

CHAPTER 8740

BOARD OF SOCIAL WORK

SOCIAL WORKER LICENSES

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8740.0100 PURPOSE.

Parts 8740.0100 to 8740.0310 protect the public by:

A. setting standards of qualifications, training, and experience for those who seek to represent themselves to the public as social workers; and

B. promoting high standards of professional performance for those engaged in the practice of social work.

Parts 8740.0110 to 8740.0310 contain procedures and guidelines for licensing and regulating social workers.

Statutory Authority: *MS s 148B.17; 148B.20 to 148B.23; 214.06*

History: *15 SR 1699*

8740.0110 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of this chapter, unless the context otherwise requires, the following terms have the meanings given.

Subp. 2. **Advertising.** "Advertising" means a communication to a potential client about the availability, nature, or terms of services within the scope of social work practice. Advertising includes business solicitations, with or without limiting qualifications, in a card, sign, or device issued to a person; in a sign or marking in or on a building; in a newspaper, magazine, or other print media; or via live or recorded electronic media.

Subp. 3. **Applicant.** "Applicant" means an individual seeking a license as a social worker, graduate social worker, independent social worker, or independent clinical social worker from the Board of Social Work.

Subp. 4. **Approval date.** "Approval date" means the date on which the board approves an applicant for licensure because that applicant meets the qualifications for licensure under Minnesota Statutes, section 148B.21 or 148B.23, except for payment of the fee.

Subp. 5. **Board.** "Board" means the Board of Social Work created in Minnesota Statutes, section 148B.19.

Subp. 6. **Clinical social work.** "Clinical social work" means social work that is consistent with the definition of social work practice for licensed independent clinical social workers under Minnesota Statutes, section 148B.18, subdivision 11, paragraph (c).

Subp. 7. **Continuing education.** "Continuing education" means 30 continuing education hours within the biennial licensure period. Continuing education is education obtained by a professional social worker licensee to maintain, improve, or expand skills and knowledge related to the practice of social work as defined in parts 8740.0100 to 8740.0310.

Subp. 8. **Council on Social Work Education.** "Council on Social Work Education" means the national accreditation body for social work education as recognized by the United States Department of Education and the National Commission on Accreditation.

Subp. 9. **Effective date.** "Effective date" means the date the applicant, after having paid the required fee, has been issued a number.

Subp. 10. **Emeritus.** "Emeritus" means retired from active practice but retaining one's license and title.

Subp. 11. **Examination.** "Examination" means a national examination that follows the uniform guidelines on employee selection procedures issued by the equal employment opportunity commission, civil service commission, and United States Department of Labor and Justice.

Subp. 12. **Examination application.** "Examination application" means the form supplied by the board, or the agency specified by the board, used in applying for the licensing examination.

Subp. 13. **Face-to-face supervision.** "Face-to-face supervision" means direct in-person supervision. Supervision via telephone or other live electronic media is acceptable supervision if it is logged or recorded and does not account for more than one-quarter of the total number of hours required under part 8740.0130.

Subp. 14. **Group supervision.** "Group supervision" means two or more supervisees with one supervisor. Group supervision must not exceed eight hours of the supervisory time required under part 8740.0130.

Subp. 15. **Inactive status.** "Inactive status" means holding a valid inactive status license and not engaging in the practice of social work.

Subp. 16. **Independent social work.** "Independent social work" means social work that is consistent with the definition of social work practice for licensed independent social workers under Minnesota Statutes, section 148B.18, subdivision 11, paragraph (b).

Subp. 17. **Interdisciplinary supervision.** "Interdisciplinary supervision" means team intervention or collaboration, which includes members of different professions or disciplines. Interdisciplinary supervision must not exceed eight hours of the total supervisory time required under part 8740.0130.

Subp. 18. **Licensee.** "Licensee" means a person holding a license issued by the board.

Subp. 19. **Peer supervision.** "Peer supervision" means collegial supervision. Peer supervision must not exceed eight hours of the total supervisory time required under part 8740.0130.

Subp. 20. **Qualified professional.** "Qualified professional" means an individual who has the authority to direct the practice of the licensee, including but not limited to an agency director, a consulting supervisor, a school principal, or a nursing home administrator whom the board considers appropriate when a social work supervisor, as required, is unobtainable.

Subp. 21. **Supervisee.** "Supervisee" means an individual who is engaged in professional practice under the direction of a supervisor.

Subp. 22. **Supervisor.** "Supervisor" means a social worker who is licensed or was eligible for licensure during the transition period and under the emergency rules and who has the authority to direct the practice of the licensee. The supervisor must have completed the two years or 4,000 hours of supervised social work experience required under part 8740.0130 prior to providing supervision.

Subp. 23. **Supervisor's verification.** "Supervisor's verification" means a form supplied by the board attesting to the hours of supervision.

Subp. 24. **Transition period.** "Transition period" means the period of time from July 1, 1987, through June 30, 1989, during which a social worker applied for initial licensure by the board.

Subp. 25. **Variance.** "Variance" means board authorized permission to comply with a rule in a manner other than that generally specified in the rule.

Statutory Authority: *MS s 148B.17; 148B.20 to 148B.23; 214.06*

History: *15 SR 1699*

8740.0120 PROCEDURES FOR APPLICATION.

Subpart 1. **Information required.** A person seeking a license from the board must submit to the board the information and documents in items A to E.

A. An application completed, signed, and notarized on the forms provided by the board. The applicant must furnish all documentation requested on the application.

B. The required, nonrefundable fee as specified in part 8740.0290, payable to the Board of Social Work.

C. An official copy of the transcript, including verification of the degree granted required for the level of licensure being applied for. Transcripts should be sent directly to the board office from the institution granting the degree.

D. Where applicable, verification of two years or 4,000 hours of supervised experience in the practice of social work to be completed before the date of application. A supervisor's verification form shall be completed and signed by the supervisor and sent directly to the board office.

E. A form provided by the board signed by the applicant's supervisor that states that the requirements for supervision under part 8740.0130 have been met. If an applicant cannot provide a signed statement from the supervisor, the board may accept alternative verification of supervision. The burden of proof of the required supervision rests with the applicant.

