Proposed Bylaws Amendments
Proposed Resolution
Report to the ASWB Delegate Assembly
September 13, 2017

Committee members:
Brian Carnahan (OH), chair
Joyce Bell (MD), Yvonne Haynes (VA), Carla Moore (LA), Kathy Outland (OR), Mark Scales (NS), Meenakshi Budhraja (AR)—Board of Directors liaison

About this report
This report contains information on proposed bylaws amendments and proposed resolution 2017-1 for consideration by the ASWB Delegate Assembly at its 2017 Annual Meeting of the Delegate Assembly. According to ASWB bylaws, proposed amendments must be forwarded to all member boards no less than 60 days before the Annual Meeting. An additional committee report that includes other committee activities will be provided at the meeting.

Section I of this report contains two bylaws amendment proposals and proposed Resolution 2017-1. A third bylaws amendment proposal related to the committee’s charge for 2017 is found in section II of this report.

Committee Charge
The Bylaws Committee’s charge included its ongoing tasks as well as an additional charge assigned for 2017.

Ongoing charge:
The Bylaws and Resolutions Committee is charged with the following on an ongoing basis:

1. Considering all amendments duly proposed to the bylaws, and making recommendations to the Board of Directors and the Delegate Assembly as to the implications of adoption.
2. Initiating any suggestions that the committee feels necessary for change to the bylaws or proposed amendments.
3. Providing leadership to the bylaws amendment process at the Delegate Assembly.
4. Screening and processing all resolutions to be brought before the Delegate Assembly in accordance with association policy.
5. At the direction of the Board, reviewing the ASWB Policy Manual for inconsistencies with current bylaws or association practice, and drafting proposed changes for consideration by the ASWB Board of Directors.

Charge for 2017:
Review the definition of Member Board Staff to determine if additional wording is needed to clarify that the role is limited to the administrator/executive director and not meant to include any employee of the association, such as an assistant.
I. From the Standing Committee Charge

1. Amendment proposals from outside the committee

   The Bylaws and Resolutions Committee received no amendment proposals from outside the committee itself.

2. Amendment proposals from the committee

   The ASWB Bylaws and Resolutions Committee is proposing amendments to the ASWB bylaws that would make the definition of “Member” more precise and consistent (Proposal #1) and a change to remove the chairperson of an Association committee from eligibility to serve on the Nominating Committee (Proposal #2).

Proposal #1 – Wordsmithing

Articles III & IX

Proposed amendments
(deleted language presented as strikethrough—new language in bold red type)

ARTICLE III. DEFINITIONS.

Section 4. Delegate.

“Delegate” shall mean a current member of a Member Board or Member Board Staff designated by the Member Board as its representative.

Section 5. Alternate Delegate.

“Alternate Delegate” shall mean a current member of a Member Board or Member Board Staff designated by the Member Board as its alternate representative.

ARTICLE IX. COMMITTEES.

Section 1. Nominating Committee.

There shall be five members on the Nominating Committee, who shall be elected at the Annual Meeting of the Association by the Delegates by a plurality of votes, either from nominations submitted by the Nominating Committee or by nominations from the floor. Nominating Committee members shall be elected to serve two-year terms. Three Nominating Committee members shall be elected in even-numbered years, and two Nominating Committee members shall be elected in odd-numbered years. A candidate for the Nominating Committee must be a Delegate or Alternate Delegate, a member of a Member Board or Member Board Staff of a Member Board, or the chairperson of an Association committee, or have served as a member of a Member Board within the preceding two years of the time of nomination. All candidates for the Nominating Committee must have attended at least one ASWB Annual Meeting prior to nomination. The President may appoint the Immediate Past President or President-Elect as a sixth member of the committee. The members shall select their own chairperson from Nominating Committee members. The Nominating Committee shall submit to the Member Boards at least 30 days before the Annual Meeting, a slate of candidates for each position on the Board of Directors to be filled, and for each of the open positions of the Nominating Committee. The Nominating Committee shall use its best efforts to reflect diversity on both the Board of Directors and the Nominating Committee. Persons serving on the
Nominating Committee shall be ineligible to be slated or elected to any elected position within the Association within their elected term. Nominating Committee members who resign from the committee shall not be slated or elected to any elected position within the Association within their elected term.

