Moving is an adventure, combining elements of mischief, hard work, humor, and stress. One fellow employed by a moving company worked with a client who wanted to pack her goods herself. When the mover arrived to load up the client’s bits and pieces, he found that she had indeed packed all her belongings (other than furniture) in large black plastic trash bags. Clothes, cosmetics, china, artwork, cutlery, jewelry, glassware, and pots and pans all were jumbled together in these many trash bags. The client blithely asked the moving man whether the company would “be liable for breakage.”

ASWB is moving forward these days, thinking about mobility of practice and portability of license—but we aren’t packing our plans and dreams in garbage bags, and we don’t worry about liability for breakage! We are confident that we can develop workable strategies to help licensees be more mobile in their lives and more successful in their careers. Part of our confidence emanates from the lively, upbeat, thought-provoking Education Meeting ASWB hosted in Seattle at the beginning of May.

More than 100 people attended, all with quick-thinking brains and lots of ideas about how to make licensing more contemporary and relevant in a world where people move often, work across the globe through technology, and cross boundaries to serve people in times of disaster. Amid laughter and groans (mostly at our dear Dale’s jokes), the ASWB family struggled with how to create avenues for people to practice safely and legally across jurisdictional lines. We learned from the Canadian example, where that nation has shaped national standards for many occupational licenses so that citizens can easily relocate and work. It is clear that many U.S. jurisdictions want mobility of practice and portability of licenses; several have already started working on how to achieve this goal. ASWB wants to proactively take the lead on social work licensure.

We began the meeting with a great dinner, followed by dance instructors who taught the brave and foolhardy to dance the samba and tango. (Despite flying legs and waving arms, a good time was had by all!) We heard from Dr. Rick Reamer about how technology drives part of the practice mobility/license portability moving van. Leaders of other disciplines, such as medicine and pharmacy, explained how their professions are working toward mobility. Various presenters spoke to standard setting...
and educational underpinnings as elements of mobility. Attendees then convened as a World Café. Wearing ASWB “Thinking Caps,” participants sat at tables complete with checkered cloths and a set of challenging questions to discuss. We harvested a heap of ideas about mobility. Meanwhile, a graphic artist drew renderings of most of the meetings, a process which was fascinating to watch.

Attendees left needing brain massages, since they had so many new ideas and insights on this exciting topic. The Regulatory Education and Leadership (REAL) Committee did a great job of framing the Education Meeting, and the faithful ASWB staff did a ton of work to make it happen. Between dancing and drawing, thinking and listening, laughing and lounging, the meeting was a great success! Many thanks to all the participants who contributed their brain cells to the process!

Next on the agenda is forming a Mobility Task Force. That group will be doing its work starting soon and will be reporting back to the ASWB family about their suggestions to achieve practice mobility and license portability. Please keep generating ideas to help us reach this “moving” goal—but you don’t need to send garbage bags!
The ASWB Board of Directors met in person on Thursday, April 30, 2015, at the Sheraton Seattle Hotel in Seattle, Washington. Here is a recap of the activities of the Board at that meeting.

Consent agenda: Reports approved via consent agenda included: Executive Vice President’s report, Examination Services report, the Examination Committee report, and New Board Member Training evaluations from the March 2015 training in Miami, Florida.

Leadership reports: ASWB CEO Mary Jo Monahan presented the CEO Report, which summarized the work of the association for the first quarter of 2015. A new campaign to increase membership in ASWB’s Social Work Registry was introduced. Participation in the Registry service is envisioned as a way to facilitate practice mobility and license portability. Jan Fitts, education and training senior manager, was introduced to the Board.

ASWB President Dorinda Noble presented the President’s Report, which summarized the Board’s work on its governance goals in the first quarter of 2015 and provided an overview of the practice mobility/license portability initiative. As part of the report, the CEO evaluation subcommittee discussed its work to develop an evaluation process. The Board approved the adoption of the subcommittee’s full report. The Board held a discussion about the mobility initiative and plans for moving forward following the 2015 Spring Education Meeting. The Board voted to continue the theme of practice mobility/license portability for the 2016 Spring Education Meeting.

