

A bill for an act

relating to social work; modifying the Minnesota Board of Social Work Practice Act; proposing coding for new law as Minnesota Statutes, chapter 148E; repealing Minnesota Statutes 2006, sections 148D.001; 148D.010; 148D.015; 148D.020; 148D.025; 148D.030; 148D.035; 148D.040; 148D.045; 148D.050; 148D.055; 148D.060; 148D.065; 148D.070; 148D.075; 148D.080; 148D.085; 148D.090; 148D.095; 148D.100; 148D.105; 148D.110; 148D.115; 148D.120; 148D.125; 148D.130; 148D.135; 148D.140; 148D.145; 148D.150; 148D.155; 148D.160; 148D.165; 148D.170; 148D.175; 148D.180; 148D.185; 148D.190; 148D.195; 148D.200; 148D.205; 148D.210; 148D.215; 148D.220; 148D.225; 148D.230; 148D.235; 148D.240; 148D.245; 148D.250; 148D.255; 148D.260; 148D.265; 148D.270; 148D.275; 148D.280; 148D.285; 148D.290.

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

Section 1. **[148E.001] CITATION.**

This chapter may be cited as the "Minnesota Board of Social Work Practice Act."

Sec. 2. **[148E.010] DEFINITIONS.**

Subdivision 1. **Scope.** For the purpose of this chapter, the terms in this section have the meanings given.

Subd. 2. **Applicant.** "Applicant" means a person who submits an application to the board for a new license, a license renewal, a change in license, an inactive license, reactivation of a license, or a voluntary termination.

Subd. 3. **Application.** "Application" means an application to the board for a new license, a license renewal, a change in license, an inactive license, reactivation of a license, or voluntary termination.

Subd. 4. **Board.** "Board" means the Board of Social Work created under section 148E.025.

Subd. 5. **Client.** "Client" means an individual, couple, family, group, community, or organization that receives or has received social work services as described in subdivision 9.

Subd. 6. **Clinical practice.** "Clinical practice" means applying professional social work knowledge, skills, and values in the differential diagnosis and treatment of psychosocial function, disability, or impairment, including addictions and emotional, mental, and behavioral disorders. Treatment includes a plan based on a differential diagnosis. Treatment may include, but is not limited to, the provision of psychotherapy to individuals, couples, families, and groups across the life span. Clinical social workers may also provide the services described in subdivision 11.

Subd. 7. **Clinical supervision.** "Clinical supervision" means supervision as defined in subdivision 18 of a social worker engaged in clinical practice as defined in subdivision 6.

Subd. 8. **Graduate degree.** "Graduate degree" means a master's degree in social work from a program accredited by the Council on Social Work Education, the Canadian Association of Schools of Social Work, or a similar accreditation body designated by the board; or a doctorate in social work from an accredited university.

Subd. 9. **Intern.** "Intern" means a student in field placement working under the supervision or direction of a social worker.

Subd. 10. **Person-in-environment perspective.** "Person-in-environment perspective" means viewing human behavior, development, and function in the context of one or more of the following: the environment, social functioning, mental health, and physical health.

Subd. 11. **Practice of social work.** "Practice of social work" means working to maintain, restore, or improve behavioral, cognitive, emotional, mental, or social functioning of clients, in a manner that applies accepted professional social work knowledge, skills, and values, including the person-in-environment perspective, by providing in person or through telephone, video conferencing, or electronic means one or more of the social work services described in clauses (1) to (3). Social work services may address conditions that impair or limit behavioral, cognitive, emotional, mental, or social functioning. Such conditions include, but are not limited to, the following: abuse and neglect of children or vulnerable adults, addictions, developmental disorders, disabilities, discrimination, illness, injuries, poverty, and trauma. Social work services include:

(1) providing assessment and intervention through direct contact with clients, developing a plan based on information from an assessment, and providing services which include, but are not limited to, assessment, case management, client-centered advocacy, client education, consultation, counseling, crisis intervention, and referral;

(2) providing for the direct or indirect benefit of clients through administrative, educational, policy, or research services including, but not limited to:

- (i) advocating for policies, programs, or services to improve the well-being of clients;
 - (ii) conducting research related to social work services;
 - (iii) developing and administering programs which provide social work services;
 - (iv) engaging in community organization to address social problems through planned collective action;
 - (v) supervising individuals who provide social work services to clients;
 - (vi) supervising social workers in order to comply with the supervised practice requirements specified in sections 148E.100 to 148E.125; and
 - (vii) teaching professional social work knowledge, skills, and values to students; and
- (3) engaging in clinical practice.

Subd. 12. **Professional name.** "Professional name" means the name a licensed social worker uses in making representations of the social worker's professional status to the public and which has been designated to the board in writing according to section 148E.090.

Subd. 13. **Professional social work knowledge, skills, and values.** "Professional social work knowledge, skills, and values" means the knowledge, skills, and values taught in programs accredited by the Council on Social Work Education, the Canadian Association of Schools of Social Work, or a similar accreditation body designated by the board; or a doctorate in social work from an accredited university. Professional social work knowledge, skills, and values include, but are not limited to, principles of person-in-environment and the values, principles, and standards described in the Code of Ethics of the National Association of Social Workers.

Subd. 14. **Sexual conduct.** "Sexual conduct" means any physical contact or conduct that may be reasonably interpreted as sexual, or any oral, written, electronic, or other communication that suggests engaging in physical contact or conduct that may be reasonably interpreted as sexual.

Subd. 15. **Social worker.** "Social worker" means an individual who:

- (1) is licensed as a social worker; or
- (2) has obtained a social work degree from a program accredited by the Council on Social Work Education, the Canadian Association of Schools of Social Work, or a similar accreditation body designated by the board and engages in the practice of social work.

Subd. 16. **Student.** "Student" means an individual who is taught professional social work knowledge, skills, and values in a program that has been accredited by the

Council on Social Work Education, the Canadian Association of Schools of Social Work, or a similar accreditation body designated by the board.

Subd. 17. **Supervisee.** "Supervisee" means an individual provided evaluation and supervision or direction by a social worker.

Subd. 18. **Supervision.** "Supervision" means a professional relationship between a supervisor and a social worker in which the supervisor provides evaluation and direction of the services provided by the social worker to promote competent and ethical services to clients through the continuing development of the social worker's knowledge and application of accepted professional social work knowledge, skills, and values.

Sec. 3. **[148E.015] SCOPE.**

This chapter applies to all applicants and licensees, all persons who use the title social worker, and all persons in or out of this state who provide social work services to clients who reside in this state unless there are specific applicable exemptions provided by law.

Sec. 4. **[148E.020] CHAPTER 214.**

Chapter 214 applies to the Board of Social Work unless superseded by this chapter.

Sec. 5. **[148E.025] BOARD OF SOCIAL WORK.**

Subdivision 1. **Creation.** The Board of Social Work consists of 15 members appointed by the governor. The members are:

(1) ten social workers licensed according to section 148E.055; and

(2) five public members as defined in section 214.02.

Subd. 2. **Qualifications of board members.** (a) All social worker members must have engaged in the practice of social work in Minnesota for at least one year during the ten years preceding their appointments.

(b) Five social worker members must be licensed social workers. The other five members must be a licensed graduate social worker, a licensed independent social worker, or a licensed independent clinical social worker.

(c) Eight 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 agency;

(2) one member must be engaged in the practice of social work in a state agency;

(3) one member must be engaged in the practice of social work in an elementary, middle, or secondary school;

(4) one member must be employed in a hospital or nursing home licensed under chapter 144 or 144A;

(5) two members must be engaged in the practice of social work in a private agency;

(6) one member must be engaged in the practice of social work in a clinical social work setting; and

(7) 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.

(d) At the time of their appointments, at least six members must reside outside of the seven-county metropolitan area.

(e) At the time of their appointments, at least five members must be persons with expertise in communities of color.

Subd. 3. **Officers.** The board must annually elect from its membership a chair, vice-chair, and secretary-treasurer.

Subd. 4. **Bylaws.** The board must adopt bylaws to govern its proceedings.

Subd. 5. **Executive director.** The board must appoint and employ an executive director who is not a member of the board. The employment of the executive director shall be subject to the terms described in section 214.04, subdivision 2a.

Sec. 6. **[148E.030] DUTIES OF THE BOARD.**

Subdivision 1. **Duties.** The board must perform the duties necessary to promote and protect the public health, safety, and welfare through the licensure and regulation of persons who practice social work in this state. These duties 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 sections 148E.055 and 148E.060;

(5) taking disciplinary, adversarial, corrective, or other action according to sections 148E.255 to 148E.270 when an individual violates the requirements of this chapter;

(6) assessing fees according to sections 148E.175 and 148E.180; and

(7) educating social workers and the public on the requirements of the board.

Subd. 2. **Rules.** The board may adopt and enforce rules to carry out the duties specified in subdivision 1.

Sec. 7. **[148E.035] VARIANCES.**

If the effect of a requirement according to this chapter is unreasonable, impossible to execute, absurd, or would impose an extreme hardship on a licensee, the board may grant a variance if the variance is consistent with promoting and protecting the public health, safety, and welfare. A variance must not be granted for core licensing standards such as substantive educational and examination requirements.

Sec. 8. **[148E.040] IMMUNITY.**

Board members, board employees, and persons engaged on behalf of the board are immune from civil liability for any actions, transactions, or publications in the lawful execution of or relating to their duties under this chapter.

Sec. 9. **[148E.045] CONTESTED CASE HEARING.**

An applicant or a licensee who is the subject of a disciplinary or adversarial action by the board according to this chapter may request a contested case hearing under sections 14.57 to 14.62. An applicant or a licensee who desires to request a contested case hearing must submit a written request to the board within 90 days after the date on which the board mailed the notification of the adverse action, except as otherwise provided in this chapter.

Sec. 10. **[148E.050] LICENSING; SCOPE OF PRACTICE.**

Subdivision 1. Requirements. The practice of social work must comply with the requirements of subdivision 2, 3, 4, or 5.

Subd. 2. Licensed social worker. A licensed social worker may engage in social work practice except that a licensed social worker must not engage in clinical practice.

Subd. 3. Licensed graduate social worker. A licensed graduate social worker may engage in social work practice except that a licensed graduate social worker must not engage in clinical practice except under the supervision of a licensed independent clinical social worker or an alternate supervisor according to section 148E.120.

Subd. 4. Licensed independent social worker. A licensed independent social worker may engage in social work practice except that a licensed independent social worker must not engage in clinical practice except under the supervision of a licensed independent clinical social worker or an alternate supervisor according to section 148E.120.

Subd. 5. **Licensed independent clinical social worker.** A licensed independent clinical social worker may engage in social work practice, including clinical practice.

Sec. 11. **[148E.055] LICENSE REQUIREMENTS.**

Subdivision 1. **License required.** (a) In order to practice social work, an individual must have a social work license under this section or section 148E.060, except when the individual is exempt from licensure according to section 148E.065.

(b) Individuals who teach professional social work knowledge, skills, and values to students and who have a social work degree from a program accredited by the Council on Social Work Education, the Canadian Association of Schools of Social Work, or a similar accreditation body designated by the board must have a social work license under this section or section 148E.060, except when the individual is exempt from licensure according to section 148E.065.

Subd. 2. **Qualifications for licensure by examination as a licensed social worker.**
(a) Except as provided in paragraph (i), to be licensed as a licensed social worker, an applicant for licensure by examination must provide evidence satisfactory to the board that the applicant:

(1) has received a baccalaureate degree in social work from a program accredited by the Council on Social Work Education, the Canadian Association of Schools of Social Work, or a similar accreditation body designated by the board, or a doctorate in social work from an accredited university;

(2) has passed the bachelors or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board. Unless an applicant applies for licensure by endorsement according to subdivision 7, an examination is not valid if it was taken and passed eight or more years prior to submitting a completed, signed application form provided by the board. The examination may be taken prior to completing degree requirements;

(3) has submitted a completed, signed application form provided by the board, including the applicable application fee specified in section 148E.180. For applications submitted electronically, a "signed application" means providing an attestation as specified by the board;

(4) has submitted the criminal background check fee and a form provided by the board authorizing a criminal background check according to subdivision 8;

(5) has paid the applicable license fee specified in section 148E.180; and

(6) has not engaged in conduct that was or would be in violation of the standards of practice specified in sections 148E.195 to 148E.240. If the applicant has engaged in

conduct that was or would be in violation of the standards of practice, the board may take action according to sections 148E.255 to 148E.270.

(b) An application that is not completed and signed, or that is not accompanied by the correct fee, must be returned to the applicant, along with any fee submitted, and is void.

(c) A licensee granted a license by the board according to paragraph (a) must meet the supervised practice requirements specified in sections 148E.100 to 148E.125. If a licensee does not meet the supervised practice requirements, the board may take action according to sections 148E.255 to 148E.270.

(d) By submitting an application for licensure, an applicant authorizes the board to investigate any information provided or requested in the application. The board may request that the applicant provide additional information, verification, or documentation.

(e) Within one year of the time the board receives an application for licensure, the applicant must meet all the requirements specified in paragraph (a) and must provide all of the information requested by the board according to paragraph (d). If within one year the applicant does not meet all the requirements, or does not provide all of the information requested, the applicant is considered ineligible and the application for licensure must be closed.

(f) Except as provided in paragraph (g), an applicant may not take more than three times the bachelors or equivalent examination administered by the Association of Social Work Boards, or a similar examination body designated by the board. An applicant must receive a passing score on the bachelors or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board in no more than 18 months after the date the applicant first failed the examination.

(g) Notwithstanding paragraph (f), the board may allow an applicant to take, for a fourth or subsequent time, the bachelors or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board if the applicant:

(1) meets all requirements specified in paragraphs (a) to (e) other than passing the bachelors or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board;

(2) provides to the board a description of the efforts the applicant has made to improve the applicant's score and demonstrates to the board's satisfaction that the efforts are likely to improve the score; and

(3) provides to the board letters of recommendation from two licensed social workers attesting to the applicant's ability to practice social work competently and ethically according to professional social work knowledge, skills, and values.

(h) An individual must not practice social work until the individual passes the examination and receives a social work license under this section or section 148E.060. If the board has reason to believe that an applicant may be practicing social work without a license, and the applicant has failed the bachelors or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board, the board may notify the applicant's employer that the applicant is not licensed as a social worker.

Subd. 3. Qualifications for licensure by examination as licensed graduate social worker. (a) Except as provided in paragraph (i), to be licensed as a licensed graduate social worker, an applicant for licensure by examination must provide evidence satisfactory to the board that the applicant:

(1) has received a graduate degree in social work from a program accredited by the Council on Social Work Education, the Canadian Association of Schools of Social Work, or a similar accreditation body designated by the board, or a doctorate in social work from an accredited university;

(2) has passed the masters or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board. Unless an applicant applies for licensure by endorsement according to section 148E.055, subdivision 7, an examination is not valid if it was taken and passed eight or more years prior to submitting a completed, signed application form provided by the board. The examination may be taken prior to completing degree requirements;

(3) has submitted a completed, signed application form provided by the board, including the applicable application fee specified in section 148E.180. For applications submitted electronically, a "signed application" means providing an attestation as specified by the board;

(4) has submitted the criminal background check fee and a form provided by the board authorizing a criminal background check according to subdivision 8;

(5) has paid the applicable license fee specified in section 148E.180; and

(6) has not engaged in conduct that was or would be in violation of the standards of practice specified in sections 148E.195 to 148E.240. If the applicant has engaged in conduct that was or would be in violation of the standards of practice, the board may take action according to sections 148E.255 to 148E.270.

(b) An application which is not completed and signed, or which is not accompanied by the correct fee, must be returned to the applicant, along with any fee submitted, and is void.

10.1 (c) A licensee granted a license by the board according to paragraph (a) must meet
10.2 the supervised practice requirements specified in sections 148E.100 to 148E.125. If a
10.3 licensee does not meet the supervised practice requirements, the board may take action
10.4 according to sections 148E.255 to 148E.270.

10.5 (d) By submitting an application for licensure, an applicant authorizes the board to
10.6 investigate any information provided or requested in the application. The board may
10.7 request that the applicant provide additional information, verification, or documentation.

10.8 (e) Within one year of the time the board receives an application for licensure, the
10.9 applicant must meet all the requirements specified in paragraph (a) and must provide all of
10.10 the information requested by the board according to paragraph (d). If within one year the
10.11 applicant does not meet all the requirements, or does not provide all of the information
10.12 requested, the applicant is considered ineligible and the application for licensure must
10.13 be closed.

