



Association office report, 2010

The following remarks were delivered by ASWB Executive Director Donna DeAngelis at the 2010 ASWB Annual Meeting, November 11-13, 2010.

By Donna DeAngelis,
LICSW, ACSW

Welcome to the Annual Meeting of the Association of Social Work Boards (ASWB). Thank you, Louisiana State Board of Social Work Examiners, for inviting us to this beautiful, fun, and food-filled city. We celebrated ASWB's 20th anniversary here in 1999 and it is very good to be back. That is the year that the Assembly voted to change our name to the Association of Social Work Boards to be more inclusive.

It seems that a lot of regulators wanted to come to New Orleans. We have an attendance of 116 people here representing 51 jurisdictions. We expect you to work all day. New Orleans doesn't really come alive until nighttime anyway, and you will have lots of time to eat and play then. We have continued with the two full day meeting schedule because it seemed to work well

and our participants seemed to like it better than beginning late in the afternoon and continuing Sunday morning. The agenda is full. We will hear important information about the examination in executive session, meet a representative from our new testing vendor, Pearson VUE, hear committee reports, make decisions on committee recommendations, and vote for members of the Board of Directors, including two officers this year, president-elect and secretary, and the Nominating Committee.

It is always my pleasure to introduce the ASWB staff members with whom I am so privileged to work. Please stand when I call your name. Christine Breeden, Director of Office Operations, Tanya Carpenter, Examination Services Coordinator, 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 20 more staff members in Culpeper doing the work of your association every day, and we could not provide services to your boards without them.

Now the numbers: With extremely careful spending, ASWB actually ended 2009 with a little more revenue than expenditures--\$8,122—and we gained back \$251,981 on our investments. This means we did not have to take money from the general reserves to pay for the practice analysis and we still had a positive balance of \$138,372. Therefore, we were able to put \$69,186 into general reserves and \$69,186 into reserves restricted for operating business expense in case of an emergency, or exam and legal defense. Through September 30, 2010

*from the
staff*

we had an operating gain of \$947,364 and an additional \$57,758 gain on investments, so we have \$1,005,122 of revenue over expenditures so far this year, and we haven't spent it! There is a new configuration to increase the funding of restricted reserves that was recommended by the Finance Committee and approved by the Board of Directors. [Attendees at the meeting in November] will be hearing details about it when the Treasurer gives her report.

Before I get into the examination administration statistics, the big news this year is that after 13 years with ACT, a contract for testing services was signed in August with Pearson VUE. You will meet a representative from Pearson VUE tomorrow who will show you a video of its Pearson Professional Centers where the ASWB examinations will be given and show you the palm vein identification technology that will enhance our exam security. ASWB staff have been working with Pearson VUE staff for most of the year on the transition for the ASWB tests to be delivered beginning January 3, 2011.

The call center answered 74,944 calls in 2009 and registered 34,903 candidates to take an ASWB social work examination. There were 32,249 examinations administered with an incident rate of 3.6% in 2009. Thru September 30, 2010, 56,419 calls were answered, 24,709 candidates registered to take an examination, and 24,002 examinations were administered with an incident rate of 3.1 percent.

In March 2009 pass/fail statistics were sent to each member board, along with the North American pass/fail rates for that year. The first-time candidate pass rate for the Bachelors exam was 79 percent, Masters, 75 percent, Clinical, 75 percent, and Advanced Generalist, 57 percent.

The new practice analysis was completed and passing scores determined for the new examinations. [Attendees at the meeting] will receive a report of the findings tomorrow. There is a four-page summary and the complete final report available on the publications table outside the meeting. The final report is also online at ASWB's website. There are three significant changes: the content outlines now have fewer, broader areas; the statements of knowledge, skills and abilities related to each content area are being made public; and the content on the Advanced Generalist test is much more geared to macro practice. With the new examination content, especially for the Advanced Generalist, I recommend that member boards carefully reconsider what examination they require for each licensure category. The knowledge each examination is testing should match the practice act definition in the law. With the new examinations given beginning January 3, 2011, this would be a good time for such a reevaluation. All of this information is contained in the final report.

The new Bachelors, Masters, and Clinical exams will be administered beginning January 3, 2011. The new Advanced Generalist test is not ready to be administered next year. Because of all the changes to its content outline we needed many new items to be pretested before we have enough items to support administration of two forms of this exam. Therefore, the current Advanced Generalist test will be given during 2011. From January through June the test will contain 110 pretest items in

addition to the 150 scored items, and will be administered to candidates without charge over a six hour period with a half hour break. In this way we will obtain statistics on the pretest questions and candidates will get a free test in exchange for answering more questions.

When item writer training was held in June, 19 item writers were trained. We now have a total of 69 active item writers. We are now recruiting social workers who would like to be trained as item writers next year, so please consult the ASWB website for details if you are interested, or know of anyone who is interested.

The Examination Committee met in four groups this year because we needed to review and pretest new items for the revised Advanced Generalist examination. You will hear more about its work tomorrow, as well as more information about examination performance.

ASWB and the staff from the California Board of Behavioral Sciences have continued to communicate. During the year ASWB sent additional information on its examination program to the board. Legislation in California was passed to require the ASWB Clinical examination for licensure in that state, but the board must be satisfied that the examination is appropriate for its use.

From January through October the administrative office staff answered 14,896 telephone calls. This is in addition to the calls answered by the Candidate Registration Center staff. During this time period there were 10,615 study guides and 6,471 practice exams sold. There will be new forms of the study guides and practice exams related to the new content outlines available before the end of the year to help candidates prepare for the new examinations.