Subp. 2. Taking examination prior to graduation. A person enrolled in an accredited program of social work who expects to graduate within six months after the date of an examination may take the examination before graduation if, prior to the exam date, the board receives from that person:

A. a letter from the department chair or advisor that the person is in good standing in an accredited program of social work;

B. verification of the expected graduation date; and

C. verification that the person is majoring in social work.

Subp. 3. Verification; board authority. An applicant, by submitting an application, authorizes the board to investigate or contact persons to verify information in the application. The board may request that the applicant provide additional verification or documentation to aid in the board's decision making.

Statutory Authority: *MS s 148B.17; 148B.20 to 148B.23; 214.06*

History: *15 SR 1699*

8740.0130 SUPERVISION REQUIREMENTS.

Subpart 1. General. An applicant for a license by the board must show that the applicant has the supervised experience required under the appropriate subpart 3 to 6. The supervised work experience required for a licensee at the licensed social worker (LSW) level under subpart 3 must be documented by the licensee's first biennial renewal. The continuing supervision required for a licensee at the licensed graduate social worker (LGSW) level under subpart 4 must be documented at each license renewal. The supervised work experience required for licensure at the licensed independent social worker (LISW) level under subpart 5 and at the licensed independent clinical social worker (LICSW) level under subpart 6 must be documented at the time of application for those levels.

Subp. 2. Unobtainable supervision. Supervision shall be determined to be unobtainable if the applicant or licensee provides evidence satisfactory to the board that the applicant or licensee has conducted a thorough search for the supervision required under this part and that the search was unsuccessful. The evidence must be in writing on a variance form supplied by the board.

Subp. 3. Licensed social worker (LSW). For a licensed social worker (LSW), supervision qualifying an applicant as a licensed social worker consists of face-to-face, group, peer, or interdisciplinary supervision sessions for a minimum of 50 hours of supervision during two years or 4,000 hours of social work practice. Supervision must be or have been provided by a licensed social worker or a social worker licensed at a higher level than the applicant. The applicant must provide verification of that supervision. If that supervision is found by the board to be unobtainable, the board may accept supervision from another qualified professional as defined under part 8740.0110, subpart 20. The burden of proof of the required supervision rests with the licensee. Experience required under this subpart does not include internships or volunteer work. The experience must have been obtained after the applicant received a bachelor's degree and must be supervised, paid, social work experience.

Subp. 4. **Licensed graduate social worker (LGSW).** For a licensed graduate social worker (LGSW), supervision qualifying an applicant as a licensed graduate social worker consists of face-to-face, group, peer, or interdisciplinary supervision sessions for a minimum of 50 hours at each two-year renewal. Supervision must be or have been provided by a licensed social worker at least at the level of the applicant or at a higher level than the applicant. The applicant must provide verification of supervision. If that supervision is found by the board to be unobtainable, the board may accept supervision from another qualified professional as defined under part 8740.0110, subpart 20. The burden of proof of the required supervision rests with the licensee. Experience required under this subpart does not include internships or volunteer work. The experience must have been obtained after the applicant received a master's or doctorate degree and must be supervised, paid, social work experience.

Subp. 5. **Licensed independent social worker (LISW).** For a licensed independent social worker (LISW), supervision qualifying an applicant as a licensed independent social worker consists of face-to-face, group, or interdisciplinary supervision sessions for a minimum of 50 hours for two years or 4,000 hours of supervised social work practice. The supervision must have been obtained after the applicant received a master's or doctorate degree. The supervision must be or have been provided by a licensed independent social worker or licensed independent clinical social worker. Experience required under this subpart does not include internships or volunteer work. The applicant must provide verification of supervision. If that supervision is found by the board to be unobtainable, the board may accept supervision from another qualified professional as defined under part 8740.0110, subpart 20. The burden of proof of the required supervision rests with the licensee.

Subp. 6. **Licensed independent clinical social worker (LICSW).** For a licensed independent clinical social worker (LICSW), supervision qualifying an applicant for an independent clinical social worker license includes review of a social worker's interaction with clients, with the goal of improving the social worker's clinical skills. Supervision must be conducted face-to-face or in group or interdisciplinary supervision sessions. The content may include but not be limited to discussion of case presentations, review of audio tapes, and direct observation of the social worker-client interaction by the supervisor. Supervision must have been provided for a minimum of 50 hours for the two years or 4,000 hours of supervised social work practice, in order to qualify the social worker for this level of licensure. The supervision must have been obtained after the applicant received a master's or doctorate degree. The supervision must have been provided by a licensed independent clinical social worker. Experience required under this subpart does not include internships or volunteer work. The applicant must provide verification of supervision. If that supervision is found by the board to be unobtainable, the board may accept supervision from a qualified mental health professional as defined in Minnesota Statutes, section 148B.18, subdivision 10. The burden of proof of the required supervision rests with the licensee.

Statutory Authority: *MS s 148B.17; 148B.20 to 148B.23; 214.06*

History: *15 SR 1699*

8740.0140 EXAMINATION APPLICATION AND REEXAMINATION.

A. An applicant who otherwise qualifies for a license must take the examination required by this part.

B. An applicant shall obtain an examination application from the board or an agency specified by the board. The application fee and examination fee must be submitted either to the board or to the agency specified by the board, each time an applicant wants to be scheduled to take an examination.

C. The examination required for each of the categories of licensing described in Minnesota Statutes, section 148B.21, subdivisions 1 to 6, is the examination of the American Association of State Social Work Boards.

D. The examination shall be scheduled at least twice a year, at times and places the board determines.

E. The board, or the agency specified by the board, shall notify applicants in writing of the time and place of the examination.

F. There is no limit on the number of times an applicant may take the examination.

G. A licensee granted a licensed graduate social worker (LGSW) license during the transition period who did not have a Masters in Social Work degree from an accredited social work program may take the examination required for either the licensed independent social worker (LISW) license or the licensed independent clinical social worker license (LICSW) upon completion of supervision as required in part 8740.0130, subparts 5 and 6.

