

CHAPTER 148D

BOARD OF SOCIAL WORK

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148D.001 CITATION.

This chapter may be cited as the "Minnesota Board of Social Work Practice Act."

History: 2005 c 147 art 1 s 6

148D.010 DEFINITIONS.

Subdivision 1. **Scope.** For the purpose of this chapter, the terms in this section have the meanings given.

Subd. 2. **Applicant.** "Applicant" means a person who submits an application to the board for a new license, a license renewal, a change in license, an inactive license, reactivation of a license, or a voluntary termination.

Subd. 3. **Application.** "Application" means an application to the board for a new license, a license renewal, a change in license, an inactive license, reactivation of a license, or voluntary termination.

Subd. 4. **Board.** "Board" means the Board of Social Work created under section 148D.025.

Subd. 5. **Client.** "Client" means an individual, couple, family, group, community, or organization that receives or has received social work services as described in subdivision 9.

Subd. 6. **Clinical practice.** "Clinical practice" means applying professional social work knowledge, skills, and values in the differential diagnosis and treatment of psychosocial function, disability, or impairment, including addictions and emotional, mental, and be-

havioral disorders. Treatment includes a plan based on a differential diagnosis. Treatment may include, but is not limited to, the provision of psychotherapy to individuals, couples, families, and groups. Clinical social workers may also provide the services described in subdivision 9.

Subd. 7. **Intern.** "Intern" means a student in field placement working under the supervision or direction of a social worker.

Subd. 8. **Person-in-environment perspective.** "Person-in-environment perspective" means viewing human behavior, development, and function in the context of one or more of the following: the environment, social functioning, mental health, and physical health.

Subd. 9. **Practice of social work.** "Practice of social work" means working to maintain, restore, or improve behavioral, cognitive, emotional, mental, or social functioning of clients, in a manner that applies accepted professional social work knowledge, skills, and values, including the person-in-environment perspective, by providing in person or through telephone, video conferencing, or electronic means one or more of the social work services described in clauses (1) to (3). Social work services may address conditions that impair or limit behavioral, cognitive, emotional, mental, or social functioning. Such conditions include, but are not limited to, the following: abuse and neglect of children or vulnerable adults, addictions, developmental disorders, disabilities, discrimination, illness, injuries, poverty, and trauma. Social work services include:

(1) providing assessment and intervention through direct contact with clients, developing a plan based on information from an assessment, and providing services which include, but are not limited to, assessment, case management, client-centered advocacy, client education, consultation, counseling, crisis intervention, and referral;

(2) providing for the direct or indirect benefit of clients through administrative, educational, policy, or research services including, but not limited to:

(i) advocating for policies, programs, or services to improve the well-being of clients;

(ii) conducting research related to social work services;

(iii) developing and administering programs which provide social work services;

(iv) engaging in community organization to address social problems through planned collective action;

(v) supervising individuals who provide social work services to clients;

(vi) supervising social workers in order to comply with the supervised practice requirements specified in sections 148D.100 to 148D.125; and

(vii) teaching professional social work knowledge, skills, and values to students; and

(3) engaging in clinical practice.

Subd. 10. **Professional name.** "Professional name" means the name a licensed social worker uses in making representations of the social worker's professional status to the public and which has been designated to the board in writing pursuant to section 148D.090.

Subd. 11. **Professional social work knowledge, skills, and values.** "Professional social work knowledge, skills, and values" means the knowledge, skills, and values taught in programs accredited by the Council on Social Work Education, the Canadian Association of Schools of Social Work, or a similar accreditation body designated by the board. Professional social work knowledge, skills, and values include, but are not limited to, principles of person-in-environment and the values, principles, and standards described in the Code of Ethics of the National Association of Social Workers.

Subd. 12. **Sexual conduct.** "Sexual conduct" means any physical contact or conduct that may be reasonably interpreted as sexual, or any oral, written, electronic, or other communication that suggests engaging in physical contact or conduct that may be reasonably interpreted as sexual.

Subd. 13. **Social worker.** "Social worker" means an individual who:

(1) is licensed as a social worker; or

(2) has obtained a social work degree from a program accredited by the Council on Social Work Education, the Canadian Association of Schools of Social Work, or a similar accreditation body designated by the board and engages in the practice of social work.

Subd. 14. **Student.** "Student" means an individual who is taught professional social work knowledge, skills, and values in a program that has been accredited by the Council on Social Work Education, the Canadian Association of Schools of Social Work, or a similar accreditation body designated by the board.

Subd. 15. **Supervisee.** "Supervisee" means an individual provided evaluation and supervision or direction by a social worker.

Subd. 16. **Supervision.** "Supervision" means a professional relationship between a supervisor and a social worker in which the supervisor provides evaluation and direction of the services provided by the social worker to promote competent and ethical services to clients through the continuing development of the social worker's knowledge and application of accepted professional social work knowledge, skills, and values.

History: 2005 c 147 art 1 s 7

148D.015 SCOPE.

This chapter applies to all applicants and licensees, all persons who use the title social worker, and all persons in or out of this state who provide social work services to clients who reside in this state unless there are specific applicable exemptions provided by law.

History: 2005 c 147 art 1 s 8

148D.020 CHAPTER 214.

Chapter 214 applies to the Board of Social Work unless superseded by this chapter.

History: 2005 c 147 art 1 s 9

148D.025 BOARD OF SOCIAL WORK.

Subdivision 1. **Creation.** The Board of Social Work consists of 15 members appointed by the governor. The members are:

- (1) ten social workers licensed pursuant to section 148D.055; and
- (2) five public members as defined in section 214.02.

Subd. 2. **Qualifications of board members.** (a) All social worker members must have engaged in the practice of social work in Minnesota for at least one year during the ten years preceding their appointments.

(b) Five social worker members must be licensed social workers. The other five members must be a licensed graduate social worker, a licensed independent social worker, or a licensed independent clinical social worker.

(c) Eight social worker members must be engaged at the time of their appointment in the practice of social work in Minnesota in the following settings:

- (1) one member must be engaged in the practice of social work in a county agency;
- (2) one member must be engaged in the practice of social work in a state agency;
- (3) one member must be engaged in the practice of social work in an elementary, middle, or secondary school;
- (4) one member must be employed in a hospital or nursing home licensed under chapter 144 or 144A;
- (5) two members must be engaged in the practice of social work in a private agency;
- (6) one member must be engaged in the practice of social work in a clinical social work setting; and

(7) one member must be an educator engaged in regular teaching duties at a program of social work accredited by the Council on Social Work Education or a similar accreditation body designated by the board.

(d) At the time of their appointments, at least six members must reside outside of the seven-county metropolitan area.

(e) At the time of their appointments, at least five members must be persons with expertise in communities of color.

Subd. 3. **Officers.** The board must annually elect from its membership a chair, vice-chair, and secretary-treasurer.

Subd. 4. **Bylaws.** The board must adopt bylaws to govern its proceedings.

Subd. 5. **Executive director.** The board must appoint and employ an executive director who is not a member of the board. The employment of the executive director shall be subject to the terms described in section 214.04, subdivision 2a.

History: 2005 c 147 art 1 s 10

148D.030 DUTIES OF THE BOARD.

Subdivision 1. **Duties.** The board must perform the duties necessary to promote and protect the public health, safety, and welfare through the licensure and regulation of persons who practice social work in this state. These duties include, but are not limited to:

(1) establishing the qualifications and procedures for individuals to be licensed as social workers;

(2) establishing standards of practice for social workers;

(3) holding examinations or contracting with the Association of Social Work Boards or a similar examination body designated by the board to hold examinations to assess applicants' qualifications;

(4) issuing licenses to qualified individuals pursuant to sections 148D.055 and 148D.060;

(5) taking disciplinary, adversarial, corrective, or other action pursuant to sections 148D.255 to 148D.270 when an individual violates the requirements of this chapter;

(6) assessing fees pursuant to sections 148D.175 and 148D.180; and

(7) educating social workers and the public on the requirements of the board.

Subd. 2. **Rules.** The board may adopt and enforce rules to carry out the duties specified in subdivision 1.

History: 2005 c 147 art 1 s 11

148D.035 VARIANCES.

If the effect of a requirement pursuant to this chapter is unreasonable, impossible to execute, absurd, or would impose an extreme hardship on a licensee, the board may grant a variance if the variance is consistent with promoting and protecting the public health, safety, and welfare. A variance must not be granted for core licensing standards such as substantive educational and examination requirements.

History: 2005 c 147 art 1 s 12

148D.040 IMMUNITY.

Board members, board employees, and persons engaged on behalf of the board are immune from civil liability for any actions, transactions, or publications in the lawful execution of or relating to their duties under this chapter.

History: 2005 c 147 art 1 s 13

148D.045 CONTESTED CASE HEARING.

An applicant or a licensee who is the subject of a disciplinary or adversarial action by the board pursuant to this chapter may request a contested case hearing under sections 14.57 to 14.62. An applicant or a licensee who desires to request a contested case hearing must submit a written request to the board within 90 days after the date on which the board mailed the notification of the adverse action, except as otherwise provided in this chapter.

History: 2005 c 147 art 1 s 14

148D.050 LICENSING; SCOPE OF PRACTICE.

Subdivision 1. **Requirements.** The practice of social work must comply with the requirements of subdivision 2, 3, 4, or 5.

Subd. 2. **Licensed social worker.** A licensed social worker may engage in social work practice except that a licensed social worker must not engage in clinical practice.

Subd. 3. **Licensed graduate social worker.** A licensed graduate social worker may engage in social work practice except that a licensed graduate social worker must not engage in clinical practice except under the supervision of a licensed independent clinical social worker or an alternate supervisor pursuant to section 148D.120.

Subd. 4. **Licensed independent social worker.** A licensed independent social worker may engage in social work practice except that a licensed independent social worker must not engage in clinical practice except under the supervision of a licensed independent clinical social worker or an alternate supervisor pursuant to section 148D.120.

Subd. 5. **Licensed independent clinical social worker.** A licensed independent clinical social worker may engage in social work practice, including clinical practice.

History: 2005 c 147 art 1 s 15

148D.055 LICENSE REQUIREMENTS.

Subdivision 1. **License required.** (a) In order to practice social work, an individual must have a social work license under this section or section 148D.060, except when the individual is exempt from licensure pursuant to section 148D.065.

(b) Individuals who teach professional social work knowledge, skills, and values to students and who have a social work degree from a program accredited by the Council on Social Work Education, the Canadian Association of Schools of Social Work, or a similar accreditation body designated by the board must have a social work license under this section or section 148D.060, except when the individual is exempt from licensure pursuant to section 148D.065.

Subd. 2. **Qualifications for licensure by examination as a licensed social worker.** (a) Except as provided in paragraph (i), to be licensed as a licensed social worker, an applicant for licensure by examination must provide evidence satisfactory to the board that the applicant:

(1) has received a baccalaureate degree in social work from a program accredited by the Council on Social Work Education, the Canadian Association of Schools of Social Work, or a similar accreditation body designated by the board;

(2) has passed the bachelors or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board. Unless an applicant applies for licensure by endorsement pursuant to subdivision 7, an examination is not valid if it was taken and passed eight or more years prior to submitting a completed, signed application form provided by the board. The examination may be taken prior to completing degree requirements;

(3) has submitted a completed, signed application form provided by the board, including the applicable application fee specified in section 148D.180. For applications submitted electronically, a "signed application" means providing an attestation as specified by the board;

(4) has submitted the criminal background check fee and a form provided by the board authorizing a criminal background check pursuant to subdivision 8;

(5) has paid the applicable license fee specified in section 148D.180; and

(6) has not engaged in conduct that was or would be in violation of the standards of practice specified in sections 148D.195 to 148D.240. If the applicant has engaged in conduct that was or would be in violation of the standards of practice, the board may take action pursuant to sections 148D.255 to 148D.270.

