



ASWB contracts with Pearson VUE

Beginning in 2011, ASWB will move to a new testing vendor with a strong reputation in the delivery of licensure examinations.

After over 13 years with the same testing vendor, the Association of Social Work Boards (ASWB) has entered into a three year contract with a new company, Pearson VUE, to provide examination administration and support services for the ASWB social work licensure examinations. Beginning in January, 2011, the Bloomington, MN-based company will take over the role currently held by ACT, Inc. of Iowa City, IA.

The decision to pursue contract negotiations with Pearson VUE was made by the ASWB Board of Directors after a nearly year-long process that involved the development of a Request for Proposals, a series of site visits and vendor presentations, and careful contract negotiations.

The ASWB examinations will be administered at a network of 224 Pearson Professional Centers (PPCs) located throughout the U.S. and Canada. The PPCs are wholly owned and operated by Pearson VUE, and provide nearly identical testing environments in each facility. The precise locations of test sites will change from the 225 sites now offered by ACT, Inc., but overall, the distribution of sites is comparable to sites currently available. An analysis conducted by Pearson VUE indicated that 92 percent of ASWB candidates live within 60 miles of a PPC and that the average ASWB exam candidate distance to a PPC is 20 miles.

The transition to a new vendor will not alter the basic structure of the ASWB tests. Candidates will still take one of five 170-question multiple choice exams delivered by computer upon appointment. At the regulatory board level, there will also likely be little change in basic operations: the Pearson VUE contract requires the same kinds of reporting procedures now in place, and the same basic process for handling such issues as requests for disabilities accommodations, ESL arrangements (where permitted), and the processing of incidents at test sites.

Founded in 1994, Pearson VUE is now regarded as a leader in the testing industry, and provides examination administration and support services for many regulatory board and licensure examination organizations, including the National Council of State Boards of Nursing, the National Association of Pharmacy Boards, the National Board of Chiropractic Examiners, and the American Board of Internal Medicine. Pearson VUE is a business of Pearson, the international media company, whose businesses include the Financial Times Group, Pearson Education and the Penguin Group.

“The process to become a licensed social worker requires focus, commitment to high standards and a lot of hard work,” said Bob Whelan,

president and CEO of Pearson VUE. “As ASWB’s new testing partner, we share the association’s dedication to excellence and integrity, and pledge to serve licensure candidates with the same resolve.”

In a recent memo to ASWB member board administrators, ASWB Executive Director Donna DeAngelis wrote that “The ASWB Board of Directors very carefully considered options for testing vendors, and feels that Pearson VUE offers a range of services that are in the best interests of ASWB and its member boards. We look forward to developing a strong relationship with Pearson VUE, and believe that ASWB member boards will benefit from this change.”



Laissez les bon temps regulate

Attendees to the ASWB Annual Meeting in New Orleans can look forward to a lot of looking forward.

Examination fee increases? Practice analysis results? That's so 2009.

With those issues now in the past, delegates to the 2010 Association of Social Work Boards (ASWB) Annual Meeting, set for November 11-13 in New Orleans, LA, can get on with the future—including proposed changes to the ASWB Model Social Work Practice Act, discussions about ASWB's place in the international regulatory scene, and the evolution of the ASWB "disciplinary" database into a repository for a wider range of board actions (see related stories in this issue of association news). Registrations are now being taken for the meeting, which will be held at the Renaissance Pere Marquette, adjacent to the famed French Quarter of New Orleans.

Although official meeting topics don't begin until Friday, November 12, attendees may arrive and register on Thursday, with meeting registration running from 3:30 – 5:30 p.m. That evening, ASWB will sponsor a reception and welcome dinner, from 5:30 – 8:00 p.m.—attendees will need to RSVP when they register for the meeting. Thursday will also feature the Administrators Forum (9 a.m. – 4 p.m.) and an orientation for first-time attendees, held from 4 – 5 p.m.

Friday's agenda will focus on bringing attendees up to date with what's going on at ASWB and throughout the professional regulatory community, as well as introducing and re-introducing candidates for elected positions on the Board of Directors and Nominating Committee. Presentations on Friday will include member board introductions, an update on association office activities from ASWB Executive Director Donna DeAngelis, a report from ASWB President Amanda Duffy Randall, and candidate statements. The opening day will also feature a presentation by ASWB legal counsel Dale Atkinson on recent cases of interest to regulatory boards. Awards for outstanding regulatory board members and administrators will also be made throughout the meeting, which is set to end at 3:30 p.m.

Friday evening, the Louisiana Board of Social Work Examiners will be hosting a "Cajun Extravaganza" at Michaul's. Details are still being worked out—or perhaps saved up—and will be available at the meeting. The board will also be on hand to help welcome attendees to the Crescent City.

Saturday's focus will be on the business of the organization, with reports on the ASWB finances, policy manual changes, and a two-hour executive session focused on all aspects of the ASWB

examination program, including a discussion of ASWB's move to its new testing vendor, Pearson VUE. Elections will be held at noon on Saturday, and the afternoon will be rounded out with discussions from ASWB's committees, one of which—the Regulations and Standards Committee—will be presenting proposed changes to the ASWB Model Social Work Practice Act. The day will wrap up with a presentation from the ASWB Program and Education Committee on the 2012 ASWB Spring Education Meeting in Vancouver, BC, as well as closing remarks from the president.