H. A licensee granted a licensed independent social worker (LISW) license during the transition period who did not have a Masters in Social Work degree from an accredited social work program may take the examination required for the licensed independent clinical social worker (LICSW) license upon completion of supervision as required in part 8740.0130, subpart 6.

I. A licensee granted a licensed independent clinical social worker (LICSW) license during the transition period who did not have a Masters in Social Work degree from an accredited social work program may take the examination required for the licensed independent social worker (LISW) license upon completion of supervision as required in part 8740.0130, subpart 5.

Statutory Authority: *MS s 148B.17; 148B.20 to 148B.23; 214.06*

History: *15 SR 1699*

8740.0145 DENIAL OF LICENSE.

If an applicant fails to meet the requirements in Minnesota Statutes, section 148B.21, including but not limited to passing the examination, or fails to complete the required forms and provide information to the board, the board shall deny the application for a license according to the procedures in items A and B.

A. The board shall notify the applicant, in writing, of the denial and the reason for the denial.

B. An application submitted following denial is a new application which must be accompanied by the appropriate fee in part 8740.0290.

Statutory Authority: *MS s 148B.17; 148B.20 to 148B.23; 214.06*

History: *15 SR 1699*

8740.0150 RECIPROCITY.

The board may grant a license to an applicant who provides satisfactory verification that the applicant is licensed currently under the laws of states or territories of the United States that at the time of original licensure imposed substantially the same requirements as parts 8740.0100 to 8740.0310. To obtain a license under parts 8740.0100 to 8740.0310, the applicant must meet the conditions in items A to D.

A. The applicant must submit a completed, signed, notarized application for reciprocity that includes the applicant's affirmation that the statements in the application are true and correct to the best knowledge of the applicant. The application must identify all states or territories in which the applicant has ever held a professional license.

B. The applicant must provide the board with a copy of the rules and statutes governing licensing at the time of the original licensure in the other states where the applicant is licensed. The board shall determine substantial comparability of requirements by considering education and training, supervision, scope of practice, continuing education requirements, and code of conduct.

C. If the applicant fails to provide satisfactory verification of supervision of the level applied for, or the board determines that the requirements imposed by the other states at the time of original licensure are not comparable to parts 8740.0100 to 8740.0310, then the applicant must pass the examination required by part 8740.0140.

D. The board must receive verification from the licensing agency of any state or territory in which the applicant has held a professional license of the status of any disciplinary action involving the applicant. This information must be contained on forms provided by the board. Based on this information, the board may deny, limit, or restrict any license as the board deems necessary for the protection of the public.

Statutory Authority: *MS s 148B.17; 148B.20 to 148B.23; 214.06*

History: *15 SR 1699*

8740.0160 SOCIAL WORKER LICENSES

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8740.0160 ISSUANCE OF LICENSE.

If the applicant meets the requirements in parts 8740.0120 to 8740.0150, the board shall issue a license and a number to the applicant to practice social work according to parts 8740.0100 to 8740.0310 and Minnesota Statutes, chapter 148B.

Statutory Authority: *MS s 148B.17; 148B.20 to 148B.23; 214.06*

History: *15 SR 1699*

8740.0170 DISPLAY OF LICENSE.

A licensee must prominently display the license issued by the board at the licensee's primary place of employment or practice.

Statutory Authority: *MS s 148B.17; 148B.20 to 148B.23; 214.06*

History: *15 SR 1699*

8740.0180 TERM OF LICENSE, EFFECTIVE DATE.

An initial license is effective when the applicant has been issued a number after having paid the required fees. The applicant must pay the required fees within 60 days after the date of the board's approval of a license application. If after 60 days the board has not received an applicant's fee the applicant's file shall be closed and the applicant shall reapply according to part 8740.0120. Unless a license is revoked or suspended, it is initially valid for the period of time allowed in parts 8740.0195 and 8740.0210. It must be renewed according to parts 8740.0190, 8740.0195, 8740.0200, and 8740.0210.

Statutory Authority: *MS s 148B.17; 148B.20 to 148B.23; 214.06*

History: *15 SR 1699*

8740.0185 DUPLICATE LICENSE.

A duplicate license may be issued for the fee set in part 8740.0290, item E, when the licensee notifies the board by certified statement that the original license was lost, stolen, or destroyed. The duplicate license shall be marked "duplicate" and the date of its issuance indicated. If the licensee has a name change, the board shall issue a new license when the licensee provides verification of the name change, surrenders the original license, and pays a duplicate license fee.

Statutory Authority: *MS s 148B.17; 148B.20 to 148B.23; 214.06*

History: *15 SR 1699; 18 SR 1420*

8740.0190 RENEWAL OF LICENSE.

A license granted in the transition period must be initially renewed according to part 8740.0195. Subsequent renewals of all licenses must be according to part 8740.0210. For a license to be renewed, a licensee must pay the renewal fee as defined in parts 8740.0210, subpart 5, and 8740.0290, complete the appropriate number of continuing education hours, and, where applicable, show compliance with supervision requirements of part 8740.0130.

Statutory Authority: *MS s 148B.17; 148B.20 to 148B.23; 214.06*

History: *15 SR 1699*

8740.0195 RENEWAL OF LICENSES ISSUED IN THE TRANSITION PERIOD.

A license issued to applicants who applied for licensure during the transition period must be renewed initially according to items A and B.

A. An odd-numbered license must be initially renewed by June 30, 1991.

B. An even-numbered license approved by the board on or before December 31, 1989, must be renewed by June 30, 1990.

C. An even-numbered license approved by the board on or after January 1, 1990, must be renewed by June 30, 1992.

Statutory Authority: *MS s 148B.17; 148B.20 to 148B.23; 214.06*

History: *15 SR 1699*

8740.0200 RENEWAL APPLICATION PROCEDURES.

Subpart 1. **Service.** The licensee must maintain a current correct mailing address with the board for receiving board communications, notices, and license renewal documents.

Placing the renewal application in first class United States mail, addressed to the licensee at the licensee's last known address with postage prepaid, constitutes valid service.

Subp. 2. Application mailing date. The board shall mail a license renewal application to the last known address of every licensee holding a current license. Failure to receive the renewal documents does not relieve a license holder of the obligation to renew or to pay the renewal fee. The licensee must inform the board in writing of a change in address within 30 days of the address change.