(b) An application that is not completed and signed, or that is not accompanied by the correct fee, must be returned to the applicant, along with any fee submitted, and is void.

(c) A licensee granted a license by the board pursuant to paragraph (a) must meet the supervised practice requirements specified in sections 148D.100 to 148D.125. If a licensee does not meet the supervised practice requirements, the board may take action pursuant to sections 148D.255 to 148D.270.

(d) By submitting an application for licensure, an applicant authorizes the board to investigate any information provided or requested in the application. The board may request that the applicant provide additional information, verification, or documentation.

(e) Within one year of the time the board receives an application for licensure, the applicant must meet all the requirements specified in paragraph (a) and must provide all of the information requested by the board pursuant to paragraph (d). If within one year the applicant does not meet all the requirements, or does not provide all of the information requested, the applicant is considered ineligible and the application for licensure must be closed.

(f) Except as provided in paragraph (g), an applicant may not take more than three times the bachelors or equivalent examination administered by the Association of Social Work Boards, or a similar examination body designated by the board. An applicant must receive a passing score on the bachelors or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board in no more than 18 months after the date the applicant first failed the examination.

(g) Notwithstanding paragraph (f), the board may allow an applicant to take, for a fourth or subsequent time, the bachelors or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board if the applicant:

(1) meets all requirements specified in paragraphs (a) to (e) other than passing the bachelors or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board;

(2) provides to the board a description of the efforts the applicant has made to improve the applicant's score and demonstrates to the board's satisfaction that the efforts are likely to improve the score; and

(3) provides to the board letters of recommendation from two licensed social workers attesting to the applicant's ability to practice social work competently and ethically in accordance with professional social work knowledge, skills, and values.

(h) An individual must not practice social work until the individual passes the examination and receives a social work license under this section or section 148D.060. If the board has reason to believe that an applicant may be practicing social work without a license, and the applicant has failed the bachelors or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board, the board may notify the applicant's employer that the applicant is not licensed as a social worker.

(i) An applicant who was born in a foreign country, who has taken and failed to pass the examination specified in paragraph (a), clause (2), at least once since January 1, 2000, and for whom English is a second language, is eligible for licensure as a social worker if the applicant:

(1) provides evidence to the board of compliance with the requirements in paragraph (a), clauses (1) and (3) to (6), and in paragraphs (b) to (e) and (h); and

(2) provides to the board letters of recommendation and experience ratings from two licensed social workers and one professor from the applicant's social work program who can attest to the applicant's competence.

This paragraph expires August 1, 2007.

Subd. 3. Qualifications for licensure by examination as licensed graduate social worker. (a) Except as provided in paragraph (i), to be licensed as a licensed graduate social

worker, an applicant for licensure by examination must provide evidence satisfactory to the board that the applicant:

(1) has received a graduate degree in social work from a program accredited by the Council on Social Work Education, the Canadian Association of Schools of Social Work, or a similar accreditation body designated by the board;

(2) has passed the masters or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board. Unless an applicant applies for licensure by endorsement pursuant to section 148D.055, subdivision 7, an examination is not valid if it was taken and passed eight or more years prior to submitting a completed, signed application form provided by the board. The examination may be taken prior to completing degree requirements;

(3) has submitted a completed, signed application form provided by the board, including the applicable application fee specified in section 148D.180. For applications submitted electronically, a "signed application" means providing an attestation as specified by the board;

(4) has submitted the criminal background check fee and a form provided by the board authorizing a criminal background check pursuant to subdivision 8;

(5) has paid the applicable license fee specified in section 148D.180; and

(6) has not engaged in conduct that was or would be in violation of the standards of practice specified in sections 148D.195 to 148D.240. If the applicant has engaged in conduct that was or would be in violation of the standards of practice, the board may take action pursuant to sections 148D.255 to 148D.270.

(b) An application which is not completed and signed, or which is not accompanied by the correct fee, must be returned to the applicant, along with any fee submitted, and is void.

(c) A licensee granted a license by the board pursuant to paragraph (a) must meet the supervised practice requirements specified in sections 148D.100 to 148D.125. If a licensee does not meet the supervised practice requirements, the board may take action pursuant to sections 148D.255 to 148D.270.

(d) By submitting an application for licensure, an applicant authorizes the board to investigate any information provided or requested in the application. The board may request that the applicant provide additional information, verification, or documentation.

(e) Within one year of the time the board receives an application for licensure, the applicant must meet all the requirements specified in paragraph (a) and must provide all of the information requested by the board pursuant to paragraph (d). If within one year the applicant does not meet all the requirements, or does not provide all of the information requested, the applicant is considered ineligible and the application for licensure must be closed.

(f) Except as provided in paragraph (g), an applicant may not take more than three times the masters or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board. An applicant must receive a passing score on the masters or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board in no more than 18 months after the date the applicant first failed the examination.

(g) Notwithstanding paragraph (f), the board may allow an applicant to take, for a fourth or subsequent time, the masters or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board if the applicant:

(1) meets all requirements specified in paragraphs (a) to (e) other than passing the masters or equivalent examination administered by the Association of Social Work boards or a similar examination body designated by the board;

(2) provides to the board a description of the efforts the applicant has made to improve the applicant's score and demonstrates to the board's satisfaction that the efforts are likely to improve the score; and

(3) provides to the board letters of recommendation from two licensed social workers attesting to the applicant's ability to practice social work competently and ethically in accordance with professional social work knowledge, skills, and values.

(h) An individual must not practice social work until the individual passes the examination and receives a social work license under this section or section 148D.060. If the board has reason to believe that an applicant may be practicing social work without a license, and the applicant has failed the masters or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board, the board may notify the applicant's employer that the applicant is not licensed as a social worker.

(i) An applicant who was born in a foreign country, who has taken and failed to pass the examination specified in paragraph (a), clause (2), at least once since January 1, 2000, and for whom English is a second language, is eligible for licensure as a social worker if the applicant:

(1) provides evidence to the board of compliance with the requirements in paragraph (a), clauses (1) and (3) to (6), and in paragraphs (b) to (e) and (h); and

(2) provides to the board letters of recommendation and experience ratings from two licensed social workers and one professor from the applicant's social work program who can attest to the applicant's competence.

This paragraph expires August 1, 2007.

Subd. 4. Licensure by examination; licensed independent social worker. (a) Except as provided in paragraph (i), to be licensed as a licensed independent social worker, an applicant for licensure by examination must provide evidence satisfactory to the board that the applicant:

(1) has received a graduate degree in social work from a program accredited by the Council on Social Work Education, the Canadian Association of Schools of Social Work, or a similar accreditation body designated by the board;

(2) has practiced social work as defined in section 148D.010, and has met the supervised practice requirements specified in sections 148D.100 to 148D.125;

(3) has passed the advanced generalist or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board. Unless an applicant applies for licensure by endorsement pursuant to subdivision 7, an examination is not valid if it was taken and passed eight or more years prior to submitting a completed, signed application form provided by the board;

(4) has submitted a completed, signed application form provided by the board, including the applicable application fee specified in section 148D.180. For applications submitted electronically, a "signed application" means providing an attestation as specified by the board;

(5) has submitted the criminal background check fee and a form provided by the board authorizing a criminal background check pursuant to subdivision 8;

(6) has paid the applicable license fee specified in section 148D.180; and

(7) has not engaged in conduct that was or would be in violation of the standards of practice specified in sections 148D.195 to 148D.240. If the applicant has engaged in conduct that was or would be in violation of the standards of practice, the board may take action pursuant to sections 148D.255 to 148D.270.

(b) An application which is not completed and signed, or which is not accompanied by the correct fee, must be returned to the applicant, along with any fee submitted, and is void.

(c) A licensed independent social worker who practices clinical social work must meet the supervised practice requirements specified in sections 148D.100 to 148D.125. If a licensee does not meet the supervised practice requirements, the board may take action pursuant to sections 148D.255 to 148D.270.

(d) By submitting an application for licensure, an applicant authorizes the board to investigate any information provided or requested in the application. The board may request that the applicant provide additional information, verification, or documentation.

(e) Within one year of the time the board receives an application for licensure, the applicant must meet all the requirements specified in paragraph (a) and must provide all of the information requested by the board pursuant to paragraph (d). If within one year the applicant does not meet all the requirements, or does not provide all of the information requested, the applicant is considered ineligible and the application for licensure must be closed.

(f) Except as provided in paragraph (g), an applicant may not take more than three times the advanced generalist or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board. An applicant must receive a passing score on the masters or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board in no more than 18 months after the first time the applicant failed the examination.

(g) Notwithstanding paragraph (f), the board may allow an applicant to take, for a fourth or subsequent time, the advanced generalist or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board if the applicant:

(1) meets all requirements specified in paragraphs (a) to (e) other than passing the advanced generalist or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board;

(2) provides to the board a description of the efforts the applicant has made to improve the applicant's score and demonstrates to the board's satisfaction that the efforts are likely to improve the score; and

(3) provides to the board letters of recommendation from two licensed social workers attesting to the applicant's ability to practice social work competently and ethically in accordance with professional social work knowledge, skills, and values.

(h) An individual must not practice social work until the individual passes the examination and receives a social work license under this section or section 148D.060. If the board has reason to believe that an applicant may be practicing social work without a license, except as provided in section 148D.065, and the applicant has failed the advanced generalist or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board, the board may notify the applicant's employer that the applicant is not licensed as a social worker.

(i) An applicant who was born in a foreign country, who has taken and failed to pass the examination specified in paragraph (a), clause (3), at least once since January 1, 2000, and for whom English is a second language, is eligible for licensure as a social worker if the applicant:

(1) provides evidence to the board of compliance with the requirements in paragraph (a), clauses (1), (2), and (4) to (7), and in paragraphs (b) to (e) and (h); and

(2) provides to the board letters of recommendation and experience ratings from two licensed social workers and one professor from the applicant's social work program who can attest to the applicant's competence.

This paragraph expires August 1, 2007.

Subd. 5. Licensure by examination; licensed independent clinical social worker. (a) Except as provided in paragraph (h), to be licensed as a licensed independent clinical social worker, an applicant for licensure by examination must provide evidence satisfactory to the board that the applicant:

(1) has received a graduate degree in social work from a program accredited by the Council on Social Work Education, the Canadian Association of Schools of Social Work, or a similar accreditation body designated by the board;

(2) has practiced clinical social work as defined in section 148D.010, including both diagnosis and treatment, and has met the supervised practice requirements specified in sections 148D.100 to 148D.125;

(3) has passed the clinical or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board. Unless an appli-

cant applies for licensure by endorsement pursuant to subdivision 7, an examination is not valid if it was taken and passed eight or more years prior to submitting a completed, signed application form provided by the board;

(4) has submitted a completed, signed application form provided by the board, including the applicable application fee specified in section 148D.180. For applications submitted electronically, a "signed application" means providing an attestation as specified by the board;

(5) has submitted the criminal background check fee and a form provided by the board authorizing a criminal background check pursuant to subdivision 8;

(6) has paid the license fee specified in section 148D.180; and

(7) has not engaged in conduct that was or would be in violation of the standards of practice specified in sections 148D.195 to 148D.240. If the applicant has engaged in conduct that was or would be in violation of the standards of practice, the board may take action pursuant to sections 148D.255 to 148D.270.

(b) An application which is not completed and signed, or which is not accompanied by the correct fee, must be returned to the applicant, along with any fee submitted, and is void.

(c) By submitting an application for licensure, an applicant authorizes the board to investigate any information provided or requested in the application. The board may request that the applicant provide additional information, verification, or documentation.

(d) Within one year of the time the board receives an application for licensure, the applicant must meet all the requirements specified in paragraph (a) and must provide all of the information requested by the board pursuant to paragraph (c). If within one year the applicant does not meet all the requirements, or does not provide all of the information requested, the applicant is considered ineligible and the application for licensure must be closed.