10.14 (f) Except as provided in paragraph (g), an applicant may not take more than three
10.15 times the masters or equivalent examination administered by the Association of Social
10.16 Work Boards or a similar examination body designated by the board. An applicant must
10.17 receive a passing score on the masters or equivalent examination administered by the
10.18 Association of Social Work Boards or a similar examination body designated by the board
10.19 in no more than 18 months after the date the applicant first failed the examination.

10.20 (g) Notwithstanding paragraph (f), the board may allow an applicant to take, for a
10.21 fourth or subsequent time, the masters or equivalent examination administered by the
10.22 Association of Social Work Boards or a similar examination body designated by the
10.23 board if the applicant:

10.24 (1) meets all requirements specified in paragraphs (a) to (e) other than passing the
10.25 masters or equivalent examination administered by the Association of Social Work boards
10.26 or a similar examination body designated by the board;

10.27 (2) provides to the board a description of the efforts the applicant has made to
10.28 improve the applicant's score and demonstrates to the board's satisfaction that the efforts
10.29 are likely to improve the score; and

10.30 (3) provides to the board letters of recommendation from two licensed social
10.31 workers attesting to the applicant's ability to practice social work competently and
10.32 ethically according to professional social work knowledge, skills, and values.

10.33 (h) An individual must not practice social work until the individual passes the
10.34 examination and receives a social work license under this section or section 148E.060. If
10.35 the board has reason to believe that an applicant may be practicing social work without a
10.36 license, and the applicant has failed the masters or equivalent examination administered

11.1 by the Association of Social Work Boards or a similar examination body designated by
11.2 the board, the board may notify the applicant's employer that the applicant is not licensed
11.3 as a social worker.

11.4 **Subd. 4. Licensure by examination; licensed independent social worker.**

11.5 (a) Except as provided in paragraph (i), to be licensed as a licensed independent social
11.6 worker, an applicant for licensure by examination must provide evidence satisfactory
11.7 to the board that the applicant:

11.8 (1) has received a graduate degree in social work from a program accredited by
11.9 the Council on Social Work Education, the Canadian Association of Schools of Social
11.10 Work, or a similar accreditation body designated by the board, or a doctorate in social
11.11 work from an accredited university;

11.12 (2) has practiced social work as defined in section 148E.010, and has met the
11.13 supervised practice requirements specified in sections 148E.100 to 148E.125;

11.14 (3) has passed the advanced generalist or equivalent examination administered by
11.15 the Association of Social Work Boards or a similar examination body designated by the
11.16 board. Unless an applicant applies for licensure by endorsement according to subdivision
11.17 7, an examination is not valid if it was taken and passed eight or more years prior to
11.18 submitting a completed, signed application form provided by the board;

11.19 (4) has submitted a completed, signed application form provided by the board,
11.20 including the applicable application fee specified in section 148E.180. For applications
11.21 submitted electronically, a "signed application" means providing an attestation as specified
11.22 by the board;

11.23 (5) has submitted the criminal background check fee and a form provided by the
11.24 board authorizing a criminal background check according to subdivision 8;

11.25 (6) has paid the applicable license fee specified in section 148E.180; and

11.26 (7) has not engaged in conduct that was or would be in violation of the standards
11.27 of practice specified in sections 148E.195 to 148E.240. If the applicant has engaged in
11.28 conduct that was or would be in violation of the standards of practice, the board may take
11.29 action according to sections 148E.255 to 148E.270.

11.30 (b) An application which is not completed and signed, or which is not accompanied
11.31 by the correct fee, must be returned to the applicant, along with any fee submitted, and is
11.32 void.

11.33 (c) A licensed independent social worker who practices clinical social work must
11.34 meet the supervised practice requirements specified in sections 148E.100 to 148E.125. If
11.35 a licensee does not meet the supervised practice requirements, the board may take action
11.36 according to sections 148E.255 to 148E.270.

12.1 (d) By submitting an application for licensure, an applicant authorizes the board to
12.2 investigate any information provided or requested in the application. The board may
12.3 request that the applicant provide additional information, verification, or documentation.

12.4 (e) Within one year of the time the board receives an application for licensure, the
12.5 applicant must meet all the requirements specified in paragraph (a) and must provide all of
12.6 the information requested by the board according to paragraph (d). If within one year the
12.7 applicant does not meet all the requirements, or does not provide all of the information
12.8 requested, the applicant is considered ineligible and the application for licensure must
12.9 be closed.

12.10 (f) Except as provided in paragraph (g), an applicant may not take more than
12.11 three times the advanced generalist or equivalent examination administered by the
12.12 Association of Social Work Boards or a similar examination body designated by the
12.13 board. An applicant must receive a passing score on the masters or equivalent examination
12.14 administered by the Association of Social Work Boards or a similar examination body
12.15 designated by the board in no more than 18 months after the first time the applicant failed
12.16 the examination.

12.17 (g) Notwithstanding paragraph (f), the board may allow an applicant to take, for a
12.18 fourth or subsequent time, the advanced generalist or equivalent examination administered
12.19 by the Association of Social Work Boards or a similar examination body designated by
12.20 the board if the applicant:

12.21 (1) meets all requirements specified in paragraphs (a) to (e) other than passing the
12.22 advanced generalist or equivalent examination administered by the Association of Social
12.23 Work Boards or a similar examination body designated by the board;

12.24 (2) provides to the board a description of the efforts the applicant has made to
12.25 improve the applicant's score and demonstrates to the board's satisfaction that the efforts
12.26 are likely to improve the score; and

12.27 (3) provides to the board letters of recommendation from two licensed social
12.28 workers attesting to the applicant's ability to practice social work competently and
12.29 ethically according to professional social work knowledge, skills, and values.

12.30 (h) An individual must not practice social work until the individual passes the
12.31 examination and receives a social work license under this section or section 148E.060. If
12.32 the board has reason to believe that an applicant may be practicing social work without a
12.33 license, except as provided in section 148E.065, and the applicant has failed the advanced
12.34 generalist or equivalent examination administered by the Association of Social Work
12.35 Boards or a similar examination body designated by the board, the board may notify the
12.36 applicant's employer that the applicant is not licensed as a social worker.

Subd. 5. Licensure by examination; licensed independent clinical social worker. (a) Except as provided in paragraph (h), to be licensed as a licensed independent clinical social worker, an applicant for licensure by examination must provide evidence satisfactory to the board that the applicant:

(1) has received a graduate degree in social work from a program accredited by the Council on Social Work Education, the Canadian Association of Schools of Social Work, or a similar accreditation body designated by the board, or a doctorate in social work from an accredited university;

(2) has completed 360 clock hours (one semester credit hour = 15 clock hours) in the following clinical knowledge areas:

(i) 108 clock hours (30 percent) in differential diagnosis and biopsychosocial assessment including normative development and psychopathology across the life span;

(ii) 36 clock hours (ten percent) in assessment-based clinical treatment planning with measurable goals;

(iii) 108 clock hours (30 percent) in clinical intervention methods informed by research and current standards of practice;

(iv) 18 clock hours (five percent) in evaluation methodologies;

(v) 72 clock hours (20 percent) in social work values and ethics, including cultural context, diversity, and social policy; and

(vi) 18 clock hours (five percent) in culturally specific clinical assessment and intervention.

This requirement may be satisfied through (A) a graduate degree program accredited by the Council on Social Work Education, the Canadian Association of Schools of Social Work, or a similar accreditation body designated by the board; or a doctorate in social work from an accredited university; (B) postgraduate coursework; or (C) up to 90 continuing education hours. The continuing education must have a course description available for public review and must include a posttest. Compliance with this requirement must be documented on a form provided by the board. The board may conduct audits of the information submitted in order to determine compliance with the requirements of this section.

(3) has practiced clinical social work as defined in section 148E.010, including both diagnosis and treatment, and has met the supervised practice requirements specified in sections 148E.100 to 148E.125;

(4) has passed the clinical or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board. Unless an applicant applies for licensure by endorsement according to subdivision 7, an examination

14.1 is not valid if it was taken and passed eight or more years prior to submitting a completed,
14.2 signed application form provided by the board;

14.3 (5) has submitted a completed, signed application form provided by the board,
14.4 including the applicable application fee specified in section 148E.180. For applications
14.5 submitted electronically, a "signed application" means providing an attestation as specified
14.6 by the board;

14.7 (6) has submitted the criminal background check fee and a form provided by the
14.8 board authorizing a criminal background check according to subdivision 8;

14.9 (7) has paid the license fee specified in section 148E.180; and

14.10 (8) has not engaged in conduct that was or would be in violation of the standards
14.11 of practice specified in sections 148E.195 to 148E.240. If the applicant has engaged in
14.12 conduct that was or would be in violation of the standards of practice, the board may take
14.13 action according to sections 148E.255 to 148E.270.

14.14 (b) An application which is not completed and signed, or which is not accompanied
14.15 by the correct fee, must be returned to the applicant, along with any fee submitted, and is
14.16 void.

14.17 (c) By submitting an application for licensure, an applicant authorizes the board to
14.18 investigate any information provided or requested in the application. The board may
14.19 request that the applicant provide additional information, verification, or documentation.

14.20 (d) Within one year of the time the board receives an application for licensure, the
14.21 applicant must meet all the requirements specified in paragraph (a) and must provide all of
14.22 the information requested by the board according to paragraph (c). If within one year the
14.23 applicant does not meet all the requirements, or does not provide all of the information
14.24 requested, the applicant is considered ineligible and the application for licensure must
14.25 be closed.

14.26 (e) Except as provided in paragraph (f), an applicant may not take more than three
14.27 times the clinical or equivalent examination administered by the Association of Social
14.28 Work Boards or a similar examination body designated by the board. An applicant must
14.29 receive a passing score on the clinical or equivalent examination administered by the
14.30 Association of Social Work Boards or a similar examination body designated by the board
14.31 no later than 18 months after the first time the applicant failed the examination.

14.32 (f) Notwithstanding paragraph (e), the board may allow an applicant to take, for a
14.33 fourth or subsequent time, the clinical or equivalent examination administered by the
14.34 Association of Social Work Boards or a similar examination body designated by the
14.35 board if the applicant:

(1) meets all requirements specified in paragraphs (a) to (d) other than passing the clinical or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board;

(2) provides to the board a description of the efforts the applicant has made to improve the applicant's score and demonstrates to the board's satisfaction that the efforts are likely to improve the score; and

(3) provides to the board letters of recommendation from two licensed social workers attesting to the applicant's ability to practice social work competently and ethically according to professional social work knowledge, skills, and values.

(g) An individual must not practice social work until the individual passes the examination and receives a social work license under this section or section 148E.060. If the board has reason to believe that an applicant may be practicing social work without a license, and the applicant has failed the clinical or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board, the board may notify the applicant's employer that the applicant is not licensed as a social worker.

Subd. 6. **Degrees from outside United States or Canada.** If an applicant receives a degree from a program outside the United States or Canada that is not accredited by the Council on Social Work Education, the Canadian Association of Schools of Social Work, or a similar examination body designated by the board, the degree does not fulfill the requirements specified in subdivision 2, paragraph (a), clause (1); 3, paragraph (a), clause (1); 4, paragraph (a), clause (1); or 5, paragraph (a), clause (1), unless the Council on Social Work Education or a similar accreditation body designated by the board has determined through the council's international equivalency determination service that the degree earned is equivalent to the degree required.

Subd. 7. **Licensure by endorsement.** (a) An applicant for licensure by endorsement must hold a current license or credential to practice social work in another jurisdiction.

(b) An applicant for licensure by endorsement who meets the qualifications of paragraph (a) and who demonstrates to the satisfaction of the board that the applicant passed the examination administered by the Association of Social Work Boards or a similar examination body designated by the board for the applicable license in Minnesota is not required to retake the licensing examination.

(c) An application for licensure by endorsement must meet the applicable license requirements specified in subdivisions 1 to 6, except as provided in paragraph (d), and submit the licensure by endorsement application fee specified in section 148E.180.

(d) The following requirements apply:

(1) An applicant for licensure by endorsement who is applying for licensure as a licensed social worker must meet the requirements specified in section 148E.055, subdivision 2.

(2) An applicant for licensure by endorsement who is applying for licensure as a licensed graduate social worker must meet the requirements specified in section 148E.055, subdivision 3.

(3) An applicant for licensure by endorsement who is applying for licensure as a licensed independent social worker is not required to demonstrate that the applicant has obtained 100 hours of supervision as specified in section 148E.110, subdivision 1, provided that the applicant has engaged in authorized social work practice for a minimum of 4,000 hours in another jurisdiction.

(4) An applicant for licensure by endorsement as a licensed independent clinical social worker (i) is not required to meet the license requirements specified in subdivision 5, paragraph (a), clause (2), and (ii) is not required to demonstrate that the applicant has obtained 200 hours of supervision as specified in section 148E.115, subdivision 1, provided that the applicant has engaged in authorized clinical social work practice for a minimum of 4,000 hours in another jurisdiction.

Subd. 8. **Criminal background checks.** (a) Except as provided in paragraph (b), an initial license application must be accompanied by:

(1) a form provided by the board authorizing the board to complete a criminal background check; and

(2) the criminal background check fee specified by the Bureau of Criminal Apprehension.

Criminal background check fees collected by the board must be used to reimburse the Bureau of Criminal Apprehension for the criminal background checks.

(b) An applicant who has previously submitted a license application authorizing the board to complete a criminal background check is exempt from the requirement specified in paragraph (a).

(c) If a criminal background check indicates that an applicant has engaged in criminal behavior, the board may take action according to sections 148E.255 to 148E.270.

Subd. 9. **Effective date.** The effective date of an initial license is the day on which the board receives the applicable license fee from an applicant approved for licensure.

Subd. 10. **Expiration date.** The expiration date of an initial license is the last day of the licensee's birth month in the second calendar year following the effective date of the initial license.

17.1 Subd. 11. **Change in license.** (a) A licensee who changes from a licensed social
17.2 worker to a licensed graduate social worker, or from a licensed graduate social worker to a
17.3 licensed independent social worker, or from a licensed graduate social worker or licensed
17.4 independent social worker to a licensed independent clinical social worker, must pay the
17.5 prorated share of the fee for the new license.

17.6 (b) The effective date of the new license is the day on which the board receives the
17.7 applicable license fee from an applicant approved for the new license.

17.8 (c) The expiration date of the new license is the same date as the expiration date of
17.9 the license held by the licensee prior to the change in the license.

17.10 Sec. 12. **[148E.060] TEMPORARY LICENSES.**

17.11 Subdivision 1. **Students and other persons not currently licensed in another**
17.12 **jurisdiction.** The board may issue a temporary license to practice social work to an
17.13 applicant who is not licensed or credentialed to practice social work in any jurisdiction
17.14 but has:

17.15 (1) applied for a license under section 148E.055;

17.16 (2) applied for a temporary license on a form provided by the board;

17.17 (3) submitted a form provided by the board authorizing the board to complete a
17.18 criminal background check;

17.19 (4) passed the applicable licensure examination provided for in section 148E.055;

17.20 (5) attested on a form provided by the board that the applicant has completed the
17.21 requirements for a baccalaureate or graduate degree in social work from a program
17.22 accredited by the Council on Social Work Education, the Canadian Association of Schools
17.23 of Social Work, or a similar accreditation body designated by the board, or a doctorate in
17.24 social work from an accredited university; and

17.25 (6) not engaged in conduct that was or would be in violation of the standards of
17.26 practice specified in sections 148E.195 to 148E.240. If the applicant has engaged in
17.27 conduct that was or would be in violation of the standards of practice, the board may take
17.28 action according to sections 148E.255 to 148E.270.

17.29 Subd. 2. **Emergency situations and persons currently licensed in another**
17.30 **jurisdiction.** The board may issue a temporary license to practice social work to an
17.31 applicant who is licensed or credentialed to practice social work in another jurisdiction,
17.32 may or may not have applied for a license under section 148E.055, and has:

17.33 (1) applied for a temporary license on a form provided by the board;

17.34 (2) submitted a form provided by the board authorizing the board to complete a
17.35 criminal background check;

(3) submitted evidence satisfactory to the board that the applicant is currently licensed or credentialed to practice social work in another jurisdiction;

(4) attested on a form provided by the board that the applicant has completed the requirements for a baccalaureate or graduate degree in social work from a program accredited by the Council on Social Work Education, the Canadian Association of Schools of Social Work, or a similar accreditation body designated by the board, or a doctorate in social work from an accredited university; and

(5) not engaged in conduct that was or would be in violation of the standards of practice specified in sections 148E.195 to 148E.240. If the applicant has engaged in conduct that was or would be in violation of the standards of practice, the board may take action according to sections 148E.255 to 148E.270.

