

# The South Carolina Board of Social Work Examiners

A U G U S T 1 9 9 8

## ...From the Board President

Jane A. Anker, LISW

Statute revision has been the major emphasis during the past year. The Board worked very hard last summer and fall to meet a deadline for submission of our practice act to the legislature. However, at the eleventh hour it was decided to wait another year. This decision was based on various political factors and the experience other mental health boards were having with their proposals.

It was thought just fine-tuning would be needed in the new year because the professional organizations had been actively involved in the development of the proposal and supported the final draft as well as the decision to wait another year before taking it to the legislature. However, we were surprised to find after Christmas that one group had changed course and was re-working its position on some major points. The Legislative Advisory Committee which includes representatives from the Board, SCNASW, SC Society for Clinical Social Work, and the public has continued to meet throughout the winter and spring but, thus far, has not been able to come to agreement on some important areas.

I am still optimistic that we will be able to come together in time to submit a mutually acceptable proposal to the new legislature. If we are unable to do that, it would not be wise to move forward.

Please keep in mind that much of the lobbying and work with the legislators will have to be done by the

See *President* on page 10

## This Year in Review - Message from Administrator Patti Glenn

### Work on Statute Revisions:

This year, the Board has been heavily involved with the review of the AASSWB draft of the Model Law, revisions of the social work statute and with meetings of the Legislative Advisory Committee. This committee is made up of members of the NASW, the Clinical society, the Board and the public with the purpose of using the AASSWB "Model Law Draft" as a resource to revise the social work Board statute. I am hopeful that this group will draft a practice act that everyone can support, which will better protect the public.

### New Computer Test Vendor:

In January 1998, the S.C. Social Work Board along with all member Boards of AASSWB switched to a new computer test vendor, ACT. Despite the complications of the delayed test administration startup, the exam registration center now seems to be on track with the examination registration process running smoothly.

What's New? Here's a quick look at the changes in the examination registration system:

1. State Board approves candidate to take examination
2. Board sends approval notice to candidate and approved list of candidates to AASSWB
3. Candidate calls AASSWB to register
4. Confirmation from AASSWB is mailed to candidate
5. Candidate makes testing appointment
6. Candidate takes exam (given daily in Columbia, Greenville and Charleston)
7. Candidate receives score before leaving test center
8. Exam score is transmitted to ACT
9. Official score report is sent to AASSWB and the Board

An applicant is not automatically licensed at the same time the applicant passes the examination. The applicant is licensed only after receiving Board review and approval at the next regularly scheduled meeting. Beginning in January, the Board will meet every other month on the third Monday. For example, when an applicant passes the examination in December, the applicant is not officially licensed until he/she is approved after Board review at the January meeting.

### Review of Complaint Process:

The following is a review of the complaint process:

#### A. General Information

The Board has the authority to investigate allegations of illegal, unethical and/or incompetent behavior on the part of licensed social workers and allegations that unlicensed persons are acting in violation of Chapter 63 of the Code of Laws of South Carolina.

The complaint review process centers equally on protection of the consumer and fair treatment of the licensee.

See *Year in Review* on page 9

# Disciplinary Actions

- On Sept. 24, 1997, the Board suspended the license of Bena Peek to practice social work until further order of the Board. The suspension resulted from Peek's failure to receive therapy and have her therapist submit quarterly written reports to the Board. These conditions and others had been placed upon Peek, an LISW, by an order of Indefinite Probation dated Feb. 6, 1996, after her admission of sexual involvement with a former patient and improper use of alcohol.

During the 1997-1998 fiscal year (beginning July 1, 1998), the Board of Social Work investigated 19 new complaints against licensees and one new complaint against an unlicensed person misrepresenting himself as a social worker.

The results of those investigations are as follows:

- One complaint was withdrawn by the complainant.
- Eight complaints were dismissed after full investigations because there were no violations of Chapter 63, Code of Laws or the Code of Professional Conduct.
- One complaint was dismissed with a Letter of Caution written by the Board advising the social worker to be careful in the future concerning professional conduct and personal liaisons.
- One complaint was dismissed with a Letter of Concern written by the Board. Although the Board did not find evidence of fraudulent Medicare billing, the Board wrote a Letter of Concern advising the social worker to follow proper office procedures in the future to avoid the appearance of unethical behavior.
- As a result of a hearing held March 16, 1998, a Private Reprimand Order was issued by the Board and signed on May 29, 1998. Along with the Private

Reprimand the social worker must attend and successfully complete, at her own expense, a course in ethics to be pre-approved by the Board. These sanctions were issued after the following:

(1) The social worker was providing professional marriage counseling services to a married couple. The couple was required to designate which party would sign a form in order to become the social worker's client. The wife endorsed the form, and was believed by the social worker to be the only party to whom the social worker owed a duty of confidentiality.

(2) After a joint session with both husband and wife, during which the wife discussed her view of the marital problems, the social worker, at the husband's request, met alone with the husband to continue discussing the marital situation. The provision of professional services related to marital issues by the social worker to the husband created a professional relationship of social work/client between the Social worker and the husband, despite the fact that the fee was to be paid solely by the wife, and that the wife signed the form presented by the social worker.

(3) The social worker communicated to the wife and her attorney by affidavit that confidential information provided by the husband to the social worker during the session. The social worker did not obtain a release from the husband, or request an order from a court authorizing the release of the information.

(4) The social worker did not inform the husband of the possible consequences of his communications upon being informed that the husband desired to communicate with the social worker privately. The social worker did not explain to the husband the potential conflict of interest in conducting a

session involving disputed marital issues that could result in litigation.

- Two complaints are scheduled for hearings.
- Five complaints are on-going and in the process of investigation by the Board's Investigator Larry Atkins.
- The Board issued a Cease and Desist Letter to one unlicensed social worker.

