The year was 1979. Folks danced to the Village People’s “YMCA,” Margaret Thatcher became Great Britain’s Prime Minister, and China was readmitted to the Olympics after 21 years. In Canada, Pierre Trudeau was defeated at the polls while Bill Clinton became the youngest U.S. governor in history. The Montreal Canadiens won the Stanley Cup and the Pittsburgh Steelers won the Super Bowl. After 15 years in exile, the Ayatollah Khomeini returned to Iran, where Americans were horrified to see dozens of U.S. citizens taken hostage. Pink Floyd released a rock opera and Sony released the Walkman (for $200.00 U.S.). Juxtaposed against an average U.S. inflation rate of 11% was the average U.S. yearly salary: $17,500. Canada saw a terrible chemical spill from a wrecked train, while in Pennsylvania the Three Mile Island nuclear plant sprang a leak.

And in the midst of all this human drama, the Association of Social Work Boards was incorporated.

Thirty-five years later, ASWB is still rockin’ and rollin’, long after the Eagles and the Bee Gees hung up their guitars. From its infancy in 1979, ASWB has become a strong, vital, grown-up organization that is still committed to its original mission of protecting the public. In those early days of 1979, only 23 U.S. states regulated social work; in 2014, our association links 49 U.S. states, 10 Canadian provinces, the District of Columbia, and the U.S. Virgin Islands in a robust regulatory partnership. We have become more cosmopolitan, connecting two nations and reaching out to others around the world. Our influence on the social work profession has grown tremendously through such efforts as the International Technology Task Force (studying effective ethical use of technology in social work), Path to Licensure (piloting strategies to prepare social work students for professional regulation and prudent practice), and our smiling presence at many professional meetings and events across North America and in other countries. The number of people using our main products, the high-stakes licensing exams, is growing at a dizzying rate.

This year looks to be an exciting one of growth for ASWB. We will begin implementing our Strategic Plan, approved by the 2013 Delegate Assembly. This ambitious plan provides our members with vehicles to expand member services, bridge the boundaries of social work regulation, strengthen...
leadership for the future, and broaden stakeholder relationships for the regulatory community. Particularly important is the ASWB Board of Directors’ push to build leadership capacity. Members will be hearing more about our anticipated Leadership Task Force and, ultimately, our Leadership Academy, which will help shape jurisdictional, national, and international regulatory leaders. The ASWB Board of Directors will also be studying focused leadership, as the Board’s new Governance Task Force revises our governance structure to be more relevant to the realities of 2014 and beyond.

ASWB has a deep, meaningful legacy. In 1979, when the first intrepid ASWB members officially created this organization, it was against the backdrop of intense conflict in the Middle East, a new one-child-per-family policy in China, Mother Teresa’s award of the Nobel Peace Prize, and an economy in which a fellow could buy a nice suit for $39.99. Today ASWB still operates in a world of great contrasts. Wars and rumors of wars abound, economies struggle, disparities in income boggle the mind, and Mother Teresa is no longer with us. Our organization has taken a stand to ensure that social workers—the front line dealing with vulnerable, suffering, frightened people in a mixed-up world—are competent and safe to practice with the people who need social workers the most. The importance of this task cannot be overstated.

So, this year as we celebrate 35 years of achievement and growth, let’s rededicate ourselves to that mission of protecting a public that sorely needs us. It was a very good mission in 1979; it is a GREAT mission in 2014!
The Candidate Services call center is one of ASWB’s most valuable resources for exam takers.

The Candidate Services call center is the “front line” at ASWB. The 11 representatives answer dozens of questions every day. They register candidates, sell study guides, and provide information about almost every aspect of taking the social work licensing exams. In 2013, ASWB test-takers numbered more than 36,000. For many of them, these representatives are the voice of the association.

On a recent Friday morning, candidate services rep Michele Smith’s calls were fairly typical. One candidate hadn’t received (or couldn’t find) her all-important authorization to test email. Smith double-checked the candidate’s email address and re-sent the message, documenting the call in the candidate’s record. Another candidate called to register for the exam, except that Smith could see in the Candidate Services database that the candidate was already registered. What the candidate needed to do was schedule her exam with Pearson VUE. Again, Smith made a note about the call in the database.

