



MINNESOTA

BOARD OF SOCIAL WORK

Protecting the Public

Minnesota Board of Social Work

BYLAWS

March 18. 2022

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Part 1. Board Name and Agency Status

Section A. Board Authorization

The name of the agency is the Minnesota Board of Social Work (“Board”). The Board is a Minnesota state agency and health licensing board authorized by the Minnesota legislature under Minnesota Statutes sections 214 and 148E.

Section B. Duty to Adopt Bylaws

The Board must adopt bylaws to govern its proceedings under Minnesota Statutes sections 148E. 025, subdivision 4.

Part 2. Board Mission and Duties

Section A. Mission and Vision

The mission of the Board, adopted in 2021, is “protecting the public through licensing and regulation of the social work profession”. The vision of the Board, also adopted in 2021, is “all social workers are competent and licensed, and the public is protected through inclusive, equitable, responsive regulatory processes that promote safe, ethical social work practice”.

Section B. Diversity, Equity and Inclusion Vision and Values Statement

The Board also adopted a Diversity Equity and Inclusion vision and values statement in 2021, “the Board supports the State of Minnesota’s commitment to the core values of equity and inclusion into our work. The Board, as a state regulatory agency, guided by a lens of diversity, equity, and inclusion, commits to actively examine and address systemic inequities in policy and practice and work to reduce unnecessary barriers to social work licensing, while maintaining standards to ensure our mission of protecting the public. Board members and staff value partnerships and commit to continued work with all stakeholders to ensure diversity in the workforce, while licensing qualified, professional, ethical, and accountable social workers”.

Section C. Duties

The duties of the Board are set forth in Minnesota Statutes, section 148E.030, and include, but are not limited, to (1) establishing the qualifications and procedures for individuals to be licensed as social workers; (2) establishing standards of practice for social workers; (3) holding examinations or contracting with the Association of Social Work Boards or a similar examination body designated by the Board to hold examinations to assess applicants’ qualifications; (4) issuing licenses to qualified individuals according to Minnesota Statutes, sections 148E.055 through 1458E.060; (5) taking disciplinary, adversarial, corrective or other action according to Minnesota Statutes, sections 148E.255 through 148E.270 when an individual violates the requirements of this chapter; (6) assessing fees according to sections 148E.175 and 148E.180; (7) educating social workers and the public on the requirements of the Board; and (8) adopting and enforcing rules to carry out the Board’s duties.

Part 3. Executive Director

Section A. Role of Executive Director

The Board must appoint and employ an executive director who is not a member of the Board, as provided by Minnesota Statutes, section 148E.025, subdivision 5. The executive director serves as the chief administrative officer of the Board, and, in that role, maintains the Board records, accounts for all fees received by the Board, supervises and directs Board employees, and performs such other services as directed by the Board, in accordance with Minnesota Statutes, section 214.04, subdivision 3.

The governor may request that the Board review the performance of the executive director, in accordance with the procedures set forth in Minnesota Statutes, section 214.04, subdivision 2a.

Part 4. Board Membership

Section A. Appointment

The members of the Board are appointed by the governor.

Section B. Membership Requirements

The membership requirements for the Board are set forth in Minnesota Statutes, section 148E.025, which states that there will be 15 members of the Board, ten social workers licensed by the Board and five public members.

At least six members of the Board must reside outside the eleven-county metropolitan area. At least five members must be members of a community of color, or an underrepresented community as defined in Minnesota Statutes section 148E.010, subdivision 20.

Public members: The five public members must be individuals who are not, and never were, licensed social workers; who are not the spouse of an individual who is a licensed social worker; and who do not and have never had a material financial interest in either the practice of social work services or an activity directly related to the practice of social work, as set forth in Minnesota Statutes, section 214.02.

Social Worker Members: The ten social worker members must have been engaged in the practice of social work in Minnesota for at least one year during the ten years preceding their appointment. The ten social workers must include three licensed social workers, two independent clinical social workers, and two licensed graduate social workers or licensed independent social workers. Five social worker members must be engaged, at the time of their appointment, in the practice of social work in Minnesota in the following settings: (1) one member must be engaged in the practice of social work in a county or state agency; (2) one member must be engaged in the practice of social work in an elementary, middle, or secondary school; (3) one member must be engaged in the practice of social work in a health care setting; (4) one member must be engaged in the practice of social work in a private setting; and (5) one member must be an educator engaged in regular

teaching duties at a program of social work accredited by the Council on Social Work Education or a similar accreditation body designated by the Board.

