



## Getting things done in Oklahoma—sooner?

*Changes to the ASWB Annual Meeting agenda may reduce the risk of prolonged run-off elections, but they won't reduce the amount of business that Delegates will need to tackle*

There will be the usual amount of fairly heavy lifting to be done at the 2011 ASWB Annual Meeting at the Skirvin Hilton Hotel in Oklahoma City Nov. 3 – 5, and work will be compressed into two full days. This business session will also reflect some reorganization done in response to last year's extended election run-off.

A number of committee actions, including some changes in both the bylaws and the Model Social Work Practicing Act, will be coming to the delegates for discussion and votes. This meeting will also see the passing of the gavel from current president Amanda Duffy Randall of Nebraska to president-elect Patricia Heard of North Carolina.

But the scheduling change that will be most noticeable to attendees is the election, which for many years has been held at noon on Saturday. The 2010 run-off for the office of director at large turned out to be very difficult to handle in keeping with the bylaws, because travel considerations resulted in some delegates leaving during the early afternoon before the voting could be concluded. The meeting last year concluded on Saturday, and departure times were scheduled accordingly.

This year, board and Nominating Committee elections will be held at 9:15 a.m. on Saturday, Nov. 5, with the announcement of election results scheduled for 10:15. Previously, candidates and everyone else had to wait until after lunch on Saturday to hear results, but not this time.

Introduction of the slate and nominations from the floor are still set in the morning on Friday, Nov. 4, as are campaign speeches.

Kicking off the meeting, as has been the case in recent years, is the 5:30 – 7:30 p.m. Thursday reception and welcome dinner sponsored by ASWB. The event will follow a day of preliminary work, with the Board of Directors meeting from 8:30 a.m. to 3 p.m., and the Administrators Forum from 9 a.m. to 4 p.m. Registration and hospitality will be held from 3:30 – 5:30 p.m., and first-time attendees can go to an orientation from 4 – 5.

The call to order and welcome is set for 8:30 a.m. on Friday, followed by the report from the association office and then by the presentation of the election slate. At 10:15 the annual Sunny Andrews Award for outstanding service to a member board will be presented, and then will come the campaign speeches.

After a noon lunch, ASWB legal counsel Dale Atkinson will talk about top legal cases in the regulatory area, from 1 – 2 p.m. The second big annual award, for administrators, will be presented at 2. For more than an hour starting at 2:15, ASWB committee chairs will answer

questions as a panel, explaining about their year's work and the results.

Saturday starts again at 8:30, following a 7 – 8:30 a.m. breakfast. The president's report and a policy manual update follow, and then election ballots are cast from 9:15 – 9:30. Reports from the association treasurer, as well as a Finance Committee report, are set for 9:30 – 10.

The entire rest of the morning, from 10:15 a.m. to 12:15 p.m., will be given over to an executive session on the examinations. Included will be a presentation by Dale Atkinson on exam security issues.

After lunch, presentations will be made to many of ASWB's many volunteers for their service. At 1:30, the heavy lifting mentioned earlier gets into gear, with committee recommendations to discuss and vote on. A half-hour will be devoted to the Program and Education Committee report, beginning at 2:30, and the invitation to the 2012 Spring Education Meeting in Lexington, KY.

Before the 3:30 final adjournment, Pat Heard will become the new president, and there will be presentations to those finishing board terms.



## Varied challenges, shared aims

*The issues faced by regulators may be different from place to place, but our commitment to public protection transcends borders.*

By Amanda Randall,  
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President;  
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Executive Director

Recently, we had the privilege of attending the second Council on Licensure, Enforcement and Regulation (CLEAR) International Congress. Other social work regulators participated from Alberta, Ontario, Ireland, New Zealand, Northern Ireland, Scotland and Wales, along with regulators from other professions in Australia, Canada, the European Union, Ghana, and the United Kingdom (UK).

We learned that within the last ten years, there has been a movement from professional self-regulation to government regulation of professions in England and some European countries. In England, the regulation of health professions including social work comes under the Health Professions Council. This movement received even greater impetus from the scandals in the financial markets that caused economic havoc around the world several years ago.

The emphasis is on public protection and trust as opposed to the perception of professional promotion and protection that potentially leads to monopoly. The shape this movement takes varies, even in the UK: England, for example, has moved to governmental regulation, while some of the other UK countries are staying with the independent professional regulation model. Naturally there is some uncertainty as to how these differing structures will integrate.

Because of the weak economies in many countries, regulating in this time of austerity has resulted in a focus on cost savings and jobs creation. Ironically, this focus has the potential to lead to deprofessionalization by allowing untrained individuals to practice professions, and to reduce or limit fees for regulation to the point where effective regulation cannot be supported. When this was explored further during discussion time, we learned that there is a perception that services are provided less expensively when regulatory fees are low and non-professionally trained persons are permitted to practice.

Mobility for professionals between jurisdictions was also an issue that was related to making sure that standards are fair to everyone, or at least respecting the standards professionals meet in other jurisdictions. Time was devoted to a presentation on labor fairness and the resulting Mutual Recognition Agreement mandated by the Federal government for regulation in the Canadian provinces.

Similar to the US, the political climate in the UK is currently anti-regulation, despite the recent banking and financial scandals. This climate of suspicion of regulation is accompanied by calls for enforced accountability for regulators and professionals. Interestingly, this

*from the  
staff (and  
President!)*

discussion was held amidst reports about the Rupert Murdoch/News of the World phone-hacking scandal, with British papers promoting the need for increased regulation of journalism to ensure ethical practice and protection of the public.

Of course discussions about accountability almost inevitably lead to calls for evidenced-based practice, although it was acknowledged that this is difficult to document. This need for evidence-based practice was part of the impetus behind a presentation on the replacement of continuing education requirements for license renewal with a system of continuing professional development.