Subd. 3. **Teachers.** The board may issue a temporary license to practice social work to an applicant whose permanent residence is outside the United States, who is teaching social work at an academic institution in Minnesota for a period not to exceed 12 months, who may or may not have applied for a license under section 148E.055, and who has:

(1) applied for a temporary license on a form provided by the board;

(2) submitted a form provided by the board authorizing the board to complete a criminal background check;

(3) attested on a form provided by the board that the applicant has completed the requirements for a baccalaureate or graduate degree in social work; and

(4) has not engaged in conduct that was or would be in violation of the standards of practice specified in sections 148E.195 to 148E.240. If the applicant has engaged in conduct that was or would be in violation of the standards of practice, the board may take action according to sections 148E.255 to 148E.270.

Subd. 4. **Temporary license application fee.** An applicant for a temporary license must pay the application fee specified in section 148E.180 plus the required fee for the cost of the criminal background check. Only one fee for the cost of the criminal background check must be submitted when the applicant is applying for both a temporary license and a license under section 148E.055.

Subd. 5. **Temporary license term.** (a) A temporary license is valid until expiration, or until the board issues or denies the license according to section 148E.055, or until the board revokes the temporary license, whichever comes first. A temporary license is nonrenewable.

(b) A temporary license issued according to subdivision 1 or 2 expires after six months.

(c) A temporary license issued according to subdivision 3 expires after 12 months.

19.1 Subd. 6. **Licensee with temporary license; baccalaureate degree.** A licensee
19.2 with a temporary license who has provided evidence to the board that the licensee has
19.3 completed the requirements for a baccalaureate degree in social work from a program
19.4 accredited by the Council on Social Work Education, the Canadian Association of Schools
19.5 of Social Work, or a similar accreditation body designated by the board may temporarily
19.6 engage in social work practice except that a licensee with a temporary license may not
19.7 engage in clinical social work practice.

19.8 Subd. 7. **Licensee with temporary license; graduate degree.** A licensee with a
19.9 temporary license who has provided evidence to the board that the licensee has completed
19.10 the requirements for a graduate degree in social work from a program accredited by the
19.11 Council on Social Work Education, the Canadian Association of Schools of Social Work,
19.12 or a similar accreditation body designated by the board may temporarily engage in social
19.13 work practice, including clinical practice.

19.14 Subd. 8. **Supervision requirements.** (a) Except as provided in paragraph (b), an
19.15 applicant who is not currently licensed or credentialed to practice social work in another
19.16 jurisdiction and who obtains a temporary license may practice social work only under
19.17 the supervision of an individual licensed as a social worker who is eligible to provide
19.18 supervision under sections 148E.100 to 148E.125. Before the applicant is approved
19.19 for licensure, the applicant's supervisor must attest to the board's satisfaction that the
19.20 applicant has practiced social work under supervision. This supervision applies toward
19.21 the supervision required after licensure.

19.22 (b) If an applicant is currently licensed or credentialed to practice social work in
19.23 another jurisdiction, and receives a temporary license according to subdivision 3, the
19.24 requirements specified in paragraph (a) do not apply. However, if an applicant with a
19.25 temporary license chooses to practice social work under supervision, the supervision
19.26 applies to the requirements specified in sections 148E.100 to 148E.125.

19.27 Subd. 9. **Prohibition on practice.** An applicant for a temporary license must not
19.28 practice social work in Minnesota, except as provided in section 148E.065, until the
19.29 applicant has been granted a temporary license.

19.30 Subd. 10. **Representation of professional status.** In making representations of
19.31 professional status to the public, a licensee with a temporary license must state that the
19.32 licensee has a temporary license.

19.33 Subd. 11. **Standards of practice.** A licensee with a temporary license must conduct
19.34 all professional activities as a social worker according to the requirements of sections
19.35 148E.195 to 148E.240.

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.

Subd. 13. **Revocation of temporary license.** The board may immediately revoke the temporary license of any licensee who violates any requirements of this section. The revocation must be made for cause, without notice or opportunity to be heard. A licensee whose temporary license is revoked must immediately return the temporary license to the board.

Sec. 13. **[148E.065] EXEMPTIONS.**

Subdivision 1. **Other professionals.** Nothing in this chapter may be construed to prevent members of other professions or occupations from performing functions for which they are qualified or licensed. This exception includes but is not limited to: licensed physicians, registered nurses, licensed practical nurses, licensed psychologists, psychological practitioners, probation officers, members of the clergy and Christian Science practitioners, attorneys, marriage and family therapists, alcohol and drug counselors, professional counselors, school counselors, and registered occupational therapists or certified occupational therapist assistants. These persons must not, however, hold themselves out to the public by any title or description stating or implying that they are engaged in the practice of social work, or that they are licensed to engage in the practice of social work. Persons engaged in the practice of social work are not exempt from the board's jurisdiction solely by the use of one of the titles in this subdivision.

Subd. 2. **Students.** An internship, externship, or any other social work experience that is required for the completion of an accredited program of social work does not constitute the practice of social work under this chapter.

Subd. 3. **Geographic waiver.** A geographic waiver may be granted by the board on a case-by-case basis to agencies with special regional hiring problems. The waiver is for the purpose of permitting agencies to hire individuals who do not meet the qualifications of section 148E.055 or 148E.060 to practice social work.

Subd. 4. **City, county, and state agency social workers.** The licensure of city, county, and state agency social workers is voluntary. City, county, and state agencies employing social workers are not required to employ licensed social workers.

Subd. 5. **Tribes and private nonprofit agencies; voluntary licensure.** The licensure of social workers who are employed by federally recognized tribes, or by private nonprofit agencies whose primary service focus addresses ethnic minority populations,

21.1 and who are themselves members of ethnic minority populations within those agencies, is
21.2 voluntary.

21.3 Sec. 14. **[148E.070] LICENSE RENEWALS.**

21.4 Subdivision 1. **License renewal term.** (a) If a license is renewed, the license must
21.5 be renewed for a two-year renewal term. The renewal term is the period from the effective
21.6 date of an initial or renewed license to the expiration date of the license.

21.7 (b) The effective date of a renewed license is the day following the expiration date
21.8 of the expired license.

21.9 (c) The expiration date of a renewed license is the last day of the licensee's birth
21.10 month in the second calendar year following the effective date of the renewed license.

21.11 Subd. 2. **Mailing license renewal notices.** The board must mail a notice for license
21.12 renewal to a licensee at least 45 days before the expiration date of the license. Mailing the
21.13 notice by United States mail to the licensee's last known mailing address constitutes valid
21.14 mailing. Failure to receive the renewal notice does not relieve a licensee of the obligation
21.15 to renew a license and to pay the renewal fee.

21.16 Subd. 3. **Submitting license renewal applications.** (a) In order to renew a license,
21.17 a licensee must submit:

21.18 (1) a completed, signed application for license renewal; and

21.19 (2) the applicable renewal fee specified in section 148E.180.

21.20 The completed, signed application and renewal fee must be received by the board prior to
21.21 midnight of the day of the license expiration date. For renewals submitted electronically, a
21.22 "signed application" means providing an attestation as specified by the board.

21.23 (b) An application which is not completed and signed, or which is not accompanied
21.24 by the correct fee, must be returned to the applicant, along with any fee submitted, and is
21.25 void.

21.26 (c) The completed, signed application must include documentation that the licensee
21.27 has met the continuing education requirements specified in sections 148E.130 to 148E.170
21.28 and, if applicable, the supervised practice requirements specified in sections 148E.100 to
21.29 148E.125.

21.30 (d) By submitting a renewal application, an applicant authorizes the board to:

21.31 (1) investigate any information provided or requested in the application. The
21.32 board may request that the applicant provide additional information, verification, or
21.33 documentation;

21.34 (2) conduct an audit to determine if the applicant has met the continuing education
21.35 requirements specified in sections 148E.130 to 148E.170; and

(3) if applicable, conduct an audit to determine whether the applicant has met the supervision requirements specified in sections 148E.100 to 148E.125.

(e) If a licensee's application for license renewal meets the requirements specified in paragraph (a), the licensee may continue to practice after the license expiration date until the board approves or denies the application.

Subd. 4. **Renewal late fee.** An application that is received after the license expiration date must be accompanied by the renewal late fee specified in section 148E.180 in addition to the applicable renewal fee. The application, renewal fee, and renewal late fee must be received by the board within 60 days of the license expiration date, or the license automatically expires.

Subd. 5. **Expired license.** (a) If an application does not meet the requirements specified in subdivisions 3 and 4, the license automatically expires. A licensee whose license has expired may reactivate a license by meeting the requirements in section 148E.080 or be relicensed by meeting the requirements specified in section 148E.055.

(b) The board may take action according to sections 148E.255 to 148E.270 based on a licensee's conduct before the expiration of the license.

(c) An expired license may be reactivated within one year of the expiration date specified in section 148E.080. After one year of the expiration date, an individual may apply for a new license according to section 148E.055.

Sec. 15. **[148E.075] INACTIVE LICENSES.**

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

(b) A licensee qualifies for inactive status when the licensee is granted temporary leave from active practice. A licensee qualifies for temporary leave from active practice if the licensee demonstrates to the satisfaction of the board that the licensee is 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. A licensee who is granted temporary leave from active practice may reactivate the license according to section 148E.080.

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

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

(2) the licensee is 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.

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

23.3 Subd. 2. **Application.** A licensee may apply for inactive status:

23.4 (1) at any time by submitting an application for a temporary leave from active
23.5 practice or for an emeritus license; or

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

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

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

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

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

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

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

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

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

24.4 Subd. 8. **Disciplinary or other action.** The board may resolve any pending
24.5 complaints against a licensee before approving an application for inactive status. The
24.6 board may take action according to sections 148E.255 to 148E.270 against a licensee
24.7 whose license is inactive based on conduct occurring before the license is inactive or
24.8 conduct occurring while the license is inactive.

24.9 Sec. 16. **[148E.080] REACTIVATIONS.**

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

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

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

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

24.22 (3) submit a supervision plan, if required;

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

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

24.26 Subd. 3. **Reactivation of an expired license.** To reactivate an expired license, a
24.27 licensee must do the following within one year of the expiration date:

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

24.29 (2) document compliance with the continuing education requirements that were
24.30 in effect at the time the license expired;

24.31 (3) document compliance with the supervision requirements, if applicable, that were
24.32 in effect at the time the license expired; and

24.33 (4) pay the reactivation of an expired license fee specified in section 148E.180.

24.34 Subd. 4. **Continuing education requirements.** (a) A licensee who is on temporary
24.35 leave or who has an emeritus license must obtain the continuing education hours that

would be required if the license was active. At the time of reactivation, the licensee must document compliance with the continuing education requirements specified in sections 148E.130 to 148E.170.

(b) A licensee applying for reactivation according to subdivision 2 or 3 may apply for a variance to the continuing education requirements according to sections 148E.130 to 148E.170.

Subd. 5. Reactivation of a voluntarily terminated license. To reactivate a voluntarily terminated license, a licensee must do the following within one year of the date the voluntary termination takes effect:

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

(2) document compliance with the continuing education requirements that were in effect at the time the license was voluntarily terminated;

(3) document compliance with the supervision requirements, if applicable, that were in effect at the time the license was voluntarily terminated; and

(4) pay the reactivation of an expired or voluntarily terminated license fee specified in section 148E.180.

Sec. 17. **[148E.085] VOLUNTARY TERMINATIONS.**

Subdivision 1. Requests for voluntary termination. (a) A licensee may request voluntary termination of a license if the licensee demonstrates to the satisfaction of the board that the licensee is not engaged in the practice of social work in any setting except settings in which social workers are exempt from licensure according to section 148E.065.

(b) A licensee may apply for voluntary termination:

(1) at any time by submitting an application; or

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

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

(c) The board may resolve any pending complaints against a licensee before approving a request for voluntary termination.

Subd. 2. Application for new licensure. A licensee who has voluntarily terminated a license may not reactivate the license after one year following the date the voluntary termination takes effect. However, a licensee who has voluntarily terminated a license may apply for a new license according to section 148E.055.

Subd. 3. **Prohibition on practice.** A licensee who has voluntarily terminated a license must not practice, attempt to practice, offer to practice, or advertise or hold out as authorized to practice social work, except when the individual is exempt from licensure according to section 148E.065.

Subd. 4. **Disciplinary or other action.** The board may take action according to sections 148E.255 to 148E.270 against a licensee whose license has been terminated based on conduct occurring before the license is terminated or for practicing social work without a license.

Sec. 18. **[148E.090] NAME; CHANGE OF NAME OR ADDRESS.**

Subdivision 1. **Name.** A licensee must use the licensee's legal name or a professional name. If the licensee uses a professional name, the licensee must inform the board in writing of both the licensee's professional name and legal name and must comply with the requirements of this section.

Subd. 2. **Legal name change.** Within 30 days after changing the licensee's legal name, a licensee must:

- (1) request a new license wall certificate;
- (2) provide legal verification of the name change; and
- (3) pay the license wall certificate fee specified in section 148E.180.

Subd. 3. **Professional name change.** Within 30 days after changing the licensee's professional name, a licensee must:

- (1) request a new license wall certificate;
- (2) provide a notarized statement attesting to the name change; and
- (3) pay the license wall certificate fee specified in section 148E.180.

Subd. 4. **Address or telephone change.** When a licensee changes a mailing address, home address, work address, e-mail address, or daytime public telephone number, the licensee must notify the board of the change electronically or in writing no more than 30 days after the date of the change.

Sec. 19. **[148E.095] LICENSE CERTIFICATE OR CARD.**

Subdivision 1. **License wall certificate.** (a) The board must issue a new license wall certificate when the board issues a new license. No fee in addition to the applicable license fee specified in section 148E.180 is required.

(b) The board must replace a license wall certificate when:

(1) a licensee submits an affidavit to the board that the original license wall certificate was lost, stolen, or destroyed; and

27.1 (2) the licensee submits the license wall certificate fee specified in section 148E.180.

27.2 (c) The board must issue a revised license wall certificate when:

27.3 (1) a licensee requests a revised license wall certificate according to this section; and

27.4 (2) a licensee submits the license wall certificate fee specified in section 148E.180.

27.5 (d) The board must issue an additional license wall certificate when:

27.6 (1) a licensee submits a written request for a new certificate because the licensee

27.7 practices in more than one location; and

27.8 (2) the licensee submits the license wall certificate fee specified in section 148E.180.

27.9 Subd. 2. **License card.** (a) The board must issue a new license card when the

27.10 board issues a new license. No fee in addition to the applicable license fee specified

27.11 in section 148E.180 is required.

27.12 (b) The board must replace a license card when a licensee submits:

27.13 (1) an affidavit to the board that the original license card was lost, stolen, or

27.14 destroyed; and

27.15 (2) the license card fee specified in section 148E.180.

27.16 (c) The board must issue a revised license card when the licensee submits a written

27.17 request for a new license wall certificate because of a new professional or legal name

27.18 according to section 148E.090, subdivision 2 or 3. No fee in addition to the one specified

27.19 in subdivision 1, paragraph (b), is required.

27.20 Sec. 20. **[148E.100] LICENSED SOCIAL WORKERS; SUPERVISED**

27.21 **PRACTICE.**

27.22 Subdivision 1. **Supervision required after licensure.** After receiving a license

27.23 from the board as a licensed social worker, the licensed social worker must obtain at least

27.24 100 hours of supervision according to the requirements of this section.

27.25 Subd. 2. **Practice requirements.** The supervision required by subdivision 1 must be

27.26 obtained during the first 4,000 hours of postbaccalaureate social work practice authorized

27.27 by law. At least four hours of supervision must be obtained during every 160 hours of

27.28 practice.

27.29 Subd. 3. **Types of supervision.** Of the 100 hours of supervision required under

27.30 subdivision 1:

27.31 (1) 50 hours must be provided through one-on-one supervision, including: (i)

27.32 a minimum of 25 hours of in-person supervision, and (ii) no more than 25 hours of

27.33 supervision via eye-to-eye electronic media; and

27.34 (2) 50 hours must be provided through: (i) one-on-one supervision, or (ii) group

27.35 supervision. The supervision may be in-person, by telephone, or via eye-to-eye electronic

28.1 media. The supervision must not be provided by e-mail. Group supervision is limited to
28.2 six members not counting the supervisor or supervisors.