Under a continuing contract with the Massachusetts board, ASWB approved 1,454 applicants to take one of the ASWB exams, issued 1,197 Massachusetts license numbers, and conducted 343 continuing education audits from January 5 through September 30 this year. ASWB also conducted 624 continuing education audits for the Louisiana board and is again under contract with the North Carolina board and established a new contract with the Maryland board to conduct continuing education audits next year.

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, upon request by the social worker. The Registry has 1,028 current enrollments.

ASWB trained 61 new regulatory board members and administrative staff this year. Two trainings were held in northern Virginia, and the third was held in Minneapolis at the invitation of the Minnesota board.

There are currently 151 continuing education providers, 11 in Canada and 140 in the U.S., as well as 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.

The name of the Disciplinary Action Reporting System, better known as DARS, has been changed to the Public Protection Database to reflect

an expanded system of information on social work licensees that used to be limited only to disciplinary actions. There are 51 jurisdictions that report disciplinary actions, and the system lists 4,107 social workers against whom 5,612 actions have been taken.

The three grants awarded by the American Foundation for Research and Consumer Education in Social Work Regulation last year are underway and progress reports have been received. We hope to have a report of the research findings from at least one of these grants available to our membership next year.

During the year Dwight Hymans visited the Maryland, Montana and Nevada boards, and I had the privilege of meeting with the Texas board. We are accepting invitations! We always appreciate the opportunity to visit our member boards.

There were six electronic issues of the ASWB newsletter this year. Please sign up with Troy or send an email to the office to receive your copy. There is a paper copy of the 2009 Annual Report and an electronic copy available on the website. The ASWB administrators' listserv continues to be active. The regulatory board members' listserv is growing. Please let Troy or Dwight know if you want to be added to this list.

The web page is very popular and continues to be a widely and frequently used resource. You can find it at www.aswb.org. One of the aims of the website is to have our complete publications catalog available online, so that you can access information anytime from anywhere.

Volunteers and staff represented 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, and the NASW Virginia and Texas conferences.

ASWB attended meetings of the Canadian Registrars, NASW Social Work Congress, Federation of Associations of Regulatory Boards, Association of Test Publishers, Council on Licensure Enforcement and Regulation, Institute on Credentialing Excellence and the American Educational Research Association.

And evidently all this is not enough because the association also undertook strategic planning that will guide our continued work and future endeavors. [Attendees at the meeting in November] will hear more about that plan in your President's report and committee reports will be given tomorrow when you will hear more details of their work and will have an opportunity to ask questions.

I want to express my gratitude to the Board of Directors, the volunteers and the staff for their hard work and continuing support and dedication to protecting the public through social work regulation. Thank you for all you do! Always remember, it is important.



Honoring the best

*ASWB gets
the opportunity
to recognize
Marcia Heitz,
Claude Leblond,
and Sue Foster
for outstanding
regulatory
service*

“One of my top ten life events,” said Sue Foster, administrator of the Florida Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, accepting the ASWB Administrator Award for 2010, at the fall meeting in New Orleans. And she said that with her husband present, and celebrating their 40th wedding anniversary.

The association’s two big awards are very special recognitions because they come from people who know the job of social work regulation, and know when exceptionally good work is being done. This year, the Board of Directors chose Foster, Marcia Heitz of Illinois, and Claude Leblond of Québec as the best of the best in efforts to protect the public.

Heitz and Leblond received the Sunny Andrews Award, named for a past ASWB president, and given for “outstanding commitment to social work regulatory board service.”

President Amanda Duffy Randall introduced Heitz by saying that she had served on the Illinois board since the 1980s, with some time in between terms. She credited her with working to bring her state in line with ASWB policies for examination protection by getting preapproval of candidates.

Heitz has “tirelessly pursued excellence in board service,” Randall said, through effective crisis management, persistence and hard work, as well as an incredibly high level of enthusiasm. As the current chair, she has also encouraged board members to attend ASWB’s New Board Member Training, and has streamlined the complaint/discipline process and caught up a long lag-time that preceded her.

The honoree lost no time in saying why the award meant a great deal to her. “First, to get anything in Sunny Andrews’ name is a great honor,” she said, recalling that she and then past president Andrews had served as co-chairs of the Practice Analysis Task Force that finished its work in 2003, and she remembers well how much ASWB owes him. And the second reason was Jane Anker of South Carolina, who nominated her.

The first year the award was given, in 2002, Heitz recalled, she was at the fall meeting, and watched as Anker and Evelyn Seaton of Oklahoma were caught by surprise with the honor. Anker is “the epitome of what



Marcia Heitz (IL)

a board member should be,” said the 2010 winner, “and I’m honored if Jane thinks I’m doing a good job.”



Claude Leblond (QC)

Claude Leblond, the president said in her introduction, “demonstrates the core competencies that we all need—from small details to the big picture.” He began work 16 years ago with the Québec board, and has been its head for the past decade. In his work with the OTSTCFQ, and in other facets of his life and work, he has demonstrated an “ongoing commitment to social justice and equity,” according to Randall. He is involved in a large number of organizations, and most recently became the first president of the newly-formed Canadian Council of Social Work Regulators.

The president quoted Sylvio Rioux, a OTSTCFQ board member who also attended the New Orleans meeting, as remarking that the prestige of social work has escalated during Leblond’s service.