Confirmation of decisions made in email meetings: The Board confirmed the decisions made in email meetings conducted on January 28, February 23, March 27, and April 23, 2015.

Treasurer’s report: Board members reviewed financial statements through December 31, 2014, and reviewed and approved the draft audit for the year ending December 31, 2014. The Board approved the engagement of auditing firm Bowling, Franklin, and Co., LLC, for 2015 through 2017. The Board received the report of the Finance Committee and approved a change to section 6. Asset Allocation Guidelines, Short Term Fund, in Policy 7.10 Investments. The Board also heard an update about the Practice Analysis project and the selection of HumRRO as contractor to support the project.

Building report: The Board received a report on the new headquarters project. Research on sustainable materials and
efficiencies continues as the developer completes the site plans. A bid is expected by June. Financing options were discussed, and the Board adopted a resolution for a $10 million line of credit through Morgan Stanley, ASWB’s investment advisor.

**Supreme Court decision:** The Board received a report from ASWB legal counsel about the Supreme Court decision on the North Carolina Dental Board v. Federal Trade Commission.

**Strategic discussions:** *Governance Task Force and Bylaws Committee.* Board members heard a report about the work of the Governance Task Force and the Bylaws Committee, which are working together to review ASWB bylaws.

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

**Regulatory Education and Leadership Committee report:** A summary of the work completed to plan the 2015 Spring Education Meeting was provided. The conference is on schedule.

**Approved Continuing Education (ACE) report:** The ACE Committee will meet in July. The report of current ACE providers is included in the Executive Vice President’s report.

**NABSW meeting report:** ASWB’s President-Elect M. Jenise Comer and Secretary Fran Franklin attended the 2015 National Association of Black Social Workers (NABSW) conference in Chicago, Ill. Comer, Franklin, and past Board member Saundra Starks presented a workshop, “Urban Legends: Preparing the Next Generation for Licensed Practice,” and gave away two exam guides at the end of the session. Comer and Starks participated in a panel discussion on professionalism presented to social work students. ASWB placed two ads in the NABSW souvenir program, a full-page ad on the inside front cover about the new *ASWB Guide to the Social Work Exams* and a half-page ad about ASWB’s Path to License program.
Reliability of exam reflected in consistent pass rates

Nearly 40,000 exams were administered in 2014, an increase of 9.3% over 2013

Year over year, the pass rates for first-time test-takers of ASWB’s licensing exams have remained consistent, attesting to the validity and reliability of the exams. Both measures are critical for these high-stakes exams, which assess minimum competency for practice. Pass rates of first-time test-takers are reported because they are the most reliable measure of ability.

The 2014 pass rates for first-time test-takers for all exam categories appear below and can be found on ASWB’s website.

<table>
<thead>
<tr>
<th>Exam Category</th>
<th>Pass Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Associates exam</td>
<td>68.9%*</td>
</tr>
<tr>
<td>Bachelors exam</td>
<td>78.0%</td>
</tr>
<tr>
<td>Masters exam</td>
<td>82.1%</td>
</tr>
<tr>
<td>Advanced generalist exam</td>
<td>71.5%*</td>
</tr>
<tr>
<td>Clinical exam</td>
<td>77.8%</td>
</tr>
</tbody>
</table>

*Rates are most representative for groups of more than 200 candidates. Associates (161) and Advanced Generalist (158) exam administrations fall below this threshold.

A total of 39,778 exams were administered in 2014, an increase of 9.3 percent compared to 2013. The Candidate Services Center (CSC) answered a record number of calls—78,197—from candidates registering for the exam, ordering exam guides or online practice tests, requesting testing accommodations, or asking general questions about how to become licensed. Satisfaction of candidates that the registration process went smoothly (91 percent) continues to reflect the outstanding customer service that ASWB’s staff delivers.
Risk and reward

A great turnout: 25 jurisdictions and 31 participants

The Administrators Forum at the Spring Education Meeting in Seattle drew 31 participants—mostly member board staff members—representing 25 jurisdictions. Kate Zacher-Pate of Minnesota chaired the meeting. Jurisdictional reports about activities and challenges were shared and discussed. Topics included pending or recently passed legislative changes affecting the licensing of practitioners, mobility issues, and difficulties with database programs.

