss further with ASWB, including such "minor points" as the ways in which ASWB Examination Committee members are used in the development process, the multi-use role of most ACT testing centers, and discrepancies in some information presented in various association publications. More "major" points included discussions around how confidential data may be shared between ASWB and BBS, and test blueprint differences.

The California BBS was a member of ASWB from 1991 through 1999, but dropped out of membership when it launched its own written examination program, which it administered in addition to an oral examination. The BBS has since dropped the oral examination and adopted a written "vignette" examination, but still requires the multiple choice test it is using in place of the ASWB Clinical examina-

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ELECTION

From page 1

the Task Force on Supervision, and was a member of the last Practice Analysis Task Force. She's been a frequent presenter at ASWB meetings.

Randall is the MSW Coordinator for the School of Social Work for the University of Nebraska. She is completing a term as Director at Large on the Board of Directors, and is co-chair of New Board Member Training. She has served as chair of Bylaws and Resolutions and the Discipline and Regulatory Standards (DARS) Committees, and has a long list of committee and task force service.

Also on the slate for this year is the office of secretary. Jane Anker of South Carolina and Sandra Starks of Kentucky are seeking the position.

First appointed to the South Carolina board in 1994, Anker has served several terms as president or vice-president. She was a member and then chair of DARS, and was on the last Practice Analysis Task Force. Other service includes the Program and Education Committee and the Task Force on ESL Candidates. She was a winner of the inaugural Sunny Andrews Award for regulatory board service.

Starks is the current secretary, and previously served as director at large on the Board of Directors. She is an associate professor of social work at Western Kentucky University, and maintains a private practice. She has been on DARS and the Supervision Task Force, and is the board liaison to the Approved Continuing Education (ACE) Committee. Co-editor of a book, she has a number of other publications.



EGAN

Two directors at large will be elected this year, one of them to the recently-added seat for member board staff. Candidates for the professional position are Maureen Egan of Rhode Island and Donald Gloade of Nova Scotia; for the member board staff seat, Brenda Holden of Alabama and Valerie Jones of Indiana.

Egan has been active with ASWB since she was appointed to the Rhode Island Board of Social Work Examiners, which she now chairs. She's been on the Program and Education Committee, and now is on the ACE Committee. She recently retired after 28 years with the R.I. Department of Children, Youth and Families.

After a career with the Canadian Armed Forces, Gloade worked in industry before returning to school to study social work. He is Executive Director of Cumberland County Family and Children Services, and has also taught. He's been on the Nova Scotia board for almost five years, and became its chair.

Holden has been the executive director of the Alabama Board of Social Work Examiners since 1999. She has attended the Administrators Forum, and has worked with other national examination organizations and professional associations. She's been in regulatory work since 1985, and has a bachelor's degree in business administration.

In addition to being a board director, Jones is also a licensed attorney in Indiana.

She administers six boards and committees, one of which is the Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board. She has been on the Program and Education Committee, and currently is a member of Bylaws and Resolutions.

On the 2008 Nominating Committee that worked to put together the slate were Cedric (Doc) Davis of Arizona, Debby Jones of British Columbia, Board of Directors liaison Roger Kryzanek and Mary Ma-chamber of Florida.



ANKER



STARKS



GLOADE



JONES

2009 Nominating Committee will also be elected in Providence

The three elected members of the 2009 ASWB Nominating Committee will be chosen on Nov. 7, from a slate of six candidates. They are Whitney Crossman of New York, Marcia Heitz of Illinois, Robin Jenkins of Washington, D.C., Douglas Mitchell of Arizona, Mark Oldham of Oregon and Jerry Satterwhite of Alabama.

Crossman has been on the New York board since 2006, and is on the Program and Education Committee. She works in public housing administration, and is a part time instructor at the Syracuse University School of Social Work.

Having served on the Illinois board since the early '90s, with a couple of breaks, Heitz is the current chair. She was co-chair of ASWB's last Practice Analysis Task Force,

and has had other committee service, including election to the Nominating Committee. She is a long-time employee of the state Department of Children and Family Services.

Jenkins is also a veteran of ASWB service; she's been on the Nominating and the Bylaws committees, and is now on the new Practice Analysis Task Force. She is a veteran member of the Washington, D.C., board, and has worked with NASW. She's primary administrator of a commission that regulates postsecondary education standards.

