Shifting into action

ASWB’s 2010 Spring Education Meeting will help attendees get creative in the face of tight budgets

Sure, the title of the 2010 ASWB Spring Education Meeting may refer to regulating “in an age of shifting resources,” and yes, in politics-speak, “budget priority shifts” can just be another way of saying “suck it up because your department ain’t getting squat,” and fair enough, the meeting is being held just blocks from the edge of an ocean that itself evokes images of sand giving way—shifting, you might say—under one’s feet, washing away with the tide, leaving you uncertain and unbalanced and without any sense of support whatsoever. Okay, okay, okay. That’s one way to go with the theme.

But according to ASWB Program and Education Committee chair Richard Silver, attendees to the upcoming meeting May 13-16 may want to be prepared to adjust their expectations to something other than a two day long festival of unrelenting despondency in sunny Charleston, S.C. After, all, he explained, “shifting” doesn’t necessarily mean “disappearing.” Sometimes “shifting” means, well…shifting. As in: shifting your attention from what isn’t working to what is. As in: shifting your preconceptions about how things are done. As in: considering the ways in which a board’s resources may not have disappeared entirely, but simply rearranged themselves into new opportunities.

“Certainly, we are living in an era of diminishing funding,” Silver said. “But we are also being presented with ways, via technology and other means, to do things more cheaply and more efficiently. We want to address the ways that technology is requiring us to shift our focus and reexamine how we allocate our resources.” According to Silver, the meeting will invite attendees to participate in a discussion about new ways of looking at resources, whether they be technological, procedural, or available as programs developed through ASWB and other organizations.

Official proceedings get underway at 4 p.m. on Thursday, May 13, when Andrew Marks, BSW Coordinator for Texas State University at San Marcos and former administrator for the Texas Board of Social Work, provides an overview and sets context for the next two days’ presentations. His session is set to end just before the 6 p.m. welcome dinner sponsored by ASWB.

Friday’s all-day program begins with a discussion of the potential resources available through the findings of the ASWB Supervision Task Force, which completed an analysis of the competencies necessary for social work supervision. Those findings are being reviewed by the ASWB Regulation and Standards (RAS) Committee to evaluate how
these issues might relate to ASWB’s Model Social Work Practice Act. The panel discussion will be moderated by Dorinda Noble, Director of the School of Social Work for Texas State University at San Marcos.

The supervision session will lead up to an ASWB-sponsored lunch, to be followed by a panel discussion on shifting resources as they pertain to continuing social work education. Several approaches will be discussed for evaluating, monitoring and banking CE units, including the use of outsourcing. The first full day session will end with a discussion on “Maximizing the Contributions of Public Members.”

Saturday’s half-day program will be devoted to a discussion of the legal challenges around the use of technology, as well as the potential legal elements to what may seem like simple attempts to save money. Dale Atkinson, legal counsel for ASWB, will be joined by Tina Hobday, attorney from Langlois, Kronstrom Desjardins in Quebec, to discuss such topics as the legal implications of hearings at a distance, videoconference board meetings, the security of electronic documents, and the ways in which board responsibilities are impacted when its disciplinary decisions are influenced by financial bottom lines. The session will end at noon, with the traditional ASWB group tour—this time to a restored plantation—taking place in the afternoon. Tour participants will leave from the lobby at 12:30.

The final day of the conference will focus on the role of technology, with panelists discussing the use of technology in board meetings and disciplinary hearings, the impact of technology on examination security, and the use of websites among regulatory boards. Andrew Marks will help attendees connect the dots between the presentations in his final wrap-up of the meeting. The conference is scheduled to end at 10:45 a.m., after a brief talk about the location of ASWB’s 2010 Annual Meeting—New Orleans, Louisiana.
Just don’t forget—there’s a meeting to attend

For American history buffs, Charleston, S.C. is a kid-in-a-candy-store sort of thing—there’s something of historical significance around every corner, on just about every street. Of course, the same thing could be said for restaurants, the arts, parks, shopping, and just plain lovely places to stroll. Charleston seemingly has it all, which may make for some difficult off-hour choices for attendees to the Association of Social Work Boards’ 2010 Spring Education Meeting, set for May 13-16 at the Francis Marion hotel in downtown Charleston.

First, there’s the hotel itself. Located in the city’s historic district, the building is on the National Trust for Historic Preservation list, and is just a few blocks away from some of the area’s most popular sights. Charleston is an extremely walkable city, with picturesque residential areas that seem like something from a movie set—for instance, The Notebook, which was filmed here. Second, at least for some weather-weary visitors from parts north, may be Charleston’s climate—average highs for May are in the low 80s, with lots of sun.

Visitors looking for history have come to the right place. Besides being the site of Fort Sumter, the scene of the attack that began the U.S. Civil War (the fort is accessible by a quick ferry ride), Charleston is also home to a wide array of colonial and antebellum-era sites, including many historic churches. In fact, Charleston is nicknamed “the Holy City” both because of its steeple-dotted skyline and its long history of religious tolerance, dating back to the 18th century, when both French protestants and Portuguese Jews were welcomed to the city.

Of course, history is only part of the scene in the city. Charleston nurtures an active arts community, and is the epicenter of “low country” cuisine, foods that combine local seafood with African and Caribbean-
influenced Southern cooking. And speaking of marine life—albeit the kind that doesn’t show up on menus—Charleston is home to the South Carolina Aquarium, which boasts an albino alligator among its residents.

