



## Three new faces join the ASWB Board

*ASWB leadership will include a new treasurer, a new public representative, and new director at large.*

The Association of Social Work Boards (ASWB) Board of Directors will include several new faces this year after the ASWB Delegate Assembly elected three newcomers to leadership positions in the association. During elections held at the 2011 ASWB Annual Meeting last month, delegates chose Carole Bryant (SK) to serve as Treasurer, along with Fran Franklin (DE) and Patricia O'Reilly (WV) for Director-at-Large seats. O'Reilly will be filling the position set aside for a public member, and Franklin will take over the professional member seat.

Carole Bryant assumes the Treasurer position formerly held by Tim Brown (TX), who was appointed last year to serve out the remainder of Pat Heard's term after she won the election for ASWB President-Elect. Bryant, who served on the ASWB Finance Committee in 2011, is Vice President of Administration and Quality improvement with the Ranch Ehrlo Society in Regina, and President of the Saskatchewan Association of Social Workers.

Fran Franklin won the election for the Director at Large (professional member) seat being vacated by Donald Montoya, who served two terms in that position. Franklin is a Clinical Social Worker and Program Manager for Children and Families First of Wilmington and Georgetown, and currently serves as chair of the Delaware social work licensing board. She has participated in passing score studies for ASWB and is a current member of the joint ASWB-NASW task force on supervision, as well as a test item writer for the association.

Patricia O'Reilly was elected to the Director at Large, public member seat formerly held by Mary Macomber (FL). O'Reilly currently serves on volunteer boards for Goodwill Industries of Kanawha Valley and the Marshall University Autism Training Center, as well as on the West Virginia board. She has held multiple volunteer roles for ASWB, most recently as a member of the ASWB Finance Committee.

The new Directors join President Pat Heard (NC), Past President Amanda Randall (NE), Secretary Jenise Comer (MO), and Directors at Large Alison MacDonald (AB) and Dorinda Noble (TX). The board held a brief meeting after the conclusion of the ASWB Annual Meeting on November 5, and will hold its first meeting of 2012 immediately

*From the 2011 Annual Meeting*

preceding the Federation of Associations of Regulatory Boards (FARB) Forum on January 26 in Sarasota, FL.

Board of Directors seats weren't the only ones up for a vote at the Annual Meeting. Delegates also chose Robert Johnson (AB), Melinda Pilkinton (MS), and Ronnie Saunders III (IN) to serve on the four-person committee that develops the slate of candidates for next year's elections, elections that will be the first to reflect a changed term of office for members of the association's Nominating Committee (see related story on bylaws changes in this issue of *association news*).



## Of integrity, determination...and motorcycles?

*This year's winners of ASWB board member and administrator awards reflect diverse talents, but a shared and inexhaustible commitment to public protection.*

Accepting her ASWB Sunny Andrews Award, Joy Leuthard of Oklahoma paused on the verge of tears in thanking people – the Oklahoma board staff, her husband Tom, her friends and her sister – and laughed that she felt like she was at the Academy Awards.

And in a way receiving one of the awards is very much like getting an Oscar, although there's no red carpet and no Billy Crystal, just Amanda Duffy Randall this year. But the two big annual ASWB Awards, the Sunny Andrews and the Administrator Award, are meaningful because they come from peers, people who have been down the regulatory road, and know what it takes to do the job well. Also like the Oscars, a win is usually a group effort of hard work and integrity, and there are lots of people to thank.

Besides Leuthard, the two winners this year were administrators Rod Adachi of Alberta and Evelyn Brown of Virginia. Both are retiring

after many years and will be hard to replace. Presentations were made by Randall; both Leuthard and Adachi were in Oklahoma City to accept the awards, while Brown sent Virginia board chair Wayne Martin, a slide show, and an appreciative letter to be read.

The president noted that 2011 marked the tenth time the awards had been presented; it was appropriate that it was being done in Oklahoma, and that the board service award go to someone from Oklahoma. "The first winner was Evelyn Seaton," then an Oklahoma board member, she recalled, and Seaton was in attendance for part of this year's meeting.

Randall said that although Leuthard was getting the prize as a board member, "She straddles both categories" in this case. The board's administrator left this year, leaving Leuthard to hold the office operations together and head up the search for a replacement. Both chairing the board and being a virtual administrator took so much work that her nomination was kind of inevitable, and in the written nomination it was no accident that the word "integrity" kept popping up. Surprisingly, though, Randall said, the word "exhaustion" didn't appear.

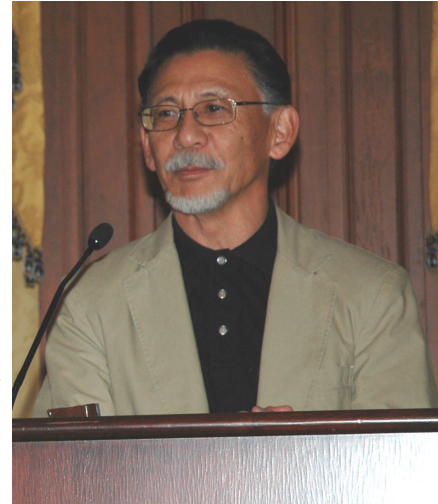
In her acceptance, Leuthard said the recognition was "an absolute surprise," and that she was grateful to receive such an honor from "all of

### *From the 2011 Annual Meeting*



*Wayne Martin, chair of VA board, presents the award to Evelyn Brown at her last board meeting in Richmond*

the peers I respect so much.” It was, as she described it, a “different year,” with challenges and opportunities. “Things just fall in your lap,” she remarked, with her as the obvious choice to help run things because her actual job is located just down the street from the board office. She and Laura Maguire, the remaining board staff, were back and forth and in constant touch as the work of developing an administrator job description with a “new direction” went forward.



*Administrator award winner Rod Adachi of Alberta*

The result of the hiring process was the “wonderful force” who is new administrator Jim Marks, Leuthard said, and both that and the stable office were a team effort. She credited Maguire with the real work of keeping things on track. “She was a rock.” She also had the support of a board that was willing to hold extra meetings and drive long distances to do so, she said. “This award is as much for them as for me.”

In announcing Adachi’s recognition, Randall noted that he had effectively used his talents as a mediator and facilitator to bring about some major changes, “not only on the board but in the way social work is seen” in his own province and in the rest of Canada. He helped develop clinical standards in Alberta, and has made endless presentations to social workers and organizations. The president also praised his efforts in establishing an effective working relationship with social work educators, and with his role in the founding of the new Canadian Association of Social Work Regulators.

With ASWB, Adachi has not only worked on committees, but was the first administrator and the first Canadian to serve on the Board of Directors.

Adachi echoed Leuthard’s pleasure in being recognized by his peers. “I’m not a supporter of awards,” he said, but “I’m pleased to accept” this one as part of a team. “It’s a tough job being an administrator,” he said, but valuable staff contributions make it easier.

He said he had been struck by an earlier remark from ASWB Executive Director Donna DeAngelis. “She commented that regulation is under attack,” he said, and he had to agree, although he is totally unable to understand it. He compared public protection to the regulations for his hobby, motorcycle racing. Helmet laws, registrations, and even a racing license are “to protect yourself and your fellow racers,” he said, and “it’s a no-brainer.”

He has enjoyed ASWB, Adachi said. “You work well together,” and the Canadian-U.S. connection helps everyone learn and do a better job. Motorcycle racing helped prepare him for regulation, he added, and he hopes he has been a better regulator than a motorcycle competitor.

While Evelyn Brown was unable to attend, her ASWB award was presented at her final meeting with the Virginia board, and chair Wayne Martin brought photos. He spoke briefly, and then read a letter that she had sent. Brown has had “focus, determination and commitment” on the job, he said, and she had accomplished a great deal in more than two decades. She helped develop social work regulations in Virginia, and supported the move to national examinations and efforts to improve the quality and guidelines for supervision. She has also kept her state board in the forefront of offering online services to candidates and social workers.



