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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 960

02/16/2015 Authored by Mack; Backer; Dean, M.; Allen and Yarusso

The bill was read for the first time and referred to the Committee on Health and Human Services Reform

03/05/2015 Adoption of Report: Amended and re-referred to the Committee on Health and Human Services Finance

1.1 A bill for an act
1.2 relating to health occupations; changing licensing provisions for the Board of
1.3 Social Work; amending Minnesota Statutes 2014, sections 148E.075; 148E.080,
1.4 subdivisions 1, 2; 148E.180, subdivisions 2, 5; repealing Minnesota Statutes
1.5 2014, sections 148E.060, subdivision 12; 148E.075, subdivisions 4, 5, 6, 7.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2014, section 148E.075, is amended to read:

1.8 **148E.075 INACTIVE LICENSES ALTERNATE LICENSES.**

1.9 Subdivision 1. **~~Inactive status~~ Temporary leave license.** (a) ~~A licensee qualifies~~
1.10 ~~for inactive status under either of the circumstances described in paragraph (b) or (c).~~

1.11 ~~(b) A licensee qualifies for inactive status when the licensee is granted temporary~~
1.12 ~~leave from active practice.~~ A licensee qualifies for temporary leave from active practice if
1.13 the licensee demonstrates to the satisfaction of the board that the licensee is not engaged
1.14 in the practice of social work in any setting, including settings in which social workers are
1.15 exempt from licensure according to section 148E.065. A licensee who is granted temporary
1.16 leave from active practice may reactivate the license according to section 148E.080.

1.17 (b) A licensee may maintain a temporary leave license for no more than four
1.18 consecutive years.

1.19 ~~(c) A licensee qualifies for inactive status when a licensee is granted an emeritus~~
1.20 ~~license. A licensee qualifies for an emeritus license if the licensee demonstrates to the~~
1.21 ~~satisfaction of the board that:~~

1.22 ~~(1) the licensee is retired from social work practice; and~~

1.23 ~~(2) the licensee is not engaged in the practice of social work in any setting, including~~
1.24 ~~settings in which social workers are exempt from licensure according to section 148E.065.~~

~~A licensee who possesses an emeritus license may reactivate the license according to section 148E.080.~~

(c) A licensee who is granted temporary leave from active practice may reactivate the license according to section 148E.080. If a licensee does not apply for reactivation within 60 days following the end of the consecutive four-year period, the license automatically expires. An individual with an expired license may apply for new licensure according to section 148E.055.

(d) Except as provided in paragraph (e), a licensee who holds a temporary leave license must not practice, attempt to practice, offer to practice, or advertise or hold out as authorized to practice social work.

(e) The board may grant a variance to the requirements of paragraph (d) if a licensee on temporary leave license provides emergency social work services. A variance is granted only if the board provides the variance in writing to the licensee. The board may impose conditions or restrictions on the variance.

(f) In making representations of professional status to the public, when holding a temporary leave license, a licensee must state that the license is not active and that the licensee cannot practice social work.

Subd. 1a. **Emeritus inactive license.** (a) A licensee qualifies for an emeritus inactive license if the licensee demonstrates to the satisfaction of the board that the licensee is:

(1) retired from social work practice; and

(2) not engaged in the practice of social work in any setting, including settings in which social workers are exempt from licensure according to section 148E.065.

(b) A licensee with an emeritus inactive license may apply for reactivation according to section 148E.080 only during the four years following the granting of the emeritus inactive license. However, after four years following the granting of the emeritus inactive license, an individual may apply for new licensure according to section 148E.055.

(c) Except as provided in paragraph (d), a licensee who holds an emeritus inactive license must not practice, attempt to practice, offer to practice, or advertise or hold out as authorized to practice social work.

(d) The board may grant a variance to the requirements of paragraph (c) if a licensee on emeritus inactive license provides emergency social work services. A variance is granted only if the board provides the variance in writing to the licensee. The board may impose conditions or restrictions on the variance.

(e) In making representations of professional status to the public, when holding an emeritus inactive license, a licensee must state that the license is not active and that the licensee cannot practice social work.

3.1 Subd. 1b. **Emeritus active license.** (a) A licensee qualifies for an emeritus active
3.2 license if the applicant demonstrates to the satisfaction of the board that the licensee is:

3.3 (1) retired from social work practice; and

3.4 (2) in compliance with the supervised practice requirements, as applicable, under
3.5 sections 148E.100 to 148E.125.