To register online, visit the ASWB website at www.aswb.org . Registration deadline is October 15.



Bringing generalist practice into focus

ASWB's new Advanced Generalist exam won't be available until 2012—in the meantime, candidates have an opportunity to take the exam for free.

Implementation of a new Association of Social Work Boards (ASWB) Advanced Generalist examination will be delayed for one year while the association opens a free testing window designed to help ASWB gather the data it needs to fine-tune the test's focus on advanced non-clinical social work knowledge. Changes to the content outlines of the association's other examinations—Associate, Bachelors, Masters, and Clinical—will still be effective January 1, 2011.

The most recent social work practice analysis prompted relatively minor shifts in content for most of the Association of Social Work Boards (ASWB) licensing examinations. In the case of the Advanced Generalist examinations, however, the results of the analysis provided ASWB with an opportunity to more firmly anchor the test as an assessment of advanced non-clinical social work knowledge. This effort will require ASWB to quickly stockpile a bank of test questions (called "items") that will meet the needs of the new Advanced Generalist content outlines, a process that will require some additional time.

Under the program developed by ASWB, nearly all candidates who take the ASWB Advanced Generalist examination between January 1 and June 30, 2011, will take a test that will include as many as 85 additional nonscored "pretest" items mixed with the 150 scored and 20 pretest items in the standard Advanced Generalist examination. All Advanced Generalist examinations administered during 2011 will follow the current test content outlines—changes reflecting the latest practice analysis will not be implemented in these examinations until 2012. Candidates will have six hours to complete the test, which will be delivered in two testing blocks, with a 30 minute break between each portion.

In exchange for participation in this data-gathering program, the \$260 examination fee will be waived. The program will apply to new exam candidates as well as candidates who fail the Advanced Generalist examination and schedule a re-take between January 1 and June 30. Candidates who fail the free expanded Advanced Generalist test in 2011 and are able to re-test before June 30 will receive the standard 170-question version at the full fee (\$260).

Although the program will require candidates to take a longer test, the system will have some definite advantages for test-takers: in addition to being free, the program will allow for continuous testing and immediate unofficial score reports on-site, just as the examination program works now. Other data-gathering approaches would have

required ASWB to withhold scores for as much as three months for some candidates, and may have necessitated a suspension of all testing at the Advanced Generalist level for a period of time.

The program is part of a larger push by ASWB to further clarify the differences between the Advanced Generalist and Clinical examinations, and to encourage regulatory boards to match up examination requirements to the candidate populations targeted by the tests. The ASWB Advanced Generalist examination is intended to measure entry-level competencies of social workers with an MSW degree and at least two years of experience, and is either a requirement or an option for licensure in about 28 states (currently no Canadian provinces use this examination).

Beginning in September, candidates will be notified of the change, with already-registered (and paid) candidates being offered the opportunity to receive a full refund of their test fees if they take the Advanced Generalist examination during the 2011 window. A full explanation of the program and the terms for participation is available at the ASWB website, www.aswb.org.



A world of possibilities

*ASWB's
Bylaws
Committee
recommends
a careful
approach to
international
outreach.*

The regulatory world is shrinking. The Association of Social Work Boards (ASWB) is growing. What's next for both?

The issue of ASWB's potential role in social work regulation outside Canada and the U.S. was the focus of the ASWB Bylaws and Resolutions Committee, which met over the summer to discuss whether the association should begin thinking about creating alternate membership levels for regulatory bodies that might benefit from some ASWB programs. The end result: a recommendation that membership be left as-is, and that the association take a cautious approach that emphasizes ASWB's role as a collaborator that can contribute to, not take control of, the efforts already being made to bring together social work regulators from around the world.



This year's ASWB Bylaws and Resolutions Committee. Seated in front is committee chair Laura Schmid-Pizzato (WY); behind her are, from left, Shanna Burke (MA), Mary Macomber (FL and Board of Directors Liaison), Glenda McDonald (ON), Maureen Egan (RI), Amanda Duffy Randall (NE and ASWB President), Emma Lucas-Darby (PA) and Doc Davios (AZ). Not pictured: Claude Leblond (QC).

This year, the ASWB Board of Directors charged the committee with "developing a recommendation regarding the establishment of an international 'affiliate' membership (or equivalent term) in ASWB, with corresponding rights and privileges." The committee agreed, early on, that such a major change to ASWB's membership structure was not a good candidate for a "if-you-build-it-they-will-come" approach: not only has there been no real demonstration of a need for such a change, but some progress has already been made toward establishing a network of social work regulators outside North America.

"Members [of the ASWB Bylaws and Resolutions Committee] agreed that ASWB

must be careful to avoid the risk of its capacity for leadership to be misinterpreted," the committee wrote to the ASWB Board of Directors. "Members felt that the association could play a valuable role in facilitating international cooperation without 'taking over' the idea."