Mitchell is chair of the board in Arizona, and has served on the Disciplinary and Regulatory Standards (DARS) Committee. He is chief of the Social Work Service at the

See NOMINATING COMMITTEE , page 7

ESL - lots of questions, very few answers

ASWB task force struggles with the absence of data

The 10-member Task Force on ESL Candidates approached their task, determining whether ASWB is following the proper course with examination candidates for whom English is a second language, from all angles.

They talked, they had ideas, they shot down each other's ideas, they came up with new ideas. They had asked for two fairly extensive surveys before their Sept. 6 meeting, one of administrators and one of candidates who had taken the exam with ESL arrangements, and for a look at the latest exam program evaluation. But in spite of this new information, the conclusion was that they didn't really have the data to base any real changes on.

For those with limited English, there is no way of determining whether failure on the exams is due to language difficulties, cultural differences, or educational experience. There has been very little research done to try to track down the major cause or causes; things that candidates seemed to be trying to explain on the survey with comments like "The dictionary was not helpful; it did not have social work terminology," "some of the English words can not find in (bilingual) dictionary," or "I graduated with honors but I cannot seem to pass this exam."

According to ASWB policy, special arrangements, two hours of extra time, a bilingual dictionary and/or an English dictionary, are allowed for ESL candidates whose jurisdictions grant approval. Probably 18 – 20 member boards do not permit special arrangements in such cases; quite a few jurisdictions have never had a request and made no decision.

The charge to the task force, made by the Board of Directors responding to a motion made at the 2007 Annual Meeting, included investigating whether ESL candidates experience unique challenges to performance, and evaluating the usefulness of current policy, and whether it should continue. Members were also asked to identify factors that may impact on the performance of candidates with English deficiencies.

An earlier task force, in 1994, came up with the policy to "level the playing field," and since other work has been done toward trying to determine fairness in arrangements. The exam has been assessed for reading level, the Examination Committee has heard presentations on wording that might be confusing for non-English speakers and has worked to change and simplify questions, and ACT, the testing contractor, has done a discussion paper on procedures for ESL testing.

Testing with arrangements is a very small part of the exam program. During the two years from July 1, 2006, to June 30, 2008, there were only 301 candidates who received ESL arrangements; during that same period, there were more than 58,000 exams administered.

The 2008 task force looked at these previous efforts, at the alternatives to examination programs that two states, Texas and Minnesota, have, and the latest research on the topic done by the Council on Licensure Enforcement and Regulation (CLEAR).

Considered during the discussion were providing advance information on the terms that would appear on the exam, providing an on-line English dictionary at the test sites, providing extra time to anyone who asked, requiring an acceptable Test of English as a Foreign Language (TOEFL) score before a candidate could take the test, and other ideas.

One basic conclusion was that more information needs to be gathered, and more research has to be done. The task force did agree to recommend to the Board of Directors that questions be added to the upcoming practice analysis survey and to the candidate registration form; to ask for an opinion from ACT



Translating dictionaries occupy several shelves at the ASWB office. If the regulatory board allows it, the association offers up to two for ESL candidates, plus extra time.



The ASWB Task Force on ESL Candidates: Seated, from left: David Hamilton (NY), Jane Anker (SC), Marcia Heitz (IL); standing, from left: Ken Middlebrooks (MN), Janice James (KY), Mark Oldham (OR), Suzanne McKenna (NB - board of directors liaison), Jeff Scanlan (WI), committee chair Alison MacDonald (AB), Andrew Marks (TX).

ESL

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about the fairness of several of its earlier suggestions; and to make minor changes in the policy wording.

But the crux remains for the task force, for the association, and no doubt for the testing industry, how to sort out what is responsible for exam failure—language difficulties, cultural differences or educational experiences. The task force recommended another look a few years down the road, with

maybe the benefit of some more research.

Chair of the task force was Alison MacDonald of Alberta; members were Jane Anker of South Carolina, David Hamilton of New York, Marcia Heitz of Illinois, Janice James of Kentucky, Andrew Marks of Texas, Ken Middlebrooks of Minnesota, Mark Oldham of Oregon, Jeff Scanlan of Wisconsin, and Suzanne McKenna of New Brunswick (Board of Directors liaison).