Participants heard reports from Lavina Harless, exam development manager, on exam pass rates; from Dan Sheehan, IT manager, on the Public Protection Database; and from Jan Fitts, education and training senior manager, on the Path to Licensure campaign. Fitts also provided a training session on Risk Management for Regulators.

Jennifer Henkel, director of member services, provided an overview of resources available to members on the ASWB website, including the Member Services video, highlighted upcoming training sessions, and encouraged enrollment and participation in the Social Work Registry.

Jurisdictions represented at the forum were: Alabama, Brenda Holden; Alberta, Lynn King; Arkansas, Ruthie Bain; British Columbia, Chelsea Cooleadge, John Mayr; Colorado, Jacqueline Arcelin; Delaware, Jessica Williams; Florida, Sandra Barlow; Idaho, Robert Payne; Kentucky, Florence Huffman; Louisiana, Emily DeAngelo, Regina DeWitt; Manitoba, Miriam Browne; Maryland, Stanley Weinstein; Michigan, Forrest Pasanski; Minnesota, Kate Zacher-Pate; Missouri, Ellen Burkemper; Nevada, Kim Frakes; Newfoundland/Labrador, Lisa Crockwell; North Carolina, Micki Lilly, Deana Morrow; Nova Scotia, Sheila McKinnon-Oke; Ohio, Brian Carnahan, Jim Rough; Oklahoma, James Marks; Ontario, Lise Betteridge, Edwina McGroddy; Oregon, Kathy Outland, Kim Summer; Saskatchewan, Alison MacDonald; and Tennessee, Theodora Wilkins.
More alike than different

Social work regulators share concerns, wisdom

With 32 participants from jurisdictions as diverse as Alaska, Québec, and the U.S. Virgin Islands, the first-ever ASWB Board Member Colloquium may have brought up more questions than it answered. Envisioned as a parallel to the Administrators Forum, the Board Member Colloquium met Thursday, April 30, prior to the start of the Spring Education Meeting in Seattle, Washington.

ASWB initiated the colloquium, said Director of Member Services Jennifer Henkel, because “board members were searching for a way to connect with each other at our meetings, similar to the way administrators connect during the Administrators Forum. We wanted to give regulators the opportunity to build peer relationships and to learn from one another.”

After all of the social work regulators present had introduced themselves, there were more than six flip chart sheets’ worth of discussion topics. Issues on the table included active engagement of licensees, continuing education audits, licensing and social work educators, and exemptions to licensing. Not surprisingly, the group also touched on the topic of practice mobility, with several individuals mentioning reciprocity, mobility, and telepractice in social work. In the U.S., states are facing budgetary cuts, and in Canada, provinces are wondering how to implement the social work licensing exams with the federal Agreement on Internal Trade (AIT). Some regulators find themselves caught between those advocating for the profession, legislators who are loathe to add to the “regulatory burden,” and the very real need for public protection.

Following the initial round-robin introductions, moderators Tim Brown of Texas and Robert Payne of Idaho chose a few key issues to discuss during the remainder of the session. The conversation was frank and in-depth, allowing new regulators to learn from those with more experience. Brown and Payne, veteran regulators themselves, offered some structure to the afternoon session, taking into account the breadth and depth of experience in the room.

For instance, Payne called on Ken Middlebrooks, a longtime public member of the Minnesota Board of Social Work, to discuss how Minnesota went through the process of eliminating the licensing...
exemptions that remained on the books for so long. Middlebrooks was blunt: “Our first proposal was shot down by the legislature,” he said. After a lot of conversation with stakeholders, Minnesota was able to repeal almost every exemption, said Middlebrooks: “In Minnesota, we’ve been talking about this for the last 15 years.” It’s taken that long to build the coalition necessary for such a big shift in the statute. That kind of perspective—a 15-year timescale and a regulator who worked through the process—is invaluable for those with less exposure to such issues.