(e) Except as provided in paragraph (f), an applicant may not take more than three times the clinical or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board. An applicant must receive a passing score on the clinical or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board no later than 18 months after the first time the applicant failed the examination.

(f) Notwithstanding paragraph (e), the board may allow an applicant to take, for a fourth or subsequent time, the clinical or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board if the applicant:

(1) meets all requirements specified in paragraphs (a) to (d) other than passing the clinical or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board;

(2) provides to the board a description of the efforts the applicant has made to improve the applicant's score and demonstrates to the board's satisfaction that the efforts are likely to improve the score; and

(3) provides to the board letters of recommendation from two licensed social workers attesting to the applicant's ability to practice social work competently and ethically in accordance with professional social work knowledge, skills, and values.

(g) An individual must not practice social work until the individual passes the examination and receives a social work license under this section or section 148D.060. If the board has reason to believe that an applicant may be practicing social work without a license, and the applicant has failed the clinical or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board, the board may notify the applicant's employer that the applicant is not licensed as a social worker.

(h) An applicant who was born in a foreign country, who has taken and failed to pass the examination specified in paragraph (a), clause (3), at least once since January 1, 2000, and for whom English is a second language, is eligible for licensure as a social worker if the applicant:

(1) provides evidence to the board of compliance with the requirements in paragraph (a), clauses (1), (2), and (4) to (7), and paragraphs (b) to (d) and (g); and

(2) provides to the board letters of recommendation and experience ratings from two licensed social workers and one professor from the applicant's social work program who can attest to the applicant's competence.

This paragraph expires August 1, 2007.

Subd. 6. Degrees from outside United States or Canada. If an applicant receives a degree from a program outside the United States or Canada that is not accredited by the Council on Social Work Education, the Canadian Association of Schools of Social Work, or a similar examination body designated by the board, the degree does not fulfill the requirements specified in subdivision 2, paragraph (a), clause (1); 3, paragraph (a), clause (1); 4, paragraph (a), clause (1); or 5, paragraph (a), clause (1), unless the Council on Social Work Education or a similar accreditation body designated by the board has determined through the council's international equivalency determination service that the degree earned is equivalent to the degree required.

Subd. 7. Licensure by endorsement. (a) An applicant for licensure by endorsement must hold a current license or credential to practice social work in another jurisdiction.

(b) An applicant for licensure by endorsement who meets the qualifications of paragraph (a) and who demonstrates to the satisfaction of the board that the applicant passed the examination administered by the Association of Social Work Boards or a similar examination body designated by the board for the applicable license in Minnesota is not required to retake the licensing examination.

(c) An application for licensure by endorsement must meet the applicable license requirements specified in subdivisions 1 to 6 and submit the licensure by endorsement application fee specified in section 148D.180.

Subd. 8. Criminal background checks. (a) Except as provided in paragraph (b), an initial license application must be accompanied by:

(1) a form provided by the board authorizing the board to complete a criminal background check; and

(2) the criminal background check fee specified by the Bureau of Criminal Apprehension.

Criminal background check fees collected by the board must be used to reimburse the Bureau of Criminal Apprehension for the criminal background checks.

(b) An applicant who has previously submitted a license application authorizing the board to complete a criminal background check is exempt from the requirement specified in paragraph (a).

(c) If a criminal background check indicates that an applicant has engaged in criminal behavior, the board may take action pursuant to sections 148D.255 to 148D.270.

Subd. 9. Effective date. The effective date of an initial license is the day on which the board receives the applicable license fee from an applicant approved for licensure.

Subd. 10. Expiration date. The expiration date of an initial license is the last day of the licensee's birth month in the second calendar year following the effective date of the initial license.

Subd. 11. Change in license. (a) A licensee who changes from a licensed social worker to a licensed graduate social worker, or from a licensed graduate social worker to a licensed independent social worker, or from a licensed graduate social worker or licensed independent social worker to a licensed independent clinical social worker, must pay the prorated share of the fee for the new license.

(b) The effective date of the new license is the day on which the board receives the applicable license fee from an applicant approved for the new license.

(c) The expiration date of the new license is the same date as the expiration date of the license held by the licensee prior to the change in the license.

History: 2005 c 147 art 1 s 16

148D.060 TEMPORARY LICENSES.

Subdivision 1. **Students and other persons not currently licensed in another jurisdiction.** The board may issue a temporary license to practice social work to an applicant who is not licensed or credentialed to practice social work in any jurisdiction but has:

- (1) applied for a license under section 148D.055;
- (2) applied for a temporary license on a form provided by the board;
- (3) submitted a form provided by the board authorizing the board to complete a criminal background check;
- (4) passed the applicable licensure examination provided for in section 148D.055;
- (5) attested on a form provided by the board that the applicant has completed the requirements for a baccalaureate or graduate degree in social work from a program accredited by the Council on Social Work Education, the Canadian Association of Schools of Social Work, or a similar accreditation body designated by the board; and
- (6) not engaged in conduct that was or would be in violation of the standards of practice specified in sections 148D.195 to 148D.240. If the applicant has engaged in conduct that was or would be in violation of the standards of practice, the board may take action pursuant to sections 148D.255 to 148D.270.

Subd. 2. **Emergency situations and persons currently licensed in another jurisdiction.** The board may issue a temporary license to practice social work to an applicant who is licensed or credentialed to practice social work in another jurisdiction, may or may not have applied for a license under section 148D.055, and has:

- (1) applied for a temporary license on a form provided by the board;
- (2) submitted a form provided by the board authorizing the board to complete a criminal background check;
- (3) submitted evidence satisfactory to the board that the applicant is currently licensed or credentialed to practice social work in another jurisdiction;
- (4) attested on a form provided by the board that the applicant has completed the requirements for a baccalaureate or graduate degree in social work from a program accredited by the Council on Social Work Education, the Canadian Association of Schools of Social Work, or a similar accreditation body designated by the board; and
- (5) not engaged in conduct that was or would be in violation of the standards of practice specified in sections 148D.195 to 148D.240. If the applicant has engaged in conduct that was or would be in violation of the standards of practice, the board may take action pursuant to sections 148D.255 to 148D.270.

Subd. 3. **Teachers.** The board may issue a temporary license to practice social work to an applicant whose permanent residence is outside the United States, who is teaching social work at an academic institution in Minnesota for a period not to exceed 12 months, who may or may not have applied for a license under section 148D.055, and who has:

- (1) applied for a temporary license on a form provided by the board;
- (2) submitted a form provided by the board authorizing the board to complete a criminal background check;
- (3) attested on a form provided by the board that the applicant has completed the requirements for a baccalaureate or graduate degree in social work; and
- (4) has not engaged in conduct that was or would be in violation of the standards of practice specified in sections 148D.195 to 148D.240. If the applicant has engaged in conduct that was or would be in violation of the standards of practice, the board may take action pursuant to sections 148D.255 to 148D.270.

Subd. 4. **Temporary license application fee.** An applicant for a temporary license must pay the application fee described in section 148D.180 plus the required fee for the cost

of the criminal background check. Only one fee for the cost of the criminal background check must be submitted when the applicant is applying for both a temporary license and a license under section 148D.055.

Subd. 5. Temporary license term. (a) A temporary license is valid until expiration, or until the board issues or denies the license pursuant to section 148D.055, or until the board revokes the temporary license, whichever comes first. A temporary license is nonrenewable.

(b) A temporary license issued pursuant to subdivision 1 or 2 expires after six months.

(c) A temporary license issued pursuant to subdivision 3 expires after 12 months.

Subd. 6. Licensee with temporary license; baccalaureate degree. A licensee with a temporary license who has provided evidence to the board that the licensee has completed the requirements for a baccalaureate degree in social work from a program accredited by the Council on Social Work Education, the Canadian Association of Schools of Social Work, or a similar accreditation body designated by the board may temporarily engage in social work practice except that a licensee with a temporary license may not engage in clinical social work practice.

Subd. 7. Licensee with temporary license; graduate degree. A licensee with a temporary license who has provided evidence to the board that the licensee has completed the requirements for a graduate degree in social work from a program accredited by the Council on Social Work Education, the Canadian Association of Schools of Social Work, or a similar accreditation body designated by the board may temporarily engage in social work practice, including clinical practice.

Subd. 8. Supervision requirements. (a) Except as provided in paragraph (b), an applicant who is not currently licensed or credentialed to practice social work in another jurisdiction and who obtains a temporary license may practice social work only under the supervision of an individual licensed as a social worker who is eligible to provide supervision under sections 148D.100 to 148D.125. Before the applicant is approved for licensure, the applicant's supervisor must attest to the board's satisfaction that the applicant has practiced social work under supervision. This supervision applies toward the supervision required after licensure.

(b) If an applicant is currently licensed or credentialed to practice social work in another jurisdiction, and receives a temporary license pursuant to subdivision 3, the requirements specified in paragraph (a) do not apply. However, if an applicant with a temporary license chooses to practice social work under supervision, the supervision applies to the requirements specified in sections 148D.100 to 148D.125.

Subd. 9. Prohibition on practice. An applicant for a temporary license must not practice social work in Minnesota, except as provided in section 148D.065, until the applicant has been granted a temporary license.

Subd. 10. Representation of professional status. In making representations of professional status to the public, a licensee with a temporary license must state that the licensee has a temporary license.

Subd. 11. Standards of practice. A licensee with a temporary license must conduct all professional activities as a social worker in accordance with the requirements of sections 148D.195 to 148D.240.

Subd. 12. Ineligibility. An applicant who is currently practicing social work in Minnesota in a setting that is not exempt under section 148D.065 at the time of application is ineligible for a temporary license.

Subd. 13. Revocation of temporary license. The board may immediately revoke the temporary license of any licensee who violates any requirements of this section. The revocation must be made for cause, without notice or opportunity to be heard. A licensee whose temporary license is revoked must immediately return the temporary license to the board.

History: 2005 c 147 art 1 s 17

148D.065 EXEMPTIONS.

Subdivision 1. **Other professionals.** Nothing in this chapter may be construed to prevent members of other professions or occupations from performing functions for which they are qualified or licensed. This exception includes but is not limited to: licensed physicians, registered nurses, licensed practical nurses, licensed psychologists, psychological practitioners, probation officers, members of the clergy and Christian Science practitioners, attorneys, marriage and family therapists, alcohol and drug counselors, professional counselors, school counselors, and registered occupational therapists or certified occupational therapist assistants. These persons must not, however, hold themselves out to the public by any title or description stating or implying that they are engaged in the practice of social work, or that they are licensed to engage in the practice of social work. Persons engaged in the practice of social work are not exempt from the board's jurisdiction solely by the use of one of the titles in this subdivision.

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.

Subd. 3. **Geographic waiver.** A geographic waiver may be granted by the board on a case-by-case basis to agencies with special regional hiring problems. The waiver is for the purpose of permitting agencies to hire individuals who do not meet the qualifications of section 148D.055 or 148D.060 to practice social work.

Subd. 4. **City, county, and state agency social workers.** The licensure of city, county, and state agency social workers is voluntary. City, county, and state agencies employing social workers are not required to employ licensed social workers.

Subd. 5. **Tribes and private nonprofit agencies; voluntary licensure.** The licensure of social workers who are employed by federally recognized tribes, or by private nonprofit agencies whose primary service focus addresses ethnic minority populations, and who are themselves members of ethnic minority populations within those agencies, is voluntary.

History: 2005 c 147 art 1 s 18

148D.070 LICENSE RENEWALS.

Subdivision 1. **License renewal term.** (a) If a license is renewed, the license must be renewed for a two-year renewal term. The renewal term is the period from the effective date of an initial or renewed license to the expiration date of the license.

