



TMI, all over the place

*Hey clients,
want to find
out where your
social worker
partied last
night?*

There's a social worker—let's call her Mary—who is an LCSW in Oregon. Mary has been divorced and is now remarried. Her estranged father died of cancer in Spain, and she was able to see him near the time of his death. Visitors to Mary's Facebook site can see pictures of her recent holiday dinner with other named people, and visitors to her blog can pore over her entire biography, including accounts of her awkward time in middle school, her past romantic interests, and the spiritual journey she has taken over the years. Elsewhere, people interested in Mary can peruse photos of her rather extensive tattoos.

And then there's another social worker—Carol, let's say—who is in an advanced standing MSW program in Salem, Massachusetts, and an employee at a mental health agency. Carol enjoys posting pictures on her open Twitter account using Instagram. Posts over the last month or two include snapshots of Carol enjoying a hookah with a friend, engaging playfully in a hand gesture that does *not* mean “we're number one,” and lounging on the beach in a bikini. One Twitter post shared an anecdote about a lewd comment she received while “walking into the office” and how the person who said it didn't know the half of it. Carol, as it turns out, is also a tattoo enthusiast who is happy to share the work she's had done.

But let's not forget “Katie,” a social worker in Washington who, in addition to her agency work, finds time to author a blog in which she shares with the world her personal struggles, including her conflicts around a recent job change, saying goodbye to her clients, and a budding romance with a handsome young man whose full name is [redacted] (we know he's handsome because photos of him are included in Katie's Facebook profile).

Hypotheticals? Hardly. Though the names have been changed, there is probably no real need to do so: the three social workers described above are real people who share either their entire real names through Facebook, Twitter, and other social media sites, or share enough identifying information for anyone to easily piece together who they are. Their personal and professional lives exist in the same cyberspace, and connecting the two is pretty easy to do. In fact, anyone—like, say, a client—could simply type in a social worker's name, and receive several links to personal blogs, Facebook and MySpace pages, and Twitter accounts. From there, it's just a matter of pointing and clicking until every personal detail ever posted has been accessed.

Attendees to the 2012 ASWB Spring Education Meeting set for April 26-29 in Lexington, KY, are sure to hear plenty about the dangers

and ethical challenges of all things “e.” From discussions of ethical considerations led by preeminent social work ethicist Frederic Reamer, to panel discussions on how boards make use of the Internet, there are bound to be many opportunities to learn about the dangers, consider the ramifications, and ponder possible approaches to professional regulation in the Internet age. Meanwhile, Mary will be posting more insights into her personal spirituality, Katie will be publicly mulling over her possible regrets about her new job and new clients, and Carol will be sharing pics of her latest tat.

While it is not unusual for regulatory boards to lag behind in responding to changes in a profession, the sheer speed with which the Internet has shifted our culture has left regulation in the dust. And although many boards are working to catch up, there’s a lot of ground to cover. For instance, even now, not all boards have rules or regulations regarding the delivery of social work services over the Internet. Those who do (as well as ASWB’s Model Social Work Practice Act) tend to stipulate that the social worker must be licensed in the jurisdiction in which a client receives services, with a few jurisdictions such as New York and New Hampshire requiring social workers in their states to be licensed in these “home” states as well, even if all services are being provided remotely beyond state lines.

But Technology Years, like Dog Years, tend to accrue in multiples of calendar years, and those provisions seem so...2001. While they respond to the model of social workers working with clients remotely, they tend to say little about standards of conduct relative to other important facets of social work practice used in conjunction with technologies. A few states such as Delaware make it clear to licensees that they need to “exercise careful judgment and take responsible steps” to ensure that they are employing competent practice via technology, but for the most part, detailed guidelines are few and far between. This is hardly surprising: even the National Association of Social Workers (NASW) and ASWB, joint publishers of the first and only guidelines for the use of technology in social work, have not revised the document since its debut in 2005.

In the meantime, enter Web 2.0. The rise of social media has altered a landscape that didn’t seem that stable to begin with by providing a means for everyone to essentially be their own website, and connect to other person-websites. The change that came with the adoption of Facebook and Twitter has made email passé for many younger technology users, and has altered the ways in which people begin their searches for information (increasingly going to social media sites first to find out what appliance to buy, which movie to see, or which hotel to book). Even computer manufacturers are witnessing the effects, as users find it less and less necessary to haul around a laptop when almost everything they need can be handled by a tablet, or even a phone that they can take anywhere. Sharing the intimate details of one’s life with the entire world has never been easier.

While the new technologies may not dramatically affect the basic tenets around where practice occurs and who should or should not be

licensed, what social media has done is to open up an almost dizzying number of ways in which a professional can violate confidentiality, cross boundaries, or inadvertently damage the social worker/client relationship. The World Wide Web is just that—a web. Any entry point can get you to any other point. Googling your social worker’s name can lead you to your social worker’s professional agency website, but a few more clicks can also take you to a post from your social worker on their “crazy clients”, or pictures of your social worker partying hard at a local bar.