Subp. 3. Expired license. The failure to renew will result in an expired license. An expired license must be reinstated according to part 8740.0205.

Subp. 4. Incomplete application notice. If a licensee submits a renewal form or renewal fee or continuing education form that is incomplete, incorrect, or not in compliance with this part, the board shall notify the licensee of the deficiency and shall give the licensee instructions for completing or correcting the application. The board will cancel a licensee renewal if the correction required in the board notice is not made within 30 days after the notice was mailed.

Statutory Authority: *MS s 148B.17; 148B.20 to 148B.23; 214.06*

History: *15 SR 1699*

8740.0205 REINSTATEMENT OF EXPIRED LICENSE.

Subpart 1. Guidelines for reinstatement. An expired license shall be reinstated if no fact, circumstance, or condition exists to justify revocation or suspension under part 8740.0250; if the individual meets the education and supervision requirements of Minnesota Statutes, section 148B.21; if the individual passes the examination required in part 8740.0140; and if the individual pays the fees required in part 8740.0290, item B.

Subp. 2. Use of an expired license. An individual whose license has expired shall not use the title for which the license was issued and shall not practice social work. A licensee whose license has expired must return the license certificate and the most recent evidence of renewal to the board within ten days after the effective date the license expires.

Statutory Authority: *MS s 148B.17; 148B.20 to 148B.23; 214.06*

History: *15 SR 1699; 18 SR 1420*

8740.0210 CONVERSION OF LICENSE RENEWAL PROCEDURES.

Subpart 1. License renewal cycle conversion. Beginning January 1, 1992, all licenses will be renewed on a biennial (two-year) cycle basis that begins on the first day of the month following the individual's birth month rather than on June 30 or on the actual anniversary date of licensure. Future cycles will run consecutively from that point.

Subp. 2. Conversion of license renewal cycles for current licenses. The license renewal cycles for current licenses are converted according to items A and B.

A. Beginning January 1, 1992, for a licensee who applied for licensure during the transition period, and who was issued an odd-numbered license, which is due to be initially renewed according to part 8740.0195, item A, by June 30, 1991, that renewed license is current until the last day of the licensee's birth month in 1993.

For example, license number 00001 must be initially renewed by June 30, 1991, under part 8740.0195, item A. If the licensee's birth month is May, the licensee must renew the license again by May 31, 1993.

B. Beginning January 1, 1992, for a licensee who applied for licensure during the transition period and who was issued before January 1, 1990, an even-numbered license which is due to be initially renewed according to part 8740.0195, item B, on June 30, 1990, that renewed license is current until the last day of the licensee's birth month in 1992.

For example, a license numbered 00002 must be initially renewed by June 30, 1990, according to part 8740.0195, item B. If the licensee's birth month is September, the licensee must renew the license again by September 30, 1992.

C. Beginning January 1, 1992, for a licensee who applied for licensure during the transition period and who was issued after December 31, 1989, an even-numbered license which is due to be renewed according to part 8740.0195, item B, on June 30, 1992, that renewed license is current until the last day of the licensee's birth month in 1994.

For example, a license numbered 6000 must be initially renewed by June 30, 1992, according to part 8740.0195, item B. If the licensee's birth month is September, the licensee must renew the license again by September 30, 1994.

Subp. 3. Subsequent renewal cycles. After the licensee's renewal during the conversion period under subpart 2, the subsequent renewal cycles shall be biennial cycles that begin on the first day of the month following the licensee's birth month.

For example, a licensee who was born in August, who initially renewed the license by August 31, 1992, must renew the license by August 31 of every two years. The new renewal cycle begins September 1.

Subp. 4. Licenses issued after June 30, 1989. Licenses issued to persons who applied after June 30, 1989, will be current and effective from the effective date under part 8740.0180 until the last day of their birth month the second year after the initial licensing. After the initial licensure period, subsequent renewal periods shall be biennial cycles that begin on the first day of the month following the licensee's birth.

For example, a licensee who was born in October, and who applied for and was issued a license on May 15, 1990, must initially renew the license by October 31, 1992. The license must be subsequently renewed every two years, by October 31.

The new renewal cycle begins November 1.

Subp. 5. Conversion period and fees. A licensee who applied for a license during the transition period, and who renews that license according to the conversion under subpart 2, shall pay the prorated renewal fees required by items A to D. All renewals after the conversion period must be accompanied by the renewal fee in part 8740.0290, item F.

A. Licensees due to be renewed June 30, 1990, and having a birth month between January 1 and June 30, 1992, will pay the renewal fee under part 8740.0290, item E, prorated for the total number of months the license will be valid, at a rate of 1/24 of the biennial fee per month.

For example, during the conversion, the renewal cycle for a licensee who initially renews the license June 30, 1990, and whose birthday falls in January 1992, will be only 19 months. The renewal fee the licensee will pay for this renewal cycle is prorated for 19 months.

B. Licensees due to be renewed June 30, 1990, and having a birth month between July 1 and December 31, 1992, will pay the renewal fee under part 8740.0290, item E, prorated for the total number of months the license will be valid, at a rate of 1/24 of the biennial fee per month.

For example, during the conversion, the renewal cycle for a licensee who initially renews the license June 30, 1990, and whose birthday falls in August 1992, will be 26 months. For this renewal cycle, the licensee will pay the full renewal fee, plus the amount of the fee prorated for two additional months.

C. Licensees due to be renewed June 30, 1991, and having a birth month between January 1 and June 30, 1993, will pay the renewal fee under part 8740.0290, item F, prorated for the total number of months the license will be valid, at a rate of 1/24 of the biennial fee per month.

For example, during the conversion, the renewal cycle for a licensee who initially renews the license June 30, 1991, and whose birthday falls in February, 1993, will be only 20 months. The renewal fee the licensee will pay for this renewal cycle is prorated for 20 months.

D. Licensees due to be renewed June 30, 1991, and having a birth month between July 1 and December 31, 1993, will pay the renewal fee under part 8740.0290, item F, prorated for the total number of months the license will be valid, at a rate of 1/24 of the biennial fee per month.