(b) The effective date of a renewed license is the day following the expiration date of the expired license.

(c) The expiration date of a renewed license is the last day of the licensee's birth month in the second calendar year following the effective date of the renewed license.

Subd. 2. **Mailing license renewal notices.** The board must mail a notice for license renewal to a licensee at least 45 days before the expiration date of the license. Mailing the notice by United States mail to the licensee's last known mailing address constitutes valid mailing. Failure to receive the renewal notice does not relieve a licensee of the obligation to renew a license and to pay the renewal fee.

Subd. 3. **Submitting license renewal applications.** (a) In order to renew a license, a licensee must submit:

- (1) a completed, signed application for license renewal; and
- (2) the applicable renewal fee specified in section 148D.180.

The completed, signed application and renewal fee must be received by the board prior to midnight of the day of the license expiration date. For renewals submitted electronically, a "signed application" means providing an attestation as specified by the board.

(b) An application which is not completed and signed, or which is not accompanied by the correct fee, must be returned to the applicant, along with any fee submitted, and is void.

(c) The completed, signed application must include documentation that the licensee has met the continuing education requirements specified in sections 148D.130 to 148D.170 and,

if applicable, the supervised practice requirements specified in sections 148D.100 to 148D.125.

(d) By submitting a renewal application, an applicant authorizes the board to:

(1) investigate any information provided or requested in the application. The board may request that the applicant provide additional information, verification, or documentation;

(2) conduct an audit to determine if the applicant has met the continuing education requirements specified in sections 148D.130 to 148D.170; and

(3) if applicable, conduct an audit to determine whether the applicant has met the supervision requirements specified in sections 148D.100 to 148D.125.

(e) If a licensee's application for license renewal meets the requirements specified in paragraph (a), the licensee may continue to practice after the license expiration date until the board approves or denies the application.

Subd. 4. Renewal late fee. An application that is received after the license expiration date must be accompanied by the renewal late fee specified in section 148D.180 in addition to the applicable renewal fee. The application, renewal fee, and renewal late fee must be received by the board within 60 days of the license expiration date, or the license automatically expires.

Subd. 5. Expired license. (a) If an application does not meet the requirements specified in subdivisions 3 and 4, the license automatically expires. A licensee whose license has expired may reactivate a license by meeting the requirements in section 148D.080 or be relicensed by meeting the requirements specified in section 148D.055.

(b) The board may take action pursuant to sections 148D.255 to 148D.270 based on a licensee's conduct before the expiration of the license.

(c) An expired license may be reactivated within one year of the expiration date specified in section 148D.080. After one year of the expiration date, an individual may apply for a new license pursuant to section 148D.055.

History: 2005 c 147 art 1 s 19

148D.075 INACTIVE LICENSES.

Subdivision 1. Inactive status. (a) A licensee qualifies for inactive status under either of the circumstances described in paragraph (b) or (c).

(b) A licensee qualifies for inactive status when the licensee is granted temporary leave from active practice. A licensee qualifies for temporary leave from active practice if the licensee demonstrates to the satisfaction of the board that the licensee is not engaged in the practice of social work in any setting, including settings in which social workers are exempt from licensure pursuant to section 148D.065. A licensee who is granted temporary leave from active practice may reactivate the license pursuant to section 148D.080.

(c) A licensee qualifies for inactive status when a licensee is granted an emeritus license. A licensee qualifies for an emeritus license if the licensee demonstrates to the satisfaction of the board that:

(i) the licensee is retired from social work practice; and

(ii) the licensee is not engaged in the practice of social work in any setting, including settings in which social workers are exempt from licensure pursuant to section 148D.065.

A licensee who possesses an emeritus license may reactivate the license pursuant to section 148D.080.

Subd. 2. Application. A licensee may apply for inactive status:

(1) at any time by submitting an application for a temporary leave from active practice or for an emeritus license; or

(2) as an alternative to applying for the renewal of a license by so recording on the application for license renewal and submitting the completed, signed application to the board.

An application that is not completed or signed, or that is not accompanied by the correct fee, must be returned to the applicant, along with any fee submitted, and is void. For applica-

tions submitted electronically, a "signed application" means providing an attestation as specified by the board.

Subd. 3. **Fee.** (a) Regardless of when the application for inactive status is submitted, the temporary leave or emeritus license fee specified in section 148D.180, whichever is applicable, must accompany the application. A licensee who is approved for inactive status before the license expiration date is not entitled to receive a refund for any portion of the license or renewal fee.

(b) If an application for temporary leave is received after the license expiration date, the licensee must pay a renewal late fee as specified in section 148D.180 in addition to the temporary leave fee.

Subd. 4. **Time limits for temporary leaves.** A licensee may maintain an inactive license on temporary leave for no more than five consecutive years. If a licensee does not apply for reactivation within 60 days following the end of the consecutive five-year period, the license automatically expires.

Subd. 5. **Time limits for emeritus license.** A licensee with an emeritus license may not apply for reactivation pursuant to section 148D.080 after five years following the granting of the emeritus license. However, after five years following the granting of the emeritus license, an individual may apply for new licensure pursuant to section 148D.055.

Subd. 6. **Prohibition on practice.** (a) Except as provided in paragraph (b), a licensee whose license is inactive must not practice, attempt to practice, offer to practice, or advertise or hold out as authorized to practice social work.

(b) The board may grant a variance to the requirements of paragraph (a) if a licensee on inactive status provides emergency social work services. A variance is granted only if the board provides the variance in writing to the licensee. The board may impose conditions or restrictions on the variance.

Subd. 7. **Representations of professional status.** In making representations of professional status to the public, a licensee whose license is inactive must state that the license is inactive and that the licensee cannot practice social work.

Subd. 8. **Disciplinary or other action.** The board may resolve any pending complaints against a licensee before approving an application for inactive status. The board may take action pursuant to sections 148D.255 to 148D.270 against a licensee whose license is inactive based on conduct occurring before the license is inactive or conduct occurring while the license is inactive.

History: 2005 c 147 art 1 s 20

148D.080 REACTIVATIONS.

Subdivision 1. **Mailing notices to licensees on temporary leave.** The board must mail a notice for reactivation to a licensee on temporary leave at least 45 days before the expiration date of the license pursuant to section 148D.075, subdivision 4. Mailing the notice by United States mail to the licensee's last known mailing address constitutes valid mailing. Failure to receive the reactivation notice does not relieve a licensee of the obligation to comply with the provisions of this section to reactivate a license.

Subd. 2. **Reactivation from a temporary leave or emeritus status.** To reactivate a license from a temporary leave or emeritus status, a licensee must do the following within the time period specified in section 148D.075, subdivisions 4 and 5:

- (1) complete an application form specified by the board;
- (2) document compliance with the continuing education requirements specified in subdivision 4;
- (3) submit a supervision plan, if required;
- (4) pay the reactivation of an inactive licensee fee specified in section 148D.180; and
- (5) pay the wall certificate fee in accordance with section 148D.095, subdivision 1, paragraph (b) or (c), if the licensee needs a duplicate license.

Subd. 3. **Reactivation of an expired license.** To reactivate an expired license, a licensee must do the following within one year of the expiration date:

- (1) complete an application form specified by the board;
- (2) document compliance with the continuing education requirements that were in effect at the time the license expired;
- (3) document compliance with the supervision requirements, if applicable, that were in effect at the time the license expired; and
- (4) pay the reactivation of an expired license fee specified in section 148D.180.

Subd. 4. **Continuing education requirements.** (a) A licensee who is on temporary leave or who has an emeritus license must obtain the continuing education hours that would be required if the license was active. At the time of reactivation, the licensee must document compliance with the continuing education requirements specified in sections 148D.130 to 148D.170.

(b) A licensee applying for reactivation pursuant to subdivision 2 or 3 may apply for a variance to the continuing education requirements pursuant to sections 148D.130 to 148D.170.

Subd. 5. **Reactivation of a voluntarily terminated license.** To reactivate a voluntarily terminated license, a licensee must do the following within one year of the date the voluntary termination takes effect:

- (1) complete an application form specified by the board;
- (2) document compliance with the continuing education requirements that were in effect at the time the license was voluntarily terminated;
- (3) document compliance with the supervision requirements, if applicable, that were in effect at the time the license was voluntarily terminated; and
- (4) pay the reactivation of an expired or voluntarily terminated license fee specified in section 148D.180.

History: 2005 c 147 art 1 s 21

148D.085 VOLUNTARY TERMINATIONS.

Subdivision 1. **Requests for voluntary termination.** (a) A licensee may request voluntary termination of a license if the licensee demonstrates to the satisfaction of the board that the licensee is not engaged in the practice of social work in any setting except settings in which social workers are exempt from licensure pursuant to section 148D.065.

(b) A licensee may apply for voluntary termination:

- (1) at any time by submitting an application; or
- (2) as an alternative to applying for the renewal of a license by so recording on the application for license renewal and submitting the completed, signed application to the board. For applications submitted electronically, a "signed application" means providing an attestation as specified by the board. An application that is not completed and signed must be returned to the applicant and is void.

(c) The board may resolve any pending complaints against a licensee before approving a request for voluntary termination.

Subd. 2. **Application for new licensure.** A licensee who has voluntarily terminated a license may not reactivate the license after one year following the date the voluntary termination takes effect. However, a licensee who has voluntarily terminated a license may apply for a new license pursuant to section 148D.055.

Subd. 3. **Prohibition on practice.** A licensee who has voluntarily terminated a license must not practice, attempt to practice, offer to practice, or advertise or hold out as authorized to practice social work, except when the individual is exempt from licensure pursuant to section 148D.065.

Subd. 4. **Disciplinary or other action.** The board may take action pursuant to sections 148D.255 to 148D.270 against a licensee whose license has been terminated based on conduct occurring before the license is terminated or for practicing social work without a license.

History: 2005 c 147 art 1 s 22

148D.090 NAME; CHANGE OF NAME OR ADDRESS.

Subdivision 1. **Name.** A licensee must use the licensee's legal name or a professional name. If the licensee uses a professional name, the licensee must inform the board in writing of both the licensee's professional name and legal name and must comply with the requirements of this section.

Subd. 2. **Legal name change.** Within 30 days after changing the licensee's legal name, a licensee must:

- (1) request a new license wall certificate;
- (2) provide legal verification of the name change; and
- (3) pay the license wall certificate fee specified in section 148D.180.

Subd. 3. **Professional name change.** Within 30 days after changing the licensee's professional name, a licensee must:

- (1) request a new license wall certificate;
- (2) provide a notarized statement attesting to the name change; and
- (3) pay the license wall certificate fee specified in section 148D.180.

Subd. 4. **Address or telephone change.** When a licensee changes a mailing address, home address, work address, e-mail address, or daytime public telephone number, the licensee must notify the board of the change electronically or in writing no more than 30 days after the date of the change.

History: 2005 c 147 art 1 s 23

148D.095 LICENSE CERTIFICATE OR CARD.

Subdivision 1. **License wall certificate.** (a) The board must issue a new license wall certificate when the board issues a new license. No fee in addition to the applicable license fee specified in section 148D.180 is required.

(b) The board must replace a license wall certificate when:

(1) a licensee submits an affidavit to the board that the original license wall certificate was lost, stolen, or destroyed; and

(2) the licensee submits the license wall certificate fee specified in section 148D.180.

(c) The board must issue a revised license wall certificate when:

(1) a licensee requests a revised license wall certificate pursuant to this section; and

(2) a licensee submits the license wall certificate fee specified in section 148D.180.

(d) The board must issue an additional license wall certificate when:

(1) a licensee submits a written request for a new certificate because the licensee practices in more than one location; and

(2) the licensee submits the license wall certificate fee specified in section 148D.180.