From CLEAR

No single best way to respond to ESL

Translations? Dictionaries? No assistance at all? Lots of variation, but one point of agreement: if it hurts your test, don't do it

Changing demographics in the United States and Canada may be putting pressure on licensing and credentialing organizations to accommodate applicants whose first language isn't English, but so far, there doesn't seem to be a clear answer about the best way to respond to this pressure. This seemed to be the thread that ran through a presentation on English as a Second Language (ESL) made at the most recent conference of the Council on Licensure, Enforcement, and Regulation (CLEAR), held in Anchorage, Alaska in September.

The session, titled "Testing Considerations for English as a Second Language (ESL) Candidates," offered plenty of support for the idea that the demographics of testing populations are changing rapidly, but very little in the way of a quick and easy way to respond to calls for language accommodations.

Nisha Mittal, the ACT psychometrician who works with the Association of Social Work Boards (ASWB) examination program, served as coordinator of the presentation and put the challenge in perspective. According to Mittal, the continued growth of the ESL debate is the result of two changes that, in the end, affect each other: the overall rise in immigrant populations, and the general increase in professional regulation and credentialing over the past 20 years.

This challenge has resulted in some major testing shifts in construction-related professions, according to psychometric consultant Paul Naylor, another presenter at the session. He said that the National Center for Construction Education and Research has been attempting to look at the role of translation in ensuring safety and enhancing workforce development—an acknowledgement of the high percentage of non English-speaking workers in many construction trades.

The center's efforts resulted in the translation of several trade examinations into Spanish, including pipefitting, carpentry, rigging, masonry, and concrete finishing. According to Naylor, the final versions of the examination are not always strict translations, but acknowledge the reality of the workplace, which can be an amalgam of languages.

"We wound up with what you would call 'Spanglish' terms," Naylor said, "because you want people to understand on the job." An offshoot of the translation project was the Center's development of two glossaries—"Construction English for the Spanish speaker," and "Construction Spanish for the English speaker."

For Anthony Zara, Vice President of Testing Services at Pearson VUE and former psychometrician with the National Council of State Boards of Nursing (NCSBN), the issue of alteration of examinations to respond to ESL issues is a simple one: if a change to an exam weakens the overall reliability of the test, don't do it. That statement met with agreement from the other presenters.

During Zara's tenure with NCSBN, the issue was a nonstarter. Even though nursing has experienced a significant influx of foreign-trained professionals, he said, there was "no demand" for accommodations for ESL test-takers. In fact, he said, "boards thought that regulatory examinations should not be translated." Currently, NCSBN does not offer translations or other accommodations to test-takers whose first language is not English.

Zara echoed issues brought up by Mittal during her portion of the presentation, when she stated that language issues could not necessarily be isolated as the only factor preventing candidate success, and that professional regulators and test providers need to be aware that ESL candidates can fail a test for the same reasons non-ESL candidates fail the test: insufficient knowledge. In addition, Zara said, regulators need to take a good look at the role English competence plays in the work being regulated, and at some point in the process need to be asking, is knowledge of English itself "a meaningful part of practice?"

CALIFORNIA

From page 2

tion. When it dropped the ASWB exam in 1999, the BBS cited concerns over practice analysis sample sizes and high pass rates as the primary reasons for the decision. Current bylaws make use of the ASWB examination a requirement of membership, if a licensing examination is used at all.

Since 1999, the ASWB Board of Directors has made regular contact with the BBS to discuss the board's possible return to the association. For the most part, discussions were limited until early 2007, when ASWB representatives made a presentation to the California board regarding the board's possible use of the Clinical examination.

North American study of social work practice underway *20-member practice analysis task force to be led by Canadian and U.S. co-chairs*

The Association of Social Work Boards (ASWB) has established the volunteer group that will allow ASWB to begin working on a new North American analysis of social work practice, the study that serves as the foundation of the social work licensing examinations used in the United States and Canada. The newly-appointed ASWB Practice Analysis Task Force is a diverse group comprised of 20 social workers who have committed to service on this extensive, multi-year project.

During its August meeting, the ASWB Board of Directors approved proposed appointments presented by ASWB President Charlotte McConnell. The large committee was carefully chosen to reflect diversity in race/ethnicity, geography, and practice—a crucial element in the development of the study, and interpretation of the findings. The first meeting of the task force is set for mid-October.

