

ber 1, 1993, on a form approved by the director of the Minnesota state retirement system. For an individual electing coverage in the general state employees retirement plan under this section, the value of the individual's account in the individual retirement account plan under Minnesota Statutes, chapter 354B, will be transferred to the retirement fund for the general state employees retirement plan within 30 days of the election, and the individual will receive allowable service credit in the general state employees plan for the period during which the individual was a member of the individual retirement account plan.

Sec. 3. **EFFECTIVE DATE.**

Sections 1 and 2 are effective July 1, 1993.

Presented to the governor May 14, 1993

Signed by the governor May 17, 1993, 3:08 p.m.

47

CHAPTER 240—S.F.No. 207

An act relating to occupations and professions; boards of social work and marriage and family therapy; providing for data classifications; changing board membership; adding certain licensing requirements to the board of social work; amending Minnesota Statutes 1992, sections 13.99, subdivision 49; 148B.04, by adding a subdivision; 148B.08, subdivision 1; 148B.18, subdivisions 8 and 10; 148B.19, subdivisions 1 and 2; 148B.21, subdivisions 3, 4, 5, 6, and by adding a subdivision; 148B.26, subdivision 1; 148B.27, by adding a subdivision; and 148B.28, subdivision 2.

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

Section 1. Minnesota Statutes 1992, section 13.99, subdivision 49, is amended to read:

Subd. 49. **CLIENT, LICENSEE, AND REPORTING OF VIOLATIONS RECORDS OBTAINED BY BOARDS ON MENTAL HEALTH AND SOCIAL WORK.** Client records obtained by a board conducting an investigation under chapter 148B are classified by section 148B.09. Certain licensing data and data in reports of violations under chapter 148B are classified by sections 148B.04 and 148B.08.

Sec. 2. Minnesota Statutes 1992, section 148B.04, is amended by adding a subdivision to read:

Subd. 6. CLASSIFICATION OF CERTAIN RESIDENCE ADDRESSES AND TELEPHONE NUMBERS. Notwithstanding section 13.41, subdivision 2 or 4, the residence address and telephone number of an applicant or licensee are private data on individuals as defined in section 13.02, subdivision 12, if the applicant or licensee provides an alternative address and telephone number.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 3. Minnesota Statutes 1992, section 148B.08, subdivision 1, is amended to read:

Subdivision 1. **REPORTING.** Any person, health care facility, business, or organization is immune from civil liability or criminal prosecution for submitting in good faith a report under section 148B.07 or for otherwise reporting violations or alleged violations of this chapter. ~~At~~ The reports are ~~confidential~~ classified under section 13.41.

Sec. 4. Minnesota Statutes 1992, section 148B.18, subdivision 8, is amended to read:

Subd. 8. **PRIVATE PRACTICE.** "Private practice" means social work practice conducted by ~~an individual~~ a licensee practicing within the permissible scope of a license, as defined in subdivision 11, and under appropriate supervision, as defined in subdivisions 11 and 12, who is either self-employed, or a member of a partnership or of a group practice, rather than being employed by an agency, clinic, or other similar entity.

Sec. 5. Minnesota Statutes 1992, section 148B.18, subdivision 10, is amended to read:

Subd. 10. **QUALIFIED MENTAL HEALTH PROFESSIONAL.** "Qualified mental health professional" means a psychiatrist, board-certified or eligible for board certification, and licensed under chapter 147; a psychologist licensed under sections 148.88 to 148.98; an independent clinical social worker who has the qualifications in section 148B.21, subdivision 6; a psychiatric registered nurse with a master's degree from an accredited school of nursing, licensed under section 148.211, with at least two years of post-master's supervised experience in direct clinical practice; ~~or~~ a marriage and family therapist who is licensed under sections 148B.29 to 148B.39; or an equivalent mental health professional, as determined by the board, who is licensed or certified by a board or agency in another state or territory.