Section C. Terms

In accordance with Minnesota Statutes, section 214.09, members are appointed for four-year terms, with the terms ending on the first Monday in January. Members may continue to serve until their successors are appointed and qualify. If the governor fails to appoint a successor by July 1 of the year in which the term expires, the term of the member is extended for an additional four-year term.

Section D. Removal of Member

In accordance with Minnesota Statutes, section 214.09, subdivision 4, the governor may remove a member at any time (1) for cause after notice and a hearing, (2) if the Board fails to prepare and submit the biennial report required by Minnesota Statutes, section 214.07, or (3) after the member has missed three consecutive meetings.

Section E. Vacancies

In accordance with Minnesota Statutes, section 214.09, subdivision 4, in the case of a vacancy on the Board, the governor shall appoint a person to fill the vacancy for the remainder of the unexpired term.

Section F. Board Officers and Elections

Officers: Every two years, the Board must elect from its membership a chair, vice-chair, and secretary-treasurer in accordance with Minnesota Statutes section 148E.025, subdivision 3.

Elections: During the third to last Board meeting in each odd-numbered calendar year, officer candidates will be identified. During the second to last Board meeting in each odd-numbered calendar year, the Board's Leadership and Development Committee will nominate candidates for the officer positions, and the Board will vote on officer nominations. Officers are elected by majority vote of the Board, after a quorum is present.

A member may not be re-elected for a second non-consecutive term and may not serve more than two non-consecutive terms in the same office.

Vacancies may be filled by majority vote of the Board, after a quorum is present. The elected officer for a vacant position fills the balance of the two-year term. An election to fill a vacancy does not prohibit the elected member from serving consecutive terms.

Duties of chair: The chair shall (1) preside at Board meetings; (2) preside at executive committee meetings; (3) serve as principal spokesperson for the Board; (4) with the approval of the Board, appoint committees and committee chairs to carry out duties of the Board; (5) call special meetings of the Board if necessary; (6) call meetings of the executive committee; (7) with the approval of at least one other member of the executive committee, take emergency action on behalf of the Board within the boundaries of Minnesota law; and (8) inform the governor of members missing three consecutive meetings in accordance with Minnesota Statutes, section 214.09, subdivision 4.

In addition, the chair shall execute, on the date the chair takes office, a Minnesota Delegation of Authority delegating to the executive director the authority to execute contracts, sign purchasing documents, and perform all other specified duties of the executive director, as listed in the Board's annual delegations to the executive director.

Duties of the vice-chair: The vice-chair shall (1) preside at Board meetings when the chair is absent; (2) assist the chair as requested by the chair or the Board; (3) serve as a member of the executive committee; (4) serve as chair of the leadership and development committee; and (5) coordinate the Board annual training programs.

Duties of the secretary-treasurer: The secretary-treasurer shall (1) review, approve and sign the official minutes of Board meetings after approved by the Board; (2) serve as chair of the finance committee; (3) serve as a member of the executive committee; and (4) provide written notification to any member who misses two consecutive meetings that the member may be removed for missing the next meeting in accordance with Minnesota Statutes, section 214.09, subdivision 4.

Removal of officers: An officer may be removed for cause from his or her officer position, after notice and opportunity to be heard, by a majority vote of the Board, after a quorum is present. A vacancy after removal shall be filled in accordance with F.1. above.

Part 5. Board Meetings

Section A. Regular Board Meetings

During the Board's last meeting of each calendar year, the Board shall select regular meeting dates and times for the upcoming calendar year, with a minimum of six meetings per year scheduled. A schedule of the regular meetings of the Board shall be posted at the Board's office and on the Board's webpage, in accordance with the Minnesota Open Meeting Law, Minnesota Statutes, section 13D.04. The Board shall give, at a minimum, the same notice that is required for special meetings as set forth in Minnesota Statutes, section 13D.04, subdivision 2.

Section B. Special Board Meetings

When required to conduct essential business prior to the next regular Board meeting, the Board chair or executive committee may call a special meeting. For special meetings, the Board will post written notice of the date, time, location, and purpose of the meeting at the Board's office and on the Board's webpage in accordance with the Minnesota Open Meeting Law, Minnesota Statutes, section 13D.04.