28.3 Subd. 4. **Supervisor requirements.** The supervision required by subdivision 1 must
28.4 be provided by a supervisor who:

28.5 (1) is a licensed social worker who has completed the supervised practice
28.6 requirements;

28.7 (2) is a licensed graduate social worker, licensed independent social worker, or
28.8 licensed independent clinical social worker; or

28.9 (3) meets the requirements specified in section 148E.120, subdivision 2.

28.10 Subd. 5. **Supervisee requirements.** The supervisee must:

28.11 (1) to the satisfaction of the supervisor, practice competently and ethically according
28.12 to professional social work knowledge, skills, and values;

28.13 (2) receive supervision in the following content areas:

28.14 (i) development of professional values and responsibilities;

28.15 (ii) practice skills;

28.16 (iii) authorized scope of practice;

28.17 (iv) ensuring continuing competence; and

28.18 (v) ethical standards of practice;

28.19 (3) submit a supervision plan according to section 148E.125, subdivision 1; and

28.20 (4) if the board audits the supervisee's supervised practice, submit verification of
28.21 supervised practice according to section 148E.125, subdivision 3.

28.22 Subd. 6. **After completion of supervision requirements.** A licensed social worker
28.23 who fulfills the supervision requirements specified in subdivisions 1 to 5 is not required to
28.24 be supervised after completion of the supervision requirements.

28.25 Subd. 7. **Attestation.** The social worker and the social worker's supervisor must
28.26 attest that the supervisee has met or has made progress on meeting the applicable
28.27 supervision requirements according to section 148E.125, subdivision 2.

28.28 Sec. 21. **[148E.105] LICENSED GRADUATE SOCIAL WORKERS WHO DO**
28.29 **NOT PRACTICE CLINICAL SOCIAL WORK; SUPERVISED PRACTICE.**

28.30 Subdivision 1. **Supervision required after licensure.** After receiving a license
28.31 from the board as a licensed graduate social worker, a licensed graduate social worker
28.32 must obtain at least 100 hours of supervision according to the requirements of this section.

28.33 Subd. 2. **Practice requirements.** The supervision required by subdivision 1 must
28.34 be obtained during the first 4,000 hours of postgraduate social work practice authorized

29.1 by law. At least four hours of supervision must be obtained during every 160 hours of
29.2 practice.

29.3 Subd. 3. **Types of supervision.** Of the 100 hours of supervision required under
29.4 subdivision 1:

29.5 (1) 50 hours must be provided though one-on-one supervision, including: (i)
29.6 a minimum of 25 hours of in-person supervision, and (ii) no more than 25 hours of
29.7 supervision via eye-to-eye electronic media; and

29.8 (2) 50 hours must be provided through: (i) one-on-one supervision, or (ii) group
29.9 supervision. The supervision may be in-person, by telephone, or via eye-to-eye electronic
29.10 media. The supervision must not be provided by e-mail. Group supervision is limited
29.11 to six supervisees.

29.12 Subd. 4. **Supervisor requirements.** The supervision required by subdivision 1 must
29.13 be provided by a supervisor who meets the requirements specified in section 148E.120.
29.14 The supervision must be provided by a:

29.15 (1) licensed independent social worker;

29.16 (2) licensed graduate social worker who has completed the supervised practice
29.17 requirements;

29.18 (3) licensed independent clinical social worker; or

29.19 (4) a supervisor who meets the requirements specified in section 148E.120,
29.20 subdivision 2.

29.21 Subd. 5. **Supervisee requirements.** The supervisee must:

29.22 (1) to the satisfaction of the supervisor, practice competently and ethically according
29.23 to professional social work knowledge, skills, and values;

29.24 (2) receive supervision in the following content areas:

29.25 (i) development of professional values and responsibilities;

29.26 (ii) practice skills;

29.27 (iii) authorized scope of practice;

29.28 (iv) ensuring continuing competence; and

29.29 (v) ethical standards of practice;

29.30 (3) submit a supervision plan according to section 148E.125, subdivision 1; and

29.31 (4) verify supervised practice according to section 148E.125, subdivision 3, if:

29.32 (i) the board audits the supervisee's supervised practice; or

29.33 (ii) a licensed graduate social worker applies for a licensed independent social
29.34 worker license.

29.35 Subd. 6. **Supervision not required after completion of supervision requirements.**

29.36 A licensed graduate social worker who fulfills the supervision requirements specified in

30.1 subdivisions 1 to 5, and who does not practice clinical social work, is not required to be
30.2 supervised after completion of the supervision requirements.

30.3 Subd. 7. **Attestation.** A social worker and the social worker's supervisor must attest
30.4 that the supervisee has met or has made progress on meeting the applicable supervision
30.5 requirements according to section 148E.125, subdivision 2.

30.6 Subd. 8. **Eligibility to apply for licensure as a licensed independent social**
30.7 **worker.** Upon completion of 4,000 hours of social work practice, including at least 100
30.8 hours of supervision according to the requirements of this section, a licensed graduate
30.9 social worker is eligible to apply for a licensed independent social worker license
30.10 according to section 148E.110.

30.11 Sec. 22. **[148E.106] LICENSED GRADUATE SOCIAL WORKERS WHO**
30.12 **PRACTICE CLINICAL SOCIAL WORK; SUPERVISED PRACTICE.**

30.13 Subdivision 1. **Supervision required after licensure.** After receiving a license
30.14 from the board as a licensed graduate social worker, a licensed graduate social worker
30.15 must obtain at least 200 hours of supervision according to the requirements of this section.

30.16 Subd. 2. **Practice requirements.** The supervision required by subdivision 1 must
30.17 be obtained during the first 4,000 hours of postgraduate social work practice authorized
30.18 by law. At least eight hours of supervision must be obtained during every 160 hours of
30.19 practice.

30.20 Subd. 3. **Types of supervision.** Of the 200 hours of supervision required under
30.21 subdivision 1:

30.22 (1) 100 hours must be provided through one-on-one supervision, including: (i)
30.23 a minimum of 50 hours of in-person supervision, and (ii) no more than 50 hours of
30.24 supervision via eye-to-eye electronic media; and

30.25 (2) 100 hours must be provided through: (i) one-on-one supervision, or (ii) group
30.26 supervision. The supervision may be in-person, by telephone, or via eye-to-eye electronic
30.27 media. The supervision must not be provided by e-mail. Group supervision is limited
30.28 to six supervisees.

30.29 Subd. 4. **Supervisor requirements.** The supervision required by subdivision 1 must
30.30 be provided by a supervisor who meets the requirements specified in section 148E.120.
30.31 The supervision must be provided:

30.32 (1) by a licensed independent clinical social worker; or

30.33 (2) by a supervisor who meets the requirements specified in section 148E.120,
30.34 subdivision 2.

30.35 Subd. 5. **Supervisee requirements.** The supervisee must:

(1) to the satisfaction of the supervisor, practice competently and ethically according to professional social work knowledge, skills, and values;

(2) receive supervision in the following content areas:

(i) development of professional values and responsibilities;

(ii) practice skills;

(iii) authorized scope of practice;

(iv) ensuring continuing competence; and

(v) ethical standards of practice;

(3) submit a supervision plan according to section 148E.125, subdivision 1; and

(4) verify supervised practice according to section 148E.125, subdivision 3, if:

(i) the board audits the supervisee's supervised practice; or

(ii) a licensed graduate social worker applies for a licensed independent clinical social worker license.

Subd. 6. Supervision required. A licensed graduate social worker must not engage in clinical social work practice except under supervision by a licensed independent clinical social worker or an alternate supervisor designated according to section 148E.120, subdivision 2.

Subd. 7. Limit on practice of clinical social work. (a) Except as provided in subdivision 8, a licensed graduate social worker must not engage in clinical social work practice under supervision for more than 8,000 hours. In order to practice clinical social work for more than 8,000 hours, a licensed graduate social worker must obtain a licensed independent clinical social worker license.

(b) Notwithstanding the requirements of paragraph (a), the board may grant a licensed graduate social worker permission to engage in clinical social work practice for more than 8,000 hours if the licensed graduate social worker petitions the board and demonstrates to the board's satisfaction that for reasons of personal hardship the licensed graduate social worker should be granted an extension to continue practicing clinical social work under supervision for up to an additional 2,000 hours.

Subd. 8. Eligibility to apply for licensure as a licensed independent social worker. Upon completion of 4,000 hours of clinical social work practice, including at least 1,800 hours of direct clinical client contact and 200 hours of supervision according to the requirements of this section, a licensed graduate social worker is eligible to apply for a licensed independent clinical social worker license under section 148E.115, subdivision 1.

Subd. 9. Attestation. A social worker and the social worker's supervisor must attest that the supervisee has met or has made progress on meeting the applicable supervision requirements according to section 148E.125, subdivision 2.

Sec. 23. **[148E.110] LICENSED INDEPENDENT SOCIAL WORKERS;
SUPERVISED PRACTICE.**

Subdivision 1. Supervision required before licensure. Before becoming licensed as a licensed independent social worker, a person must have obtained at least 100 hours of supervision during 4,000 hours of postgraduate social work practice required by law according to the requirements of section 148E.105, subdivisions 3, 4, and 5. At least four hours of supervision must be obtained during every 160 hours of practice.

Subd. 2. Licensed independent social workers; clinical social work after licensure. After licensure, a licensed independent social worker must not engage in clinical social work practice except under supervision by a licensed independent clinical social worker or an alternate supervisor designated according to section 148E.120, subdivision 2.

Subd. 3. Limit on practice of clinical social work. (a) Except as provided in paragraph (b), a licensed independent social worker must not engage in clinical social work practice under supervision for more than 8,000 hours. In order to practice clinical social work for more than 8,000 hours, a licensed independent social worker must obtain a licensed independent clinical social worker license.

(b) Notwithstanding the requirements of paragraph (a), the board may grant a licensed independent social worker permission to engage in clinical social work practice for more than 8,000 hours if the licensed independent social worker petitions the board and demonstrates to the board's satisfaction that for reasons of personal hardship the licensed independent social worker should be granted an extension to continue practicing clinical social work under supervision for up to an additional 2,000 hours.

Subd. 4. Licensed independent social workers who do not practice clinical social work after licensure. After licensure, a licensed independent social worker is not required to be supervised if the licensed independent social worker does not practice clinical social work.

Sec. 24. **[148E.115] LICENSED INDEPENDENT CLINICAL SOCIAL
WORKERS; SUPERVISION.**

Subdivision 1. Supervision required before licensure. Before becoming licensed as a licensed independent clinical social worker, a person must have obtained at least 200 hours of supervision during 4,000 hours of postgraduate clinical practice required by law according to the requirements of section 148E.106.

Subd. 2. No supervision required after licensure. After licensure, a licensed independent clinical social worker is not required to be supervised.

Sec. 25. [148E.120] REQUIREMENTS OF SUPERVISORS.

Subdivision 1. Supervisors licensed as social workers. (a) Except as provided in paragraph (b), to be eligible to provide supervision under this section, a social worker must:

(1) have at least 2,000 hours of experience in authorized social work practice. If the person is providing clinical supervision, the 2,000 hours must include 1,000 hours of experience in clinical practice;

(2) have completed 30 hours of training in supervision through coursework from an accredited college or university, or through continuing education in compliance with sections 148E.130 to 148E.170;

(3) be competent in the activities being supervised; and

(4) attest, on a form provided by the board, that the social worker has met the applicable requirements specified in this section and sections 148E.100 to 148E.115. The board may audit the information provided to determine compliance with the requirements of this section.

(b) If the board determines that supervision is not obtainable from an individual meeting the requirements specified in paragraph (a), the board may approve an alternate supervisor according to subdivision 2.

Subd. 2. Alternate supervisors. (a) The board may approve an alternate supervisor if:

(1) the board determines that supervision is not obtainable according to paragraph (b);

(2) the licensee requests in the supervision plan submitted according to section 148E.125, subdivision 1, that an alternate supervisor conduct the supervision;

(3) the licensee describes the proposed supervision and the name and qualifications of the proposed alternate supervisor; and

(4) the requirements of paragraph (d) are met.

(b) The board may determine that supervision is not obtainable if:

(1) the licensee provides documentation as an attachment to the supervision plan submitted according to section 148E.125, subdivision 1, that the licensee has conducted a thorough search for a supervisor meeting the applicable licensure requirements specified in sections 148E.100 to 148E.115;

(2) the licensee demonstrates to the board's satisfaction that the search was unsuccessful; and

(3) the licensee describes the extent of the search and the names and locations of the persons and organizations contacted.

(c) The requirements specified in paragraph (b) do not apply to obtaining supervision for clinical practice if the board determines that there are five or fewer licensed independent clinical social workers in the county where the licensee practices social work.

(d) An alternate supervisor must:

(1) be an unlicensed social worker who is employed in, and provides the supervision in, a setting exempt from licensure by section 148E.065, and who has qualifications equivalent to the applicable requirements specified in sections 148E.100 to 148E.115;

(2) be a social worker engaged in authorized practice in Iowa, Manitoba, North Dakota, Ontario, South Dakota, or Wisconsin, and has the qualifications equivalent to the applicable requirements specified in sections 148E.100 to 148E.115; or

(3) be a licensed marriage and family therapist or a mental health professional as established by section 245.462, subdivision 18, or 245.4871, subdivision 27, or an equivalent mental health professional, as determined by the board, who is licensed or credentialed by a state, territorial, provincial, or foreign licensing agency.

In order to qualify to provide clinical supervision of a licensed graduate social worker or licensed independent social worker engaged in clinical practice, the alternate supervisor must be a mental health professional as established by section 245.462, subdivision 18, or 245.4871, subdivision 27, or an equivalent mental health professional, as determined by the board, who is licensed or credentialed by a state, territorial, provincial, or foreign licensing agency.

Sec. 26. **[148E.125] DOCUMENTATION OF SUPERVISION.**

Subdivision 1. **Supervision plan.** (a) A social worker must submit, on a form provided by the board, a supervision plan for meeting the supervision requirements specified in sections 148E.100 to 148E.120.

(b) The supervision plan must be submitted no later than 90 days after the licensee begins a social work practice position after becoming licensed.

(c) For failure to submit the supervision plan within 90 days after beginning a social work practice position, a licensee must pay the supervision plan late fee specified in section 148E.180 when the licensee applies for license renewal.

(d) A license renewal application submitted according to paragraph (a) must not be approved unless the board has received a supervision plan.