We found the description of this system to be very interesting and worth further exploration. On an annual or renewal cycle basis, individual professionals are asked to evaluate their own practice, in consultation with a supervisor or consultant, and form a plan of enhancement and/or remediation of deficits. Then it is incumbent upon the professional to complete and document the action steps in that plan, including a description of how the activities increased his/her effectiveness in practice. Then the cycle starts over again with the evaluation.

Most regulatory systems that use this method also use the audit of selected licensees to verify compliance with the requirement. This seems like a much better way of going about selecting and completing professional development activities than merely accumulating a specified number of continuing education hours or credits, and ASWB may want to further explore this system's application to social work licensure.

Finally, the conference presentation circled around to evidenced-based practices in professional regulation and the need for research in this area. The message was that regulators need to be proactive in documenting the effectiveness of professional regulation as an instrument of public protection. There has not been much published research found in this area, but there is a hypothesis that there may be more unpublished research that has been done—an area of research labeled “gray literature,” found in conference proceedings or newsletters, rather than peer-reviewed journals in the professions. This gray literature tends to be less accessible to researchers. It was recommended that regulators find a way to collect and make available research on the effectiveness of professional regulation.

Another intriguing concept discussed was a concept referred to as “right-touch” regulation. This idea differentiates the levels of regulatory practices into “good”—regulation that informs the public and professional members; “better”—regulation standards developed in consultation with professionals; and finally, “right”—regulation that involves professionals in all aspects.

As governments and professional bodies seek to balance accountability and austerity, the trend toward greater standardization in regulatory practices may become increasingly popular. The challenge for social workers and regulators everywhere will be the integration of excellence in ethical practice with the vigilant protection of the public through thoughtful regulation.



## New tools for boards

*ASWB's RAS Committee put the finishing touches on a disciplinary guidebook and will suggest refinements to the ASWB model law.*

A new Guidebook for Social Work Disciplinary Actions is on the way as a resource document for member boards. A product of the Regulations and Standards Committee (RAS), it received final approval from the ASWB Board of Directors at its August meeting. It will be made available both on the ASWB Website, [www.aswb.org](http://www.aswb.org), and in printed format.

Other work that RAS did during 2011 will have to wait for the Annual Meeting to be approved by the Delegate Assembly. Included are a number of recommended changes to the Model Social Work Practice Act, including an amendment that in effect will no longer recognize a doctorate degree as qualification for masters or clinical licensure without an MSW. Other changes that will go to the Delegate Assembly include fine-tuning of the sections on supervision.

The modifications to educational requirements that the committee approved are to Article III. Licensing, and are in both Section 303, "Qualifications for Licensure as a Master's Social Worker, and Section 304, "Qualifications for licensure by Examination as a Clinical Social Worker." In both sections, the words "or doctorate" will be struck if the assembly votes its approval, leaving them to read "has graduated and received the Master's degree in social work from an approved Social Work Program."

According to the report from the committee, the changes resulted from ongoing discussions and concerns that someone without an MSW degree could become licensed with a Ph.D., which is primarily a research degree.

Since an ongoing charge for RAS is updating the model law in accordance with the results of the

job analysis on supervision done several years ago by an ASWB task force, the committee took another look at the section. Changes this time are limited to the addition of the explanatory words "related to practice" to differentiated types of supervision, and to make more specific the



*This year's Regulations and Standards Committee. Seated, from left—Shanna Burke (MA), Jackie Johnson (MN); standing, from left—Jane Anker (SC), Steven Pharris (TN), Melinda Pilkinton (MS), Fran Franklin (DE), Jenise Comer (MO—board of directors liaison), and committee chair Richard Hazel (SK).*

amount of time that an individual has to complete the required hours of supervised practice.

The guidebook has been quite a while in development, since it was part of the work of the then Discipline and Regulatory Standards (DARS), the forerunner of RAS, and for several years for the renamed committee. The preparation has required development, review, several stages of changes, and finally a detailed review by legal counsel before it was approved for adoption.

In its current form, the booklet is 18 pages long, and includes sections dealing with the complaint process, grounds for disciplinary action, procedures, possible sanctions, guidelines for sanctions, and unlicensed practice. It stresses that “it is important for the safety of the public that all actions be reported to the ASWB PPD (Public Protection Database).”

One other item on the RAS agenda this year resulted in no action being taken by the committee. The Minnesota Board of Social Work had submitted recommended changes to the current PPD policies that members felt would allow it to report an increased number of actions taken by the board. Such actions are those that are “non-disciplinary,” according to the board recommendation, such as mandatory license suspension for failure to pay taxes or child support.

The committee concluded that the current policies allow for full reporting of the actions identified by the Minnesota board, and that there are reporting categories that would differentiate them sufficiently. It decided that no action should be taken.

Chair of the 2011 RAS committee is Richard Hazel of Saskatchewan. Members are Shanna Burke of Massachusetts, Jackie Johnson of Minnesota, Fran Franklin of Delaware, Steven Pharris of Tennessee and Melinda Pilkinton of Mississippi. Jenise Comer of Missouri is the board liaison.



## Up to speed?

*Delegates to the 2011 Annual Meeting will be considering bylaws changes that attempt to respond to ASWB's growth.*

There is little doubt that the Association of Social Work Boards (ASWB) has evolved since its beginnings over 30 years ago. According to the ASWB Bylaws and Resolutions Committee, this evolution—from a small organization with a few members and a single focus to a North American nonprofit with a much larger budget and menu of services—now requires that the association look at bringing some elements of its governance in line with operational realities.