The National Council of State Boards of Nursing (NCSBN) has taken a lead in responding to this challenge. Last year, NCSBN published a booklet titled “A Nurse’s Guide to the Use of Social Media,” which outlines the dangers of inappropriate use, and focuses on the potential for the disclosure of confidential patient information. In addition, NCSBN produced a short video on the subject, which can be accessed on YouTube (<http://www.youtube.com/watch?v=i9FBEiZRnmo>). Both resources are careful to avoid recommending a complete ban on a nurse’s use of these technologies, with the booklet stating that nurses “are welcome to use social media in their personal lives,” but that “it is imperative not to mention patients by name or provide any information or details that could possibly identify them in order to protect patients’ right to privacy.”

The NCSBN offerings emphasize the danger of what seems to be a widespread assumption—that various social media posts are accessible only by those who have been “allowed” to view the communications. The reality is that, while limited “privacy” controls are possible, their use is far from widespread, and they aren’t all that effective to begin with. Simple attempts to establish privacy, such as the use of an alias onscreen name or identity, can be easily gotten around by puzzling together the various details often included in informational pages—educational background, home town, interests and organizational affiliations listed, etc. The result, as stated in the NCSBN document, is that social media can “blur the line between one’s personal and professional lives.”

It isn’t that the technology is inherently destructive. The legitimate educational and professional opportunities afforded by social media are huge, and many social workers are using these technologies responsibly. A quick review of the #socialwork hashtag on Twitter will yield post after post of valuable information on practice standards, research, social and political movements, and a host of other issues relevant to competent, ethical practice, and many are shared by social workers who use their actual names. Googling *these* social workers—people such as *The New Social Worker*’s Linda Grobman or NYU social work professor Gary Holden—reveals online information that tends to hew to a very clear professional profile. In other words, no blog rants about irritating clients, and no pictures of the good time had last night.

As for social work regulatory boards, it would seem that the storm around the use of social media by licensees may still be gathering. In preparation for a presentation at the upcoming ASWB Spring Education Meeting, Quebec board attorney Richard Silver posted a

question to other board administrators regarding laws and regulations around internet use by licensees in general, and the use of social media in particular. Of the administrators that responded, only one referred to a complaint that had been filed related to inappropriate use of these technologies.

But administrators know that the current quiet probably won't last. As stated by New York administrator David Hamilton in his response to Silver's question, "with the boundary violations typical of social work, it may not be long before we have one or more complaint." If a complaint is received, chances are good the subject of the complaint, and maybe even the violation itself, won't be hard to find. Just fire up your Blackberry.



Lexington prediction: plenty of rein

Horses in general and Keeneland in particular will figure prominently into the off-hours at the ASWB Spring Meeting, but don't miss out on lots of other stuff to do.

Okay, so let's say you're home to the NCAA champion men's basketball team, host to what could arguably be called one of the most beautiful horseracing tracks in the world, and surrounded by serene rolling hills. That's pretty much all it would take to be a place worth visiting, right? But wait: there's more to Lexington, KY, and it has nothing to do with thundering hooves OR squeaky shoes.

Attendees to the 2012 Spring Education Meeting in Lexington, April 26-29 will of course get a chance to visit the famous Keeneland Racetrack, and it's likely nobody in the city will allow them to forget who exactly is number one when it comes to hoops, but visitors should also take some time to explore the rest of what the city has to offer. It's a beautiful, mid-size city with lots of parks and other walkable areas, plenty of cultural events and shopping opportunities, and great restaurants. And the weather in late April in Lexington? Average highs in the mid to upper-60s. Perfect.

As it happens, ASWB attendees will also be in town when a few travelling events and concerts will be around, including a one-of-a-kind mosaic exhibition and an opportunity to listen to a version of *Dark Side of the Moon* without headphones in your dorm room while staring at a blacklight poster.

Adventurous types will find that Lexington's alternative weekly newspaper is a good place to start if you're searching for things to do and places to eat. Check it out here: <http://www.aceweekly.com/> But if you're looking for more direct inspiration, here's a brief list of some places and happenings in Lexington.

- **The Arboretum.** Let the Kentucky breeze blow off that confereency smell by strolling through the 100+ acres of well-tended natural area right in Lexington. Founded jointly by the University of Kentucky and Lexington, the Arboretum has been named the State Botanical Garden of Kentucky. http://www.ca.uky.edu/arboretum/about_arboretum.php
- **Ashland.** Oh sure everybody THINKS they're a total Henry Clay expert, but how can you really make that boast until you've visited Ashland, Clay's wonderfully preserved estate in Lexington? Don't get all Compromise-of-1850 up in here until you can say you've seen the place where the man himself got Whiggy with it. Janice James, Kenucky board member and ASWB Education Committee chair, highly recommends it because the man is her hero. <http://www.henryclay.org/>