3.6 (b) A licensee who is issued an emeritus active license is only authorized to engage in:

3.7 (1) pro bono or unpaid social work practice as specified in section 148E.010,
3.8 subdivisions 6 and 11; or

3.9 (2) paid social work practice not to exceed 240 clock hours per calendar year, for the
3.10 exclusive purpose to provide licensing supervision as specified in sections 148E.100 to
3.11 148E.125; and

3.12 (3) the authorized scope of practice specified in section 148E.050.

3.13 (c) An emeritus active license must be renewed according to the requirements
3.14 specified in section 148E.070, subdivisions 1, 2, 3, 4, and 5.

3.15 (d) At the time of license renewal a licensee must provide evidence satisfactory to the
3.16 board that the licensee has, during the renewal term, completed 20 clock hours of continuing
3.17 education, including at least two clock hours in ethics, as specified in section 148E.130:

3.18 (1) for licensed independent clinical social workers, at least 12 clock hours must be
3.19 in the clinical content areas specified in section 148E.055, subdivision 5; and

3.20 (2) for social workers providing supervision according to sections 148E.100 to
3.21 148E.125, at least three clock hours must be in the practice of supervision.

3.22 (e) Independent study hours must not consist of more than eight clock hours of
3.23 continuing education per renewal term.

3.24 (f) Failure to renew an active emeritus license on the expiration date will result in an
3.25 expired license as specified in section 148E.070, subdivision 5.

3.26 (g) The board may grant a variance to the requirements of paragraph (b) if a licensee
3.27 holding an emeritus active license provides emergency social work services. A variance is
3.28 granted only if the board provides the variance in writing to the licensee. The board may
3.29 impose conditions or restrictions on the variance.

3.30 (h) In making representations of professional status to the public, when holding an
3.31 emeritus active license, a licensee must state that an emeritus active license authorizes only
3.32 pro bono or unpaid social work practice, or paid social work practice not to exceed 240
3.33 clock hours per calendar year, for the exclusive purpose to provide licensing supervision
3.34 as specified in sections 148E.100 to 148E.125.

3.35 (i) Notwithstanding the time limit and emeritus active license renewal requirements
3.36 specified in this section, a licensee who possesses an emeritus active license may

reactivate the license according to section 148E.080 or apply for new licensure according to section 148E.055.

Subd. 2. **Application.** A licensee may apply for ~~inactive-status~~ temporary leave license, emeritus inactive license, or emeritus active license:

(1) at any time when currently licensed under section 148E.055, 148E.0555, 148E.0556, or 148E.0557, or when licensed as specified in section 148E.075, by submitting an application for a temporary leave from active practice or for an emeritus license form required by the board; or

(2) as an alternative to applying for the renewal of a license by so recording on the application ~~for license renewal~~ form required by the board and submitting the completed, signed application to the board.

An application that is not completed or signed, or that is not accompanied by the correct fee, must be returned to the applicant, along with any fee submitted, and is void. For applications submitted electronically, a "signed application" means providing an attestation as specified by the board.

Subd. 3. **Fee.** (a) Regardless of when the application for ~~inactive-status~~ temporary leave license or emeritus inactive license is submitted, the temporary leave license or emeritus inactive license fee specified in section 148E.180, whichever is applicable, must accompany the application. A licensee who is approved for ~~inactive-status~~ temporary leave license or emeritus inactive license before the license expiration date is not entitled to receive a refund for any portion of the license or renewal fee.

(b) If an application for temporary leave or emeritus active license is received after the license expiration date, the licensee must pay a renewal late fee as specified in section 148E.180 in addition to the temporary leave fee.

(c) Regardless of when the application for emeritus active license is submitted, the emeritus active license fee is one-half of the renewal fee for the applicable license specified in section 148E.180, subdivision 3, and must accompany the application. A licensee who is approved for emeritus active license before the license expiration date is not entitled to receive a refund for any portion of the license or renewal fee.

Subd. 4. **Time limits for temporary leaves.** ~~A licensee may maintain an inactive license on temporary leave for no more than five consecutive years. If a licensee does not apply for reactivation within 60 days following the end of the consecutive five-year period, the license automatically expires.~~

Subd. 5. **Time limits for emeritus license.** ~~A licensee with an emeritus license may not apply for reactivation according to section 148E.080 after five years following the~~

granting of the emeritus license. However, after five years following the granting of the emeritus license, an individual may apply for new licensure according to section 148E.055.

Subd. 6. Prohibition on practice. (a) Except as provided in paragraph (b), a licensee whose license is inactive must not practice, attempt to practice, offer to practice, or advertise or hold out as authorized to practice social work.