Three investigations from fiscal year 1996-1997 resulted in the following:

- Two complaints were dismissed after full investigations because there were no violations of Chapter 63, Code of Laws, or the Code of Professional Conduct.
- The Board issued a Cease and Desist Letter to one unlicensed social worker.

## 1998 Board Members

Board Members Currently Serving:	Term Expires
<b>Jane A. Anker, LISW, President</b> (803) 935-7828	2002
<b>Debra N. Ellenburg, LMSW, Vice President</b> (864) 226-5054	1998
<b>Eralphia "Jimmy" Eckles, LBSW</b> (843) 664-2660	1996
<b>Ruth B. Herron, Public Member</b> (864) 878-4791	1999
<b>John R. Kennedy, LMSW</b> (803) 737-5550	2000
<b>Karen P. Rembert, LMSW</b> (843) 727-2118	2002
<b>Vacancy</b>	

# Examining Dual Relationships

Cathy King Pike, Ph.D.

College of Social Work, University of South Carolina

Dual and multiple relationships arise when social workers relate with more than one function in a relationship and can occur either simultaneously or consecutively. These relationships can involve clients or clients' relatives and friends, colleagues, students or supervisees. Dual and multiple relationships also can create additional ethical problems that stem from the dual relationship, itself. An example of this is bartering, which is based on an inherent dual relationship.

A special difficulty of dual and multiple relationships is that social workers can not always avoid them. For instance, a social worker has inadvertently become involved in a dual relationship when she provided social support to a friend experiencing a life crisis who later enters into a counseling relationship with another of the social worker's friends. In this case, the social worker has done nothing other than to behave as any friend might have done, but she must now be alert to avoid undermining the counseling relationship or even planning social events where the two could be present at the

same time and feel uncomfortable. The spectrum of dual and multiple relationships can range from relatively benign and non-problematic situations to extremely serious ethical breaches. Examples of two benign and probably non-problematic dual relationships are the social worker who purchases Girl Scout cookies from a client's daughter or two social workers who become friends and are employed in comparable positions within an agency. More serious and possibly problematic dual relationships are posed when a social worker becomes friends with a client's family, provides employment for a former client, or engages in planned private social events with a client. Romantic or sexual relationships with current or former clients, students, or supervisees are prohibited by NASW and place the social worker who engages in this type of dual relationship in a serious ethical violation.

The NASW Code of Ethics (1996) discusses four types of dual and multiple relationships. Social workers are advised that they should avoid dual and multiple relationships and not engage in these

relationships whenever there is a potential for harm to clients, students in an educational or field placement setting, or supervisees. In addition, it is the social worker who is responsible for maintaining boundaries with individuals that are "clear, appropriate, and culturally sensitive" (pp. 9,19).

Several suggestions in the literature can help social workers be alert to the potential for developing a dual relationship (Houston-Vega & Nuehring, 1997; Reamer, 1994). Social workers should first consider whether a differential degree of power exists between themselves and the other person. Generally, the most problematic dual and multiple relationships occur when there is a differential degree of power among the parties. A second and very important consideration is to evaluate any potential for harm that could arise through the dual or multiple relationship. Although this sounds relatively easy, the decision can be obscured by our own interest in helping

See *Dual Relationships* on page 5

## Guidelines for Child Custody Evaluations in Divorce Proceedings

Reprinted from *American Psychologist*

### Introduction

Decisions regarding child custody and other parenting arrangements occur within several different legal contexts, including parental divorce, guardianship, neglect or abuse proceedings, and termination of parental rights. The following guidelines were developed for psychologists conducting child custody evaluations, specifically within the context of parental divorce. These guidelines build upon the *American Psychological Association's Ethical Principles of Psychologists and Code of Conduct* (APA, 1992) and are aspirational in intent. As guidelines, they are not intended to be either mandatory or

*exhaustive. The goal of the guidelines is to promote proficiency in using psychological expertise in conducting child custody evaluations.*

Parental divorce requires a restructuring of parental rights and responsibilities in relation to children. If the parents can agree to a restructuring arrangement, which they do in the overwhelming proportion (90%) of divorce custody cases (Melton, Petiila, Poythress, & Slobogin, 1987), there is no dispute for the court to decide. However, if the parents are unable to reach such an agreement, the court must help to determine the relative allocation of decision making authority and physical contact each parent will have with the

child. The courts typically apply a "best interest of the child" standard in determining this restructuring of rights and responsibilities.

Psychologists provide an important service to children and the courts by providing competent, objective, impartial information in assessing the best interests of the child; by demonstrating a clear sense of direction and purpose in conducting a child custody evaluation; by performing their roles ethically; and by clarifying to all involved the nature and scope of the evaluation. The Ethics Committee of the American Psychological

See *Guidelines* on page 5

# Confidentiality a Growing Question in the Information Age

Reprinted from *AASSWB Association News*

With questions of client confidentiality, there is the potential for conflict between the courts and social work regulatory boards in some states - with a social worker who is trying to do the right thing caught in the middle.

In his presentation at the Spring Education Meeting on confidentiality, AASSWB counsel Dale Atkinson described this possibility. A social worker trying to preserve client confidentiality according to his or her state practice act's code of ethics could face a court order mandating the release of records or court testimony. The social worker's choice, Atkinson said, would be held in contempt of court for a refusal, or to be subject to discipline under the licensure act.

Even with the help of last year's U.S. Supreme Court decision in *Jaffee v. Redmond*, extending the right of confidentiality in federal cases to social workers as well as psychologists and psychiatrists, the risk is there, the attorney said.

Kay Manweiler, deputy attorney general in Idaho, who shared the presentation at the Omaha meeting, noted that she gets more calls asking for information and advice about confidentiality than any other topic. Licensees ask "Can or should I release this information?" she said. "The NASW (National Association of Social Workers) Code of Ethics does put the burden on individuals. You may have to hire your own attorney and ask the judge to let you off the hook." The dilemma of boards versus the courts "get trickier and trickier," she said.