- **Lexington Opera House.** Talk about being at the right place at the right time. Thursday, April 26th the Opera House hosts Black Jacket Symphony, a band that does live recreations of entire classic record albums. This performance? Pink Floyd’s *Dark Side of the Moon*. Next up—the 27th – 29th features Midtown Men, the singing group featured in *The Jersey Boys*, doing a tribute to the music of the 1960s (Beatles, Beach Boys, Motown, you get the idea). <http://www.lexingtonoperahouse.com/events/index.php>
- **Bluegrass Food Bash.** Trendy types know that food trucks are a good source of delicious food. Hungry people know that trendy types are irritating but occasionally correct. Help food truck-supporting Lexingtonians make a statement on Friday, April 27 and Saturday April 28 by patronizing the food truck gathering that will be happening at the corner of Main and Vine. <http://plancast.com/p/awqr/bluegrass-food-blast>
- **Headley-Whitney Museum.** A one-of-a-kind art museum that features an extraordinary dollhouse complete with handpainted miniature oil paintings, as well as a jewel room and “shell grotto.” Current exhibitions include an invitational jewel show and display of contemporary Chinese scroll painting. <http://www.headley-whitney.org/index.html>
- **Lexington Center Gallery.** Last chance to see an international exhibit of mosaic arts. Stuff you’ll never see anywhere else all in one place, but never in one piece. http://www.lexingtoncenter.com/events/2012/20120227_mosaicArtsInternational.php
- **Farish Theatre, Lexington Public Library.** Blues? In a library? You got a problem with that? Didn’t think so. Tee Dee Young plays a re-vamped theater on Saturday, April 28th. <http://www.lexpublib.org/news/farish-theater-grand-opening>
- **Festival of Choirs.** The Godfathers of Solfege – The Lexington Singers in a free concert at the Shiloh Baptist Church, Saturday April 28th. <http://www.lexsing.org/calendar/>
- **Eric Church.** Despite the name, a decidedly secular country singer on his “Blood Sweat and Beers” Tour. Tip: only one of these three liquids will be available for purchase at the concert. Rupp Arena, Friday, April 27th. <http://www.rupparena.com/>
- **Baroque Splendor.** April 27th-- Lexington Philharmonic does Vivaldi and Bach, boldly competes with Eric Church’s “Blood Sweat and Beers” concert for audience share. Unfortunately you can’t be two places at once, so you’re gonna have to choose. <http://www.lexphil.org/classics-series.php>



Learning about learning

E-learning is not only here to stay, but it may be more effective than traditional methods.

By Alison MacDonald,
RSW, Ph.D.

Over the past several years the ASWB Approved Continuing Education (ACE) Committee has worked to establish best practices for reviewing programs and providers offering continuing education to social workers. We have a program we can all be proud of, which is reflected in comments from providers after they have been through the application process when they note how they refined their activities based on the application requirements. Providers are held to these standards through both the renewal process and course audits.

Now that the system has been in place for some time we have an opportunity to look at some of the requirements in more detail. One example of this is the requirements with regard to e-learning. Currently, providers of e-learning programs are required to utilize a post-test, while those offering face-to-face courses are not.

Further, several jurisdictions limit the amount of learning that licensees or registrants can count toward renewal through on-line formats. However, this limitation is not supported by the literature.

A review of over 250 recent (2005-11) articles on continuing education was conducted in 2011. Of these, 15 dealt specifically with e-learning, and several others addressed it within broader content. The findings in most cases suggest that there is little reason to differentiate between on-line learning and classroom learning per se. Rather, researchers have identified the approach to learning as more relevant. Lecture-based learning, whether it be face-to-face in a classroom or reading from a computer screen, is generally found to be of little effect in increasing participant knowledge over time. Various studies suggest that anywhere between 20 percent and 80 percent of this type of learning is lost within the first 30 days.

On a more positive note, there is other research that helps us to understand what does work. One of the key features is repetition over time to reinforce learning. Another is interactive learning (learner engagement) with opportunities to question the instructor and the material as well as to engage with other learners in the process. In all types of learning, opportunities to use the information in a real context soon after the information is delivered has a positive effect. All of these can be achieved through on-line learning.

There are other benefits to on-line learning as well, such as flexibility in scheduling, cost effectiveness, and accessibility for people living away from cities where most face-to-face learning is offered. E-learning

Opinion

can also offer a built-in connection between the participants to facilitate “communities of practice”, which may help to reinforce learning over time.

Overall, the research suggests that learning is best achieved under the following conditions:

- interactive teaching approach
- integrated into daily work including opportunities for reflection on practice
- sequenced events to reinforce learning
- based on learner-identified needs
- employing multiple strategies
- incorporating regular feedback/mentoring
- allowing flexibility to meet learner needs
- offering reward/recognition for effort

It is also important to note that continuing education providers are not likely to offer programs utilizing many of these “best practices” if we continue to recognize lectures and reading as the norm. It is much easier and cheaper to simply provide information. As the people responsible for setting standards for our profession, it will likely be up to us to “raise the bar.”

Alison MacDonald is Associate Registrar of the Alberta College of Social Workers. She serves on the ASWB Board of Directors, and is board liaison to the ASWB Approved Continuing Education (ACE) Committee. A bibliography relevant to this article is available by emailing info@aswb.org.