Section C. Closed Board Meetings

Required closure: When the Board considers allegations or charges against an individual subject to the authority of the Board, the Board must close the meeting in accordance with Minnesota Statutes, section 13D.05, subdivision 2. Prior to closing the meeting, the Board must state on the record the specific grounds

permitting the meeting to be closed and describing the subject to be discussed. If the Board concludes that discipline may be warranted because of the allegations or charges, further meetings or hearings relating to the allegations or charges held after that conclusion is reached must be open. If the subject requests that the meeting be open, the Board must open the meeting.

When the Board exercises quasi-judicial functions involving disciplinary proceedings, the Board must close the meeting in accordance with Minnesota Statutes, section 13D.01, subdivision 2.

Discretionary closure: When the Board evaluates the performance of an individual subject to the authority of the Board, the Board may close that portion of the meeting. Prior to closing the meeting, the Board must identify the person whose performance will be evaluated. At the next open meeting, the Board must summarize its conclusions regarding the evaluation. If the subject of the meeting requests that the meeting be open, the Board must open the meeting.

Section D. Agenda and Rules of Order

The Board will follow a consent agenda model for Board meetings. The Board will follow Roberts Rules of Order, Newly Revised, during Board and committee meetings, except as superseded in these bylaws and by applicable law.

Section E. Quorum

The presence of a majority of the voting Board members constitutes a quorum at Board meetings. No official business may be acted upon without a quorum. When a quorum is present, the Board may take action on items by a majority vote of the members present.

Section F. Records

Minutes: Minutes will be kept at all Board meetings and submitted to the Board for approval at the next meeting. Once approved by the Board and signed by the secretary-treasurer, the minutes will be posted to the Board's website.

Journal of votes: The votes of each Board member on an action taken during any open Board meeting must be recorded in a journal or in the minutes in accordance with Minnesota Statutes, section 13D.01, subdivision 4. The journal or minutes must be open to the public during all normal business hours at the location where the Board's records are kept.

Section G. Meeting by Telephone or Interactive Technology

In accordance with Minnesota Statutes, sections 13D.015, the Board and committees may conduct meetings by telephone or interactive technology. Board members participating via telephone or interactive technology are considered present for determining a quorum and for voting.

When Board or committee meetings are held by telephone or interactive technology, all Board members, regardless of physical location, must be able to hear one another and hear all discussion and testimony; all members of the public must be able to hear all discussion and all votes of members and participate in

testimony; at least one member of the entity must be present in the Board offices; all votes must be conducted by roll call; and the meeting notice must state that some members may participate by interactive technology and be posted on the Board’s website at least ten days before any regular meeting. Minn. Stat. sec. 13D.015, subd. 2.

If a pandemic or Minnesota Chapter 12 emergency is declared, the requirement that a member, chief legal counsel, or chief administrative officer be present at the Board offices may be suspended if it is deemed unfeasible under Minnesota Statutes, section 13D.021.

Part 6. Committees

Board committees are comprised of members and Board staff and may also include members of the public, as appointed by the chair of the Board. Term limits set forth in Minnesota Statutes, section 214.09, apply to Board members committee appointments. The Board has nine standing committees. The Board chair is authorized to designate chairs for each committee.

The Board may also authorize ad hoc committees when needed for specific purposes and a specific duration. The Board chair may appoint Board members, and, when authorized by the Board, members of the public, to ad hoc committees.

Section A. Advisory Committee

The Advisory Committee is comprised of representatives of social work organizations and associations, at least one member of the Board, and a Board staff person, all appointed by the Board chair. The Advisory Committee advises the Board on professional and policy issues affecting the practice of social work and facilitates effective communication between the Board and professional organizations representing licensed social workers. The Advisory Committee does not oversee or direct the Board.

Section B. Executive Committee

The voting members of the Executive Committee are the Board chair, vice-chair, and secretary-treasurer. The executive director serves as an ex officio, non-voting, member of the Executive Committee. The outgoing chair serves as an ex officio, non-voting, member of the Board’s executive committee for the next two-year period.

The Executive Committee regularly reviews and makes recommendations to the Board on amendments to the bylaws, oversees the annual performance reviews for the executive director, and addresses matters identified by the Board chair or the Executive Committee chair.