In just under two hours—starting at 9 a.m. ET—Smith had taken a dozen calls. This was a relatively quiet morning, she said. The call volume steadily increased as time passed, with most of the calls coming in the last 45 minutes. She assisted candidates who were applying for 90-day waivers because of “job jeopardy.” In other words, they needed to retest before the 90-day waiting period was up in order to keep their jobs. She directly transferred one candidate to her ASWB colleagues who process licensing applications for Massachusetts. She took an order for a Clinical study guide. Then, one candidate requested an extension to her approval to take the exam. Smith explained that ASWB can’t make that decision, and she passed along the phone number for the candidate’s licensing board.

In 2013, Candidate Services fielded more than 75,000 calls from candidates. Despite the heavy call volume, the call center is a very calm environment. Each representative works in a cubicle; many are decorated with family photos and all have the necessary reference materials close at hand, a big computer monitor, and a wireless headset. Reps are connected via computer to a custom database system that lets them store and retrieve detailed information about candidate registrations, exam histories, and candidate service contacts. They use the database to order study guides and practice tests, send emails, and find out when a candidate’s approval expires.
Smith switched seamlessly among several specialized software systems and answered questions clearly and politely, explaining a complex system of policies and requirements. She consulted her “bible,” the notebook full of individual pages that list the examination requirements for every jurisdiction that uses the ASWB licensing exams. She and another representative, Desiree Sauceraman, are also responsible for responding to emails from candidates using the ASWB online practice tests. They check the practice test email box throughout the day and help those candidates find solutions to their technical problems and remind them of their passwords when needed.

In the background, other reps were on the phone with other callers.

“None of the questions on the practice exam are on the actual exam.”

“When you get your email, it is your responsibility to read that email in its entirety.”

“If there is snow, and your test center closes, you will be able to reschedule at no charge. If there is snow and you can’t get there, but the test center is open, you will forfeit the exam fee. But you can apply for an excused absence, which reduces the registration fee to $150.”

“We do not use middle names or initials, but the first and last names on your ID have to match what’s in your registration, whether the middle name is there or not.”

Each week, one of the representatives also handles fulfillment of product orders and other administrative tasks—mailing study guides, printing and mailing score transfers, checking product inventory. Pam Hoffman and Kathryn Carswell, both longtime staff members, also assist Examination Administration Manager Tanya Carpenter in helping candidates with special testing accommodations. Representatives also serve on several ASWB internal teams, including Path to Licensure, Philanthropy and Social Affairs, and the ASWB Buzzzz! internal newsletter.

By 10:15 a.m. that Friday, the call queue had filled up and every rep was on a call. Candidate Services Supervisors Subrena Breeden and Betty Randall oversee the operation. The pair share an office that features a window into the call center, as well as a digital window—a computer monitor between their desks that provides real-time statistics on call center operations. What’s the current wait time? What’s the average call time today? These statistics, plus historical data on call volume, help Breeden and Randall plan the staff levels and assign other responsibilities.

Breeden and Randall started out in the ASWB call center shortly after it opened in the late 1990s. IT Manager Dan Sheehan, Exam Development Specialist Brittany Haney, Registry & Contracts Representative Chanda Andes, and Registry & Contracts Representative/ACE Administrative Assistant Donna Edwards also all got their start on the phones.

Representative Tessa Jones steps in while Randall and Breeden are explaining the call center statistics. “I’ve got a call for a manager,” she says. “She’s yelling and I can’t get a word in edgewise.” Randall takes the call.
Happy 40th to FARB!

FARB, the Federation of Associations of Regulatory Boards, is celebrating 40 years of promoting excellence in regulation. This year’s annual Forum featured Donna DeAngelis, former executive director of ASWB, providing the keynote “History of FARB.” Forum sessions covered the past, present, and future of professional regulation; provided a look at what’s new in qualifications for licensure, including education admissions and assessment tools; and concluded with a discussion of new legislation affecting regulation and a review of top regulatory cases by attorney and FARB Executive Director Dale Atkinson.