Instead, the committee recommended that ASWB invite international regulators to attend the 2012 ASWB Spring Meeting for a small fee, and that ASWB spring meetings over the next three to four years be held in cities conducive to international travel. Over this period, ASWB would continue to help strengthen this regulatory group, and participate in meetings of the International Federation of Social Workers (IFSW), as well as other international forums such as the one sponsored by the Council on Licensure, Enforcement, and Regulation (CLEAR) in 2009. Over time, the committee wrote, “ASWB would likely be able to better assess its most appropriate role in the international social work regulatory community, whether that be by way of an affiliate membership system or some other approach.”

The ASWB Board of Directors reviewed the committee’s recommendation at its August 7 meeting, and decided that while it supports the basic ideas forwarded by the committee, it would delay a discussion of actual implementation until sometime after it had a chance to discuss the results of the recent strategic planning meeting (see related story in this issue of association news). The general topic of “international outreach” was identified as a possible direction for ASWB in the future, and directors were interested in seeing how and if this direction could be integrated with the Bylaws and Resolutions Committee recommendation.



Adding to the mix

A new class of ASWB examination item writers will bring even more diversity to the association's examination program.

The 2010 class of Association of Social Work Boards (ASWB) Item Writers trained this summer continues the association's efforts to ensure diversity in its examination development program, with trainees bringing experiences ranging from grant-writing for a tribal organization in British Columbia to teaching social work students in Huntsville, Alabama, and from working with adoptive families in New York City to counseling inmates at a maximum security prison in Maryland. The 19 social work subject matter experts trained this summer join a corps of over 60 professionals who serve as the backbone of the system that provides a constant supply of high quality test questions to the ASWB item banks.

Participants in this year's training program, held June 25-27 near Washington D.C., attended a two and a half day workshop that covered all aspects of the item writing process, and included classroom-style lectures, group exercises, small group discussions, and personal feedback from ASWB Item Writing Consultants David Aiken, Ann



The ASWB Item Writing class of 2010: standing at the back, from left, Carmen Howlette, Trish Smith, Sallie Watkins, Sujata Pai, Octavio Ramirez, Cy Lecuyer, June Yee, Gayle Klaybor, Deborah Headley, Virginia Whitford, Sharon Cutts, Shobha George, and Melisa Alexander. In front, and seated, from left: Liz Johnston, Lorain Moorehead, Nikki Barfield, Miriam Balen, Shanna Burke, and Amanda Stevens.

McAllister, Glenda McNeill, Nancy Sidell, and Dan Wheelan. The writers were selected from among social workers across Canada and the United States who applied for the program and submitted an item writing screening document.

Social workers selected for the class of 2010 were: Melissa Alexander, a Licensure and Certification Surveyor with the Alabama Department of Public Health; Miriam Balen, a social worker who provides city-wide urgent response mental health services to clients aged 19 and under and with the Vancouver Child and Adolescent Response Team; Florida social worker Nikki Barfield, Social Work Supervisor at the Bay Pines Veterans Administration Healthcare System; Shanna Burke, a program director with Nonotuck Resource Associates, Inc., a Massachusetts agency that provides residential services to people with developmental disabilities; and Sharon Cutts, Connecticut a clinical social worker in private practice.

Also Shobha George, a clinical social worker at Patton State Hospital in Highland, CA; Deborah Headley, Social Worker and Clinical Head in Psychiatry at British Columbia Children's Hospital in Vancouver; Carmen Howlette, therapist for the Patuxent Institution, a maximum security correctional facility in Jessup, MD; California social worker Liz Johnston, a medical social worker for Twin Cities Hospital in Templeton; British Columbia RSW Cy Lecuyer, Proposal Coordinator and Writer with the Stó:lō Development Corporation; Lorain Moorehead, a Developmental Counselor at the Child Crisis Center of Mesa, AZ; and Sujata Pai, a New York social worker who serves as Family Team Conference Facilitator in the New York City Administration for Children's Services Adoption Review Unit.

Also Gayle Rabkin Klaybor, a psychotherapist with a private practice in Houston, TX; Octavio Ramirez, Associate Professor of Social Work at Oakwood University in Huntsville, AL; Alberta social worker Trish Smith, a private consultant and sessional instructor in social work at the University of Calgary; Amanda Stevens, Case Manager for the Child Development Council of Franklin County, OH; Sallie Watkins, an Alabama social worker who serves as a Prevention Educator for the Safe Child Program at Child Abuse Prevention Services of Tuscaloosa; Virginia Whitford-Anken, Clinical Supervisor for Kids Oneida, Inc., of Utica, NY; and June Yee, a congenital heart, cardiac function and heart health social worker for the Peter Lougheed Centre in Calgary, AB.

Writers selected to participate in the ASWB program are contracted to produce 30 successful items to be reviewed for possible use on an ASWB examination. Contracts are renewable, and ASWB relies on its pool of successful item writers to fill open positions on the ASWB Examination Committee. Recruitment for the 2011 item writer class is now underway, with information on the application process available at www.aswb.org



Questions. And answers. And more questions. And more answers And even more questions, and still more answers, and...