And that’s just within walking distance of the hotel. Just outside the city visitors can find beaches, mangrove swamps (with guided kayak tours available), and historic plantations—one of which, Middleton Place, is the destination for this year’s ASWB group tour, set for the afternoon of Saturday, May 15. That trip, which includes transportation, a buffet lunch, and a guided tour of the house, is available for reservation through April 30 on the ASWB website, www.aswb.org (look for meeting registration links).
As the current versions of the ASWB examinations enter their last year of use (see related story), two positive trends continue: numbers of administrations continue to rise, and percentages of first-time takers who pass the examinations remain consistent.

Over the past six years, ASWB has experienced a 23.5 percent increase in examination numbers—from 26,031 examinations administered in 2004 to 32,249 in 2009, an all-time high. During that same time, pass rates for the examinations have varied only slightly.

Recently-released 2009 national pass rates for first-time test-takers are: Bachelors – 79.3 percent; Masters – 74.5 percent; Clinical – 74.6 percent. A total of 57 percent of 256 first-time takers passed the Advanced Generalist examination, and 69.3 percent of 192 first-timers passed the Associate examination.

Beginning in 2005 (the first year for which a full year of statistics became available based on content changes driven by the practice analysis) through 2009, national first-time pass percentages have varied little, with Bachelors examination results varying from 77.3 percent to 79.3 percent; Masters from 73.4 percent to 75.3 percent; and Clinical from 73.6 percent to 75.9 percent. Pass rates for the ASWB Associate and Advanced Generalist examinations are not able to be extrapolated in these ways, because of the low test volume in these categories.

Even when pass percentages remain fairly consistent, licensing examination programs must be responsive to the changing nature of professional practice by conducting regular analyses of the profession. These practice analyses shape the content of the licensing examinations and can sometimes result in minor changes in pass rates when a new exam version is introduced. The last time ASWB introduced new examinations was in mid-2004. New ASWB examinations are anticipated to be made available in January 2011.
The Association of Social Work Boards (ASWB) was nearing the end of preparations to unveil new licensing examinations when 60-plus invited social workers gathered to conduct the study to establish recommendations on what the passing standards should be. The group appointed by the ASWB Board of Directors was drawn from among hundreds of applicants who expressed interest in participating in the two-day program.

The meeting, April 16-17 in Arlington, Va., focused on assessments of four “anchor” tests that can be used to calibrate all other versions of the exams administered over 30,000 times a year to social work licensure applicants in the United States and Canada. Early this year, ASWB released a call for participants, and received an overwhelming response. A final list of appointees, balanced for demographic and practice diversity, was approved by the ASWB Board of Directors later in February.

Selected participants are listed below, grouped by the examination category that they will be assigned to. They are:

**Bachelors examination:** Natalie Beauregard (QC), Shannon Bender-Bell (BC), Cynthia Costello (MA), Ginny Dickman (ID), Amanda Esparanza (VA), Wallace Gingerich (OH), Richard Gruchy (NS), Phylandria Hudson (MS), Mylo Jennings (OH), Rita Mack (OH), Glenda McDonald (ON), Tracy Mims (MS), Roxroy Reid (NM), Greta Slater (IN), Youa Yang (MN).

**Masters examination:** Jenise Comer (MO), Ellen Costilla (NM), Jason Cowart (AL), Giana Davis (MD), Trevor Gates (IL), Elaine Halsall (BC), Bianca Harper (PA), Steven Johnson (KY), Jason Lyon (RI), Sharnee Morales-Kelly (NY), Janet Neilson (AB), Lisa Pruitt-Sanders (MI), Roslyn Richardson (LA), Richard Silver (QC), Sharon Simmons (IN), Maureen Wilson (VT).

**Advanced Generalist examination:** Carol Boyd (MS), Vivian Bruno-Garcia (NY), Cynthia Ceesay (OH), Theresa Cluse-Tolar (OH), Darlene Eastridge (KY), Amelia Franck-Meyer (MN), Mel Harrington (SD), Jerry Satterwhite (AL), Jackie Shellington (LA), Amanda Speakes-Lewis (NY), Chris Walker (AL).

**Clinical examination:** Nikki Barfield (FL), Ellen Burkemper (MO), Yolanda Byrd (NC), Katrina Coleman (MO), Daniel Dierfeldt (MN), Fran Franklin (DE), Mary Ellen Glaser (CA), Alison Hadley (WA), Merri-Lee Hanson (NB), George Jacinto (AR), Michael Orihuela (MO), Kathy Outland (OR), Bynia Reed-Clark (MD), Elaine Spencer (AB), Bora Sunseri (LA), Wade Tyler (LA).
The passing score study required that all participants actually take an ASWB examination, and rate each test item as to the percentage of minimally competent social workers they believe would answer each question correctly. Their own performance and ratings were combined with other participants’ data and item statistics to arrive at a consensus recommendation for what level of performance should be considered “passing” an ASWB examination. This recommendation will be forwarded to the ASWB Board of Directors, which has the ultimate authority in setting standards on the tests.

The study is part of a process that began about two years ago with the formation of a Practice Analysis Task Force. That group was primarily responsible for the development, dissemination, and initial analysis of a North American survey of social work practice. The results of that survey—which required respondents to rate various professional tasks in terms of how often they are performed, the importance of the correct performance of these tasks, and whether knowledge of how to perform these tasks needs to be in place at entry to practice—shaped the content of the new examinations. In the months since the completion and analysis of the survey, ASWB staff and volunteers along the way have been working to reclassify test questions according to the new content requirements. The new tests are anticipated to be released in January 2011.