Rhyme or Reason...or all of the above

Ideas presented at the Association of Test Publishers Conference help to guide ASWB's exam development efforts.

**By Chuck Friedman, PhD
ASWB Examination
Program Manager**

Over 50 years ago, King Azaz the Unabridged, ruler of Dictionopolis, where words and letters are sold in the market place, and the Mathemagician, ruler of Digitopolis, banished the princesses of Rhyme and Reason. The two princesses claimed that numbers and letters were equal. The result was disharmony and discord in the Kingdom of Wisdom as told in the Norton Jester's 1961 book *The Phantom Toll Booth*. Milo, the main character, ventures on a journey in the Land of Expectations and Mountains of Ignorance.

If you have not read the book or seen the movie, I highly recommend it. There you will meet these characters as well as "Tock" the watchdog, Officer Short Shrift, the Undersecretary of Understanding, and the Duke of Definition.

Psychometricians do not sell words, letters, or numbers and but we do look for rhyme and reason with letters and numbers and apply innovation, insight and technology, and exchange ideas in our quest to enhance and improve the examination process. For ASWB's examination programs, rhyme and reason are foundations; we continue to add to our words, letters and numbers by learning about other examination programs and advances in technology to chart the future. One way to accomplish this is to meet and share ideas with others looking for harmony in the "Kingdom of Wisdom."

From the
____ Staff

Over 900 testing professionals, including two ASWB exam development staff members, participated in a four-day conference, "Innovations in Testing: Insight Happens Here," sponsored by the Association of Test Publishers in Palm Springs, CA. With over 235 speakers, no leaf was left unturned with topics ranging from test security, new item writing approaches, alternative items, standard setting, test construction, new applications of technology and more—all under one roof at the same time and same place.

We continue to learn about new practices and methods to enhance our ASWB examination program. The association has applied many lessons over the years to build a solid program and will continue to learn from others. Believe it or not, psychometricians do have a sense of humor (we have to!) and the session titles at the conference often reflect that: Harnessing Clones and Zombies to Expand Item Pools, To Catch a Cheat:- Building Fraud Detection Into Your Exams, Big Brother IS Watching, Remotely Proctored Exams in a Box, Reading the Tea Leaves: Legal Trends Impacting Testing Programs, and CAT versus DOG. So what were some of the sessions and lessons learned as ASWB looks to the future?

Test Security

Many examination programs are facing increased challenges of exam breaches and cheating. One session on test security emphasized the importance of confidentiality agreements with item writers, reviewers, and test candidates along with the need to copyright examinations. One speaker noted that every dollar used in preventing cheating will save five dollars in the event of a

security breach. The good news is that ASWB already follows many of these best practices.

Some themes addressed at a number of sessions was while the actual number of hard core cheaters is relatively small, a few smart cheaters can have a major detrimental impact on a program. More importantly, most candidates do not fully understand what cheating is. One organization has developed a video for its schools and candidates to raise the consciousness of cheating and the consequences. At ASWB, we include in our candidate handbook and in the actual test, information on confidentiality and not disclosing item content to others.

Perceptions of testing

Three organizations conducted a survey of candidate beliefs about high stakes testing. One key finding was that over 90 percent of the candidates believed that taking a practice test reduces stress and anxiety when taking the actual exam. ASWB encourages candidates to view the video of the testing center and take the ASWB online practice test. The ASWB online practice tests offered to individuals and schools mirrors the test experience in terms of test delivery, content, and timing; and can prepare candidates with a simulation experience. Social work candidates can benefit from this experience.

Expanding item pools with cloning

Cloning of items allows item developers to change only a few aspects of items that are performing well to ensure good performance on new items. This approach can improve items rather than just duplicate them, but the content must drive which items are cloned, and standardized conventions would be needed to easily identify cloned items for future evaluation. This could assist ASWB in generating items quickly for some content areas. Cloned items generally test the same content and would be enemies so they would not appear on the same form.

Subject Matter Experts (SMEs): How to get what you want and when you want it.

ASWB relies on SMEs throughout the item and exam development process. This session reviewed standards and best practices of using subject matter experts in exam development. Some of the best practices are that SMEs should always understand the goals and purpose of their work, be cautiously monitored and sign up-to-date confidentiality agreements. A number of groups are using virtual meetings (Internet-based meetings) to supplement work and reduce costs. Satisfaction surveys can be helpful in the future workshops and feedback is important to encourage continued SME activity.

ASWB already uses many of these practices in working with SME volunteers through the exam program. Confidentiality agreements are signed. We offer CE credits to SMEs who work on exam development, review the goals and purpose of each task carefully before each activity, and staff is always present to support the SMEs. Before the next meeting we give prescriptive feedback on their goals and which ones were met. Because of the professional camaraderie, confidentiality, and the nature of the work, virtual meetings are not on ASWB's agenda for exam development in the near future.