Sec. 6. Minnesota Statutes 1992, section 148B.19, subdivision 1, is amended to read:

Subdivision 1. **CREATION.** The board of social work is created. The board consists of ~~ten~~ 11 members appointed by the governor. The members are:

- (1) ~~six~~ eight social workers licensed under sections 148B.18 to 148B.28; and
- (2) three public members as defined in section 214.02; ~~and~~
- (~~3~~) ~~one school social worker licensed by the board of teaching.~~

Sec. 7. Minnesota Statutes 1992, section 148B.19, subdivision 2, is amended to read:

Subd. 2. **QUALIFICATIONS OF BOARD MEMBERS.** The ~~six~~ eight

New language is indicated by underline, deletions by ~~strikeout~~.

social worker members of the board shall be as follows: two licensed independent clinical social workers, two licensed independent social workers, and ~~two~~ four licensed social workers.

Social worker members shall ~~represent~~ be engaged in the practice of social work in Minnesota in the following ~~employment~~ settings:

(1) ~~two members~~ one member shall be ~~public agency social workers~~ engaged in the practice of social work in a state agency;

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

(3) two members shall be engaged in the practice of social work in a private agency social workers;

~~(3)~~ (4) one member shall be engaged in the practice of social work in a private practice clinical social work setting;

(4) (5) one member shall be an educator engaged in regular teaching duties at an accredited program of social work; ~~and~~

~~(5)~~ (6) one member shall be engaged in the practice of social work in an elementary, middle, or secondary school, as defined in section 120.05, and licensed by the board of teaching; and

(7) one member shall be employed in a hospital or nursing home licensed under chapter 144 or 144A.

In addition, at least ~~two~~ three members shall be persons of color and at least four members shall reside outside of the seven-county metropolitan area.

Sec. 8. Minnesota Statutes 1992, section 148B.21, subdivision 3, is amended to read:

Subd. 3. **SOCIAL WORKER.** To be licensed as a social worker, an applicant must provide evidence satisfactory to the board that the applicant:

(1) has received a baccalaureate degree from an accredited program of social work;

(2) has passed the examination provided for in section 148B.20, subdivision 1;

(3) will engage in social work practice only under supervision as defined in section 148B.18, subdivision 12, for at least two years in full-time employment or 4,000 hours of part-time employment; ~~and~~

(4) will conduct all professional activities as a social worker in accordance with standards for professional conduct established by the rules of the board; and

New language is indicated by underline, deletions by ~~strikeout~~.

(5) has not engaged in conduct warranting a disciplinary action against a licensee. If the applicant has engaged in conduct warranting disciplinary action against a licensee, the board may issue a license only on the applicant's showing that the public will be protected through the issuance of a license with conditions or limitations approved by the board.

Sec. 9. Minnesota Statutes 1992, section 148B.21, subdivision 4, is amended to read:

Subd. 4. **GRADUATE SOCIAL WORKER.** To be licensed as a graduate social worker, an applicant must provide evidence satisfactory to the board that the applicant:

(1) has received a master's degree from an accredited program of social work or doctoral degree in social work;

(2) has passed the examination provided for in section 148B.20, subdivision 1;

(3) will engage in social work practice only under supervision as defined in section 148B.18, subdivision 12; ~~and~~

(4) will conduct all professional activities as a graduate social worker in accordance with standards for professional conduct established by the rules of the board; and

(5) has not engaged in conduct warranting a disciplinary action against a licensee. If the applicant has engaged in conduct warranting disciplinary action against a licensee, the board may issue a license only on the applicant's showing that the public will be protected through the issuance of a license with conditions or limitations approved by the board.

Sec. 10. Minnesota Statutes 1992, section 148B.21, subdivision 5, is amended to read:

Subd. 5. **INDEPENDENT SOCIAL WORKER.** To be licensed as an independent social worker, an applicant must provide evidence satisfactory to the board that the applicant:

(1) has received a master's degree from an accredited program of social work or doctoral degree in social work;

(2) has passed the examination provided for in section 148B.20, subdivision 1;

(3) has practiced social work for at least two years in full-time employment or 4,000 hours of part-time employment under supervision as defined in section 148B.18, subdivision 12, after receiving the master's or doctoral degree in social work; ~~and~~

New language is indicated by underline, deletions by ~~strikeout~~.