(e) The supervision plan must include the following:

(1) the name of the supervisee, the name of the agency in which the supervisee is being supervised, and the supervisee's position title;

(2) the name and qualifications of the person providing the supervision;

- 35.1 (3) the number of hours of one-on-one in-person supervision and the number and
35.2 type of additional hours of supervision to be completed by the supervisee;
- 35.3 (4) the supervisee's position description;
- 35.4 (5) a brief description of the supervision the supervisee will receive in the following
35.5 content areas:
- 35.6 (i) clinical practice, if applicable;
35.7 (ii) development of professional social work knowledge, skills, and values;
35.8 (iii) practice methods;
35.9 (iv) authorized scope of practice;
35.10 (v) ensuring continuing competence; and
35.11 (vi) ethical standards of practice; and
- 35.12 (6) if applicable, a detailed description of the supervisee's clinical social work
35.13 practice, addressing:
- 35.14 (i) the client population, the range of presenting issues, and the diagnoses;
35.15 (ii) the clinical modalities that were utilized; and
35.16 (iii) the process utilized for determining clinical diagnoses, including the diagnostic
35.17 instruments used and the role of the supervisee in the diagnostic process.
- 35.18 (f) The board must receive a revised supervision plan within 90 days of any of the
35.19 following changes:
- 35.20 (1) the supervisee has a new supervisor;
35.21 (2) the supervisee begins a new social work position;
35.22 (3) the scope or content of the supervisee's social work practice changes substantially;
35.23 (4) the number of practice or supervision hours changes substantially; or
35.24 (5) the type of supervision changes as supervision is described in section 148E.100,
35.25 subdivision 3, or 148E.105, subdivision 3, or as required in section 148E.115, subdivision
35.26 4.
- 35.27 (g) For failure to submit a revised supervision plan as required in paragraph (f), a
35.28 supervisee must pay the supervision plan late fee specified in section 148E.180, when
35.29 the supervisee applies for license renewal.
- 35.30 (h) The board must approve the supervisor and the supervision plan.
- 35.31 Subd. 2. **Attestation.** (a) When a supervisee submits renewal application materials
35.32 to the board, the supervisee and supervisor must submit an attestation providing the
35.33 following information on a form provided by the board:
- 35.34 (1) the name of the supervisee, the name of the agency in which the supervisee is
35.35 being supervised, and the supervisee's position title;
35.36 (2) the name and qualifications of the supervisor;

- 36.1 (3) the number of hours and dates of each type of supervision completed;
36.2 (4) the supervisee's position description;
36.3 (5) a declaration that the supervisee has not engaged in conduct in violation of the
36.4 standards of practice specified in sections 148E.195 to 148E.240;
36.5 (6) a declaration that the supervisee has practiced competently and ethically
36.6 according to professional social work knowledge, skills, and values; and
36.7 (7) a list of the content areas in which the supervisee has received supervision,
36.8 including the following:
36.9 (i) clinical practice, if applicable;
36.10 (ii) development of professional social work knowledge, skills, and values;
36.11 (iii) practice methods;
36.12 (iv) authorized scope of practice;
36.13 (v) ensuring continuing competence; and
36.14 (vi) ethical standards of practice.
36.15 (b) The information provided on the attestation form must demonstrate to the board's
36.16 satisfaction that the supervisee has met or has made progress on meeting the applicable
36.17 supervised practice requirements.
36.18 Subd. 3. **Verification of supervised practice.** (a) In addition to receiving the
36.19 attestation required according to subdivision 2, the board must receive verification of
36.20 supervised practice if:
36.21 (1) the board audits the supervision of a supervisee according to section 148E.070,
36.22 subdivision 3; or
36.23 (2) an applicant applies for a license as a licensed independent social worker or as a
36.24 licensed independent clinical social worker.
36.25 (b) When verification of supervised practice is required according to paragraph (a),
36.26 the board must receive from the supervisor the following information on a form provided
36.27 by the board:
36.28 (1) the name of the supervisee, the name of the agency in which the supervisee is
36.29 being supervised, and the supervisee's position title;
36.30 (2) the name and qualifications of the supervisor;
36.31 (3) the number of hours and dates of each type of supervision completed;
36.32 (4) the supervisee's position description;
36.33 (5) a declaration that the supervisee has not engaged in conduct in violation of the
36.34 standards of practice specified in sections 148E.195 to 148E.240;
36.35 (6) a declaration that the supervisee has practiced ethically and competently
36.36 according to professional social work knowledge, skills, and values;

(7) a list of the content areas in which the supervisee has received supervision, including the following:

(i) clinical practice, if applicable;

(ii) development of professional social work knowledge, skills, and values;

(iii) practice methods;

(iv) authorized scope of practice;

(v) ensuring continuing competence; and

(vi) ethical standards of practice; and

(8) if applicable, a detailed description of the supervisee's clinical social work practice, addressing:

(i) the client population, the range of presenting issues, and the diagnoses;

(ii) the clinical modalities that were utilized; and

(iii) the process utilized for determining clinical diagnoses, including the diagnostic instruments used and the role of the supervisee in the diagnostic process.

(c) The information provided on the verification form must demonstrate to the board's satisfaction that the supervisee has met the applicable supervised practice requirements.

Subd. 4. **Alternative verification of supervised practice.** Notwithstanding the requirements of subdivision 3, the board may accept alternative verification of supervised practice if a supervisee demonstrates to the satisfaction of the board that the supervisee is unable to locate a former supervisor to provide the required information.

Sec. 27. **[148E.130] CLOCK HOURS REQUIRED.**

Subdivision 1. **Total clock hours required.** At the time of license renewal, a licensee must provide evidence satisfactory to the board that the licensee has, during the renewal term, completed at least 40 clock hours of continuing education.

Subd. 2. **Ethics requirement.** At least two of the clock hours required under subdivision 1 must be in social work ethics.

Subd. 3. **Requirement for LICSWs.** For licensed independent clinical social workers, at least 24 of the clock hours required under subdivision 1 must be in the clinical content areas specified in section 148E.055, subdivision 5.

Subd. 4. **Requirement for supervisors.** For social workers providing supervision according to sections 148E.100 to 148E.125, at least six of the clock hours required under subdivision 1 must be in the practice of supervision.

Subd. 5. **Independent study.** Independent study must not consist of more than ten clock hours of continuing education per renewal term. Independent study must be for publication, public presentation, or professional development. Independent study includes,

but is not limited to, electronic study. For purposes of subdivision 6, independent study includes consultation with an experienced supervisor regarding the practice of supervision.

Subd. 6. **Coursework.** One credit of coursework in a semester-based academic institution is the equivalent of 15 clock hours.

Subd. 7. **Prorated renewal term.** If the licensee's renewal term is prorated to be less or more than 24 months, the required number of continuing education clock hours is prorated proportionately.

Sec. 28. **[148E.135] APPROVAL OF CLOCK HOURS.**

Subdivision 1. **Ways of approving clock hours.** The clock hours required under section 148E.130 must be approved in one or more of the following ways:

(1) the hours must be offered by a continuing education provider approved by the board;

(2) the hours must be offered by a continuing education provider approved by the Association of Social Work Boards or a similar examination body designated by the board;

(3) the hours must be earned through a continuing education program approved by the National Association of Social Workers; or

(4) the hours must be earned through a continuing education program approved by the board.

Subd. 2. **Preapproval not required.** Providers and programs are not required to be preapproved but must meet the requirements specified in this section.

Sec. 29. **[148E.140] VARIANCES.**

The board may grant a variance to the continuing education requirements specified in section 148E.130, when a licensee demonstrates to the satisfaction of the board that the licensee is unable to complete the required number of clock hours during the renewal term.

The board may allow a licensee to complete the required number of clock hours within a time frame specified by the board. The board must not allow a licensee to complete less than the required number of clock hours.

Sec. 30. **[148E.145] CONTINUING EDUCATION PROVIDERS APPROVED BY BOARD.**

Subdivision 1. **Board approval.** (a) The board must approve a continuing education provider who:

(1) submits a completed application to the board which provides the information required by subdivision 2 and which meets the criteria specified in subdivision 3; and

39.1 (2) pays the provider fee specified in section 148E.180.

39.2 (b) An approval is valid for programs offered no later than one year from the date
39.3 the application is approved by the board.

39.4 Subd. 2. **Information required.** The information that must be provided to the board
39.5 includes, but is not limited to, the following:

39.6 (1) the name of the continuing education provider;

39.7 (2) the address, telephone number, and e-mail address of a contact person for the
39.8 provider;

39.9 (3) a signed statement that indicates the provider understands and agrees to abide by
39.10 the criteria specified in subdivision 3; and

39.11 (4) a signed statement that indicates the provider agrees to furnish a certificate of
39.12 attendance to each participant in a program offered by the provider.

39.13 Subd. 3. **Criteria for programs.** (a) A continuing education provider must employ
39.14 the following criteria in determining whether to offer a continuing education program:

39.15 (1) whether the material to be presented will promote the standards of practice
39.16 described in sections 148E.195 to 148E.240;

39.17 (2) whether the material to be presented will contribute to the practice of social work
39.18 as defined in section 148E.010;

39.19 (3) whether the material to be presented is intended for the benefit of practicing
39.20 social workers; and

39.21 (4) whether the persons presenting the program are qualified in the subject matter
39.22 being presented.

39.23 (b) The material presented must not be primarily procedural or primarily oriented
39.24 towards business practices or self-development.

39.25 Subd. 4. **Audits.** (a) The board may audit programs offered by a continuing
39.26 education provider approved by the board to determine compliance with the requirements
39.27 of this section.

39.28 (b) A continuing education provider audited by the board must provide the
39.29 documentation specified in subdivision 5.

39.30 Subd. 5. **Records retention; continuing education providers.** For three years
39.31 following the end of each program offered by a continuing education provider, the
39.32 provider must maintain the following information:

39.33 (1) the title of the program;

39.34 (2) a description of the content and objectives of the program;

39.35 (3) the date of the program;

39.36 (4) the number of clock hours credited for participation in the program;

- 40.1 (5) the program location;
- 40.2 (6) the names and qualifications of the primary presenters;
- 40.3 (7) a description of the primary audience the program was designed for; and
- 40.4 (8) a list of the participants in the program.

40.5 Sec. 31. **[148E.150] APPROVED CONTINUING EDUCATION PROVIDERS.**

40.6 In order to receive credit for a program offered by a continuing education provider
40.7 approved by the Association of Social Work Boards or a similar examination body
40.8 designated by the board, the provider must be listed on the Association of Social Work
40.9 Boards Web site as a provider currently approved by the Association of Social Work
40.10 Boards or a similar examination body designated by the board.

40.11 Sec. 32. **[148E.155] APPROVED CONTINUING EDUCATION PROGRAMS.**

40.12 In order to receive credit for a program approved by the National Association of
40.13 Social Workers, the program must be listed on the National Association of Social Workers
40.14 Web site as a program currently approved by the National Association of Social Workers.

40.15 Sec. 33. **[148E.160] CONTINUING EDUCATION PROGRAMS APPROVED**
40.16 **BY BOARD.**

40.17 Subdivision 1. Required program content. In order to be approved by the board, a
40.18 continuing education program must:

- 40.19 (1) promote the standards of practice described in sections 148E.195 to 148E.240;
- 40.20 (2) contribute to the practice of social work as defined in section 148E.010; and
- 40.21 (3) not be primarily procedural or be primarily oriented towards business practices
40.22 or self-development.

40.23 Subd. 2. Types of continuing education programs. In order to be approved by
40.24 the board, a continuing education program must be one of the following: academic
40.25 coursework offered by an institution of higher learning; educational workshops, seminars,
40.26 or conferences offered by an organization or individual; staff training offered by a public
40.27 or private employer; or independent study.

40.28 Sec. 34. **[148E.165] CONTINUING EDUCATION REQUIREMENTS OF**
40.29 **LICENSEES.**

40.30 Subdivision 1. Records retention; licensees. For one year following the expiration
40.31 date of a license, the licensee must maintain documentation of clock hours earned during
40.32 the previous renewal term. The documentation must include the following:

41.1 (1) for educational workshops or seminars offered by an organization or at a
41.2 conference, a copy of the certificate of attendance issued by the presenter or sponsor
41.3 giving the following information:

- 41.4 (i) the name of the sponsor or presenter of the program;
41.5 (ii) the title of the workshop or seminar;
41.6 (iii) the dates the licensee participated in the program; and
41.7 (iv) the number of clock hours completed;

41.8 (2) for academic coursework offered by an institution of higher learning, a copy of a
41.9 transcript giving the following information:

- 41.10 (i) the name of the institution offering the course;
41.11 (ii) the title of the course;
41.12 (iii) the dates the licensee participated in the course; and
41.13 (iv) the number of credits completed;

41.14 (3) for staff training offered by public or private employers, a copy of the certificate
41.15 of attendance issued by the employer giving the following information:

- 41.16 (i) the name of the employer;
41.17 (ii) the title of the staff training;
41.18 (iii) the dates the licensee participated in the program; and
41.19 (iv) the number of clock hours completed; and

41.20 (4) for independent study, including electronic study, a written summary of the study
41.21 conducted, including the following information:

- 41.22 (i) the topics studied;
41.23 (ii) a description of the applicability of the study to the licensee's authorized scope of
41.24 practice;

41.25 (iii) the titles and authors of books and articles consulted or the name of the
41.26 organization offering the study;

- 41.27 (iv) the dates the licensee conducted the study; and
41.28 (v) the number of clock hours the licensee conducted the study.

41.29 Subd. 2. **Audits.** The board may audit license renewal and reactivation applications
41.30 to determine compliance with the requirements of sections 148E.130 to 148E.170. A
41.31 licensee audited by the board must provide the documentation specified in subdivision
41.32 1 regardless of whether the provider or program has been approved by the board, the
41.33 Association of Social Work Boards, or a similar examination body designated by the
41.34 board, or the National Association of Social Workers.

Sec. 35. [148E.170] REVOCATION OF CONTINUING EDUCATION

APPROVALS.

The board may revoke approval of a provider or of a program offered by a provider, or of an individual program approved by the board, if the board determines subsequent to the approval that the provider or program failed to meet the requirements of sections 148E.130 to 148E.170.

Sec. 36. [148E.175] FEES.

The fees specified in section 148E.180 are nonrefundable and must be deposited in the state government special revenue fund.

Sec. 37. [148E.180] FEE AMOUNTS.

Subdivision 1. **Application fees.** Application fees for licensure are as follows:

(1) for a licensed social worker, \$45;

(2) for a licensed graduate social worker, \$45;

(3) for a licensed independent social worker, \$90;

(4) for a licensed independent clinical social worker, \$90;

(5) for a temporary license, \$50; and

(6) for a licensure by endorsement, \$150.

The fee for criminal background checks is the fee charged by the Bureau of Criminal Apprehension. The criminal background check fee must be included with the application fee as required according to section 148E.055.

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

(1) for a licensed social worker, \$115.20;

(2) for a licensed graduate social worker, \$201.60;

(3) for a licensed independent social worker, \$302.40;

(4) for a licensed independent clinical social worker, \$331.20;

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

(6) 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.

Subd. 3. **Renewal fees.** Renewal fees for licensure are as follows:

(1) for a licensed social worker, \$115.20;

(2) for a licensed graduate social worker, \$201.60;

(3) for a licensed independent social worker, \$302.40; and

(4) for a licensed independent clinical social worker, \$331.20.

Subd. 4. **Continuing education provider fees.** Continuing education provider fees are as follows:

(1) for a provider who offers programs totaling one to eight clock hours in a one-year period according to section 148E.145, \$50;

(2) for a provider who offers programs totaling nine to 16 clock hours in a one-year period according to section 148E.145, \$100;

(3) for a provider who offers programs totaling 17 to 32 clock hours in a one-year period according to section 148E.145, \$200;

(4) for a provider who offers programs totaling 33 to 48 clock hours in a one-year period according to section 148E.145, \$400; and

(5) for a provider who offers programs totaling 49 or more clock hours in a one-year period according to section 148E.145, \$600.

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

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

(2) supervision plan late fee, \$40.

Subd. 6. **License cards and wall certificates.** (a) The fee for a license card as specified in section 148E.095 is \$10.

(b) The fee for a license wall certificate as specified in section 148E.095 is \$30.

Subd. 7. **Reactivation fees.** Reactivation fees are as follows:

(1) reactivation from a temporary leave or emeritus status, the prorated share of the renewal fee specified in subdivision 3; and

(2) reactivation of an expired license, 1-1/2 times the renewal fees specified in subdivision 3.

Sec. 38. **[148E.185] PURPOSE OF COMPLIANCE LAWS.**

The purpose of sections 148E.185 to 148E.290 is to protect the public by ensuring that all persons licensed as social workers meet minimum standards of practice. The board shall promptly and fairly investigate and resolve all complaints alleging violations of statutes and rules that the board is empowered to enforce and (1) take appropriate disciplinary action, adversarial action, or other action justified by the facts, or (2) enter into corrective action agreements or stipulations to cease practice, when doing so is consistent with the board's obligation to protect the public.

Sec. 39. **[148E.190] GROUNDS FOR ACTION.**

44.1 Subdivision 1. **Scope.** The grounds for action in subdivisions 2 to 4 and the
44.2 standards of practice requirements in sections 148E.195 to 148E.240 apply to all licensees
44.3 and applicants.

44.4 Subd. 2. **Violations.** The board has grounds to take action according to sections
44.5 148E.255 to 148E.270 when a social worker violates:

44.6 (1) a statute or rule enforced by the board, including this section and sections
44.7 148E.195 to 148E.240;

44.8 (2) a federal or state law or rule related to the practice of social work; or

44.9 (3) an order, stipulation, or agreement agreed to or issued by the board.

44.10 Subd. 3. **Conduct before licensure.** A violation of the requirements specified in this
44.11 section and sections 148E.195 to 148E.240 is grounds for the board to take action under
44.12 sections 148E.255 to 148E.270. The board's jurisdiction to exercise the powers provided in
44.13 this section extends to an applicant or licensee's conduct that occurred before licensure if:

44.14 (1) the conduct did not meet the minimum accepted and prevailing standards of
44.15 professional social work practice at the time the conduct occurred; or

44.16 (2) the conduct adversely affects the applicant or licensee's present ability to practice
44.17 social work in conformity with the requirements of sections 148E.195 to 148E.240.

44.18 Subd. 4. **Unauthorized practice.** The board has grounds to take action according
44.19 to sections 148E.255 to 148E.270 when a social worker:

44.20 (1) practices outside the scope of practice authorized by section 148E.050;

44.21 (2) engages in the practice of social work without a social work license under
44.22 section 148E.055 or 148E.060, except when the social worker is exempt from licensure
44.23 under section 148E.065;

44.24 (3) provides social work services to a client who receives social work services in
44.25 this state, and is not licensed under section 148E.055 or 148E.060, except when the social
44.26 worker is exempt from licensure under section 148E.065.