In the final keynote of the conference, two eminent testing professionals discussed the advances and challenges in credentialing. One graph charted changes in testing practice from 1950-2012. While change was steady through 1998, the curve dramatically increased in the last 14 years. The trend will continue and ASWB will continue to monitor trends and make changes to ensure that our examination program meets or exceeds "current" standards. Twenty years ago, test security was rarely a threat to exam validity; today it is

one of the biggest threats to examinations. Providing diagnostic information to candidates has ranged from too little information, to too much misinformation. ASWB provides information in broad content areas that can be used by candidates who have failed the examination.

Like The Phantom Toll Booth, for ASWB, “So many things are possible just as long as you don’t know they’re impossible.” And as the Duke of Definitions suggested: “Perhaps you’d care for a synonym bun.”



Getting to the meet of the matter

ASWB staff and volunteers are off to a busy year of getting the word out on licensure and the examinations.

From good old fashioned one-to-one conversations, to email blasts and Facebook posts, the Association of Social Work Boards (ASWB) is using just about every resource at its disposal to get the word out about licensure and the examinations. And although blimps and skywriting are currently not on the list of potential messaging venues...well, let's just put it this way: it's still early in the year.

The expanded outreach efforts are being made as part of ASWB's fulfillment of its strategic plan, developed in 2010, which challenges the association to increase its profile and reach. The hope is that by strengthening ASWB's presence as a "brand," social workers and the public will gain a better understanding of the importance of regulation, and the roles regulatory boards play in public protection.

Though last year saw an increase in outreach efforts, 2012 is on pace to do even more. By mid-April of this year, staff and volunteers for ASWB had attended or presented (or both) at over a dozen meetings and conferences, ranging from individual social work regulatory board meetings, to gatherings focused on testing, to a social work conference held in South Korea. The in-person efforts are supported by an ASWB online presence that continues to grow, with over 1200 Facebook followers and nearly 250 Twitter subscribers.

The association now uses two booths to accommodate the sometimes-overlapping meetings it attends as an exhibitor. So far this year, ASWB's booth and materials could be found at National Association of Social Workers (NASW) chapter meetings in Maryland and Michigan, the annual meeting of the Baccalaureate Social Work Program Directors (BPD), and the National Association of Black Social Workers (NABSW) conference. Still ahead are booths at the NASW New Jersey conference, the NASW national conference, and the Council on Social Work Education's (CSWE) Annual Program Meeting.

The ASWB presence at the BPD and NABSW meetings were accompanied by session presentations. Association President Pat Heard, Secretary Jenise Comer, and ASWB Examination Committee member (and former ASWB Secretary) Saundra Starks presented on licensure and the examinations at NABSW, while ASWB Executive Director Donna DeAngelis, Director of Board Services Dwight Hymans, and former Examination Committee co-chair Steve Marson presented information

on test development and performance at the most recent BPD conference. DeAngelis was also asked to present information on the examinations to the annual meeting of the National Association of Deans and Directors of Schools of Social Work (NADD), as well as to faculty of Wayne State University in Michigan. This month, DeAngelis presented licensure information at the NASW chapter leadership meeting, and as mentioned in the last issue of *association news*, she began the year by traveling to Seoul, South Korea, to speak on the development of social work regulation from an international perspective.

Hymans, who visited nine member boards in 2011, is set to attend a meeting of the Maryland board, and is scheduled to visit board meetings in New Jersey and North Dakota, with two more states considering requesting a visit. During these member board visits, Hymans provides background on ASWB programs and services, as well as any specific information on social work regulation requested by the boards (boards interested in having Hymans attend a meeting should contact him directly at dhymans@aswb.org). In addition, Hymans serves on the CSWE Commission on Educational Policy now developing curriculum standards for social work programs, and participates in the US Health Resources and Services Administration (HRSA) panel looking at integrating data on the healthcare workforce.

Efforts to strengthen connections with social work regulators beyond the US and Canada will continue in-person when DeAngelis, Heard, and ASWB Past President Amanda Randall attend the International Federation of Social Workers World Conference in Stockholm, Sweden this summer. The association has also established an email group for international regulators, and members of this group also receive the ASWB newsletter.

The association's involvement extends beyond the social work community, with ASWB staff involved in conference program development for the Council on Licensure, Enforcement, and Regulation as well as the Association of Test Publishers. Representatives from ASWB staff or member boards are also regular presenters or facilitators at the annual meeting of the Federation of Associations of Regulatory Boards (FARB).

Part of the reason for the emphasis on personal contact has to do with research ASWB conducted as it prepared for the strategic planning exercise that inspired the expanded outreach efforts. Surveys of member boards indicated that in-person exchanges—whether via New Board Member Training, board visits, ASWB meetings, or attendance at other conferences—really seem to have the most lasting impact, and create the most significant connections between individuals and the organization. Similarly, a physical ASWB presence at meetings such as NASW chapter conferences helps social workers to understand the

reality of regulation, and the willingness of ASWB to connect with them to answer questions and “demystify” the entire process.

At the same time, ASWB continues its foray into social media, and has seen its follow numbers steadily growing since its Facebook and Twitter presence was established last year. The association’s reach is helped by the fact that many of ASWB’s subscribers are other organizations or educational programs that are themselves followed by larger groups, allowing for the possibility of even wider dissemination of information.