The examinations set to be administered next year will represent a fairly significant departure from the current ASWB tests, at least in terms of structure. This issue of association news includes an article outlining some of the biggest changes anticipated (read it by clicking here).
Social work practice may not have altered itself significantly since the last time the Association of Social Work Boards (ASWB) surveyed the profession, but some major changes are in store for the ways that ASWB organizes its tests and provides pre-test information to the public. Beginning in January 2011, social work licensing examination candidates will be taking tests that have fewer major content areas, and will have the ability to prepare for those tests by accessing the full range of literally hundreds of the Knowledge, Skills, and Abilities (KSA) statements that identify the specific competencies that may be assessed.

The actual experience of taking an ASWB examination won’t differ much between the current tests and the ones scheduled to be released in early 2011—content will still be delivered through 170 four-option multiple choice test items that cover substantially similar content to the examinations now in use. From a structural standpoint, however, the examinations will reflect a significant change: tests that were once built around 10 – 11 major content areas will be organized according to a collapsed set of 4-5 major content areas. The changes will be most apparent during exam preparation, when candidates will be focusing on fewer (albeit more broad) areas of study, and in the reports supplied to failing candidates, who will receive performance information on content areas that reflect a bigger portion of the overall examination. Currently, failing candidates receive item performance information on content areas that can contain as few as three or four test questions.

Under the new blueprints, the ASWB Bachelors examination content outline has been reduced from 11 major content areas to four: Human Development, Diversity, and Behavior in the Environment (27 percent of exam), Assessment (28 percent of exam), Direct and Indirect Practice (26 percent of exam), Professional Relationships, Values, and Ethics (19 percent of exam); the Masters examination from ten areas to four: Human Development, Diversity, and Behavior in the Environment (28 percent of exam), Assessment and Intervention Planning (24 percent of exam), Direct and Indirect Practice (21 percent of exam), Professional Relationships, Values, and Ethics (27 percent of exam); the Advanced Generalist examination from 11 content areas to five: Human Development, Diversity, and Behavior in the Environment (18 percent of exam), Micro Assessment and Planning (22 percent of exam), Micro Practice and Social Work Relationships (18 percent of exam), Macro Practice (18 percent of exam), Professional Values and
Ethics (24 percent of exam); and the Clinical examination from 11 content areas to four: Human Development, Diversity, and Behavior in the Environment (31 percent of exam), Assessment, Diagnosis, and Treatment Planning (26 percent of exam), Psychotherapy, Clinical Interventions and Case Management (25 percent of exam), Professional Values and Ethics (18 percent of exam. Current examination content outlines can be accessed on the ASWB website at www.aswb.org.

According to the final report on the ASWB Practice Analysis (due to be published later this month), actual social work content on the exams will remain relatively stable from the current tests to the new examinations, with fairly minor shifts on the Bachelors and Masters tests. More noticeable content shifts can be anticipated on the Advanced Generalist examination, which will incorporate increased macro practice content, and on the Clinical examinations, which will no longer contain items related to areas of administration and policy.

The second major change in the program will come with the public release of the entire set of Knowledge, Skills, and Abilities (KSA) statements for each ASWB examination. These lists of statements are designed to reflect the range of knowledge that may be tested within each content area of the examination, and can be the focus of individual test questions on the examinations. The availability of the entire set of KSAs does not compromise examination security, and may assist boards, educational programs and others in “demystifying” the entire examination process.

Finalized versions of all content outlines, KSA lists, and the full practice analysis report will be released to allow boards and candidates to become familiarized with the changes. Actual test forms are being developed around an “anchor” examination that is set to be reviewed at a passing score study meeting in mid-April (see related story in this issue of association news).
A new NASW effort to streamline the association’s complaint processes will create a more direct link between regulatory board revocations and professional affiliations.

License revocations will lead to automatic suspension of NASW membership

A process that the National Association of Social Workers describes as an effort to “streamline” the ways in which licensure revocations are dealt with by the Office of Ethics and Professional Review could create a more direct link between public regulatory board actions and NASW membership revocations.

According to a report in the April 2010 NASW News, the NASW National Board of Directors approved new rules that would result in the automatic suspension of NASW membership for any social worker convicted of a felony or who has their social work license revoked by a licensing board. In the past, chapters were expected to file “surrogate complaints” for review by the National Ethics Committee and the NASW National Executive Committee.

Violations that do not rise to the level of felony conviction, or do not result in licensure revocation are subject to another process that affords some opportunity for review. “When a chapter becomes aware of a substantiated criminal or social work licensure violation by a social worker member based on information available in the public domain that has resulted in an action less than a felony conviction or revocation of a social work license, the chapter will forward the information to the national office for review,” the report states. The national office in turn informs the member of the information received. The member is given 30 days to self-report—if the member fails to self-report, NASW membership will be suspended. If a self-report is filed, a review process is triggered.

For more information on the changes, contact Dawn Hobdy, manager of NASW’s Office of Ethics and Professional Review, at dhobdy@naswdc.org.
A newly-formed association of Canadian social work regulators will help the provinces share information and respond to federal issues.

