



Developing trust and finding commonalities to move Mobility forward



M. Jenise Comer, LCSW, MSW, ACSW
ASWB President

The largest group to ever attend an Education Meeting arrived in Jersey City, New Jersey, to prepare for our journey toward Mobility. The beautiful view of Manhattan with recognizable landmarks across the Hudson River both stimulated and energized us for the work ahead. The exact same view was even more breathtaking at night, reminding us to look at both sides of mobility, to arrive at a full and complete appreciation of the issues and potential solutions. The unseasonably cool and rainy weather did not dampen our spirits. It empowered us to continue the discussion with stamina and creativity.

Clearly there is a consensus that achieving mobility is the right thing to do. The cause is driven by technology, an increasingly mobile society, and the increased need for access to quality health and mental health care. The Mobility Task Force appointed in 2015 spent the past year studying the mobility question and doing research to shape a plan. By presenting their research and findings at the conference, task force members moved the development of a mobility plan further “down the road” to the next stage of construction: gathering ideas from attendees on six important areas where

additional research is needed. These ideas were captured in focus groups during a World Marketplace session.

In support of mobility, we already have agreement on common educational criteria and use of the ASWB exams. As the task force shared, however, jurisdictions still vary widely on the experience requirement for licensure. We also need to agree on the categories for licensure, as differences contribute to the current “alphabet soup” of titles different states use. Qualifications for licensure was one topic discussed during the focus group session. Input was also solicited on trust, disciplinary systems, technology driven change, stakeholder topic areas (such as finances, cooperation, and communication), and existing infrastructure. Staff will compile and categorize the data from the focus groups, and the task force will then analyze the data to continue shaping the mobility plan.

Two important themes emerged from the conference. First, there is a need to **trust** that every state and jurisdiction has the same goal of public protection and second, there is more to be gained in focusing on the **commonalities** that we share rather than getting distracted by the

exceptions. As we focus on identifying these commonalities, the task force reminded us that we have a number of ASWB-developed resources—including the Social Work Registry, the Model Social Work Practice Act, the Model Regulatory Standards for Technology and Social Work Practice, and the Public Protection Database—that give us a foundation for establishing consistency in licensure, social work legislation, electronic social work service delivery, and discipline.

Adding to those resources, a new Mobility website will be launched this summer to provide more news about the work of the task force, give members and other stakeholders a voice into the process, and suggest ways to take action or provide input through surveys. We are excited to offer this avenue of two-way communication and outreach.

The input received during the World Marketplace and through the mobility website will guide the Task Force as members move forward to craft a plan. The task force will make a report to the 2016 Delegate Assembly in November on progress made. In 2017, the Delegate Assembly will be asked to vote on a final plan for implementation. As your Board president and as a co-chair of the Mobility Task Force, I thank you for helping to make this initiative a reality “in this lifetime.”



Same good content, some new formats

The new laws and regs database was previewed and will be launched in the next month

Administrators attending the 2016 Education Conference in Jersey City, New Jersey, covered a lot of ground at the Administrators Forum and did so in new ways. With a new chair, Kim Frakes of Nevada, it seemed a good time to try out a few other new ideas, including getting rid of the long tables abutted to form a rectangle as in meetings in the past. Instead, the group was seated at round tables to encourage more dialogue and to make the space more inviting. Another new idea: use the round table format to hold discussions about multiple “hot topics” instead of just one. The group also learned more about each other’s jurisdictions with jurisdictional

trivia. Attendees were able to hear about everything from the history of New Brunswick to the state beverage of Arkansas (milk).

The 29 administrators present heard updates from other jurisdictions and reports from ASWB staff. The hot topic discussions were on discipline, complaints, substantial equivalency, and dual relationships. Jurisdictional reports had common themes related to budgets and fund sweeps, supervision requirements, and electronic practice. ASWB staff reports reviewed examination services and the new exam use policy procedures (see [related article](#)), the Path to Licensure, and a new Mobility website that is



Lisa Crockwell (NL) and Jim Marks (OK) shared their thoughts during the Hot Topics session. Marks led the discussion on Complaints.

expected to be launched later this summer where information about ASWB's Mobility initiative will be shared.