*Three ASWB
staffers hold
down the fort
(and pick up
the receiver)
as they face a
daily barrage of
questions from
across Canada
and the U.S.*

There is no doubt that over the 31 years of its existence, the Association of Social Work Boards (ASWB) has come a long way. From its beginnings as a one-person operation hoping to create an examination, ASWB is now considered an important social work-related organization, and a significant voice on a host of professional regulatory and testing issues. And if you happen to be a member of the ASWB staff responsible for administrative support, all that prominence adds up to one thing:

*from the
staff*

Phone calls. Tons of them. All day long.

While the association's Candidate Registration Center (CRC) is busy handling calls from candidates trying to register for an ASWB exam, staffers LaTonya Bannister, Amanda Davidsen, and LauraLeigh Milofsky field calls from just about everyone else. If you call ASWB and want to speak with a human being, chances are you'll be talking to LaTonya, Amanda, or LauraLeigh at some point.



From left, LaTonya Bannister, LauraLeigh Milofsky, and Amanda Davidsen are the ASWB staffers prepared to answer just about any question, no matter what they're doing at the time. Note the earpiece worn by LaTonya, which we hope will not fuse permanently into the side of her head.

The work demands that Bannister, Davidsen, and Milofsky know a little bit—and often much more than a little bit—about almost every facet of ASWB and its members, from exam basics to common regulatory practices. Most of the calls are from social workers trying to become licensed or hoping to move to another jurisdiction, and many of the calls are from candidates interested in purchasing study guides or practice tests for one of the ASWB examinations. By the end of August, these three staffers had answered 10,254 calls. That works out to about one call every five minutes, all day long, every working day.

And they need to be able to answer these questions while attending to their other duties: Milofsky assists both the ASWB Meeting Planner and ACE Program Coordinator; Davidsen has responsibilities that include entering and formatting test items, as well as database maintenance; Bannister keeps track of study guides, practice tests, and ASWB communications.

The result is a kind of choreography of shared responsibilities, hand-offs, and multitasking, all enhanced by the use of wireless headsets that allow all three to go about their work while being able to answer the phone from anywhere in the office. In some offices, employees who routinely have conversations in empty rooms are encouraged to take a little time off: here at ASWB, it's just a normal day.

As one might guess, a lot of the questions—mostly from social workers—are more or less the same. Bannister (who does the majority of the phone work) has listed the top six questions she gets from callers. And here they are:

- Why is there no national standard of reciprocity between states?
- Do you regulate my license?
- What does the ASWB do?
- Why do I have to wait 90 days to retake an exam?
- Can I be licensed in different states?
- If I'm licensed in one state, why do I have to take an exam for another state, since this is a national exam?

Want the answers to those questions? Call 1-800-225-6880. Just ask for LaTonya, Amanda, or LauraLeigh.



Public protection means more than discipline

*ASWB's
Disciplinary
Action
Reporting
System (DARS)
will soon be
known by
another name
– the Public
Protection
Database.*

What's in a name? Just ask the Association of Social Work Boards (ASWB) Regulations and Standards Committee, whose recently-approved recommendation will result in a major change for the association's database of board actions taken against social workers. What was once the Disciplinary Action Reporting System (DARS) will soon be known as the Public Protection Database (PPD).

The recommended name change, approved by the ASWB Board of Directors at its August meeting, is part of an effort by ASWB to encourage boards to report the broadest possible range of actions related to social work licensure and renewal. The board of directors felt that labeling the databank as a compendium of "disciplinary" actions did not lend itself to these efforts, and charged the RAS Committee with coming up with a new name.

The new name indicates ASWB's decision that a broader range of activities should be recorded in the system, which currently contains nearly 5,400 actions against social workers. Hopes are that boards once reluctant to report actions that don't follow the typical disciplinary report – investigation-finding-penalty process would be inclined to share these decisions. Under a fully-developed PPD, boards reviewing the data can find out whether, for instance, an applicant has been denied a license by another jurisdiction, something not always reported by boards that do not consider denial a "disciplinary" action.

When ASWB decided to create a database for disciplinary actions taken by social work boards in the early 1990s, the Disciplinary Action Reporting System seemed like the perfect name. Over the years, however, it became clear that boards could benefit from having access to a broad range of actions taken by boards regarding current and prospective licensees, not all of them strictly "disciplinary" in nature. Under the PPD system, boards could have access to a more complete picture of a licensure candidate than is currently available.

Fifty-one jurisdictions report to ASWB's Public Protection Database. The association also functions as a reporting agent for the U.S. National Practitioner Data Bank-Healthcare Integrity and Protection Data Bank (NPDB-HIPDB) on behalf of 20 states.



The testing picture is almost complete

An upcoming passing score study for the ASWB Associate exam will be one of the last activities to take place before the 2011 changeover to new content outlines.

A process that began in 2008 with the appointment of an Association of Social Work Boards (ASWB) Practice Analysis Task Force will be winding up this fall as the association puts one of the last remaining pieces in place—a review of the ASWB Associate social work examination.

In early October, 12 social workers from Alberta, Massachusetts, South Dakota, and Ontario will gather to participate in a passing score study to develop a recommendation on what level of performance should be considered “passing” on the ASWB Associate examination. Currently, the Associate examination is used only in Massachusetts and South Dakota, but will soon be used in Alberta, and is being considered for use in Ontario. Test content is identical to the ASWB Bachelors social work licensing exam, but with a lower passing score required.