*Sunny Andrews Award winner Joy Leuthard of Oklahoma*

In the letter, the award winner said she was grateful to Martin and to Catherine Chappell of the board office for the nomination, and said she had found her work rewarding and challenging. Recent times have indeed been tough on regulation, she wrote. “In a time of hiring freezes, the combination of overworked staff and frantic applicants” who want their licenses quickly so they can get jobs has proven difficult. “Today, board members work in a different climate” from when she began her job, she said. She is particularly proud of her board in continuing to uphold responsibilities and reaching out to constituent groups to explain the need for what they do.

Brown credited the “resourceful and helpful staff” of ASWB as well as the Virginia board staff who work overtime. “They don’t come any better,” she concluded.



## Doctoral loophole closed up

*The ASWB Delegate Assembly has approved model law changes that emphasize the need for a BSW or MSW for licensure.*

The Association of Social Work Boards (ASWB) model law now includes further specifics on clients' rights to know about supervision, the amount of time allowable for completion of supervision hours toward licensure, and the social work degrees considered appropriate for purposes of licensure at various levels of practice. The changes as proposed by the ASWB Regulation and Standards (RAS) Committee were approved by the ASWB Delegate Assembly during the 2011 Annual Meeting, held November 3-5 in Oklahoma City, OK.

In an effort to clarify client rights around supervision, the *ASWB Model Social Work Practice Act* now contains provisions in regulation that would require a

social worker "receiving supervision related to practice" to inform clients that they are under supervision and that their cases may be reviewed by the supervisor. The minor change approved by the Delegate Assembly was the addition of the phrase "related to practice," a refinement that the RAS Committee would help make expectations more explicit. The proposal passed with little comment from Delegates.

A second provision around supervision time limits drew more attention from Delegates, who were interested in how the committee arrived at a proposed requirement that supervision for purposes of licensure must be completed within eight years of the date of initial licensure application. Committee chair Richard Hazel (SK) explained that the eight year requirement seemed to be consistent with current language in many jurisdictions, and that the committee felt that the time period did allow for the lifestyle changes that often impact social workers at early stages of practice (such as relocation and child-rearing) and prevent them from acquiring supervision hours within the usual timeframe. The provision was adopted by Delegates, and now applies to the independent practice categories at the BSW and MSW levels, as well as in the practice of licensed clinical social work.

The lengthiest discussions about proposed model law changes were focused on provisions that eliminate social work doctoral degrees from the list of degrees acceptable for purposes of licensure. The Committee was charged with looking at this issue after ASWB became aware of a loophole in many licensing laws allowing for licensure of a social worker who holds a masters or doctorate degree from an accredited program. The problem with this language is that the predominant programmatic

*From the 2011 Annual Meeting*

accrediting body—the Council on Social Work Education—does not accredit doctoral programs, and some doctoral programs accept students who do not hold a social work degree. Current language in some jurisdictions would allow an individual with an unaccredited doctoral degree in social work, but no other social work degree, to obtain a license to practice. The proposed change to the ASWB model law simply eliminated this possibility by limiting acceptable degrees to the BSW and MSW.

Although the provision passed the Delegate Assembly by a healthy 33-8 vote, some delegates were concerned about the message that might be sent to social work academics, some of whom already bristle at the model law's insistence on no exemptions from licensure for social work faculty. Then-Association President Amanda Randall responded that part of the impetus for the change came at the request of the CSWE, which has concerns about admission requirements and other issues around doctoral social work programs springing up, particularly among for-profit institutions.

The *ASWB Model Social Work Practice Act* is a resource document available to member boards and others, and provides a broad “best practices” perspective on what a licensing law and regulations should and should not contain. The document includes annotations that provide context for the various provisions, and is available both in print and online. The association does not lobby for its adoption, but uses the model as a way to promote greater uniformity among jurisdictional licensure laws. The updated version of the model law is available on the ASWB website now, and will be available in print sometime in January.



## Limited change

*Nominating Committee terms will change, ASWB will hold Parliamentary-less meetings, but exam fees must still be approved by the Delegate Assembly.*

The Association of Social Work Boards (ASWB) Delegate Assembly favored changes to the ASWB bylaws that may enhance the operation of meetings and the development of leadership, but balked at the idea of vesting authority to set examination fees with the ASWB Board of Directors. The decisions were made in response to proposals from the association's Bylaws and Resolutions Committee presented at the 2011 Annual Meeting of the Delegate Assembly, held November 3-5 in Oklahoma City, OK.

By a 46-4 vote, the Delegate Assembly approved bylaws amendments that eliminate the requirement for the presence of a registered parliamentarian in order to conduct the business of the association. Delegates largely agreed with the Bylaws Committee's assessment that the association's business meetings are well-managed, and that ASWB—like most other groups of its kind—does not strictly adhere to parliamentary procedure as outlined in *Roberts' Rules of Order* in the first place. The change in bylaws will not affect the way in which ASWB runs its meetings, but it will allow the association more latitude in creating an order of business. Earlier bylaws limited the conduct of business requiring assembly votes to only those times when a parliamentarian was present—typically, only one of the two and half days of meeting time.

A similar majority voted in support of changes that will increase ASWB Nominating Committee member terms from one to two years, and implement a staggered election process for the group. Under the amended bylaws one member of the committee will be elected in odd-numbered years, with elections for the remaining two seats held in even-numbered years. Each member will serve a two-year term, so that there will not be complete turnover every year, as has been the case. The change was suggested by the 2011 ASWB Nominating Committee as a way to allow Nominating Committee members a greater opportunity to identify and network with potential ASWB leaders, and to ensure greater continuity for the committee itself. Implementation of the new system will be gradual, with three Nominating Committee members once again elected in 2012. Two of those three will fill the new two-year terms, while the third will fill a special one-year term that will set the stage for a standard two-year term position to be elected in 2013.

*From the 2011 Annual Meeting*

The near-unanimity of sentiment did not extend to a proposal about who should hold the authority for setting fees for the association's examinations and other programs, however. Delegates from 20 member boards voted against a proposal that would have vested authority for fee-setting with the ASWB Board of Directors, leaving the "yes" votes five votes shy of the 33-member supermajority required to pass a bylaws amendment. Supporters of the amendment—suggested by the Finance Committee, drafted by the Bylaws and Resolutions Committee, and supported by the ASWB Board of Directors—argued that fee-setting was a business decision best left to an association's governing board, and that leaving such authority up to popular vote was rare among similar licensure board organizations. Opponents argued that member board input and approval was not only consistent with the ASWB's inclusive practices, but a good hedge against excessive or too-frequent increases that might be unpopular with social workers. In the end, the amendment was voted down, and all proposals for examination fee increases must still be approved by a majority of member boards present at an ASWB Annual Meeting.



## President's report: working the plan

*Outgoing ASWB President Amanda Randall sees a bright future—and a lot of work—ahead for the association.*

Although the Association of Social Work Boards (ASWB) may be a long way from realizing every goal identified in the strategic planning document created in 2010, outgoing President Amanda Randall believes that the association's efforts in 2011 were a solid start. In her report to the Delegate Assembly at the 2011 ASWB Annual Meeting, held November 3-5 in Oklahoma City, OK, Randall credited volunteers and staff with significant accomplishments in the association's efforts to increase outreach, expand services, and raise ASWB's international profile.