The Practice Analysis Task Force will be chaired by Richard Gruchy (NS) and Kathy Outland (OR). Gruchy, a current member of the Nova Scotia regulatory body, holds an MSW and has focused his practice on child protection work. Outland is a private clinician and former member of the Oregon Social Work Board. Other members are Gary Bailey (NC), Terry Cluse-Tolar (OH), Cynthia Costello (MA), Frann Franklin (DE), Mary Ann Glaser (CA), Mary Pender Greene (NY), Robin Jenkins (DC), Kay Lindgren (SD), Glenda McDonald (ON), Andrew Marks (TX), Amelia Franck Meyer (MN), Melinda Pilkinton (MS), Henry Pretty On Top (MT), Roxroy Reid (NM), Jerry Satterwhite (AL), Greta Slater (IN), Wade Tyler (LA), and Chi Ying Wong (BC). Most appointments were made based on applications submitted to ASWB in response to a call for volunteers made through the ASWB email

groups and newsletter.

The task force contains five African Americans, one Asian, one Hispanic, one Native American/First Nations, and 12 Caucasians. Geographically, members represent the U.S. South (AL, LA, NC, MS); the Northwest and Pacific Coast (CA, BC, OR, MT), the Midwest (OH, SD, MN, IN, ON), the U.S. Southwest (NM, TX), and the Northeast (NS, MA, NY, DE, DC). Like the social work profession, the group has more women than men (13 – 7).



Additionally a wide range of practice experience is represented on the committee, which includes work in social welfare agencies, case management, and employee assistance programs, in addition to private clinical practice and positions in academia. The task force also includes 13 current or former members or staff of regulatory boards in the U.S. and Canada.

Practice analyses are required to be performed regularly to ensure the continued validity of professional licensure examinations. As in previous practice analyses, the study will begin with a North American survey of social work practice that seeks to determine what social workers at various levels of practice need to know on the first day of work in order to protect the public. The results of this survey ultimately shape the overall content of the social work licensing examinations. The last survey was completed in 2003, with changed test outlines set in place in 2004. The full text of the 2003 study can be found at the ASWB website www.aswb.org. The project, done with psychometric and administrative support from ACT, Inc., is expected to take about two years to complete.

REGULATORY HAPPENINGS

By Dwight Hymans, LCSW, ACSW
ASWB Director of Board Services

For anyone hoping to get a bead on the world of social work regulation it quickly becomes clear that the target is constantly moving. Keeping up with all the changes is nearly impossible, but sometimes we can share a few highlights from recent regulatory activities. Here is a brief synopsis of a few of the current happenings in social work regulation.

- **Virginia** is working on regulations that will define and clarify course requirements for a candidate for licensure to take the Clinical exam. The current guidance document being used by the board is serving as its regulatory template. The proposed regulations would require coursework in several areas of clinical study. If a candidate for licensure did not graduate from an MSW program with a clinical concentration and cannot demonstrate that they have completed such course work, they will be required to complete remedial graduate level academic courses and a field placement to meet all the requirements. To download the board's guidance document (No. 140-6) go to http://www.dhp.state.va.us/social/social_guidelines.htm at the board's website.
- **Tennessee** has modified its social work statute to move to mandatory licensure for multiple practice levels. Effective July 1, 2008 the Board of Social Work Certification and Licensure was renamed the Board of Social Work Licensure. In addition the law creates four license categories, adding bachelor and advanced practice to their license categories. The new law establishes licenses that include Licensed Baccalaureate Social Worker, Licensed Master's Social Worker, Licensed Advanced Practice Social Worker (non-clinical) and Licensed Clinical Social

See REGULATORY HAPPENINGS, page 10

AGENDA

From page 1

executive session, regarding a recently-completed audit of the examination program by an independent psychometrician. In contrast, the opening day will be mostly informational, with reports, election speeches, and a panel discussion featuring ASWB committee and task force chairs.

Although the Delegate Assembly convenes on a Friday, the official reception and welcome dinner will be held from 5:30 – 8:00 p.m. on Thursday November 6. Preceding this, the ASWB Board of Directors will begin its meeting at 8:30 a.m., and the Administrators Forum program will be offered beginning at 9 a.m. Registration will open at 3:30 p.m. for arriving attendees, with an orientation for first time attendees scheduled to be held from 4 – 5 p.m.