Administrators also got a preview of the new and improved laws and regs database, which will be web-based and feature a broader scope of data and access to more detail in the reports as well as the ability to export data to multiple formats. "I am really proud of the work that has been done to make the laws and regs database accessible to members and the public," said Director of Member Services Jennifer Henkel. "Data can be reviewed and sorted in multiple ways, and there are safeguards to ensure the integrity of the data. The data will also be accessible to support member information requests and for use in developing narrative reports. The information on the database can be updated, so we are looking for our members to provide any updates and clarification to make the information as accurate as possible. We expect to launch the database in the next month."

The "hot topic" table discussions were led by Brian Carnahan of Ohio, Frakes, Jim Marks of Oklahoma, and John Mayr of British Columbia. Takeaways from these discussions were reported to the full group at the end of the day.

The next Administrators Forum will be held November 17 at the Annual Meeting of the Delegate Assembly in San Diego, Calif.



association asides

From the 2016 Education Conference

United they stand!

Most of the members and staff of the Louisiana board attended the Welcome reception and dinner at the 2016 Education Conference in matching T-shirts.



Seeing stars

HAROLD DEAN of Arkansas enjoyed a night on the town in New York City while in Jersey City for the 2016 Education Conference. After attending the one-man comedy Fully Committed! starring Jesse Tyler Ferguson, HAROLD reported seeing actor Hank Azaria.



A special visit

RENÉE CARDONE of Pennsylvania brought her mom, age 92, to the 2016 Education Conference. They had hoped to visit Ellis Island, because her mother's parents, who were Sicilian, went through immigration there in the early 20th century. Unfortunately, the weather was not cooperative but, RENÉE reports, "our room looked out on the Island and the Statue of Liberty, so she was able to see it from there. We took the opportunity, also, to do some research, and were able to locate the date of her mother's immigration and are close to identifying her father's too." RENÉE also said the trip was a great opportunity for her mom to travel a little, noting "she worked full-time until she was 89, then cared for my father until he passed away in 2014, so now she can 'see the world.'"



I'll have one of everything!

ANN-MARIE BUCHANAN of Tennessee couldn't decide what badge she liked best, so she added them all to her name tag.

Best wishes for a rapid recovery!

We heard that NICK SMIAR of Wisconsin is recovering from emergency bypass surgery that landed him in the hospital shortly after returning home from the 2016 Education Conference. NICK served on the 2015-2016 Regulatory Education and Leadership (REAL) Committee that planned the conference.



Pride and joy

Following a long day of committee work in a windowless conference room, members of the Continuing Competence Committee headed out from their Georgetown hotel to watch the Washington, D.C., Pride Parade.

Congratulations are due!

DEANA MORROW of North Carolina has been appointed to serve on the Commission on Accreditation at the Council on Social Work Education (CSWE). She writes that serving on the commission has been a career goal of hers for many years. As a social work educator, former social work regulator, and a practitioner, DEANA has been a leader in all three “pillars of the profession.”



Musically inclined

Upon learning that attorney JOHN TYLER of North Dakota is also a musician, DALE ATKINSON decided he and JOHN would need a good band name and took suggestions from New Board Member Training participants. The winning suggestion was “Delicious Negligence,” a riff on the common (for attorneys and regulators) phrase “gross negligence.” Unfortunately, there’s already a band named The Regulators.

Family affairs

MONICA ROTH DAY of Minnesota and NANCY SIDELL of Pennsylvania, item development consultants for the Masters exam committee, both got word during the Exam Committee meeting that their families welcomed additions on Friday, June 3. NANCY’s great-nephew Evan James Beier was born at 9:03 a.m. in Jacksonville Florida. He weighed 7 lb. 7 oz., and was 20 inches long. MONICA’s great-great nephew was also born that morning.

Interiors

MEENAKSHI BUDHRAJA of Arkansas is going to be in pictures! Well, her home will be at any rate. According to writer-director SUSAN YOUSSEF, two very important scenes of her indie narrative feature film about a young Muslim girl’s coming of age were filmed at MEENAKSHI’s Little Rock apartment. SUSAN writes: “We hope to premiere in Little Rock in the month of the 60th anniversary of the Little Rock Nine: Sept. 2017.” For more information about Marjoun and the Flying Headscarf, visit the film’s [Facebook page](#).



Your board in action

A summary of the work of ASWB's Board of Directors at its April 28, 2016, meeting in Jersey City, New Jersey

The ASWB Board of Directors met in person on Thursday, April 28, 2016, at the Hyatt Regency in Jersey City, New Jersey. Here is a recap of the activities of the Board at that meeting.