The ever-increasing pace of life and the growing availability of information in new and faster forms makes the "trickier" part even more pressing, the deputy attorney general said. Case law is evolving, and ethics codes are changing.

In what was to be the best-received discussion on the program for the spring meeting, Atkinson tried to briefly update his audience on the changes that are making their jobs more complex. Technological advances rate high up on the list, he said, because of the burgeoning ability

to "gather, store, retrieve, and disseminate information." This has to be done with some control, he said, but boards must not expect laws to keep up with it, and should approach any move to change laws with caution.

He gave as examples of the impact of technology a suit filed by a child with a genetic defect, suing her parents because they did not do genetic testing and opt for an abortion, and the insistence of an insurance company that a fetus with the potential for genetic disorder be aborted. "People are signing waivers for someone, not a doctor, to determine whether treatment is necessary," and the information can end up anywhere, he said.

The first responsibility of a board member in this climate of uncontrolled information is to know the law, not only the social work act, but any laws that have a bearing on it. Board members need to know what they can ask of a candidate for licensure, and what and who they can include in disciplinary queries. They should know the exceptions to confidentiality, such as those included in child protection laws or evidentiary statutes.

Another case cited by Atkinson was a court decision to make a physician's licensing test scores available, a decision which the attorney felt was a bad one, since it could fuel practitioner competition. He also described the refusal of a court to make the records of a rape counselor available in a proceeding against a licensee. The licensee, a therapist who was not the rape counselor, wanted the records to help build a defense case in a complaint made by the victim of the rape.

In another court stance on confidentiality, the sanction of a psychiatrist who released information was upheld - even though the psychiatrist had been hired as an expert witness, and released the information because of strong feelings about the need to protect children in a case.

Board members should know what the law has said in their states. Particu-

larly under the Americans with Disabilities Act, knowledge of what can be asked of licensees about past drug use or mental illness is essential. In addition, both speakers emphasized the necessity of having a way to protect confidentiality in disciplinary proceedings. Otherwise, said Manweiler, "Witnesses won't testify."

Clients who have had problems with a social worker aren't going to be willing to have their records discussed in open court. States may allow "in camera" testimony or review of documents, in which the judge hears part of the testimony behind closed doors, while giving the licensee the opportunity to confront the accuser as required. The rest of the proceedings can be open as usual.

The waters of confidentiality questions are deep, both speakers said, and the constant changes can be confusing. Manweiler advised board members to "take a deep breath, try to stay current, and use resources" that are available, including the association and its attorney.

## AASSWB Test Results July 1, 1997 - June 30, 1998

### Basic Level

42 Pass  
20 Fail

### Intermediate Level

118 Pass  
12 Fail

### Clinical Level

23 Pass  
4 Fail

### Advanced Level

0 Pass  
2 Fail

# Guidelines - *continued from page 3*

Association has noted that psychologists' involvement in custody disputes has at times raised questions in regard to the misuse of psychologists' influence, sometimes resulting in complaints against Psychologists being brought to the attention of the APA Ethics Committee (APA Ethics Committee, 1985; Hall & Hare-Mustin, 1983; Keith-Spiegel & Koocher, 1985; Mills, 1984) and raising questions in the legal and forensic literature (Gfisso, 1986; Melton et al., 1987; Mnookin, 1975; Ocliroch, 1982; Okpaku, 1976; Weithom, 1987).

Particular competencies and knowledge are required for child custody evaluations to provide adequate and appropriate psychological services to the court. Child custody evaluation in the context of parental divorce can be an extremely demanding task. For competing parents the stakes are high as they participate in a process fraught with tension and anxiety. The stress on the psychologist/evaluator can become great. Tension surrounding child custody evaluation can become further heightened when there are accusations of child abuse, neglect, and/or family violence.

Psychology is in a position to make significant contributions to child custody decisions. Psychological data and expertise, gained through a child custody evaluation, can provide an additional source of information and an additional perspective not otherwise readily available to the court on what appears to be in a child's best interest, and thus can increase the fairness of the determination the court must make.

## Guidelines for Child Custody Evaluations in Divorce Proceedings

### I. Orienting Guidelines: Purpose of a Child Custody Evaluation

**1. The primary purpose of the evaluation is to assess the best psychological interests of the child.** The primary consideration in a child custody evaluation is to assess the individual and family factors that affect the best psychological interests of the child. More specific

questions may be raised by the court.

**2. The child's interests and well-being are paramount.** In a child custody evaluation, the child's interests and well-being are paramount. Parents competing for custody, as well as others, may have legitimate concerns, but the child's best interests must prevail.

**3. The focus of the evaluation is on parenting capacity, the psychological and developmental needs of the child, and the resulting fit.** In considering psychological factors affecting the best interests of the child, the psychologist focuses on the parenting capacity of the prospective custodians in conjunction with the psychological and developmental needs of each involved child. This

involves (a) an assessment of the adults' capacities for parenting, including whatever knowledge, attributes, skills, and abilities, or lack thereof, are present; (b) an assessment of the psychological functioning and developmental needs of each child and of the wishes of each child where appropriate; and (c) an assessment of the functional ability of each parent to meet these needs, including an evaluation of the interaction between each adult and child.

The values of the parents relevant to parenting, ability to plan for the child's future needs, capacity to provide a stable and loving home, and any potential for

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# Dual Relationships - *continued from page 3*

others. After all, we wouldn't harm another person, right? Wrong! We can do that even while trying to protect or help another. For instance, a supervisor who rates a supervisee's performance more highly than is appropriate may ultimately harm that person by helping the person attain a position for which he or she is not qualified. The following additional suggestions in avoiding dual and multiple relationships can be incorporated as they relate to clients, supervisees, or students: be alert to changes in one's normal response to situations, examine feelings of discomfort that arise in a relationship, maintain clear boundaries that prevent meeting personal needs in the context of professional relationships, and consult another social worker when unsure about the wisdom and potential harm of a dual or multiple relationship.