Volunteers chosen for this study were appointed from a pool of associate-level social workers and supervisors of social work associates who responded to general calls for participation sent out to the four jurisdictions that are or may be using this examination. The association office received a strong response to the call for participants, and developed a list of appointees balanced for diversity in gender, race, ethnicity, geographic setting, and area of practice. As approved by the ASWB Board of Directors, final appointments are, from Massachusetts—Cynthia Costello, Jose Rodriguez, Ricardo White, Louann Muzzy, Cathy Boisvert, and Tobe Conway; from South Dakota—Kay Lindgren, Stardust Red Bow, and Pete Small Bear; from Alberta—Donna Legere and Mohinder Bajwa; from Ontario—Susanne Pacheco.

The passing score study will, among other things, require that all participants actually take an ASWB examination, and rate each test item as to the percentage of minimally competent social workers they believe would answer each question correctly. Their own performance and ratings are combined with other participants’ data and item statistics to arrive at a consensus recommendation for what level of performance should be considered “passing” the Associate examination. This recommendation is forwarded to the ASWB Board of Directors, which has the ultimate authority in setting standards on the tests.



The future is now (or it was now then, at least)

An ASWB strategic planning session held over two days resulted in a wealth of ideas, possibilities, and potential programs that could help keep the association strong and relevant into the future.

There were two dozen people at ASWB's two-day strategic planning held in Washington, D.C., and at the end of the two days there were two dozen very tired people—and some goals to be considered by the Board of Directors.

Michael Barrett of Resonance, a management consulting services company, led the session, beginning with the compiled results of a survey entitled “Strategic Planning—What next?” that was sent out to ASWB board members and staff at the beginning of the year. More than 150 people responded to the survey—and gave every indication of taking it seriously and thinking about where the association should go from here.

Comments and ideas from the membership were divided into the often-used categories of strengths, weaknesses, opportunities and threats, but these catchphrases are not simply that when they are expanded by replies from just about every member jurisdiction. Opportunities, for example, had listed developing new services for boards, setting up a supervision certification program, sending out some of ASWB's “great communicators” to do more trainings and consultations, and developing new continuing competency tools.

There were also more concrete ideas about exactly how to go about these things, with an eye to continuing to protect and strengthen financial resources and maintaining the integrity of the examinations. ASWB's position as a reliable provider of regulatory information as well as a standard-setter in many areas could be “leveraged,” in modern business parlance, to continue to promote its goal of public protection. (Think of “leveraged” as exerting force, as with a lever, and then try not to think about that word any more.)

But the survey indicated most of all that people do value ASWB, and think it is in a position to continue to do more to improve social work regulation in North America and internationally. In fact, many of the recommendations for the future were for more outreach, to boards, to other social work professional organizations, to schools of social work, and to international regulators, because respondents seem to feel confident in the quality of what is available.

For example, the highest ratings in the survey went to the examinations, the Annual Meeting, the Disciplinary Action Reporting System (DARS, now renamed the Public Protection Database), New Board Member Training, the Administrators Forum, the Model Social

Work Practice Act, and the Spring Education Meeting. There were ideas for moving on from these services and expanding them.

There were a few suggestions that came under “opportunities” because there can be improvement. These could come under the headings of diversity, translation, sensitivity to other national and cultural values, more testing sites, examinations in some format other than multiple choice, and more research on who fails the exams and why.

Participating in the planning were the board of directors, committee chairs, and staff, including the legal counsel, Dale Atkinson. Barrett organized the two days with short presentations as a full group, and then small groups broken out on various topics. There were votes, there were disagreements, and there were outright arguments—many of them on a mission for the organization.

Smaller groups talked about ASWB’s “key differentiators,” what makes the association different from similar organizations, its unique attributes, its mission and vision, and strategic focus areas. Speakers then presented the consensus (or lack thereof) to the whole room, with the assignment to “sell” their own ideas about the use of technology, further board services, other contract areas, continuing competency approaches, or an international approach that favors providing information and welcoming inquiries and visits rather than insisting that the US. way is the right way.

Ideas were winnowed through and compiled, and will go to the Board of Directors for a sorting out of priorities at a later meeting.



Focusing on supervision

The ASWB model law may soon provide guidance on how boards might approach the regulation of social work supervision.

The ASWB Model Social Work Practice Act may be about to become more useful for regulatory boards and colleges who are working on improving their supervision laws and regulations.

In July, the Regulations and Standards Committee (RAS) reviewed the model law in light of the work of an association task force on social work supervision. Referring to the recently published ASWB Analysis of Supervision for Social Work Licensure, the product of the 2007-2008 Supervision Task Force, the group recommended additions such as qualifications for supervisors, a list of what a supervisory plan should include, and requirements for detailed documentation both before and after the supervision is done.

The recommendations were approved by the Board of Directors in August, and will go to the Delegate Assembly for a vote at its November meeting. The RAS committee indicated that this was a first pass at incorporating the new information into the model law, and that more additions and changes may come from the 2011 committee.

Changes were recommended in “Regulations—Independent Practice,” a section that is intended to contain board rules regarding Article III, Section 306 of the act. Existing regulations were expanded or reworded. A major addition was the inclusion in supervisory accountability “Documented assessment of the supervisee’s competence to practice independently”—in other words, to stress the importance of the gatekeeping function for supervisors.