The first official day of meeting of the Delegate Assembly will start at 8:30 a.m. on Friday, and is set to include reports from the ASWB Executive Director Donna DeAngelis, the presentation of the election slate, and speeches from candidates. After lunch ASWB legal counsel Dale Atkinson will provide an update on relevant regulatory cases. The day will end with an open question-and-answer session with ASWB's

committee and task force chairs.

Saturday, November 8 promises to be the usual full day of business for the association, beginning with reports from the President, a financial report and Finance Committee update, and a two-hour executive session that will include a report by Greg Cizek, Ph.D., on his evaluation of the ASWB examination program. Elections will be held before lunch, with announcement of the results when the assembly resumes its session in the afternoon.

In addition to the election announcements, Saturday afternoon will also be reserved for honoring recipients of this year's Sunny Andrews award for outstanding board service, as well as the ASWB Outstanding Administrator award recognizing the efforts of regulatory board staff. The assembly will then be asked to turn its attention to any pending action items—basically, bylaws amendment proposals and a proposed resolution. An invitation to the 2009 Spring Education Meeting in Quebec will round out the session, which is set to end at 3:30 p.m. Sunday will be meeting-free, to allow for a full day of travel home.

NOMINATING COMMITTEE

From page 3

Phoenix Veterans Administration Healthcare System, and has been national president of VA social workers. He continues direct care by working with former prisoners of war.

Also currently chair of his board, Oldham has spent two separate periods including regulatory service on a long list of volunteer activities. He's been on a number of ASWB committee, including chairing the Program and

Education Committee from 2005-2006, and co-chairing a health care reform task force in the '90's.

Now retired as Chief of Social Work Service at the Birmingham VA Medical Center, Satterwhite has a consulting firm and is also an adjunct professor for the University of Alabama. He's held national leadership posts with the VA, and is on ASWB's 2008 Practice Analysis Task Force.

Email list regulars already know that **JON LANGENWALTER** has resigned as administrator of the Oregon board. **MARTIN PITTIONI** has been named the new administrator, and **SANCHA ALLEY** is still in her position as office mainstay.

No better way to celebrate than to discuss weighty regulatory issues in a hotel: the day before he attended the ESL Task Force meeting in Virginia, **MARK OLDHAM** became a brand new granddad. Any nonsmokers who received a celebratory cigar can pass them along to **JERRY SATTERWHITE**, by the way.

Former ASWB Treasurer and longtime Montana Delegate **PATRICK WOLBERD** is now in Boise, and is working as a clinician in a minimum security prison. **PATRICK's** wife **ANITA** is still training people in pre-school Montessori methods.

Here's how you can tell if a male volunteer is new to ASWB committee service: he wears a tie. *To the committee meeting.* Just ask **JEFF SCANLAN**, the administrator from Wisconsin. He wore a tie to the ESL Task Force meeting, and people kept asking him if he was with the right group.

Sadly, it's starting to seem like old news, but the hurricanes keep coming. **JACKIE SHELLINGTON** left her home in Louisiana,

where Hurricane Gustav had left its mark, only to arrive in Virginia for the Program and Education meeting just in time for Hurricane Hanna. Mostly just wind and rain when it finally arrived in

Virginia, but it had to be pointed out to some of the Canadians that no, this did not qualify as a real hurricane.

An update from **DAVID JEFFRIES** of South Carolina, the first executive director of AASSWB, forerunner of ASWB. He was reappointed to the Planning Committee for the 50th Carolina Summer School of Gerontology, a function of the state's Office on Aging. But it isn't only in honor of his age—this will be his 31st year on the committee. **DAVID** was quite taken with the color photos in *Association News*.

ALEX TUBBS of Idaho was in San Diego recently for a family reunion, and sent a family photo from Sea World. **ALEX** was one of the younger group of ASWB people when he began working with the association as an item writer quite a while ago, and now he has six grandchildren and one on the way.

It was the goal of **NANCY GRAF** at Case Western, who has from time to time worked with ASWB, to reach her 50th year as a social worker before she left her job, and she did that in August. **NANCY** has always tried to stay on top of regulation and testing issues on behalf of students at Mandel. Staying committed must come easy for **NANCY**—she's certainly had plenty of practice at the ol' thick-and-thin routine, being a longtime Cleveland

Indians fan. They'll get 'em next year, **NANCY**.