Dual and multiple relationships can not always be avoided and, at times, may even be beneficial. Attending a former client's wedding, for instance, is a way in which a social worker may join the former client in celebrating an important life event. For the client, the social

worker's attendance may provide a symbol of progress and affirmation. Bear in mind, however, that even in this example a problematic dual relationship could result without careful attention to professional boundaries. The trick to dealing with dual and multiple relationships is not to assume that "it will not happen to me" but to be aware of the potential, carefully evaluate differential degrees of power and risk of harm, and develop specific strategies to avoid or carefully limit the extent of the relationship.

### References:

- Houston-Vega, M. K. & Nuehring, E. M. (1997). *Prudent Practice: A Guide for Managing Malpractice Risk*. Washington, D.C.: NASW Press.
- National Association of Social Workers (1996). *National Association of Social Workers Code of Ethics*. Washington, D.C.: NASW Press.
- Reamer, F. G. (1994). *Social Work Malpractice and Liability: Strategies for Prevention*. New York: Columbia University Press.

# Code of Professional Conduct

Reprinted By Request

*In lieu of a code of ethics, the Board of Social Work Examiners has adopted the following Code of Professional Conduct.*

## The Social Worker's Ethical Responsibility to Clients:

1. The social worker shall not exploit relationships with clients for personal or business advantage, other than the proper, reasonable and agreed upon compensation for his services to the client.

2. The social worker shall not solicit the clients of his employing agency for private practice.

3. The social worker will inform clients of any possible or apparent conflict of interest and shall terminate service to clients, and professional relationships with them, when such service and relationships are no longer required or in which a conflict of interest does arise, in such a manner which does not endanger the client's life.

4. A social worker shall not engage in any sexual act with a client or with a person who has been a client to whom services were provided within the past twelve months.

5. A social worker shall not exploit his professional relationships with clients (or former clients), supervisee's, students, employees, or research participants, sexually or otherwise. A social worker does not engage in sexual harassment. Sexual harassment is defined as deliberate or repeated comments, gestures, or physical contacts of a sexual nature that are unwanted by the recipient.

6. The client/social worker relationship shall be presumed to continue to exist for a period of six months after the last provision of services except where circumstances such as , but not limited to, selection of a new therapist show otherwise.

7. A social worker will give precedence to his professional responsibility over his financial interests.

8. A social worker shall not commit fraud and shall not represent that he performed services which he did not perform.

9. A social worker will not divide a fee or accept or give anything of value for receiving or making a referral.

10. A social worker should provide clients with accurate and complete information regarding the extent and nature of the services available to them.

## The Social Worker's Conduct and Comportment as a Social Worker:

1. A social worker shall not participate in or condone fraud or any other misrepresentation. A social worker shall not misrepresent professional qualifications, education, experience, affiliations, or services performed.

2. In connection with his work as a social worker, a social worker shall not practice, condone, facilitate or collaborate with any form of discrimination on the basis of race, color, sex, sexual orientation, age, religion, national origin, marital status, political belief, mental or physical handicap, or any other preference or personal characteristic, condition or status.

3. A social worker shall not repeatedly fail to keep scheduled appointments.

4. A social worker who anticipates the termination or interruption of service to clients shall notify such clients promptly and seek the transfer, referral, or continuation of service in relation to the clients' needs and preferences.

5. A social worker shall respect the privacy of clients and hold in confidence all information obtained in the course of professional service except for compelling reasons. Compelling reasons shall include, but are not limited to: (a) Consultation with another professional on behalf of the client, (b) Duty to warn, (c) Child abuse and sexual molestation, (d) Statutory requirements.

6. The social worker shall obtain informed consent of clients before taping,

## Renew Early

### Avoid Late Penalties and Possible Expiration of License

It does seem a bit early to think of renewal time; however, the following information and tips on the renewal process will help with problems experienced from past years.

For the 1998-99 renewal year, the annual renewal form and continuing education form will be revised; therefore, it will be very important for you to carefully read every form, memorandum or correspondence that you receive from the Board office.

The renewal fee will remain at \$45. If your completed renewal form and fees are postmarked after January 1, 1999, a late penalty of \$20 will be charged. **Don't wait until the last minute to send in your renewal!** If your completed renewal packet and renewal fee are not received in the Board's office postmarked by February 1, 1999, your license will be expired. **THERE WILL BE NO EXCEPTIONS!**

Most importantly, mail your completed renewal packet to the Board office as early as possible to avoid late penalties. If your annual renewal form is not complete, it will be sent back to you which could result in late penalties.

The 1998-99 annual renewal packet will be mailed out in mid-October 1998. If for some reason you do not receive your renewal packet by November 1, 1998, you should contact the Board office immediately at (803) 896-4665 to request that a renewal packet be sent to you. It is your responsibility to notify the Board in writing of any change of address or name change.

The sooner you mail your renewal forms into the Board office, the sooner you will receive your new license card. **Do not wait until the last minute to send your renewal forms and expect your license card mailed to you by January 1.** If your employer needs your new license card by January 1, you must submit your renewal forms early.