“It was a great first step,” said Henkel of the first Board Member Colloquium. “It’s a very organic process—there’s still a lot of opportunity to grow this gathering in a way that meets the needs of our membership, especially as the role of the regulator evolves.” Being a regulator “has become more intrusive,” said Payne. “Or maybe I should say more inclusive—much more is expected of social work regulators. …The days of just looking at applications and hearing disciplinary cases are gone,” he said. Now regulators are engaging with the political process more and more. “But our three missions are still public protection, public protection, and public protection,” said Payne.
The 2015 Spring Education Meeting included expertise from an MBA in Human Resources and Organizational Development, Nitya Wakhlu of Portland, Oregon. Wakhlu wasn’t a featured speaker or a panel member, though. Instead, she drew on that extensive knowledge—and drew on some very large pieces of paper—as part of the graphic recording process for the meeting.

Her recordings are large illustrations—four feet tall and ten feet long—that she crafts during presentations, discussions, and planning sessions. Graphic recording combines images and text to create a fuller concept of what happened at a meeting, catching voices, illustrating key concepts, and exploring nuances that don’t always come across in transcripts or written reports.

Having such a strong management background “helps me understand the context across a variety of structures and levels,” said Wakhlu. “It helps me understand what is important and what is not as I record the meeting.”

For the ASWB conference, Wakhlu had to work quickly. “The pace is pretty fast” at an educational conference, she said. “I try to grab the content and add detail later on.” Wakhlu managed to capture seven out of nine sessions (concurrent breakout sessions prevented her from illustrating everything). Most of her illustrations begin with permanent markers and flow left to right, following the speaker’s presentation. She uses sticky notes to mark places to add detail later, and pencils in lines that provide a guiding framework. At the end of the day’s sessions, she continued to work on the panels, filling in details and adding color.

“She did a nice job of capturing the key concepts” said ASWB Executive Vice President Dwight Hymans. Hymans, along with John Mayr of British Columbia and Claude LeBlond of Québec, led a session on the first day that focused on social work competency standards. Hymans had never had one of his presentations captured with graphic recording. “It’s a good way to remind people of those important pieces of this conversation,” he said.

Attendees got a chance to view her work as she was creating it, working on panels in the back of the conference rooms. Afterwards, they could look more closely as each panel was displayed in the foyer outside the main meeting room. Her tools of the trade vary, from common permanent markers to specialty art supplies, sponges, and chalk.
Wakhlu began graphic recording about five years ago, after hearing about the practice from a European firm while she was living in India. It was a natural fit for her, combining her interest in organizational development with her longtime habit of visual note-taking. “I’d say around fifth grade, my father introduced me to this book called *Mind Mapping*, which teaches you to take notes using a combination of drawing and writing.” Mind mapping made complete sense to Wakhlu, a natural doodler, although she never realized it would become her career.

Though Seattle wasn’t a far trip for her, Wakhlu has traveled extensively to capture visioning sessions, strategic planning, design sessions, and educational conferences in words and pictures. “I had one client who did a series of workshops in Africa several years ago,” she said.

Social work regulation was “fascinating and new” for Wakhlu. “Regulation of social work is not a field I have been exposed to before,” she said. “I’m just very engaged with the content—it’s interesting to learn about different facets of the same topic, and so insightful.”

Following the conference, ASWB received digital images of Wakhlu’s illustrations, along with the original paper copies. Reproductions of the illustrations suitable for framing were sent as thank you gifts to all presenters. The association will use the illustrations in the final report about the conference, which will be published in the summer.
Technology standards take life as a resource for managing social work practice mobility

An electronic version of the Model Regulatory Standards for Technology and Social Work Practice is maintained on the ASWB website.

Social work practice using technology reaches across jurisdictional boundaries and poses challenges for practitioners and regulators alike. To say that the publication of the Model Regulatory Standards for Technology and Social Work was met with a great deal of interest would be an understatement. Social work practitioners, educators, and regulators were requesting the document even before the final version had been posted to the ASWB website. It had been ten years since the first practice standards for technology were written, as a joint effort between ASWB and the National Association of Social Workers (NASW).

A lot had happened in the world of digital and electronic technology in that time—and more practitioners had begun embracing technology to connect with clients. The goal of the International Technology Task Force, which ASWB convened in 2013, was to develop a set of guidelines, or standards, that would become a resource both for regulators considering amendments to rules and regulations related to electronic social work services, and for the profession as ASWB and NASW considered updating the 2005 practice standards.