Treasurer's report: Board members reviewed and accepted financial statements and statements from ASWB's investment accounts through March 31, 2016, and reviewed and approved the draft audit for the year ending December 31, 2015. The Board received the report of the Finance Committee. Topics reviewed by the committee:

- Dues structure. The committee discussed a request from a member jurisdiction to review the current dues structure. The committee acknowledged the sensitivity of the topic and the fact that while dues comprise a small percentage of ASWB's budget, the amount collected may be significant for members. The committee requested that more research be conducted into the issue. The committee will reconvene by conference call prior to the August Board meeting to discuss ways that the organization might help member jurisdictions that are having difficulty.
- New headquarters. The committee toured the site of the new headquarters during its meeting in Culpeper.

- Reserve funding allocations. The committee requested that the funding allocation formula for the reserve funds be re-searched for further discussion during its conference call prior to the August Board meeting.

Strategic discussions: Board members participated in strategic discussions about the following subjects.

Examination policy follow-up. The Board voted to set July 1, 2016, as the date for implementing a formal review process for considering use of the exams outside exam use policy. Those members currently using the exams outside policy will be notified and given up to five years from the implementation date to request a waiver, make jurisdictional laws and regulations consistent with ASWB exam use policy, or stop using the exams in ways that are outside policy. Member jurisdictions wishing to use exams outside policy must request a waiver by submitting a request to the Board. (See [related article](#).)

Board evaluation instruments. The Board discussed tools available for conducting Board meeting evaluations in order to assess progress toward Board governance goals and to evaluate Board performance. The Board reviewed a survey instrument provided

by BoardSource as well as other options. The Board determined that an annual evaluation and shorter post-meeting surveys would provide the best assessment methodology. The Executive Committee was tasked with reviewing possible tools and bringing a recommendation to the August Board meeting.

Regulatory advocacy initiative. The Board discussed ASWB's participation in supporting a consortium of regulatory boards that is lobbying "to limit antitrust remedies through relevant federal regulation," as explained by the Federation of Associations of Regulatory Boards (FARB). This legislative strategy was developed in response to the U.S. Supreme Court ruling in the case of the FTC v. the North Carolina State Board of Dental Examiners. ASWB's Board voted to contribute \$6,000 over six months to the consortium to support legislative efforts.

Review and adjustment of strategy: The Board discussed its upcoming professional development retreat in August as well as preparing for the expansion of the Board from eight to 11 following 2016 elections in November. The Board reviewed the agenda for the 2016 Education Conference.

Policy, public and operational:

ASWB Policy Manual. The Board reviewed and approved updates to the ASWB Policy Manual related to sections II. Examinations, III. Meetings & Travel, and VII. Methods of Operation.

Emergency communication plan during CEO absence. The Board requested that staff revise the draft communication policy.

Building project update. The Board

received a report about the new headquarters building. Virginia Department of Transportation (VDOT) has completed its review. The Virginia Department of Environmental Quality (DEQ) is completing its review.

Approval of minutes: The Board approved as corrected the minutes of the January 27 and 28, 2016, Board of Directors meetings in Clearwater Beach, Fla. The Board approved the minutes of the 2015 Delegate Assembly in Ft. Lauderdale, Fla.

Confirmation of decisions made in email meetings: The Board confirmed the decisions made in email meetings conducted on February 2, 9, and 29 and March 16, 2016.

Consent agenda: Reports approved via consent agenda included: leadership reports from the President and CEO, the Executive Vice President's report, Examination Services report, the Examination Committee report, and New Board Member Training evaluations from the March 2016 training in San Diego, Calif., and Winnipeg, Manitoba.

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

NABSW meeting report. ASWB's President M. Jenise Comer and Secretary Fran Franklin presented at the National Association of Black Social Workers (NABSW) conference with former Board member Saundra Starks. Two copies of ASWB's Guide to the Social Work Exams were given away to presentation attendees. ASWB placed two ads in the

NABSW souvenir program, a full-page ad on the inside back cover about the exam guide and a half-page ad about ASWB's Path to Licensure program.

BPD meeting report. ASWB President M. Jenise Comer and ASWB Executive Vice President Dwight Hymans presented a session on ASWB's Mobility initiative during the Baccalaureate Program Directors (BPD) annual conference. ASWB exhibited at the conference, taking a double booth to promote the Path to Licensure program and the free Registry for students.