So after many months of disruption, renovations at the ASWB offices in Virginia are nearly complete, or complete enough for **DONNA DEANGELIS** to return to her old digs. And it's hard to know whether to chalk it up to the revitalized surroundings, or the effects of offgassing from the new wallpaper, but it finally struck **DONNA** that she could rearrange her office furniture—something she hadn't done in about 12 years. As if that change weren't shocking enough to staff, **DONNA** is now publicly acknowledging that she "likes" the latest version of Microsoft Windows installed on her new computer. Mark this day: the words "**DONNA**", "likes" and "computer" rarely appear together in the same sentence.

When homesickness is not an option: back-to-back meetings are one thing, but back-to-back-to-back meetings are something else entirely. Just ask **GLENDA MCDONALD** and **ALISON MACDONALD**. They both began their meeting juggernaut in Banff, where they attended the two day gathering for Canadian registrars (**GLENDA** for Ontario, and **ALISON** for Alberta), and then they flew directly to Anchorage for a three day executive leadership training program (**GLENDA** is on the faculty; **ALISON** was in the class), and then they stayed on for the annual three day CLEAR conference. That's a whole lot of meeting. Here's hoping someone was watering the plants back home. And no, there is no requirement in Canada that registrars come from the same clan.



2008 ASWB Annual Meeting

The dilemma: is it best to view 18th century portraiture before or after the roller derby?

Providence, Rhode Island is a history (and doughnut)-lover's paradise

Clearly, this is the sort of thing that isn't up for debate. When you look at the facts—highest number of coffee and doughnut shops per capita in the U.S., highest number of restaurants per capita in the U.S., second largest unsupported marble dome in the world (bettered only by St. Peter's Basilica), a library once frequented by Edgar Allan Poe, and a city that is home to not only the world's largest termite (a roadside attraction who goes by the name Nibbles Woodaway), but also its *very own roller derby league*—it's clear that when it comes to Providence, Rhode Island, there's only one question that can be asked by any reasonable person:

What's not to like? We're talking roller derby and doughnuts.

Attendees to the 2008 Association of Social Work Boards (ASWB) Annual Meeting, held November 6-8 at the Renaissance Providence hotel, can expect to see a city that is as diverse as it is historic. Established by Roger Williams after his exile from Massachusetts, Providence is one of the oldest cities in the United States, with the single largest contiguous collection of buildings on the National Register of Historic Places. But the city is also home to a Tony-award winning repertory company (The Trinity Repertory Company), an orchestra, and the Rhode Island School of Design.

Although ASWB's meetings don't usually leave a lot of spare time for sightseeing, attendees may be able to make the most out of their somewhat-limited free time: partly because of Providence's age, it's a fairly compact city, very friendly to pedestrians. The host hotel—the Renaissance Providence—is located in the Capitol District, adjacent to the Veterans Memorial Auditorium housing the VMA Arts & Cultural Center. The hotel is opposite the Rhode Island State House and one block from Providence Place Mall.

And if you're planning on checking out the statehouse, the decommissioned Russian submarine at the southern waterfront, Nibbles Woodaway, or one of the 25 designated neighborhoods in the city, dress appropriately: average temperatures for November are highs of 52 degrees F/11 degrees C; lows of 35 degrees F/2 degrees C.

More information on Providence can be found on the web, including the latest on the Sakonnet River Roller Rats, the Old Money Honeys, the Rhode Island Riveters, the Killah Bees, and the Mob Squad (<http://www.providencerollerderby.com/teams.htm>).

Other sites include:

Renaissance Providence: <http://www.marriott.com/hotels/travel/pvdbr-renaissance-providence-hotel/>

Providence Convention and Visitors Bureau: <http://www.goprovidence.com/>

Official city website: <http://www.providenceri.com/>

Providence Phoenix (alternative weekly—information on events and restaurants): <http://thephoenix.com/Providence/>

TIP: online newsletter has live links to all urls listed here! Check it out at www.aswb.org



If you can manage to find the time, exploring Providence promises to be a rewarding experience. Above, the art museum at the Rhode Island School of Design has a renowned collection. At left, this view makes it easy to see the concentration of historic buildings in the city (photos courtesy of Providence CVB).