**Rationale for amendment proposal #1**

The proposal as drafted by the Bylaws and Resolutions Committee reflect minor wordsmithing changes to clarify that the word “member” means an individual and not the jurisdictional board.

**Proposal #2 – Eligibility of Association Chair for Nominating Committee**

**Article IX**

**Proposed amendments**

(deleted language presented as *strikethrough*—new language in **bold red type**)

Section 1. **Nominating Committee.**

There shall be five members on the Nominating Committee, who shall be elected at the Annual Meeting of the Association by the Delegates by a plurality of votes, either from nominations submitted by the Nominating Committee or by nominations from the floor. Nominating Committee members shall be elected to serve two-year terms. Three Nominating Committee members shall be elected in even-numbered years, and two Nominating Committee members shall be elected in odd-numbered years. A candidate for the Nominating Committee must be a Delegate or Alternate Delegate, a member *[of a Member Board]* or Member Board Staff of a Member Board, or the chairperson of an Association committee, or have served as a member of a Member Board within the preceding two years of the time of nomination. All candidates for the Nominating Committee must have attended at least one ASWB Annual Meeting prior to nomination. The President may appoint the Immediate Past President or President-Elect as a sixth member of the committee. The members shall select their own chairperson from Nominating Committee members. The Nominating Committee shall submit to the Member Boards at least 30 days before the Annual Meeting, a slate of candidates for each position on the Board of Directors to be filled, and for each of the open positions of the Nominating Committee. The Nominating Committee shall use its best efforts to reflect diversity on both the Board of Directors and the Nominating Committee. Persons serving on the Nominating Committee shall be ineligible to be slated or elected to any elected position within the Association within their elected term. Nominating Committee members who resign from the committee shall not be slated or elected to any elected position within the Association within their elected term.

*Wording in brackets to be stetted or stricken depending on vote on Proposal #1*

**Rationale for amendment proposal #2**

The committee wishes to maintain inclusivity to the extent that it makes sense, but consensus was to remove this eligibility category because not all ASWB committee chairs are required to be members of Member Boards or Member Board Administrators (as recommended in Amendment Proposal #3). To be consistent with recommendations in response to the 2017 charge, the committee believes it is appropriate to require Nominating Committee members to meet the same qualifications as the individuals they slate for positions on the ASWB Board of Directors.
3. Processing resolutions received

The Bylaws and Resolutions Committee was asked by the Board of Directors and Mobility Task Force to sponsor the following resolution for consideration by the ASWB Delegate Assembly. The Mobility Strategy that is part of the resolution appears after the resolution.

Resolution 2017-1
ASWB Member Board Contributions to Mobility Strategy

WHEREAS, increased physical movement of licensed social workers to other jurisdictions has led to the need for them to obtain licenses in addition to or in place of the jurisdiction of original licensure; and

WHEREAS, technological advancements have provided social workers with a means to practice social work electronically across state and international lines and without physical presence in the jurisdiction where the client is located; and

WHEREAS, electronic practice has increased the need for a determination of and focus on where practice occurs; and

WHEREAS, the ASWB Model Social Work Practice Act adopted and amended by the ASWB member boards identifies that electronic social work practice constitutes the practice of social work in the jurisdiction where the social worker is located and the jurisdiction where the client is located; and

WHEREAS, the ASWB Model Social Practice Act requires social workers to be licensed in all jurisdictions where they practice; and

WHEREAS, electronic practice and technological advancements have increased the need for social workers seeking licensure in multiple jurisdictions; and

WHEREAS, these physical and technological mobility phenomena transcend professions and have created increased political and legal scrutiny on state-based licensure systems; and

WHEREAS, in response to the current regulatory climate and in response to the needs of the ASWB membership, ASWB convened a Mobility Task Force to address these issues; and

WHEREAS, the Mobility Task Force has recommended and the ASWB Board of Directors endorses a Mobility Strategy that is attached to and is a part of this Resolution; and

WHEREAS, the ASWB Mobility Strategy is premised on a concerted effort by member boards to harmonize licensure eligibility criteria across all ASWB member boards, and

WHEREAS, the ASWB Mobility Strategy includes, among other things, a centralized, secure databank that can provide member boards with access to verified primary source documentation for social workers seeking equivalent licensure in additional jurisdictions, and that such strategy is based on the following principles:

1. Member board recognition that currently licensed applicants have been vetted and duly licensed by another board of social work, and

2. Member board recognition of the information in the databank as primary source and verified; and
WHEREAS, the success of the ASWB Mobility Strategy is dependent upon the acceptance and participation of ASWB member boards; and

WHEREAS, ASWB staff is prepared to serve and support ASWB member boards to conduct the research listed below.