Now that the International Technology Task Force has completed its work, the next steps in the evolution of the technology standards are ready to get under way.

This summer, the ASWB Regulation and Standards (RAS) Committee will complete its
comprehensive three-year review of the Model Social Work Practice Act, a resource to facilitate greater standardization of terminology and regulation across all jurisdictions that contains the text of a sample regulatory statute. The RAS Committee will incorporate the model regulatory technology standards into the relevant sections of the model law. All changes will then be brought before the delegate assembly in November at the 2015 annual meeting to be voted on for adoption.

The model regulatory standards will also help shape practice standards for use in the United States. ASWB will be partnering with NASW and the Council on Social Work Education (CSWE) to update the 2005 standards. At the invitation of NASW CEO Angelo McClain, the Clinical Social Work Association (CSWA) will become the fourth member of this working group. The practice standards will be published by NASW.

“We look forward to working with NASW, CSWE, and CSWA to develop practice standards that will serve as a guide for social workers who choose to provide electronic social work services,” said ASWB CEO Mary Jo Monahan. “Finding ways to allow the practitioner to serve clients using technology must be done in a way that protects the public while offering mobility of practice. This collaboration ensures that all interests will be represented in the process.”

The International Technology Task Force included regulators, practitioners, and educators from North America, Ireland, Wales, and New Zealand. As a thank you for their work and to celebrate their accomplishment, the task force members were invited to attend ASWB’s Spring Education Meeting. This was the first time that the group met in person. All task force working meetings were held virtually, using technology to cross international barriers of time and distance.
Name of jurisdiction: State of Nevada

Name of board: State of Nevada Board of Examiners for Social Workers

Number of board members: Our Board has five members. Four are professional members (3 LCSWs and 1 LSW) and one public member. Since we attempt to have equal representation between the various parts of the state, three of our board members are from Northern Nevada (Reno and Gardnerville) and two are from Southern Nevada (Las Vegas). Our meetings are usually conducted via videoconference.

Licensure levels offered: Our board offers three levels of licensure. They are:

- LSW (Licensed Social Worker). This level of licensure is offered to either BSWs or MSWs.
- LISW (Licensed Independent Social Worker). This is a postgraduate level of Advanced Generalist social work.
- LCSW (Licensed Clinical Social Worker). This is a postgraduate level of social work that includes psychotherapy.

Number of licensees: As of March 31, 2015, our board had approximately 2,590 social workers.

Biggest achievement in the past 12 months: We are on the last week of our biennium legislative session. Although we were not able to increase the ceiling on fees, which our board may charge (a big disappointment), there appeared to be “small” victories, including our board being included in the list of “healing art” professionals in Nevada Revised Statute (NRS) 620.031. Since billable services often reference this NRS, having all levels of social work included on this list will officially provide recognition to all licensed social workers in Nevada. Although LCSWs were allowed to provide billable services without being referenced in this NRS, it appears that valuable services provided by the remaining two levels of social work, including LSWs, may become reimbursable services.

Biggest challenge facing the board: The demands placed on the board office far outweigh our resources. In spite of this, we manage to provide the essential services required of our board and office fairly well. Our disciplinary caseloads continues to burgeon. We have hired a staff member with a background as a paralegal. It is our hope to be in a position to fully address our disciplinary cases once we have the staff member.

Useless tidbits from the association news editors:

- Even though California is called the “Golden State” and Nevada is known as the “Silver State,” Nevada produces more gold than any other U.S. state.
- Las Vegas, Nevada, has more hotel rooms than any other city on the earth—of the top 25 largest hotels in the world, 15 are located in Las Vegas.
- Misfits Flats off Highway 50 near Stagecoach takes its name from the John Huston film. Huston used the privately owned area to film a complicated wild horse roundup with Clark Gable, Marilyn Monroe, Montgomery Clift, and Eli Wallach.
- Elko, Nevada, is the home of the National Cowboy Poetry Gathering, an annual celebration of ranching and the rural West.
fully trained. Also, once the legislative session concludes, we will need to address our Nevada Administrative Code (NAC). There are bills that will more than likely be passed during the legislative session that our NAC will have to address. Although this process is time-consuming, there are critical stipulations and deadlines that must also be met prior to the proposed regulations being approved by the interim legislative committee. Another challenge is the amount of misinformation held by licensees and legislators. This includes, but is not limited to, being a self-funded agency and how this impacts our delivery of services, how the board’s laws are created and the board’s ability to change them, and general misunderstanding regarding the purpose of the board as a “regulatory” entity.