(b) The board may grant a variance to the requirements of paragraph (a) if a licensee on inactive status provides emergency social work services. A variance is granted only if the board provides the variance in writing to the licensee. The board may impose conditions or restrictions on the variance.

Subd. 7. Representations of professional status. In making representations of professional status to the public, a licensee whose license is inactive must state that the license is inactive and that the licensee cannot practice social work.

Subd. 8. Disciplinary or other action. The board may resolve any pending complaints against a licensee before approving an application for inactive status an alternate license specified in this section. The board may take action according to sections 148E.255 to 148E.270 against a licensee whose license is inactive who is issued an alternate license specified in this section based on conduct occurring before the license is inactive or conduct occurring while the license is inactive effective.

Sec. 2. Minnesota Statutes 2014, section 148E.080, subdivision 1, is amended to read:

Subdivision 1. **Mailing notices to licensees on temporary leave.** The board must mail a notice for reactivation to a licensee on temporary leave at least 45 days before the expiration date of the license according to section 148E.075, subdivision 4 1. Mailing the notice by United States mail to the licensee's last known mailing address constitutes valid mailing. Failure to receive the reactivation notice does not relieve a licensee of the obligation to comply with the provisions of this section to reactivate a license.

Sec. 3. Minnesota Statutes 2014, section 148E.080, subdivision 2, is amended to read:

Subd. 2. Reactivation from a temporary leave or emeritus status. To reactivate a license from a temporary leave or emeritus status, a licensee must do the following within the time period specified in section 148E.075, subdivisions ~~4 and 5~~ 1, 1a, and 1b:

(1) complete an application form specified by the board;

(2) document compliance with the continuing education requirements specified in subdivision 4;

(3) submit a supervision plan, if required;

(4) pay the reactivation of ~~an inactive licensee~~ a license fee specified in section 148E.180; and

(5) pay the wall certificate fee according to section 148E.095, subdivision 1, paragraph (b) or (c), if the licensee needs a duplicate license.

Sec. 4. Minnesota Statutes 2014, section 148E.180, subdivision 2, is amended to read:

Subd. 2. **License fees.** License fees are as follows:

(1) for a licensed social worker, \$81;

(2) for a licensed graduate social worker, \$144;

(3) for a licensed independent social worker, \$216;

(4) for a licensed independent clinical social worker, \$238.50;

(5) for an emeritus inactive license, \$43.20; ~~and~~

(6) for an emeritus active license, one-half of the renewal fee specified in subdivision 3; and

~~(7)~~ (7) for a temporary leave fee, the same as the renewal fee specified in subdivision 3.

If the licensee's initial license term is less or more than 24 months, the required license fees must be prorated proportionately.

Sec. 5. Minnesota Statutes 2014, section 148E.180, subdivision 5, is amended to read:

Subd. 5. **Late fees.** Late fees are as follows:

(1) renewal late fee, one-fourth of the renewal fee specified in subdivision 3; ~~and~~

(2) supervision plan late fee, \$40; and

(3) license late fee, \$100 plus the prorated share of the license fee specified in subdivision 2 for the number of months during which the individual practiced social work without a license.

Sec. 6. **REPEALER.**

Minnesota Statutes 2014, sections 148E.060, subdivision 12; and 148E.075, subdivisions 4, 5, 6, and 7, are repealed.

148E.060 TEMPORARY LICENSES.

Subd. 12. **Ineligibility.** An applicant who is currently practicing social work in Minnesota in a setting that is not exempt under section 148E.065 at the time of application is ineligible for a temporary license.

148E.075 INACTIVE LICENSES.

Subd. 4. **Time limits for temporary leaves.** A licensee may maintain an inactive license on temporary leave for no more than five consecutive years. If a licensee does not apply for reactivation within 60 days following the end of the consecutive five-year period, the license automatically expires.

Subd. 5. **Time limits for emeritus license.** A licensee with an emeritus license may not apply for reactivation according to section 148E.080 after five years following the granting of the emeritus license. However, after five years following the granting of the emeritus license, an individual may apply for new licensure according to section 148E.055.

Subd. 6. **Prohibition on practice.** (a) Except as provided in paragraph (b), a licensee whose license is inactive must not practice, attempt to practice, offer to practice, or advertise or hold out as authorized to practice social work.

(b) The board may grant a variance to the requirements of paragraph (a) if a licensee on inactive status provides emergency social work services. A variance is granted only if the board provides the variance in writing to the licensee. The board may impose conditions or restrictions on the variance.

Subd. 7. **Representations of professional status.** In making representations of professional status to the public, a licensee whose license is inactive must state that the license is inactive and that the licensee cannot practice social work.