See *Renew* on page 9

See *Code* on page 11

# Newly Licensed Social Workers July 1997 - July 1998

## **LBSWs**

Willa Barnett  
Tracy Hamilton Dagghart  
Rachelle Coulter  
Tamara Demchik  
Cindy Jackson  
Kay Johnson  
Evelyn Darlene Roberts  
Amanda Nicole Stamper  
Pamela Whiteaker  
Angela Wilson  
Cynthia Hopkins  
Tarah Harper  
Carol A. Barry  
Kermis Tomanico Corbett  
Kevin Joseph Fogarty  
Beverly Gentry  
Donald Case Gorrell  
Detria Earles Long  
Christina Reese Miller  
Annette Nelson  
Kristina Marie Robinson  
Melissa Anne Adams  
Carrie JoAnn Confare  
Iris Abraham Ham  
Monieca Kaye Hogg  
Laura Howard-Middleton  
Jennie Elizabeth McCarthy  
Linda C. Poag  
Susan Pennscott Richards  
Melissa Marie Shrake  
Leonora G. Smith  
Sonya Monique Williams  
Sara Wilson  
Kimberly Anne Banish  
Lynda Loretta Cooper  
Tymeisha Tynuh Harper  
Leigh Anne Norwood  
Joyce Reynolds Ross  
Shirley D. Smith  
Carlena Fae Egner  
Sherri Danielle Huey  
Bernice Ann Koula  
Elizabeth Chase Pennell  
Kathleen J. Phillips  
Laurie LaRosa Strickland  
Michele Iverson  
Ericka Lynn James  
David H. McQuain  
Dana Jeffers Milford  
Cheri A. Stuart  
Frank Moore Watkins, Jr.  
Edward Franklin Cape  
Kristin Elizabeth Culpepper  
Leslie Karen Doolittle  
Rachel Cotton Dorst  
Pamela Brownlee Fox  
Katherine Grace Knox  
Sherri K. Meadows  
Patricia K. Olson  
Leanne C. Wilkes

## **LMSWs**

Pamela Amatucci  
Janet Ballentine  
Allen Barbare  
John Bellis, Jr.  
Jennifer Browning  
Walter Brusak  
Kristen Lynn Fulmer  
Tracie Clauss

Donna Rae Confer-Thompson  
Marta Frey Cothran  
Terri Daniels-Little  
Stephanie Fulmer  
Alexander Grossberg  
Patricia Ann Hays  
Barbara V. Hirsch  
Susan Renee Benfield  
Julie Katz  
Diane McManus  
Spencer Miller  
Michael Ottone  
Mary Payson  
Karen Peterson  
S. Alison Powell  
Angela Reed  
Lara Steele  
Kyle Swallop  
Martha Vadney  
Mazie B. White  
Asbury Williams, Jr.  
Juraeé Williams  
Joseph Bird  
Amelia Brailsford  
Grace Edwards  
Juanita Giraud  
Lisa Anne Wall  
Ginger Seabrook  
Emily Sturkey  
Susan Hayes Thompson  
Beth-Ann Vealey  
Geraldine Washington  
Kay Weeks  
Reuben Wesley Ballard  
Kathy Melinda Benton  
Beryl Bruffey Corey  
Lauren Beth DeRosa  
Anita D. DeWitt  
Constance Beck Edwards  
Nicole Gerace  
Stephanie LeBlanc Gesell  
Janet Marlene Hagen  
Georgiana Kristine Hobbs  
Lisa Vannerson Hopper  
Lucy Burgin Hunt  
Pamela W. Kaplan  
Beverly Kay McComb-Davies  
Jennifer R. Mackey  
Joanna G. Meyers  
Donetta Palmyra Powell  
Amy Ruth Price  
Uronia Lee Mercedes Robinson  
Sheryll Denmark Schumacher  
Kay L. Seymour  
Sabrina Lenell Snipes  
Tammy Diane Strock  
Sarah Marie Sumrall  
Allison Shealy Unda  
Roslyn Vinson-Olive  
Cynthia K. Whitaker  
Amy Kristin Wilson  
Linda Annette Kraska  
Monika Gail Oliver  
Richard Charles Rosich  
Julie Kathleen Vallejo  
Carol Marie Wyatt  
Janet Paparella Adams  
Karen Ambrose  
Beverly Steed Battle  
Andrea Christine Bone'  
Wanda Jean Burden

Toy L. Cadien  
Ida Greene-Campbell  
Barbara Kelly Chappell  
Judith Denise Crocker  
Nathalie Anne D'Arcangelo  
Valerie L. Doughty  
Melinda Geremillo Drake  
Terry Dixon Hamilton  
Rebecca A. Hassell  
Janice Wilbanks Hickman  
Donna D. LaBombard  
Lesa Lewis-Davis  
Judith M. Lohr  
M. Diane Miller  
Sharon Parsonage  
Dolores Y. Peacock  
Gloria McKinney Prevost  
Naomi Michelle-Robinson  
Heike Buechler Rubinstein  
Shirley Ann Singleton  
Kerry Mitchum Whetsell  
N. Faye Winter  
Sheila Diane Wood  
Mari Ellen Bloing  
Patti E. Busser  
Shirley Backstrom Cotton  
Maria de Lourdes del Castillo-Gonzalez  
Deborah Ann DuRoss  
Kimberly W. Ellis  
Selma Diane Jamison  
Keonte' L. Jenkins-Davis  
Diane Kistner  
Karen W. Macario  
J. Solomon Mitchell, Sr.  
Kelli Michele Monahan  
Amy Ennis Muniz  
Janice Ann Shaw  
Ruthie Mae Rivers  
Stephen Joseph Scoff  
Louise Stepp  
Carole Ann Tripp  
Mary Welborn Underwood  
Melanie Paige Williams  
Barbara Ann Britz  
James H. Elmore, Jr.  
Amy Quigley Hane  
William Hills  
Eileen Kittrell  
Tara Lynn McAllister  
Susan C. Newman  
Edwin Jay Wilson  
Beverly J. Davis  
Burnee' Maytice Forsythe  
Valerie Gray-Ellison  
Hattie Mae Greene  
Timothy Shane Hanshaw  
Lynn S. Huff  
Yvette Denise Jeffries  
Melinda Lee Johnston  
Traylor Jowers  
Michele Marie Kulesza  
Cynthia D. Maxwell  
Nicole R. Parker  
Hope Lindsay Robinson  
Amy Rebecca Tingle  
Ollievia F. West  
Shelley Elizabeth Wingard  
Heather M. Witten  
Sarajane Leighton Woodfin  
Lucretia B. Hook  
Robert C. Brown

