

BOARD STRUCTURE

How to use this resource

The Association of Social Work Boards (ASWB) is committed to protecting the public by providing support and services to the social work regulatory community to advance safe, competent, and ethical practices. As part of that mission, ASWB has prepared talking points about the importance of social work regulation and its contribution to public protection and enhancement of the profession. Feel free to use and share this information to support your education and advocacy efforts.

Board Structure

Many jurisdictions are facing changes to board structure, whether it be separating from a composite board or facing consolidation with other mental health professions. ASWB is offering the following information to assist members during these times of transition.

As social work licensing boards carry out their shared mission of ensuring that the public is protected, they often come under fire for creating perceived barriers caused by the regulatory process. Given the right tools to operate efficiently and effectively, however, these same boards can demonstrate that they provide the public greater access to care rather than being a barrier to it.

ASWB offers many such tools to support our members. As always, the Model Social Work Practice Act, or model act, is the primary reference document for best practices in social work regulation. The model act is updated annually to keep it current. Article II. Board of Social Work is specifically dedicated to board structure and function. Each section in Article II covers elements that ASWB considers necessary to the proper formation and efficient operation of the board. Some relevant excerpts follow:

Individual jurisdictions may wish to consider board composition that reflects the diversity of practice environments and interests within their borders. Variable factors such as population, number of social workers, and other local considerations, may all be relevant in determining the number of board members needed to most effectively enforce the Act. (p. 11)

ASWB believes public representation on social work regulatory boards is extremely important, and recommends an adequate number of consumer members be included. The inclusion of public members is an effective way to ensure that the public is being adequately served and protected by the board. (p. 12)

Other tools that can help members in their discussions with legislators and other stakeholders are available through the Federation of Associations of Regulatory Boards (FARB), of which ASWB is a governing member. FARB recently published advocacy talking points as part of its ongoing efforts to promote common sense regulation, which is focused on identifying common regulatory factors that lead to increased efficiencies and promote uniformity. These talking points cover a variety of topics. Two are featured here with relevant talking points.

Effective state regulation:

- Common sense state regulation of the professions through legislatively enacted statutes that create and delegate authority to the state licensing board should be recognized and respected.
- State statutes should establish the standards and criteria necessary for licensure and enforcement.
- The state licensing board appointment process should include reasoned policies and procedures regarding the nomination, evaluation, appointment, and oversight of board members to ensure an understanding of their regulatory obligations.

- Recognition of the need for professional expertise on the licensing boards is essential to effectively and efficiently fulfill their mandate to protect the public.
- Comprehensive training ensures that board appointees clearly understand and adhere to their public protection roles and responsibilities in regulating the profession.

Board composition:

- A well-structured state licensing board is comprised of active licensed practitioners, public members, experienced administrative staff, and legal counsel.
- Volunteer active licensed practitioners provide the board with subject matter expertise that contributes to the effectiveness and efficiencies in fulfilling the legislative mandates.
- Public members provide the balance of perspectives that contribute to the effectiveness and efficiencies in fulfilling the legislative mandates.
- This balance of representation provides much needed expertise and consumer perspectives and allows for informed decisions in the interest of the health, safety and welfare of the public.
- Informed, efficient decisions involve board operations and meetings, legislative interpretation, rulemaking, assessment of complaints and investigations, administrative proceedings, and defense of decisions.
- A well-structured state licensing board provides fiscal accountability and operational benefits by diminishing the need for paid subject matter experts necessary to conduct investigations, provide opinions, and assist in resolving practice-related questions.
- A well-structured state licensing board ensures that board decisions are consistent, fair, comply with applicable due process requirements, and promote deference to the board decisions by the judiciary when challenges and appeals are filed.

Composite or Independent...Does it make a difference for public protection?

The most important element to consider when determining the structure of a board is what form will best meet the board's mission of public protection with the greatest efficiency and effectiveness. Regardless of whether a single-profession board is feasible, oversight of regulated social workers in the fulfillment of the mission of public protection is the overarching mandate.