At the upcoming Annual Meeting of the ASWB Delegate Assembly this fall, the committee will be forwarding bylaws amendment proposals that would alter terms for the Nominating Committee, the method by which examination and other fees are set, and some of the finer points of Annual Meeting operations. The proposals were developed at the committee's meeting July 16 in Herndon, VA, and forwarded to the ASWB Board of Directors for review at its August 12 meeting. A full report on the proposed changes was forwarded to ASWB member boards in early September.

The proposal that is likely to generate the most discussion has to do with the way in which ASWB sets its examination fees. Current bylaws require that all examination fees be approved by the ASWB Delegate

Assembly; proposed amendments would place that responsibility with the ASWB Board of Directors, and impose a 12-month notification requirement before the implementation of any examination fee change.

Originally forwarded by the ASWB Finance Committee, the proposal was drafted as a way to help the association maintain solid financial footing in what has become an increasingly complex operational structure. When the organization was smaller, putting the association's primary



*The 2011 ASWB Bylaws and Resolutions Committee. Seated, from left—John McBride (LA), Jan Fitts (NE), and committee chair Emma Lucas-Darby (PA); standing, from left—Claude Leblond (QC), Mary Macomber (FL – board of directors liaison), Ronnie Saunders (IN), Joan Davis-Whelan (NL), and Cedric “Doc” Davis (AZ).*

revenue source up for a vote every few years was less complex; now, the committee states, examination fee decisions can have a tremendous impact on a much wider range of operations and services. The complexity of the issue in turn makes it hard to bring member boards and their delegates up to speed on the association's financial operations.

"The Association now has a complex \$8.5 million operating budget that supports not only the examination program, but a wide range of other programs and services," the committee asserts in its report. "Proposals to change the ASWB examination fee must also function as a kind of 'crash course' on nonprofit budgeting and examination development, as well as financial projection assumptions and program evaluation—all in the form of a concise report that can be distributed to member boards whose delegates may or may not have familiarity with ASWB or licensure testing."

The result, according to the committee, is that member boards are left to take a position on an issue that may require more familiarity with the association's finances than ASWB is able to provide in a single report, or than member boards are able to fully analyze in a limited time.

According to the committee report, ASWB's current arrangement is a rare one among similar organizations. A survey of Federation of Associations of Regulatory Board (FARB) members revealed that ASWB was the only member that left examination fees to a popular vote among delegates. "Generally, these organizations approach fee-setting as a business decision best left to the leadership groups responsible for overseeing the operations of the association," the report states. "In turn, the delegate body has more broad authority through elections, bylaws amendments, and resolutions."

A second amendment proposal would create two-year terms for Nominating Committee members, and establish a staggered election process that would create some overlap among members of the group from year to year. Currently, three Nominating Committee members are elected each year to serve a one-year term. At the end of the year, the committee undergoes a complete turnover.

The proposal was forwarded to the Bylaws and Resolutions Committee by the ASWB Nominating Committee, and was envisioned as a way to foster better connections between members of the Nominating Committee and potential leaders of the association.

"Simply put, a one-year term isn't always long enough for a Nominating Committee member to observe and network with volunteers to get a sense of potential leaders, or for volunteers to recognize and network with the Committee members to talk about possible service," the Bylaws Committee report states. "Members are elected at a fall meeting, assume their duties immediately afterward, and then must establish a slate for the next fall meeting, with only a Spring Education Meeting (non-funded attendance) as an opportunity to connect with potential candidates. The proposed system would ensure that at least one member of the Nominating Committee would be a one-year veteran of the group at all times."

As with the proposal from the Finance Committee, the Nominating Committee proposal was created partly in response to the growth of

ASWB. The association now has a wide range of volunteers and meeting attendees who may be interested in elected positions, and the Nominating Committee believes that some committee continuity would help ASWB guard against potential leaders “falling through the cracks” that can occur when Nominating Committee composition changes entirely from year to year.

If approved, the new terms would be implemented with the 2012 election, according to the Bylaws and Resolutions Committee report. At that election three members would once again be elected, with one of the positions being limited to a special one-year term. At the conclusion of that one-year term, the association would hold an election for a Nominating Committee position with a full two-year term. From that point forward, Nominating Committee elections would be for two positions in even-numbered years, and the remaining position in odd-numbered years.

The final proposal submitted by the Bylaws and Resolutions Committee was forwarded by the committee itself in response to a special charge from the ASWB Board of Directors to evaluate the need for a registered parliamentarian at all business meetings of the association. The proposal, if adopted, would eliminate this requirement from the ASWB bylaws.

The absence of a registered parliamentarian would not fundamentally change the way the association conducts its meetings, the committee asserts—Robert’s Rules of Order would still be considered the “authority” for meeting protocol in the absence of guidelines already established in ASWB policy or the bylaws themselves. The lifting of the requirement would, however, ease up some restrictions on when the association could conduct business, and would be in keeping with most other similar organizations, which do not require the presence of a registered parliamentarian.

“Given the conduct of business guidelines contained in the ASWB policy manual, the language in the bylaws around how business is to be conducted, and what is now a 30-plus year track record of conducting business with very little controversy over procedural issues, the question arises: does ASWB actually require the presence of a parliamentarian?” the committee asks in its report to delegates. The answer, at least according to one committee, is probably not.

Votes on all bylaws amendments will take place on Saturday, November 5 at the ASWB Annual Meeting of the Delegate Assembly in Oklahoma City (see related story in this issue of *association news*). Amendment proposals must receive an affirmative vote from at least two-thirds of member boards in attendance at the meeting.

Emma Lucas-Darby (PA) serves as chair of the Bylaws and Resolutions Committee. Committee members are Cedric “Doc” Davis (AZ), Joan Davis-Whelan (NL), Jan Fitts (NE), Claude Leblond (QC), John McBride (LA), and Ronnie Saunders (IN). Mary Macomber (FL) serves as liaison to the ASWB Board of Directors.