Elizabeth Lee Buckles  
Bailey E.W. Creech  
Carol A. Davis  
Kathryn Stevenson-Funderburk  
Rubena Way Fogle  
Thomas E. Foley, Jr.  
Sheila Marie Maples  
Karen Sweatt Martini  
Elizabeth Currey McCaleb  
Jane Ann McLean  
Lorraine Beth McNeill  
Carolyn Bernice Nash  
Tina Celeste Outlaw  
Cheri Delaine Risher  
Nora Sue Roy  
Farris Corbin Smith  
Katherine Polk Todd  
Stacey L. Edmond-Tyler  
Barbara Anne VanDahm  
Patricia K. Whitmer  
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# Cultural Bias NOT an Option on the Exams

Donna Deangelis, ACSW, LICSW

Reprinted from **AASSWB Association News**

Licensure examinations are often referred to as “high stakes” examinations—a good description, because for a candidate, the stakes are indeed very high. Often an examination like the American Association of State Social Work Boards (AASSWB) licensure test can be the single element that prevents an otherwise qualified person from practicing in their chosen profession. It is precisely because these stakes are so high that licensure examination programs must pay particular attention to issues of cultural bias.

Licensure examinations should be tests of minimum practice competencies, and nothing more. Examinations that consistently discriminate on any basis other than content knowledge are failing to perform the function for which they were intended.

AASSWB is in some ways doubly obligated to ensure that its examinations are fair. First, professional competency testing of any kind must be sensitive to the issue of unfair discrimination, in order to maintain validity and legal defensibility. Beyond that important concept, however, is the fact that AASSWB’s focus is on social work—a profession that has a long tradition of encouraging members of diverse cultural backgrounds to join its ranks.

The association has addressed this issue on several levels. First, the association uses social work practitioners and educators as subject matter experts through the entire examination development and maintenance process. These subject matter experts are selected for their areas of content expertise and experience, and balanced for gender, race, and ethnicity to reflect the same proportions as the social work profession, and by geography to reflect a national scope of practice.

The examination items are based on knowledge statements developed through a nationwide job analysis survey in which social workers were asked to identify and rank the tasks they must know how to perform on the first day of their job. The data from this survey are analyzed by

social work subject matter experts, who then construct knowledge statements. The survey sample and respondents statistically reflect the racial, ethnic, cultural, gender, and geographic make-up of the profession, as does the group of subject matter experts who analyze the data.

The knowledge statements developed by these subject matter experts are used to construct the content outline and to develop the specific examination items. The knowledge statements are related to what social workers need to know to perform their jobs, and items do not necessarily track any particular curriculum or any particular educational institution.

In addition, AASSWB has always had an Examination Committee composed of social workers of varying races, ethnic groups, and cultures as well as balanced by gender, geographic representation, and practice level area and setting. The committee must reach consensus on each item prior to the item being pretested on the social work examinations. If the committee cannot come to consensus, or

the item is not viable according to the results of the pretest, the item is either discarded or changed and pretested again. Items are pretested before they can be used as scored items. An item is not approved for use as a scored item unless its statistical performance is acceptable.

The system of pretesting items—that is, auditioning items as non-scored items mixed in the examination itself—protects examination candidates by functioning as a gatekeeper to the scored item banks. Only items that have been proven effective in testing relevant knowledge are “admitted” to the pool of scored items.

Just because an item has been approved for use as a scored item does not guarantee that it will maintain that status in perpetuity. Scored items are also reviewed on an ongoing basis. One aspect of this statistical review concerns Differential Item Functioning, or DIF. DIF is a measure of the relative difficulty of items for various demographic groups, thus it

See *Cultural Bias* on page 9

## Wondering how you're doing with supervision?



A few years ago, the Virginia Board of Social Work got worried that social work supervision among its licensees was a bit of a game of chance, too. So it asked an expert, Dr. Carlton Munson of the University of Maryland at Baltimore, to do a clinical supervision curriculum guide.

Once the project was done, and there was a two-volume text, a video and a CD-ROM of the text, the board wanted anyone else who needed the material to have it. It's now being made available through AASSWB to boards, professional organizations, social work educators, and anyone who is supervising a candidate seeking clinical social worker licensure.

Prices are intended to cover the costs of reproduction. Order with a Visa, MasterCard or Discover card by calling AASSWB at 1-800-225-6880, ext. 3010; or, order by mail at 400 South Ridge Parkway, Suite B, Culpeper, VA 22701.

### Your Options:

Books only - \$35  
Video only - \$20  
Books and video - \$52

CD-ROM only - \$16  
Books and CD-ROM - \$49  
Books, video and CD-ROM - \$67

serves as a measure of item bias. Items which show a pattern of DIF are removed from active use. These items may be deleted from the item bank, or they may be revised and pretested as new items. Obvious bias (e.g., stereotyping, sensitivity) is addressed before an item is pretested, so usually, there is no readily apparent cause of DIF on a scored item.

Last year AASSWB surveyed other professional licensing associations and certifying organizations regarding the ways in which they deal with DIF on their examinations. The results showed that AASSWB is far more concerned with

cultural bias and does much more to prevent it than most organizations responsible for licensure or certifying examinations. Some associations even reported not collecting any information on differential item functioning or examination scores for sub-groups of the population taking their examinations. For more detailed information on how AASSWB guards against cultural bias in its examinations, I encourage you to read the AASSWB Exam "Blue Book," a new publication that deals with these and other examination-related issues.

AASSWB is continually working to be where social work should be, in the vanguard on such issues. This is not to say that we cannot do more, and we continue to strive to do so. Taking the registrations for the AASSWB examinations in-house is providing us with greater control over and access to information collected from examination candidates. Ensuring that the AASSWB social work licensing examinations are fair to all candidates is and will continue to be an ongoing priority area in the examination development and maintenance process.