And if, after careful evaluation, all that in-person and online effort doesn’t seem to be paying off, look for Dwight Hymans circling overhead in a smoking biplane. Dude can rock a scarf and pair of goggles.



Regulatory Happenings

By Dwight Hymans
ASWB Director of
Board Services

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

Arizona (the Grand Canyon State). Starting March 1, 2012 the Board of Behavioral Health Examiners will begin stricter enforcement of clinical supervisor training in compliance with standards set forth in their regulations (A.A.C. R4-6-212). The standards require completion of 12 clock hours of training before a supervisor begins providing supervision and six clock hours of clinical supervision training before renewal of a license to practice. For more information go to <http://www.azbbhe.us/>.

Colorado (the Centennial State). The Colorado state legislature recently passed [Senate Bill 11-187](#), which reversed the July 1, 2011 repeal of provisional licensure. The provisional license is available to marriage and family therapists, professional counselors, psychologists and social workers who have education appropriate to their field and who work under supervision in a residential child care facility. For further information go to the board's website at <http://www.dora.state.co.us/mental-health/sw/index.htm>.

New Hampshire (the Granite State). New Hampshire recently published an ["Statement of Interpretation of Statutory Authority"](#) regarding social work practice via the Internet, or through the use of videoconferencing or other technologies. The interpretation requires a social worker to be licensed in New Hampshire regardless of whether it is the social worker or client that is located within the state.

Michigan (The Great Lakes State). The Michigan legislature is considering a bill that would allow students in psychology, counseling and social work to refuse to provide services to a client based on their religious or moral beliefs without fear of punishment by the academic program in which they are enrolled. The ["Julia Ward Freedom of Conscience Act"](#) would mandate that "a university or community college shall not discipline or discriminate against a student in a counseling, social work or psychology program because the student refuses to counsel a client about goals that conflict with the student's sincerely held

religious belief if the student consults with the supervising instructor or professor to determine the proper course of action to avoid harm to the client.”

Pennsylvania (the Keystone State). The state legislature has passed a modification to the social work statute that allows the ACSW credential as an acceptable alternative to the 3yrs or 3,000 hours of supervised clinical experience to qualify for a clinical social work license. To review the new language go to <http://www.legis.state.pa.us/WU01/LI/LI/US/HTM/2012/0/0017..HTM>.



ASWB member boards, in their own words

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

This issue: British Columbia, Ohio

BRITISH COLUMBIA

*ASWB
profiles*

Name of jurisdiction: British Columbia

Name of board: BC College of Social Workers

Number of board members: 12

Licensure levels offered: RSW (Baccalaureate, Masters, and PhD) and RCSW (Clinical specialty – may use the DSM – master's degree minimum)

Number of licensees: 2600

Biggest achievement in the past 12 months: Awarded the ASWB research grant for the purpose of examining ways to reconcile the relationship between social work and aboriginal communities and hopefully show a pathway to eliminate the exemption. A close second is achieving consensus between the Health Authorities to eliminate the exemption for social workers in health care.

Biggest lesson learned in the past 12 months: How important it is to the decision-making process to establish clear and objective goals through broad based consultation and to provide balanced research and evidence to the decision makers to ensure valid and consistent decision making.

Biggest challenge facing the board: Implementing a registration/licensure examination

(complete the sentence) “I would really love to hear about how other jurisdictions... planned and completed consultation with educators (in particular) and other stakeholder when implementing either a competency profile or licensure exam, and how these jurisdictions deal with applicants without a degree in social work..

John Mayr, Registrar & CEO

Useless tidbit from the association news editors: Canada's oldest tree can be found in BC. It's a 1300 year old Douglas Fir.

OHIO

Name of jurisdiction: Ohio

Name of board: Counselor, Social Worker & Marriage and Family Therapist Board

Number of board members: 15 – 4 counselors, 4 social workers, 4 MFTs and 3 public members

Licensure levels offered: SWA – Registered Social Worker Assistant (AA), Registered Social Worker Trainee (MSW student), Licensed Social Worker (BSW or MSW) & Licensed Independent Social Worker (MSW or PhD (statute change proposed to remove doctorate))

Number of licensees: Counselors 8,300+, Social Workers 23,900+, MFTs 288

Biggest achievement in the past 12 months: Despite Ohio's tight budget issues received funding approval for an additional staff member.

Biggest lesson learned in the past 12 months: No matter how many times you re-write the website concerning any issue, some licensees can read it to mean something different than intended.

Biggest challenge facing the board: Getting a bill to update our statute introduced and passed in the Ohio General Assembly

(complete the sentence) “I would really love to hear about how other jurisdictions... are using technology to be more efficient in the regulation of social work practice.

James (Jim) Rough, Executive Director

Useless tidbit from the association news editors: The world's largest basket is located in Dresden, Ohio, at Basket Village USA.

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



The big picture – close up

Foundation grant recipient Kim Boland-Prom has conducted the most extensive research on social work disciplinary actions to date. The results may say as much about boards as the social workers they sanction.