44.27 Sec. 40. **[148E.195] REPRESENTATIONS TO CLIENTS AND PUBLIC.**

44.28 Subdivision 1. **Required displays and information for clients.** (a) A social worker
44.29 must conspicuously display at the social worker's places of practice, or make available as
44.30 a handout for all clients, information that the client has the right to the following:

44.31 (1) to be informed of the social worker's license status, education, training, and
44.32 experience;

44.33 (2) to examine public data on the social worker maintained by the board;

44.34 (3) to report a complaint about the social worker's practice to the board; and

45.1 (4) to be informed of the board's mailing address, e-mail address, Web site address,
45.2 and telephone number.

45.3 (b) A social worker must conspicuously display the social worker's wall certificate at
45.4 the social worker's places of practice and office locations. Additional wall certificates may
45.5 be requested according to section 148E.095.

45.6 Subd. 2. **Representations.** (a) No applicant or other individual may be represented
45.7 to the public by any title incorporating the words "social work" or "social worker" unless
45.8 the individual holds a license according to sections 148E.055 and 148E.060 or practices in
45.9 a setting exempt from licensure according to section 148E.065.

45.10 (b) In all professional use of a social worker's name, the social worker must use
45.11 the license designation "LSW" or "licensed social worker" for a licensed social worker,
45.12 "LGSW" or "licensed graduate social worker" for a licensed graduate social worker,
45.13 "LISW" or "licensed independent social worker" for a licensed independent social worker,
45.14 or "LICSW" or "licensed independent clinical social worker" for a licensed independent
45.15 clinical social worker.

45.16 (c) Public statements or advertisements must not be untruthful, misleading, false,
45.17 fraudulent, deceptive, or potentially exploitative of clients, former clients, interns,
45.18 students, supervisees, or the public.

45.19 (d) A social worker must not:

45.20 (1) use licensure status as a claim, promise, or guarantee of successful service;

45.21 (2) obtain a license by cheating or employing fraud or deception;

45.22 (3) make false statements or misrepresentations to the board or in materials
45.23 submitted to the board; or

45.24 (4) engage in conduct that has the potential to deceive or defraud a social work
45.25 client, intern, student, supervisee, or the public.

45.26 Subd. 3. **Information on credentials.** (a) A social worker must provide accurate
45.27 and factual information concerning the social worker's credentials, education, training,
45.28 and experience when the information is requested by clients, potential clients, or other
45.29 persons or organizations.

45.30 (b) A social worker must not misrepresent directly or by implication the social
45.31 worker's license, degree, professional certifications, affiliations, or other professional
45.32 qualifications in any oral or written communications to clients, potential clients, or other
45.33 persons or organizations. A social worker must take reasonable steps to prevent such
45.34 misrepresentations by other social workers.

45.35 (c) A social worker must not hold out as a person licensed as a social worker without
45.36 having a social work license according to sections 148E.055 and 148E.060.

(d) A social worker must not misrepresent directly or by implication (1) affiliations with institutions or organizations, or (2) purposes or characteristics of institutions or organizations with which the social worker is or has been affiliated.

Sec. 41. **[148E.200] COMPETENCE.**

Subdivision 1. **Competence.** (a) A social worker must provide services and hold out as competent only to the extent the social worker's education, training, license, consultation received, supervision experience, or other relevant professional experience demonstrate competence in the services provided. A social worker must make a referral to a competent professional when the services required are beyond the social worker's competence or authorized scope of practice.

(b) When generally recognized standards do not exist with respect to an emerging area of practice, including but not limited to providing social work services through electronic means, a social worker must take the steps necessary, such as consultation or supervision, to ensure the competence of the social worker's work and to protect clients from harm.

Subd. 2. **Supervision or consultation.** Notwithstanding the completion of supervision requirements as specified in sections 148E.100 to 148E.125, a social worker must obtain supervision or engage in consultation when appropriate or necessary for competent and ethical practice.

Subd. 3. **Delegation of social work responsibilities.** (a) A social worker must not delegate a social work responsibility to another individual when the social worker knows or reasonably should know that the individual is not licensed when required to be licensed according to sections 148E.055 and 148E.060.

(b) A social worker must not delegate a social work responsibility to another individual when the social worker knows or reasonably should know that the individual is not competent to assume the responsibility or perform the task.

Sec. 42. **[148E.205] IMPAIRMENT.**

Subdivision 1. **Grounds for action.** The board has grounds to take action under sections 148E.255 to 148E.270 when a social worker is unable to practice with reasonable skill and safety by reason of illness, use of alcohol, drugs, chemicals, or any other materials, or as a result of any mental, physical, or psychological condition.

Subd. 2. **Self-reporting.** A social worker regulated by the board who is unable to practice with reasonable skill and safety by reason of illness, use of alcohol, drugs,

47.1 chemicals, or any other materials, or as a result of any mental, physical, or psychological
47.2 condition, must report to the board or the health professionals services program.

47.3 Sec. 43. **[148E.210] PROFESSIONAL AND ETHICAL CONDUCT.**

47.4 The board has grounds to take action under sections 148E.255 to 148E.270 when a
47.5 social worker:

47.6 (1) engages in unprofessional or unethical conduct, including any departure from
47.7 or failure to conform to the minimum accepted ethical and other prevailing standards of
47.8 professional social work practice, without actual injury to a social work client, intern,
47.9 student, supervisee, or the public needing to be established;

47.10 (2) engages in conduct that has the potential to cause harm to a client, intern,
47.11 student, supervisee, or the public;

47.12 (3) demonstrates a willful or careless disregard for the health, welfare, or safety of
47.13 a client, intern, student, or supervisee; or

47.14 (4) engages in acts or conduct adversely affecting the applicant or licensee's current
47.15 ability or fitness to engage in social work practice, whether or not the acts or conduct
47.16 occurred while engaged in the practice of social work.

47.17 Sec. 44. **[148E.215] RESPONSIBILITIES TO CLIENTS.**

47.18 Subdivision 1. **Responsibility to clients.** A social worker's primary professional
47.19 responsibility is to the client. A social worker must respect the client's interests, including
47.20 the interest in self-determination, except when required to do otherwise by law.

47.21 Subd. 2. **Nondiscrimination.** A social worker must not discriminate against
47.22 a client, intern, student, or supervisee or in providing services to a client, intern, or
47.23 supervisee on the basis of age, gender, sexual orientation, race, color, national origin,
47.24 religion, illness, disability, political affiliation, or social or economic status.

47.25 Subd. 3. **Research.** When undertaking research activities, a social worker must
47.26 use accepted protocols for the protection of human subjects, including (1) establishing
47.27 appropriate safeguards to protect the subject's vulnerability, and (2) obtaining the subjects'
47.28 informed consent.

47.29 Sec. 45. **[148E.220] RELATIONSHIPS WITH CLIENTS, FORMER CLIENTS,**
47.30 **AND OTHERS.**

47.31 Subdivision 1. **Social worker responsibility.** (a) A social worker is responsible for
47.32 acting professionally in relationships with clients or former clients. A client or a former

48.1 client's initiation of, or attempt to engage in, or request to engage in, a personal, sexual, or
48.2 business relationship is not a defense to a violation of this section.

48.3 (b) When a relationship is permitted by this section, social workers who engage in
48.4 such a relationship assume the full burden of demonstrating that the relationship will not
48.5 be detrimental to the client or the professional relationship.

48.6 Subd. 2. **Professional boundaries.** A social worker must maintain appropriate
48.7 professional boundaries with a client. A social worker must not engage in practices with
48.8 clients that create an unacceptable risk of client harm or of impairing a social worker's
48.9 objectivity or professional judgment. A social worker must not act or fail to act in a way
48.10 that, as judged by a reasonable and prudent social worker, inappropriately encourages
48.11 the client to relate to the social worker outside of the boundaries of the professional
48.12 relationship, or in a way that interferes with the client's ability to benefit from social work
48.13 services from the social worker.

48.14 Subd. 3. **Misuse of professional relationship.** A social worker must not use the
48.15 professional relationship with a client, student, supervisee, or intern to further the social
48.16 worker's personal, emotional, financial, sexual, religious, political, or business benefit or
48.17 interests.

48.18 Subd. 4. **Improper termination.** A social worker must not terminate a professional
48.19 relationship for the purpose of beginning a personal, sexual, or business relationship
48.20 with a client.

48.21 Subd. 5. **Personal relationship with a client.** (a) Except as provided in paragraph
48.22 (b), a social worker must not engage in a personal relationship with a client that creates a
48.23 risk of client harm or of impairing a social worker's objectivity or professional judgment.

48.24 (b) Notwithstanding paragraph (a), if a social worker is unable to avoid a personal
48.25 relationship with a client, the social worker must take appropriate precautions, such as
48.26 consultation or supervision, to address the potential for risk of client harm or of impairing
48.27 a social worker's objectivity or professional judgment.

48.28 Subd. 6. **Personal relationship with a former client.** A social worker may
48.29 engage in a personal relationship with a former client after appropriate termination of the
48.30 professional relationship, except:

48.31 (1) as prohibited by subdivision 8; or

48.32 (2) if a reasonable and prudent social worker would conclude after appropriate
48.33 assessment that (i) the former client is emotionally dependent on the social worker or
48.34 continues to relate to the social worker as a client, or (ii) the social worker is emotionally
48.35 dependent on the client or continues to relate to the former client as a social worker.

49.1 Subd. 7. **Sexual conduct with a client.** A social worker must not engage in or
49.2 suggest sexual conduct with a client.

49.3 Subd. 8. **Sexual conduct with a former client.** (a) A social worker who has
49.4 engaged in diagnosing, counseling, or treating a client with mental, emotional, or
49.5 behavioral disorders must not engage in or suggest sexual conduct with the former client
49.6 under any circumstances for a period of two years following the termination of the
49.7 professional relationship. After two years following the termination of the professional
49.8 relationship, a social worker who has engaged in diagnosing, counseling, or treating a
49.9 client with mental, emotional, or behavioral disorder must not engage in or suggest sexual
49.10 conduct with the former client under any circumstances unless:

49.11 (1) the social worker did not intentionally or unintentionally coerce, exploit, deceive,
49.12 or manipulate the former client at any time;

49.13 (2) the social worker did not represent to the former client that sexual conduct with
49.14 the social worker is consistent with or part of the client's treatment;

49.15 (3) the social worker's sexual conduct was not detrimental to the former client at
49.16 any time;

49.17 (4) the former client is not emotionally dependent on the social worker and does
49.18 not continue to relate to the social worker as a client; and

49.19 (5) the social worker is not emotionally dependent on the client and does not
49.20 continue to relate to the former client as a social worker.

49.21 (b) If there is an alleged violation of paragraph (a), the social worker assumes the
49.22 full burden of demonstrating to the board that the social worker did not intentionally or
49.23 unintentionally coerce, exploit, deceive, or manipulate the client, and the social worker's
49.24 sexual conduct was not detrimental to the client at any time. Upon request, a social worker
49.25 must provide information to the board addressing:

49.26 (1) the amount of time that has passed since termination of services;

49.27 (2) the duration, intensity, and nature of services;

49.28 (3) the circumstances of termination of services;

49.29 (4) the former client's emotional, mental, and behavioral history;

49.30 (5) the former client's current emotional, mental, and behavioral status;

49.31 (6) the likelihood of adverse impact on the former client; and

49.32 (7) the existence of actions, conduct, or statements made by the social worker during
49.33 the course of services suggesting or inviting the possibility of a sexual relationship with
49.34 the client following termination of services.

49.35 (c) A social worker who has provided social work services other than those
49.36 described in paragraph (a) to a client must not engage in or suggest sexual conduct

50.1 with the former client if a reasonable and prudent social worker would conclude after
50.2 appropriate assessment that engaging in such behavior with the former client would create
50.3 an unacceptable risk of harm to the former client.

50.4 Subd. 9. **Sexual conduct with student, supervisee, or intern.** (a) A social worker
50.5 must not engage in or suggest sexual conduct with a student while the social worker has
50.6 authority over any part of the student's academic program.

50.7 (b) A social worker supervising an intern must not engage in or suggest sexual
50.8 conduct with the intern during the course of the internship.

50.9 (c) A social worker practicing social work as a supervisor must not engage in or
50.10 suggest sexual conduct with a supervisee during the period of supervision.

50.11 Subd. 10. **Sexual harassment.** A social worker must not engage in any physical,
50.12 oral, written, or electronic behavior that a client, former client, student, supervisee, or
50.13 intern may reasonably interpret as sexually harassing or sexually demeaning.

50.14 Subd. 11. **Business relationship with client.** A social worker must not purchase
50.15 goods or services from a client or otherwise engage in a business relationship with a
50.16 client except when:

50.17 (1) a social worker purchases goods or services from the client and a reasonable and
50.18 prudent social worker would determine that it is not practical or reasonable to obtain the
50.19 goods or services from another provider; and

50.20 (2) engaging in the business relationship will not be detrimental to the client or the
50.21 professional relationship.

50.22 Subd. 12. **Business relationship with former client.** A social worker may purchase
50.23 goods or services from a former client or otherwise engage in a business relationship with
50.24 a former client after appropriate termination of the professional relationship unless a
50.25 reasonable and prudent social worker would conclude after appropriate assessment that:

50.26 (1) the former client is emotionally dependent on the social worker and purchasing
50.27 goods or services from the former client or otherwise engaging in a business relationship
50.28 with the former client would be detrimental to the former client; or

50.29 (2) the social worker is emotionally dependent on the former client and purchasing
50.30 goods or services from the former client or otherwise engaging in a business relationship
50.31 with the former client would be detrimental to the former client.

50.32 Subd. 13. **Previous sexual, personal, or business relationship.** (a) A social worker
50.33 must not engage in a social worker/client relationship with an individual with whom the
50.34 social worker had a previous sexual relationship.

50.35 (b) A social worker must not engage in a social worker/client relationship with an
50.36 individual with whom the social worker had a previous personal or business relationship if

51.1 a reasonable and prudent social worker would conclude after appropriate assessment that
51.2 the social worker/client relationship would create an unacceptable risk of client harm or
51.3 that the social worker's objectivity or professional judgment may be impaired.

51.4 Subd. 14. **Giving alcohol or other drugs to client.** (a) Unless authorized by law, a
51.5 social worker must not offer medication or controlled substances to a client.

51.6 (b) A social worker must not accept medication or controlled substances from a
51.7 client except that if authorized by law, a social worker may accept medication or controlled
51.8 substances from a client for purposes of disposal or to monitor use.

51.9 (c) A social worker must not offer alcoholic beverages to a client except when
51.10 the offer is authorized or prescribed by a physician or is offered according to a client's
51.11 care plan.

51.12 (d) A social worker must not accept alcoholic beverages from a client.

51.13 Subd. 15. **Relationship with client's family or household member.** Subdivisions
51.14 1 to 14 apply to a social worker's relationship with a client's family or household member
51.15 when a reasonable and prudent social worker would conclude after appropriate assessment
51.16 that a relationship with a family or household member would create an unacceptable
51.17 risk of harm to the client.

51.18 Sec. 46. **[148E.225] TREATMENT AND INTERVENTION SERVICES.**

51.19 Subdivision 1. **Assessment or diagnosis.** A social worker must base treatment and
51.20 intervention services on an assessment or diagnosis. A social worker must evaluate, on an
51.21 ongoing basis, the appropriateness of the assessment or diagnosis.

51.22 Subd. 2. **Assessment or diagnostic instruments.** A social worker must not use
51.23 an assessment or diagnostic instrument without adequate training. A social worker
51.24 must follow standards and accepted procedures for using an assessment or diagnostic
51.25 instrument. A social worker must inform a client of the purpose before administering the
51.26 instrument and must make the results available to the client.

51.27 Subd. 3. **Plan for services.** A social worker must develop a plan for services that
51.28 includes goals based on the assessment or diagnosis. A social worker must evaluate, on an
51.29 ongoing basis, the appropriateness of the plan and the client's progress toward the goals.