(Complete the sentence) “I would really love to hear about how other jurisdictions... Given the vast differences in criteria for clinical licensure as well as the actual implementation of clinical licensure criteria in other states, it would be interesting to see how states and Canada have chosen to address this matter.

Completed by: Kim Frakes, LCSW, Board Executive Director
Saved by the [Church] Bell

By Dale Atkinson, Partner, Atkinson & Atkinson

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).

Continuing on the theme of the Counsel’s Column article Right to Testify Deemed Wrong (February 2015), whereby the issue of whether confidentiality or privilege protected a client/patient from the testimony of the psychotherapist in a criminal trial, this article focuses on a similar issue relevant to disclosure of counseling records pursuant to a grand jury subpoena. Of course, the assertion of rights to refuse to produce records will be based, in part, on the profession and licensure status of the treating practitioner. In order to provide effective mental health services, some level of confidentiality and/or protection of disclosure through the assertion of a privilege is likely necessary. Such protections promote candid communications between the professional and client/patient, and facilitate effective services based on full disclosure of the relevant facts and circumstances. In 1996, the United States Supreme Court recognized the existence of a psychotherapist–patient privilege in the case of Jaffee v. Redmond, 518 U.S. 1 (1996). The scope of the privilege applies to “confidential communications between a licensed psychotherapist and her patients in the course of diagnosis or treatment.” What may be at issue is what constitutes a licensed psychotherapist. Consider the following.

A criminal case was initiated in federal court resulting in an indictment of the defendant for crossing state lines to engage in specific sexual acts with victims under the age of 12. The defendant filed a motion to suppress certain counseling records that had been requested through a grand jury subpoena. The defendant alleged such records were privileged and, thus, not entitled to discovery via the subpoena. The defendant’s claims of privilege were premised upon a psychotherapist–patient privilege and the clergy privilege. The defendant, as the petitioning party, bears the burden of proof that the materials subject to the subpoena are privileged and not otherwise subject to disclosure.

The parties agreed that the Jaffee case cited above establishes the psychotherapist–patient privilege related to confidential communications between therapist and patient. However, the United States argued that the Jaffee privilege does not apply in this circumstance because the person (practitioner) who provided services and developed and maintained the records was not a licensed psychotherapist. The practitioner has a doctorate in Christian counseling from the American Christian College and Seminary; a doctorate in...
Christian counseling from Patriot University; a master’s in theological studies and a master’s in Christian ministry, both from the International School of Theology; and a bachelor’s in business administration from Texas Christian University. In addition, the practitioner is board-certified in professional counseling with the American Psychotherapy Association and an ordained minister with the Church of God. As argued by the United States, while the practitioner’s credentials in the field of counseling may be voluminous, his lack of licensure by the state of Oklahoma renders his records subject to disclosure.

The defendant submitted an affidavit as to his belief that the practitioner was a licensed professional counselor and/or psychotherapist. He also stated that he considered the information divulged to be personal and confidential and not subject to disclosure without a release. Thus, he argued in favor of a reasonable belief test, whereby the defendant reasonably believed that the practitioner was licensed and thus subject to privileged and confidential communications. The court framed this issue as whether the defendant established that he is entitled to protection from disclosure because the privilege is not limited merely to licensed psychotherapists but extends also to those reasonably believed by the patient/client to be licensed.