Randall structured her remarks to the Delegate Assembly around the "ASWB Strategy Map" adopted in November of 2010. That map outlines what Randall called an "ambitious" set of goals in four major areas: outreach, collaboration with member boards, the pursuit of additional programs and services, and international relationships. Though the goals identified reflect some high aspirations "for what we saw coming down the pike," Randall told attendees that the way in which ASWB has decided to pursue these goals is in keeping with the organization's "conservative" personality and is "rooted in the association's tradition of being really good stewards of our organization."

Of the four major strategic objectives, outreach and member board collaboration were the areas that Randall identified as receiving the most focus from the association in 2011. In addition to the tech-based outreach through social media outlets (primarily Twitter and Facebook), Randall said that the association pursued other projects that underscored ASWB's belief in the power of face-to-face communication. A particularly promising outreach effort is being taken on by ASWB volunteers who are now participating in a joint project with representatives from the National Association of Social Workers (NASW) in the development of revised guidelines on supervision. Closer to ASWB's own membership base, the association has dramatically increased its in-person visits to member boards by ASWB Director of Board Services Dwight Hymans and Executive Director Donna DeAngelis. "We see this as an essential service," Randall said.

A more careful approach has been taken when it comes to pursuing other opportunities for additional program offerings, Randall said, because "we are also very thoughtful about how we spend our dollars."

*From the  
2011 Annual  
Meeting*

Currently, the association is looking at ways to expand its licensure application and continuing education auditing services, and how best to go about “retooling” the ASWB Social Work Registry program. Randall also pointed to the work of the ASWB Approved Continuing Education Committee as an important part of the association’s efforts to offer reliable programs that “alleviate some of the burdens on our member boards.”

The enhancement of ASWB’s international relationships is another area that has been approached with care, Randall said, because “we are very cautious about not imposing an American standard for regulation.” Instead, the work of the association has been focused on participation as an equal partner, and a willingness to learn how it is possible to take different approaches to the goal of public protection. Randall informed attendees that over the summer, ASWB representatives attended an international regulatory forum sponsored by the Council on Licensure, Enforcement, and Regulation (CLEAR), and that the association continues to offer an internationally-focused email group for social work regulators from countries including New Zealand, Ireland, Switzerland, Israel, and the United Kingdom, as well as the U.S. and Canada.

Randall said that all of these efforts were taken on in addition to the association’s ongoing outreach to other social work and regulatory organizations including the Council on Social Work Education (CSWE), the Association of Baccalaureate Social Work Program Directors (BPD), the National Association of Black Social Workers (NABSW), the Citizens Advocacy Center (CAC), the Federation of Associations of Regulatory Boards (FARB), CLEAR, and others. At the same time, Randall added, ASWB never lost sight of its most important product, the social work licensure examinations, which underwent significant changes in organization and administration over 2011 and continue to be “terrific.”

Near the end of her report, Randall recounted her involvement with ASWB, an involvement that has stretched for 18 years, beginning with her service on the ASWB Examination Committee. She recognized and thanked Barbara Matz and Janice James, two former ASWB presidents who continue to be involved in the association, for their roles as mentors. Though she may feel lucky about her past relationships with ASWB members, Randall said that there are more good things ahead, and then showed attendees pictures of her new grandson and almost-as-new husband (Randall was married during the summer of 2011), saying with a smile, “that’s what I’m leaving you all for.”

Randall concluded by acknowledging that her years of service to ASWB were rewarding times, saying that “I know I’m a better social worker, a far better educator, and I’m just a better human for knowing all of you.”



## The beginning of the end of the beginning?

*ASWB's  
exam program  
survived—and  
thrived—  
amidst a host of  
changes in 2011.*

Pick your metaphor—dust settling, waters calming, cookies crumbling, tunnels lightening—staff at the Association of Social Work Boards (ASWB) are just glad to be largely on the settled and crumbled side of things after a year of adapting to what ASWB Examination Program Manager Chuck Friedman described as a “season of change” for the association’s examinations. From the ways items are banked and reviewed, to the content of the examinations, to the actual experience of test-takers, 2011 has been one cookie-in-a-dust-filled-whitewater-tunnel kind of year for ASWB.

*From the 2011  
Annual Meeting*

Friedman outlined the changes as part of a presentation on almost all facets of the ASWB examination program delivered to attendees at the 2011 ASWB Annual Meeting, held last month in Oklahoma City, OK (to view the publicly-available portions of the presentation slides, click [here](#)). As Friedman explained, the changes experienced by the ASWB examination program this year were really the result of two efforts that intersected: the launch of new tests as a result of the most recent social work practice analysis, and the beginning of ASWB’s work with its new testing vendor, Pearson VUE.

Perhaps the biggest overall change to the ASWB examinations in 2011 were the changes made to test content in response to the 2009-10 practice analysis. Although the bulk of the changes had more to do with reorganization than dramatic shifts in actual subject matter (recombining and reducing major content areas from 10-11 to four or five per exam category), most examination levels did see increases in content related to social work ethics. Individual exam levels also underwent some content shifts, including a reduction in research and supervision content on the Clinical exam.

The most significant exam content changes occurred at the Advanced Generalist level, the new blueprint for which reflects increased content in administrative and macro practice issues. The changes were in fact so significant that the association had to hold off on implementation of the new blueprint for one year while it accumulated sufficient item statistics to launch a new test. During the time when new versions of the Bachelors, Masters, and Clinical examinations were being administered, candidates wishing to take the Advanced Generalist test were given the opportunity to test for free. These free, six-hour exams followed the pre-2011 content outlines but contained many more pretest items. At the end of the testing window open during the first six months of the

year, ASWB was able to gather sufficient statistics to create the new versions of the tests built on the latest content outlines. These tests are set to go online in January 2012.

The implementation of new test content also occurred while ASWB began administration and psychometric support from its new testing vendor, Pearson VUE. The improvements to testing available through Pearson VUE included a larger and more uniform network of test sites, a higher level of security, and greater flexibility for making testing appointments online. Additionally, the Pearson VUE testing interface offered a more user-friendly testing experience and increased opportunities for pretesting more items. The transition from ACT, Inc., ASWB's previous vendor, to Pearson VUE was nearly seamless for candidates, even while the association and Pearson worked in the background to smooth out rough areas mostly around special administrations and data reporting.

With the new vendor partnership came some significantly changed responsibilities for ASWB staff. Under the new relationship, ASWB took over many functions previously conducted by ACT, including management of "form review"—the final subject matter expert review of tests ready to be administered—as well as the management of the process for reviewing items that show statistical problems during pretest. Additionally, ASWB staff now has direct access to the actual test item banks via Pearson VUE's proprietary "Builder" test development software, and can directly manage the workflow of items as they move from form construction through various editorial and functionality checks.

These new responsibilities needed to be taken on amidst the blueprint changes, which meant that ASWB staff, its volunteers, and Pearson VUE had to work hard to meet increased demands through a system new to many. The challenge was met unequivocally: by the end of the year, the ASWB Examination Committee had reviewed over 2,000 items, and form reviewers had approved a total of 14 versions of ASWB examinations—enough to allow for the creation of "reserve" forms that will be available for use in the event of a security breach or other problem that would require the elimination of entire versions of the ASWB examinations.

Are the challenges over? Not by a long shot. But with one full year nearly passed, and the final new blueprint set to be put in place for the Advanced Generalist examination, the dust may in fact be settling just a bit. Now to clean up those cookie crumbs.



## End-of-year recap

*At the 2011  
ASWB Annual  
Meeting,  
Executive  
Director Donna  
DeAngelis  
updated  
attendees on  
the activities of  
the association  
over the year.  
Following is a  
transcript of her  
remarks.*

**By Donna DeAngelis,  
LICSW, ACSW  
Executive Director**

Welcome to the 2011 Annual Meeting of the Association of Social Work Boards (ASWB). Thank you, Oklahoma Board of Licensed Social Workers for inviting us to this beautiful and fun-filled city. We have an attendance of 107 people here representing 50 jurisdictions. The agenda is full. There are proposed bylaws changes to consider, a Treasurer, professional and public member Directors at Large, and the Nominating Committee to elect. We will hear reports on the examination program and the transition to our new testing vendor, Pearson VUE. There will be committee reports, and you will be asked to make decisions on committee recommendations.