## Renew - *continued from page 6*

**For next renewal season, make sure you:**

- Complete your renewal form. Make sure you answer every question and make any correction to existing information. **Incomplete annual renewal forms will be returned to licensee to be completed properly.**
- Renew early to avoid late penalties.
- Read front and back of the renewal forms.
- Sign and date the form where indicated.
- Send in proper fees.
- List the training dates, titles, sponsors, and hours in the appropriate columns when filling out the continuing education portion of the renewal form.
- If for whatever reason, you have not received your annual renewal forms by November 1, call the Board office immediately to request that a renewal packet be sent to you.
- Make and keep copies of your last years' continuing education information. **It is the licensees' responsibility to keep copies of continuing education.**
- Maintain continuing education certificates for three years in case you are audited.

## Year in Review - *continued from page 1*

### B. Initial Complaint

When an initial written or telephoned complaint is received in the office, an official Complaint Form and Release of Information Form are mailed to the complainant by the administrator.

### C. Official Complaint

(1) When a completed Complaint Form is received in the office, a letter is sent to the complainant by the administrator. This letter informs the complainant that the complaint process is confidential. The complaint is assigned to an investigator who will be communicating with the complainant in the near future regarding an investigation of the complaint.

(2) All complaints are investigated fairly and thoroughly by the investigator.

(3) At the completion of the investigation, the complaint is brought before the Complaint Review Committee (CRC,) made up of the Board administrator, investigator, Board attorney and vice chairman of the Board where evidence is reviewed in relation to the specific statutes which may have been violated.

(4) The CRC makes a recommendation which may range from dismissal of the complaint to a formal hearing.

(5) The investigator presents the complaint and the CRC's recommendation to the full Board in the form of a

blind brief.

(6) The Board may choose to accept the presented recommendations, make its own or request further investigation.

At each step in the process, the identity of the licensee remains confidential, and only when the Board files charges does the name of the licensee become public record. If the Board determines that the complaint should be dismissed, both the complainant and the person against whom the complaint was made are notified of the dismissal.

It is suggested, based on complaints received, that social workers may wish to carefully monitor their practice in the following areas:

- (1) Issues of patient abandonment and/or failure to complete assessments and records resulting when a social worker resigns from a clinic or agency
- (2) Custody evaluations
- (3) Breach of confidentiality
- (4) Dual relationships
- (5) Fee splitting and billing

In recent months, Board members have offered consultation to social workers who had questions concerning the code of conduct, social work ethics or probable areas of concern. Board members and staff are happy to assist licensees with suggestions and clarification of the statutes, etc.

inappropriate behavior or misconduct that might negatively influence the child also are considered. Psychopathology may be relevant to such an assessment, insofar as it has impact on the child or the ability to parent, but it is not the primary focus.

## II. General Guidelines: Preparing for a Child Custody Evaluation

### 4. The role of the psychologist is that of a professional expert who strives to maintain

**an objective, impartial stance.** The role of the psychologist is as a professional expert. The psychologist does not act as a judge, who makes the ultimate decision applying the law to all relevant evidence. Neither does the psychologist act as an advocating attorney, who strives to present his or her client's best possible case. The psychologist, in a balanced, impartial manner, informs and advises the court and the prospective custodians of the child of the relevant psychological factors pertaining to the custody issue. The psychologist should be impartial regardless of whether he or she is retained by the court or by a party to the proceedings. If either the psychologist or the client cannot accept this neutral role, the psychologist should consider withdrawing from the case. If not permitted to withdraw, in such circumstances, the psychologist acknowledges past roles and other factors that could affect impartiality.

### 5. The psychologist gains specialized competence.

A. A psychologist contemplating performing child custody evaluations is aware that special competencies and knowledge are required for the undertaking of such evaluations. Competence in performing psychological assessments of children, adults, and families is necessary but not sufficient. Education, training, experience, and/or supervision in the areas of child and family development, child and family psychopathology, and the impact of divorce on children help to prepare the psychologist to participate competently in child custody evaluations. The psychologist also strives to become familiar with applicable legal standards

and procedures, including laws governing divorce and custody adjudications in his or her state or jurisdiction.

B. The psychologist uses current knowledge of scientific and professional developments, consistent with accepted clinical and scientific standards, in selecting data collection methods and procedures. The Standards for Educational and Psychological Testing (APA, 1985) are adhered to in the use of psychological tests and other assessment tools.

C. In the course of conducting child custody evaluations, allegations of child abuse, neglect, family violence, or other issues may occur that are not necessarily within the scope of a particular evaluator's expertise. If this is so, the psychologist seeks additional consultation, supervision, and/or specialized knowledge, training, or experience in child abuse, neglect, and family violence to address these complex issues. The psychologist is familiar with the laws of his or her state addressing child abuse, neglect, and family violence and acts accordingly.

**6. The psychologist is aware of personal and societal biases and engages in nondiscriminatory practice.** The psychologist engaging in child custody evaluations is aware of how biases regarding age, gender, race, ethnicity, national origin, religion, sexual orientation, disability, language, culture, and socioeconomic status may interfere with an objective evaluation and recommendations. The psychologist recognizes and strives to overcome any such biases or withdraws from the evaluation.

**7. The psychologist avoids multiple relationships.** Psychologists generally avoid conducting a child custody evaluation in a case in which the psychologist served in a therapeutic role for the child or his or her immediate family or has had other involvement that may compromise the psychologist's objectivity. This should not, however, preclude the psychologist from testifying in the case as a fact witness concerning treatment of the child. In addition, during the course of a child custody evaluation, a psychologist does not accept any of the involved participants in the evaluation as a therapy client. Therapeutic contact with the child

or involved participants following, a child custody evaluation is undertaken with caution.

A psychologist asked to testify regarding a therapy client who is involved in a child custody case is aware of the limitations and possible biases inherent in such a role and the possible impact on the ongoing therapeutic relationship. Although the court may require the psychologist to testify as a fact witness regarding factual information he or she became aware of in a professional relationship with a client, that psychologist should generally decline the role of an expert witness who gives a professional opinion regarding custody and visitation issues (see Ethical Standard 7.03) unless so ordered by the court.