Subd. 2. **License card.** (a) The board must issue a new license card when the board issues a new license. No fee in addition to the applicable license fee specified in section 148D.180 is required.

(b) The board must replace a license card when a licensee submits:

(1) an affidavit to the board that the original license card was lost, stolen, or destroyed; and

(2) the license card fee specified in section 148D.180.

(c) The board must issue a revised license card when the licensee submits a written request for a new license wall certificate because of a new professional or legal name pursuant

to section 148D.090, subdivision 2 or 3. No fee in addition to the one specified in subdivision 1, paragraph (b), is required.

History: 2005 c 147 art 1 s 24

148D.100 LICENSED SOCIAL WORKERS; SUPERVISED PRACTICE.

Subdivision 1. **Supervision required after licensure.** After receiving a license from the board as a licensed social worker, the licensed social worker must obtain at least 75 hours of supervision in accordance with the requirements of this section.

Subd. 2. **Practice requirements.** The supervision required by subdivision 1 must be obtained during the first 4,000 hours of postbaccalaureate social work practice authorized by law. At least three hours of supervision must be obtained during every 160 hours of practice.

Subd. 3. **Types of supervision.** (a) Thirty-seven and one-half hours of the supervision required by subdivision 1 must consist of one-on-one in-person supervision.

(b) Thirty-seven and one-half hours must consist of one or more of the following types of supervision, subject to the limitation in clause (3):

- (1) one-on-one in-person supervision;
- (2) in-person group supervision; or
- (3) electronic supervision such as by telephone or video conferencing, provided that electronic supervision must not exceed 25 hours.

(c) To qualify as in-person group supervision, the group must not exceed seven members including the supervisor.

Subd. 4. **Supervisor requirements.** The supervision required by subdivision 1 must be provided by a supervisor who:

- (1) is a licensed social worker who has completed the supervised practice requirements;
- (2) is a licensed graduate social worker, licensed independent social worker, or licensed independent clinical social worker; or
- (3) meets the requirements specified in section 148D.120, subdivision 2.

Subd. 5. **Supervisee requirements.** The supervisee must:

- (1) to the satisfaction of the supervisor, practice competently and ethically in accordance with professional social work knowledge, skills, and values;
- (2) receive supervision in the following content areas:
 - (i) development of professional values and responsibilities;
 - (ii) practice skills;
 - (iii) authorized scope of practice;
 - (iv) ensuring continuing competence; and
 - (v) ethical standards of practice;
- (3) submit a supervision plan in accordance with section 148D.125, subdivision 1; and
- (4) if the board audits the supervisee's supervised practice, submit verification of supervised practice in accordance with section 148D.125, subdivision 3.

Subd. 6. **After completion of supervision requirements.** A licensed social worker who fulfills the supervision requirements specified in subdivisions 1 to 5 is not required to be supervised after completion of the supervision requirements.

Subd. 7. **Attestation.** The social worker and the social worker's supervisor must attest that the supervisee has met or has made progress on meeting the applicable supervision requirements in accordance with section 148D.125, subdivision 2.

History: 2005 c 147 art 1 s 25

148D.105 LICENSED GRADUATE SOCIAL WORKERS; SUPERVISED PRACTICE.

Subdivision 1. **Supervision required after licensure.** After receiving a license from the board as a licensed graduate social worker, a licensed graduate social worker must obtain at least 75 hours of supervision in accordance with the requirements of this section.

Subd. 2. **Practice requirements.** The supervision required by subdivision 1 must be obtained during the first 4,000 hours of postgraduate social work practice authorized by law. At least three hours of supervision must be obtained during every 160 hours of practice.

Subd. 3. **Types of supervision.** (a) Thirty-seven and one-half hours of the supervision required by subdivision 1 must consist of one-on-one in-person supervision.

(b) Thirty-seven and one-half hours must consist of one or more of the following types of supervision, subject to the limitation in clause (3):

(1) one-on-one in-person supervision;

(2) in-person group supervision; or

(3) electronic supervision such as by telephone or video conferencing, provided that electronic supervision must not exceed 25 hours.

(c) To qualify as in-person group supervision, the group must not exceed seven members including the supervisor.

Subd. 4. **Supervisor requirements.** The supervision required by subdivision 1 must be provided by a supervisor who meets the requirements specified in section 148D.120. The supervision must be provided:

(1) if the supervisee is not engaged in clinical practice, by a (i) licensed independent social worker, (ii) licensed graduate social worker who has completed the supervised practice requirements, or (iii) licensed independent clinical social worker;

(2) if the supervisee is engaged in clinical practice, by a licensed independent clinical social worker; or

(3) by a supervisor who meets the requirements specified in section 148D.120, subdivision 2.

Subd. 5. **Supervisee requirements.** The supervisee must:

(1) to the satisfaction of the supervisor, practice competently and ethically in accordance with professional social work knowledge, skills, and values;

(2) receive supervision in the following content areas:

(i) development of professional values and responsibilities;

(ii) practice skills;

(iii) authorized scope of practice;

(iv) ensuring continuing competence; and

(v) ethical standards of practice;

(3) submit a supervision plan in accordance with section 148D.125, subdivision 1; and

(4) verify supervised practice in accordance with section 148D.125, subdivision 3, if:

(i) the board audits the supervisee's supervised practice; or

(ii) a licensed graduate social worker applies for a licensed independent social worker or licensed independent clinical social worker license.

Subd. 6. **Licensed graduate social workers who practice clinical social work.** (a) A licensed graduate social worker must not engage in clinical social work practice except under supervision by a licensed independent clinical social worker or an alternate supervisor designated pursuant to section 148D.120, subdivision 2.

(b) Except as provided in paragraph (c), a licensed graduate social worker must not engage in clinical social work practice under supervision for more than 8,000 hours. In order to practice clinical social work for more than 8,000 hours, a licensed graduate social worker must obtain a licensed independent clinical social worker license.

(c) Notwithstanding the requirements of paragraph (b), the board may grant a licensed graduate social worker permission to engage in clinical social work practice for more than 8,000 hours if the licensed graduate social worker petitions the board and demonstrates to the board's satisfaction that for reasons of personal hardship the licensed graduate social worker should be granted an extension to continue practicing clinical social work under supervision for up to an additional 2,000 hours.

(d) Upon completion of 4,000 hours of clinical social work practice and 75 hours of supervision in accordance with the requirements of this section, a licensed graduate social worker is eligible to apply for a licensed independent clinical social worker license pursuant to section 148D.115, subdivision 1.

Subd. 7. Licensed graduate social workers who do not practice clinical social work. A licensed graduate social worker who fulfills the supervision requirements specified in subdivisions 1 to 5, and who does not practice clinical social work, is not required to be supervised after completion of the supervision requirements.

Subd. 8. Attestation. A social worker and the social worker's supervisor must attest that the supervisee has met or has made progress on meeting the applicable supervision requirements in accordance with section 148D.125, subdivision 2.

History: 2005 c 147 art 1 s 26

148D.110 LICENSED INDEPENDENT SOCIAL WORKERS; SUPERVISED PRACTICE.

Subdivision 1. Supervision required before licensure. Before becoming licensed as a licensed independent social worker, a person must have obtained at least 75 hours of supervision during 4,000 hours of postgraduate social work practice authorized by law in accordance with the requirements of section 148D.105, subdivisions 3, 4, and 5. At least three hours of supervision must be obtained during every 160 hours of practice.

Subd. 2. Licensed independent social workers; clinical social work after licensure. (a) After licensure, a licensed independent social worker must not engage in clinical social work practice except under supervision by a licensed independent clinical social worker or an alternate supervisor designated pursuant to section 148D.120, subdivision 2.

(b) Except as provided in paragraph (c), a licensed independent social worker must not engage in clinical social work practice under supervision for more than 8,000 hours. In order to practice clinical social work for more than 8,000 hours, a licensed independent social worker must obtain a licensed independent clinical social worker license.

(c) Notwithstanding the requirements of paragraph (b), the board may grant a licensed independent social worker permission to engage in clinical social work practice for more than 8,000 hours if the licensed independent social worker petitions the board and demonstrates to the board's satisfaction that for reasons of personal hardship the licensed independent social worker should be granted an extension to continue practicing clinical social work under supervision for up to an additional 2,000 hours.

Subd. 3. Licensed independent social workers who do not practice clinical social work after licensure. After licensure, a licensed independent social worker is not required to be supervised if the licensed independent social worker does not practice clinical social work.

History: 2005 c 147 art 1 s 27

148D.115 LICENSED INDEPENDENT CLINICAL SOCIAL WORKERS; SUPERVISION.

Subdivision 1. Supervision required before licensure. Before becoming licensed as a licensed independent clinical social worker, a person must have obtained at least 75 hours of supervision during 4,000 hours of postgraduate clinical practice authorized by law in accordance with the requirements of section 148D.105, subdivisions 3, 4, and 5. At least three hours of supervision must be obtained during every 160 hours of practice.

Subd. 2. No supervision required after licensure. After licensure, a licensed independent clinical social worker is not required to be supervised.

History: 2005 c 147 art 1 s 28

148D.120 REQUIREMENTS OF SUPERVISORS.

Subdivision 1. Supervisors licensed as social workers. (a) Except as provided in paragraph (b), to be eligible to provide supervision under this section, a social worker must attest,

on a form provided by the board, that he or she has met the applicable licensure requirements specified in sections 148D.100 to 148D.115.

(b) If the board determines that supervision is not obtainable from an individual meeting the requirements specified in paragraph (a), the board may approve an alternate supervisor pursuant to subdivision 2.

Subd. 2. **Alternate supervisors.** (a) The board may approve an alternate supervisor if:

- (1) the board determines that supervision is not obtainable pursuant to paragraph (b);
- (2) the licensee requests in the supervision plan submitted pursuant to section 148D.125, subdivision 1, that an alternate supervisor conduct the supervision;
- (3) the licensee describes the proposed supervision and the name and qualifications of the proposed alternate supervisor; and
- (4) the requirements of paragraph (d) are met.

(b) The board may determine that supervision is not obtainable if:

(1) the licensee provides documentation as an attachment to the supervision plan submitted pursuant to section 148D.125, subdivision 1, that the licensee has conducted a thorough search for a supervisor meeting the applicable licensure requirements specified in sections 148D.100 to 148D.115;

(2) the licensee demonstrates to the board's satisfaction that the search was unsuccessful; and

(3) the licensee describes the extent of the search and the names and locations of the persons and organizations contacted.

(c) The following are not grounds for a determination that supervision is unobtainable:

(1) obtaining a supervisor who meets the requirements of subdivision 1 would present the licensee with a financial hardship;

(2) the licensee is unable to obtain a supervisor who meets the requirements of subdivision 1 within the licensee's agency or organization and the agency or organization will not allow outside supervision; or

(3) the specialized nature of the licensee's practice requires supervision from a practitioner other than an individual licensed as a social worker.

(d) An alternate supervisor must:

(1) be an unlicensed social worker who is employed in, and provides the supervision in, a setting exempt from licensure by section 148D.065, and who has qualifications equivalent to the applicable requirements specified in sections 148D.100 to 148D.115; or

(2) be a licensed marriage and family therapist or a mental health professional as established by section 245.462, subdivision 18, or 245.4871, subdivision 27, or an equivalent mental health professional, as determined by the board, who is licensed or credentialed by a state, territorial, provincial, or foreign licensing agency.

In order to qualify to provide clinical supervision of a licensed graduate social worker or licensed independent social worker engaged in clinical practice, the alternate supervisor must be a mental health professional as established by section 245.462, subdivision 18, or 245.4871, subdivision 27, or an equivalent mental health professional, as determined by the board, who is licensed or credentialed by a state, territorial, provincial, or foreign licensing agency.

History: 2005 c 147 art 1 s 29

148D.125 DOCUMENTATION OF SUPERVISION.