Leblond told the Delegate Assembly that he was “very proud and happy” to have been chosen to receive the award, but that he is also “very proud to be a social worker.” The profession allows him to “practice those values I believe in,” he said, and he is able to join his personal views and professional views in the work he is doing now. “We do public protection well” in Québec, he said, and while the board’s standing “allows us to intervene for public protection, we also have the responsibility to speak about social justice for those who don’t have a voice.”

Issues he touched on as very important to him ranged from a fight against the criminalization of youngsters 14 years old and under to end-of-life quality, also including unity among mental health regulatory boards, opposition to online lotteries, and the struggle against homophobia. Thanking his board, his staff, and his family for their support, Leblond attributed the success of the OTSTCFQ to excellent teamwork.

In announcing the award to Foster, Randall said that according to her nomination, “she embodies the qualities” of an excellent administrator. The Florida board is not much different from others represented at ASWB—“A group of dedicated, busy people trying to do the right thing.” Foster has been able to guide the board’s work in a “strong, quiet way,” according to the nomination, developing the team into a highly functioning group.

She also pays careful attention to needs of the public, and to consumer relations, Randall said, and follows the actions of the legislature in order to provide information as needed, both to the board and to lawmakers.



Sue Foster (FL)

Explaining that she had served as an administrator for 20 different professions in Florida for over 17 years, Foster said “I love this job, and can hardly believe so much time has passed.” She thanked ASWB for instituting the award, and said that the current Florida board as well as the staff and past chair Jamie Buller really deserve the credit. “They are why the job has been so easy,” she added.

Credit is also due to her husband Steve, she said “who has put up with my excitement and slightly swelled head since I got the letter” announcing the award. And more seriously, she spoke of the professional value of such a recognition by her peers in the somewhat rarified atmosphere of regulation.



Patricia Heard will be ASWB's next President

Delegates elected the ASWB Treasurer to the President-Elect position, and added two (relative) newcomers to the Board of Directors.

Patricia Heard of North Carolina became ASWB's newest president-elect as a result of elections held at the 2010 ASWB Annual Meeting of Delegate Assembly in November. In addition to choosing Heard to be ASWB's next president, Delegates also elected M. Jenise Comer of Missouri to ASWB secretary, Alison MacDonald of Alberta to the ASWB Board of Directors seat designated for board staff, and Dorinda Noble of Texas to an at-large seat on the board. Also elected were members of the 2011 ASWB Nominating Committee Micki Lilly (NC), Wade Tyler (LA), and Teresa Young (AL).

Heard has served as ASWB's Treasurer since her election to that position in 2007. In 2009, she was elected to serve another term as Treasurer. This year, Heard was nominated to run for the president position. Heard is the executive director of the BRIDGE Jobs Program, a United Way program based in Charlotte, NC. Heard's move to the President-Elect position created a one-year vacancy in the treasurer position that was recently filled when ASWB President Amanda Duffy Randall appointed Tim Brown (TX) to the seat (see related story in this issue of association news).

Elected to serve as ASWB secretary, M. Jenise Comer will be taking over the seat formerly held by Sandra Starks (KY), whose term ended this year. Comer is director of the Bachelors Social Work Program at the University of Central Missouri. Comer served on the ASWB Board of Directors previously when she was appointed to fill a one-year vacancy in 2006.

Alison MacDonald was elected to the board position set aside for a staff employee of a member board. MacDonald serves as associate registrar for the Alberta College of Social Workers. Dorinda Noble, elected to an available at-large seat, is Director of the social work program at the University of Texas – San Marcos.

Dorinda Noble's selection to the ASWB Board of Directors was arguably the least easy part ASWB's Big Easy meeting. Thanks to a confluence of bylaws quirks and two equally popular candidates, Delegates at the 2010 ASWB Annual Meeting were forced to hold runoff elections to decide whether the seat would go to Noble or Cedric "Doc" Davis (AZ), a candidate nominated from the floor. Noble's slated opponent, Donald Gloade (AB), withdrew his name from consideration after election information had been distributed, leaving Noble with no formally-slated opposition. After five runoff elections failed to give either candidate the required 26 votes, Delegates chose to award the

position to the person who obtained the most votes, and Noble was declared the winner.

Runoff elections are a relative rarity for ASWB, with only two occurring the past 10 years. In 2001, the ASWB Delegate Assembly required five runoff votes to be conducted before settling on three candidates to fill Nominating Committee positions. One year earlier, four runoff elections were required to be conducted before Delfino Trujillo (NM) was chosen to serve as ASWB secretary. His opponent? Dorinda Noble.

This year, Noble, MacDonald, and Comer joined Heard, Randall, Montoya, and Mary Macomber (FL) for a brief meeting after the conclusion of the Annual Meeting. Topics of discussion included a possible charge to the ASWB Bylaws and Resolutions Committee to look more closely at ASWB's election rules—particularly the ones having to do with runoff elections.



Tim Brown will serve as ASWB treasurer for 2011

The Texas board member was recently appointed to fill the position left vacant when Pat Heard was chosen for President-Elect

Texas Board of Social Worker Examiners chair Tim Brown has been appointed to serve a one-year term as ASWB treasurer. Brown, who was a candidate for ASWB secretary this year, will be taking over the treasurer position to fill the seat left vacant when ASWB Board of Directors member Pat Heard was chosen as ASWB president-elect at the ASWB Annual Meeting of the Delegate Assembly, held in November.

Brown serves as Associate Chief of Social Work for the VA North Texas Health Care System. Before joining the Veterans' Administration, he worked as clinical director of Hospice Brazos Valley, Inc. Brown was first appointed to the Texas licensing board in 2004. He has held numerous volunteer positions with ASWB including member and chair of the Bylaws and Resolutions Committee and chair of the Nominating Committee.