51.30 Subd. 4. **Records.** (a) A social worker must make and maintain current and
51.31 accurate records, appropriate to the circumstances, of all services provided to a client. At
51.32 a minimum, the records must contain documentation of:

51.33 (1) the assessment or diagnosis;

51.34 (2) the content of the service plan;

51.35 (3) progress with the plan and any revisions of assessment, diagnosis, or plan;

52.1 (4) any fees charged and payments made;
52.2 (5) copies of all client-written authorizations for release of information; and
52.3 (6) other information necessary to provide appropriate services.
52.4 (b) These records must be maintained by the social worker for at least seven years
52.5 after the last date of service to the client. Social workers who are employed by an agency
52.6 or other entity are not required to:
52.7 (1) maintain personal or separate records; or
52.8 (2) personally retain records at the conclusion of their employment.
52.9 Subd. 5. **Termination of services.** A social worker must terminate a professional
52.10 relationship with a client when the social worker reasonably determines that the client
52.11 is not likely to benefit from continued services or the services are no longer needed,
52.12 unless the social worker is required by law to provide services. A social worker who
52.13 anticipates terminating services must give reasonable notice to the client in a manner that
52.14 is appropriate to the needs of the client. The social worker must provide appropriate
52.15 referrals as needed or upon request of the client.

52.16 Sec. 47. **[148E.230] CONFIDENTIALITY AND RECORDS.**

52.17 Subdivision 1. **Informed consent.** (a) A social worker must obtain valid, informed
52.18 consent, appropriate to the circumstances, before providing services to clients. When
52.19 obtaining informed consent, the social worker must determine whether the client has the
52.20 capacity to provide informed consent. If the client does not have the capacity to provide
52.21 consent, the social worker must obtain consent for the services from the client's legal
52.22 representative. The social worker must not provide services, unless authorized or required
52.23 by law, if the client or the client's legal representative does not consent to the services.
52.24 (b) If a social worker determines that a client does not have the capacity to provide
52.25 consent, and the client does not have a legal representative, the social worker:
52.26 (1) must, except as provided in clause (2), secure a legal representative for a client
52.27 before providing services; or
52.28 (2) may, notwithstanding clause (1), provide services, except when prohibited by
52.29 other applicable law, that are necessary to ensure the client's safety or to preserve the
52.30 client's property or financial resources.
52.31 (c) A social worker must use clear and understandable language, including using an
52.32 interpreter proficient in the client's primary language as necessary, to inform clients of
52.33 the plan of services, risks related to the plan, limits to services, relevant costs, terms of
52.34 payment, reasonable alternatives, the client's right to refuse or withdraw consent, and the
52.35 time frame covered by the consent.

Subd. 2. **Mandatory reporting and disclosure of client information.** At the beginning of a professional relationship and during the professional relationship as necessary and appropriate, a social worker must inform the client of those circumstances under which the social worker may be required to disclose client information specified in subdivision 3, paragraph (a), without the client's consent.

Subd. 3. **Confidentiality of client information.** (a) A social worker must ensure the confidentiality of all client information obtained in the course of the social worker/client relationship and all client information otherwise obtained by the social worker that is relevant to the social worker/client relationship. Except as provided in this section, client information may be disclosed or released only with the client's or the client's legal representative's valid informed consent, appropriate to the circumstances, except when otherwise required by law. A social worker must seek consent to disclose or release client information only when such disclosure or release is necessary to provide social work services.

(b) A social worker must continue to maintain confidentiality of the client information specified in paragraph (a) upon termination of the professional relationship including upon the death of the client, except as provided under this section or other applicable law.

(c) A social worker must limit access to the client information specified in paragraph (a) in a social worker's agency to appropriate agency staff whose duties require access.

Subd. 4. **Release of client information with written informed consent.** (a) Except as provided in subdivision 5, client information specified in subdivision 3, paragraph (a), may be released only with the client's or the client's legal representative's written informed consent. The written informed consent must:

(1) explain to whom the client's records may be released;

(2) explain the purpose for the release; and

(3) state an expiration date for the authorized release of the records.

(b) A social worker may provide client information specified in subdivision 3, paragraph (a), to a third party for the purpose of payment for services rendered only with the client's written informed consent.

(c) Except as provided in subdivision 5, a social worker may disclose client information specified in subdivision 3, paragraph (a), only with the client's or the client's legal representative's written informed consent. When it is not practical to obtain written informed consent before providing necessary services, a social worker may disclose or release client information with the client's or the client's legal representative's oral informed consent.

(d) Unless otherwise authorized by law, a social worker must obtain a client's written informed consent before taking a photograph of the client or making an audio or video recording of the client, or allowing a third party to do the same. The written informed consent must explain:

(1) the purpose of the photograph or the recording and how the photograph or recording will be used, how it will be stored, and when it will be destroyed; and

(2) how the client may have access to the photograph or recording.

Subd. 5. Release of client information without written informed consent. (a) A social worker may disclose client information specified in subdivision 3, paragraph (a), without the written consent of the client or the client's legal representative only under the following circumstances or under the circumstances described in paragraph (b):

(1) when mandated or authorized by federal or state law, including the mandatory reporting requirements under the duty to warn, maltreatment of minors, and vulnerable adult laws specified in section 148E.240, subdivisions 6 to 8;

(2) when the board issues a subpoena to the social worker; or

(3) when a court of competent jurisdiction orders release of the client records or information.

(b) When providing services authorized or required by law to a client who does not have the capacity to provide consent and who does not have a legal representative, a social worker must disclose or release client records or information as necessary to provide services to ensure the client's safety or to preserve the client's property or financial resources.

Subd. 6. Release of client records or information. When releasing client records or information under this section, a social worker must release current, accurate, and complete records or information.

Sec. 48. **[148E.235] FEES AND BILLING PRACTICES.**

Subdivision 1. Fees and payments. (a) A social worker must ensure that a client or a client's legal representative is informed of all fees at the initial session or meeting with the client, and that payment for services is arranged with the client or the client's legal representative at the beginning of the professional relationship. Upon request from a client or a client's legal representative, a social worker must provide in a timely manner a written payment plan or a written explanation of the charges for any services rendered.

(b) When providing services authorized or required by law to a client who does not have the capacity to provide consent and who does not have a legal representative, a social worker may submit reasonable bills to an appropriate payer for services provided.

Subd. 2. **Billing for services not provided.** A social worker must not bill for services that have not been provided except that, with prior notice to the client, a social worker may bill for failed appointments or for cancellations without sufficient notice. A social worker may bill only for provided services which are necessary and appropriate. Financial responsibility for failed appointment billings resides solely with the client and such costs may not be billed to public or private payers.

Subd. 3. **No payment for referrals.** A social worker must not accept or give a commission, rebate, or other form of remuneration solely or primarily to profit from the referral of a client.

Subd. 4. **Fees and billing practices.** A social worker must not engage in improper or fraudulent billing practices, including, but not limited to, violations of the federal Medicare and Medicaid laws or state medical assistance laws.

Sec. 49. **[148E.240] REPORTING REQUIREMENTS.**

Subdivision 1. **Failure to self-report adverse actions.** The board has grounds to take action under sections 148E.255 to 148E.270 when a social worker fails to report to the board within 90 days:

(1) having been disciplined, sanctioned, or found to have violated a state, territorial, provincial, or foreign licensing agency's laws or rules;

(2) having been convicted of committing a felony, gross misdemeanor, or misdemeanor reasonably related to the practice of social work;

(3) having had a finding or verdict of guilt, whether or not the adjudication of guilt is withheld or not entered, of committing a felony, gross misdemeanor, or misdemeanor reasonably related to the practice of social work;

(4) having admitted to committing, or entering a no contest plea to committing, a felony, gross misdemeanor, or misdemeanor reasonably related to the practice of social work; or

(5) having been denied licensure by a state, territorial, provincial, or foreign licensing agency.

Subd. 2. **Failure to submit application information.** The board has grounds to take action under sections 148E.255 to 148E.270 when an applicant or licensee fails to submit with an application the following information:

(1) the dates and dispositions of any malpractice settlements or awards made relating to the social work services provided by the applicant or licensee; or

(2) the dates and dispositions of any civil litigations or arbitrations relating to the social work services provided by the applicant or licensee.

Subd. 3. **Reporting other licensed health professionals.** An applicant or licensee must report to the appropriate health-related licensing board conduct by a licensed health professional which would constitute grounds for disciplinary action under the statutes and rules enforced by that board.

Subd. 4. **Reporting unlicensed practice.** An applicant or licensee must report to the board conduct by an unlicensed person which constitutes the practice of social work, as defined in section 148E.010, except when the unlicensed person is exempt from licensure according to section 148E.065.

Subd. 5. **Failure to report other applicants or licensees; unlicensed practice.** The board has grounds to take action under sections 148E.255 to 148E.270 when an applicant or licensee fails to report to the board conduct:

(1) by another licensee or applicant which the applicant or licensee has reason to believe may reasonably constitute grounds for disciplinary action under this section; or

(2) by an unlicensed person that constitutes the practice of social work when a license is required to practice social work.

Subd. 6. **Duty to warn.** A licensee must comply with the duty to warn established by section 148.975.

Subd. 7. **Reporting maltreatment of minors.** An applicant or licensee must comply with the reporting of maltreatment of minors established by section 626.556.

Subd. 8. **Reporting maltreatment of vulnerable adults.** An applicant or licensee must comply with the reporting of maltreatment of vulnerable adults established by section 626.557.

Subd. 9. **Subpoenas.** The board may issue subpoenas according to section 148E.245 and chapter 214 for the production of any reports required by this section or any related documents.

Sec. 50. **[148E.245] INVESTIGATIVE POWERS AND PROCEDURES.**

Subdivision 1. **Subpoenas.** (a) The board may issue subpoenas and compel the attendance of witnesses and the production of all necessary papers, books, records, documents, and other evidentiary material as part of its investigation of an applicant or licensee under this section or chapter 214.

(b) If any person fails or refuses to appear or testify regarding any matter about which the person may be lawfully questioned, or fails or refuses to produce any papers, books, records, documents, or other evidentiary materials in the matter to be heard, after having been required by order of the board or by a subpoena of the board to do so, the board may institute a proceeding in any district court to enforce the board's order or subpoena.

57.1 (c) The board or a designated member of the board acting on behalf of the board
57.2 may issue subpoenas or administer oaths to witnesses or take affirmations. Depositions
57.3 may be taken within or out of the state in the manner provided by law for the taking of
57.4 depositions in civil actions.

57.5 (d) A subpoena or other process or paper may be served upon any person named
57.6 therein, by mail or by any officer authorized to serve subpoenas or other process or paper
57.7 in civil actions, with the same fees and mileage and in the same manner as prescribed by
57.8 law for service of process issued out of the district court of this state.

57.9 (e) Fees, mileage, and other costs must be paid as the board directs.

57.10 Subd. 2. **Classification of data.** (a) Any records obtained as part of an investigation
57.11 must be treated as investigative data under section 13.41 and be classified as confidential
57.12 data.

57.13 (b) Notwithstanding paragraph (a), client records must be treated as private data
57.14 under chapter 13. Client records must be protected as private data in the records of the
57.15 board and in administrative or judicial proceedings unless the client authorizes the board
57.16 in writing to make public the identity of the client or a portion or all of the client's records.

57.17 Subd. 3. **Mental or physical examination; chemical dependency evaluation.** (a)
57.18 If the board (1) has probable cause to believe that an applicant or licensee has violated
57.19 a statute or rule enforced by the board, or an order issued by the board and (2) believes
57.20 the applicant may have a health-related condition relevant to the violation, the board may
57.21 issue an order directing the applicant or licensee to submit to one or more of the following:
57.22 a mental examination, a physical examination, or a chemical dependency evaluation.

57.23 (b) An examination or evaluation order issued by the board must include:

57.24 (1) factual specifications on which the order is based;

57.25 (2) the purpose of the examination or evaluation;

57.26 (3) the name of the person or entity that will conduct the examination or evaluation;

57.27 and

57.28 (4) the means by which the examination or evaluation will be paid for.

57.29 (c) Every applicant or licensee must submit to a mental examination, a physical
57.30 examination, or a chemical dependency evaluation when ordered to do so in writing
57.31 by the board.

57.32 (d) By submitting to a mental examination, a physical examination, or a chemical
57.33 dependency evaluation, an applicant or licensee waives all objections to the admissibility
57.34 of the examiner or evaluator's testimony or reports on the grounds that the testimony or
57.35 reports constitute a privileged communication.

58.1 Subd. 4. **Failure to submit to an examination.** (a) If an applicant or licensee fails
58.2 to submit to an examination or evaluation ordered by the board according to subdivision 3,
58.3 unless the failure was due to circumstances beyond the control of the applicant or licensee,
58.4 the failure is an admission that the applicant or licensee violated a statute or rule enforced
58.5 by the board as specified in the examination or evaluation order issued by the board.
58.6 The failure may result in an application being denied or other adversarial, corrective, or
58.7 disciplinary action being taken by the board without a contested case hearing.

58.8 (b) If an applicant or licensee requests a contested case hearing after the board
58.9 denies an application or takes other disciplinary or adversarial action, the only issues
58.10 which may be determined at the hearing are:

58.11 (1) whether the board had probable cause to issue the examination or evaluation
58.12 order; and

58.13 (2) whether the failure to submit to the examination or evaluation was due to
58.14 circumstances beyond the control of the applicant or licensee.

58.15 (c) Neither the record of a proceeding under this subdivision nor an order issued
58.16 by the board may be admissible, subject to subpoena, or be used against the applicant or
58.17 licensee in a proceeding in which the board is not a party or decision maker.

58.18 (d) Information obtained under this subdivision must be treated as private data under
58.19 chapter 13. An order issued by the board as the result of an applicant's or licensee's failure
58.20 to submit to an examination or evaluation must be treated as public data under chapter 13.

58.21 Subd. 5. **Access to data and records.** (a) In addition to ordering a physical or
58.22 mental examination or chemical dependency evaluation, and notwithstanding section
58.23 13.384, 144.651, 595.02, or any other statute limiting access to health records, the board
58.24 or a designated member of the board acting on behalf of the board may subpoena physical,
58.25 mental, and chemical dependency health records relating to an applicant or licensee
58.26 without the applicant's or licensee's consent if:

58.27 (1) the board has probable cause to believe that the applicant or licensee has violated
58.28 chapter 214, a statute or rule enforced by the board, or an order issued by the board; and

58.29 (2) the board has reason to believe that the records are relevant and necessary to the
58.30 investigation.

58.31 (b) An applicant, licensee, insurance company, government agency, health care
58.32 facility, or provider as defined in section 144.335, subdivision 1, paragraph (b), must
58.33 comply with any subpoena of the board under this subdivision and is not liable in
58.34 any action for damages for releasing information subpoenaed by the board under this
58.35 subdivision unless the information provided is false and the person or entity providing the
58.36 information knew or had reason to know that the information was false.

(c) Information on individuals obtained under this subdivision must be treated as investigative data under section 13.41 and be classified as confidential data.

(d) If an applicant, licensee, person, or entity does not comply with any subpoena of the board under this subdivision, the board may institute a proceeding in any district court to enforce the board's subpoena.

Subd. 6. Evidence of past sexual conduct. If, in a proceeding for taking action against an applicant or licensee under this section, the charges involve sexual contact with a client or former client, the board or administrative law judge must not consider evidence of the client's or former client's previous sexual conduct. Reference to the client's or former client's previous sexual conduct must not be made during the proceedings or in the findings, except by motion of the complainant, unless the evidence would be admissible under the applicable provisions of section 609.347, subdivision 3.

Subd. 7. Investigations involving vulnerable adults or children in need of protection. (a) Except as provided in paragraph (b), if the board receives a complaint about a social worker regarding the social worker's involvement in a case of vulnerable adults or children in need of protection, the county or other appropriate public authority may request that the board suspend its investigation, and the board must comply until such time as the court issues its findings on the case.

(b) Notwithstanding paragraph (a), the board may continue with an investigation if the board determines that doing so is in the best interests of the vulnerable adult or child and is consistent with the board's obligation to protect the public. If the board chooses to continue an investigation, the board must notify the county or other appropriate public authority in writing and state its reasons for doing so.

Subd. 8. Notification of complainant. (a) In no more than 14 calendar days after receiving a complaint regarding a licensee, the board must notify the complainant that the board has received the complaint.

(b) The board must periodically notify the complainant of the status of the complaint.

Subd. 9. Notification of licensee. (a) Except as provided in paragraph (b), in no more than 60 calendar days after receiving a complaint regarding a licensee, the board must notify the licensee that the board has received the complaint and inform the licensee of:

(1) the substance of the complaint;

(2) the sections of the law that allegedly have been violated; and

(3) whether an investigation is being conducted.

(b) Paragraph (a) does not apply if:

(1) the board determines that such notice would compromise the board's investigation according to section 214.10; or

(2) the board determines that such notice cannot reasonably be accomplished within this time.

(c) The board must periodically notify the licensee of the status of the complaint.