Faced with an increasing awareness of the need to formalize their processes for sharing information and speaking with one voice, social work regulatory entities across Canada have formed the country’s first official national association of social work regulatory authorities. According to its organizers, the group, titled the Canadian Council of Social Work Regulators (CCSWR), will continue to collaborate with the Association of Social Work Boards as it works to create effective responses to some specifically-Canadian issues around mandated practice mobility and the validation of entry level social work competencies. “We were really clear that we didn’t want to replace ASWB and what it does,” Steering Committee member Glenda McDonald said. “In many ways, this organization is intended to function as an adjunct rather than anything that would take the place of ASWB.” All members of the CCSWR are and intend to remain members of ASWB.

The organization was created to fill what McDonald described as “kind of a void” when it came to ways for provincial regulators to respond to issues around regulation in general, and the Canadian Agreement on Internal Trade (AIT) in particular. Essentially, the AIT requires that there is full labor mobility for Registered Social Workers when they move from province to province—a concept that has not been easy to implement.

McDonald, Registrar for the Ontario College of Social Workers and Social Service Workers (OCSWSSW), said that the federal government would solicit input from provincial regulators on details of the AIT, but there was no all-encompassing structure in place that could provide that input from a national perspective. Until the creation of the CCSWR, she explained, the responsibility mostly fell on the Canadian Association of Social Workers (CASW); however, the CASW’s reach only really extends to those provinces whose regulatory authority has been delegated to the professional association. While CASW was diligent about being as inclusive as possible, the provinces that regulate by way of independent Colleges were not an official part of that group. Even though the regulators in all provinces worked together informally, it was determined that a more official body was needed.

In a letter announcing the creation of the CCSWR, the council defines its purpose as working to “provide a national structure for the provincial social work regulatory authorities, to present and pursue issues
of common concerns and interest, and to share, consider and develop positions on such matters.” The letter states that the council “wishes to collaborate with the Association of Social Work Boards as well as with the other organizations in relation to social work practice.”

The CCSWR already has some major issues to be discussed. In addition to the wrinkles that need to be worked out of the AIT, McDonald said, the council will need to focus on federal calls for the development of an “entry level competency profile” for social workers in Canada. The federal push is related to an effort to create avenues for licensing of professionals—mostly those moving into Canada from outside the country and the U.S.—whose educational backgrounds may be different than the provincial regulatory requirements. McDonald hopes that the council can demonstrate a strong link between formal social work education and social work competencies, and said that the council would be looking to the work of ASWB—and in particular, its most recent practice analysis—to help the organization create a competency profile that meets the needs of the regulators, the profession, and the government.

As with the AIT issues, the competency profile issue is not a matter of if, but when, McDonald explained—which is exactly why a group like the council is needed to steer such a project. “If we don’t do it,” she said, “someone else will be doing it for us.”
The politics of identity

“Social work is politics,” Mildred “Mit” Joyner, president-elect of the Council on Social Work Education (CSWE) said during a discussion among leaders of social work organizations at the recent Baccalaureate Program Directors (BPD) conference. “You don’t just go (to the legislature) when you want something.”

Political considerations enter into decisions and changes involving scopes of practice, accreditation, and levels of licensure, the panel members agreed. The best way to deal with “big picture” issues is a real unity in the social work profession about what matters.

Although an effort by CSWE and others to form an organization that would speak for the profession, begun in 2007 at the Wingspread conference center in Wisconsin, did not get off the ground, representatives of CSWE, BPD, and the Association of Social Work Boards (ASWB) agreed to work to take some ideas about uniting the profession to the upcoming Social Work Congress on April 22-23. They also agreed to act as an informal task force.

Those sharing ideas at BPD in Atlanta were Julia Watkins, executive director of CSWE, Donna DeAngelis, executive director of ASWB, Saundra Starks, ASWB secretary, Mike Daley, president of BPD, and a number of social work educators in the audience. Representatives of the National Association of Social Workers (NASW) were invited, but were unable to attend.

They agreed that many of the problems the profession faces are interrelated. “Until we recognize that we are one profession, we are going to have these external threats,” noted DeAngelis.

The topic of the discussion was “A Social Work Response to Credentialing of Related Service Providers,” and the immediate external pressure being felt was an application by the Council for Standards in Human Service Education...
(CSHSE) to be approved for credentialing of educational accreditation. CSHSE has applied to the Council of Higher Education Accrediting (CHEA) to become one of its internationally approved quality assurance boards, accrediting bodies and ministries of education in 175 countries. CHEA currently has more than 450 such groups, including CSWE and the American Psychological Association Committee on Accreditation. Only 63 are U.S. organizations.

The human services group currently lists 42 organizations, about 20 of them community colleges. Watkins noted that CSWE is currently recognized as the sole accrediting body for social work recognized by CHEA.

Watkins said there is no direct action to be taken to affect the approval or nonapproval, but that “there are other things we need to be doing,” all directed toward strengthening the profession of social work. “Getting more states to license BSWs would be a big step toward fighting this redundancy,” she said.

Starks noted that heightened visibility for social work remains a big element of any kind of movement to strengthen the profession, and that is in line with licensing efforts. Daley identified two sources of opposition within the profession. One is that those licensed as clinical social workers oppose bachelors licensure, in a belief that a license should be a special recognition for more education and experience, and the other is that bachelors programs with low pass rates on the licensing examination would like licensure removed or the test changed.

There was agreement that licensure of BSWs protects the most vulnerable clients, because people who are unregulated can do wrong with no recourse. Unlicensed people with social work degrees depend on personal consciences and ethics, which can put the whole profession at risk. “Human services looks like social work,” Daley said, “but they omit a serious code of ethics.”

