

3517.4100 SELF-EMPLOYMENT EXPERIENCE.

Subpart 1. **How to qualify.** Occupational experience obtained through self-employment in emphasis areas or related areas in parts 3517.0100 to 3517.2140 meets the occupational experience requirements if:

A. self-employment hours are paid occupational experience as verified by Department of Revenue tax reports of paid income from this source, with appropriate backup records; and

B. self-employment hours have been earned within the corresponding business or industry setting for the specific category of practice sought, as verified by evidence documenting that the self-employed business exists, is licensed if required by law or rule, and complies with laws or rules that regulate the business or industry.

Subp. 2. **Exception for nontraditional experience.** When self-employment hours have been obtained in designated emphasis or related areas, but within a different occupational setting, or as part of a different occupational role, than that commonly associated with the emphasis area for which the license is valid, the self-employment hours do not count:

A. toward the required hours in the emphasis area; and

B. toward more than two-thirds of the total required hours.

To be acceptable in related areas, the nontraditional self-employment hours must constitute paid occupational experience as verified by Department of Revenue tax reports of paid income from this source, with appropriate backup records verifying the information requested in part 3517.4000, subpart 3.

Subp. 3. **Verification.** Verification based on Department of Revenue tax records named in subpart 1 or 2 must be documented as follows:

A. The Department of Revenue tax reports and appropriate backup records must be reviewed by the applicant's certified public accountant, attorney, tax preparer, banker, or similar professional business representative who is substantially engaged in business practices and business record keeping.

B. The reviewing professional shall determine and verify duties and commensurate number of hours of paid employment consistent with declared income in the reviewed revenue documents and applicable to requirements of these licensure rules.

C. The reviewing professional must verify results of the review on a standard affidavit form provided by the personnel licensing section.

Subp. 4. **Fraud.** Verification of self-employment is subject to Minnesota Statutes, section 122A.20, subdivision 1, clause (5) on submitting fraudulent evidence.

Subp. 5. **Employment on nonsalary status.** When occupational experience hours in emphasis areas and related areas specified in parts 3517.0100 to 3517.2140 have been obtained through any employment that has not resulted in issuing a W-2 statement, the applicant must be considered a self-employed independent contractor, and this part applies.

Statutory Authority: *MS s 121.11; 125.185*

History: *11 SR 2407; L 1998 c 397 art 11 s 3*

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