THEREFORE, BE IT RESOLVED THAT through the adoption of this resolution, each ASWB member board agrees to review applicable statutes, rules/regulation, and policies related to accepting the Standards outlined in the attached Mobility Strategy; and

THEREFORE, BE IT FURTHER RESOLVED THAT each ASWB member board agrees to review applicable statutes, rules/regulation, and policies related to accepting the primary source data verified by ASWB staff and maintained in the secure centralized databank; and

THEREFORE, BE IT FURTHER RESOLVED THAT each ASWB member board agrees to identify any barriers or restrictions in the jurisdiction’s statutes, rules/regulation, and policies related to accepting and participating in the ASWB Mobility Strategy; and

THEREFORE, BE IT FURTHER RESOLVED THAT each ASWB member board agrees to identify the benefits to accepting and participating in the ASWB Mobility Strategy.

Association of Social Work Boards (ASWB) Strategy
To Address Social Work Practice Mobility

Please note: The use of the terms “state” and “board” are intended to be inclusive of all ASWB membership regulatory organizations, including states, commonwealths, districts, territories, and provinces. Similarly, the use of the term “license” is intended to refer to the state-issued credential authorizing the applicant to practice the profession and is meant to be inclusive of licensure, certification, registration, and other similar terms. States will continue to use their own terminology when describing the practitioners, the various credentials, nomenclature, and acronyms.

OVERVIEW
The qualifications for and application and receipt of state-issued licenses is under heightened scrutiny. Differing qualifications for licensure, differing categories of licensure, and differing scopes of practice fuel these debates. This additional scrutiny is largely premised upon increased interstate physical movement of practitioners and technological advancements that facilitate virtual practice of social work without physical presence.

Social work practice mobility refers to the physical and virtual mobility of social workers who elect to practice in multiple jurisdictions. The Mobility Strategy aspires to depoliticize the process, maintain regulatory expertise, and implement a commonsense approach to addressing social work practice mobility.

PURPOSE
Efficient licensure eligibility decisions increase state board effectiveness and benefit the member boards, licensees, and the consuming public. To lawfully practice, social workers must be authorized to practice by obtaining a license issued by each state where they practice. ASWB’s Mobility Strategy recognizes states’ rights and honors member boards’ overarching public protection mission.
The ASWB Mobility Strategy is premised on a concerted effort by member boards to harmonize licensure eligibility criteria across all ASWB member boards so that equivalently licensed social workers can obtain licenses necessary to lawfully practice in other jurisdictions. The Mobility Strategy provides a process and resources through which member boards can quickly evaluate and determine eligibility when a licensed social worker seeks equivalent licensure in an additional jurisdiction.

Standards, as agreed upon by ASWB members and defined below, clarify social work licensure categories and criteria across jurisdictions. Further, a centralized databank will provide member boards with verified primary source information to make decisions about equivalency, including supervision.

**PROCESS**

License equivalency will be determined by applying the Standards for the mobility licensing process. The Standards increase consistency across jurisdictions and are outlined in the ASWB Model Social Work Practice Act (model act). The jurisdictional board retains the statutory authority and responsibility to grant the initial license. When a licensed social worker seeks additional licenses, each board determines eligibility.

Member boards are not expected to change current license titles and acronyms. A crossmap of license titles and categories has been developed and will be maintained to reflect members’ current licensing structure. In addition, member jurisdictions may require additional criteria for licensure such as background checks, jurisprudence exams, or additional supervision. An index highlighting these jurisdiction-specific requirements (JSRs) will be developed based on input from member boards.