First, I want to thank you for your service to public protection, to the social work profession, and to ASWB. You give of your time and your expertise with very little visibility or acknowledgement. So, I want you to know that your work is appreciated.

I also appreciate the work of the ASWB staff, several of whom are working today at this meeting: Troy Elliott, Communications Director, Chuck Friedman, Examination Program Manager, Jennifer Hoffman, Convention and Meeting Planner, Kathleen Hoffman, Deputy Executive Director, Dwight Hymans, Director of Board Services, Pat Olinger, Director of Candidate Services, and Dan Sheehan, Information Technology Manager. There are 25 more staff members in Culpeper doing the work of your association every day. We added two positions this year, an assistant meeting planner, because we are conducting, attending, and displaying exhibits at more meetings every year, and a regulatory specialist to help with the non-exam related services we provide to our members.

Now the numbers. ASWB actually ended 2010 with an operating gain of \$1,306,922 more revenue than expenditures, and we gained \$167,276 on our investments. Under the new configuration to increase the funding of restricted reserves that was recommended by the Finance Committee and approved by the Board of Directors last year, we were able to put most of this gain into reserves restricted for operating business expense in case of an emergency, or exam and legal defense. Through September 30, 2011 we had an operating gain of \$787,295. Due to market fluctuations, investments are down by \$152,786, so we have \$533,709 of revenue over expenditures so far this year. You will get the financial details when the Treasurer gives his report tomorrow.

This was the year of transition to Pearson VUE, the testing vendor

*From  
the staff*

that began delivering the social work licensing exams on January 3, 2011. Test administration is going very well, with only a 1.7 percent incident rate as of September 30, 2011.

The Candidate Registration Center answered 76,494 calls in 2010 and registered 32,404 candidates to take an ASWB social work examination, and there were 34,085 examinations administered with an incident rate of three percent. Through September 30, 2011, 56,780 calls were answered, 27,470 candidates registered to take an examination, and 24,400 examinations were administered.

The new Bachelors, Masters, and Clinical examinations resulting from the 2009 practice analysis were administered beginning January 3, 2011. New items were pretested for the Advanced Generalist test in a free pilot exam that used the old content outline. The new Advanced Generalist examination will be administered effective January 2012.

When item writer training was held in June, 21 item writers were trained, and we are now recruiting social workers who would like to be trained as item writers next year.

The Examination Committee met four times and we instituted more elaborate examination form review and editing processes this year. Although legislation was passed authorizing the use of the ASWB Clinical examination, we have received no further information from the California Board of Behavioral Sciences on when it will begin to use the exam for licensure in that state.

From January through September the administrative office staff answered 14,723 telephone calls. This is in addition to the calls answered by the Candidate Registration Center staff. During this time period there were 13,540 study guides and 6,821 practice exams sold and the practice exams can now be ordered online. A second form of the practice exams will be available next spring.

Under a continuing contract with the Massachusetts board, ASWB reviews licensing applications, approves qualified applicants to take one of the ASWB exams, issues Massachusetts license numbers, and conducts continuing education audits. ASWB is also now conducting continuing education audits for the Louisiana, Maryland, and North Carolina boards.

Original copies of social workers' transcripts, supervision documents, experience, and continuing education credits are stored in the Social Work Registry available for verification or transmittal to regulatory boards and elsewhere, upon request by the social worker. The Registry has 1,083 current enrollments.

ASWB trained 64 new regulatory board members and administrative staff from nine provinces and 23 states this year.

There are currently 153 continuing education providers, 10 social work ethics courses, and eight individual courses approved and listed on the ASWB website. There are 38 member boards that accept ACE approval.

There are 52 jurisdictions that report final board actions to the Public Protection Database. As of October, the system listed 4,503 social workers against whom 6,220 actions had been taken.

Two new \$25,000 grants were awarded by the American Foundation for Research and Consumer Education in Social Work Regulation, one to Boston University School of Social Work and one to the British Columbia College of Social Work. One of the past grant projects is finished and a report from it was presented at the Spring Education Meeting this year. The other two past grant projects are also finished and the recipients are submitting papers for presentations on them.

As you know, the association completed strategic planning last year that has guided our continued work. One of the emphases was expanded outreach, both to the social work regulatory community and the social work profession in general. Therefore, the number of board visits was expanded and either [ASWB Director of Member Board Services] Dwight and/or I have visited the Arkansas, Delaware, Florida, Minnesota, South Dakota, Tennessee, and Virginia boards, and there are plans to visit the Ohio board later this month. Even with that list, we are still accepting invitations.

Thank you cards were sent last spring to all members of member boards. This reminds me to remind you to please keep the ASWB office informed about changes in your board and staff members so we can reach out and touch them!

Another result of the new strategic plan was a need for more outreach to social workers. As I announced at the Spring Education Meeting, ASWB has a presence on Facebook and Twitter. On Facebook, ASWB has over 1,000 followers worldwide, including people in India, Egypt, Pakistan, Bangladesh, Nepal, Nigeria, and Mexico, as well as the UK and Europe. This goes along with another strategic plan goal to increase international participation in social work regulation. ASWB currently has 141 followers on Twitter, mostly individuals, but some schools of social work and NASW chapters. Please visit us on our new electronic links.

There were five electronic issues of the ASWB newsletter sent to over 1,300 subscribers. The 2010 Annual Report was distributed in a limited edition print form and online, and also posted on the website. Please sign up with Troy or send an email to the office to receive your copies.

The ASWB administrators' email group continues to be active, but unfortunately, the regulatory board members' listserv is rarely used. Let's change that. Put your questions, concerns, or issues out there for others to provide feedback. Please let Troy or Dwight know if you want to be added to either list.

The ASWB website continues to be a widely and frequently used resource.

We monitor online community activity formats, including blog posts, news feeds, and message boards, for instances in which ASWB or its tests are mentioned. This has given us the opportunity to quickly comment to clear up misinformation, and we have been able to steer at least one chat room away from a discussion on exam content.

Outreach continues with volunteers and staff representing ASWB in the social work and regulatory communities. The association had an

exhibit booth at the Council on Social Work Education, the National Association of Black Social Workers, the Baccalaureate Program Directors, the Society for Social Work Research, and the NASW DC Metro, New Jersey, and Pennsylvania chapter conferences, and partnered with the Connecticut Chapter to have a joint exhibit at a state children and family mental health conference. Another exhibit is planned for the Illinois NASW Chapter conference later this month.

ASWB attended meetings of the Canadian Registrars, Federation of Associations of Regulatory Boards, Association of Test Publishers, Council on Licensure Enforcement and Regulation, and the American Educational Research Association. Next week Chuck and I will be attending the annual conference of the Institute on Credentialing Excellence

As always, it is my pleasure to work with the President, Board of Directors, and the volunteers who give us their time and continuing support. Thank you for all you do to protect the public through social work regulation! Remember, what you do is important.



## Staying true to form

*ASWB  
reviewers  
approved a  
record number  
of exams in 2011*

You'd think, after an item has been carefully crafted by an Association of Social Work Boards (ASWB) item writer, modified and massaged by an Item Development Consultant, formatted by staff, scrutinized and tweaked by pairs of Examination Committee members, re-scrutinized and re-tweaked and approved by a larger subgroup of committee members, re-edited, placed into pretest, and, over the course of time, psychometrically blessed as having performed acceptably to become a scored item, that'd be the end of the road. All she wrote. Case closed. Done deal. Check and mate. Slap that sucker on an exam, send it to a test center, kick back and start in with the high-fives.