## III. Procedural Guidelines: Conducting a Child Custody Evaluation

**8. The scope of the evaluation is determined by the evaluator, based on the nature of the referral question.** The scope of the custody-related evaluation is determined by the nature of the question or issue raised by the referring person or the court, or is inherent in the situation. Although comprehensive child custody evaluations generally require an evaluation of all parents or guardians and children, as well as observations of interactions between them, the scope of the assessment in a particular case may be limited to evaluating the parental capacity of one parent without attempting to

See *Guidelines* on page 11

## President -

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professional organizations, their lobbyists, individual social workers, and some faithful advocates from and for the public.

# Guidelines - *continued from page 10*

compare the parents or to make recommendations. Likewise, the scope may be limited to evaluating the child. Or a psychologist may be asked to critique the assumptions and methodology of the assessment of another mental health professional. A psychologist also might serve as an expert witness in the area of child development, providing expertise to the court without relating it specifically to the parties involved in a case.

**9. The psychologist obtains informed consent all adult participants and, as appropriate, informs child participants.** In undertaking child custody evaluations, the psychologist ensures that each adult participant is aware of (a) the purpose, nature, and method of the evaluation; (b) who has requested the psychologist's services; and (c) who will be paying the fees. The psychologist informs adult participants about the nature of the assessment instruments and techniques and informs those participants about the possible disposition of the data collected. The psychologist provides this information, as appropriate, to children, to the extent that they are able to understand.

**10. The psychologist informs participants about the limits of confidentiality and the disclosure of information.** A psychologist conducting a child custody evaluation ensures that the participants, including children to the extent feasible, are aware of the limits of confidentiality characterizing the professional relationship with the psychologist. The psychologist informs participants that in consenting to the evaluation, they are consenting to disclosure of the evaluation's findings in the context of the forthcoming litigation and in any other proceedings deemed necessary by the courts. A psychologist obtains a waiver of confidentiality from all adult participants or from their authorized legal representatives.

**11. The psychologist uses multiple methods of data gathering.** The psychologist strives to use the most appropriate methods available for addressing the questions raised in a specific child custody evaluation and generally uses multiple methods of data gathering, including, but not limited to, clinical interviews, observa-

tion, and/or psychological assessments. Important facts and opinions are documented from at least two sources whenever their reliability is questionable. The psychologist, for example, may review potentially relevant reports (e.g., from schools, health care providers, child care providers, agencies, and institutions). Psychologists may also interview extended family, friends, and other individuals on occasions when the information is likely to be useful. If information is gathered from third parties that is significant and may be used as a basis for conclusions, psychologists corroborate it by at least one other source wherever possible and appropriate and document this in the report.

**12. The psychologist neither overinterprets nor inappropriately interprets clinical or assessment data.** The psychologist refrains from drawing conclusions not adequately supported by the data. The psychologist interprets any data from interviews or tests, as well as any questions of data reliability and validity, cautiously and conservatively, seeking convergent validity. The psychologist strives to acknowledge to the court any limitations in methods or data used.

**13. The psychologist does not give any opinion regarding the psychological functioning of any individual who has not been personally evaluated.** This guideline, however, does not preclude the psychologist from reporting what an evaluated individual (such as the parent or child) has stated or from addressing theoretical issues or hypothetical questions, so long as the limited basis of the information is noted.

**14. Recommendations, if any, are based on what is in the best psychological interests of the child.** Although the profession has not reached consensus about whether psychologists ought to make recommendations about the final custody determination to the courts, psychologists are obligated to be aware of the arguments on both sides of this issue and to be able to explain the logic of their position concerning their own practice. If the psychologist does choose to make

custody recommendations, these recommendations should be derived from sound psychological data and must be based on the best interests of the child in the particular case. Recommendations are based on articulated assumptions, data, interpretations, and inferences based upon established professional and scientific standards. Psychologists guard against relying on their own biases or unsupported beliefs in rendering opinions in particular cases.

**15. The psychologist clarifies financial arrangements.** Financial arrangements are clarified and agreed upon prior to commencing a child custody evaluation. When billing for a child custody evaluation, the psychologist does not misrepresent his or her services for reimbursement purposes.

**16. The psychologist maintains written records.** All records obtained in the process of conducting a child custody evaluation are properly maintained and filed in accord with the APA Record Keeping Guidelines (APA, 1993) and relevant statutory guidelines.

All raw data and interview information are recorded with an eye toward their possible review by other psychologists or the court, where legally permitted. Upon request, appropriate reports are made available to the court.

## Code -

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recording, or permitting third party observation of their activities.

**7.** The social worker shall report to the appropriate authorities any incident, of which he has personal knowledge, of unethical social practice by any individual or organization.

**Failure to adhere to this Code of Professional Conduct shall lead to disciplinary action.**

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## Licensure Renewal Update

The annual license renewal for the past year (1997-98) was completed Feb. 1, 1998. The assistance of licensed social workers was greatly appreciated, especially for keeping up with the required Annual Renewal Form and Report of Continuing Education and for keeping the Board office informed of addresses changes.

As of July 1998, there are 3,887 licensed social workers in South Carolina. There are 1,560 LBSWs, 1,658 LMSWs, and 669 LISWs. About 220 licensees did not renew this year.

Thanks for your cooperation with the annual renewal. Reminder: Please notify the Board in writing of address changes by FAX or MAIL.

### Application Report

Inquiries regarding licensure in South Carolina have been received from about 2,000 persons during the 1997-98 fiscal year. Currently, there are 185 LBSW applicants, 140 LMSW applicants, and 42 LISW applicants that have been issued authorization to sit for the AASSWB Examination. There are about 350 incomplete applications on file with another 110 evaluated transcripts on file.