**STANDARDS**

The following Standards represent the core of the Mobility Strategy. It is anticipated that these Standards can be implemented administratively without the need for legislative, regulatory, and/or rule changes. However, members will be asked via resolution to provide jurisdictional-specific feedback.

a. Three categories of license (from the ASWB Model Social Work Practice Act)
   - Licensed Baccalaureate Social Worker (LBSW)
   - Licensed Master’s Social Worker (LMSW)
   - Licensed Clinical Social Worker (LCSW)

b. Four minimum essential criteria
   - Graduation from an accredited social work program
   - A passing score on the appropriate ASWB exam
   - Completion of supervised experience (as required by license)
   - No disciplinary action

**RESOURCES**

Consistent with the mission to lessen burdens of member boards, ASWB provides resources that support member boards’ Mobility efforts, including legally defensible, reliable, and valid exams, the model law, the Public Protection Database (PPD), application processing services, the Social Work Registry, the Approved Continuing Education (ACE) program, and continuing education audit services. In addition, the Model Regulatory Standards for Technology and Social Work Practice publication is available to support the regulation of electronic practice.
ASWB is developing and populating a centralized, secure databank that can provide member boards with access to verified primary source documentation for social workers seeking equivalent licensure in additional jurisdictions. Current candidate and licensee data contained in the ASWB Social Work Registry will be integrated into the databank.

Optimal use of the databank is based on the following principles and the market research currently being conducted (i.e., fee structure, usage, branding, etc.):

1. Member board recognition that currently licensed applicants have been vetted and duly licensed by another board of social work.
2. Member board recognition of the information in the databank as primary source and verified.

The databank will serve as a permanent and secure repository of primary source records, including:

- Educational transcript(s)
- Exam scores
- Verified supervision hours
- Continuing education documentation
- Licensure applications
- State-issued license(s)

Upon the social worker’s request, ASWB will share databank materials with identified member board(s). ASWB staff will also verify the status of all social work licenses held, query the ASWB Public Protection Database (PPD), and perform other checks as required.

Social workers will have multiple opportunities to enroll in the databank:

- as a social work student
- when registering with ASWB to take the licensing exam
- when applying for licensure or renewing with the member board(s)
- at any time as a social work professional

The ASWB Board of Directors endorses the ASWB Strategy to Address Social Work Practice Mobility developed by the Mobility Task Force.

ASWB Bylaws and Resolutions Committee recommendation: PASS

The rationale for this resolution as supplied by the ASWB Board of Directors and Mobility Task Force is to ask members to formally demonstrate through a vote to pass that they are committed to provide feedback about their specific jurisdiction to ASWB staff in order to allow the Mobility Strategy to move forward to implementation. Giving feedback provides ASWB the opportunity to see how to continue to modify the strategy to make it more user-friendly for the jurisdictions over time.

The Mobility Task Force has been working on this Mobility Strategy over the last two years, doing extensive research and seeking continual input from ASWB membership. By voting to pass the resolution, members agree to identify barriers to their participation as may exist in jurisdictional statutes, rules/regulations, and policies. ASWB members also agree to identify the benefits to supporting the strategy. The resolution process allows the membership to show their clear understanding and intention regarding social work practice mobility and get ahead of
federal initiatives to impose a solution that may not fit the social work profession. Because there is no anticipated cost to member boards to implement the Mobility Strategy, a financial impact statement is not included.

The ASWB Bylaws and Resolutions Committee voted to attach a recommendation to pass this resolution when this proposal is forwarded to the ASWB membership. Committee members agreed that the resolution is a natural outcome of the work of the Mobility Task Force and the groundwork laid during ASWB’s Education Conferences in 2015 and 2016. The committee also noted that the task force revised the strategy to reflect the feedback from members and that the current strategy honors jurisdictions’ efforts to vet licensees to make sure they meet the jurisdiction’s requirements. The committee also thought that the strategy provides an advantage for the jurisdictions when people who are trying to get licensed in multiple locations use ASWB and this mobility model because it is more streamlined and consistent across the board.

(bylaws amendment proposals continue on next page)
II. From the 2017 charge

1. Amendment proposals from the committee

In reviewing the definition of Member Board Staff, the Bylaws and Resolutions Committee thought it was important to bifurcate the role to allow greatest flexibility to Member Boards to select its Delegate or Alternate while reserving eligibility for service on the ASWB Board of Directors and the Nominating Committee to the staff member hired as the jurisdiction’s primary administrator. The committee therefore proposes to amend the bylaws by adding a definition for Member Board Administrator and revising the definitions of Delegate, Alternate Delegate, and Member Board Staff accordingly. The committee also proposes to amend related sections in Article VII. Board of Directors and Officers and in Article IX. Committees. (Proposal #3)

Proposal #3 – Definitions of Member Board Staff/Administrator
Articles III, VII, & IX

Proposed amendments
(deleted language presented as strikethrough—new language in bold red type)

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ARTICLE III. DEFINITIONS.