## Filling in the research gaps

*Continuing education and licensure exemptions will be the subjects of the latest research to be sponsored by ASWB's research foundation.*

The next round of projects funded by the Association of Social Work Boards (ASWB) research foundation will focus on two very different topics, in two very different places: a Boston University-based project will look at the social work continuing professional education (CPE), while a second project by the British Columbia College of Social Work (BCCSW) will investigate ways to engage Aboriginal communities in discussions about the importance of social work regulation and the elimination of exemptions to registration in the province.

The winning projects were selected by a review panel of the American Foundation for Research and Consumer Education in Social Work Regulation (Foundation), the research arm of ASWB that was revitalized in 2009 after years of dormancy. This year's recipients were selected in part because of the lack of research in these areas, and the potential for both projects to be expanded upon or used as models for further investigation. Each research project received a \$25,000 grant to conduct their studies over a two-year period.

The Boston University project is titled "The Missing Link Project," and will use North American surveys, focus groups, and an in-depth single-state study to analyze "the current strengths, concerns, obstacles, and challenges of the existing [CPE model] system" with a goal of making recommendations for quality improvement.

"Clear standards for social work CPE are lacking and the burden is largely on the practitioner to determine quality," the BU researchers wrote in their proposal. "Little is known about how practitioners make decisions about which CPE training to attend... and what benefit they derive from the majority of CPE. There are a few studies on CPE in the social work literature, but there is generally little evidence that current CPE enhances social work practice or makes social workers more effective."

The Boston researchers plan to share results not only through social work journals and ASWB, but also through presentations and information disseminated to social workers and continuing education providers. Among the many goals of the project is to share knowledge in order to establish a "baseline" for subsequent research.

The Foundation review panel saw the potential for a similar kind of baseline in the project proposed by the BCCSW. In this case, however, the project being supported is much more confined in scope: namely, an attempt to "open a dialogue with First Nations, Metis, and Inuit organizations, to understand the barriers to removal of [social work

licensing] exemptions in relation to those organizations, and develop a collaborative and respectful plan to address the exemptions.” While the BCCSW plan is targeted at specific groups in a specific province, reviewers felt that research on alternative approaches to addressing exemptions was clearly a project worthy of support.

“This project is conceived of as an exploratory, descriptive study, whereby the Research Group prepares information ...and conducts interviews and talking circles/focus groups in key parts of the province,” the proposal’s authors wrote. The identified “long term” outcome of the study is to address barriers to mandatory licensing, but researchers also emphasized the importance of the “interim step,” which is described as an effort “to build respectful relationships between the [BCCSW] and Aboriginal social workers and Aboriginal peoples and organizations in BC.”

The 2011 awards mark the second round of grant funding from the Foundation. Two years ago, the Foundation funded research in three topics: perceptions of licensure among social work students and faculty in New Jersey; issues around access to clinical supervision in rural areas of Minnesota; and an investigation into the nature and range of disciplinary actions taken against social workers in both state regulatory and school board settings. The first two projects have been completed; the disciplinary research is nearing completion. The New Jersey project was presented to attendees at the 2011 ASWB Spring Meeting by author Dawn Hall Apgar; the remaining projects will be shared with ASWB members at upcoming major meetings in 2012.



## **‘S wonderful...really?**

*Three meetings and hundreds of items later, the newest members of the ASWB Exam Committee are ready for even more.*

Put people on airplanes and make them fly across the country at all hours. Once they arrive, stick them in a dark room for three days, far removed from family and friends, cut off from the rest of the world, deprived of any ability to earn income, and allowed to eat only the food you provide. Pay them nothing. Expose them to hundreds of test questions, one after the next, from early morning until late afternoon. Force the group to meet earlier and earlier each day—Friday: start at 9 a.m.; Saturday, 8:30; Sunday, 8:00. When it’s over, stuff their exhausted bodies back into airplanes so that they arrive home just in time to get up for work the next day.

Finally, subject those who survive to the same treatment once every three months.

No, this isn’t a process used to get valuable intelligence, nor is it a guide to creating cult members: it’s the basic shape of an Association of Social Work Boards (ASWB) Examination Committee meeting. And here’s the strangest part—three meetings into the process, the newest members of that committee use words like “wonderful,” “great,” and “energizing” to describe their treatment. Once you rule out a possible Stockholm Syndrome situation here, these responses would seem to require a little more explanation, right?

Not really, say Stacy Pelton (MD), Elizabeth KimJin Collardey (MI), and Brent Meyer (GA). The fact is, they think that meetings of the Exam Committee are professional highlights, and those hours in darkened rooms are described by all three as some of the most engaging and educational times they’ve spent as social workers. The sentiment is not just generally shared, it’s almost eerily identical.

The newest additions to the 22-member Examination Committee are all graduates of the 2009 ASWB Item Writing Training class, and each was a successful and proficient author of test questions. They were chosen to complement the diversity of practice background, demographics, and geographic location necessary to ensure that the questions that go on the ASWB social work licensing examinations are as carefully considered as possible. They have joined the group of subject matter experts that conducts the final review and evaluation of items, a critical step in the examination development process.

“I didn’t really know what to expect,” says Meyer, the newbie on the Masters subcommittee. “I think it’s been great. The dynamic of the group is so good. We have people that are from all over the United States, and from Canada, and we can all reach a collective agreement

on these items.”

When he began his involvement with ASWB, Meyer was working in Florida in both private practice and in a rehabilitation facility. Recently, Meyer moved to Georgia, where he has joined the Counseling and Psychological Services Department at Mercer University, in Macon, as assistant director.