For example, during the conversion, the renewal cycle for a licensee who initially renews the license on June 30, 1991, and whose birthday falls in December 1993, will be 30 months. For this renewal cycle, the licensee will pay the full renewal fee plus the amount of the fee prorated for an additional six months.

E. Licensees with an approval date after January 1, 1990, and due to be renewed June 30, 1992, and having a birth month between January 1 and June 30, 1994, will pay the

renewal fee under part 8740.0290, item F, prorated for the total number of months the license will be valid, at a rate of 1/24 of the biennial fee per month.

For example, during the conversion, the renewal cycle for a licensee who initially renews the license June 30, 1991, and whose birthday falls in February 1994, will be only 20 months. The renewal fee the licensee will pay for this renewal cycle is prorated for 20 months.

F. Licensees with an approval date after January 1, 1990, and due to be renewed June 30, 1992, and having a birth month between July 1 and December 31, 1994, will pay the renewal fee under part 8740.0290, item F, prorated for the total number of months the license will be valid, at a rate of 1/24 of the biennial fee per month.

For example, during the conversion, the renewal cycle for a licensee who initially renews the license on June 30, 1991, and whose birthday falls in December 1993, will be 30 months. For this renewal cycle, the licensee will pay the full renewal fee plus the amount of the fee prorated for an additional six months.

Subp. 6. Initial license period and fees. An individual who is initially licensed by the board after June 30, 1989, shall pay the social work application fee, examination fee, and biennial renewal fees in part 8740.0290, as provided in items A to C.

A. Beginning January 1, 1992, the initial licensure period begins with the date the individual becomes licensed and ends with the last day of the licensee's birth month two years later. For a person whose birth month is more or less than 24 months after the initial licensure, the renewal fee will be prorated based on the total number of months the license will be valid, at a rate of 1/24 of the biennial fee per month.

B. The second license renewal made after the conversion period for the individual and all subsequent license renewals shall be assessed the license renewal fee in part 8740.0290, item F.

C. A licensee who does not supply a month, day, and year of birth shall be assigned a month and year for license renewal purposes.

Statutory Authority: *MS s 148B.17; 148B.20 to 148B.23; 214.06*

History: *15 SR 1699*

8740.0220 INACTIVE LICENSE STATUS.

Subpart 1. Application. An application for an inactive license must be submitted before the expiration of the license period. Upon receiving notice of the board's approval of the application, the licensee must discontinue practicing social work, cease displaying the license, and pay the inactive status fee in part 8740.0290, item F.

Subp. 2. Time limit on inactive status. The inactive status shall not exceed ten consecutive years. After ten years, the licensee must reapply for active status or the board shall cancel the license.

Subp. 3. Supervision requirement. If the licensee has had an inactive license for more than five consecutive years, the licensee must receive 25 hours of supervision during the first 12 months of reemployment in social work practice. This supervision must be documented at the time of license renewal.

Subp. 4. Limit on practice. Persons with licenses on inactive status shall not practice, attempt to practice, offer to practice, or advertise or hold themselves out as authorized to practice social work.

Subp. 5. Reactivating a license. The board shall reactivate a license of a person who is on inactive status and who desires to resume the practice of social work, if the person notifies the board in writing of this intention, agrees to the supervision requirements, has met the continuing education requirements in effect while on inactive status, and pays the prorated license renewal fees sufficient to return to the biennial birth month renewal schedule. The board shall then reissue a license.

A. Licensed social workers who have not completed the required two years or 4,000 hours of supervised practice as defined in part 8740.0130, subpart 3, must meet that requirement in addition to any specified in subpart 3.

B. Licensed graduate social workers are required by part 8740.0130, subpart 4, to document 50 hours of supervision at each renewal. Licensed graduate social workers return-

ing to active status who have been on inactive status for more than five years must meet the requirements of subpart 3, before applying to take an examination for a higher level license.

C. Nothing in this part precludes the board from taking disciplinary action against a licensee based on conduct occurring before inactive status was granted or during the inactive period.

Statutory Authority: *MS s 148B.17; 148B.20 to 148B.23; 214.06*

History: *15 SR 1699; 17 SR 1279; 18 SR 1420*

8740.0225 EMERITUS LICENSE STATUS.

Subpart 1. **Emeritus status; requirements.** A social worker duly licensed to practice social work in the state under Minnesota Statutes, chapter 148B, and who is retired from the active practice of social work, may apply to the board for emeritus status:

A. by indicating on the person's renewal form, or by petitioning the board in writing;

B. by indicating the person has not been the subject of disciplinary action resulting in the suspension, revocation, qualification, condition, or restriction to practice social work; and

C. by paying the one-time emeritus fee.

Subp. 2. **Limit on practice.** A licensee who has emeritus status shall not engage in social work practice.

Subp. 3. **Continuing education not required.** Continuing education requirements are not applicable to emeritus status.

Subp. 4. **Reactivating license.** In the exceptional case that a social worker issued an emeritus license should wish to resume practicing, the board shall reactivate the license according to the procedure in part 8740.0220, subpart 5, for reactivating an inactive license. The person seeking reactivation must notify the board of the intent to resume practice, agree to the supervision requirement if applicable, document that the licensee has completed the required continuing education, pay the inactive status fees for the emeritus period, and pay the prorated renewal fee sufficient to return to the biennial birth month renewal schedule. Nothing in this part precludes the board from taking disciplinary action against a licensee based on conduct occurring before emeritus status was granted or during the emeritus status.

If a person has had an emeritus license more than five consecutive years, the licensee must receive 25 hours of supervision during the first 12-month period. This must be documented at the time of renewal.

Statutory Authority: *MS s 148B.17; 148B.20 to 148B.23; 214.06*

History: *15 SR 1699*

8740.0230 CHANGE OF ADDRESS.

A licensee must notify the board in writing of any change of name, address, or place of residence within 30 days after the change.