According to the ASWB Bylaws, vacancies on the ASWB Board of Directors are to be filled by the ASWB President, after receiving input and approval from the Board of Directors, until an election can be held at the next Annual Meeting of the Delegate Assembly. Brown's appointed term will end in November of 2011.





Stewardship into the future

*ASWB
President
Amanda Randall
recapped a
“wonderful”
year that
allowed the
organization to
think about what
lies ahead.*

“It was a wonderful year to be president” in 2010, ASWB President Amanda Randall told the Delegate Assembly at its annual business meeting in November in New Orleans. Not because it was a quiet year, without much to do, but because it was a time of looking forward—a time that was maybe a bit scary with some of the decision-making, but also full of an exciting sense of progress.

Randall was giving the official president’s report, and it centered on two things—examination changes and strategic planning. The president quoted from the president who preceded her, Charlotte McConnell, who had said the board’s ongoing responsibility was for good stewardship. As recalled by Randall, McConnell said firmly that “Good stewardship is not just about preserving what we have, but also about looking to the future.” And that was what 2010 was about, not just “maintaining the excellence of what we have” but continuing to build on that excellence.

The association had the chance to look forward because of the decision of the Delegate Assembly the year before, approving an exam fee increase, the first in many years. ASWB had come to the end of its ability to maintain its strength on what was proving to be an outdated income.

“The exams remain the central focus,” Randall said, and keeping them strong has taken the most attention. The year was “a perfect storm” in which many complex elements came together; a Request for Proposals for testing services had been issued the year before, so the choice of a test vendor had to be made, and an ongoing new practice analysis wound up with new exam content outlines. All this will take effect on January 1, 2011, when Pearson VUE begins administering the exams, using the new content outlines on the Bachelors, Masters and Clinical exams.

The most exciting thing, Randall declared, perhaps exaggerating a little, was “the palm vein scanning.” This somewhat futuristic means of identification will strengthen exam security, just part of what she expects to be enhancement of the test sites and the testing experience. “This is in no way to say that the 13 years” during which ASWB worked with its previous vendor was not “long and fruitful,” she added, but the high standards for the test sites, plus the availability of Pearson computer testing in Canada, seemed to be what the association needs now.

The other major milestone, the practice analysis, would not ideally be done in the same year as a change in vendor, but the two coincided

From the Annual Meeting

by reason of contract schedules and the established times for periodic updating of the exam content. Social workers who weren't familiar with the exams were invited to take part in the project, including the passing score studies, on psychometric advice. "The new people came up with coherent judgments, and the diversity added to the validation of the exams," said Randall, who participated in the score-setting.

One major change has involved the Advanced Generalist exam. Because the survey done of practicing social workers indicated a real need for an advanced non-clinical test, it's being redirected in ways that will require a more deliberate process in working to write, analyze and use new questions. The process will include free Advanced Generalist exams to candidates who are willing to sit for very long tests in order to allow exposure and data-gathering for new questions, Randall explained.

Another big step with this analysis has been the decision to try to "demystify" the exams by making public the Knowledge, Skills and Abilities (KSA) statements, the president said. Educators, candidates, board members, and anyone else interested can now go to the ASWB Website, www.aswb.org, and see the details of the material that the exams use to make decisions on competency.

Moving on from the major focus of the exams, Randall said the committees had been busy, that the Approved Continuing Education (ACE) list of approved providers had topped 150, and that contracted services continue to develop in response to member needs. A guidebook to disciplinary actions is on the way from the Regulation and Standards Committee (RAS). Grants have been made through the American Foundation for Research and Consumer Education in Social Work Regulation, to get definitive information on licensing and consumer protection. The first report is due to be made at the Spring Education Meeting.

Nor has the leadership ignored the "political issues that face your boards," she said. The association participated in developing the booklet "Changes in Healthcare Professions' Scope of Practice: Legislative Considerations." The document, produced by the National Council of State Boards of Nursing (NCSBN), deals with overlapping scopes of practice in an effort to avoid "turf wars." There have also been exhibits and participation at social work educators' conferences, and with other regulatory groups, including some international outreach.

The other forward-focused project was strategic planning, something that had not been done since 2003. It began, Randall reminded the group, with a very formidable online survey early in the year, asking board members, staff, and other interested stakeholders how ASWB was doing, what it could do differently, and what future directions it might follow. There was a strong, thoughtful response, and the survey results provided the foundation for the planning.

Then, with that as background, the board and staff began work with Michael Barrett, a professional planning facilitator. Randall said that 24 participants, board members, staff, committee chairs, and legal

counsel, were asked to look at the survey results and respond with their own ideas about the organization's strengths, weaknesses, opportunities and threats, or SWOT.

Really, Randall said, she thought the basis for really good brainstorming of a vision and mission should be "I'd like to buy the world a Coke," Coca-Cola's effective slogan. There is a new vision, which she pointed out onscreen, for "Knowledgeable and effective regulators, Competent and ethical social workers, Informed and protected public." About as ambitious as buying the world a Coke.



A new year, a new test, and new test vendor

Pieces are now in place for the launch of new licensing examinations through a new test administration contractor

After more than a year of preparation to create new tests based on the results of the most recent social work practice analysis, and more than six months' work attending to the details of transitioning to a new testing company, ASWB is on the verge of launching several major changes effective with tests administered beginning January 3, 2011. Here is a rundown of what will be happening in less than a month, and a recap of the things that will remain consistent into 2011:

Test content outlines will change

The most important change has been the longest in development: a two-year process to survey and analyze tasks relevant to safe and competent social work across North America has resulted in the establishment of new content outlines for all ASWB examinations.