Recap of the Foundation Board Meeting

Immediately following adjournment of the Board of Directors meeting on April 28, 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.

Path to Licensure Institute: Staff presented a white paper about holding a summer institute to orient a Path to Licensure cohort to the Path to Licensure program. Cohort members would be required to develop research projects related to regulation or Path to Licensure activities and would be monitored by their schools for compliance. Publication of research or presentation at an ASWB Delegate Assembly would be requirements for completion. The Foundation

Board voted to approve the request for funding one Path to Licensure institute as a pilot project to be completed in summer 2017.

Approval of minutes: The Foundation Board approved the minutes of the January 28, 2016, meeting held at the Sandpearl resort in Clearwater Beach, Fla.

Future of the Foundation: The Foundation Board discussed the need for reviewing the purpose and scope of the Foundation for future viability. Foundation President M. Jenise Comer appointed two Board members to work with staff to develop a report and SWOT analysis.

Foundation Editorial Review Committee: The Foundation Board reviewed and approved the members of the 2016 Editorial Review Committee.



Conversation and Commiseration

Board Member Exchange continues to evolve

Just prior to the 2016 Education Conference in Jersey City, New Jersey, social work regulatory board members gathered for a day of learning and conversation about their challenges and successes. “I had the advantage of being at the first two [Board Member Exchanges],” says Richard Gregory, president of the Alberta College of Social Workers. “I was able to see what had worked really well before.”

Gregory, along with Sharon Sorrell of the Missouri Committee for Social Workers, cofacilitated the session. This spring was the third time ASWB has hosted an event especially for regulatory board

members on the day before a major ASWB meeting. Each iteration of the Board Member Exchange (which was originally called a colloquium) has had different facilitators and a different agenda. Developed as a parallel event to the popular Administrators Forum, this April’s Board Member Exchange drew more than 40 attendees from jurisdictions across North America.

Each pair of facilitators for the meeting brings a different perspective and different ideas to the session, always with a focus on helping other board members do their job. “We let it be guided and directed by topics the participants wanted,” Sorrell says. “I saw the



Richard Gregory (AB) and Sharon Sorrell (MO) review discussion topics during a break at the Board Member Exchange. Gregory and Sorrell served as facilitators for the day-long meeting in April.

goals [of the day] as networking, learning from each other—taking away what might work.”

Gregory concurs. “Not all participants are the same,” says Gregory, because the event draws a different mix of jurisdictions at each gathering, often depending on the meeting location. “You have a fairly significant number of new faces at the table each time.” In planning the session, Sorrell and Gregory, along with ASWB Education and Training Senior Manager Jan Fitts, worked to develop a process that would allow input from the group, while also providing some structure for discussion.

Following introductions and an informative talk from Sorrell about telehealth and e-practice in the Veterans Administration, attendees were invited to write discussion topics on post-it notes and place the notes on the back wall of the meeting room. As each participant added his or her suggestions, they placed similar topics close together to give the facilitators a sense of the common threads.

Some topics were so popular that Gregory and Sorrell scheduled two small group discussions on them. Others drew a smaller conversation group, but the conversations proved to be valuable to participants. “Small group discussions were great!” declared one attendee on the meeting evaluation. “Excellent forum to discuss issues among board members,” said another.

“It was enriching,” Sorrell says of the exchange, “learning about other boards’ differences was very interesting,” she continues. “There are some similarities, but also a lot of differences” in policies and operations of regulatory boards.

“We had the opportunity to discuss a lot of topics that were important to people,” says Gregory. “They were the topics that THEY wanted to discuss.”



Emphasis on *Continuing*

Continuing competence programs blossom at ASWB

When Lisa Casler joined ASWB as Continuing Competence Coordinator last fall, she stepped into an evolving role within a rapidly expanding set of programs. ASWB launched its Approved Continuing Education (ACE) program in 2000, reviewing and approving continuing education providers that offer courses for licensed social workers. As of 2016, [ACE is recognized](#) as a good source for continuing education by 47 member jurisdictions. In 2014, ASWB expanded continuing competence programs with a contract for the State of New Jersey. ASWB now reviews and

approves continuing education courses for New Jersey, with [more than 850 courses](#) approved in just two years.