Statutory Authority: *MS s 148B.17; 148B.20 to 148B.23; 214.06*

History: *15 SR 1699*

8740.0240 VOLUNTARY TERMINATION OF LICENSE.

A licensee may request voluntary termination of a license by notifying the board in writing. The board shall notify the licensee in writing if the request is approved or denied. A licensee who has voluntarily terminated a license must return the license certificate and the most recent evidence of renewal to the board within ten days after the effective date of the voluntary termination. An individual whose request for voluntary termination has been accepted by the board or whose license has expired shall not use the title for which the license was issued and shall not practice, offer to practice, advertise, or otherwise represent the person as authorized to practice social work. A licensee who voluntarily terminates a license may reapply for a license according to the requirements in parts 8740.0120 to 8740.0310. Nothing in this part shall preclude the board from taking disciplinary action against a licensee based on conduct occurring before the voluntary termination.

Statutory Authority: *MS s 148B.17; 148B.20 to 148B.23; 214.06*

History: *15 SR 1699; 17 SR 1279*

8740.0250 SUSPENSION OR REVOCATION OF LICENSE.

The board has the authority to deny, suspend, revoke, condition, or limit a license based on the procedures and criteria in Minnesota Statutes, chapters 14 and 148B.

Statutory Authority: *MS s 148B.17; 148B.20 to 148B.23; 214.06*

History: *15 SR 1699*

8740.0260 SUSPENDED OR REVOKED LICENSE.

A licensee whose license has been suspended or revoked must return the license certificate and the most recent evidence of renewal to the board within ten days after the effective date of the suspension or revocation. Failure to comply with this part constitutes grounds for the denial of any subsequent request for reinstatement.

Statutory Authority: *MS s 148B.17; 148B.20 to 148B.23; 214.06*

History: *15 SR 1699*

8740.0270 VARIANCE.

Subpart 1. **Request for variance.** An applicant or licensee may ask the board for a variance from the provisions of parts 8740.0100 to 8740.0285.

A request for a variance must be submitted to the board in writing and must contain:

- A. the specific rule for which the variance is requested;
- B. the reason for the request;
- C. the alternative measures that will be taken to protect the public if a variance is granted;
- D. the length of time for which a variance is requested; and
- E. additional information that the board requests from the applicant, that relates to the request for a variance.

Subp. 2. **Criteria for approval.** The board shall grant a variance if it determines that:

- A. the variance will not adversely affect, directly or indirectly, the health, safety, or well-being of the public;
- B. the alternative measures to be taken, if any, are equivalent or superior to those prescribed in the part for which the variance is requested; and
- C. compliance with the part for which the variance is requested would impose an undue burden upon the applicant for the variance.

The board shall deny, revoke, or refuse to renew a variance if the board determines that item A, B, or C has not been met.

Subp. 3. **Notification.** The board shall notify the applicant in writing of the board's decision. If the variance is granted, the notice must specify the period of time for which the variance is effective and the alternative measures or conditions, if any, the applicant must meet.

Subp. 4. **Renewal.** An applicant must submit a request for the renewal of a variance, in writing, before the expiration date of the existing variance. A renewal request must contain the information specified in subpart 1. The board shall renew a variance if the applicant for the renewal continues to satisfy the criteria in subpart 2 and complies with the alternative measures or conditions imposed at the time the original variance was granted.

Statutory Authority: *MS s 148B.17; 148B.20 to 148B.23; 214.06*

History: *15 SR 1699*

8740.0285 CONTINUING EDUCATION REQUIREMENTS.

Subpart 1. **Continuing education requirements.** At the time of renewal, each licensee shall provide evidence satisfactory to the board that the licensee has completed 30 continuing education hours of approved continuing education during each biennium of licensure. The licensee may attend programs approved by the Board of Social Work or other programs that meet the requirements in subparts 4 and 6 and are documented as indicated in subpart 8.

A person licensed during the transition period under part 8740.0195 may include and count continuing education programs from January 1989 for credit at the time of the first license renewal if the program meets the requirements in subparts 2 to 11.

Subp. 2. **Transition period.** For licensees who are issued even-numbered licenses during the transition period under part 8740.0195, item B, 15 continuing education hours are required for the one-year, one time only, license renewal.

Subp. 3. **Emeritus license holders.** Emeritus licensees are exempt from the continuing education requirement.

Subp. 4. **Content areas for continuing education.** Continuing education programs approved under subparts 6 to 11 must contain one of the following content areas related to social work practice:

- A. theories and concepts of human behavior and the social environment;
- B. social work practice/knowledge and skills;
- C. social work research, program, or practice evaluation;
- D. management/administration/social policy;
- E. social work ethics; or
- F. an area, chosen by the board, deemed to be of current importance.

Subp. 5. **Nonacceptable subject areas.** Final determination of the acceptability of approved content areas rests with the board. Nonacceptable subjects include, but are not limited to, subjects contrary to the code of ethics, marketing, business, personal development, time management, and supervisory sessions. Staff orientation and agency activities that address procedural issues are ineligible. Where there is any question about the acceptability of a program, a licensee should inquire of the board.

Subp. 6. **Continuing education program types.** Continuing education must be earned in at least two of the program areas in items A to G.

A. Academic course work:

(1) courses and seminars given by accredited social work programs;

(2) postgraduate courses from a university, college, or other institution of higher education, in a field other than social work, upon proof that the course is relevant to social work practice;

(3) undergraduate courses from a university, college, or other institution of higher education, if they can be shown to update or enhance the licensee's social work competency. Course and supporting information must accompany the request; and

(4) correspondence work, televised courses, audiovisual, video tapes, and other forms of self study, shown to update or enhance competency. These activities must be preapproved by the board. No more than ten hours from this category will be acceptable as continuing education for each renewal cycle.

B. Continuing education presentations at national, international, regional, or sub-regional conferences or association meetings.

C. Workshops or institutes, including approved workshops at conventions.

D. Public or private agency staff development programs that contribute to the enhancement of social work practices or knowledge and that are not primarily procedural or administrative.

E. Individual activities such as lectures, publications of professional articles, course or conference presentation, or research leading to publication or presentation. The activities must be approved by the board on an individual basis. No more than ten hours from this category will be acceptable as continuing education for each renewal cycle.