The new test content outlines represent a major structural departure from content outlines in use through 2010, with four to five more broad content areas replacing the ten to 11 content areas used currently. These changes will be put in place for the Associate, Bachelors, Masters, and Clinical exams in January 2011, but will not be in place for the Advanced Generalist examination until 2012.

Test content will change... kind of

Although there will be no changes to testing format (still 150 four-option multiple choice questions, with an additional 20 pretest items, administered with a four hour time limit) or the kinds of knowledge tested, the practice analysis did result in some shifts in how many test questions address different content areas. The big picture? All tests will see an increase in the number of test questions around social work values and ethics. Other areas, such as supervision in the Clinical test, and research in the Masters examination, will see slight reductions in the number of questions targeted to those topics.



Deanna Hudella, of Pearson VUE, provided attendees to the ASWB Annual Meeting with an overview of her company, which will be administering the ASWB examinations beginning in 2011.

Test center locations will change

The association's new testing contract with Pearson VUE will mean that examination candidates will be testing in Pearson VUE centers, and not the testing centers offered through ACT, Inc., ASWB's testing contractor through the end of 2010. Most examinations will be delivered at Pearson Professional Centers (PPCs), which are facilities wholly owned by Pearson. Locations will be different than the current sites offered by ACT, but Pearson offers PPCs in most of the same areas now served by the ACT sites.

Some reservation and check-in procedures will change

The transition to Pearson will include some changes to the options available to candidates who are ready to schedule a testing reservation. Once registered with ASWB, candidates will be able to visit a special Pearson VUE website in about 24 hours, and make immediate online testing reservations with no extra waiting period. Extra security measures—including palm vein scanning—will also be in place.

Candidates for the Advanced Generalist examination can test once for free through June 30

As part of the association's efforts to strengthen macro and administrative content on the Advanced Generalist examinations that will be administered beginning in 2012, ASWB is offering qualified candidates the opportunity to take the current Advanced Generalist test free of charge from January through June 30 of 2011. The program is only available to candidates in jurisdictions that require the Advanced Generalist test. In exchange for the free test, candidates will be asked to answer 110 additional pretest items over a six hour testing session divided into two three-hour sections.

What will not be changing

Test question format and style will not change

Even though organization and some content will shift, the basic structure of the test and test questions – a 170 question, four-option multiple choice test—will remain the same. The only exception will be for the Advanced Generalist Pilot Program described above.

Basic testing operations will not change

Even though candidates will be going to different test sites, and taking a test delivered through different software, test-takers will have the same ability to mark questions for review, leave and return to questions, change answers, etc.

Score reporting will not change

Candidates will still receive an unofficial score report at the conclusion of the test. Candidates who do not pass the test will continue to receive a diagnostic report that identifies the number of correctly-answered questions needed in each content area, and the number of questions they answered correctly.

Focus on security will not change

The ASWB licensure examinations are high-stakes tests, and will continue to be protected through rigorous security procedures. Candidates who violate the terms of the Candidate Rules Agreement will

have their tests invalidated, and could face a range of administrative, civil and criminal actions.

Availability of information will not change

Candidates and member boards will have access to detailed information about the transition, the new testing content, the Advanced Generalist offer, and many other elements of the ASWB licensure examination program through the association's website at www.aswb.org.



Another winner

Even with the complications of multiple runoff elections, attendees still give high marks to the 2010 Annual Meeting

Despite a runoff election process that stretched until the very end of the last day of the event, the 2010 ASWB Annual Meeting of the Delegate Assembly still managed to receive high marks from attendees, who appreciated the range of information given, the accompanying documents, and even the recycled cooler bags containing the meeting notebooks. The meeting was held November 11-13 at the Pere Marquette hotel in New Orleans, LA.

Of the 82 attendees who turned in evaluation forms at the end of the meeting, 79 marked the meeting's overall organization as "excellent," while the remaining three supplied "good" ratings. "Time allotment for topics" was also marked only as excellent (68) or good (14). The high ratings were achieved despite the need for five runoff elections to decide the winner of a contest for a seat on the ASWB Board of Directors between Cedric "Doc" Davis (AZ) and Dorinda Noble (TX). In the end, Noble was declared the winner (see related story in this issue of association news).

Attendees were also impressed with the involvement of the Louisiana board and staff. The Louisiana contingent was out in force to welcome attendees, provide suggestions for places to eat and things to do off-hours, and to generally see to it that everyone had a good time. The Board-sponsored dinner party at a nearby Cajun restaurant—complete with a surprise visit by a brass band—was noted as a high point by many of the attendees.

Among the ideas for future changes to meeting structure, several attendees suggested rethinking when and how Delegates go about voting for candidates, with some wondering whether the vote might take place earlier in the day (to increase the likelihood that vote counts would not be affected by delegates leaving the meeting early to travel home), and others wondering about a restructuring of the rules around how election winners are determined. Apart from the comments directly related to the election issues, most comments echoed those from previous years: basically, attendees would like more time to network with each other. While ASWB does try to accommodate that preference, reports and items of business must take priority at the Annual Meeting.

In addition to the full meeting of the Delegate Assembly, the ASWB Annual Meeting offers an Administrators Forum for staff of member boards and an orientation session for new attendees. A total of 27 attendees participated in the Forum session, and 14 attendees joined the orientation. Both meetings achieved almost all "excellent" or "good" ratings.