Each state has its individual population and restrictions (Table 1). Whatever it takes to make sure the public is protected is what ASWB supports.

In closing, the model act is the optimal way of regulating the social work profession because it is informed by a national perspective; establishes standards of minimum social work competence, methods of fairly and objectively addressing consumer complaints, and means of removing incompetent and/or unethical practitioners from practice; and promotes increased consistency in legal decisions related to licensure, renewal, discipline, and other board activities as well as increased efficiency and effectiveness.

Please visit <http://members.aswb.org/services/> to access the model act, the FARB resources page, and other services and support that ASWB provides to our members. Jennifer Henkel, director of member services, can be reached at jhenkel@aswb.org to discuss specific issues of concern.

Table 1. Comparison of board composition in the United States		
INDEPENDENT		
Alabama Alabama State Board of Social Work Examiners	Maine Maine State Board of Social Worker Licensure	Oregon Oregon Board of Licensed Social Workers
Alaska Alaska Board of Social Work Examiners	Maryland Maryland Board of Social Work Examiners	Rhode Island Rhode Island Board of Social Work Examiners
Arkansas Arkansas Social Work Licensing Board	Massachusetts Massachusetts Board of Registration of Social Workers	South Carolina South Carolina Board of Social Work Examiners
Colorado Colorado State Board of Social Work Examiners	Michigan Michigan Board of Social Work	South Dakota South Dakota Board of Social Work Examiners
Delaware Delaware Board of Clinical Social Work Examiners	Minnesota State of Minnesota Board of Social Work	Tennessee Tennessee Board of Social Worker Licensure
District of Columbia District of Columbia Board of Social Work	Missouri Missouri Committee for Social Workers	Texas Texas State Board of Social Work Examiners
Guam Guam Board of Social Work	Nevada Nevada State Board of Examiners for Social Workers	Utah Utah Social Work Licensing Board
Idaho Idaho Board of Social Work Examiners	New Mexico New Mexico Board of Social Work Examiners	Vermont Vermont Social Work Board
Illinois Illinois Social Work Examining and Disciplinary Board	New York New York State Board for Social Work	Virgin Islands Virgin Islands Social Work Board
Iowa Iowa Board of Social Work	North Carolina North Carolina Social Work Certification and Licensure Board	Virginia Virginia Board of Social Work
Kentucky Kentucky Board of Social Work	North Dakota North Dakota Board of Social Work Examiners	West Virginia West Virginia Board of Social Work Examiners
Louisiana Louisiana State Board of Social Work Examiners	Oklahoma Oklahoma State Board of Licensed Social Workers	
COMPOSITE		
Arizona Arizona Board of Behavioral Health Examiners	Mississippi Mississippi State Board of Examiners for Social Workers and Marriage & Family Therapists	Pennsylvania Pennsylvania State Board of Social Workers, Marriage & Family Therapists, & Professional Counselors
California California Board of Behavioral Sciences	Montana Montana Board of Social Work Examiners & Professional Counselors	Washington Washington State Mental Health Counselors, Marriage and Family Therapists, and Social Workers Advisory Committee
Florida Florida Board of Clinical Social Work, Marriage & Family Therapy & Mental Health Counseling	Nebraska Nebraska Board of Mental Health Practice	Wisconsin Wisconsin Joint Board of Marriage & Family Therapy, Professional Counseling & Social Work - Social Worker Section
Georgia Georgia Board of Professional Counselors, Social Workers, and Marriage and Family Therapists	New Hampshire New Hampshire Board of Mental Health Practice	Wyoming Wyoming Mental Health Professions Licensing Board
Indiana Indiana Behavioral Health and Human Services Licensing Board	Northern Mariana Islands Northern Mariana Islands Health Care Professions Licensing Board	
Kansas Kansas Behavioral Sciences Regulatory Board	Ohio Ohio Counselor, Social Worker, and Marriage Family Therapist Board	
NO BOARD		
Connecticut Connecticut Department of Public Health Clinical Social Worker Licensure	Hawaii Hawaii Social Workers Licensing Program	