Section 4. Delegate.

“Delegate” shall mean a current member of a Member Board, a Member Board Administrator, or a Member Board Staff designated by the Member Board as its representative.

Section 5. Alternate Delegate.

“Alternate Delegate” shall mean a current member of a Member Board, a Member Board Administrator, or a Member Board Staff designated by the Member Board as its alternate representative.

Section 9. Member Board Staff.

“Member Board Staff” shall mean a current employee of a Member Board or a Member Board Administrator as defined whose responsibilities include administering the social work licensure act and/or supporting the activities of a Member Board.

Section 10. Member Board Administrator.

“Member Board Administrator” shall mean the individual employed to be responsible for administration of the social work licensure act as well as the day-to-day performance and supervision of the administrative duties and functions of the Member Board. Each Member Board shall have only one Member Board Administrator for the purposes of eligibility to serve on the ASWB Board of Directors and Nominating Committee.
ARTICLE VII. BOARD OF DIRECTORS AND OFFICERS.

Section 1. Composition.

There shall be 11 members of the Board of Directors: four Officers, which shall be identified as President, Immediate Past President or President-Elect, Treasurer, and Secretary; and seven Directors at Large, which shall be identified as three Directors at Large Licensed Social Worker, two Directors at Large Public Member, one Director at Large Member Board Staff Administrator, and one Director at Large Open. The Association Officers and Board of Directors Officers shall be one and the same. Notwithstanding any other provisions of these Bylaws, the Board of Directors shall be composed of at least six Licensed Social Workers.

Section 2. Qualifications for Nomination and Appointment.

c. Director at Large Member Board Staff Administrator.

Candidates for the position of Director at Large Member Board Staff Administrator shall be, when nominated or appointed, employed as a Member Board Staff Administrator and not currently serving on the Board of Directors in a term that extends beyond the Annual Meeting where the election will occur.

d. Director at Large Open.

Candidates for the position of Director at Large Open position shall be, when nominated or appointed, a Licensed Social Worker in good standing and a member of a Member Board within the preceding two years, a Public Member of a Member Board within the preceding two years, or employed as a Member Board Staff Administrator, and not currently serving on the Board of Directors in a term that extends beyond the Annual Meeting where the election will occur.

e. Treasurer and Secretary.

Candidates for the positions of Secretary and Treasurer shall be, when nominated or appointed, either a current Delegate, Alternate, or a member of a Member Board within the preceding two years or a Member Board Administrator and not currently serving on the Board of Directors in a term that extends beyond the Annual Meeting where the election will occur.

Section 3. Qualifications for Continued Service.

b. Member Board Staff Administrator on the Board of Directors.

A vacancy shall occur immediately if a Director who is a Member Board Staff Administrator fails to maintain employment with a Member Board during the term of service.
Section 7. Terms.

Service on the Board of Directors shall be limited to four consecutive elected terms, exclusive of the Office of President. However, seated directors are subject to the limitations set forth in Article VII, Section 3(c). The terms of the Directors shall be as follows:

c. Directors at Large. Directors at Large shall be elected to serve for two-year terms. There are three Director at Large Licensed Social Worker positions, two elected in even-numbered years and one elected in odd-numbered years. There are two Director at Large Public Member positions, one elected in even-numbered years and one elected in odd-numbered years. There is one Director at Large Member Board Staff–Administrator position, elected in even-numbered years. There is one Director at Large Open position, elected in odd-numbered years. A Director at Large shall not serve in the same position for more than two consecutive elected terms, nor hold more than one seat on the Board of Directors at any time.

ARTICLE IX. COMMITTEES.

Section 1. Nominating Committee.