Two of the sessions in particular relate to objectives of ASWB’s Strategic Plan. The American Registry of Radiologic Technologists (ARRT) shared a new continuing education model and the National Association of Boards of Pharmacy (NABP) shared its license portability model. “There is much ASWB can learn from our regulatory colleagues in other professions, and the FARB Forum is one of the places where we get to share ideas,” said ASWB President Dorinda N. Noble. “The success the NABP has achieved with its license portability model is especially inspiring. We are looking forward to learning more when we visit with NABP later this year.”

Former ASWB executive director Donna DeAngelis came out of retirement to share the history of FARB during the keynote at the 2014 FARB Forum in Austin, Texas. During her 18 years with ASWB, DeAngelis served on FARB’s board of directors.
A “compounding tragedy” that caused the deaths of 70 patients and continues to affect hundreds more illustrates how the National Association of Boards of Pharmacy (NABP) came to recognize that the “one patient, one pharmacy, one state” viewpoint of the past could not be the perspective of the future. As the number of those affected grew and the reason became known, state pharmacy boards were faced with questions from the public they are responsible for protecting: “How did this happen?” “Who’s watching?” More important, said NABP Executive Director Carmen Catizone, M.S., RPh, DPh, was the question, “Where does regulation start?” In his session “Understanding the Regulatory Landscape...What May Be Ahead” during this year’s FARB Forum, Catizone shared NABP’s journey to bridge the boundaries of regulation while protecting states’ ability to make their own decisions about licensure.

Compounding is the process of modifying a drug to meet the needs of a particular patient. It is often done to avoid allergic reactions or to add flavoring, for example. In the case of this tragedy, a compounding pharmacy distributed across numerous states contaminated drug products that it had produced in bulk. A new perspective was needed, Catizone said, one in which state boards of pharmacy accept a responsibility to partner with other states to ensure that consumers are receiving the same services in and out of state. Failure to adopt this more national perspective, he said, might cause regulation itself to become obsolete.

NABP seems to have found one answer, and it is not a national license. Instead, NABP has achieved license portability through its Electronic Licensure Transfer Program (e-LPT), which in Catizone’s words is the “soul of the organization.” Using e-LPT, NABP has created uniform transfer standards to bring all the state boards together. This consistency is important to licensure portability—and eliminating the tunnel vision of the past. When connected to a centralized database of information about licensees and pharmacies, license transfer makes it possible for all state boards of pharmacy to ensure that public protection extends outside their own state boundaries.

The investigation into the compounding tragedy exposed much of what was wrong in the system operating under “one patient, one pharmacy, one state.” Because state boards were focused
on activity within state boundaries, they did not have the peripheral vision to see what was happening in other states. In addition, they missed warning signs because of a lack of coordination between federal and state governments to regulate these pharmacies. One danger of states maintaining such a state-centric position, Catizone explained, was the potential that the federal government could exert its authority to protect the public by preempting the state boards. In this situation, he said, “State boards are only as strong as the state with the least ability to act.”

NABP’s licensure portability model puts the states back on even footing. As part of e-LPT, licensees are required to maintain an electronic profile, or e-profile, with NABP. NABP verifies the information it gathers from licensees and maintains it in a central database, or clearinghouse. A licensee’s continuing education credits also become part of the central database, and only those licensees with an e-profile are able to receive CEUs from accredited providers. Pharmacies maintain e-profiles with NABP, too. Data from other NABP programs and services become part of the clearinghouse. For example, NABP administers national licensing exams, serves as the reporting agency for pharmacy-related disciplinary actions for the National Protection Data Bank (NPDB), and performs inspections of pharmacies based on consistent standards that recognize individual board requirements. Disciplinary actions, exam scores, and inspection reports all become part of the centralized database of information available to state boards.

By moving to a centralized infrastructure where information about licensees and pharmacies is gathered and made available to all states, NABP has offered the state boards a way to maintain their autonomy. State boards have free access to this information to use it locally, make licensing decisions locally, and determine appropriate disciplinary actions locally.