Like all other appointees to the Examination Committee, Meyer did a stint as an item writer before being chosen for the review group. And like many appointees, Meyer has had the experience of seeing test questions he wrote appear before the committee for evaluation. His own creations. Up THERE, on a screen, being scrutinized by a group of social work subject matter experts for appropriate content, accuracy, solid writing, and something called “criticality to practice.” Imagine being present while your high school English papers are publicly reviewed by a panel of editors from *The New Yorker* and *Atlantic Monthly*, and you get the general idea.

“I’ve seen my own questions at every single meeting,” Meyer says with a certain tone of acceptance. “At first, I wasn’t sure whether I wanted to say that the question was mine or not.” In short order, he explains, it became clear that he could ‘fess up in what was obviously a thoughtful, supportive atmosphere. “The rest of the group has been really not traumatizing,” he says with a laugh.

Bachelors subcommittee member Stacy Pelton agrees with Meyer that it’s no big deal to admit when your own test question is up for evaluation, but says that wasn’t always the case for her. “At first it took me a while to even recognize my items,” she said. “I was like, ‘Is that mine?’ And then I kind of picked and chose from there—sometimes I would admit it, sometimes I wouldn’t. I think it was that I was probably being even more critical of my own items.” Nowadays, Pelton says, she has no problem letting the group know when she’s the author of an item.

“There’s always something about a test question that can be improved,” Pelton says. “But you also have to have a group that knows when to let it go, because you can rewrite it to death.” As for her own items, she’s quick to admit that there’s usually plenty of room for improvement. “There are no Picassos in there,” she said.

More important for Pelton is that the overall experience has been professionally fulfilling. “It’s been great,” she says. “Such a good experience to work with so many social workers who are so dedicated, and to really be a part of something like this, with so many others who are so invested in developing an exam that really is a good measure of competence.”

In her non-ASWB life, Pelton maintains a busy schedule as a program coordinator for a psychosocial rehabilitation program for the Veterans Administration in Maryland. She says that the time away at the Exam Committee is rewarding, but exhausting. “You’d think that sitting in a dark room all weekend wouldn’t take that much, but it does,” she said. “But it is a really unique experience.”

Elizabeth Collardey is an assistant professor at the University of Michigan – Flint who works with the Clinical subcommittee and has

much the same take as Pelton. “This has been a wonderful experience to be able to work with a group of colleagues in this way,” she said. “I understand different client experiences from different perspectives. “

Unlike Meyer and Pelton, Collardey has not witnessed her own work on the chopping block—as an item writer, she wrote for the Advanced Generalist examination, items for which are reviewed by yet another subcommittee that includes no new members this year.

Collardey adds that even without this, it would be possible for personalities to clash—after all, experts are voicing opinions, and opinions can differ. Collardey says that’s not the case here. She describes what she experiences at the Exam Committee as “true collegiality, and no ego,” adding that achieving that low-ego atmosphere is “difficult – at least among academics.”

The long hours, the dark rooms, and the intense discussions that occur at Examination Committee meetings are described to new item writers during the training sessions, but according to Collardey, those descriptions don’t fully capture the actual experience. “I had no idea what to expect when I started,” she says, “ but it’s been nothing but joy in discovering what the process is.”



## A summary of the work of the ASWB Board of Directors at its August 12, 2011 meeting

The Association of Social Work Boards (ASWB) Board of Directors met in-person on Thursday, August 12 at the Dupont Renaissance Hotel in Washington, DC. Following is a recap of the activities of the board at the meeting.

**Financial report:** Board members reviewed financial statements for the two quarters of 2011.

**Financial audit:** ASWB Treasurer Tim Brown presented results of the financial audit of ASWB. No problems were found, and the association received no management letter suggestions for possible improvements to financial operations. The Board voted to accept the audit report.

*From the  
ASWB Board of  
Directors*

**Proposed 2012 ASWB budget:** The Board approved the proposed ASWB budget for 2012. The budget will be presented to the ASWB Delegate Assembly at the association's Annual Meeting in November.

**Bylaws and Resolutions Committee report:** Board members reviewed a report from the ASWB Bylaws and Resolutions Committee regarding proposed amendments to association bylaws. Board members voted to support all amendment proposals (see related story in this issue of association news).

**Regulations and Standards (RAS) Committee report:** Board members reviewed a report from the ASWB RAS Committee. The Board voted to accept the Guidebook for Social Work Disciplinary Actions as a new resource document from ASWB (see related story in this issue of association news).

**Program and Education Committee report:** Board members reviewed the proposed agenda for the 2011 Annual Meeting as well as the tentative agenda for the 2012 Spring Education Meeting. The board voted to move elections to early in the day on Saturday, November 5 in response to a recommendation from the ASWB Bylaws and Resolutions Committee.

**Administrators Forum report:** Board members reviewed a summary of the most recent ASWB Administrators Forum program held in May.

**New Board Member Training evaluations, Item Writing Training evaluations, ASWB Spring Education Meeting evaluations:** Board members reviewed attendee evaluations from the ASWB New Board

Member Training session held in June, the June Item Writer Training session, and the Spring Education Conference.

**Examination Committee report:** Board members reviewed item review totals and other reports from the June ASWB Examination Committee.

**Examination program reports:** Board members received reports on test administration, testing program transition to Pearson VUE, score reporting, study guides/practice examinations, and activities related to individual jurisdictions.

**Policy changes:** Board voted in favor of various policies related to general examination procedures (2.1), paper and pencil examination administration (2.2), administration for candidates with sight impairments (2.7), examination fees owed by jurisdictions (2.11), and sharing of examination data (2.14). Notice of these policy changes has been forwarded to all ASWB member boards.