You'd be wrong. Way, way wrong.

The fact is, items that have survived all the various trials toward becoming an actual scored question on an ASWB examination still have to go through a process known as "form review"—the final inspection of a complete test done to ensure that these individual items are working as they should as part of an entire examination. This year, ASWB took full responsibility for facilitating these reviews, which were in the past managed by the association's previous test vendor, ACT, Inc. Under its new contract with Pearson VUE, the association is now directly responsible for shepherding each examination form into its final version, and ASWB volunteers are able to see exactly how their form review decisions affect each examination.

This year, form reviewers—emeritus members of the ASWB Examination Committee—reviewed a total of 14 forms, and various "pools" of the pretest items that accompany each form. All told, these volunteers reviewed over 3000 test items during sessions that accompanied the standard goings-on at the meetings of the ASWB Examination Committee.

An exam "form" is the specific combination of 150 items that conform to the ASWB test blueprint for each category of examination (Bachelors, Masters, Advanced Generalist, and Clinical). The association has four exam forms online at all times for the Bachelors, Masters, and Clinical exams (two for Advanced Generalist), and rotates individual forms in and out of use in order to reduce item exposure.

The forms are assembled by Pearson VUE according to ASWB requirements, but each form must undergo a final review by subject matter experts to ensure that all items are of good quality, and do not serve as a "enemy" to another item on the form by, for instance, providing information in one question that could be used to answer another.

Form reviewers work individually and then in pairs to move through an entire test, flagging items that may be in need of replacement for one reason or another. The reviewers can then select potential replacements from among a bank of alternate items, but like most other examination-related activities, there are complications: the item must be in the same competency area as the item being replaced, and the statistics of the new item must not significantly change the overall difficulty of the entire test form. With each change, the form with the substituted item must be run through a calculation process by ASWB staff to ensure that consistency is maintained.

But that's just the 150 items on the scored portion of any exam form. In addition, each form of the ASWB examination contains 20 nonscored, "pretest" items that are being evaluated for potential use as a scored question. Form reviewers must also pore over multiple pretest "pools" to check for currency, accuracy, and enemies—not only among the pretest items in the pool, but against the actual scored test form.

The implementation of new test blueprints in 2011 demanded an unusually high number of form reviews—about five more forms than a typical year—but the reviewers were up to the task. In the end, multiple forms were approved for all levels of the examination program, as well as for purposes of creating "reserve" forms of the ASWB examinations which will remain in storage for use in the event of an exam breach or other emergency that would require an immediate and complete replacement of an entire form.

This year's form reviewers were Carol Albott (KS), Leslie Bonney (ME), Bruce Buchanan (IA), Mark Cederburg (MO), Vicki Coy (NB), Debra Kaufman (NJ), Claire Lenker (AL), Donna Rewolinski (WI), Brad Sheafor (CO), Richard Shelson (AB), Virginia Spielman (NY), and Ruth Weinzettle (LA). Examination Committee members Carol Boyd (MS), Leslie McCarl (PA), Linda Openshaw (TX), and Susanna Sung (MD) also participated in the form review process.





## Four meetings and 2,000-plus items later...

*ASWB Exam  
Committee co-  
chairs recap  
another busy  
year*

Trying to capture an entire year's worth of Association of Social Work Boards (ASWB) Examination Committee work in a single 30-minute presentation is a tall order, but committee co-chairs Carol Boyd (MS), Melanie McCoy (MD), and Jay Memmott (KS) somehow managed to get the job done during the 2011 ASWB Annual Meeting, held last month in Oklahoma City, OK. Not only did the co-chairs update attendees on the current work of the committee, but they provided insight into what the committee looks for when it evaluates an item for potential use, as well as outline the work involved in reviewing items that are returned because they fall short of standards during pretest. And they did it all without resorting to auctioneer-level speedtalking.

*From the 2011  
Annual Meeting*

The presentation by three of the four 2011 co-chairs (Masters examination subgroup chair Jane Matheson [AB] was unable to come to the meeting) was part of a larger program that provided attendees with a full update on the ASWB examination program, from item development to test performance and psychometric characteristics (see related stories in this issue of association news). The focus of the co-chairs' presentation was on what happens to items once they make it past the Item Development Consultant, and move on to committee review.

Boyd (Advanced Generalist co-chair), McCoy (Bachelors co-chair) and Memmott (Clinical co-chair) described the basics of committee meetings—the two-and-a-half days spent reviewing items, the subdivision of the committee into four focused groups, the pair and group review process—but also provided attendees with a glimpse of the kinds of things the committee must watch out for when doing its review. Examples were given of an item that would be considered too easy and an item that would be considered not critical to practice, and other potential problems were explained, such as wordiness, the presence of “window dressing,” compounded descriptors (“stringing”), multiple correct answers, and appropriateness for use in Canada.

The co-chairs also explained the work of the committee on “problem item review,” the process by which items that show statistical problems during pretest are returned and reevaluated by the committee. These problems can include statistics that indicate the possibility of more than one correct answer, show poor discrimination (item is either too easy or too hard), or reflect the possibility of Differential Item Functioning (item easier for one measurable demographic group than another). The

committee can change or delete these items, they said, but all items not deleted must be returned to pretest, and will not be included as a scored item until acceptable statistical performance is achieved.

And what kind of work product are we talking about here? Well, over a total of 10 days of work, the Examination Committee reviewed 1,882 new items and approved 1,166 for pretest, with 123 items returned to the writers for revision, and 129 items deleted. In its work with “problem” items, a total of 376 items were reviewed, with 190 being revised, 128 deleted, and 58 left as-is. All revised items and items left as-is were returned for further pretesting.



## It's not all about voting

*Much of the work of ASWB's volunteers never requires a vote of the Delegate Assembly. Here's a quick guide to what's been happening throughout ASWB's committees.*

While it's true that the Association of Social Work Boards (ASWB) Annual Meeting of the Delegate Assembly is the time when member boards decide the fate of various ASWB committee recommendations, the meeting also provides delegates with the opportunity to hear about the ongoing work of ASWB volunteers in areas that do not require direct action. This year, attendees to the 2011 Annual Meeting, held November 3-5 in Oklahoma City, OK, got to hear about committee work around a wide range of association programs and services, including social work continuing education, new board member training and next year's ASWB Spring Education Meeting.

During a panel discussion session, chairs from ASWB's Approved Continuing Education Committee, Bylaws and Resolutions Committee, Regulation and Standards Committee, and New Board Member Training and Administrator Forum programs provided attendees with a summary of their groups' activities over the past year. Later in the meeting, Janice James (KY), chair of the ASWB Program and Education Meeting, updated delegates on plans for the next spring meeting, to be held in April 2012 in Lexington, KY. Following are highlights from these committee updates:

***Approved Continuing Education (ACE) Committee.*** In addition to reviewing and approving social work continuing education providers and individual ce courses, the ACE Committee investigated how to calculate and assess ce hours in a distance learning environment, and worked extensively on refining and increasing its audit procedures and guidance to providers. The committee also focused on ways to enhance reviews for cultural competence components in offerings, and clarified issues around the co-sponsorship of ce courses. Additionally, the committee began exploring issues around "interactive" ce offerings, "experiential learning" elements, and possible approval of poster sessions for continuing education. As of November, 2011, the ACE program included 153 approved providers, 11 approved social work ethics courses, and seven individual courses. Members in 2011: Elaine Halsall (BC), chair; Nadine Bean (PA), Mel Harrington (SD), Michael Hickerson (LA), Micki Lilly (NC), Anwar Najor-Durack (MI), Kathy Outland (OR), Teresa Young (AL), and Alison MacDonald (AB – board of directors liaison).