The success of NABP’s portability program can be seen in the numbers. Of 90,000 pharmacies in the U.S., 80,000 participate in the e-profile program. Of the 350,000 pharmacists, 280,000 have completed e-profiles. This high degree of participation also reflects how greatly the roadmap has changed since NABP began its journey—and how much more protection is provided to the public.
X-rays, MRIs, CT scans, mammograms, sonograms, radiation, ultrasound...if you have had one of these tests or treatments, it was administered by a radiologic technologist. These health care providers rank third behind only doctors and nurses in terms of number of practitioners in the U.S. In radiology, as well as in many other healing professions that rely on technology, patient care and safety depend on professionals staying current with technology advances. To address this concern in its profession, the American Registry of Radiologic Technologists (ARRT) developed a voluntary certification, the R.T. (for Registered Technologist). The R.T. certification indicates that a technologist has met a recognized national standard established by ARRT that is based on fulfilling certain education, ethics, and examination requirements. In fact, ARRT’s national exams are used by 37 states for state licensing purposes.

ARRT issued the first R.T. certification in 1922. To maintain the certification, R.T.s are required to renew their registration annually, participate in annual ethics compliance, and complete continuing education requirements every two years. And while this model of “once certified, forever qualified” has worked, ARRT made a strategic decision in 2011 to change its model to “once certified, always learning, evolving, developing.”

As a means of measuring continued competence, ARRT’s new model offers benefits to the patient, the profession, and the technologist’s career, said Ruth Ramstad, a product specialist at Pearson VUE who has been working with ARRT in the design of the diagnostic tool.

Ramstad was presenting on behalf of Nance Cavallin, B.S., R.T.(T) (ARRT), who was unable to attend the FARB Forum after falling and breaking her foot. The presentation “An Innovative Approach to Continuing Education” was part of Day Two’s focus on education and qualification for licensure.

Starting in 2011, the new model implements a ten-year time limit on certifications. Before the certification can be renewed, R.T.s are required to comply with a Continuing Qualification Requirements (CQR) process in years seven to ten of the certification period. CQR compliance includes development of a professional profile that highlights achievements, work experience and professional development; reevaluation of skills;
and completion of continuing education based on the results of the reevaluation. Compliance with CQR is in addition to ARRT’s annual registration and ethics compliance and biennial continuing education requirements for initial certification.

The purpose of CQR is to reassess and improve practice knowledge. During CQR, skills are assessed using then-current practice standards. What is innovative about this approach is that the results of the structured self-assessment are used to prescribe continuing education targeted to gaps in knowledge identified during the administration of the assessment tool.

The assessment tool, Ramstad explained, is not a test but a diagnostic vehicle. General knowledge is assessed first, followed by specific skill-related knowledge. The self-assessment is being designed so that it can be offered in a variety of locations for the convenience of the assessment taker. Examples include a vendor test center or the assessment taker’s home or office. Delivery methods can be via laptop, smart phone, tablet, or other device. Delivery to the location must be secure: a nondisclosure agreement would still need to be executed, the location would still need to be monitored via onsite or remote proctors; and the assessment taker’s identity must be verified. Ramstad concluded the presentation by providing a detailed review of the process of remote proctoring, another innovation that ARRT is exploring.

CQR compliance for R.T.s attaining certification in 2011 will begin in 2018 and must be completed by 2021 in order for certification to be renewed. R.T.s must develop their professional profile, take the self-assessment, and complete all required continuing education before the end of the three-year time frame. Failure to complete any part of the CQR process will result in discontinuation of certification.

ARRT anticipates R.T.s will enjoy important benefits by completing CQR. Some of these include: advancing their knowledge and skills based on the most current practice analysis, gaining opportunities to advance their careers, and increasing confidence in delivery of patient care. More important, perhaps, to those who serve in the regulatory arena are the benefits that patients will enjoy because of ARRT’s continuing competence model: increased safety and quality of care—critical components of public protection.
Calling all researchers! Grants available

The American Foundation for Research and Consumer Education in Social Work Regulation (the Foundation), ASWB’s research arm, is now accepting grant applications. Available grants include one $25,000 grant and two $10,000 grants for successful research proposals. One $5,000 grant is available for research projects conducted by MSW or doctoral social work students whose proposal includes the participation of at least one faculty member providing oversight. Social work faculty, students, members, and staff of regulatory boards or provincial colleges in the United States and Canada may apply for grants. Application deadline is May 1, 2014.

Currently, sponsored research is exploring the importance of licensing among aboriginal people and the efficacy of continuing education. A study recently began on unprofessional conduct of social workers and the potential risks to the public, and another study is under way to assess the ethical implications of students who shortcut to satisfy educational requirements.