Starks said she does not expect the trend toward licensure for BSWs to go backwards, but that “fragmentation within the profession is more of a danger.”

Gary Bachman, associate professor with the social work department at Park University in Missouri, said one way of moving toward encouraging BSW licensing rather than obtaining recognition as a “human services provider” or something similar is to work closely with community colleges. His school does that, he said. Joyner agreed—“We’re going to have to make adjustments and be more flexible so we can get people through (to a BSW degree) in four years.” Ideas including counting human services courses toward a social work degree, and encouraging community college students to be co-enrolled in order to compile social work credits more quickly.

Bachman added that “We had to reexamine the sequence of courses and do presentations in community colleges” to encourage the extra effort to enroll in social work programs. He also said that his program has faculty that aren’t licensed, and “That irks me; I don’t know how they justify it.” He said the reason often given is that faculty doesn’t feel qualified to take the Clinical exam, but don’t feel they should settle for
the more generalist Masters and the accompanying different category of licensure. It’s a matter of “different licenses for different jobs,” he said.

There was also discussion of ways to help states and programs that do not have good pass rates on the exams.

Daley said social workers need to identify with the profession, join the professional organization and become licensed. Watkins agreed that “social work must do its marketing, but we’re connected.”

Another educator in the audience, Steven Wells of the University of Oklahoma, who is a former member of the Oklahoma State Board of Licensed Social Workers, said that social workers also need to think about working with legislators. He said that during consideration of a bill that the profession wanted in his state, a state lawmaker remarked “I don’t see you social workers when I need help with day care” or other issues. “The best way for us to market ourselves is with leadership,” he said.

DeAngelis noted that while there are “interlocking scopes of practice with other professions,” and social workers may share parts of what they do with other disciplines, anything social work does to make itself a stronger profession is helpful. Licensing laws should be practice acts, not title protection, she said, and “the other crucial thing is to remove exemptions.”

She also explained that an effort is being made to make the examinations more accessible to students and educators. Detailed lists of knowledge, skills and abilities that can be on the exams are being made public, as a result of the most recent practice analysis, and will be available this spring.

Presentations on the reorganized exams will be made at the CSWE Annual Program Meeting this fall, and at BPD next year.
Occasionally, testing people, including psychometricians, gather in packs, like wolves or maybe buzzards. One of those occasions was the recent Association of Test Publishers (ATP) annual Innovations in Testing conference.

There are people for whom this might be a boring experience, but for representatives of organizations that have high-stakes exams, like ASWB, and for professionals from testing organizations, this is a chance to talk about exciting stuff that matters. And they’re talking with others who share their problems, and might even have a solution or two.

New and innovative developments that testing professional packs might want to pounce on can come from best practices established by research, from new ways of doing the many, many industry-standard tasks involved in the sound development and administration of exams, or from new technologies that might transform the field. All of this is part of psychometrics, the scientific foundation of measurement.

This year’s conference was Feb. 7 – 10 in Orlando, Fl. The program included sessions on a far-reaching assortment of topics, from innovative item types and an item analysis workshop to new standard-setting models and exam quality control procedures. There were also the ubiquitous sessions on new strategies to combat threats to exam security.

Although many of the sessions were relevant to our ongoing efforts to continually enhance the ASWB examination program, a few of the sessions were of particular significance to upcoming developments for the ASWB exams. Topics included the following:

Emergent strategies to reinforce exam security. Several of the ATP sessions focused on trends in threats to exam security and techniques for responding to these threats. ATP recently convened a Security Committee to survey its membership and report on the top security issues that test sponsors and testing services contractors are facing.

Findings reported include the major challenges faced by ATP’s membership, including intellectual property theft through unauthorized “mindshare” (such as the sale of exam content on brain dump websites and the discussion of items on online forums); and proxy testing, in which an authorized exam candidate who is having difficulty passing the exam gets a replacement test-taker to take the exam for them in their name. Two specific strategies for addressing these problems were described...
by several presenters, including test security experts from Caveon Test Security, Microsoft, and the Law School Admission Council.

The first is systematic and ongoing web monitoring for the unauthorized exposure of exam content. The second is the conduct of comprehensive exam data forensics, such as analyses of candidate item response patterns for irregular activity and the analysis of score gains on repeat attempts. Analyses of this sort can identify fraudulent exam activity by either imposters or by those seeking to steal exam content.

ASWB and our exam services contractor will reinforce and enhance ASWB’s already-extensive exam security procedures by putting in place both web monitoring and data forensics during the next contract term that starts in 2011.

Online exam development and item banking systems. Another trend discussed is the movement of test sponsors like ASWB toward secure, web-based systems for exam development and item banking. Several exam sponsors have partnered with testing services contractors to migrate their item banks to a secure web-based interface that can provide a virtual “conveyor belt” for exam development. This can create a single system for all exam development and delivery functions, in which item writers enter new items directly into the system from their own computers; editors review, revise, and comment on items; Subject Matter Experts (SMEs) conduct committee review, revision, and approval/deletion of items; approved items are banked; and finally exams are constructed from the item bank and sent on to computer testing centers, all while the items stay within the same secure web-based system.

This can increase the efficiency of exam development and delivery operations, while also eliminating some of the security risk and potential for error that can occur during transition from writer to editor, or from the exam review process to test completion. ASWB plans to work with our contractor during the next contract term to consider options for phasing in a transition to a secure web-based exam development and item banking system of this sort, always keeping exam security and quality control as the first principles that guide our exam operations.