*From the  
2011 Annual  
Meeting*

***Bylaws and Resolutions Committee.*** The work of the Bylaws committee was mostly focused on developing proposed amendments for Delegate Assembly consideration (see related article in this issue of *association news*); however, the committee addressed one of its charges—to create more efficient election processes that would minimize the need for runoff elections—by suggesting a procedural change that did not require a vote. When the committee met in July, it decided that by moving elections to earlier in the agenda, any subsequent runoff votes could be taken before attendees began leaving for home. In previous years, elections took place on the last day of the meeting, and required voting numbers became harder and harder to achieve as delegates left the meeting. The committee’s solution: simply arrange for initial elections to take place near the end of the first day, or beginning of the second, so that runoffs could take place while the chance of full attendance was the best. The ASWB Board of Directors approved the recommendation, and will be implementing it at the 2012 ASWB Annual Meeting. Members in 2011: Emma Lucas-Darby (PA), chair; Doc Davis (AZ), Joan Davis-Whelan (NL), Jan Fitts (NE), Claude Leblond (QC), John McBride (LA), Ronnie Saunders (IN), and Mary Macomber (FL-board of directors liaison)

***Regulation and Standards (RAS) Committee.*** Like the Bylaws Committee, much of the work of the RAS Committee involves provisions that require a Delegate Assembly vote (see related article in this issue of *association news*); however, the committee did finalize a new ASWB resource document, *Guidebook for Social Work Disciplinary Actions* (available for download at [www.aswb.org](http://www.aswb.org)). This guidebook is the culmination of several years of work by various volunteer groups, and provides guidance to regulatory boards as they carry out disciplinary practices. In addition, the committee reviewed participation levels and reporting statistics for the ASWB Public Protection Database (PPD), and discussed possible changes to the ASWB policy on the PPD as suggested by the Minnesota Board of Social Work. Members in 2011: Richard Hazel (SK), chair; Jane Anker (SC), Shanna Burke (MA), Fran Franklin (DE), Jackie Johnson (MN), Steven Pharris (TN), Melinda Pilkinton (MS), and Jenise Comer (MO-board of directors liaison).

***Finance Committee.*** In addition to its work to develop a recommendation on examination fee increases put to a vote of the Delegate Assembly, the committee looked at the association’s reserve funding goals, reviewed all financial reports, and worked with the association’s auditor on the annual audit of ASWB financial operations. Although delegates voted against changes to the bylaws that would have vested authority for setting fees with the ASWB Board of Directors, the committee was successful in gaining Board of Directors approval for an increase to reserve funding goals, and a change in signatory authority for ASWB. The Committee also reviewed potential auditors, and recommended the selection of an auditor for 2012. Members in 2011: Tim Brown (TX, ASWB Treasurer), chair; Carole Bryant (SK), James Mellow (MD), Patricia O’Reilly (WV), Michon Sax (ND), and Patricia Heard (NC-board of directors liaison).

***New Board Member Training program.*** This year, ASWB sponsored three board training sessions for a total of 64 attendees from 32 different states/provinces. The association also invited representatives from the National Council of Architectural Registration Boards (NCARB) and the Federation of State Massage Therapy Boards (FSMTB) to observe the training session as a possible model for their own efforts. Richard Silver (QC) and Robin Jenkins (DC) were the volunteer coordinators for the program in 2011.

***Administrators Forum.*** In 2011, ASWB sponsored two sessions for member board administrators to share information and hear from various presenters, including ASWB staff and representatives from Pearson VUE, the association's testing vendor. The first forum of the year, held in conjunction with the ASWB Spring Education Meeting in Vancouver, BC, drew administrators from 15 member jurisdictions; the forum held in conjunction with the 2011 Annual Meeting was attended by staff from 24 jurisdictions. Chair of the forum in 2011 was Brenda Holden (AL).

Volunteers also played a major role in the ongoing maintenance of the ASWB examination program. Efforts of these groups, which include the ASWB Examination Committee and form reviewers, were outlined in a separate presentation (see related story in this issue of *association news*).



## From the ASWB Board of Directors

*A summary  
of the work of  
the ASWB Board  
of Directors at  
its November 3  
and Nov. 5 2011  
meetings*

The Association of Social Work Boards (ASWB) Board of Directors met in-person on Thursday, November 3 and Saturday, November 5 at the Skirvin Hotel in Oklahoma City, OK, preceding and following the 2011 ASWB Annual meeting of the Delegate Assembly. Following is a recap of the activities of the board at those meetings.

**Financial report:** Board members reviewed financial statements through September 30, 2011.

**Auditors selected:** ASWB Treasurer Tim Brown reported that the ASWB Finance Committee recommends the selection of Scheulen and Patchett as the auditors for ASWB in 2012. Board of Directors approved the recommendation.

**Examination Committee report:** Board members reviewed item review totals and other reports from the Sept 30-October 2 ASWB Examination Committee meeting, as well as year-end totals.

**New Board Member Training evaluations:** Board members reviewed attendee evaluations from the ASWB New Board Member Training session held in August, as well as year-end statistics on the program.

**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.

**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.

**Changes to ASWB personnel policies:** The Board approved proposed changes to the ASWB personnel policy on issues related to vacation time and the conduct of credit checks on new employees.

**Board self-evaluation:** Board members reviewed the results of a board self-evaluation conducted in the fall.

**Foundation report:** Board members discussed the recent award of two grants from the American Foundation for Research and Consumer Education in Social Work Regulation--\$25,000 to the Boston University School of Social Work for research on social work continuing education, and \$25,000 to the British Columbia College of Social Workers for research on engaging communities in discussion of social work regulatory exemptions.

**Work plan for 2012 (from November 5 meeting):** Board members discussed potential committee work for 2012, and assigned Board of Directors liaisons to the various committees.



## Regulatory happenings

By Dwight Hymans  
Director of Member  
Board Services

Here is a brief 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](mailto:dhymans@aswb.org).

**Alberta** (motto, *Fortis et liber* [Strong and free]) has implemented rules that require a social worker who is conducting online practice to... “abide by all regulation of their professional practice with the understanding that their practice may be subject to regulation in both the jurisdiction in which the client receives services and the jurisdiction in which the social worker provides the services.” They also require a social worker to disclose to a client where they are physically located and under whose regulations they practice so the client has knowledge of where to file a complaint if necessary.

The **Canadian Northwest Territories** new regulations on social work practice are expected to come into force January of 2012. As mentioned in a previous edition of *Regulatory Happenings* the law calls for two categories; a Registered Social Worker (4 year degree) and a Licensed Social Worker (2 year diploma). More details can be found at [http://www.assembly.gov.nt.ca/\\_live/documents/content/10-05-19Bill8.pdf](http://www.assembly.gov.nt.ca/_live/documents/content/10-05-19Bill8.pdf).

**Delaware** (the Blue Hen State) implemented a new law (May, 2011) requiring that state and federal criminal background checks be completed on all applicants for a clinical social work license.

**Georgia** (the Peach State) recently implemented new rules limiting to 10 hours (out of 35 hours required) the number of continuing education hours that can be acquired by online access. Previously the board had no limits on the number of online hours one could use for renewing a social work license. For more information go to <http://sos.georgia.gov/plb/counselors/>.

**Minnesota** (the Gopher state) has submitted the Minnesota Board of Social Work Self Evaluation Report to the Minnesota Sunset Advisory Commission as required by the Minnesota Sunset Act enacted during the 2011 Special Legislative Session. To view the report go to the MN board website at <http://www.socialwork.state.mn.us/>.

**Mississippi** (the Magnolia State) will implement new rules regarding approved continuing education. Effective January 1, 2012, the board will assume full responsibility for reviewing and approving designated providers and continuing education for social workers. Although not yet posted, the new rules will be available on the board website at <http://www.swmft.ms.gov/swmft/web.nsf>.