**Association office report:** Board members received reports on personnel, equipment, ACE, the Social Work Registry, Massachusetts applications, CE audits, the Public Protection Database, and other products, as well as reports on visits to individual jurisdictions and involvement with and activities of other groups.

**Board service awards:** Board members selected recipients of the 2011 Sunny Andrews award and the award for outstanding administrator. Awards will be presented at the 2011 Annual Meeting.





## New this issue! ASWB member boards, in their own words

With this issue, we launch “ASWB profiles,” a new regular feature in association news. Each issue we’ll highlight a few ASWB member jurisdictions and get them to answer some basic questions about how things are going and what’s in store, as well as some basic facts about social work regulation in their neck of the woods. Get to know your fellow boards—chances are, you have more in common than you think!

### *ASWB profiles*

This issue: Nevada, Missouri, and Arkansas

#### **NEVADA**

**Name of board:** Board of Examiners for Social Workers

**Number of board members:** 5, although presently we are at “4” pending confirmation from the Governor’s office of our public member which will bring us up to 5.

**Licensure levels offered:** Our board offers 3 levels of licensure: LSW (licensed social worker, BSW and MSW); LCSW (licensed clinical social worker, MSW and 3,000 post graduate hrs.) and LISW (licensed independent social worker, MSW and 3,000 post graduate hrs).

**Number of licensees:** 2,405. Of course, this number fluctuates given the number of new applications and nonrenewals. For the most part, however, this is an accurate reflection of the number of licenses at any given time.

**Biggest achievement in the past 12 months:** I would say that I am beginning to achieve more of an intuitive feel for this Board’s operations, esp. on a cyclical basis. I liken this position to the person who has to keep all of the plates spinning on the dowels. I feel like I’m beginning to understand how to keep the plates spinning without having them crash to the floor!

**Biggest lesson learned in the past 12 months:** This would definitely have to be the whole legislative process in Nevada. I just completed my first legislative session on my own this past year. I believe that I learned a lot and although I am breathing a sigh of relief as our session adjourned in June, I believe that I am better prepared for the next session in 2013.

**Biggest challenge facing the board:** Our Board experienced a dramatic, record-breaking increase in disciplinary cases filed in 2010. Thankfully, I am working with a Board that is supportive and open to my suggestions on how we can best address this problem.

*(complete the sentence)* “I would really love to hear about how other jurisdictions....” just do their business. I find the Administrator’s Forum and the Annual meetings interesting and helpful for this very reason!

Kim Frakes, LCSW  
Executive Director

**Useless tidbit from the association news editors:** Elko, NV is the home of the annual Cowboy Poetry Gathering.

## **MISSOURI**

**Name of board:** State Committee for Social Workers

**Number of board members:** Board size is 10. 6 currently serving with 4 vacancies

**Licensure levels offered:** 5-LCSW, LAMSW, LMSW, LBSW-IP and LBSW

**Number of licensees:** Approximately 5,000, but am unable to get an exact number as we are in the middle of renewal and our system changes the status on them.

**Biggest achievement in the past 12 months:** Happened in one of my other boards. It’s been 16 months since our rules were rewritten, that was huge.

**Biggest lesson learned in the past 12 months:** Only refer to the Att. General as a last possible resort

**Biggest challenge facing the board:** Continues to be CE. You would think after 2 full renewal cycles with 100% audit that the licensees would begin to know what is required.

*(complete the sentence)* “I would really love to hear about how other jurisdictions....” creatively deal with alternative disciplines for licensees when their attorney general and hearing commission have enormous backlogs.

Tom Reichard, Executive Director  
State Committee for Social Workers  
State Committee of Dietitians  
Office of Endowed Care Cemeteries  
Interior Design Council

**Useless tidbit from the association news editors:** The first successful parachute jump to be made from a moving airplane was made in St. Louis in 1912.

## **ARKANSAS**

**Name of board:** Social Work Licensing Board

**Number of board members:** Nine

**Licensure levels offered:** Bachelor’s - LSW, Master’s -LMSW, and Clinical – LCSW (Licensed Certified Social Worker)

**Number of licensees:** 2,924

**Biggest achievement in the past 12 months:** Working on and developing a new database for licensee files. We are still in the process and hope to deploy the new program soon. The old Access database we

had was not able to keep up with all the newer information we wanted to track. I have worked with a database programmer to create a system that will meet our needs. The new system, when fully functional, will allow much better access to records and a complete look at the individual's file without having to go to a file cabinet and actually pull a file to answer a simple question. For example, someone may call and ask what the starting date of their supervision was. All I have to do now is click on that individual file and the supervision tab. Once the information has been entered, it will be right there to see. If needed, I can email them a copy. Otherwise, I would have to put them on hold and go to the file room, pull the file, and look for that particular piece of information. The scanning process will take time to fully complete as there are almost 3,000 active files and only one employee! I have been scanning everything since Jan. 1, 2011 and this has allowed me to easily answer many emails and phone calls and is very helpful when I am out of the office for things like ASWB Meetings.

**Biggest lesson learned in the past 12 months:** Be consistent and document everything. Our Board has been very consistent on decisions and rulings and kept very good documentation. This proved valuable when a former social worker filed a complaint against our Board with the Department of Health and Human Services Office of Civil Rights. The Board's documentation and a wonderful State's Attorney helped prove the Arkansas Social Work Licensing Board did not act according to the claim.

**Biggest challenge facing the board:** Changes to our Laws and Regulations. We have been working on proposed changes to our Laws and Regulations for a couple of years now. About the time we think we are ready to move forward, someone points out something that needs additional consideration.

**(complete the sentence) "I would really love to hear about how other jurisdictions...."** have recruited legislators to support their proposed changes to Laws and Regulations.

Ruthie Bain  
Executive Director

**Useless tidbit from the association news editors:** The World Championship Duck Calling Contest is held annually in Stuttgart, AR.

