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California Association of Marriage and Family Therapists

**MEMORANDUM**

TO: Board of Directors

FROM: Bylaws Committee

DATE: May 25, 2018

RE: Bylaws Committee’s interpretation of Section VI(C)(2) regarding Board eligibility, Section VI(C)(3) regarding Board terms of service, and Sections VI(A)(3) and (C)(2) regarding dual-licensure

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Pursuant to the Board of Directors’ direction, the Bylaws Committee convened on May 25, 2018 to finish their review and discussion of Bylaws sections: Section VI(C)(2) regarding Board eligibility, Section VI(C)(3) regarding Board terms of service, and Sections VI(A)(3) and (C)(2) regarding dual-licensure.

For all three sections, the Committee focused on the interpretation of the existing language and did not discuss intent of the section nor recommendations as to what the language *should* say. The following are the Committee’s interpretations of the referenced sections:

**Section VI(C)(2)**

*(C)(2)---“No person shall be eligible for election until he or she has been a voting member in the Association for at least two (2) years upon taking office, or has been a prelicensed member and voting member consecutively for at least two (2) years immediately prior to taking office. No prelicensed member shall be eligible for election to the board of directors until he or she has been a prelicensed member in the Association for at least six (6) months upon taking office.”*

The Committee interpreted Section VI(C)(2) to allow for a prelicensed member who has been transferred to clinical membership (voting member) to be eligible for clinical office if the individual has been a CAMFT member for two consecutive years prior to taking office.

The Committee also interpreted this section to allow for a clinical member to be eligible for office if the individual has been a clinical member for at least two years (whether consecutive or not) prior to taking office. In other words, a clinical member who has been a member for 40

years, and allowed their membership to lapse for a few months (even if within the two-year period prior to taking office) would be eligible for election.

The Committee interpreted that this section applies differently for a member who was a prelicensed member and has been transferred to clinical membership. Such members must have been a CAMFT member for two consecutive years prior to taking office.

### **Section VI(C)(3)**

*(C)(3)---“No person shall run for any position on the Board of Directors nor shall a person be appointed to any position on the Board of Directors, if such person, in serving out his or her present elected or appointed term, will have served on the Board of Directors for four (4) consecutive years or more, whether by appointment or election.”*

The Committee interpreted Section VI(C)(3) to apply the consecutive four-year term limitation to the individual and not the position. Meaning, if an individual was appointed to a Board position in April of the final year of a two-year term, and served those last two months, the service would be that of two months only, and will not count as the individual serving a full two-year term.

### **Sections VI(A)(3) and (C)(2)**

*(A)(3)---“The Board of Directors shall not contain, except as provided below, more than two persons who are licensed as marriage and family therapists and who also hold any other license which permits the practice of health care, whether mental or physical. This restriction does not apply if a board member, during his/her term, becomes licensed in another discipline allowing the practice of health care.”*

*(C)(3)---“...A person is ineligible for election where his/her election would result in the board consisting of more than two persons who are licensed as marriage and family therapists and who also hold any other license(s) which permits the practice of health care, whether mental or physical.”*

The Committee’s interpretation of Sections VI(A)(3) and (C)(2) is that the referenced “other” license refers to any license which permits the practice of health care, whether mental or physical, without any limitation. Thus, the license could be an LCSW, LPCC, Psychologist, Veterinarian, Podiatrist, etc.

The Committee also interpreted that the referenced license does not have to be a valid and cleared license, but could also include a license that was inactive, delinquent, retired, or any status that would allow the licensee to reactivate the license to practice at any time. The section would not apply to licenses that have been cancelled or expired which would not allow the licensee to reactive at any time.

**For Consideration**

The Bylaws Committee is requesting the Board's review and approval of the Committee's interpretations of the three sections. It is critical the Board review and provide staff with guidance on these three sections by July, 2018 to allow candidates for the 2019/2020 Board of Directors a transparent and clear understanding of CAMFT's governing documents.

The Bylaws Committee will reconvene within the next three months (between June and August) to carry out the Board's direction (from the March, 2018 Board meeting) to review and prioritize sections of the CAMFT Bylaws that need clarity/amendments for the Board's review. The Committee will review and discuss any recommendations for amendments to the above-referenced sections at this future meeting.