F. Informal study carried on individually and documented by the name of the topic, the title and author of resources or books used in the informal study, and the time spent in informal study. Informal programs of study must be approved by the board. No more than ten hours from this category will be acceptable as continuing education for each renewal cycle.

G. Continuing education hours completed by licensees to meet the requirements of other boards or authorities will be accepted by the board as long as the program types and content areas are consistent with those in subpart 4.

Subp. 7. **Continuing education hours.** Continuing education hours are determined according to items A to E.

A. "One continuing education hour" means at least 50 minutes of uninterrupted learning in each hour.

B. One semester credit equals 15 continuing education hours. One quarter credit equals ten continuing education hours. Credit for auditing will be actual clock hours attended not to exceed the academic credit.

C. Presenters will be credited with two continuing education hours for every hour of presentation at a conference, workshop, or institute. Credit will be given only once regardless of the number of times the course is presented.

D. Multiday, convention type meetings, national or local, that meet the criteria of subpart 6, items B and C, are credited the hours given by the sponsor.

E. Individual study hours may be approved by the board at the request of the licensee.

Subp. 8. Documentation of courses. A licensee must document completion of continuing education requirements according to items A to D.

A. When the licensee applies for renewal of the license, the licensee must submit documentation of completion of the required continuing education hours on an appropriate form furnished by the board.

B. Documentation must include the following information:

- (1) the title of the activity;
- (2) the number of credit hours for the activity;
- (3) the name of the provider or sponsor of the activity; and
- (4) the date and location of the course.

C. Licensees must keep in their records documentation of their participation in continuing education activities according to subitems (1) to (4).

(1) For workshops, institutes, and conferences as described in subpart 6, items B to D, at least one of the following is required:

(a) a copy of the certificate, if any, the provider or sponsor issued to the participants;

(b) the certificate of attendance, if any, provided by the program sponsor with all information completed; or

(c) an affidavit signed by the program or course instructor that the licensee attended the workshop, conference, or institute.

(2) Individual activities as described in subpart 6, item E, are verified by:

- (a) a copy of the program for the lecture or presentation;
- (b) a notice of publication of the written material; or
- (c) other material that may be requested by the board.

(3) Academic course work as described in subpart 6, item A, is verified by:

- (a) a copy of the transcript; or
- (b) a report signed by the instructor of hours attended.

(4) Informal studies as defined in subpart 6, item F, are verified by written summaries of course work with title, instructors' names, course content, and the time spent in informal study. Such activities must be approved by the board to be considered for continuing education hours.

D. The board shall audit a random sample of continuing education reports. It is the responsibility of the licensee to keep copies of all documentation required under this part for an audit. The licensee must keep all records of evidence or proof of continued education activities for the four years following the license renewal.

Subp. 9. Violation of continuing education requirements. Falsification of continuing education reports or failure to meet continuing education requirements is a violation of license renewal requirements and may result in formal disciplinary action.

Subp. 10. Sponsor application for preapproval of continuing education programs. Board approval of a continuing education program must be obtained according to items A and B.

A. Application may be made by an association, corporation, educational institution, organization, or person to have a program preapproved by the board. In order to adver-

tise that the program is approved for continuing education by the board, the sponsor must have received board approval.

The request must be submitted to the board, typed on the appropriate forms, and must contain the following information:

- (1) a statement of the objectives and goals of the program or course, including the knowledge and skills each participant is expected to gain upon completion;
- (2) a description of the content of the program or course, including a detailed agenda;
- (3) a description of the teaching method to be used;
- (4) a copy of the evaluation form to be used by the participants; and
- (5) a listing of the qualifications of each instructor as evidence of the instructor's current knowledge and skill in the program or course subject.

The request for approval for single programs must be submitted to the board at least 60 days before the date of the program, and must include the appropriate application fee, before the application will be considered. Requests for approval of multiple programs must be submitted to the board at least 90 days before the programs begin.

B. Program approval shall remain in effect for one year. Sponsors of approved courses shall retain a list of participants to whom continuing education hours are granted for four years. Proposed content changes in any approved program or course must be submitted to the board for its approval.

Subp. 11. Board review of continuing education sponsor applications.

A. The board shall approve or deny applications for continuing education programs or courses within 45 days after receipt of the application and respond in writing to the applicant.

B. The board may deny, refuse to renew, revoke, or suspend authorization or approval previously furnished to sponsors of an approved program, if the program fails to conform to its application as approved by the board, or if it fails to furnish program content as publicized, or for falsification of any information requested by the board.

Subp. 12. Renewal of sponsor applications. An application for course approval or renewal must be submitted to the board with the appropriate fee at least 60 days before the expiration of the annual date.

Statutory Authority: *MS s 148B.17; 148B.20 to 148B.23; 214.06*

History: *15 SR 1699*

8740.0290 FEES.

The fees in items A to G shall be paid by cash, personal check, bank draft, cashier's check, or money order made payable to the Board of Social Work. All fees are nonrefundable.

- A. Application fee, \$30.
- B. Initial license fee, payable in addition to application fee:
 - (1) licensed social worker, \$80;
 - (2) licensed graduate social worker, \$140;
 - (3) licensed independent social worker, \$210;
 - (4) licensed independent clinical social worker, \$230.
- C. Biennial renewal fee:
 - (1) licensed social worker, \$80;
 - (2) licensed graduate social worker, \$140;
 - (3) licensed independent social worker, \$210;
 - (4) licensed independent clinical social worker, \$230.
- D. Emeritus fee, \$30.
- E. Duplicate license, \$15.
- F. Inactive status fee:
 - (1) licensed social worker, \$80;

- (2) licensed graduate social worker, \$140;
- (3) licensed independent social worker, \$210;
- (4) licensed independent clinical social worker, \$230.

G. Application fee for continuing education program sponsor:

- (1) for one to four continuing education hours applied for, \$30;
- (2) for five to eight continuing education hours applied for, \$45;
- (3) for nine to 16 continuing education hours applied for, \$60;
- (4) for 17 to 24 continuing education hours applied for, \$75;
- (5) for more than 24 hours applied for, \$100.