If the changes are adopted, the model law will include the requirement that all supervisors be preapproved by the regulatory body, and that a list be maintained. “Requirements for registration on this list include the appropriate degree from an Approved Social Work Program, three years of experience following licensure in the required category and completion of graduate course work in supervision in an Approved Social Work Program or in an Approved Program of Continuing Education,” the new proposed regulations spell out. Continuing education would also have to be submitted.

The regulations are intended to apply to all social work supervision for independent practice, not only clinical supervision for clinical licensure.

All details of the changes will be submitted to delegates at the fall meeting to consider before a vote is taken.

RAS Committee members who worked on the project in July in Northern Virginia were Richard Hazel of Saskatchewan, chair, and

Hal Agler of Missouri, Jane Anker of South Carolina, Lynne Davies of Alberta, Melinda Pilkinton of Mississippi and Arlene Robinson of Washington, D.C. Past President Charlotte McConnell attended as liason.

On the Supervision Task Force were Dorinda Noble of Texas, chair, and Gary Bailey of North Carolina, David Boehm of Virginia, James Campbell of British Columbia, Jacalyn Claes of North Carolina, Jeannie Faulkner of Mississippi, Alison Hadley of Washington, Jane Matheson of Alberta, Anoma Mullegama of Minnesota, Anne Brantley Segall of Michigan, Sandra Starks of Kentucky, and Sallie Watkins of Alabama.

Both the model law and the Analysis of Supervision for Social Work Licensure are available on the ASWB website, www.aswb.org.



California testin'?

A bill that awaits the Governor's signature could open the door for California's use of the ASWB examinations by 2014.

Somewhere on California Governor Arnold Schwarzenegger's long, long to-do list is a bill passed by the California legislature that could eliminate California's clinical social work licensing exams in favor of the Association of Social Work Boards (ASWB) exam. No word at press time whether Schwarzenegger intends to sign or veto the measure, which would allow the Board to change exams no sooner than January 1, 2014.

Introduced by Assembly member Pedro Nava of Santa Barbara, the bill leaves the final decision up to the Board of Behavioral Sciences. The BBS has been studying the potential use of the ASWB test since at least 2008, and ASWB has provided the board with detailed information on practice analyses, exam development, administration, and the reliability of the association's exams.

California, which licenses only its clinical social workers through examination, was a member of ASWB (then AASSWB) until the late 1990s, when it stopped using the national exam in favor of a state-specific two part exam process. Since that time, ASWB has conducted two practice analyses that have included California social workers--both have shown no appreciable difference between social work practice in California and the rest of the U.S. and Canada.

The legislation was supported by California's NASW chapter, in part because using the ASWB exam would make California social workers eligible for the National Health Service Corps Loan Repayment program. Eligible participants in that program can receive up to \$50,000 student loan repayment.

If California were to use the ASWB examination it would be the 50th state to join the association. Current ASWB membership includes 49 states, the District of Columbia, the U.S. Virgin Islands and all 10 Canadian provinces. Not every member uses an examination for licensure, but every regulatory board that does use the ASWB test must be a member of the association.



Regulatory happenings

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

Here is a synopsis of some of the current happenings in social work regulation. If you would like an item added to a future newsletter please contact Dwight Hymans, Director of Board Services at dhymans@aswb.org.

New York. The Empire State has approved emergency regulations that alter the requirements for supervised experience to become a Licensed Clinical Social Worker (LCSW) and creates a new endorsement process for LCSW. And, after several years of negotiation, agreement has been reached to amend the law governing corporate practice restrictions for certain not-for-profit and educational corporations. To access additional information go to <http://www.op.nysed.gov/news/>.

Texas. The Lone Star State is proposing significant changes to their rules. The changes include additions and modifications to the requirements for supervisors, definitions and additions to electronic practice rules, and a requirement that persons providing social work education be appropriately licensed. It also establishes procedures following violation of an order by a licensee. For additional information go to the Texas State Board of Social Work Examiners website at <http://www.dshs.state.tx.us/socialwork/default.shtm>.

Utah. The Beehive State recently passed SB 90: Mental Health Professional Practice Act Amendments. The bill impacts the licensing and regulation of social workers in the following ways: modifies requirements for licensure by endorsement; allows for graduates from a program in candidacy for CSWE accreditation to meet the education requirements; modifies the membership of the Social Worker Licensing Board by removing one of the Certified Social Worker positions and replacing it with a Licensed Clinical Social Worker position; and modifies requirements for admission to the ASWB examination requiring preapproval by the board before sitting for the exam. For complete laws and regs go to the Utah Social Work Licensing Board website at http://www.dopl.utah.gov/licensing/social_work.html.

West Virginia. The Mountain State has approved new rules affecting issuance of temporary licenses. The new rules eliminate exemptions for Department of Health and Human Service employees and narrow the type of education degrees accepted for the temporary license. In addition, the new rules modify the requirements for continuing education, no longer requiring three hours of continuing education in ethics as part of the expectation for renewal of a license. For additional information go to the West Virginia Board of Social Work Examiners website at <http://www.wvsocialworkboard.org/default.asp>.