Exam translation and validation. Experts in exam translation and validation also presented at ATP on the challenges and considerations implicit in the development of exams that will be developed in multiple languages. The point was emphasized that translation and back translation (in which an exam that has been translated into a second language is then translated back into the first language, in order for the two versions of the exam in the original language to be compared) are not enough to ensure the validity of the exam in the second language. There is a need for an exam validation process for the exam in the second language that is similar to the manner in which items and exams are reviewed by committees of SMEs for the exam in the first language.

This helps ensure that the language used for items in the new version of the exam has, like the language used for the first exam, been carefully crafted to present items that are accurate and valid measurements of the content to be assessed (and, for a licensure exam, critical to practice), and that the language is free of bias. As an international association that
includes jurisdictions in which English is not the official language (or the only official language), these lessons could be important to ASWB if and when we construct exams for delivery in a second language.

The profession of testing remains a dynamic and vibrant industry, and ATP reminds us each year why it is that we cannot ever get complacent about our commitment to developing and delivering exams that are valid and reliable measurements of the knowledge, skills and abilities necessary for entry into the profession of social work. ASWB will continue to reflect on new developments in the field and on the future course we must chart for our exam program.
Lucy, Ethel, and a great supporting cast

It’s somewhere around 4 p.m. on Wednesday, March 17, at a hotel in Atlanta, Ga. In a big exhibit hall people scurry about readying their booths and materials for what they hope will be a huge influx of visitors beginning at 7 p.m., the opening reception for the National Association of Baccalaureate Program Directors (BPD) 2010 conference.

A small sign identifies Booth 206 as belonging to the Association of Social Work Boards. The space is filled with a couple of tables, some chairs and high stools, an odd-looking black, cylindrical container, and some other boxes. One is a very large flat gray slab of a box, and they are all lying there unopened.

And so we enter, a bit frazzled and carrying BPD bags, Executive Director Donna DeAngelis and myself. Just off our flight from Virginia, we are well aware of the deadline for setup, theoretically 5 p.m. We begin ripping into boxes, going into what I describe as “Lucy and Ethel set up a display booth” mode (remember Lucy and Ethel hanging wallpaper?)

Actually it’s a scene repeated by staff members of ASWB a half dozen or more times a year, so far in 2010 Troy Elliott at the National Association of Social Workers Virginia Chapter conference in Williamsburg, Va., and by LaTonya Bannister at the National Association of Black Social Workers in Philadelphia. We erect the royal blue exhibit, precariously heft it onto a table, and teeter on chairs and tables to get the lights and the banner into place. Velcro holds the exhibit artwork in place, and then comes the task of laying out all the publications.

Practice analysis reports, newsletters, the Candidate Handbook, fliers on everything from the Approved Continuing Education (ACE)
program to the Social Work Registry to the examination question writers program, are put in place on the tables. There are Website cards, brochures listing member boards and contact information, and a recently printed article from a journal on the reliability of the exams.

Once our (not so much) dynamic duo is done, we add the pièce de résistance, a couple of bowls of chocolate that we hope will entice visitors. Although the project has taken well past the deadline, no one has thrown us out, and we can go up to our rooms to tidy up before we are on duty for the reception.

The reception, in fact, draws lots of visitors, features some good food items, and brings some familiar faces. Before the conference is over, ASWB-connected visitors who also have a foot or two in the academic world will include Carol Boyd, Connie Kledaras, and Steve Marson, all Exam Committee faithful (and in Steve’s case, always good for [often extensive] help with the booth); people now on boards or with a history of committee service or exam question writing—former Director at Large Bill Anderson, Emma Lucas-Darby, Charles Zastrow, Andrew Marks, Dale Smith, Linda Grobman, Bob Vernon and others—and there is no shortage of volunteer staffing. On hand are President Amanda Randall and Secretary Saundra Starks, ready to sell study guides or discuss the merits of removing licensure exemptions.

It’s best to draw a curtain over an evening that goes late, and move on to Thursday, to a morning that starts early. The exhibit hall opens at 8 a.m.; not many people are there then, but things pick up just before and after the sessions, which are large in number and on interesting topics from liability issues in supervision to social work and labor studies. The theme this year is “Promoting a Culture of Social Justice: Social Work and Social Change.” It has brought out hundreds of baccalaureate educators from all over, as well as many students from Atlanta’s impressive list of colleges and universities.

Friday evolves in much the same way, with staff and officers relieving each other for lunches, or to provide time to take in particularly interesting sessions. Hours go to 5 p.m.; Saturday dawns with another 8 a.m. opening time, but even fewer people are there to see it.

As the closing hour of noon approaches, the booth has to be dismantled and stowed in its boxes to be shipped home, but this time Lucy and Ethel have help from Steve, who does the heavy lifting. Stacks of publications have been pressed upon collectors, a few study guides have new owners, and the candy is considerably depleted. Everything
is labeled for shipping, and hotel people are prevailed on to take charge of it.