(4) will conduct all professional activities as an independent social worker in accordance with standards for professional conduct established by the rules of the board; and

(5) has not engaged in conduct warranting a disciplinary action against a licensee. If the applicant has engaged in conduct warranting disciplinary action against a licensee, the board may issue a license only on the applicant's showing that the public will be protected through the issuance of a license with conditions or limitations approved by the board.

Sec. 11. Minnesota Statutes 1992, section 148B.21, subdivision 6, is amended to read:

Subd. 6. INDEPENDENT CLINICAL SOCIAL WORKER. To be licensed as an independent clinical social worker, an applicant must provide evidence satisfactory to the board that the applicant:

(1) has received a master's degree from an accredited program of social work, or doctoral degree in social work, that included an advanced concentration of clinically oriented course work as defined by the board and a supervised clinical field placement at the graduate level, or post-master's clinical training that is found by the board to be equivalent to that course work and field placement;

(2) has practiced clinical social work for at least two years in full-time employment or 4,000 hours of part-time employment under supervision as defined in section 148B.18, subdivision 12, after receiving the master's or doctoral degree in social work;

(3) has passed the examination provided for in section 148B.20, subdivision 1; and

(4) will conduct all professional activities as an independent clinical social worker in accordance with standards for professional conduct established by the rules of the board; and

(5) has not engaged in conduct warranting a disciplinary action against a licensee. If the applicant has engaged in conduct warranting disciplinary action against a licensee, the board may issue a license only on the applicant's showing that the public will be protected through the issuance of a license with conditions or limitations approved by the board.

Sec. 12. Minnesota Statutes 1992, section 148B.21, is amended by adding a subdivision to read:

Subd. 9. SUPERVISION REQUIREMENT. If supervised social work practice is required for licensure under this section, and if the applicant has not engaged in the practice of social work during the five years preceding the applicant's application for licensure, then the board may grant a conditional license to the applicant that would require that the applicant obtain additional social work supervision or additional continuing education hours, or both, within a

New language is indicated by underline, deletions by ~~strikeout~~.

specified time period after licensure. The board shall establish rules to implement this section.

Sec. 13. Minnesota Statutes 1992, section 148B.26, subdivision 1, is amended to read:

Subdivision 1. **GROUND.** The board may refuse to renew or to grant a license to, or may suspend, revoke, or restrict the license of an individual whom the board, after a hearing under the contested case provisions of chapter 14, determines:

(1) is incompetent to engage in social work practice, ~~or~~ is found to be engaged in social work practice in a manner harmful or dangerous to a client or to the public, or is found to have engaged in unprofessional conduct, as established by statute, rule, or a consensus of expert social work opinion as reasonably necessary for the protection of the public interest;

(2) has violated the rules of the board ~~or~~, the statutes the board is empowered to enforce, or any other law that is related to the practice of social work;

(3) has obtained or attempted to obtain a license or license renewal by bribery or fraudulent representation; or

(4) has knowingly made a false statement on a form required by the board for licensing or license renewal.

Sec. 14. Minnesota Statutes 1992, section 148B.27, is amended by adding a subdivision to read:

Subd. 2a. JURISDICTION. Nothing in sections 148B.60 to 148B.72 shall prohibit the board from taking disciplinary or other action that the board is authorized to take against either a licensee who is found to be practicing outside the scope of the license or a person who is found to be engaging in the unauthorized practice of social work.

Sec. 15. Minnesota Statutes 1992, section 148B.28, subdivision 2, is amended to read:

Subd. 2. **STUDENTS.** ~~Nothing in sections 148B.18 to 148B.28 shall be construed to prevent students enrolled in~~ An internship, externship, or any other social work experience that is required for the completion of an accredited program of social work to engage in does not constitute the practice of social work under this chapter.

Sec. 16. **EFFECTIVE DATE.**

Section 2 is effective the day following final enactment.

Presented to the governor May 14, 1993

Signed by the governor May 17, 1993, 4:43 p.m.

New language is indicated by underline, deletions by ~~strikeout~~.