“We can turn around a course approval for New Jersey in about 60 days, if everything’s in order,” Casler says. That’s good news, because applications for approval through the New Jersey contract have been steadily increasing, with applications for 2016 up by more than 20% compared to the first months of 2015.

The ACE program has seen similar growth in the past two years, with completed application volume more



Continuing Competence Coordinator Lisa Casler and Continuing Education Specialist Donna Edwards.

than tripling between 2014 and 2015. “We changed the application process for ACE and made it more streamlined,” says Jennifer Henkel, director of member services, which explains some of the increase in completed applications. “We’ve also seen growth in ACE as more jurisdictions, including California, recognize ACE in their continuing education requirements.”

With the addition of Casler, a Licensed Social Worker with 15 years of experience, ASWB has been able to simplify the review process for ACE providers. Previously, every application was reviewed by a committee of subject matter experts, the ACE Committee. Now, most of the review is completed by ASWB staff, in consultation with committee members when a question arises. Consequently, the committee has shifted its focus to the broader topic of continuing competence. In fact, the committee’s name now reflects that new focus: the Continuing Competence Committee. The committee met in June and will provide input to the Regulatory Education and Leadership (REAL) Committee in the planning for the 2017 Education Conference, which will focus on continuing competence. “In addition to providing that input,” says Henkel, “the committee will get feedback from ASWB members after the conference.”

To keep up with the pace of continuing education review, Casler’s team will expand this year. Currently, much of the work falls to her and Continuing Education Specialist Donna Edwards, with periodic help from other Member Services staff. Casler and Henkel are currently in the process of hiring a third person to assist with the expanded workload.

ACE will also see a revamped online application process within the next 12 to 18 months, Henkel says. With online applications, ACE staff will receive more consistent information from applicants and will be able to share provider information more quickly. Currently, the online ACE system boasts more than 2,700 courses that social workers can search. The search function allows social workers to look for courses by subject matter or location and includes distance learning opportunities as well.

“As new learning formats come in,” says Casler, “the challenge is making sure we stay up to date with best practices while still meeting our standards.” These new learning formats—largely the result of technology changes—are a boon for professionals, Casler says, because they “tap into all different learning styles.... It’s an exciting challenge.”



Scrabble®:

DSM-5 TRO LEP CBOP CBSS CLEE EPPP



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).

Many factors must be considered when determining an applicant's eligibility for licensure of a regulated profession. Qualifications for licensure are set forth in statute and, in addition to filing applications and payment of relevant fees, generally include components related to education, examination, and experience. Some boards have the authority to assess moral character as a prerequisite to licensure. Moral character assessments may include a criminal background check to reveal past indiscretions.

Under some circumstances, applicants for licensure may have a licensure or employment history as a practitioner in a related profession. When these applicants are considered, questions about activities under the applicant's "other" license may arise relevant to the applicant's eligibility for the additional license. Consider the following.

A licensed educational psychologist (Plaintiff) with a master's degree who was licensed by the California Board of Behavioral Sciences (CBBS) sought licensure as a psychologist from the California Board of Psychology (CBOP). As a licensed educational psychologist, Plaintiff served as the lead school

psychologist for autism in a California school

**Counsel's
Column**

district from 2000 through 2012. The Plaintiff also worked for another school district from October 2013 through November 2014. During these employment periods, Plaintiff is alleged to have conducted over 4,500 evaluations of more than 2,500 students. Through her work, Plaintiff often testified against Alta Regional Center (ALTA) in proceedings that resulted in Alta being ordered to provide special educational services to students with disabilities.

To qualify for licensure as a psychologist, the Plaintiff earned a doctorate degree in psychology, completed her postgraduate hours, and passed the Examination for Professional Practice in Psychology (EPPP). In July 2013, the Plaintiff filed an application for licensure with the CBOP and in August 2015 sat for the California Psychology Law and Ethics Examination (CPLEE). Upon completion of the CPLEE, Plaintiff was told she received a passing score. Later that month, Plaintiff was allegedly told by a CBOP staff person that her application was approved and she

could come pick up her psychology license. When she arrived at the CBOP office, Plaintiff was told that her CPLEE examination score could not be located.