The Foundation is a 501(c)3 organization that supports efforts to explore the ways in which professional social work regulation affects the profession and the public it serves. The Foundation sponsors this grant program for research on a wide range of topics related to social work professional regulation.

More information is available at the Research Grant Program page on the ASWB website. As the Web page states, “The Foundation is particularly interested in research projects that can serve as a basis or touchstone for additional related efforts, with the goal of creating a body of research in this important area of social work and public policy.” Contact the Association of Social Work Boards (mryder@aswb.org) for application materials.
The ASWB Board of Directors met in person on Thursday, January 23, at the Omni Austin Hotel Downtown in Austin, Texas, before the 2014 Federation of Associations of Regulatory Boards (FARB) Forum. Here is a recap of the activities of the board at that meeting.

Consent Agenda: Reports approved via consent agenda included: President’s report, Chief Executive Officer’s report, Executive Vice President’s report, Examination Services report, Annual and Spring Meeting evaluations, and the 2014 calendar.

Financial report: Board members reviewed financial statements through November 30, 2013. Board members also reviewed positions of short-term and long-term investments as of January 6, 2014.

Examination Security Manual: Board members approved revisions made to the Examination Security Manual following the November Board meeting. The Board discussed whether changes should be made to the Incident Response section to involve the Board in the review of candidates who violate ASWB examination security policies. A motion was carried to bring before the full Board all incidents that are serious enough to require a response that could adversely affect a candidate. Decisions would be made in the course of due process. The Incident Response section will be revised to reflect this process change and the revisions will be brought for a follow-up review at the May Board of Directors meeting.

Travel policy: The Board reviewed and approved changes to ASWB Policy 3.5, Travel and Reimbursement. Changes included increasing the allowances for breakfast and dinner. ASWB’s Policy Manual is available on the website.

2015 Delegate Assembly and Spring Meetings: The Board reviewed and approved the locations for the 2015 Delegate Assembly in Ft. Lauderdale, Fla., and the Spring Education Meeting in Seattle, Wash.

Strategic discussions: The following is a summary of generative discussions held by the Board of Directors.

Materials in languages other than English. The Board discussed a request to provide bilingual materials in the broader context of the Strategic Plan and increasing outreach to a global community. The primary focus at this time is responsiveness to ASWB members in their official languages. Staff was asked to complete preliminary research and provide a report to the Board at its May meeting.
Administration of Clinical exam. The Board discussed research done by staff on the practice of 11 states that permit candidates to take the Clinical exam outside ASWB examination policy. When the exam is taken outside psychometric parameters, there is potential concern about maintaining the validity of the exam.

Alternative use of the Bachelors exam. The Board discussed alternative use of the Bachelors exam as a measure of competency outcomes following graduation from schools of social work in Québec. Further research was requested.

Research request by Dr. Jeane W. Anastas. The Board reviewed a request to access raw data from the 2009 Practice Analysis as part of a research project into what social workers do. Further research was requested from staff to clarify what information the data in the Practice Analysis might include and what potential benefits and risks may occur, should the data be released for study.

Building exploration report. The Board discussed the need for expansion of ASWB office space in light of anticipated staff growth over the next two years. Staff was asked to investigate expansion options, including purchasing land to build a facility that could expand to meet future needs, rather than having staff located in separate buildings. Further research into staff growth specifics was also requested.

Two-year business plan report. The Board reviewed the 2014-2015 business plans developed to implement the Strategic Plan.

Committee and Task Force reports: The following summarizes the highlights of the committee and task force reports made to the Board of Directors.

Program and Education Committee: The Spring Education Meeting has added a panel discussion on cultural competency for area social work educators to attend. Panelists include Darla Spence-Coffey, chief executive officer of CSWE, Angelo McClain, chief executive officer of NASW, and Alison MacDonald, executive director of Saskatchewan Association of Social Workers. Invitations will be sent to faculty members of local schools of social work. The Board approved a request from the committee to pay travel, food, and lodging expenses for five presenters as provided in ASWB policy.

Exam Committee: Form reviewers met and new item writer consultants received training in Culpeper in January.

International Technology Task Force: The task force met virtually in January to review research done in the six content areas to be written into regulatory language. Ric Reamer, task force chair, has reported that the group’s meetings have been highly productive. Some technological difficulties continue and staff will follow up with members to ensure that all use the equipment provided by ASWB at future meetings.