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



## It's not just lunch...

By Dale Atkinson,  
Partner, Atkinson &  
Atkinson

In order for a board of social work to substantiate allegations against a particular respondent (individual accused of violating the practice act and/or regulations), the board likely must cite the applicable standard and how this standard is “legally” imposed on the practitioner. Many times, licensees will argue that terms and phrases are ambiguous, and thus unenforceable. Consider the following.

A licensed clinical social worker (licensee) engaged in a professional relationship with a client from 1997 until 2006. The professional relationship was originally based on marital issues as well as later self-esteem and weight loss issues. The client’s marriage was dissolved and the client maintained her treatment with the licensee afterwards. According to testimony by the client, sometime in 2001, the licensee and client began to see each other on a social basis.

These social encounters began with shopping trips and attendance at art exhibits and escalated over time. The licensee and client became diet buddies, talked on the phone “every night at 10 p.m.,” and attended church together at the invitation of the licensee. In addition, they went to Sunday brunch, spent some holidays together, and the client met the licensee’s family members.

The licensee also recommended that the client seek treatment from a chiropractor and drove the client to appointments. In addition, the licensee bought the client a purse and artwork, and assisted her with various business events. According to the client, the licensee subjected her to “abuse” and asked the client if she loved her. The client said that the licensee told her that the licensee needed the client in her life, and alleged that the licensee called and harassed her. At one point, the client said, the licensee chased her out to the parking lot.

These allegations led the Pennsylvania Bureau of Professional and Occupational Affairs, State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (board) to file an eight count complaint against the licensee. The eight counts alleged:

1. the development of a personal and social relationship and sharing by licensee of personal information;



*counsel's  
column*

2. failure by the licensee to clarify her role;
3. failure to promote self-determination toward psychological independence;
4. failure to refer the client to another professional;
5. failure to document history of treatment and assessment to support a diagnosis or treatment plan and goals;
6. failure of the records to reflect any improvement over time;
7. inappropriate purging of records after three years; and
8. failure to take reasonable steps with respect to termination of the therapeutic relationship.

After various pre-hearing processes, the matter proceeded to hearing held over at least four days in December 2008 and February 2009. The licensee was represented by counsel, and several witnesses for both the prosecution and defense testified.

At the conclusion of the hearing and after deliberations, the board, relying on numerous credibility determinations of the witnesses, entered its factual findings and held in favor of the prosecution on counts one through seven. Count eight was dismissed. In short, the board found that the licensee engaged in unprofessional conduct by developing a social and professional relationship with her client, and that the facts supported those failures delineated in counts one through seven. The board revoked the social worker's license.

The licensee appealed. On appeal, the licensee raised numerous issues alleging due process violations, specifically related to notice of the allegations, lack of prior verification of the allegations before filing of the complaint, credibility of the witnesses and the fact that not all board members were present for all of the hearings, bias on the part of the board members, and failure to justify the harsh penalty of revocation.

The court rejected the licensee's argument about receiving proper and timely notice, and found that the allegations fully informed the licensee of the charges lodged against her. The court noted that due process requires the licensee to be informed with reasonable certainty of the nature of the accusations with timely notice and to have the opportunity to answer the charges and defend oneself. Indeed, the court pointed out, the licensee testified, her counsel presented evidence and testimony, and engaged in cross-examination of prosecution witnesses—behaviors that indicated an understanding of the charges.

The licensee also argued due process violations in that there was a serious variance between the allegations and the evidence produced at the hearing. Specifically, the licensee argued that the complaint alleged that the licensee was either in a sexual relationship with the client or attempted to initiate one. However, the prosecution did not present evidence of any such physical relationship. The licensee argued this failure to pursue such allegations denied her the right to a fair hearing, because her defense focused on such allegations. Based on the fact that the licensee cited no statute, rule, or case law finding such to be a violation of due process, the court rejected this argument and held in favor of the Board.

The licensee next argued that there were no safeguards in the administrative hearing process requiring the board to verify serious allegations before pursuing prosecution. Again, the court quickly rejected this argument as the licensee failed to cite any authority supporting such verification as a prerequisite to prosecution.

The licensee also argued that her due process was violated because certain Board members were not present for all stages of the hearing (which took place over several dates), yet these members participated in credibility determinations. The court first noted that board members of an administrative agency are authorized to determine the credibility of testimony from reading a transcript. The licensee attempted to distinguish the recognized precedent by arguing that some board members heard some of the testimony, while some heard only the examination (or cross-examination) of witnesses, creating a hodge-podge of a hearing. Based on the fact that no statute, rule, or case law was cited supporting this distinction, the court also rejected these arguments.

The licensee argued a due process violation in that there was insufficient notice of the standards required of social workers. During the hearing and without objection by the defense, the prosecution presented evidence of violations of the National Association of Social Workers (NASW) Code of Ethics. Indeed, the defense engaged in extensive cross examination of the experts about the code. Based on this participation, the court held that any such objection was waived by the licensee. (Author's note: social work boards must determine what standards apply to practitioners under certain circumstances and how to adopt these standards into law. The NASW code may contain standards that are aspirational –these aspirational elements may be difficult to legally enforce. It is unlikely a social work board may legally enforce all NASW standards in a licensure setting.)

The licensee asserted that certain statements and questions from Board members during the hearing indicated a bias, because they cited a previous case. The questions included references to billing and the number of sessions between the client and licensee. Because the previous case cited found a violation by a social worker, the licensee argued, the board members were predisposed to rule against the licensee in the current case. Though it agreed that licensees are entitled to a fair and impartial tribunal in an administrative proceeding, the court rejected arguments by the licensee that the board was biased. The court found no bias and stated that latitude is granted and any suspect questions were “harmless error.”