Subdivision 1. **Supervision plan.** (a) A social worker must submit, on a form provided by the board, a supervision plan for meeting the supervision requirements specified in sections 148D.100 to 148D.120.

(b) The supervision plan must be submitted no later than 90 days after the licensee begins a social work practice position after becoming licensed.

(c) For failure to submit the supervision plan within 90 days after beginning a social work practice position, a licensee must pay the supervision plan late fee specified in section 148D.180 when the licensee applies for license renewal.

(d) A license renewal application submitted pursuant to paragraph (a) must not be approved unless the board has received a supervision plan.

(e) The supervision plan must include the following:

(1) the name of the supervisee, the name of the agency in which the supervisee is being supervised, and the supervisee's position title;

(2) the name and qualifications of the person providing the supervision;

(3) the number of hours of one-on-one in-person supervision and the number and type of additional hours of supervision to be completed by the supervisee;

(4) the supervisee's position description;

(5) a brief description of the supervision the supervisee will receive in the following content areas:

(i) clinical practice, if applicable;

(ii) development of professional social work knowledge, skills, and values;

(iii) practice methods;

(iv) authorized scope of practice;

(v) ensuring continuing competence; and

(vi) ethical standards of practice; and

(6) if applicable, a detailed description of the supervisee's clinical social work practice, addressing:

(i) the client population, the range of presenting issues, and the diagnoses;

(ii) the clinical modalities that were utilized; and

(iii) the process utilized for determining clinical diagnoses, including the diagnostic instruments used and the role of the supervisee in the diagnostic process.

(f) The board must receive a revised supervision plan within 90 days of any of the following changes:

(1) the supervisee has a new supervisor;

(2) the supervisee begins a new social work position;

(3) the scope or content of the supervisee's social work practice changes substantially;

(4) the number of practice or supervision hours changes substantially; or

(5) the type of supervision changes as supervision is described in section 148D.100, subdivision 3, or 148D.105, subdivision 3, or as required in section 148D.115, subdivision 4.

(g) For failure to submit a revised supervision plan as required in paragraph (f), a supervisee must pay the supervision plan late fee specified in section 148D.180, when the supervisee applies for license renewal.

(h) The board must approve the supervisor and the supervision plan.

Subd. 2. Attestation. (a) When a supervisee submits renewal application materials to the board, the supervisee and supervisor must submit an attestation providing the following information on a form provided by the board:

(1) the name of the supervisee, the name of the agency in which the supervisee is being supervised, and the supervisee's position title;

(2) the name and qualifications of the supervisor;

(3) the number of hours and dates of each type of supervision completed;

(4) the supervisee's position description;

(5) a declaration that the supervisee has not engaged in conduct in violation of the standards of practice specified in sections 148D.195 to 148D.240;

(6) a declaration that the supervisee has practiced competently and ethically in accordance with professional social work knowledge, skills, and values; and

(7) a list of the content areas in which the supervisee has received supervision, including the following:

- (i) clinical practice, if applicable;
- (ii) development of professional social work knowledge, skills, and values;
- (iii) practice methods;
- (iv) authorized scope of practice;
- (v) ensuring continuing competence; and
- (vi) ethical standards of practice.

(b) The information provided on the attestation form must demonstrate to the board's satisfaction that the supervisee has met or has made progress on meeting the applicable supervised practice requirements.

Subd. 3. Verification of supervised practice. (a) In addition to receiving the attestation required pursuant to subdivision 2, the board must receive verification of supervised practice if:

(1) the board audits the supervision of a supervisee pursuant to section 148D.070, subdivision 3; or

(2) an applicant applies for a license as a licensed independent social worker or as a licensed independent clinical social worker.

(b) When verification of supervised practice is required pursuant to paragraph (a), the board must receive from the supervisor the following information on a form provided by the board:

(1) the name of the supervisee, the name of the agency in which the supervisee is being supervised, and the supervisee's position title;

(2) the name and qualifications of the supervisor;

(3) the number of hours and dates of each type of supervision completed;

(4) the supervisee's position description;

(5) a declaration that the supervisee has not engaged in conduct in violation of the standards of practice specified in sections 148D.195 to 148D.240;

(6) a declaration that the supervisee has practiced ethically and competently in accordance with professional social work knowledge, skills, and values;

(7) a list of the content areas in which the supervisee has received supervision, including the following:

- (i) clinical practice, if applicable;
- (ii) development of professional social work knowledge, skills, and values;
- (iii) practice methods;
- (iv) authorized scope of practice;
- (v) ensuring continuing competence; and
- (vi) ethical standards of practice; and

(8) if applicable, a detailed description of the supervisee's clinical social work practice, addressing:

(i) the client population, the range of presenting issues, and the diagnoses;

(ii) the clinical modalities that were utilized; and

(iii) the process utilized for determining clinical diagnoses, including the diagnostic instruments used and the role of the supervisee in the diagnostic process.

(c) The information provided on the verification form must demonstrate to the board's satisfaction that the supervisee has met the applicable supervised practice requirements.

Subd. 4. Alternative verification of supervised practice. Notwithstanding the requirements of subdivision 3, the board may accept alternative verification of supervised practice if a supervisee demonstrates to the satisfaction of the board that the supervisee is unable to locate a former supervisor to provide the required information.

History: 2005 c 147 art 1 s 30

148D.130 CLOCK HOURS REQUIRED.

Subdivision 1. **Total clock hours required.** At the time of license renewal, a licensee must provide evidence satisfactory to the board that the licensee has, during the renewal term, completed at least 30 clock hours of continuing education.

Subd. 2. **Ethics requirement.** At least two of the clock hours required under subdivision 1 must be in social work ethics.

Subd. 3. **Independent study.** Independent study must not consist of more than ten clock hours of continuing education per renewal term. Independent study must be for publication, public presentation, or professional development. Independent study includes, but is not limited to, electronic study.

Subd. 4. **Coursework.** One credit of coursework in a semester-based academic institution is the equivalent of 15 clock hours.

Subd. 5. **Prorated renewal term.** If the licensee's renewal term is prorated to be less or more than 24 months, the required number of continuing education clock hours is prorated proportionately.

History: 2005 c 147 art 1 s 31

148D.135 APPROVAL OF CLOCK HOURS.

Subdivision 1. **Ways of approving clock hours.** The clock hours required under section 148D.130 must be approved in one or more of the following ways:

- (1) the hours must be offered by a continuing education provider approved by the board;
- (2) the hours must be offered by a continuing education provider approved by the Association of Social Work Boards or a similar examination body designated by the board;
- (3) the hours must be earned through a continuing education program approved by the National Association of Social Workers; or
- (4) the hours must be earned through a continuing education program approved by the board.

Subd. 2. **Preapproval not required.** Providers and programs are not required to be preapproved but must meet the requirements specified in this section.

History: 2005 c 147 art 1 s 32

148D.140 VARIANCES.

The board may grant a variance to the continuing education requirements specified in section 148D.130, when a licensee demonstrates to the satisfaction of the board that the licensee is unable to complete the required number of clock hours during the renewal term. The board may allow a licensee to complete the required number of clock hours within a time frame specified by the board. The board must not allow a licensee to complete less than the required number of clock hours.

History: 2005 c 147 art 1 s 33

148D.145 CONTINUING EDUCATION PROVIDERS APPROVED BY BOARD.

Subdivision 1. **Board approval.** (a) The board must approve a continuing education provider who:

- (1) submits a completed application to the board which provides the information required by subdivision 2 and which meets the criteria specified in subdivision 3; and
 - (2) pays the provider fee specified in section 148D.180.
- (b) An approval is valid for programs offered no later than one year from the date the application is approved by the board.

Subd. 2. **Information required.** The information that must be provided to the board includes, but is not limited to, the following:

- (1) the name of the continuing education provider;

(2) the address, telephone number, and e-mail address of a contact person for the provider;

(3) a signed statement that indicates the provider understands and agrees to abide by the criteria specified in subdivision 3; and

(4) a signed statement that indicates the provider agrees to furnish a certificate of attendance to each participant in a program offered by the provider.

Subd. 3. **Criteria for programs.** (a) A continuing education provider must employ the following criteria in determining whether to offer a continuing education program:

(1) whether the material to be presented will promote the standards of practice described in sections 148D.195 to 148D.240;

(2) whether the material to be presented will contribute to the practice of social work as defined in section 148D.010;

(3) whether the material to be presented is intended for the benefit of practicing social workers; and

(4) whether the persons presenting the program are qualified in the subject matter being presented.

(b) The material presented must not be primarily procedural or primarily oriented towards business practices or self-development.

Subd. 4. **Audits.** (a) The board may audit programs offered by a continuing education provider approved by the board to determine compliance with the requirements of this section.

(b) A continuing education provider audited by the board must provide the documentation specified in subdivision 5.

Subd. 5. **Records retention; continuing education providers.** For three years following the end of each program offered by a continuing education provider, the provider must maintain the following information:

(1) the title of the program;

(2) a description of the content and objectives of the program;

(3) the date of the program;

(4) the number of clock hours credited for participation in the program;

(5) the program location;

(6) the names and qualifications of the primary presenters;

(7) a description of the primary audience the program was designed for; and

(8) a list of the participants in the program.

History: 2005 c 147 art 1 s 34

148D.150 APPROVED CONTINUING EDUCATION PROVIDERS.

In order to receive credit for a program offered by a continuing education provider approved by the Association of Social Work Boards or a similar examination body designated by the board, the provider must be listed on the Association of Social Work Boards Web site as a provider currently approved by the Association of Social Work Boards or a similar examination body designated by the board.

History: 2005 c 147 art 1 s 35

148D.155 APPROVED CONTINUING EDUCATION PROGRAMS.

In order to receive credit for a program approved by the National Association of Social Workers, the program must be listed on the National Association of Social Workers Web site as a program currently approved by the National Association of Social Workers.

History: 2005 c 147 art 1 s 36

148D.160 CONTINUING EDUCATION PROGRAMS APPROVED BY BOARD.

Subdivision 1. **Required program content.** In order to be approved by the board, a continuing education program must:

- (1) promote the standards of practice described in sections 148D.195 to 148D.240;
- (2) contribute to the practice of social work as defined in section 148D.010; and
- (3) not be primarily procedural or be primarily oriented towards business practices or self-development.

Subd. 2. **Types of continuing education programs.** In order to be approved by the board, a continuing education program must be one of the following: academic coursework offered by an institution of higher learning; educational workshops, seminars, or conferences offered by an organization or individual; staff training offered by a public or private employer; or independent study.

History: 2005 c 147 art 1 s 37

148D.165 CONTINUING EDUCATION REQUIREMENTS OF LICENSEES.

Subdivision 1. **Records retention; licensees.** For one year following the expiration date of a license, the licensee must maintain documentation of clock hours earned during the previous renewal term. The documentation must include the following:

(1) for educational workshops or seminars offered by an organization or at a conference, a copy of the certificate of attendance issued by the presenter or sponsor giving the following information:

- (i) the name of the sponsor or presenter of the program;
- (ii) the title of the workshop or seminar;
- (iii) the dates the licensee participated in the program; and
- (iv) the number of clock hours completed;

(2) for academic coursework offered by an institution of higher learning, a copy of a transcript giving the following information:

- (i) the name of the institution offering the course;
- (ii) the title of the course;
- (iii) the dates the licensee participated in the course; and
- (iv) the number of credits completed;

(3) for staff training offered by public or private employers, a copy of the certificate of attendance issued by the employer giving the following information:

- (i) the name of the employer;
- (ii) the title of the staff training;
- (iii) the dates the licensee participated in the program; and
- (iv) the number of clock hours completed; and

(4) for independent study, including electronic study, a written summary of the study conducted, including the following information:

- (i) the topics studied;
- (ii) a description of the applicability of the study to the licensee's authorized scope of practice;
- (iii) the titles and authors of books and articles consulted or the name of the organization offering the study;
- (iv) the dates the licensee conducted the study; and
- (v) the number of clock hours the licensee conducted the study.