The court noted that there is no consensus among the federal courts regarding this issue. Indeed, the Jaffee privilege has been extended in subsequent cases to unlicensed counselors of the State Compensation Funds Employee Assistance Program, as well as to rape crisis counselors who were not licensed psychotherapists or social workers but were under the direct control and supervision of a licensed social worker, psychologist, nurse, psychiatrist, or psychotherapist. Further, courts have extended the privilege to unlicensed social workers working for the Veterans Administration and to communications to an unlicensed counselor who worked under the direct supervision of a licensed social worker at a domestic abuse resource center.

In spite of these exceptions, the court in this case was not persuaded by the previous jurisprudence and, citing additional case law, held the need for a “bright-line test” requiring licensure as a prerequisite to availing oneself of the privilege. It held that the United States Supreme Court in Jaffee extended the privilege to relevant persons who are “licensed”; and absent licensure of the practitioner in this case, the court declined to extend the privilege to his records.

Next, the court turned its attention to the defendant’s assertion of the clergy–communicant privilege and again cited the lack of authority in the relevant appellate court. But, the court had “little difficulty concluding that the Supreme Court would acknowledge such a privilege...” The court cited a previous case and noted privilege as including “communications to a member of the clergy, in his or her spiritual or professional capacity, by persons who seek spiritual counseling and who reasonably expect their words will be kept in confidence.” Under the facts of the current case, the court noted the defendant’s affidavit and his representations of communicating with the practitioner for purposes of spiritual advisement. Also, the practitioner is ordained and devotes his practice to Christian counseling and spiritual advisement. Thus, the defendant’s communications were subject to the clergy privilege and not subject to disclosure under the subpoena.

Finally, the court addressed the issue of whether the practitioner was subject to mandatory reporting of suspected child abuse. In fact, the practitioner disclosed to the defendant the mandatory reporting requirement but made no effort to contact the relevant child protective services. “To the contrary, [practitioner] and his attorney concluded that he did not have evidence which triggered the [reporting] statute.” To this conclusion, the court agreed and further noted that any such reporting requirement would not eliminate the privilege related to statements made by the defendant to the practitioner that were not directly relevant to any allegations of child abuse. Thus, certain records would remain privileged in spite of any mandatory reporting requirement.

Accordingly, the court held that the records requested under the grand jury subpoena were not subject to disclosure, as they were protected by the clergy–communicant privilege. Determining when one must disclose patient/client records without a release can present difficult decisions for licensees and certain unlicensed practitioners as well. Further complicating matters is the divergence among the many states regarding the duties and privileges of practitioners.

Welcome, 2015 Regulatory Education and Leadership Committee

Each year, ASWB’s president appoints volunteers approved by the Board of Directors to serve on the committees and task forces that collaboratively help the association realize the goals and objectives of the Strategic Plan. The Regulatory Education and Leadership (REAL) Committee is no exception. However, unlike other committees that are appointed at the beginning of the year, the REAL Committee’s appointments coincide with the education meeting, which the committee has responsibility for planning and facilitating.

Serving on the 2015 REAL Committee are: Chair James Marks of Oklahoma, Leisa Askew of Alabama, Ginny Dickman of Idaho, Deana Morrow of North Carolina, and Nick Smiar of Wisconsin. Director at Large Melinda Pilkinton of Mississippi is Board liaison. The committee had its first meeting during the Spring Education Meeting in Seattle. Over the course of the next year, the committee will have an additional face to face meeting as well as virtual meetings via conference call to continue planning for the 2016 Spring Education Meeting in Jersey City, New Jersey.

Committee members will work in coordination with the Board of Directors and ASWB staff to develop the conference format and identify speakers and presenters around a theme that is chosen by the Board of Directors based on the objectives of the 2014-2018 Strategic Plan. For 2016, the Board chose to continue the 2015 theme of Social Work Practice Mobility/Licensure Portability, recognizing both the complexity of the topic and the importance of the initiative as part of ASWB’s Strategic Plan.
Celebrating 25 years with ASWB

Congratulations to CHRISTINE BREEDEN, who celebrated her 25th work anniversary at ASWB on May 1. She was ASWB’s third employee, hired in 1990, shortly after the association moved to Culpeper. CHRISTINE is ASWB’s longest tenured staff member. As timing would have it, a third of ASWB’s staff was in Seattle on her anniversary, so festivities were delayed until May 7, when everyone could wish CHRISTINE their best. Also at the party: DIANNE WILDGRUBE, events planner for ASWB through the 1990s, and CHRISTINE’s family. She received an engraved mantle clock as a thank you for her service.