And that’s it—until Sunday morning, when DeAngelis and Starks are both on a panel (presenting at 8:15 a.m., of course) on “A Social Work Response to Credentialing of Related Service Providers.” Then it’s time to go to the airport, with high hopes that all questions were answered adequately and the right information has gone to the right places—and that someday Fed-Ex will bring the boxes home.
Rule To Show Cause Ruled Not To Show Cause

By DALE ATKINSON, partner, ATKINSON & ATKINSON

ASWB New Board Member Training and other educational programming attendees often ask about the rights and obligations of the board to enforce final administrative orders imposed on practitioners. As is always emphasized, properly drafted final orders are essential to the enforcement of any sanctions and the protection of the consuming public. The elements of a final order generally should include:

• findings of fact,
• conclusions of law,
• burden of proof,
• sanction(s)—be specific,
• reinstatement rights (if any)—be specific,
• publicity (the fact the order will be publicized and reported to HIPDB and DARS), and
• the right to appeal.

Unfortunately, many disciplined licensees either refuse to or do not fully comply with the requirements and sanctions imposed in a duly issued final regulatory board order. As a result, questions arise as to the authority of the board to impose additional sanctions upon an already disciplined licensee who is not complying with that previous board order. The implications of imposing additional sanctions for noncompliance with an order can create interesting legal issues that must be considered to ensure enforceability. Consider the following.

In December 1999, a psychologist licensed to practice since 1995 was appointed by a judge presiding over a contentious domestic relations proceeding to conduct a parental evaluation of the parties in that case. The couple was divorced in February 1999 with the mother being awarded sole custody of the two minor children because the father was considered a habitual perpetrator of domestic violence. The father was awarded periods of visitation and had instituted contempt proceedings against the mother alleging she had wrongfully denied him visitation. The psychologist performed an evaluation and submitted her report to the judge in April 2000. The evaluation was critical of the mother and recommended that the parents have joint legal custody of the children and that the father have increased visitation.
The judge issued an order finding the mother in contempt and, based upon the evaluation, adopted the recommendations of the psychologist in awarding joint custody and increased visitation with the father. A few months later, the psychologist and the father began having a personal and sexual relationship. The mother filed a complaint with the Idaho State Board of Psychologist Examiners and the board commenced disciplinary proceedings against the psychologist in May 2003.

The administrative proceedings were held before a hearing officer who recommended findings regarding the licensee’s personal relationship with the father. In April 2005, the board adopted the recommended findings and concluded that the licensee’s actions violated multiple sections of the Idaho practice act, as well as ethical principles of the American Psychological Association’s Code of Conduct. Based on these findings, the board suspended the psychologist’s license for a period of five years and ordered her to pay administrative prosecution costs and attorney’s fees ($17,556.61) and a fine ($1,000) within 90 days. The order also added that the psychologist’s license could be reinstated after three years if she paid the fine and costs on time and complied with other listed conditions.

Four months later, in August 2005, the board issued a “rule to show cause”—basically, a call for the psychologist to explain to a hearing officer why action should not be taken—alleging that the licensee had failed to pay the fine and costs within the 90 day prescribed period and that failure to comply with the board order constituted grounds for additional discipline. The next month, September 2005, the board issued an amended rule to show cause that realleged the failure to pay the costs on time and also added an allegation that the psychologist continued to practice psychology without a license after the suspension order issued by the board in April 2005.

The amended rule to show cause was heard by a hearing officer who found that the licensee failed to pay the fine and costs imposed by the board order and continued to practice psychology after her license was suspended. In April 2006, the board adopted the findings of the hearing officer and found that the failure to pay the costs and fine and continued practice of psychology constituted a “violation of the Final Order dated April 22, 2005.” The board concluded that such violations constituted grounds for additional discipline against her license. The board suspended her license for a period of five years from the date of the “new” April 2006 order, now a full year after the date of the initial final order.

In May 2006, the licensee filed a petition for judicial review of both the April 2005 and April 2006 orders. The District Court ruled that the licensee failed to timely seek judicial review of the 2005 order and, thus, the court had no jurisdiction to hear the matter. Regarding the April 2006 order, the court affirmed the board findings on the grounds that the board was authorized to impose the additional sanctions. The licensee appealed the District Court’s holdings to the Supreme Court.

On appeal, the Supreme Court first addressed the issues related to the April 2005 board order. In response to the lower court’s finding that
the appeal was not made in a timely way, the licensee argued that the two orders were inextricably tied to one another and that the board ruling in April 2006 renewed the licensee’s right to appeal the 2005 order as well. The Supreme Court rejected this argument, stating that the licensee cited no legal authority in support of this position in her appeal brief. Further, the court rejected the authority cited by the licensee in her brief filed in response to the positions argued by the board finding that the court “will not consider arguments raised for the first time in the [licensee’s] reply brief.” Thus, the Supreme Court affirmed the lower court with regard to the April 2005 board order.

Turning its attention to the April 2006 board order, the issue was phrased as whether the board has the authority to discipline a licensee for not following the board’s previous order. In its analysis of this overarching issue, the court focused on whether the licensee was charged with violating the April 2005 board order or was charged with violating the Idaho statute which holds that the practice of psychology without a license is a misdemeanor offense.

The court noted that a “rule to show cause” is not mentioned in either the Idaho Administrative Procedures Act (APA) or in the board rules. The court stated that although the board filings state that it was proceeding under the APA and board rules, “the Board apparently failed to read those rules before issuing its orders to show cause.” Under applicable rules, a proceeding charging the violation of a statute constitutes a “complaint” and that such complaint must “refer to the statutes, rules or other controlling law involved.” The amended rule to show cause filed by the board alleged both the failure to pay the fine and costs, but also alleged the unlicensed practice of psychology by the licensee. As emphasized by the court, there was no allegation in the amended rule to show cause that the licensee violated the statute requiring licensure as a prerequisite to practice.