Although the Annual Meeting typically does not allow for lengthy educational content (that's the function of the ASWB Spring Education Meeting), attendees provided several suggestions for future meeting topics. Among the areas of interest were:

- Continuing education, including the CE approval process, and online continuing education
- The scope of social work practice, both in terms of social work and other disciplines and social work as practiced globally
- Cultural competence and bilingual/bicultural issues
- Military/aging issues

No matter the topics, ASWB's meetings seem to give attendees the rare opportunity to meet with and learn from each other, and get reacquainted with the programs and services offered by the association. As one attendee wrote, "I believe I reference ASWB in my conversations no less than three times an hour. The expenditure for a membership to ASWB is the best expenditure [this board] spends for our Board."



Regulatory happenings

What's Happening in Social Work Regulation...in Canada

By Dwight Hymans,
LCSW
ASWB Director of Board
Services

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

The **Northwest Territories** are working on legislation to begin registration of social workers. The current plan calls for two categories of registration: a BSW degree category and a diploma (two-year degree) category. The current draft refers to both categories as “social workers.”

Alberta recently began using the ASWB exam for applicants who have not been practicing in the profession for 5 years or more. These applicants are required to take the exam appropriate to their highest level of social work education as part of the application to become a registered social worker. The Alberta College of Social Workers and provincial government have drafted amendments to their registration requirements that would add mandatory use of the exam for new registrants, again as part of the registration process. They are waiting for the final government action to put it into law.

British Columbia passed a motion one year ago to begin using a competency exam for registration, although implementation has been postponed until 2012.

New Brunswick recently adopted new standards on the use of technology in social work practice. The New Brunswick Association of Social Workers will be releasing their newly revised and updated website in the very near future. Look for the new standards on the new website at www.nbasw-atsnb.ca.

Ontario has experienced some significant amendments to the College's registration regulation, including:

- The introduction of an inactive membership category;
- Approval of the requirement for registration that an applicant must have engaged in the practice of social work or social service work or obtained the required academic qualifications within the five years immediately before the date of the application or otherwise satisfy the Registrar that he or she is competent to perform the role of a social worker or social service worker;
- Approval of the requirements for applicants who are registered as a social worker elsewhere in Canada. These applicants are not required to undertake any material additional training, experience, examinations or assessments;

- Ontario continues to have the authority to require an entry to practice examination, but this has not been implemented as yet.

Saskatchewan completed a review of their associate category of registration. The review process included consideration of deleting the category, given the potential for it to be misunderstood as something more than it is. The review concluded that there is a legitimate reason to continue the associate category, but change the name to “affiliate” member, as is done in Manitoba. The term affiliate was considered to allow greater clarity that this registration category was not one of licensure.

It is likely that the Canadian Association of Social Workers (CASW) will discontinue their service to evaluate the equivalency of foreign social work degrees in the very near future. As is the case with many of ASWB’s members, the provinces must face the challenge of conducting the analysis of a candidate’s degree that goes beyond establishing that it was a credible institution and the degree is not fraudulent. Several provinces are now reviewing the social work degree courses/program themselves to make sure the candidates’ course work adheres to standards.



Hissy Fit to be Tied

By DALE ATKINSON,
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Under federal legislation referred to as the Health Care Quality Improvement Act (ACT) and its regulations, the National Practitioners Data Bank (NPDB) was established. The NPDB is a federal government repository of adverse actions taken by certain identified entities and governmental agencies relating to the professional competence and conduct of physicians, dentists and other health care practitioners. Adverse actions, as defined, are required to be timely reported to the NPDB.

After development of the NPDB, additional federal law expanded the reporting requirements of adverse actions to include all additional health related professions. These additional health care related adverse actions were required to be reported to a federal data bank referred to as the Health Care Protection Data Bank (HIPDB). Social workers are considered health care workers and social work boards are governmental entities required to report adverse actions. The federal government has recently undertaken steps to begin the process of combining the NPDB and HIPDB into one databank.

In addition to regulatory boards, other entities are required to report adverse actions to the NPDB. These other entities include hospitals that report adverse actions taken against health care workers, such as loss or removal of clinical privileges of a physician. At times, the impacted health care worker may disagree with the report made to the NPDB. Consider the following:

A urological clinician and surgeon (physician) maintained hospital privileges at a hospital in Cocoa Beach, Florida. While waiting for an operating room to become available where access had been delayed on multiple occasions, an incident occurred involving the physician. In short, when told the operating room availability would be delayed again, the physician “pitched a fit.” Specifically, reports indicate that the physician became so enraged that he broke a telephone, shattered the glass on a copy machine, shoved a metal cart into the doors of the operating room with such force that it damaged one of the doors, threw jelly beans down the hallway in the surgical suite, threw a medical chart on the ground and verbally abused a nurse manager by raising his



voice, using profanity, and calling her a liar. According to the report, the violent and unprofessional actions of the physician “caused various members of the nursing and technical staff to announce [that] they were fearful of working with him in the future.”

Based on his actions, the hospital suspended his clinical privileges for 60 days and required the physician to file a report explaining his actions. The hospital filed its report of the adverse action against the physician with the Secretary of the Department of Health & Human Services (HHS) under the Act and its regulations for placement in the NPDB. Upon notice of placement of the action in the NPDB, the physician objected by seeking review and removal of the action, arguing that the report was inaccurate and that the hospital’s action against him was not the type that was required to be reported. The secretary rejected the physician’s objections, finding that the report was factually accurate and that there was no basis for finding that the report should not have been filed with the NPDB. The secretary did notify the physician of his right to file a response to the report and that his response would be distributed to anyone who obtained the report from the NPDB.