Public speaker and public radio host

We know RICK REAMER is a prolific and popular speaker on professional ethics, but we had no idea that he has also been active in public radio for 15 years or so. DAN WHEELAN of Rhode Island mentioned listening to RICK on Rhode Island Public Radio. Turns out that RICK has been producer and host since 2007 of the weekly broadcast “This I believe—Rhode Island,” which is modeled after the national “This I Believe” project. To hear more, visit http://ripr.org/programs/i-believe-rhode-island

Making a connection

VICKI WILLIAMS of Tennessee and WINIFRED ANTHONY-TODMAN of the Virgin Islands paused for a photo together at the 2015 Spring Education Meeting in Seattle as they were sharing stories from “home.” WINIFRED works in the VI Department of Education, and VICKI grew up in the Virgin Islands, where her mother, Juanita Gardine, was a well-respected educator and principal as well as a social worker. An elementary school in St. Croix bears Gardine’s name.

Welcome to Washington (State)!

Thank you to FREDDA JAFFE for her warm words of welcome to the 2015 Spring Education Meeting in Seattle. FREDDA, a marriage and family therapist, is a member of the Washington State Mental Health Counselors, Marriage and Family Therapists, and Social Workers Advisory Committee.

Regulatory education not just for regulators

For the first time, attendance at ASWB’s Spring Education Meeting was open to social work practitioners and educators. NASW Texas Chapter staff member WILL FRANCIS took the opportunity to participate. WILL is shown here with, from left, ASWB President DORINDA NOBLE of Texas and Texas board chair TIMOTHY MARTEL BROWN.

Seen around town

JAMES MARKS of Oklahoma was reported to be seen walking around Seattle wearing his “ASWB thinking cap,” the hat given to World Café participants. We want pictures!
Happy Birthday/Joyeux Anniversaire

RICHARD GREGORY of Alberta was surprised to be serenaded in Seattle on his birthday. Colleague LYNN KING made the announcement and led the singing of Happy Birthday/ Joyeux Anniversaire.

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Congratulations!

ELLEN BURKEMPER of Missouri won the Spring Education Meeting Evaluation prize: a fully funded registration to the 2016 Spring Education Meeting in Jersey City, New Jersey.

*****

Thank you, 2014 REAL Committee

Thanked for a job well done: The 2014 Regulatory Education and Leadership (REAL) Committee members (from left) DEANA MORROW (NC), chair FRAN FRANKLIN (DE), NICK SMEAR (WI), and ANNA LYN WHITT (MS). The late GLENDA Mc Dolphin was also a member of the REAL committee.

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Welcome back!

Nice to see former ASWB members at the Spring Education Meeting: JIM ROUGH, formerly of Ohio and now retired and living in California, made the trip up the coast to attend. ROGER KRYZANEK (pictured), a past ASWB president, also was in attendance from Oregon.

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Aswb CEO also known as... Kentucky Colonel Monahan

On Derby Day, FLORENCE HUFFMAN of Kentucky surprised CEO MARY JO MONAHAN with a commission from Kentucky Governor Steven L. Beshear conferring on her the honorary title of Kentucky Colonel, the highest honorary title given by the commonwealth. The honor recognizes accomplishments in leadership and service to the community, state, or nation.

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Bold venture

LESLIE McCARL, form reviewer for the Exam Committee, is very excited to report that she recently opened a private practice in Pennsylvania. Congratulations, LESLIE!

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Ph.D. bound

BRENT MEYER, Exam Committee masters exam chair, has finished his comps in his Ph.D. program. Congratulations, BRENT!

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More congratulations!

SAUNDRA STARKS of Tennessee was elected in May to a three-year term as vice chair on the Council of Social Work Educators (CSWE) Board of Directors. SAUNDRA, formerly a member of ASWB’s Board of Directors, also served on the National Association of Social Workers (NASW) Board of Directors. Is this achievement considered a hat trick or a triple play?

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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!