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Worker. For further information and details readers may view a copy of the new law at <http://www.michie.com/tennessee/lpext.dll?f=templates&fn=main-h.htm&cp=tncode>.

- **Missouri** also passed a new law that included language adding three new tiers of licensure and renaming one. Their law now includes Licensed Advanced Macro Social Worker, Licensed Master Social Worker, Licensed Baccalaureate Social Worker and Licensed Baccalaureate Social Worker-Independent Practice. They also changed the LCSW scope of practice by deleting community organization, planning and evaluation and adding social work theory, knowledge and values. The new statutes and definitions are available at the board's website; <http://pr.mo.gov/socialworkers.asp>.
- **Canadian provinces** have been working to implement the Mutual Recognition Agreement on Labour Mobility for Social Workers in Canada which is being done in response to the Agreement on Internal Trade (AIT) from the Canadian Government. The agreement seeks to establish the conditions under which a social worker in one jurisdiction will have his/her qualifications recognized in another Canadian jurisdiction. The Agreement is an attempt to improve access to social work jobs and, at the same time, maintain acceptable levels of competence and public safety. The Canadian government initiated this expectation and has set an April 1, 2009 deadline for full compliance with the conditions outlined in the AIT. Upon full implementation of the AIT a Registered Social Worker (RSW) in a province will be able to move to a different province and be recognized as an RSW in the new province without having to meet any additional requirements in the new province. This initiative has created some concerns for the provincial registrars since there are differences in legislation and rules/regulations between the provinces. As is true in the U.S., who is defined as a social worker and the scope of practice differ from province to province.
- **Minnesota's** 2007 legislature required the board to "study and make recommendations to the legislature by December 15, 2008, on how to increase the numbers of licensed social workers serving underserved communities and culturally and ethnically diverse communities. The study shall also explore alternative paths to licensure that does not include a standardized examination." A board committee comprised of board members, board staff, and representatives from social work associations and the community began working on the mandate in September, 2007.
- **British Columbia** passed the new Social Workers Act replacing the original Act passed in 1968 and providing an up-to-date regulatory scheme for the social work profession. When it comes into force, the SWA will:
 - Create a self-regulatory BC College of Social Workers with a clear duty to protect the public;
 - Provide for the election of social work members to the board;
 - Improve administrative fairness for social workers and complainants in the complaint review process;
 - Prevent social workers from avoiding accountability by resigning before completion of the review of a serious matter;
 - Facilitate recognition of advanced social work practice, as well as diverse practice fields;
 - Improve organizational effectiveness by expanding the involvement of social workers in regulatory committees;
 - Require an on-line registry.

New legislation? Rules changes? Recent happenings? Let us know. Email dhyman@aswb.org

Did you know--all websites mentioned in the newsletter are LIVE links in the online version of the newsletter. No retyping--just point and click. Check it out at www.aswb.org

COUNSEL'S COLUMN

No eye to eye: license deny

By DALE ATKINSON
ATKINSON & ATKINSON

Technological advancements have proliferated and impacted many aspects of social work practice (internet practice and electronic recordkeeping) and social work board operations (online applications and renewals, conducting board meetings in real time online processes, videotaped testimony, complex electronic compliance with discovery requests). Of course, technology has impacted professional practice and the regulatory community as a whole. From an operations perspective, technology is designed to provide boards with increased access to information and materials for use by board members, staff, and the public alike. The development and use by boards of websites has further allowed for the publication of board activities and enhanced the public's access to information.

At the same time, technological advancements have modified the operations and educational modalities of students in professional schools/programs requiring boards and educational accrediting entities to reexamine what programs will be recognized for purposes of the licensure process. Consider the following.

An applicant applied to the Pennsylvania Board of Psychology (board) for licensure as a psychologist. The applicant obtained her Bachelor of Science degree from East Stroudsburg University. She also obtained her Masters of Science degree and was awarded her Doctorate degree in Clinical Psychology from Capella in Minneapolis, Minnesota, an unaccredited university.

Under applicable Pennsylvania law, applicants for licensure as a psychologist must have a doctorate degree in psychology which meets certain standards set forth in board regulations. The regulations require that if a particular degree is not granted from a program accredited by either the American Psychological Association (APA) or designated by the Association of State and Provincial Psychology Boards (ASPPB), such program must meet a list of eleven criteria established in such regulations. In pertinent part, one criterion includes that the program must have a "residency requirement that each degree candidate complete a minimum of two consecutive academic semesters as a matriculated student physically present at the institution granting the degree."