Section C. Finance Committee

The Finance Committee is comprised of Board members appointed by the chair of the Board. The chair of the Finance Committee is the Board’s secretary-treasurer. The Finance Committee regularly reviews budget reports and considers policy issues related to budget and finance and makes recommendations to the Board.

Section D. Compliance Panels

The Board's compliance panels consist of at least two and no more than four Board members, appointed by the chair of the Board. The compliance panel members must represent different license types, scopes of practice, practice settings, and expertise and shall include public members. The Board chair may convene more than one compliance panel at a time. The Board chair shall designate a chair of each Compliance Panel. The Compliance Panels meet in closed sessions to review investigations of complaints and, as appropriate, make recommendations to the Board, in accordance with Minnesota Statutes, section 214.103.

Section E. Compliance Committee

The Compliance Committee consists of seven compliance panel members, including the Chairs and one public member from each Compliance Panel, and three licensed Compliance Panel members. The Compliance Committee reviews policy issues relating to compliance and complaint resolution and makes recommendations to the Board. Compliance Committee meetings are open to the public.

Section F. Application Review

The Applications Review Committee consists of Board members with clinical and non-clinical expertise, appointed by the chair of the Board. The Applications Review Committee reviews licensure applications and issues that are unusual, complex, or without precedent and makes recommendations to the Board regarding licensure of these applicants. The Application Review Committee also considers appeals by applicants and licensees of staff regulatory licensing decisions.

Section G. Legislation and Rules Committee

The Legislation and Rules Committee consists of Board members appointed by the chair of the Board. Members of the board's Advisory Committee may be appointed to serve as ex officio, non-voting, members of the Legislation and Rules Committee. The committee reviews policy issues relating to legislation and rules and makes recommendations to the Board.

Section H. Communication Education and Outreach Committee

The Communication Education and Outreach Committee consists of Board members appointed by the chair of the Board and Board staff designated by the executive director. The committee determines target audiences and tailors education, outreach, and relationship-building to increase the awareness of the Board and its mission. The committee makes recommendations to the Board on communication, education, and outreach.

Section I. Leadership and Development Committee

The Leadership and Development Committee consists of Board members appointed by the chair of the Board. During the second to last Board meeting in each odd-numbered calendar year, the Leadership and Development Committee nominates at least one candidate for the chair, vice-chair, and secretary-treasurer roles. The Leadership and Development Committee also assists in the coordination of appointing members to mentor new board members, assists with the coordination of appointing members to Board committees, and develops and implements strategies to publicize to the public opportunities to serve as Board members.

Part 7. Finances

Section A. Fiscal Year

In accordance with Minnesota Statutes, section 214.08, the Board adopts the fiscal year used by the State of Minnesota, with fiscal years starting on July 1 of each year and ending on June 30 of the following year.

Section B. Biennial Budget and Special Revenue Status

As a Minnesota state agency, the Board's budget is enacted by the legislature on a biennial basis, with the two-year biennial budget cycle beginning on July 1 of each odd-numbered year. The Board's revenues are to be deposited in the state special revenue fund, in accordance with Minnesota Statutes, section 148E.175.

Section C. Financial Reporting

In accordance with Minnesota Statutes, section 214.07, the Board prepares a report by October 15 of each even-numbered year setting forth, for the two-year period ending the previous June 30, the number and type of credentials issued or renewed; the number of complaints received; the number and age of complaints open at the end of the period; receipts, disbursements, and major fees; and historical trends for all reported data.

Part 8. Adoption and Amendment of Bylaws

Section A. Adoption

In accordance with Minnesota Statutes, section 148E.025, subdivision 4, the Board must adopt bylaws to govern its proceedings. A two-thirds vote of the Board, at a meeting where a quorum has been established, is required to adopt the bylaws. The Board finds that the bylaws contained herein satisfy the statutory obligation for adoption. These bylaws do not constitute unpromulgated rules in violation of Minnesota law.

Section B. Amendment by Vote

Amendments to these bylaws may be proposed, after review and consideration, by the Executive Committee. A two-thirds vote of the Board, at a meeting where a quorum has been established, is required to amend the bylaws.

Section C. Amendment to Conform with Changes in Minnesota Law

When any statute that forms the basis of these bylaws is amended by the legislature, the affected bylaw or bylaws are considered amended, effective on the day of the effective date of the statutory amendment, without a vote of the Board.