Don't Surrender 'til You See the Whites of Their Licenses

By **DALE ATKINSON,**
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In the interest of enforcement of applicable laws and upholding public protection, boards of social work are generally empowered to render disciplinary actions against individuals found to have violated the practice act or regulations. Once wrongdoing is established, the available sanctions or disciplinary options are varied and subject to discretion under the law and as determined by the board.

Most charges are resolved through a consent agreement whereby the parties, without the necessity of a hearing, agree on a resolution of the matter. The drafting of the consent agreement is essential to its enforceability, as well as to provide guidance to the sanctioned individual and future board members asked to interpret and carry out the intended discipline. Sanction options in consent orders can be quite creative and provide the parties with latitude to tailor discipline to meet the needs of the public while maintaining sensitivity to the licensee. At times, the licensee seeks creativity in fashioning resolution to charges. Consider the following.



In April 2008, a licensed physician (licensee) notified the State Medical Board (Board) that he had failed a court-ordered drug test. In his correspondence, the licensee requested that the Board limit any sanction against his license to a restriction to administrative tasks in the course of his medical review business. He also stated that he was unable to afford the evaluation requested by the relevant impaired practitioner program, but that he had discontinued his drug use.

Thereafter, the attorney general representative informed the licensee that the Board was drafting an emergency suspension order intended to suspend his license pending a hearing and offered the licensee the opportunity to agree to a consent order. The Board-offered consent order called for the licensee to immediately enter into a five year monitoring and rehabilitation contract with the Arkansas Medical Foundation. If agreed, the disciplinary action would be dismissed. In response, the licensee counter-offered agreeing to the terms, but asked that he be

allowed to enter into the monitoring and rehabilitation contract “within the next 12 months.”

In September 2008, the Board served an Order and Notice of Hearing on the licensee. The Board charged the licensee with “habitual and intemperate and excessive use of narcotics or other habit forming drug.” At the request of the licensee, the December 2008 hearing was rescheduled until April 2009. Twice in March 2009, the licensee mailed and faxed to the Board a request for a restricted license and a request for a closed disciplinary hearing. The attorney for the Board replied that the licensee could request a restricted license at the upcoming hearing. The attorney also opined that the request for a closed hearing “at this point will be denied.” In response to the second request for a closed hearing, the attorney for the board stated in a letter that the licensee could present motions to the board at the hearing and seek a ruling at that time.

On the day before the hearing, the licensee (through his attorney) notified the Board that “because [licensee’s] request for a closed hearing has been denied and he refuses to discuss his privileged information in public, we will not be in attendance at tomorrow’s hearing.” On the morning of the hearing, the licensee sent a letter to the Board which stated: “Because the Board has refused my request for a closed hearing and my request for a voluntary restriction on my license, I have no choice but to surrender it effective immediately. There will be no need for an open hearing today.” The judicial opinion does not reference what occurred thereafter at the hearing or board meeting nor what subsequent action was or was not taken by the board.

In April 2009, the licensee filed a complaint in Washington County Circuit Court contending that his constitutionally protected property rights “have been violated by the actions or inactions of the Board.” In his complaint, the licensee asked the court to reinstate his medical license subject to the restrictions he suggested to the Board, and that any future hearings wherein his private, personal medical information were to be discussed would be closed to the public. The Board answered such complaint with a motion to dismiss the matter arguing the Board never entered an order from which the licensee could appeal. Based upon lack of jurisdiction, and the fact that the Board did not rule on either of the licensee’s motions, the circuit court dismissed the administrative appeal. The lower court noted that the licensee surrendered his license before the hearing. The licensee appealed the matter to the Arkansas Supreme Court.

On appeal, the licensee argued that his license was subject to “constructive revocation” and that the lower court erred in refusing to order the Board to accept his request for a restricted license. In its analyses, the Arkansas Supreme Court addressed the relevant portions of the Administrative Procedures Act defining “adjudication” and final agency action. Referring to previous case law, the court noted that there was no final agency action as defined in that the licensee voluntarily surrendered his license before the Board rendered a decision on his requests for a restricted license and a closed hearing.

In its conclusions, the court also noted that the actions of the Board attorney (or the Board Executive Director/Administrator) do not constitute an action of the Board itself. Without final agency action, there is no matter ripe for appeal and, thus, the court lacked jurisdiction to hear the particular matter. Thus, the Supreme Court affirmed the dismissal of the action filed by the licensee.

This case not only addresses “jurisdiction” of the judiciary based upon an appeal of a final agency action, but the facts also involve a “voluntary surrender” of a license. The judicial opinion is not clear as to what action the board took (or did not take) involving the licensee and the surrender of his license. As is always emphasized, the surrender of a license should be accompanied by a consent order identifying the wrongdoing and setting forth the parameters of reinstatement, if any. Voluntary surrender of a license should always be “adjudicated” to set the record. However, in this case, the lack of final action by the board divested the court of jurisdiction.

Baber v. Arkansas State Medical Board, 2010 WL 2006426 (AR 2010)

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 asides

KRISTI O'DELL followed up her exam committee meeting in Boulder by heading for her daughter's home in Houston, Texas, in time for the arrival of new granddaughter, **AUBREY**, born June 27.