CSWE Roundtable: ASWB presented its Strategic Plan at the CSWE Roundtable. There was discussion of how to determine what lies ahead for the practice of social work and the need for interdisciplinary collaboration. Other topics discussed included socially responsible meeting planning, the think tank for the DSW accreditation, and licensure mobility.

Committee and task force appointments: President Dorinda N. Noble announced the Board liaison appointments for the various committees. The Board approved the current ACE Committee members.

Recap of the Foundation Board Meeting

Immediately following the ASWB Board of Directors meeting, the Board reconvened to hold a board meeting of the American Foundation for Research and Consumer Education in Social Work Regulation (the Foundation). The Foundation is ASWB’s 501(c)3 organization that sponsors a grant program for research on topics relevant to social work regulation, consumer protection, and related areas. The Foundation Board of Directors comprises the members of ASWB’s Board of Directors.

2014 Meetings: The Foundation Board approved meeting twice a year, in January and August, and as needed at other times.

Appointments: The Foundation Board approved the current members of the Editorial Review Board.

Statement of Revenue and Expenditures: The Foundation Board reviewed the current statement of revenue and expenditures and approved a motion to move ahead with a yearly cycle of grants.
Reflections of you

Artwork provides visual reminders of ASWB’s mission

Half of this article is about ASWB. The other half of the story, if you are a member, is about you.

The explanation takes us back to 2007, when the association faced choosing the décor for its newly remodeled headquarters at 400 Southridge Parkway in Culpeper, Va. Each of its then 20-some employees had his or her own suggestion, of course, yet they knew a compromise must somehow be reached that would please all and suit the organization.

ASWB’s mission is our daily work—to protect the public by providing support to the regulatory community to advance safe, competent, and ethical practices. Who knew that the spirit of that commitment would guide the décor choices for our office? Ultimately, the breadth of ASWB’s connection to near and distant jurisdictions came to be represented by the diverse collection of artwork chosen for the headquarters’ walls.

Today, if you stroll the ASWB halls and peek into offices and conference rooms, you can enjoy artwork and photographs representing regions from Alaska to Alberta, Wyoming to Minnesota, Illinois to Louisiana, Saskatchewan to the Virgin Islands, and many points in between. Some of the art was acquired over the years in the towns that hosted various social work conferences, while other works were donated by ASWB members and partners.

Upon arrival every morning, ASWB staff are visually reminded of the members we work so hard for and of all the places where that great work is being accomplished.

So the next time you pass through Culpeper, feel free to bring a reflection of your local flavor with you. We will be thrilled to provide it a special place on our walls to inspire us every day.

— The ASWB staff
**Name of jurisdiction:** Tennessee

**Name of board:** Board of Social Worker Licensure

**Number of board members:** 11

**Licensure types offered:** LBSW, LMSW, LAPSW (advanced practice), and LCSW

**Number of licensees:** Approximately 6,000

**Biggest achievement in the past 12 months:** In the last several years and with the help of a very supportive and active NASW chapter, we have moved through the process of title protection in our state, adding additional categories of licensure, rulemaking hearings, sunset reauthorization and now living with our rules long enough to know that there are some revisions that need to be made. We also had the privilege of hosting ASWB’s 2013 Annual Meeting meeting in our state.

**Biggest lesson learned in the past 12 months:** You may have learned in school that “if it is not documented it didn’t happen”; however, just because it is in writing does not mean that the licensees will read it.

**Biggest challenge facing the board:** Legislative changes to rules are forthcoming, and that is always a “fun time.”

(complete the sentence) “I would really love to hear about how other jurisdictions… handle staffing needs and requests from your state board administrator’s staff. What is a reasonable workload in your jurisdiction before positions are added, and what role (if any) does the Board play in those decisions?”

**Completed by:** Michelle Horton, Chair
Given the increased physical and virtual mobility of practitioners, regulatory boards are being faced with additional applicants for licensure who may already be licensed in other jurisdictions. However, some applicants, both for initial licensure and through endorsement statutes, are also educated in foreign countries. Indeed, such applicants may be seeking initial licensure based on an educational setting outside recognized or accredited programs. Verification that education earned in a foreign country is equivalent to that received in an accredited program presents obvious and varied challenges. These challenges include not only a verification of graduation itself, but also an analysis of the curriculum, terminology, translations, and more. One question that may arise is whether such applicants can or should be treated differently from applicants who graduate from a recognized program. Consider the following.