When Kim Boland-Prom began her examination of board-sanctioned social workers, she knew she was tapping an under-researched area: what she didn't count on were the ways in which her work would shed light on not only the social work profession, but how it's regulated, and how boards might improve their own work. And though the wealth of data uncovered by Boland-Prom means that there are many findings yet to be found, a conversation with her makes it clear that she has already arrived at at least one very clear conclusion about her research—namely, how totally cool it would be to do more research on unprofessional conduct and regulation.

In December of 2011, Boland-Prom completed a two-year, \$25,000 study on sanctioned social workers sponsored by the American Foundation for Research and Consumer Education in Social Work Regulation, the research arm of the Association of Social Work Boards. Her work has generated three research papers so far, and Boland-Prom thinks that the data are capable of supporting several more. She will be on hand to discuss her work in a general sense during the 2012 ASWB Spring Education Meeting in Lexington, KY, April 26-29, and will be providing attendees with information on a portion of her findings when she participates in a panel discussion on board use of technology set for Sunday, April 29.

An assistant professor at Governors State University in Illinois, Boland-Prom began her research on sanctioned social workers in 2007. Her early findings were presented to ASWB members during the association's Spring 2008 Education Meeting. In 2009, Boland-Prom was awarded the foundation grant, and grew her research from an examination of 800 cases in 27 states to a review of sanctions taken against over 2700 social workers in 49 states.

“When I first started looking at doing this kind of research, a lot of the work being done was on social work ethics,” said Boland-Prom. “And mostly that was about unprofessional conduct within the membership of NASW [the National Association of Social Workers]. But NASW membership is just a percentage of social workers, and maybe less than half the total number. So I came to question what it was that boards saw.”

And the grant allowed Boland-Prom to take a *really* good look at what boards saw. Basically, Boland-Prom and her research assistant pored through whatever files were available on each of the 2700 social workers to look for common threads through a decade's worth of sanctions.

At the same time, she began looking into the ways in which school social workers were sanctioned by school boards or departments of education, thereby capturing actions taken against social workers who are exempt from licensure in many states. Although the school social worker group was a much smaller sample than the licensee group, Boland-Prom was able to see that the range of disciplinary actions available to school boards was extremely limited, and not necessarily well-suited to social work (often, all school employees are afforded the same limited range of disciplinary options). For example, she said, education departments tended to use revocation more frequently than licensing boards—partly, she thinks, because the school organizations had few other disciplinary options.

“I am fascinated by the variety and creativity [of licensing boards], and the kinds of professional interventions that can happen,” Boland-Prom said. Additionally, she found that the variety of approaches taken by boards even extended to the ways in which disciplinary information was shared with the public, with some boards publishing extensive amounts of individual case information on their websites, and other boards only releasing hardcopy portions of documents, and then only after receiving a written request (and sometimes, payment for copies).

And about the findings themselves? Right now, Boland-Prom is still sifting through the data, but the information is already prompting her to think about the ways in which problems in practice may be related to personal or academic issues earlier in a social worker’s life.

“As I was reading each of these cases, what struck me was how frequently people who are having problems with billing issues... weren’t actually taking money, but were more often stealing time—line staff people who are saying that they’re doing things they’re not doing, that kind of thing,” she said. “And I wonder if there’s a pattern of pretending there, if there were other things that they weren’t doing—if they were plagiarizing in school, or not fully completing field work. I wonder about these patterns of deception, and if there’s any connection, if it might be evident in small ways earlier on.”

Boland-Prom believes that this work could be the first step in helping to awaken regulatory boards to the importance of research in their work. For example, she said, boards might gain valuable insight into their own disciplinary effectiveness if the wide range of sanctioned behaviors typically dumped into the general “unprofessional conduct” category were teased out and examined as multiple discrete behaviors; or boards across several jurisdictions may be able to get a better sense of “best practices” in discipline if research were done to examine how each approached its investigative, disciplinary, and public record-keeping responsibilities; or boards could benefit from an analysis of violations cross-referenced in terms of setting—rural vs. urban, for example—to gain a better understanding of the challenges of working in these areas. “There’s just such a wealth of information out there,” she said. “You can’t begin to even ask the questions that could be asked.”

Some of Boland-Prom's initial findings would seem to be extremely research-worthy. For instance:

- License maintenance problems (lapsed licenses, failure to comply with continuing education requirements, etc.) are the most frequent source of sanctions overall, but represent a significant (over 30 percent) level of sanctions in only four states: Massachusetts, Pennsylvania, Tennessee, and Virginia. Social workers in two age groups—their 30s and their 60s—were more likely to be sanctioned for these behaviors.
- Dual relationship problems represent more than 30 percent of cases of sanctioned social workers in Iowa, Maine, Nebraska, Nevada, New Hampshire, Oklahoma, Oregon, Rhode Island, South Dakota, Texas, Utah, Vermont, West Virginia and Wisconsin. Across the U.S., social workers in their 40s were more likely to be sanctioned for dual relationships.
- Criminal behavior represents more than 30 percent of sanctioned social workers in the District of Columbia, Delaware, Idaho, Maryland, Mississippi, Nebraska, and New York.
- Social workers in their 50s were more likely to be sanctioned for practice that fell below standards of care, or that exceeded regulated scope.