DONNA DEANGELIS was interviewed by past exam committee chair **STEVE MARSON** for the summer 2010 issue of *The New Social Worker*. The two-page interview covered topics that licensure candidates might want to ask about the exam. Wrote *New Social Worker* publisher **LINDA GROBMAN** (herself a past ASWB item writer), "If you are a new grad, the social work licensing exam is probably on your mind, too. Steve Marson's interview with ASWB executive director Donna DeAngelis may help to answer some of your burning questions and set your mind at ease as you prepare for the exam."



WHITNEY PARISH of New York and husband **SCOTT** have proudly announced the birth of a daughter, **ADILYN GRACE**, (pictured, left) on June 14. Formerly **WHITNEY CROSSMAN**, the New York board member has been on the Program and Education Committee and moderated a panel at the spring meeting last year.

Also from New York, Executive Director **DAVID HAMILTON** passed along what he described as "unsolicited" feedback on the NY board's website. It bears reprinting here, if for no other reason than people just don't say enough nice things about the work boards do.

"I appreciate the structure and content of your website. Your website dignifies the profession as well as informs the public in a most comprehensive way.

I would hope that the federal government would adopt your model for all States to use. Any question that I had while reading your webpage were answered. In particular, I liked the listing, by county, of how many LMSWs and LCSWs there are. My friend in Ulster County is presently seeing an LCSW and from what my friend shares with me, her licensed clinical social worker is remarkably caring and clinically competent.

Thank you for having such a resourceful webpage on social work. Maybe you could present your website as a model for others to use at the next national conference on State Boards of Social Work Examiners."

ASWB folks will be saying goodbye to **KANDI HOEHNER**, the administrator for the Oklahoma board. **KANDI** wrote to say that she has accepted a position with the attorney she worked with before joining Oklahoma state staff. We'll miss you **KANDI**.

It's been a year of change for former New Mexico board member and former Exam Committee member **ALVIN SALLEE**. He has left New Mexico State, and is now a visiting professor at the University of Houston, downtown. His family is still in Albuquerque, so he has a loft in Houston where he lives between visits home. He says he has surprised himself (he is a self-described "hick") by loving life in the city, where he has great students and the feel is vibrant and politically involved. He has also begun and is director of the Center for Family Strengths for the university, after serving as director of the Family Preservation Institute in New Mexico for 20 years.

At the strategic planning session, everyone was asked to come up with a self-introduction that included something no one else in the room knew. Director at large **MARY MACOMBER** confessed an obsession with roller coasters, particularly the old, historic ones. She rides them at every opportunity, and is a "card-carrying member of the Roller Coaster Association." President **AMANDA DUFFY RANDALL** said, and this also should qualify as a confession, that she's been to 11 Grateful Dead concerts. And director at large **DONALD MONTROYA** restores muscle cars, his prize being a '68 Dodge Charger.

There was more strange information from strategic planning. Bylaws chair **LAURA SCHMID-PIZZATO** of Wyoming scuba dives with sharks. Really. **ELAINE HALSALL** of British Columbia, the ACE chair, says she can field-strip an AK-47. Didn't say where or how she learned. Past President **CHARLOTTE MCCONNELL** volunteered that she is a Tai Chi dropout; while legal counsel **DALE ATKINSON** volunteered a somewhat deranged story of getting a springform pan stuck around his neck when he was a child. Again, really—they had to call the fire department.

But there are often surprising things about ASWB participants—**MELINDA PILKINTON** of Mississippi has her own claim to the generally unknown. The RAS Committee member says that she has published on civil rights, not so unusual for a social worker, but also that she lives on a catfish farm.



Director at large **VALERIE JONES** missed the strategic planning August 5 and 6, but she had an excellent reason – her new baby son, **NOAH ALEXANDER JONES**, (pictured, left) born Saturday, August 14. The news came from **RONNIE SAUNDERS**, assistant director of the Indiana board, who has been filling in during **VALERIE**'s absence.



More baby reporting—an email from **BYNIA REED-CLARK**, co-chair of the exam committee, was signed **BYNIA, DAVID** and **CAMERON**. **CAMERON** (pictured, left) was born August 23, with great ease, according to **BYNIA**, and his first trip to an exam committee meeting is planned in October.

TERESA YOUNG of the Alabama board is now at the University of Alabama, working on her Ph.D.

It was a second New Board Member Training in August in Minneapolis for **CHRIS BLACK-HUGHES**. **CHRIS** was on the Ohio board years ago, but has since moved to Minnesota to teach.

The Minneapolis board training was held on the 50th floor of the tallest building in the city, a problem for **LAURA PRINTZ**, a member of the Arkansas board who participated, and who has a fear of heights. But in a case of “Physician, heal thyself,” **LAURA** made a point of moving closer to the windows each day.

Lest you think it was all work at the training, there was still time to go to the huge Minnesota State Fair. Three Minnesota board members took three visitors from other boards. One was **MANDY ABERNETHY**, from the Arkansas Attorney General’s office—who coincidentally also has a fear of heights. But her companions had no mercy, and took her down an enormous slide at the fair. Okay, the slide was intended for children, and all six went together for support, but still . . .