To become licensed as a physician in Puerto Rico, a U.S. territory, applicants must, among other criteria, pass either the Puerto Rico Medical License Examination (PRMLE) or the United States Medical Licensing Examination (USMLE). Passage of the USMLE is recognized in all United States jurisdictions; passage of the PRMLE is recognized only in Puerto Rico.

The Puerto Rico Medical Discipline and Licensure Board (Board), an agency of the Commonwealth, was created and empowered to regulate the practice of medicine in Puerto Rico. As such, the Board is authorized to deny, suspend, or revoke any medical license as well as evaluate the medical education of applicants for licensure. The Board is also authorized to administer licensure examinations and establish the cut score, or passing standard, required of examinees. The USMLE, created and owned by the National Board of Medical Examiners (NBME), is calibrated and validated by NBME to a cut score of 500. The Board used the NBME as the test vendor to validate and calibrate the PRMLE. The NBME calibrated and validated the PRMLE to a cut score of 700. Regardless of where an applicant is educated, the passing score for the PRMLE is the same: 700.
Multiple applicants for licensure in Puerto Rico took and failed the PRMLE. These applicants (plaintiffs) were educated in Mexico and the Dominican Republic. They filed a lawsuit in federal court alleging that the Board created a passing standard for graduates of foreign programs higher than that for graduates of Puerto Rico-recognized medical educational programs. In short, the plaintiffs argued that the Board calibrated and validated “its” examination to an arbitrary pass point of 700, higher than that required of graduates of recognized programs. They stated that if the Board had applied the NBME approval score of 500, they would have passed the PRMLE. They also stated that the use of a 700 pass point is arbitrary and “excludes applicants from international schools.” The plaintiffs propounded due process and equal protection arguments under the United States Constitution and the Constitution of Puerto Rico.

The Board filed a motion to dismiss, arguing that the plaintiffs did not state any cognizable claim under either constitution. (A motion to dismiss is a procedural motion filed before a formal answer that attempts to dispose of a case at the outset.) To overcome a motion to dismiss, a plaintiff must “raise a right to relief above the speculative level” and cannot merely rely on conclusory allegations that a defendant violated the law. Under this standard, the court reviewed the complaint against the Board’s motion to dismiss.

First, the court determined that a rational basis review was the appropriate standard under the circumstances. Under a rational basis test, the actions of the Board are presumed as constitutional and the plaintiffs bear the burden of demonstrating that the classification at issue “furthers no legitimate public interest.” Where a “suspect class” is at issue, the court uses a strict scrutiny test to determine whether such governmental actions are constitutional. A strict scrutiny test is more stringent than a rational basis test and requires a lesser burden on plaintiffs to establish a violation of constitutional rights. Strict scrutiny analyses are reserved for allegations affecting fundamental rights or affecting constitutional rights of those in a suspect class, such as classifications based on race or national origin.

In the current case, the court determined that the plaintiffs, taken as a class, were not defined by race, ethnicity, or national origin but merely by the location of their education. This classification has not been recognized by the U.S. Supreme Court as a protected class. Thus, the rational basis analysis is appropriate, and the plaintiffs must show that the government action furthers no legitimate governmental interest. As noted by the court, there was no question that a legitimate state interest was at stake: Educational standards and passing scores on standardized examinations are designed to protect the public from unqualified practitioners. The court also noted a previous scandal that occurred in Puerto Rico in which 110 doctors were indicted because personnel from the previous board had altered low test scores and certified and licensed unqualified applicants. These mostly Puerto Rican applicants had been educated in the Dominican Republic. As a result of the scandal, the current legislation
requiring passage of either the USMLE or PRMLE was enacted. The court quickly recognized the legitimate state interest at stake.