**Montana** (the Big Sky Country) recently implemented new rules to implement statute changes allowing social workers to conduct psychological testing, evaluation, and assessment. The new rules include the areas of general use, competence, informed consent, release of information, diagnoses, test selection, test administration, diversity, test security, timeliness, and test construction. These rules are designed to ensure that those who are now authorized (and competent) to engage in such assessment and testing do so in an appropriate manner. For more information go to [http://bsd.dli.mt.gov/license/bsd\\_boards/swp\\_board/board\\_page.asp](http://bsd.dli.mt.gov/license/bsd_boards/swp_board/board_page.asp).

**Newfoundland/Labrador** (motto, *Quaerite prime regnum Dei* /Seek ye first the kingdom of God/) – In a recent Newfoundland and Labrador Supreme Court case, Northcott v. Newfoundland and Labrador Association of Social Workers (NLASW), an appeal by a social worker who had been subject to a discipline procedure by the NLASW was dismissed in favor of the NLASW. The social worker had alleged bias based on the involvement of the Associate Registrar in the complaint process, although the involvement of the Associate Registrar was limited to ensuring the process was followed and documentation was kept. The complete decision by the Newfoundland and Labrador Supreme Court can be accessed from ASWB or the NLASW.

**Oklahoma** (the Sooner State) is implementing new requirements for criminal background checks. The new law requires all applicants for license to submit to a national criminal history record check. The costs associated with the national criminal history record check shall be paid by the applicant. For more information go to [http://www.ok.gov/socialworkers/What%27s\\_New!!!/index.html](http://www.ok.gov/socialworkers/What%27s_New!!!/index.html).

**Oregon** (the Beaver State) is proposing several rules changes as they implement their new legislation. The rules cover several areas including changes to late renewal fees for LCSWs, authority to waive fees for licensees on active military duty, clarifying authority of the Board Chair, clarifying the process and requirements for out-of-state applicants, and specifying the types of continuing education that will meet state requirements. For more information go to [http://www.oregon.gov/BLSW/pdfs/Summary\\_of\\_proposed\\_rules.pdf](http://www.oregon.gov/BLSW/pdfs/Summary_of_proposed_rules.pdf).

**Pennsylvania** (the Keystone State) legislature is considering a bill that would allow an applicant for a clinical social work license to substitute “holding an Academy of Certified Social Workers certificate issued prior to January 1, 2001, by the National Association of Social Workers” in lieu of the required 3,000 hours of supervised clinical experience. The bill passed the House and is in the Senate Appropriations Committee for consideration.



## ASWB member boards, in their own words

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

### MASSACHUSETTS

**Name of jurisdiction:** Massachusetts

*ASWB*

**Name of board:** Board of Registration of Social Workers \_\_\_\_\_ *profiles*

**Number of board members:** 9 slots, 7 of which are currently filled.

**Licensure levels offered:** LICSW (Post Masters, clinical level); LCSW (Masters Level; )LSW (Bachelors Level) LSWA (Associates Level)

**Number of licensees:** 22,311

**Biggest achievement in the past 12 months:** Surviving! Associate Executive Director Patricia Breslin was out on leave from March through September, leaving me at the helm of seven boards. As excited as we are to welcome her daughter to the world, selfishly, I'm glad to have her back!

**Biggest lesson learned in the past 12 months:** Learning how to ride the wave of change. With several administrative changes, coupled with the appointment of several new board members, we were dealing with quite a few changes in a short time. Attempting to balance the job of orientating, educating and advising several new board members, without guiding them too much (and overstepping my role as an ED), took consistent effort. Thankfully, they are all quick learners and the new administrative team is very helpful! Learning how to 'go with the flow' while staying focused on the tasks at hand were my lessons learned this year!

**Biggest challenge facing the board:** How to effectively set standards and offer professional guidance for electronic social work practice. Also, how to effectively enforce existing standards for quality continuing education

**(Complete the sentence) "I would really love to hear about how other jurisdictions...."** enforce quality standards for continuing education on a shoestring budget.

Erin LeBel, LICSW  
Executive Director

*Useless tidbit from the association news editors:* Volleyball was invented in Massachusetts (it was originally called mintonette).

## **NEW BRUNSWICK**

**Name of jurisdiction:** New Brunswick

**Name of board:** New Brunswick Association of Social Workers

**Number of board members:** 16

**Licensure levels offered:** We do not have licensure levels. It is a registration (RSW=Registered social worker)

**Number of licensees:** 1635

**Biggest achievement in the past 12 months:** Development and adoption of social work scope of practice

**Biggest lesson learned in the past 12 months:** Importance of transparency and accountability

**Biggest challenge facing the board:** Board governance

**(complete the sentence) “I would really love to hear about how other jurisdictions....”** Deal with complaints that are found not to fall within their jurisdiction (procedures, file retention)

Annie Rickett  
Registrar

**Useless tidbit from the association news editors:** Molly Kool, the first female sea captain in North America, is from Alma, New Brunswick (she passed her captain’s exam in 1939).

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.



## What's in a Name?

By Dale Atkinson,  
Partner, Atkinson &  
Atkinson

Lately, there have been discussions as to what constitutes “discipline” and what information is or should be made publicly available regarding a licensee or other individual subject to a final adverse administrative action. This is not a simple matter of word choice: the ways that final actions are characterized impacts important public protection decisions made by regulatory boards when it comes to publication on websites, dissemination to the public and others, disclosure to the Association of Social Work (ASWB) Public Protection Databank (PPD), as well as reporting to the Health Care Integrity Protection Databank (HIPDB) operated by the federal government. How administrative actions are characterized also affects the practitioner, particularly when disciplinary action results in reciprocal action by other jurisdictions, loss of eligibility for reimbursement, and adverse employment determinations.



*Counsel's  
column*

Most readers understand that most credible complaints do not proceed to a formal hearing; instead, the vast majority are resolved through the entry of a settlement agreement or consent order agreed upon between the regulatory board and the respondent. Several factors are taken into consideration by all parties in negotiating and agreeing to resolve a matter short of a formal hearing. These factors include the uncertainty of the results after a hearing, the costs involved, the public nature of the charges and facts, the availability of witnesses and evidence, the certainty of the sanction(s), and many other considerations. The details and nuances of drafting an agreed order are crucial to an informed decision by all parties, and regulatory boards are encouraged to seek and rely upon advice of counsel. Consider the following:

A physician was licensed, living, and working in the state of Colorado. In addition, the physician was licensed in Illinois. In 2005, the physician elected not to renew his Illinois license when it expired. *(As an aside and as raised on multiple occasions at ASWB conferences, an issue for social work boards to consider is what action, if any, is taken by a board when a licensee elects [or fails] to renew a license. As has*

*been suggested, perhaps a “final order” should be entered by the board after the expiration of any applicable grace period whereby closure is made of the record and the former licensee is informed of the process to be followed in the event that any future license from that jurisdiction is sought. Many issues may surface as to whether the former licensee and now new applicant must meet current licensure criteria, including education, good moral character, and taking any applicable licensure exam(s). In addition, consideration of the issue of whether such person has been out of practice for a period of time may be relevant.)*

In May 2006 the Colorado Medical Board opened an investigation of the physician into at least seven cases of his patients and eventually referred the matter to the Colorado Attorney General’s office for administrative prosecution. In August 2006, the physician and the Colorado Board reached an informal settlement agreement (agreed order) whereby the physician agreed to have his license designated under a status of “permanent license inactivation.” In the agreed order, the physician did not admit to and specifically denied the allegations, agreed that the parties looked to avoid the expense and uncertainty of litigation, and agreed that the terms of the order were authorized under Colorado law. Also, the parties agreed to the permanent inactive status, that the physician could not practice medicine in Colorado, that the order and its terms had the same force and effect as an order entered after a formal hearing, and that the order would be reported to the Federation of State Medical Boards (the ASWB equivalent in human medicine) and the National Practitioner Databank (NPDB) (the HIPDB equivalent for physicians). The physician was never formally charged with any wrongdoing.