In the interim, in July 2015, an employee at Alta filed a complaint with the CBBS alleging, among other allegations, that the Plaintiff had practiced outside her scope of practice by conducting an evaluation of a minor patient using DSM-5 coding. At some point and in violation of HIPAA, the complainant at Alta also sent two reports prepared by Plaintiff to the CBOP. Without any notice to the Plaintiff, the CBOP sent her application file to its enforcement department, concluding that her application should be denied. As a result, the enforcement department sent a letter to the Plaintiff that her application was denied and offered her an opportunity to appeal the decision.

In October 2015, Plaintiff filed a complaint in a United States District Court seeking a declaratory judgment and a temporary restraining order (TRO). Under the TRO, Plaintiff asked the court to prohibit the CBOP from refusing to issue her a license. Under the declaratory judgment, Plaintiff sought to have the patient reports submitted in violation of HIPAA returned to the patient's parents, to have the CBOP placed in federal receivership, and to be awarded damages, costs, and attorney's fees. The complaint asserted numerous causes of action, including a conspiracy theory, age discrimination, due process violations, and violations of right to association under the First Amendment.

Based on the time-sensitive issues, the Plaintiff sought an ex parte order issuing the TRO. (An ex parte order is issued by a court prior to and without hearing from an adverse party, in this case the CBOP.) In assessing the entry of a TRO, the court noted that the Plaintiff must show that she is subject to immediate and irreparable harm, loss, or damage. As part of her attempts to show the magnitude of the circumstances and irreparable harm to which she would be subjected, the Plaintiff noted that she was under contract with the California Department of Justice to work for the Department of Corrections (DOC) but that such employment was contingent upon her becoming licensed as a psychologist by November 25, 2015. In addition, the Plaintiff argued that she was a single parent and the sole provider for her family and that, based upon her age (50), she would have difficulty in gaining employment should the DOC opportunity be revoked.

The court stated that nothing in the record "...supports the conclusion that Plaintiff is being blackballed such that, despite the credentials she presents, she has been rendered unemployable." Finding that the Plaintiff failed to present any financial figures showing she would be unable to pay for the necessities of life, as well as noting previous case law finding that temporary loss of income through loss of a job does not constitute irreparable harm, the court found that Plaintiff could not bear her burden of proof.

Further, and in rendering its ruling, the court assessed Plaintiff's likelihood of success on the merits, an additional component of substantiating the issuance of a TRO. It

held that Plaintiff had not met her burden under the likelihood of success criterion. The court noted that Plaintiff's claims were vague and conclusory and did not contain the specific facts or evidence to support the allegations related to a conspiracy theory. It also noted that the Plaintiff had not produced the CBOP denial of licensure letter and did not produce any evidence suggesting that a licensed educational psychologist could lawfully perform the functions alleged in the complaint before the CBOP.

Accordingly, the court denied the motion for the TRO. The court noted that if the Plaintiff so desired, she could set the matter for a hearing on the issuance of a preliminary injunction. This case consists of interesting facts and a judicial analysis of how and when to enter a TRO. Boards of social work should review their application processing and anticipate how to address applicants who may be under current investigations by other agencies.

***Holcomb v. California Board of Psychology*, 2015 U.S. Dist. LEXIS 158181 (US Dist. Ct. CA 2015)**



Countdown clock starts July 1

ASWB's Board of Directors set July 1, 2016, as the implementation date for establishing procedures to ensure member jurisdictions are in compliance with the exam use policy

Exceptions are like raindrops. A drop here and a drop there don't amount to much. But when enough drops fall, before you know it you've got a destructive flood on your hands. That's the idea behind a recent ASWB Board of Directors decision on the association's examination policy.

At its January meeting, the ASWB Board of Directors discussed the issue of maintaining exam validity and defensibility when it is known that the exams are being used in ways that are outside of policy. At present, that inconsistent use occurs in 24 instances in various licensure categories across several jurisdictions. One example: candidates being approved to take an exam for which they do not meet education or experience levels established in policy.

"It's important to understand that the exams are not hierarchical," said Dwight Hymans, ASWB executive vice president. "The Bachelors exam has been validated to measure minimum competence for the bachelors scope of practice, and it is the same for the Masters exam and the Clinical exam—they also are tools to measure the scopes of practice identified for these exam categories. If too many people take an exam for which they do not meet the qualifications according to policy, there is a risk

of invalidating the exam for its correct use."