Finally, the licensee argued that the penalty of revocation was arbitrary and capricious. The court also rejected this argument and held in favor of the board, citing the thorough findings of the board and the specified justification for the sanctions set forth in the final order.

Licensees are entitled to important due process rights in potential adverse action against the property interest in their license. Due process itself is a complex concept subject to equally complex interpretations.

This case presents a very thorough review of the due process requirements associated with an administrative proceeding and support for the actions of a regulatory board.

*Fiore v. Bureau of Professional and Occupational Affairs*, 2011 Pa. Commw. Unpub. LEXIS 460.

*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



When the 5.8 earthquake hit in the Culpeper area, everyone had to think a while about what was happening, because the location of the association office isn't exactly California. It's probably been 15 years since the last noticeable earthquake. But this one was real, as were the many aftershocks.

There was building damage in the downtown, where many of the structure are very old. The ASWB office was unscathed, if you don't count the pictures turned in many different directions, file drawers open, and small amounts of drywall and ceiling dust that shook down. Staff members were pleased when there were inquiries from all over about their welfare and that of the office – from **MARY MACOMBER**, **AMANDA RANDALL** and **TIM BROWN** (who happened to be in nearby Baltimore) of the Board of Directors, administrators **DAVID HAMILTON** of New York, **KIM FRAKES** of Nevada, **BRENDA HOLDEN** of Alabama, and quite a few others.

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The small world of ASWB occurs once again – former North Carolina board member and recent member of the association's Practice Analysis Task Force **GARY BAILEY** traveled to India this spring – and ran into former NC board member **CONNIE KLEDARAS**. In India. They don't see much of each other in NC.

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**ANTHONY MORRIS**, former Exam Committee cochair, is now Domiciliary Chief of the Houston Veterans Administration Mental Health Residential Rehabilitation Treatment Program. He was acting chief for some months, and then was selected to fill the position. The facility is a 40-bed residential treatment program for homeless veterans with either a mental health disorder or substance abuse disorder. As the program director, he supervises a large interdisciplinary team.

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**ETHAN WESTPHAL**, the son of **JOYCE** from Iowa, played his last season of high school baseball with a Martensdale-St. Mary's team that is on an incredible streak. They broke a national record for the most consecutive wins previously held by a Portsmouth, N.H. team that ended the season with an 83 game winning streak this year. **ETHAN** was the star pitcher.

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Exam Program Manager **CHUCK FRIEDMAN** became a grandpa for the first time on July 29. **LILY ROSE FRIEDMAN** is doing well, **CHUCK** said, and he and wife **KAREN** went up to New Jersey to see her after the August Exam Committee meeting.

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Looking after their own, the Masters group from the Exam Committee took up a collection and bought a gift certificate to be presented with a much-signed and heartfelt card for committee stalwart **TREVOR GATES**, who's getting married. The effort showed off the formidable organizational and secret-keeping skills of Masters co-chair **JANE MATHESON**.

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Past President **DELFINO TRUJILLO** of New Mexico couldn't stay retired – after some years of devoting himself to grandchild-doting, he has returned to work with the Vet Center in Santa Fe, providing veterans readjustment counseling. **DELFINO**, a Vietnam vet himself, must be a wonderful source of help because he's been there.



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Following up on the earthquake, of course, was Hurricane Irene on the east coast. Oddly, ASWB had a west coast meeting that felt the effects – New Board Member Training. The worst travel disruption hit **SANDI BISGOOD** of Delaware, whose flight back to Philadelphia was cancelled, and who was stuck until Wednesday. **CATHERINE CHAPPELL** from Virginia had her flight back to Richmond disrupted and delayed a day, but she would have been going home to no electric power anyway, so it was a mixed bag.

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Not that Seattle was difficult to enjoy. **KARLA FOLTZ** of Arizona stayed an extra day because she has friends there, and plans were for the friends to take her bull-riding. An electric bull, but still . . . Which didn't make **JIM MARKS**, the new executive director for the Oklahoma board, very happy—he wanted to go bull-riding, too, but had to go to the meeting and then head for home.

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Long-time reliable resource for the ASWB Examination Committee **CAROL BOYD** told the association with regret that she can't make the October meeting, even though she is chair of the Advanced Generalist group. She's been made interim dean of the School of Applied Sciences at the University of Mississippi, where she has been professor and social work chair. All that adds up to a lot of work and responsibility

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The 2011 annual meeting of the Citizen Advocacy Center (CAC) in Washington, DC, will include among its speakers ASWB legal counsel **DALE ATKINSON** and Director of Board Services **DWIGHT HYMANS**. The CAC is the organization that supports public members of boards; its theme this year is “Achieving Regulatory Excellence.”

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In North Dakota, **MICHON SAX** stepped down as board chair; her term ended in April, but no replacement has been named. Because she doesn’t expect to be with the board much longer, she asked that a new chair be elected. The board chose **MARYJANE BLANCHARD** as chair, and **NANCY KLEINGARTNER** as the new vice chair. **MICHON** emailed that “Being able to attend meetings of ASWB was a highlight of my board membership,” and that she will miss seeing and visiting with many of the people she met through the association.

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**MELISSARYDER**, the meeting planner who preceded **JENNIFER HOFFMAN** with ASWB, has returned to work with the association (two more babies, for a total of three kids, later) as the meeting associate. The number of meetings, and attendance at each, increase every year, and both **JENNIFER** and **MELISSA** expect to be kept busy.

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The new executive director of the Indiana Behavioral Health and Human Services Licensing Board is **TOM MCGHEE**. **TOM** replaces **VALERIE JONES**, who resigned, and **RONNIE SAUNDERS III** will continue as assistant board director.