Ph.D. candidates from Capella are educated primarily through an online learning program and this applicant was physically present for 51 days during the Year-in-Residency Program. As determined by the board in its findings of fact, the applicant participated in two Two Week Extended Seminars, attended nine Focused Weekend Seminars, and overall was physically present at Capella for approximately 500 hours during the Year-in-Residence. Aside from the physical pres-

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, of which ASWB is a member.



ence at Capella, the Applicant's contacts with professors and students were over the internet through twice weekly discussion question postings. Capella is neither accredited by the APA nor is it a program designated by ASPPB.

After an initial denial letter was received, the applicant participated in a hearing before the board. At the hearing, testimony was received by the applicant as well as the Chair of the Clinical Specialization in the School of Psychology at Capella who both testified regarding the Year-in-Residency. The board presented no evidence. After the hearing, the application for licensure was denied based upon the fact that the applicant's residency was not a "minimum of two consecutive academic semesters as a matriculated student physically present at the institution granting the degree" as required in the definition of "doctoral degree in psychology."

The applicant appealed the matter to the Commonwealth Court of Pennsylvania and argued two issues. First, whether the board failed to adequately explain why it rejected the evidence of the applicant; and second, whether the board improperly commingled its functions in violation of due process rights by preliminarily denying licensure and eventually ruling against the applicant.

The applicant first argued that the board failed to consider competent and overwhelming evidence that established she was qualified for licensure in Pennsylvania. In rejecting this claim, the court noted that the board did actually evaluate the testimony, but merely rejected the applicant's respective arguments. It emphasized that the evidence established that the applicant was physically present for 500 hours over 51 days throughout her entire doctorate degree program, less than the required "two consecutive academic semesters." The court also rejected the applicant's details regarding the "professional and academic" integrity of the program stating that the issue is limited to whether the residency requirements were met. Thus, the court held that substantial evidence supported the findings of the board that the applicant failed to meet the residency requirements.

Regarding the due process claims, the applicant argued that the preliminary denial of licensure by the board created a vested interest in the board to "affirm" its initial

To what degree
is a degree
a degree?



Association of
Social Work Boards

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association news

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decision, thus improperly commingling agency functions. In support of its position, the applicant cited a Pennsylvania Supreme Court decision (*Lyness v. State Board of Medicine*, 605 A. 2d 1204 (PA 1992)). While recognizing that due process rights are fully applicable to administrative proceedings, the court disagreed with the arguments of the applicant. Noting that *Lyness* addressed a disciplinary proceeding whereby the physician had his license revoked, the court distinguished that opinion and cited a case addressing an application for licensure (*Barran v. State Board of Medicine*, 670 A. 2d 765 (PA 1996)). The court held that the board did not initiate any disciplinary proceedings or other prosecutorial actions, but merely provisionally denied licensure while granting the applicant's request for a hearing. Because the preliminary decision was based solely on documentation provided by the applicant and the applicant was provided a full and fair hearing whereby credentials were presented, there was no improper commingling of agency functions. Based upon the court findings, the board denial for licensure was affirmed.

As educational modalities change with technological advancements, boards of social work are encouraged to re-evaluate their statutory and regulatory criteria for licensure. Boards are also cautioned to assess the standards and criteria of any accrediting entities relied upon to ensure such are consistent with the wishes and expertise of the boards, being careful of improper delegation of authority.

Lastella v. Bureau of Professional Occupations and Affairs, State Board of Psychology, 954 A. 2d 769 (Commonwealth Ct PA 2008)



Want to know what will be the focus of the 2009 ASWB Spring Education Meeting April 23-26, in Quebec City--besides, of course, the fabulous surroundings? Well, the best way to find out is to attend the 2008 Annual Meeting in Providence, where ASWB Program and Education Committee chair Richard Silver (second from left) will share the committee's plans for the event. The committee met recently to discuss speakers and topics. Pictured from left: Jenise Comer (MO), Silver (QC), Bob Johnson (AB), Whitney Crossman (NY), Jackie Shellington (LA), Linda Crummett (MT), and Jamie Zachary (FL). Not pictured: Brenda Holden (AL), Amanda Randall (NE - board of directors liaison).