Subd. 2. **Audits.** The board may audit license renewal and reactivation applications to determine compliance with the requirements of sections 148D.130 to 148D.170. A licensee audited by the board must provide the documentation specified in subdivision 1 regardless of whether the provider or program has been approved by the board, the Association of Social

Work Boards, or a similar examination body designated by the board, or the National Association of Social Workers.

History: 2005 c 147 art 1 s 38

148D.170 REVOCATION OF CONTINUING EDUCATION APPROVALS.

The board may revoke approval of a provider or of a program offered by a provider, or of an individual program approved by the board, if the board determines subsequent to the approval that the provider or program failed to meet the requirements of sections 148D.130 to 148D.170.

History: 2005 c 147 art 1 s 39

148D.175 FEES.

The fees specified in section 148D.180 are nonrefundable and must be deposited in the state government special revenue fund.

History: 2005 c 147 art 1 s 40

148D.180 FEE AMOUNTS.

Subdivision 1. **Application fees.** Application fees for licensure are as follows:

- (1) for a licensed social worker, \$45;
- (2) for a licensed graduate social worker, \$45;
- (3) for a licensed independent social worker, \$90;
- (4) for a licensed independent clinical social worker, \$90;
- (5) for a temporary license, \$50; and
- (6) for a licensure by endorsement, \$150.

The fee for criminal background checks is the fee charged by the Bureau of Criminal Apprehension. The criminal background check fee must be included with the application fee as required pursuant to section 148D.055.

Subd. 2. **License fees.** License fees are as follows:

- (1) for a licensed social worker, \$115.20;
- (2) for a licensed graduate social worker, \$201.60;
- (3) for a licensed independent social worker, \$302.40;
- (4) for a licensed independent clinical social worker, \$331.20;
- (5) for an emeritus license, \$43.20; and
- (6) for a temporary leave fee, the same as the renewal fee specified in subdivision 3.

If the licensee's initial license term is less or more than 24 months, the required license fees must be prorated proportionately.

Subd. 3. **Renewal fees.** Renewal fees for licensure are as follows:

- (1) for a licensed social worker, \$115.20;
- (2) for a licensed graduate social worker, \$201.60;
- (3) for a licensed independent social worker, \$302.40; and
- (4) for a licensed independent clinical social worker, \$331.20.

Subd. 4. **Continuing education provider fees.** Continuing education provider fees are as follows:

(1) for a provider who offers programs totaling one to eight clock hours in a one-year period pursuant to section 148D.145, \$50;

(2) for a provider who offers programs totaling nine to 16 clock hours in a one-year period pursuant to section 148D.145, \$100;

(3) for a provider who offers programs totaling 17 to 32 clock hours in a one-year period pursuant to section 148D.145, \$200;

(4) for a provider who offers programs totaling 33 to 48 clock hours in a one-year period pursuant to section 148D.145, \$400; and

(5) for a provider who offers programs totaling 49 or more clock hours in a one-year period pursuant to section 148D.145, \$600.

Subd. 5. **Late fees.** Late fees are as follows:

(1) renewal late fee, one-half of the renewal fee specified in subdivision 3; and

(2) supervision plan late fee, \$40.

Subd. 6. **License cards and wall certificates.** (a) The fee for a license card as specified in section 148D.095 is \$10.

(b) The fee for a license wall certificate as specified in section 148D.095 is \$30.

Subd. 7. **Reactivation fees.** Reactivation fees are as follows:

(1) reactivation from a temporary leave or emeritus status, the prorated share of the renewal fee specified in subdivision 3; and

(2) reactivation of an expired license, 1-1/2 times the renewal fees specified in subdivision 3.

Subd. 8. **Temporary fee reduction.** For fiscal years 2006, 2007, 2008, and 2009, the following fee changes are effective:

(1) in subdivision 1, the application fee for a licensed independent social worker is reduced to \$45;

(2) in subdivision 1, the application fee for a licensed independent clinical social worker is reduced to \$45;

(3) in subdivision 1, the application fee for a licensure by endorsement is reduced to \$85;

(4) in subdivision 2, the license fee for a licensed social worker is reduced to \$90;

(5) in subdivision 2, the license fee for a licensed graduate social worker is reduced to \$160;

(6) in subdivision 2, the license fee for a licensed independent social worker is reduced to \$240;

(7) in subdivision 2, the license fee for a licensed independent clinical social worker is reduced to \$265;

(8) in subdivision 3, the renewal fee for a licensed social worker is reduced to \$90;

(9) in subdivision 3, the renewal fee for a licensed graduate social worker is reduced to \$160;

(10) in subdivision 3, the renewal fee for a licensed independent social worker is reduced to \$240;

(11) in subdivision 3, the renewal fee for a licensed independent clinical social worker is reduced to \$265; and

(12) in subdivision 5, the renewal late fee is reduced to one-third of the renewal fee specified in subdivision 3.

This subdivision expires on June 30, 2009.

History: 2005 c 147 art 1 s 41

148D.185 PURPOSE OF COMPLIANCE LAWS.

The purpose of sections 148D.185 to 148D.290 is to protect the public by ensuring that all persons licensed as social workers meet minimum standards of practice. The board shall promptly and fairly investigate and resolve all complaints alleging violations of statutes and rules that the board is empowered to enforce and (1) take appropriate disciplinary action, adversarial action, or other action justified by the facts, or (2) enter into corrective action agreements or stipulations to cease practice, when doing so is consistent with the board's obligation to protect the public.

History: 2005 c 147 art 1 s 42

148D.190 GROUNDS FOR ACTION.

Subdivision 1. **Scope.** The grounds for action in subdivisions 2 to 4 and the standards of practice requirements in sections 148D.195 to 148D.240 apply to all licensees and applicants.

Subd. 2. **Violations.** The board has grounds to take action pursuant to sections 148D.255 to 148D.270 when a social worker violates:

- (1) a statute or rule enforced by the board, including this section and sections 148D.195 to 148D.240;
- (2) a federal or state law or rule related to the practice of social work; or
- (3) an order, stipulation, or agreement agreed to or issued by the board.

Subd. 3. **Conduct before licensure.** A violation of the requirements specified in this section and sections 148D.195 to 148D.240 is grounds for the board to take action under sections 148D.255 to 148D.270. The board's jurisdiction to exercise the powers provided in this section extends to an applicant or licensee's conduct that occurred before licensure if:

- (1) the conduct did not meet the minimum accepted and prevailing standards of professional social work practice at the time the conduct occurred; or
- (2) the conduct adversely affects the applicant or licensee's present ability to practice social work in conformity with the requirements of sections 148D.195 to 148D.240.

Subd. 4. **Unauthorized practice.** The board has grounds to take action pursuant to sections 148D.255 to 148D.270 when a social worker:

- (1) practices outside the scope of practice authorized by section 148D.050;
- (2) engages in the practice of social work without a social work license under section 148D.055 or 148D.060, except when the social worker is exempt from licensure pursuant to section 148D.065;
- (3) provides social work services to a client who receives social work services in this state, and is not licensed pursuant to section 148D.055 or 148D.060, except when the social worker is exempt from licensure pursuant to section 148D.065.

History: 2005 c 147 art 1 s 43

148D.195 REPRESENTATIONS TO CLIENTS AND PUBLIC.

Subdivision 1. **Required displays and information for clients.** (a) A social worker must conspicuously display at the social worker's places of practice, or make available as a handout for all clients, information that the client has the right to the following:

- (1) to be informed of the social worker's license status, education, training, and experience;
- (2) to examine public data on the social worker maintained by the board;
- (3) to report a complaint about the social worker's practice to the board; and
- (4) to be informed of the board's mailing address, e-mail address, Web site address, and telephone number.

(b) A social worker must conspicuously display the social worker's wall certificate at the social worker's places of practice and office locations. Additional wall certificates may be requested pursuant to section 148D.095.

Subd. 2. **Representations.** (a) No applicant or other individual may be represented to the public by any title incorporating the words "social work" or "social worker" unless the individual holds a license pursuant to sections 148D.055 and 148D.060 or practices in a setting exempt from licensure pursuant to section 148D.065.

(b) In all professional use of a social worker's name, the social worker must use the license designation "LSW" or "licensed social worker" for a licensed social worker, "LGSW" or "licensed graduate social worker" for a licensed graduate social worker, "LISW" or "licensed independent social worker" for a licensed independent social worker, or "LICSW" or "licensed independent clinical social worker" for a licensed independent clinical social worker.

(c) Public statements or advertisements must not be untruthful, misleading, false, fraudulent, deceptive, or potentially exploitative of clients, former clients, interns, students, supervisees, or the public.

(d) A social worker must not:

- (1) use licensure status as a claim, promise, or guarantee of successful service;
- (2) obtain a license by cheating or employing fraud or deception;
- (3) make false statements or misrepresentations to the board or in materials submitted to the board; or
- (4) engage in conduct that has the potential to deceive or defraud a social work client, intern, student, supervisee, or the public.

Subd. 3. **Information on credentials.** (a) A social worker must provide accurate and factual information concerning the social worker's credentials, education, training, and experience when the information is requested by clients, potential clients, or other persons or organizations.

(b) A social worker must not misrepresent directly or by implication the social worker's license, degree, professional certifications, affiliations, or other professional qualifications in any oral or written communications to clients, potential clients, or other persons or organizations. A social worker must take reasonable steps to prevent such misrepresentations by other social workers.

(c) A social worker must not hold out as a person licensed as a social worker without having a social work license pursuant to sections 148D.055 and 148D.060.

(d) A social worker must not misrepresent directly or by implication (1) affiliations with institutions or organizations, or (2) purposes or characteristics of institutions or organizations with which the social worker is or has been affiliated.

History: 2005 c 147 art 1 s 44

148D.200 COMPETENCE.

Subdivision 1. **Competence.** (a) A social worker must provide services and hold out as competent only to the extent the social worker's education, training, license, consultation received, supervision experience, or other relevant professional experience demonstrate competence in the services provided. A social worker must make a referral to a competent professional when the services required are beyond the social worker's competence or authorized scope of practice.

(b) When generally recognized standards do not exist with respect to an emerging area of practice, including but not limited to providing social work services through electronic means, a social worker must take the steps necessary, such as consultation or supervision, to ensure the competence of the social worker's work and to protect clients from harm.

Subd. 2. **Supervision or consultation.** Notwithstanding the completion of supervision requirements as specified in sections 148D.100 to 148D.125, a social worker must obtain supervision or engage in consultation when appropriate or necessary for competent and ethical practice.

Subd. 3. **Delegation of social work responsibilities.** (a) A social worker must not delegate a social work responsibility to another individual when the social worker knows or reasonably should know that the individual is not licensed when required to be licensed pursuant to sections 148D.055 and 148D.060.

(b) A social worker must not delegate a social work responsibility to another individual when the social worker knows or reasonably should know that the individual is not competent to assume the responsibility or perform the task.

History: 2005 c 147 art 1 s 45

148D.205 IMPAIRMENT.

Subdivision 1. **Grounds for action.** The board has grounds to take action under sections 148D.255 to 148D.270 when a social worker is unable to practice with reasonable skill

and safety by reason of illness, use of alcohol, drugs, chemicals, or any other materials, or as a result of any mental, physical, or psychological condition.

Subd. 2. **Self-reporting.** A social worker regulated by the board who is unable to practice with reasonable skill and safety by reason of illness, use of alcohol, drugs, chemicals, or any other materials, or as a result of any mental, physical, or psychological condition, must report to the board or the health professionals services program.