What does it all mean? Boland-Prom thinks it's still too early to tell, and that much more—you guessed it—research will need to take place to get a better sense of which data are relevant. Boland-Prom is ready for that challenge. "I want to know what I can do to help make the case that research is an important part of how a board can look at its responsibilities," she said. "I hope people will call me and say 'Hey I want you to come look at our records.'"



Self Employed Internship...

By Dale Atkinson,
Partner, Atkinson &
Atkinson

Applicants for licensure as clinical social workers must, in many jurisdictions, establish the completion of supervised experience or internship credits. The very purpose of an internship is to ensure that the applicant for licensure has worked under the supervision of an independent, experienced practitioner who provides oversight and input into the development of the knowledge, skills, and abilities in preparation for licensure.

Generally, the regulatory board has the authority to recognize internship hours and eventual eligibility for licensure. Anytime discretion is introduced into the decision-making process, there will be room for interpretation and potential legal challenge. Consider the following.

An applicant for licensure as a clinical social worker received his bachelor's degree in social work in 2001. In 2004, the applicant incorporated an outpatient substance abuse agency. The corporation was licensed by the state and was operated by the applicant who received various substance abuse credentials, including being a Licensed Alcohol and Drug Counselor. In 2007, the applicant received his master's degree in social work and began the steps to become a Licensed Clinical Social Worker (LCSW).

First, the applicant established a licensed mental health agency within his corporation. The intent of the mental health agency was to facilitate completion of internship hours necessary for licensure as a LCSW. Second, the applicant obtained his license to practice as a Licensed Master Social Worker—Conditional Clinical (LMSW-CC), a prerequisite to the completion of an internship. Third, the applicant began working in consultation with a LCSW to obtain his clinical internship hours.

Regarding the corporation, the applicant as sole shareholder was the "100 percent" owner of the business. He was also the executive director with "full decision-making authority." That is, the applicant had the authority to hire and fire all employees and consultants, including the LCSW providing supervision. The applicant treated himself as an employee of the corporation and received W-2's for his services



*Counsel's
column*

rendered. Finally, the applicant's wife served as the business manager of the company and she and the applicant were the only two directors of the corporation.

In April 2010, the applicant submitted an application to the Office of Licensing and Registration to become a Licensed Clinical Social Worker. Under Maine law, applicants for an LCSW must demonstrate completion of a qualified two-year internship, but practice as a "self-employed licensee" will not qualify toward such credit. Further, an individual with a LMSW-CC may not engage in private practice. In November 2010 the board held an adjudicatory hearing regarding the applicant's internship based on its concerns over his qualification under Maine law. In December 2010, the board denied the applicant's application for recognition as an LCSW. The board elected to not issue sanctions for unlawful private practice, but simply denied the application as a LCSW.

The basis for licensure denial was that the applicant had engaged in the private practice of social work and that credit for clinical internship by a LMSW-CC will not be given for "formal or informal affiliations of licensees or self-employed individuals." Based on the type of corporation formed by the applicant and his designations in filing his federal tax returns, the Internal Revenue Service (IRS) did not consider the applicant to be self-employed. However, the board rejected the IRS definition of self-employment and instead used two dictionary definitions (Webster's College Dictionary and Encarta Dictionary). The board concluded that the applicant was not an employee of the corporation but was controlling his own work and earning a living independent of an employer and was, thus, self-employed. The applicant appealed the denial to the Superior Court.

On appeal, the applicant argued that the board conclusion regarding self-employment was erroneous. He insisted that the tax law definition controlled the conclusion, that he regularly received W-2's as an employee, that the corporation was a separate entity, and that the board erred by considering the two dictionary definitions.

The court emphasized that the case involved an issue of regulatory interpretation. Under Maine law, there was no definition of the term "self-employed." Further, the board was not bound by the IRS definition of the term. Finally, under principles of deference to an agency's interpretation, the court noted that it is bound by such board interpretation of its own internal rules and regulation unless they "plainly compel a different result." Under the current facts, the board "applied a common sense understanding of the term 'self-employed'." The court emphasized the fact that the board's interpretation was practical and rational and nothing seemed to compel a different result.

The court concluded that the board had "more than sufficient evidence to conclude that the applicant was self-employed and that the credit hours earned did not meet the independent test necessary to qualify for licensure. Accordingly, the court affirmed the board findings and denial of licensure.

This case presents the importance of deference provided by the courts to the decisions of the board. The standard for judicial intervention and potential reversal of board decisions involves establishing that “no competent evidence supports the agency decision and that the record compels a contrary conclusion.” This burden falls to the person challenging the board decision, in this case the applicant. Judicial deference is an important recognition of board expertise and reasoned decision-making.

Danzig v. Maine Board of Social Work Licensure, 2011 Me. Super. LEXIS 233 (Superior Ct. ME 2011)

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