The idea is that the examinations are designed to support the concept that Bachelors, Masters and Clinical scopes of practice are distinct scopes, not levels of practice that somehow supersede or encapsulate each other. For example, Clinical social work practice is just that – Clinical practice. And passing the ASWB Clinical examination doesn't necessarily mean that the successful candidate possesses the knowledge, skills, and abilities to practice at the Baccalaureate level, because the ASWB Clinical examination does not test Bachelors content.

In fact, passing the Masters exam means that the test-taker has demonstrated minimum competency in the knowledge, skills, and abilities needed to perform master's social work only. The Masters exam does not test for any other scope of practice and a passing score does not demonstrate the test-taker's ability to practice competently in any other category of practice.

These three practice categories have been defined by social workers themselves through their responses to the practice analysis that ASWB conducts every five to seven years as part of its exam

development process—and that has been true since the first practice analysis was conducted in 1981-1982. Bachelors educated social workers are surveyed about tasks performed in their practice as a bachelor social worker; master's educated social workers are surveyed about tasks performed in their practice as master social workers; and so on for clinical social workers and masters educated social workers with two or more years of experience in non-clinical or macro-practice settings (the Advanced Generalist exam category). The content outlines that form the blueprints for each exam bear out the differences. Rather than thinking of the exams as hierarchical, it is more accurate to think of them as parallel.

For the ASWB examinations, the difficulty occurs when a candidate takes an examination that doesn't match his or her education and experience. Because the examinations use test-taker response data to monitor the quality and consistency of each test question, the mismatch between the test's target audience and the individual test-taker opens up the possibility for that data to be clouded.

"It's true that the numbers of candidates currently taking a test not intended for them is still small enough that it's having little effect on our item data," Hymans said. "But if these policy exceptions continue, the potential is there for the data to be skewed."

Enough skewed data, and test items that once performed the way they're supposed to start showing problems, and new items being pretested (a type of audition in which they're included in a test as nonscored questions in order to

gauge their performance) become difficult to establish as valid, reliable measures. Obviously any fixes are extremely expensive, and along the way, public confidence in the validity of the licensure examination can begin to erode.

Historically, the Board has allowed members to choose which exam to use for each licensure category in their state or province. While members were encouraged to follow the exam use policy, ASWB did not object if a member board deviated from policy. However, as the use of the exam expands, the potential for inappropriate use also increases.

For that reason, the Board determined that compliance with policy was a priority. "Enforcing appropriate use of the exams helps maintain the highest psychometric and legally defensible standards on behalf of our members that use the exam(s) as part of their licensing process," wrote ASWB CEO Mary Jo Monahan in a memo announcing the implementation plan to member board chairs and administrators in May. ASWB consulted with HumRRO, its psychometric consultant, about the impact of this issue and HumRRO advised ASWB to use all exams for their intended (validated) purpose. The purpose of each exam is defined in item 14 of policy [2.1 Procedures](#).

The process to move ASWB member boards toward a consistent, policy-driven use of the ASWB examinations begins July 1, 2016. That's when the clock starts ticking on a five-year time period within which members are expected to comply. As summarized in the announcement:

- Members wishing to use the exams outside the exam use

policy must submit a written request for an exception. Staff will review the request with our psychometric consultant and/or our test administration vendor [Pearson VUE] and make a recommendation to the Board of Directors. The Board will consider the request and make a final decision. The decision will be communicated to the member.

- Members currently using the exam(s) outside the exam use policy will be notified. Members will be given three options: change the necessary jurisdictional laws/regulations/policies; request an exception (as described above); cease using the exam(s) for the noncompliant purpose. Members must complete one of these options no later than five years from the July 1, 2016, implementation date.
- If an exception is not granted by the Board of Directors, ASWB will no longer be able to support the validity of the exam(s) used for the noncompliant purpose.

The Board made the decision to implement these procedures to help members make the change now to avoid having to make legislative changes later. The five-year time frame is intended to give members time to make legislative changes if necessary, although it is hoped that this will not be the case in the majority of jurisdictions where change must be undertaken. "It is not ASWB's intent to place extra burdens on our membership," Monahan concluded in her announcement, "and we will provide assistance to members

making efforts to change laws and regulations that conflict with the exam use policy.”

The bottom line, says Hymans: “Everyone is putting themselves and the exam at potential risk when they use the exam outside policy. There’s a bigger picture to consider. It’s not just ‘what works for my jurisdiction.’ ”

The full description of the procedures summarized above was included in the announcement sent by email and U.S. postal mail to member board chairs and administrators and is available upon request. Hymans is the point of contact for any questions or if members need assistance. He can be reached at dhymans@aswb.org

or at 800.225.6880, ext. 3110.