Subd. 10. **Resolution of complaints.** In no more than one year after receiving a complaint regarding a licensee, the board must resolve or dismiss the complaint unless the board determines that resolving or dismissing the complaint cannot reasonably be accomplished within this time.

Sec. 51. **[148E.250] OBLIGATION TO COOPERATE.**

Subdivision 1. **Obligation to cooperate.** An applicant or licensee who is the subject of an investigation, or who is questioned by or on behalf of the board in connection with an investigation, must cooperate fully with the investigation. Cooperation includes, but is not limited to:

(1) responding fully and promptly to any question relating to the investigation;

(2) as reasonably requested by the board, providing copies of client and other records in the applicant's or licensee's possession relating to the investigation;

(3) executing release of records as reasonably requested by the board; and

(4) appearing at conferences, hearings, or meetings scheduled by the board, as required in sections 148E.255 to 148E.270 and chapter 214.

Subd. 2. **Investigation.** A social worker must not knowingly withhold relevant information, give false or misleading information, or do anything to obstruct an investigation of the social worker or another social worker by the board or by another state or federal regulatory or law enforcement authority.

Subd. 3. **Payment for copies.** The board must pay for copies requested by the board.

Subd. 4. **Access to client records.** Notwithstanding any law to the contrary, an applicant or licensee must allow the board access to any records of a client provided services by the applicant or licensee under investigation. If the client has not signed a consent permitting access to the client's records, the applicant or licensee must delete any data in the records that identifies the client before providing the records to the board.

Subd. 5. **Classification of data.** Any records obtained according to this subdivision must be treated as investigative data according to section 13.41 and be classified as confidential data.

Sec. 52. **[148E.255] TYPES OF ACTIONS.**

Subdivision 1. **Actions.** The board may take disciplinary action according to section 148E.260, adversarial but nondisciplinary action according to section 148E.265,

61.1 or voluntary action according to section 148E.270. Any action taken under sections
61.2 148E.260 to 148E.270 is public data.

61.3 Subd. 2. **Disciplinary action.** For purposes of section 148E.260, "disciplinary
61.4 action" means an action taken by the board against an applicant or licensee that addresses
61.5 a complaint alleging a violation of a statute or rule the board is empowered to enforce.

61.6 Subd. 3. **Adversarial but nondisciplinary action.** For purposes of section
61.7 148E.265, "adversarial but nondisciplinary action" means a nondisciplinary action taken
61.8 by the board that addresses a complaint alleging a violation of a statute or rule the board
61.9 is empowered to enforce.

61.10 Subd. 4. **Voluntary action.** For purposes of section 148E.270, "voluntary action"
61.11 means a nondisciplinary action agreed to by the board or a designated board member and
61.12 an applicant or licensee that, through educational or other corrective means, addresses a
61.13 complaint alleging a violation of a statute or rule that the board is empowered to enforce.

61.14 Sec. 53. **[148E.260] DISCIPLINARY ACTIONS.**

61.15 Subdivision 1. **General disciplinary actions.** (a) When the board has grounds for
61.16 disciplinary actions under this chapter, the board may take one or more of the following
61.17 disciplinary actions:

61.18 (1) deny an application;

61.19 (2) permanently revoke a license to practice social work;

61.20 (3) indefinitely or temporarily suspend a license to practice social work;

61.21 (4) impose restrictions on a licensee's scope of practice;

61.22 (5) impose conditions required for the licensee to maintain licensure, including,
61.23 but not limited to, additional education, supervision, and requiring the passing of an
61.24 examination provided for in section 148E.055;

61.25 (6) reprimand a licensee;

61.26 (7) impose a civil penalty of up to \$10,000 for each violation in order to discourage
61.27 future violations or to deprive the licensee of any economic advantage gained by reason
61.28 of the violation; or

61.29 (8) impose a fee to reimburse the board for all or part of the cost of the proceedings
61.30 resulting in disciplinary action, including, but not limited to, the amount paid by the board
61.31 for services received from or expenses incurred by the Office of Administrative Hearings,
61.32 the Office of the Attorney General, court reporters, witnesses, board members, board staff,
61.33 or the amount paid by the board for reproducing records.

62.1 (b) Disciplinary action taken by the board under this subdivision is in effect pending
62.2 determination of an appeal unless the court, upon petition and for good cause shown,
62.3 decides otherwise.

62.4 Subd. 2. **Reprimands.** (a) In addition to the board's authority to issue a reprimand
62.5 according to subdivision 1, a designated board member reviewing a complaint as provided
62.6 for in chapter 214 may issue a reprimand to a licensee. The designated board member
62.7 must notify the licensee that the reprimand will become final disciplinary action unless the
62.8 licensee requests a hearing by the board within 14 calendar days.

62.9 (b) If the licensee requests a hearing within 14 calendar days, the board must
62.10 schedule a hearing unless the designated board member withdraws the reprimand.

62.11 (c) The hearing must be scheduled within 14 working days of the time the licensee
62.12 submits a request for the hearing.

62.13 (d) The designated board member who issued the reprimand may participate in the
62.14 hearing but must not deliberate or vote on the decision by the board.

62.15 (e) The only evidence permitted at the hearing is affidavits or other documents
62.16 except for testimony by the licensee or other witnesses whose testimony the board chair
62.17 has authorized for good cause.

62.18 (f) If testimony is authorized, the testimony is subject to cross-examination.

62.19 (g) After the hearing, the board must affirm or dismiss the reprimand.

62.20 Subd. 3. **Temporary suspensions.** (a) In addition to any other remedy provided
62.21 by statute, the board or a designated board member may, without a hearing, temporarily
62.22 suspend a license to practice social work if the board or the designated board member
62.23 finds that:

62.24 (1) the licensee has violated a statute or rule enforced by the board, any other federal
62.25 or state law or rule related to the practice of social work, or an order, stipulation, or
62.26 agreement agreed to or issued by the board; and

62.27 (2) continued practice by the licensee would create a serious risk of harm to others.

62.28 (b) The suspension is in effect upon service of a written order on the licensee
62.29 specifying the statute, rule, order, stipulation, or agreement violated. Service of the order
62.30 is effective if the order is served on the licensee or the licensee's attorney personally or
62.31 by first class mail to the most recent address provided to the board for the licensee or the
62.32 licensee's attorney.

62.33 (c) The temporary suspension remains in effect until after the board issues an order
62.34 according to paragraph (e), or if there is a contested case hearing, after the board issues a
62.35 written final order according to paragraph (g).

(d) If the licensee requests in writing within five calendar days of service of the order that the board hold a hearing, the board must hold a hearing on the sole issue of whether to continue, modify, or lift the suspension. The board must hold the hearing within ten working days of receipt of the licensee's written request. Evidence presented by the board or licensee must be in affidavit form only, except that the licensee or the licensee's attorney may present oral argument.

(e) Within five working days after the hearing, the board must issue its order. If the licensee contests the order, the board must schedule a contested case hearing under chapter 14. The contested case hearing must be scheduled to occur within 45 calendar days after issuance of the order.

(f) The administrative law judge must issue a report within 30 calendar days after the contested case hearing is concluded.

(g) The board must issue a final order within 30 calendar days after the board receives the administrative law judge's report.

Sec. 54. **[148E.265] ADVERSARIAL BUT NONDISCIPLINARY ACTIONS.**

Subdivision 1. **Automatic suspensions.** (a) A license to practice social work is automatically suspended if:

(1) a guardian of a licensee is appointed by order of a court according to sections 524.5-101 and 524.5.102; or

(2) the licensee is committed by order of a court according to chapter 253B.

(b) A license remains suspended until:

(1) the licensee is restored to capacity by a court; and

(2) upon petition by the licensee and after a hearing or an agreement with the licensee, the board terminates the suspension.

(c) If the board terminates the suspension, it may do so with or without conditions or restrictions, including, but not limited to, participation in the health professional services program.

Subd. 2. **Cease and desist orders.** (a) The board or a designated board member may issue a cease and desist order to stop a person from engaging in unauthorized practice or from violating or threatening to violate a statute or rule enforced by the board or an order, stipulation, or agreement agreed to or issued by the board.

(b) The cease and desist order must state the reason for its issuance and give notice of the person's right to request a hearing under sections 14.57 to 14.62. If the person fails to request a hearing in writing postmarked within 15 calendar days after service of the

64.1 cease and desist order, the order is the final order of the board and is not reviewable by
64.2 a court or agency.

64.3 (c) If the board receives a written request for a hearing postmarked within 15
64.4 calendar days after service of the cease and desist order, the board must schedule a hearing
64.5 within 30 calendar days of receiving the request.

64.6 (d) The administrative law judge must issue a report within 30 calendar days after
64.7 the contested case hearing is concluded.

64.8 (e) Within 30 calendar days after the board receives the administrative law judge's
64.9 report, the board must issue a final order modifying, vacating, or making permanent
64.10 the cease and desist order. The final order remains in effect until modified or vacated
64.11 by the board.

64.12 (f) If a person does not comply with a cease and desist order, the board may institute
64.13 a proceeding in any district court to obtain injunctive relief or other appropriate relief,
64.14 including but not limited to, a civil penalty payable to the board of up to \$10,000 for
64.15 each violation.

64.16 (g) A cease and desist order issued according to this subdivision does not relieve a
64.17 person from criminal prosecution by a competent authority or from disciplinary action
64.18 by the board.

64.19 Subd. 3. **Injunctive relief.** (a) In addition to any other remedy provided by law, the
64.20 board may bring an action in district court for injunctive relief to restrain any unauthorized
64.21 practice or violation or threatened violation of any statute or rule, stipulation, or agreement
64.22 agreed to or enforced by the board or an order issued by the board.

64.23 (b) A temporary restraining order may be granted in the proceeding if continued
64.24 activity by a person would create an imminent risk of harm to others.

64.25 (c) Injunctive relief granted according to this subdivision does not relieve a person
64.26 from criminal prosecution by a competent authority or from disciplinary action by the
64.27 board.

64.28 (d) In bringing an action for injunctive relief, the board need not show irreparable
64.29 harm.

64.30 **Sec. 55. [148E.270] VOLUNTARY ACTIONS.**

64.31 Subdivision 1. **Agreements for corrective action.** (a) The board or a designated
64.32 board member may enter into an agreement for corrective action with an applicant or
64.33 licensee when the board or a designated board member determines that a complaint
64.34 alleging a violation of a statute or rule enforced by the board or an order issued by the

65.1 board may best be resolved through an agreement for corrective action when disciplinary
65.2 action is not required to protect the public.

65.3 (b) An agreement for corrective action must:

65.4 (1) be in writing;

65.5 (2) specify the facts upon which the agreement is based;

65.6 (3) clearly indicate the corrective action agreed upon; and

65.7 (4) provide that the complaint that resulted in the agreement must be dismissed by the
65.8 board or the designated board member upon successful completion of the corrective action.

65.9 (c) The board or designated board member may determine successful completion
65.10 when the applicant or licensee submits a request for dismissal that documents the
65.11 applicant's or licensee's successful completion of the corrective action. The burden of
65.12 proof is on the applicant or licensee to prove successful completion.

65.13 (d) An agreement for corrective action is not disciplinary action but must be treated
65.14 as public data under chapter 13.

65.15 (e) The board may impose a fee to reimburse the board for all or part of the costs
65.16 of the proceedings resulting in a corrective action, including, but not limited to, the
65.17 amount paid by the board for services received from or expenses incurred by the Office
65.18 of the Attorney General, board members, board staff, or the amount paid by the board
65.19 for reproducing records.

65.20 (f) The board or designated board member must not enter into an agreement for
65.21 corrective action when the complaint alleged sexual conduct with a client unless there is
65.22 insufficient evidence to justify disciplinary action but there is a basis for corrective action.

65.23 Subd. 2. **Stipulations to cease practicing social work.** (a) The board or a
65.24 designated board member may enter into a stipulation to cease practicing social work with
65.25 a licensee if the board or designated board member determines that the licensee is unable
65.26 to practice social work competently or safely or that the social worker's continued practice
65.27 creates an unacceptable risk of safety to clients, potential clients, or the public.

65.28 (b) A stipulation to cease practicing social work must:

65.29 (1) be in writing;

65.30 (2) specify the facts upon which the stipulation is based;

65.31 (3) clearly indicate that the licensee must not practice social work and must not hold
65.32 out to the public that the social worker is licensed; and

65.33 (4) specify the term of the stipulation or when and under what circumstances the
65.34 licensee may petition the board for termination of the stipulation.

65.35 (c) A stipulation to cease practicing social work is not disciplinary action but must
65.36 be treated as public data under chapter 13.

66.1 (d) Nothing in this subdivision prevents the board or designated board member
66.2 from taking any other disciplinary or adversarial action authorized by sections 148E.255
66.3 to 148E.265 in lieu of or in addition to entering into a stipulation to cease practicing
66.4 social work.

66.5 Sec. 56. **[148E.275] UNAUTHORIZED PRACTICE.**

66.6 No individual may:

66.7 (1) engage in the practice of social work without a social work license under
66.8 sections 148E.055 and 148E.060, except when the individual is exempt from licensure
66.9 according to section 148E.065;

66.10 (2) provide social work services to a client who resides in this state when the
66.11 individual providing the services is not licensed as a social worker according to sections
66.12 148E.055 to 148E.060, except when the individual is exempt from licensure according to
66.13 section 148E.065.

66.14 Sec. 57. **[148E.280] USE OF TITLES.**

66.15 No individual may be presented to the public by any title incorporating the words
66.16 "social work" or "social worker" or in the titles in section 148E.195, unless that individual
66.17 holds a license under sections 148E.055 and 148E.060, or practices in a setting exempt
66.18 from licensure under section 148E.065.

66.19 Sec. 58. **[148E.285] REPORTING REQUIREMENTS.**

66.20 Subdivision 1. **Institutions.** A state agency, political subdivision, agency of a local
66.21 unit of government, private agency, hospital, clinic, prepaid medical plan, or other health
66.22 care institution or organization must report to the board:

66.23 (1) any adversarial action, disciplinary action, or other sanction for conduct that
66.24 might constitute grounds for action under section 148E.190;

66.25 (2) the resignation of any applicant or licensee prior to the conclusion of any
66.26 proceeding for adversarial action, disciplinary action, or other sanction for conduct that
66.27 might constitute grounds for action under section 148E.190; or

66.28 (3) the resignation of any applicant or licensee prior to the commencement of a
66.29 proceeding for adversarial action, disciplinary action, or other sanction for conduct that
66.30 might constitute grounds for action under section 148E.190, but after the applicant or
66.31 licensee had knowledge that a proceeding was contemplated or in preparation.

66.32 Subd. 2. **Professional societies and associations.** A state or local professional
66.33 society or association whose members consist primarily of licensed social workers must

67.1 report to the board any adversarial action, disciplinary action, or other sanction taken
67.2 against a member.

67.3 Subd. 3. **Immunity.** An individual, professional society or association, state agency,
67.4 political subdivision, agency of a local unit of government, private agency, hospital,
67.5 clinic, prepaid medical plan, other health care institution or organization or other entity is
67.6 immune from civil liability or criminal prosecution for submitting in good faith a report
67.7 under subdivision 1 or 2 or for otherwise reporting, providing information, or testifying
67.8 about violations or alleged violations of this chapter.

67.9 Sec. 59. **[148E.290] PENALTIES.**

67.10 An individual or other entity that violates section 148E.275, 148E.280, or 148E.285
67.11 is guilty of a misdemeanor.

67.12 Sec. 60. **REPEALER.**

67.13 Minnesota Statutes 2006, sections 148D.001; 148D.010; 148D.015; 148D.020;
67.14 148D.025; 148D.030; 148D.035; 148D.040; 148D.045; 148D.050; 148D.055; 148D.060;
67.15 148D.065; 148D.070; 148D.075; 148D.080; 148D.085; 148D.090; 148D.095; 148D.100;
67.16 148D.105; 148D.110; 148D.115; 148D.120; 148D.125; 148D.130; 148D.135; 148D.140;
67.17 148D.145; 148D.150; 148D.155; 148D.160; 148D.165; 148D.170; 148D.175; 148D.180;
67.18 148D.185; 148D.190; 148D.195; 148D.200; 148D.205; 148D.210; 148D.215; 148D.220;
67.19 148D.225; 148D.230; 148D.235; 148D.240; 148D.245; 148D.250; 148D.255; 148D.260;
67.20 148D.265; 148D.270; 148D.275; 148D.280; 148D.285; and 148D.290, are repealed
67.21 effective August 1, 2011.

67.22 Sec. 61. **EFFECTIVE DATE.**

67.23 This act is effective August 1, 2011.