

2150.7605 COMPLAINTS TO BOARD.

Subpart 1. **Mandatory reporting requirements.** A provider shall file a complaint with the board when the provider has reason to believe that another provider:

A. is unable to practice with reasonable skill and safety as a result of a physical or mental illness or condition, including, but not limited to, substance abuse or dependence, except that this mandated reporting requirement is deemed fulfilled by a report made to the Health Professionals Services Program (HPSP) as provided by Minnesota Statutes, section 214.33, subdivision 1;

B. is engaging in or has engaged in sexual behavior with a client or former client in violation of part 2150.7550, subparts 5 and 6. This subpart does not apply when the information is obtained in the course of treating the other provider for the sexual behavior;

C. has failed to report abuse or neglect of children or vulnerable adults in violation of Minnesota Statutes, section 626.556 or 626.557; or

D. has employed fraud or deception in obtaining or renewing a professional counseling license.

Subp. 2. **Optional reporting requirements.** A provider who has reason to believe that the conduct of another provider appears to be in violation of parts 2150.7500 to 2150.7610 or Minnesota Statutes, sections 148B.50 to 148B.593, other than conduct listed in subpart 1 may file a complaint with the board.

Subp. 3. **Client complaints to board.** A provider shall, upon request, provide information regarding the procedure for filing a complaint with the board and shall, upon request, assist with filing a complaint. A provider shall not attempt to dissuade a client from filing a complaint with the board, or require that the client waive the right to file a complaint with the board as a condition for providing services.

Statutory Authority: *MS s 148B.52*

History: *30 SR 345*

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