Thereafter, the physician filed an action under the Administrative Procedure Act in federal court seeking a judicial order mandating the removal of the report from the NPDB. The district court denied relief to the physician and he appealed the matter to the 11th Circuit Court of Appeals.

The appellate court reviews actions of lower courts under a standard of determining whether the actions of the agency are arbitrary and capricious. Matters not found to be arbitrary or capricious are sustained. The role of the appellate court is not to conduct its own investigation and substitute its own judgment for that of the agency, but merely to ensure that the agency came to a rational conclusion.

The court turned its attention to the Act and the fact that the secretary of HHS was authorized to and did promulgate rules establishing procedures in the case of disputed accuracy of the information in the NPDB. Under the rules, a physician who disputes the accuracy of a report can seek secretarial review, but it is limited to having the report reviewed for “accuracy of factual information and to ensure that the information was required to be reported.” When review is requested, the secretary reviews the information submitted by both parties.

In this case, the physician submitted affidavits which outlined his version of the events of that day. According to his affidavits, the physician tripped over the long phone cord, closed the copy machine lid “with some force”, moved a metal cart that was blocking the operating room doors, dropped some jelly beans he was eating when trying to throw away flavors he did not like, and mishandled a medical chart causing some loose papers to fall to the floor. In addition, the physician submitted the letters from the hospital outlining its findings and justifying the suspension due to his “violent, threatening, and physically destructive and damaging behavior.” The physician argued that the report filed by the hospital did not contain statements from eyewitnesses and that without this requirement hospitals could “blacklist” a doctor by

filing a report based on conduct that never occurred. Without witness accounts, the physician argued, the finding by the secretary that the report was accurate was arbitrary and capricious.

In response, the court first noted that the physician misunderstood the purpose of the Act which was enacted based upon a “national need to restrict the ability of incompetent physicians to move from state to state without disclosure or discovery of the physician’s previous damaging or incompetent performance.” The NPDB contains not only the hospital’s version of the events, but also the physician’s response. The information in the databank is only intended to notify the inquiring party of the events which led to the resulting disciplinary action, and that a requesting hospital is free to ignore the report if it so chooses. Because of this limited application, the Secretary’s review if challenged is limited in scope to the accuracy of the report.

Addressing the potential for conflicting facts after studying the hospital report and the physician’s affidavits suggesting the damage was accidental, the court noted the following: “In other words, this urological surgeon, who earns a living wielding a razor-sharp scalpel on some of the most delicate parts of the body, does not have a bad temper—he is just clumsy.”

The court emphasized its obligation to review the accuracy of the information submitted and that Secretary review does not provide the physician with a procedure for challenging the allegations about the conduct that led to the action that is reported. “The Secretary does not act as a fact-finder deciding whether incidents listed in the report actually occurred or as an appellate body deciding whether there was sufficient evidence for the reporting hospital to conclude that the events did occur.” Instead, the Secretary appropriately found that the letters from the hospital to the physician informing him that the basis for the summary suspension of privileges was the disruptive and violent behavior on that day were substantiated and consistent with the report filed to the NPDB. According to the court, the consistency between the hospital letters and the factual accuracy of the report are the “only sense that matters under the Act.” Also, the physician has the opportunity to file a response.

The physician also argued that this type of event and hospital action was not reportable under the Act. In rejecting this claim, the court stated that reportable events include actions whereby a hospital “takes a professional review action that adversely affects the clinical privileges of a physician for a period longer than 30 days.” A professional review action includes action based on conduct which adversely affects or could affect adversely the health or welfare of a patient or patients.

The suspension by the hospital was clearly an adverse action as it affected the clinical privileges of the physician. In response to the physician arguing that no harm to patients resulted from his actions, the court held that the Act makes it clear that actual harm to a patient is not a prerequisite for a disciplinary action to qualify as a professional review action. It is enough that a physician is disciplined for conduct that could result in harm to a patient. Here, the court held that the acts

of the physician could have adversely impacted patients and noted that hospital personnel expressed their concerns about working with the doctor in the future. The court stated “[t]he hospital was required to report its disciplinary action to the Data Bank even though its hallways were not littered with injured patients as a result of [physician’s] very bad day.”

Finally, the physician argued that the hospital summarily suspended his privileges and that because there was no finding of imminent harm to patients, the disciplinary action was not a reportable event. Again, the court held that a finding imminent harm is not a prerequisite to reporting to the Data Bank. Based upon its holdings, the court affirmed the findings of the secretary and upheld the reporting of the action to the NPDB.

Social work boards must be aware of the reporting requirements of final adverse actions to the HIPDB, and practitioners equally aware of the scope of review when appealing or contesting reports. While the NPDB is a separate data bank from the HIPDB, the reporting requirements and events mandating the filing of reports are similar. Boards can learn from important judicial opinions and should continually assess their important public protection missions and the requirements of disclosure. Such an approach is in order for not only reports to the federal data banks, but also the board-controlled websites.

Leal v. Secretary, U.S. Department of Health and Human Services, 620 F.3d 1280 (11th Cir. 2010)

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Remodeling the model

*ASWB
Delegates have
approved an
expansion to the
ASWB model act
that addresses
supervision
issues*

Delegates to the 2010 ASWB Annual Meeting of the Delegate Assembly voted overwhelmingly to adopt changes to the ASWB Model Social Work Practice Act that help to spell out guidelines around social work supervision. The changes adopted at the November meeting are the culmination of a process that began over two years ago.

