

CHAPTER 148B

SOCIAL WORK, MARRIAGE AND FAMILY THERAPY,  
AND MENTAL HEALTH

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**148B.04 DISCLOSURE.**

*[For text of subs 2 to 5, see M.S.1992]*

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.

**History:** 1993 c 240 s 2

**148B.06 TAX CLEARANCE CERTIFICATE.**

*[For text of subd 1, see M.S.1992]*

Subd. 2. **Hearing.** In lieu of the notice and hearing requirements of section 148B.175, when a licensee or applicant is required to obtain a clearance certificate under this subdivision, a contested case hearing must be held if the licensee or applicant requests a hearing in writing to the commissioner of revenue within 30 days of the date of the notice required in subdivision 1. The hearing must be held within 45 days of the date the commissioner of revenue refers the case to the office of administrative hearings. Notwithstanding any other law, the licensee or applicant must be served with 20 days' notice in writing specifying the time and place of the hearing and the allegations against the licensee or applicant. The notice may be served personally or by mail.

*[For text of subd 3, see M.S.1992]*

**History:** 1993 c 13 art 2 s 6

**148B.08 IMMUNITY.**

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. The reports are classified under section 13.41.

*[For text of subd 2, see M.S.1992]*

**History:** 1993 c 240 s 3

**148B.18 DEFINITIONS.**

*[For text of subs 1 to 7, see M.S.1992]*

Subd. 8. **Private practice.** "Private practice" means social work practice conducted by 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.

*[For text of subd 9, see M.S.1992]*

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; 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.

*[For text of subds 11 and 12, see M.S.1992]*

**History:** 1993 c 240 s 4,5

### 148B.19 BOARD OF SOCIAL WORK.

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

- (1) eight social workers licensed under sections 148B.18 to 148B.28; and
- (2) three public members as defined in section 214.02.

Subd. 2. **Qualifications of board members.** The eight social worker members of the board shall be as follows: two licensed independent clinical social workers, two licensed independent social workers, and four licensed social workers.

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

- (1) one member shall be 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;
- (4) one member shall be engaged in the practice of social work in a private clinical social work setting;
- (5) one member shall be an educator engaged in regular teaching duties at an accredited program of social work;
- (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 three members shall be persons of color and at least four members shall reside outside of the seven-county metropolitan area.

*[For text of subds 3 to 5, see M.S.1992]*

**History:** 1993 c 240 s 6,7

### 148B.20 DUTIES OF THE BOARD.

*[For text of subd 1, see M.S.1992]*

Subd. 2. [Repealed, 1993 c 337 s 20]

### 148B.21 REQUIREMENTS FOR LICENSURE.

*[For text of subds 1 and 2, see M.S.1992]*

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

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- (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;
  - (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
  - (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.

**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;
  - (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.

**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;
  - (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.

**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;

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

(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.

*[For text of subs 7 and 8, see M.S.1992]*

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

**History:** 1993 c 240 s 8-12

## 148B.26 DENIAL, SUSPENSION, OR REVOCATION OF LICENSE.

**Subdivision 1. Grounds.** 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, 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, 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.

*[For text of subs 2 and 3, see M.S.1992]*

**History:** 1993 c 240 s 13

## 148B.27 PROHIBITION AGAINST UNLICENSED PRACTICE OR USE OF TITLES; PENALTY.

*[For text of subs 1 and 2, see M.S.1992]*

**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.

*[For text of subd 3, see M.S.1992]*

**History:** 1993 c 240 s 14

## 148B.28 EXCEPTIONS TO LICENSE REQUIREMENT.

*[For text of subd 1, see M.S.1992]*

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Subd. 2. **Students.** An internship, externship, or any other social work experience that is required for the completion of an accredited program of social work does not constitute the practice of social work under this chapter.

*[For text of subs 3 to 6, see M.S.1992]*

**History:** 1993 c 240 s 15

**148B.72** [Repealed, 1Sp1993 c 1 art 9 s 75]