Statutory Authority: *MS s 148B.17; 148B.20 to 148B.23; 214.06*

History: *15 SR 1699; 18 SR 1420*

8740.0300 CODE OF ETHICS.

Subpart 1. **Code of ethics.** The code of ethics applies to the licensees and applicants who practice social work and applies to their conduct during the period of education, training, and employment which is required for licensure.

Subp. 2. **Purpose.** The code of ethics constitutes the standards by which the professional conduct of a licensee is measured.

Subp. 3. **Violations.** A violation of the code of ethics is unprofessional or unethical conduct and is a sufficient reason for disciplinary action or denial of licensure under part 8740.0250.

Statutory Authority: *MS s 148B.17; 148B.20 to 148B.23; 214.06*

History: *15 SR 1699*

8740.0310 ETHICAL STANDARDS.

Subpart 1. **Responsibility to clients.** A licensee's primary professional responsibility is to the client. The licensee shall make every effort to advance the welfare and best interests of families, individuals, groups, and communities. A licensee must respect the rights, including the right to self-determination, of those persons seeking assistance. A licensee must perform professional duties on the highest levels of integrity and confidentiality and shall not hesitate to ask for assistance from other professional disciplines when circumstances dictate. A licensee must protect the public against, and shall report, unethical, incompetent, and dishonorable practices by social workers and other regulated health professionals to the board or other appropriate authority, as required under Minnesota Statutes, section 626.556, governing reporting of maltreatment of minors, or 626.557, governing reporting of maltreatment of vulnerable adults, and as required under Minnesota Statutes, section 148B.07, subdivision 4, governing reporting unprofessional conduct or mental incompetence, or other incompetence of licensed professionals.

Subp. 2. **Nondiscrimination.** In the treatment of clients, a licensee must not discriminate on the basis of age, sex, race, national origin, religion, physical handicap, political affiliation, or social or economic status. In addition, a licensee must not discriminate on the basis of affectional preference, or choice of lifestyle. When unable to offer services for any reason, a licensee shall make an appropriate referral.

Subp. 3. **Relations with clients.**

A. A licensee shall not engage in any type of sexual contact with a client, as defined in Minnesota Statutes, chapter 148A.01, subdivision 7.

B. A licensee shall not engage in sexual contact with a former client for at least two years after the professional relationship with the client ends, or for a longer period if there is a finding that the client is emotionally dependent on the licensee.

C. A licensee shall not offer medication, controlled substances, or alcoholic beverages to a client, or accept these substances from a client.

D. A licensee must be cautious in prognosis and shall not exaggerate the efficacy of services.

E. The licensee must recognize the importance of clear understandings of financial matters with clients. Fees and payments must be arranged at the beginning of the relation-

ship. Bartering between the licensee and the licensee's client in establishing fees and payments is not allowed.

Subp. 4. Code of personal conduct. The licensee must demonstrate objectivity, integrity, and sound standards in the interest of service to the public and to the profession. Licensed status shall not be used as a claim, promise, or guarantee of successful service, nor shall the license be used to imply that the licensee has competence in another service. The licensee shall not misrepresent professional qualifications, affiliations, and licenses of the licensee or the institutions and organizations with which the licensee is associated.

A. A licensee shall not sexually harass, make sexual advances toward, or engage in sexual contact with any client, student, or trainee under the licensee's supervision.

B. A licensee shall not use or possess prohibited drugs as they are defined in Minnesota Statutes, chapter 152, unless prescribed for a legitimate medical purpose.

C. A licensee shall not use any drug, controlled substance, alcoholic beverage, or medication in a manner that impairs the licensee's ability to conduct the practice authorized by license.

D. A licensee shall not use a professional relationship to further personal, religious, political, or business interests.

E. A licensee shall not participate in relationships with clients which could impair the licensee's professional judgment.

F. A licensee shall not wrongfully disparage the qualifications or character of any professional colleagues, agencies, organizations, or clients.

G. A licensee shall not diagnose, prescribe for, treat, or advise on problems beyond the licensee's level of competence. A licensee shall not provide services outside of the licensee's level of licensure.

H. A licensee shall not permit a student, trainee, or intern under supervision to perform, nor endorse any claim to be competent to perform, professional services beyond the student's, trainee's, or intern's level of training.

I. A licensee shall terminate service to a client and a professional relationship with a client when the service and relationship are no longer required to serve the client's needs or interests.

Subp. 5. Confidentiality and keeping records.

A. A licensee must keep accurate records detailing problems, scope of services, and dates of client contacts for a minimum of three years after the date on which services were last provided to the client. Records must be securely kept to ensure the confidentiality of clients. Records or other oral or written information which personally identifies the client shall not be released to third parties unless:

- (1) the client or authorized representative consents in writing;
- (2) a court of competent jurisdiction orders release of the records;
- (3) the records are disclosable under the Minnesota Government Data Practices Act, Minnesota Statutes, chapter 13;
- (4) the information released does not compromise the confidentiality of any other individuals; or
- (5) the board issues a subpoena for the records according to Minnesota Statutes, section 148B.07, subdivision 9.

B. The licensee must inform clients of the limits of confidentiality.

C. The licensee must submit required reports and documents in a timely enough fashion that the well-being of the client is not adversely affected.

D. When a licensee has reason to believe that a client presents clear and immediate danger to an individual or society, the licensee has the duty to warn the potential victim and the appropriate authorities. A licensee shall communicate this warning with or without the client's consent.

E. A licensee must report suspected abuse of children and vulnerable adults as required by Minnesota Statutes, sections 626.556 and 626.557. A licensee shall not knowingly report distorted, erroneous, or misleading research conclusions.

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Subp. 6. **Research.** A licensee must conduct research activities with full respect for the rights and dignity of participants and with full concern for their welfare. A person's participation in research must be voluntary, and based on the informed consent of the participant or the legally appointed guardian. In the case of a minor, informed consent must be obtained from a parent or legally appointed guardian.

Subp. 7. **Advertising.** A licensee shall not use false, fraudulent, or misleading advertising in the marketing of services under the scope of social work practice.

Statutory Authority: *MS s 148B.17; 148B.20 to 148B.23; 214.06*

History: *15 SR 1699*