There shall be five members on the Nominating Committee, who shall be elected at the Annual Meeting of the Association by the Delegates by a plurality of votes, either from nominations submitted by the Nominating Committee or by nominations from the floor. Nominating Committee members shall be elected to serve two-year terms. There are three Director at Large Licensed Social Worker positions, two elected in even-numbered years and one elected in odd-numbered years. Nominating Committee members shall be elected in even-numbered years, and two Nominating Committee members shall be elected in odd-numbered years. A candidate for the Nominating Committee must be a Delegate or Alternate Delegate, a member [of a Member Board]* or a Member Board Staff–Administrator of a Member Board, [or the chairperson of an Association committee,]* or have served as a member of a Member Board within the preceding two years of the time of nomination. All candidates for the Nominating Committee must have attended at least one ASWB Annual Meeting prior to nomination. The President may appoint the Immediate Past President or President-Elect as a sixth member of the committee. The members shall select their own chairperson from Nominating Committee members. The Nominating Committee shall submit to the Member Boards at least 30 days before the Annual Meeting, a slate of candidates for each position on the Board of Directors to be filled, and for each of the open positions of the Nominating Committee. The Nominating Committee shall use its best efforts to reflect diversity on both the Board of Directors and the Nominating Committee. Persons serving on the Nominating Committee shall be ineligible to be slated or elected to any elected position within the Association within their elected term. Nominating Committee members who resign from the committee shall not be slated or elected to any elected position within the Association within their elected term.

*Wording in brackets to be stetted or stricken according to votes on Proposals #1 & #2.

Rationale for amendment proposal #3

The Bylaws and Resolutions Committee strongly believes that positions on the ASWB Board of Directors and seats on the Nominating Committee for which a Member Board Staff is eligible should be open only to the person at the jurisdictional board employed in a leadership role who
has responsibility for overseeing the social work licensure act and providing supervision. The committee expressed concern that a subordinate staff member or other state government actor would likely not have the autonomy or authority to serve in these capacities. This distinction may become important to the association as more Member Boards face consolidation. The committee therefore recommends adding a new definition for Member Board Administrator (Article III. Definitions. Section 10) for purposes of eligibility to serve on the ASWB Board of Directors and the Nominating Committee. The definition includes the criterion that each Member Board shall have only one Member Board Administrator, to preclude the possibility that competing staff persons from the same Member Board could run against each other in contested elections as might happen if there was a nomination from the floor.

At the same time, the committee thought it was essential to preserve the autonomy of the Member Board to select its Delegate or Alternate Delegate from the widest pool, including subordinate staff or other state government actors such as an attorney general, in the event that a board member or the board’s primary administrator was not available. This flexibility ensures that the Member Board has representation and can vote in elections and on matters that come before the assembly. (Article III. Definitions. Sections 4, 5 & 9)

Article VII. Board of Directors and Officers Sections 1, 2, 3 & 7 require amendment to rename the relevant Director at Large position and amend all references from Member Board Staff to Member Board Administrator. Article VII, Section 2(e), Treasurer and Secretary requires amendment to add “Member Board Administrator” and delete “a current Delegate, Alternate,” which wording had allowed Member Board Staff to be eligible for these officer positions. With the currently proposed amendment, Member Board Staff would not be eligible, and therefore the wording would need to be deleted.

The committee also believes it is important to apply the same eligibility criteria to the Nominating Committee as the ASWB Board of Directors. Members of the Nominating Committee hold leadership positions within the association because they are vested with the authority to select the slate of candidates for the ASWB Board of Directors. The Bylaws and Resolutions Committee therefore recommends that Nominating Committee members be required to meet the same qualifications as the individuals they are slating for positions on the ASWB Board of Directors. (amendments, Article IX. Committees, Section 1)

In recommending these amendments to the ASWB bylaws, the Bylaws and Resolutions Committee was mindful of:

- the range of staffing patterns at the jurisdictional level
- the committee members’ various jurisdictional experiences indicating that Member Boards would approve a person who was serving in the leadership role as Member Board Administrator running for the Board of Directors but would not approve someone who was not in a leadership position or who was in a state administrative role such as attorney general
- wanting to take proactive steps to address the current regulatory environment and the trend toward board consolidation that might affect the administrator role at the jurisdictional level as more professions are being gathered under one umbrella.

**Board of Directors response**

At its August 5 meeting, the ASWB Board of Directors voted not to take a position on the amendments as proposed. The ASWB Board of Directors voted to support the resolution.