The physician then moved from Colorado to Michigan, and sought to have his Illinois license renewed (or reactivated). In March 2007, the Illinois Department of Professional Regulation (Department) notified the physician of its intent to place his application in the “Refuse to Renew” status. The physician requested a hearing. At the hearing, the Department relied primarily on the agreed order entered in Colorado. In his defense, the physician argued that the Colorado Board did not formally charge him, that the Colorado action was not discipline, and that he had informed the relevant medical board in Michigan, which allowed him to continue to practice. The Administrative Law Judge (ALJ) in Illinois recommended refusal to renew his license and that decision was affirmed by the Department, by the Department Director and by the Circuit Court.

The physician appealed. On appeal, the court phrased the issue as whether the Colorado agreed order constituted “disciplinary action” within the meaning of the Illinois Medical Practice Act. The Illinois act provides as grounds for discipline “disciplinary action” by another state. Disciplinary action is defined as “revocation, suspension, probation, supervision, practice modification, reprimand, required education, fines, or any other action taken by the Department against a person holding a license.” *(As an aside, this language in the Illinois law is curious as*

*it appears to be limited to “a person holding a license,” which could potentially eliminate unlicensed practice of a regulated profession from consideration.)* The court focused on whether the placement of the physician’s license on permanent inactive status qualifies as “practice modification or any other action taken by the Department against a person holding a license.”

The court used three factors to determine that the Colorado agreed order did indeed constitute disciplinary action. First, the court asserted that the placement of the physician’s license on permanent inactive status, regardless of the licensee’s consent, modified his ability to practice medicine in the State of Colorado. Second, the court concluded that the Colorado board would have considered this same agreed order as discipline had another state board taken similar action. Third, the court cited the fact that the parties agreed to the reporting of the order to the NPDB, thus making the action constitute discipline under the Colorado practice act. Finally, the court noted the parties were in agreement that the agreed order would have the same force and effect as an order entered after a formal hearing.

To further buttress its position, the court also compared the administrative agreed order to a plea of *nolo contendere* in a criminal setting. While there exist certain distinguishing factors, the commonalities supported a finding that the agreed order constituted discipline—for example, the physician did not admit to any wrongdoing, but accepted as a consequence of the allegations a restriction on his license which prohibited him from practicing medicine in Colorado. As a result of these findings, the appellate court affirmed the findings of the lower court and upheld the denial of renewal of his expired Illinois medical license.

Boards of social work must be aware not only of the potential for petitions to renew expired licenses, but also of the collateral consequences of terminology used in consent agreements. As technology evolves and consumers have immediate access to government data, respondents will likely be motivated to negotiate creative settlement agreements, including attempts to have no admission of wrongdoing, not publicize the consent order, and language which attempts to remove the characterization of the order as discipline.

***Gross v. Department of Financial and Professional Regulation***, 2011 Ill. App. LEXIS 1134 (App. Ct. IL 2011).

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



## Association Asides

Okay, seriously. What is the deal with ASWB and earthquakes? No sooner do ASWB staffers recover from an extremely rare (and kind of strong) earthquake in Virginia, then they show up in Oklahoma City just in time for...an earthquake. A 5.6 earthquake we're told. For a price, we'll divulge our travel schedules so you know where NOT to go next year.

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Visitors at the ASWB booth at the Annual Program Meeting of the Council on Social Work Education included **Carol Cohen** of New York, **TERRY CLUSE-TOLAR** of Ohio, **GRETA YODER-SLATER** of Indiana, **SAUNDRA STARKS** of Kentucky, **DORINDA NOBLE** of Texas, **ANWAR NAJOR-DURACK** of Michigan, and **JENISE COMER** of Missouri, accompanied by her beautiful daughter. Staffing the exhibit from ASWB were **DONNA DEANGELIS**, **DWIGHT HYMANS**, **TROY ELLIOTT** and **LAVINA HARLESS**.

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2011 was a big year for new administrators – and a difficult year as board staff familiar to ASWB retired or moved on. **EVERLYN BROWN** in Virginia retired, as did **ROD ADACHI** in Alberta. Both went out with a bang, recognized with ASWB's highest award for staff. In Alberta, the new Executive Director and Registrar is **LYNN LABRECQUE KING**. **ROSEMARY SHEETS** is the new administrator of the Rhode Island Department of Health Board of Social Work Examiners. **JOHN MAYR** replaced **SUSAN IRWIN** in British Columbia, **JIM MARKS** took over for **KANDI HOEHNER** in Oklahoma, and **THOMAS MCGEE** is the new person in Indiana. **BRENDA HOLDEN** retired in Alabama; she was the elected chair of the Administrators Forum, and the result was an unscheduled election to replace her there too.

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In Oklahoma City, Saskatchewan Registrar **RICHARD HAZEL** continued working on his alternative vocation—automobile spokesmodel—a pursuit first documented at the ASWB meeting in Vancouver, where **RICHARD** posed owningly next to a Bentley. This time around, **RICHARD's** car of choice was the

huge white stretch limo the hotel used to transport guests. Next stop—a rotating stage at an auto show?

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In the email election for the new forum chair, the winner among quite a few willing candidates was **DAVID HAMILTON** of New York. When informed he said “Wow.” Then he did add a thank you, and said he looks forward to continued work through and with the forum.

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A very special thrill for **JOY LEUTHARD** in receiving the Sunny Andrews Award was having her husband and two long-time friends able to attend the ceremony, since the meeting was in Oklahoma, where she lives. Her best friend, **SALLY CARTER**, is also a social worker (MSW, LCSW), who works for the Oklahoma State Health Department. She is the Tribal Liaison and teaches part-time at the University of Oklahoma School of Social Work. **SALLY**'s husband, **RICK**, who was also there, is retired from the Oklahoma Department of Human Services.

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While making their comments or election speeches at the Fall Meeting, speakers were warned gently against the usual sports team promotions (Go, Panthers/Huskers/Devils/Whoever) but Nominating Committee Chair **TERESA YOUNG** of Alabama stuck only to the letter of the law. She appeared in an Alabama red T-shirt, with various accessories. When successful candidate **MELINDA PILKINTON** of Mississippi, got up to speak, she deadpanned firmly “Hi, Teresa, I really like you, but I’m going to HAVE to move this” (left behind Alabama booster materials). Go Bulldogs?

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It had to be done, and the Oklahoma board did it – belted out the song “Oklahoma!” from the musical. When Executive Director **DONNA DEANGELIS** got up to deliver her office report, she expressed gratitude. “It’s been running through my head since I got here – I might have had to sing it myself!”

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It’s been holiday newsletter time, and it’s a great way to keep up with the scattered ASWB troops. **CLAIRE LENKER** of Alabama, a former exam committee member and now item writer (again), writes with her usual accepting sense of humor that her son changed his major at Mississippi State from chemical engineering (a profitable field a mother could get behind) to (“hang on!” The newsletter said) music. She added that **KEVIN** can be spotted during MSU basketball games; in the band, presumably.

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President **AMANDA RANDALL** did make the usual reference from the podium about the quantity of food at association meetings – her estimate was 5,000 calories every three hours.

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Legal counsel **DALE ATKINSON** made an unusual personal remark from the podium – he and **TERRY** recently celebrated their 30<sup>th</sup> anniversary, and she also saw him present for the first time. “I gave her an evaluation” to fill out, he said—but only “for the presentation, not the past 30 years.”