Indeed, the findings of the hearing officer that were adopted by the board held that current action was not a contempt proceeding but rather “an enforcement action for further disciplinary sanctions for noncompliance with the [April 2005] Final Order.” Further, all proceedings under the 2006 action were filed under the same board case number as the 2005 order. But, rather than merely imposing the additional two years of suspension possible under the 2005 order, the board imposed a “new” five year suspension from the date of the 2006 order. Under these facts, the Supreme Court now phrased the issue as whether the board has the authority to impose a new sanction for violating its prior order.

Citing the practice act which created and empowered the board, the court held that no provision of the statute or rules authorizes “additional disciplinary action” for violating an order issued by the board. Accordingly, the court held in favor of the licensee and reversed the lower court findings related to the 2006 board order.

Finally, because both parties were unsuccessful on respective issues, the court held that neither the licensee nor board were a prevailing party as defined and denied both parties’ request for an award of attorney’s fees.
Boards of social work are encouraged to anticipate noncompliance with board orders and contemplate the consequences of such noncompliance. To the extent possible, final orders should address these contingencies and provide guidance to future boards as well as the impacted licensee. Finally, social work boards are encouraged to use the ASWB Model Act as a resource. Specifically, Article IV, section 401(a)(11) may have assisted a board under these circumstances. Look it up!

_Wright v. Board of Psychological Examiners, 224 P. 3d 1131 (ID 2010)_

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

BRAD SHEAFOR, past member of the Examination Committee, was announced as this year’s recipient of the Distinguished Faculty Award from the Colorado State University. In 1974, he became director of the emerging social work program at Colorado State University and has been a professor in social work since. BRAD is also a well-known textbook author, and just an all-around good guy. Congratulations, BRAD.

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MARCIA HEITZ from Illinois has sent her regrets about attending the Spring Education Meeting. Her youngest child, ASHLEY, has been chosen as the scholar of the year for her college and will have a special ceremony on May 14—followed by graduation on May 15, and then a graduation party the next day. Unfortunately, pretty much the dates of the association meeting.

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The Approved Continuing Education (ACE) Committee met in Culpeper March 5 – 7, and some kind of award for devotion to duty should go to the chair, ELAINE HALSALL of British Columbia. ELAINE took the red-eye, got into Dulles at about 6 a.m., and then drove to Culpeper for the long meeting.

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Another voice from the association’s past—COLLEEN PATRICK-RILEY of Alaska called, looking for contact information for former Georgia delegate JULIUS (BOO) HORNSTEIN. COLLEEN was going to Florida to present at a conference, and planned to do some visiting in the south while she was there. Savannah, home to BOO, was a bit out of the way, but she said she’d always wanted to go there and was hoping to get tourist info from a native. Certainly, he’s a qualified guide; he has written a book about Savannah jazz and led a walking tour for ASWB when the state hosted the 2002 Annual Meeting there.

And BOO’s professional excellence has been recognized. The Clinical Social Work Association in Savannah, along with the University of Georgia School of Social Work, held “The Julius Hornstein 24th Annual Professional Conference” on “Challenges on the Home Front for Soldiers and Their Families.”

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The Exam Committee seems to catch people at family-development time. Co-Chair BYNIA REED-CLARK is expecting, but figures she can fit in her baby’s arrival between meetings. How’s that for devotion
to duty (or sheer will power)? She assured everyone that the baby had already signed a confidentiality form, since he or she will be present in the committee meeting.

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It’s proven again—the fact that when there is a natural disaster of some kind around the U.S., it will become more real for those in ASWB because they know will be in the middle of it. When Rhode Island was hit by horrendous flooding at the end of March, Item Development Consultant DAN WHEELAN of Narragansett gave a pretty descriptive account. He said that the waters were threatening his wife GRACE’s upholstery shop, and that water was up to the windowsills on a house across the road. The village was roadblocked and everyone had been warned to get home early because parts of I-95 were probably going to be closed.

The swamp across from their house, which is very close to the ocean, was almost level with the sidewalk, he emailed, but “We’re lucky there’s a downhill grade toward the ocean because it has been like an escape valve.” A small creek that actually passes through a neighbor’s garage had filled up the garage and blown out the doors, and carried the lawn furniture away down the hill to the ocean.

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ELIZABETH CLARK, executive director of the National Association of Social Workers (NASW), had a letter published in the April 5 issue of Newsweek in response to the magazine’s story on children and obesity. Wrote CLARK, “Michelle Obama is correct when she says that kids don’t make themselves obese. We would suggest that most families don’t either. The scourge of childhood obesity falls disproportionately on children in poverty, who often live in neighborhoods lacking full-service supermarkets and safe recreational opportunities.” She suggested that a move in the right direction to being able to hold families responsible for making the right food choices for health is “by giving them the means to do so.”

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During the March exam committee meeting, consultant ANN MCALLISTER’s second granddaughter, MOLLIE CLAIRE KORT, arrived early—it surprised everyone that ANN didn’t immediately pick up and rush back to North Carolina to daughter ADRIENNE’s side. DAN SHEEHAN, ASWB’s IT manager, was at the meeting and came to her rescue so that she at least had the earliest photos.

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RICHARD SHELSON of Alberta, past chair of the exam committee and a sometime exam form reviewer, said at the last committee meeting that he has retired. He is doing some part time private practice.