Exam validity through the lens of mobility

In the last 10 years, score transfers have doubled as the social work workforce has become more mobile. The social work licensing exams are recognized as a North American test: pass an exam in one jurisdiction and the pass is accepted in every other member jurisdiction that uses that exam as part of its licensure process. In Canada, two provinces currently use the exams as part of registering social workers, and other provinces are beginning to explore use of the exams as well.

When license categories are equivalent from jurisdiction to jurisdiction, as recommended in ASWB’s Model Social Work Practice Act, a social worker theoretically should be able to move from one jurisdiction to another and transfer a license with relative ease. There are exceptions, however, such as in states where the exam required by jurisdictions for the same license category differs.

In those situations, the social worker has a decision to make: Move and take a different exam to qualify for the equivalent license or don’t move. Sometimes, as with a job transfer or a military deployment, the social worker has no choice but to move and take another exam. In some cases, if the jurisdiction is using an exam outside exam policy, the social worker could be required to take an exam that he or she is not qualified for based on eligibility criteria established in policy. Consider the following.

An MSW educated social worker who passed the Masters exam and is issued a license in one jurisdiction plans to move to another jurisdiction to take a new job. The new jurisdiction has an equivalent license category but requires a passing score on the Bachelors exam. In order to practice in the new state, the social worker will have to take and pass the Bachelors exam, even though the job the social worker will perform will be masters social work and the social worker does not meet the eligibility standards for the Bachelors exam according to policy.

This situation illuminates challenges that jurisdictions must overcome if mobility is to be achieved “in this lifetime.” Although the license is the same in both jurisdictions, the qualifications for licensure are not consistent. Furthermore, if the required exam is not appropriate for the scope of practice then public protection is potentially at risk. The scopes of practice identified in the model law are consistent with the licensing exams used to test competency for that scope. The [model law](#) is available to jurisdictions to refer to when defining scopes of practice to achieve consistency and license comparability.



ASWB member boards, in their own words

*Useless tidbits about
Pennsylvania from
the editors:*

- Famous people from Pennsylvania include: Andy Warhol, Sharon Stone, Grace Kelly, Louisa May Alcott, Arnold Palmer, Kobe Bryant
- Hershey's Kisses were created in 1907 in Hershey, Pa., which is thought of as the chocolate capital of the United States
- Hershey Chocolate Company founder Milton S. Hershey and his wife purchased tickets to sail on the Titanic, which sank on its maiden voyage in 1912, but did not use them. The couple traveled instead on a different ship.
- Of the 13 original colonies, only Pennsylvania does not touch the Atlantic Ocean.
- McDonald's Big Mac was invented by Uniontown, Pa., franchise owner Jim Delligatti in 1967. It sold then for 45 cents.

Name of jurisdiction: Pennsylvania

Name of board: Pennsylvania State Board of Social Workers, Marriage and Family Therapists and Professional Counselors

Number of board members: 12 board members and the Commissioner of the Bureau of Professional and Occupational Affairs

Licensure categories offered:

Bachelor Social Worker – Regulations pending
Social Worker
Clinical Social Worker

Number of licensees:

Social Workers – 8,216
Clinical Social Workers – 5,969

Biggest achievement in the past 12 months: Working on a comprehensive review of the board's regulations relating to qualifications for licensure, supervision of clinical experience, including the provision of supervision through electronic means, and continuing education. The proposed rulemaking is not yet final, but the goal is to eliminate outdated provisions, update standards to reflect modern technology, and modernize the board's processes relating to licensure.

Biggest lesson learned in the past 12 months: The impact of social media and its potential ethical dilemmas. The lag time between what is learned in the field and the board's ability to respond to those changes.

Biggest challenge facing the board: Licensure portability and telehealth.

(complete the sentence) "I would really love to hear about how other jurisdictions..." Manage reciprocity and telehealth or online services as well as managing different disciplines under an umbrella board such as what exists in Pennsylvania.

Completed by: Members of the Pennsylvania State Board of Social Workers, Marriage and Family Therapists and Professional Counselors; Megan E. Castor, assistant counsel, Office of General Counsel

ASWB
profiles