The 40-3 vote adopted the recommendations developed by the ASWB Regulations and Standards Committee (RAS), which met in July to review the model law in light of the work of an association task force on social work supervision. Referring to the recently published ASWB Analysis of Supervision for Social Work Licensure, the product of the 2007-2008 Supervision Task Force, the group recommended additions such as qualifications for supervisors, a list of what a supervisory plan should include, and requirements for detailed documentation both before and after the supervision is done. The recommendations were approved by the Board of Directors in August.

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

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

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

The RAS committee indicated that this was a first pass at incorporating the new information into the model law, and that more additions and changes may come from the 2011 committee. Both the model law and the Analysis of Supervision for Social Work Licensure are available on the ASWB website, www.aswb.org.



Association Asides

Florida's **SUE FOSTER** may be the most appreciative winner ever of the ASWB Administrator Award. She wrote "I still cannot believe I am receiving that award. It really means a lot to me. And would you believe the ASWB letter of congratulations came two days before my annual evaluation. What incredible timing was that?!! Word went out all over the Department here, in a newsletter to all the boards, to the Governor's office and I could not believe the calls and e-mails I have received." But the association isn't alone in recognizing what a great job she does. She even won the 2010 leadership award at the Employee Recognition ceremony held by her department.

ALEX ATKINSON, the college senior daughter of ASWB legal counsel **DALE ATKINSON**, attended the FARB Attorney Certification Course this year to see her father present—oddly, considering the amount of public speaking **DALE** does, for the first time.

DALE, incidentally, did a fine job of putting into perspective the complicated measurement procedures that have to be done for the examinations by measurement professionals. He referred to them as "psychomagicians."

Director at Large **MARY MACOMBER** apparently had an absolutely great time at the dinner planned and sponsored by the Louisiana board at the fall meeting. The dinner, held Friday night at a French Quarter restaurant, featured Cajun music, dancing lessons, and finally a traveling jazz band. **MARY**, who danced enthusiastically with New Orleans native **MICHAEL HICKERSON**, remarked that the meeting had really been "jazzed up" by the lively dinner.

This is teetering perilously close to the edge of a regular feature of **ASIDES**—pictures of **DONNA DEANGELIS** dancing. If anyone's looking for a testimonial on the benefits of double hip replacements, just ask **DONNA**. If you can catch her, that is.

Another stir made by a Louisiana board



member – **WADE TYLER**, in his candidate speech for the Nominating Committee, took a stand against the “election police” who prevented him from giving a PowerPoint presentation, in the interests of equal time and electronics for all. **WADE** brandished a light pointer, indicating on the wall where **BARACK OBAMA** would have appeared in his PowerPoint. He did mention that the election police obviously hadn’t seen his planned slide show, or they would have realized there was no advantage to be gained with it. Hard to say—but the electronic pointer was pretty lively.

Family members came to see the presentation of the two big ASWB awards—the Sunny Andrews Award for outstanding service to an individual board, and the Administrators Award. **MARCIA HEITZ** was accompanied by her husband, and **CLAUDE LEBLOND** brought his two very lovely daughters. **SUE FOSTER** brought her husband, **STEVE**, saying it was even more special because it was their 40th anniversary.

Another family member, newly minted, was also around at the Annual Meeting, but for those who missed out, here he is again: **NOAH**, right, son of Indiana board executive director **VALERIE JONES**.



MARCIA wondered in her speech why the award winners weren’t kept secret anymore, and that’s really the reason; so families can see the presentations. Well, that and the fact that someone on the board once sailed perilously close to a major untruth in trying to ensure that a secret recipient would come to the meeting.

And speaking of lovely daughters, there were the two young women accompanying **ELAINE HALSALL**.

And speaking of plugs (somewhere, no doubt) **SUE FOSTER** put in one for her state, Florida. “Plan a vacation in Florida,” she appealed. “We need the money.”

Former Exam Committee member **CLAIRE LENKER** wrote from Alabama that her family had had a year of milestones, including oldest son **KEVIN** turning 18 and graduating from high school as valedictorian. He’s now a freshman at Mississippi State, with multiple scholarships. Brother **KENNY**, now 13, won the football team “hustle” award with his middle school football team, helping it win the conference championship. As for **CLAIRE**, well, she said, she still has a job, “no small accomplishment in these tight budget times.”

And after a long, long wait and a lot of uncertainty, **JANICE JAMES** of the Kentucky board (former exam co-chair, past president, veteran of many committees) made the trip to Kazastan and returned with her second adopted daughter. **ANNA ZI** is a beautiful three-year-old, and joins big sister **BRENNA** at home in Lexington.

The introductions of attendees at the beginning of the annual meetings were brief but effective. People said who they were, and then who was with them. Early on, someone remarked, sadly, that there was no one else to introduce. "I'm all alone," he remarked. **DOC DAVIS** of Arizona, often one to pick up a theme, improved on it. "I'm here alone but I don't feel alone," he said happily.

It can't be said too often what great hosts the Louisiana board members were; they attended the meeting and events in enthusiastic numbers. **JOHN MCBRIDE** was the delegate, but also there were **MICHAEL HICKERSON**, **HOPE HIMEL-BENSON**, **EVELYN JENKINS** and **WADE TYLER**, as well as staffers **REGINA BREAU**, **EMILY EFFERSON** and **HOLLY FREEMAN**.

There are always warnings against sneaking in football boosters remarks and the like, but **BECKY RASMUSSEN** of Oregon managed anyway.