

8740.0320 PRACTICE REQUIREMENTS.

Subpart 1. **Assessment or diagnosis.** A social worker shall base treatment and intervention services on an assessment or diagnosis. A social worker shall evaluate, on an ongoing basis, the appropriateness of the assessment or diagnosis.

Subp. 2. **Assessment or diagnosis instruments.** A social worker shall not use an assessment or diagnostic instrument without adequate training. A social worker shall follow standard and accepted procedures for using an assessment or diagnostic instrument. A social worker shall inform a client of the purpose before administering the instrument and shall make the results available to the client.

Subp. 3. **Plan.** A social worker shall develop a plan for services which includes goals based on the assessment or diagnosis. A social worker shall evaluate, on an ongoing basis, the appropriateness of the plan and the client's progress toward the goals.

Subp. 4. **Informed consent.**

A. A social worker shall obtain valid, informed consent, appropriate to the circumstances, before providing services to clients. When obtaining informed consent, the social worker must determine whether the client has the capacity to provide informed consent. If the client does not have the capacity to provide consent, the social worker shall obtain consent for the services from the client's legal representative. The social worker shall not provide services, unless authorized or required by law, if the client or the client's legal representative does not consent to the services. The social worker shall provide appropriate referrals upon request.

B. If a social worker determines that a client does not have the capacity to provide consent, and the client does not have a legal representative, the social worker may provide services, except as prohibited by other law, that are necessary to ensure the client's safety or to preserve the client's property or financial resources. The social worker shall secure a legal representative for the client before providing other services.

C. A social worker shall use clear and understandable language, including using the client's primary language as necessary, to inform clients of the plan of services, risks related to the plan, limits to services, relevant costs, reasonable alternatives, the client's right to refuse or withdraw consent, and the time frame covered by the consent.

Subp. 5. **Records.** A social worker shall make and maintain current and accurate records, appropriate to the circumstances, of all services provided to a client. At a minimum, the records shall contain documentation of:

- A. the assessment or diagnosis and of the plan;
- B. progress with the plan and of any revisions of the assessment, diagnosis, or plan;

- C. any fees charged and related billing information;
- D. copies of all client authorizations for release of information; and
- E. other information necessary to provide appropriate services.

These records shall be maintained by the social worker or by the social worker's agency for at least seven years after the last date of service, or for the time period required by law.

Subp. 6. **Reports.** A social worker shall submit current, accurate, and complete reports or other required documentation.

Subp. 7. **Termination of services.** A social worker shall terminate a professional relationship with a client when the social worker reasonably determines that the client is not likely to benefit from continued services or the services are no longer needed, unless required by law to provide services. The social worker who anticipates terminating services shall give reasonable notice to the client. The social worker shall take reasonable steps to inform the client of the termination of the professional relationship. The social worker shall provide appropriate referrals as needed or upon request of the client.

Subp. 8. **Research.** When undertaking research activities, the social worker shall adhere to accepted protocols for the protection of human subjects, including establishing appropriate safeguards to protect the subjects' vulnerability and to obtain the subjects' informed consent.

Statutory Authority: *MS s 148B.20*

History: *23 SR 1382*

Published Electronically: *September 24, 2003*