Next, the court noted that even if the plaintiffs were able to establish that the PRMLE and its scoring validation targets foreign graduates, such a classification would still pass constitutional muster. Indeed, the court held that such a difference does exist and the Board could justify a differential standard for graduates of foreign programs from graduates of domestic programs, citing the accreditation process and its importance in verifying a coherent course in medical education. As noted, no such guarantee exists with foreign education programs. Thus, “even if the Board decided to impose additional educational requirements on graduates of foreign medical schools, it would be permissible because it would further the goal of ensuring that applicants’ educational backgrounds qualified them to practice medicine in the Commonwealth. This is a reasonable justification.”

Next, the court noted that the plaintiffs appeared to confuse the PRMLE with the USMLE when arguing the 500 passing standard and the alleged arbitrary 700 passing standard. The PRMLE and USMLE are different exams, validated to passing standards that are assigned different numerical scores. The plaintiffs all chose to take the PRMLE but had the option of taking the PRMLE or the USMLE. The court rejected the notion of a requirement that the Board apply the same passing standard score of 500 to both exams.

Finally, the court addressed the Board’s defense of immunity under the 11th Amendment of the U.S. Constitution that prohibits federal courts from exercising jurisdiction over lawsuits involving a state or commonwealth as a defendant and that an agency, such as the Board, is included in the definition as a state. Accordingly, the court also agreed that the 11th Amendment bars the litigation. Following the immunity arguments, the court also found the individual board members to be entitled to qualified immunity and, thus, subject to dismissal from the case.

Based on the foregoing, the court granted the Board’s motion to dismiss the action. In the social work community and addressing licensure mobility, the issue of the appropriate education under substantially similar circumstances arises. Layer on an analysis of foreign-educated applicants, and the issues become more complex and more difficult to verify. As noted in this opinion, holding foreign graduates to a different standard is legally sustainable.

ASWB Secretary M. JENISE COMER of Missouri is thrilled to add “grandmother” to her list of accreditations. Grandson Peyton Thomas Comer, pictured below left, was born on Jan 8 at 11:45 a.m. He weighed in at 4 lbs., 6 oz., and was 17.5 inches long.

VICKI GARDINE WILLIAMS of Tennessee was part of the welcoming committee who greeted delegates at the Annual Meeting in Nashville, and she was excited to hear the Mario da Silva jazz ensemble performing as part of the strategic plan presentation. A jazz aficionada, she is a particular fan of the ensemble’s trumpeter, Edward Imer Santiago. After the presentation, she took the opportunity to introduce herself and compliment Santiago, whom she’s heard play in several venues. The pair are pictured, right.

Congratulations to Exam Committee members GREG WINKLER of Wisconsin and BRENT MEYER of Georgia on being named co-chairs of the Clinical and Masters Committees, respectively. The first Exam Committee meetings under their leadership are in March.

ASWB Past President PATRICIA HEARD of North Carolina retired from her job late last year, but she’s not slowing down. Her daughter is engaged and Pat is happily helping with wedding plans.

Someone’s on the fast track! MEGAN DARDIS-KUNZ of North Dakota was appointed to her board in 2012, even before she had sat for her license exam. She passed that in April 2013, noting that it was hard, but she was prepared. Then she arrived at ASWB’s Annual Meeting as delegate—and chair! Congratulations, Megan!

In more Exam Committee news, six form reviewers braved the storms to come to Culpeper in January to review the April 2014 release of the exams. Not daunted by the weather, a group of eight Exam Committee members met in February in Herndon and reviewed close to 1,000 items to get them up to date with the DSM-5.

There have been a number of changes at boards around the country, and interim directors filling the newly vacated seats. STEWART MYRICK is now interim executive director for the Texas State Board of Social Worker Examiners. GLORIA JEAN HAMMEL is acting executive director of the Maryland Board of Social Work Examiners and TOBI ZAVALA is interim executive director of the Arizona Board of Behavioral Health Examiners. Amidst this good news, we are sorry to say good-bye to DEBRA RINAUDO, who stepped down as the executive director of the Arizona Board.

Now a member of the Vermont Social Work Advisory Board: MARK GAGNON. (Noting just how complex regulation and governance can be, the state of Vermont uses an “Advisor” model of regulation, created by the Legislature.)

Your name could be featured here! Send all news and pictures to Jayne Wood, newsletter editor, at jwood@aswb.org or call Jayne at 800.225.6880, ext. 3075. We need your input!