History: 2005 c 147 art 1 s 46

148D.210 PROFESSIONAL AND ETHICAL CONDUCT.

The board has grounds to take action under sections 148D.255 to 148D.270 when a social worker:

(1) engages in unprofessional or unethical conduct, including any departure from or failure to conform to the minimum accepted ethical and other prevailing standards of professional social work practice, without actual injury to a social work client, intern, student, supervisee, or the public needing to be established;

(2) engages in conduct that has the potential to cause harm to a client, intern, student, supervisee, or the public;

(3) demonstrates a willful or careless disregard for the health, welfare, or safety of a client, intern, student, or supervisee; or

(4) engages in acts or conduct adversely affecting the applicant or licensee's current ability or fitness to engage in social work practice, whether or not the acts or conduct occurred while engaged in the practice of social work.

History: 2005 c 147 art 1 s 47

148D.215 RESPONSIBILITIES TO CLIENTS.

Subdivision 1. **Responsibility to clients.** A social worker's primary professional responsibility is to the client. A social worker must respect the client's interests, including the interest in self-determination, except when required to do otherwise by law.

Subd. 2. **Nondiscrimination.** A social worker must not discriminate against a client, intern, student, or supervisee or in providing services to a client, intern, or supervisee on the basis of age, gender, sexual orientation, race, color, national origin, religion, illness, disability, political affiliation, or social or economic status.

Subd. 3. **Research.** When undertaking research activities, a social worker must use accepted protocols for the protection of human subjects, including (1) establishing appropriate safeguards to protect the subject's vulnerability, and (2) obtaining the subjects' informed consent.

History: 2005 c 147 art 1 s 48

148D.220 RELATIONSHIPS WITH CLIENTS, FORMER CLIENTS, AND OTHERS.

Subdivision 1. **Social worker responsibility.** (a) A social worker is responsible for acting professionally in relationships with clients or former clients. A client or a former client's initiation of, or attempt to engage in, or request to engage in, a personal, sexual, or business relationship is not a defense to a violation of this section.

(b) When a relationship is permitted by this section, social workers who engage in such a relationship assume the full burden of demonstrating that the relationship will not be detrimental to the client or the professional relationship.

Subd. 2. **Professional boundaries.** A social worker must maintain appropriate professional boundaries with a client. A social worker must not engage in practices with clients that create an unacceptable risk of client harm or of impairing a social worker's objectivity or professional judgment. A social worker must not act or fail to act in a way that, as judged by a reasonable and prudent social worker, inappropriately encourages the client to relate to the

social worker outside of the boundaries of the professional relationship, or in a way that interferes with the client's ability to benefit from social work services from the social worker.

Subd. 3. **Misuse of professional relationship.** A social worker must not use the professional relationship with a client, student, supervisee, or intern to further the social worker's personal, emotional, financial, sexual, religious, political, or business benefit or interests.

Subd. 4. **Improper termination.** A social worker must not terminate a professional relationship for the purpose of beginning a personal, sexual, or business relationship with a client.

Subd. 5. **Personal relationship with a client.** (a) Except as provided in paragraph (b), a social worker must not engage in a personal relationship with a client that creates a risk of client harm or of impairing a social worker's objectivity or professional judgment.

(b) Notwithstanding paragraph (a), if a social worker is unable to avoid a personal relationship with a client, the social worker must take appropriate precautions, such as consultation or supervision, to address the potential for risk of client harm or of impairing a social worker's objectivity or professional judgment.

Subd. 6. **Personal relationship with a former client.** A social worker may engage in a personal relationship with a former client after appropriate termination of the professional relationship, except:

(1) as prohibited by subdivision 8; or

(2) if a reasonable and prudent social worker would conclude after appropriate assessment that (i) the former client is emotionally dependent on the social worker or continues to relate to the social worker as a client, or (ii) the social worker is emotionally dependent on the client or continues to relate to the former client as a social worker.

Subd. 7. **Sexual conduct with a client.** A social worker must not engage in or suggest sexual conduct with a client.

Subd. 8. **Sexual conduct with a former client.** (a) A social worker who has engaged in diagnosing, counseling, or treating a client with mental, emotional, or behavioral disorders must not engage in or suggest sexual conduct with the former client under any circumstances for a period of two years following the termination of the professional relationship. After two years following the termination of the professional relationship, a social worker who has engaged in diagnosing, counseling, or treating a client with mental, emotional, or behavioral disorder must not engage in or suggest sexual conduct with the former client under any circumstances unless:

(1) the social worker did not intentionally or unintentionally coerce, exploit, deceive, or manipulate the former client at any time;

(2) the social worker did not represent to the former client that sexual conduct with the social worker is consistent with or part of the client's treatment;

(3) the social worker's sexual conduct was not detrimental to the former client at any time;

(4) the former client is not emotionally dependent on the social worker and does not continue to relate to the social worker as a client; and

(5) the social worker is not emotionally dependent on the client and does not continue to relate to the former client as a social worker.

(b) If there is an alleged violation of paragraph (a), the social worker assumes the full burden of demonstrating to the board that the social worker did not intentionally or unintentionally coerce, exploit, deceive, or manipulate the client, and the social worker's sexual conduct was not detrimental to the client at any time. Upon request, a social worker must provide information to the board addressing:

(1) the amount of time that has passed since termination of services;

(2) the duration, intensity, and nature of services;

(3) the circumstances of termination of services;

(4) the former client's emotional, mental, and behavioral history;

- (5) the former client's current emotional, mental, and behavioral status;
- (6) the likelihood of adverse impact on the former client; and
- (7) the existence of actions, conduct, or statements made by the social worker during the course of services suggesting or inviting the possibility of a sexual relationship with the client following termination of services.

(c) A social worker who has provided social work services other than those described in paragraph (a) to a client must not engage in or suggest sexual conduct with the former client if a reasonable and prudent social worker would conclude after appropriate assessment that engaging in such behavior with the former client would create an unacceptable risk of harm to the former client.

Subd. 9. Sexual conduct with student, supervisee, or intern. (a) A social worker must not engage in or suggest sexual conduct with a student while the social worker has authority over any part of the student's academic program.

(b) A social worker supervising an intern must not engage in or suggest sexual conduct with the intern during the course of the internship.

(c) A social worker practicing social work as a supervisor must not engage in or suggest sexual conduct with a supervisee during the period of supervision.

Subd. 10. Sexual harassment. A social worker must not engage in any physical, oral, written, or electronic behavior that a client, former client, student, supervisee, or intern may reasonably interpret as sexually harassing or sexually demeaning.

Subd. 11. Business relationship with client. A social worker must not purchase goods or services from a client or otherwise engage in a business relationship with a client except when:

(1) a social worker purchases goods or services from the client and a reasonable and prudent social worker would determine that it is not practical or reasonable to obtain the goods or services from another provider; and

(2) engaging in the business relationship will not be detrimental to the client or the professional relationship.

Subd. 12. Business relationship with former client. A social worker may purchase goods or services from a former client or otherwise engage in a business relationship with a former client after appropriate termination of the professional relationship unless a reasonable and prudent social worker would conclude after appropriate assessment that:

(1) the former client is emotionally dependent on the social worker and purchasing goods or services from the former client or otherwise engaging in a business relationship with the former client would be detrimental to the former client; or

(2) the social worker is emotionally dependent on the former client and purchasing goods or services from the former client or otherwise engaging in a business relationship with the former client would be detrimental to the former client.

Subd. 13. Previous sexual, personal, or business relationship. (a) A social worker must not engage in a social worker/client relationship with an individual with whom the social worker had a previous sexual relationship.

(b) A social worker must not engage in a social worker/client relationship with an individual with whom the social worker had a previous personal or business relationship if a reasonable and prudent social worker would conclude after appropriate assessment that the social worker/client relationship would create an unacceptable risk of client harm or that the social worker's objectivity or professional judgment may be impaired.

Subd. 14. Giving alcohol or other drugs to client. (a) Unless authorized by law, a social worker must not offer medication or controlled substances to a client.

(b) A social worker must not accept medication or controlled substances from a client except that if authorized by law, a social worker may accept medication or controlled substances from a client for purposes of disposal or to monitor use.

(c) A social worker must not offer alcoholic beverages to a client except when such an offer is authorized or prescribed by a physician or is in accordance with a client's care plan.

(d) A social worker must not accept alcoholic beverages from a client.

Subd. 15. **Relationship with client's family or household member.** Subdivisions 1 to 14 apply to a social worker's relationship with a client's family or household member when a reasonable and prudent social worker would conclude after appropriate assessment that a relationship with a family or household member would create an unacceptable risk of harm to the client.

History: 2005 c 147 art 1 s 49; 1Sp2005 c 4 art 5 s 1

148D.225 TREATMENT AND INTERVENTION SERVICES.

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

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

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

Subd. 4. **Records.** (a) A social worker must make and maintain current and accurate records, appropriate to the circumstances, of all services provided to a client. At a minimum, the records must contain documentation of:

- (1) the assessment or diagnosis;
- (2) the content of the service plan;
- (3) progress with the plan and any revisions of assessment, diagnosis, or plan;
- (4) any fees charged and payments made;
- (5) copies of all client-written authorizations for release of information; and
- (6) other information necessary to provide appropriate services.

(b) These records must be maintained by the social worker for at least seven years after the last date of service to the client. Social workers who are employed by an agency or other entity are not required to:

- (1) maintain personal or separate records; or
- (2) personally retain records at the conclusion of their employment.

Subd. 5. **Termination of services.** A social worker must 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 the social worker is required by law to provide services. A social worker who anticipates terminating services must give reasonable notice to the client in a manner that is appropriate to the needs of the client. The social worker must provide appropriate referrals as needed or upon request of the client.

History: 2005 c 147 art 1 s 50

148D.230 CONFIDENTIALITY AND RECORDS.

Subdivision 1. **Informed consent.** (a) A social worker must 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 must obtain consent for the services from the client's legal representative. The social worker must not provide services, unless authorized or required by law, if the client or the client's legal representative does not consent to the services.

(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:

(1) must, except as provided in clause (2), secure a legal representative for a client before providing services; or

(2) may, notwithstanding clause (1), provide services, except when prohibited by other applicable law, that are necessary to ensure the client's safety or to preserve the client's property or financial resources.

(c) A social worker must use clear and understandable language, including using an interpreter proficient in 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, terms of payment, reasonable alternatives, the client's right to refuse or withdraw consent, and the time frame covered by the consent.

Subd. 2. Mandatory reporting and disclosure of client information. At the beginning of a professional relationship and during the professional relationship as necessary and appropriate, a social worker must inform the client of those circumstances under which the social worker may be required to disclose client information specified in subdivision 3, paragraph (a), without the client's consent.

Subd. 3. Confidentiality of client information. (a) A social worker must ensure the confidentiality of all client information obtained in the course of the social worker/client relationship and all client information otherwise obtained by the social worker that is relevant to the social worker/client relationship. Except as provided in this section, client information may be disclosed or released only with the client's or the client's legal representative's valid informed consent, appropriate to the circumstances, except when otherwise required by law. A social worker must seek consent to disclose or release client information only when such disclosure or release is necessary to provide social work services.

(b) A social worker must continue to maintain confidentiality of the client information specified in paragraph (a) upon termination of the professional relationship including upon the death of the client, except as provided under this section or other applicable law.

(c) A social worker must limit access to the client information specified in paragraph (a) in a social worker's agency to appropriate agency staff whose duties require access.

Subd. 4. Release of client information with written informed consent. (a) Except as provided in subdivision 5, client information specified in subdivision 3, paragraph (a), may be released only with the client's or the client's legal representative's written informed consent. The written informed consent must:

- (1) explain to whom the client's records may be released;
- (2) explain the purpose for the release; and
- (3) state an expiration date for the authorized release of the records.

(b) A social worker may provide client information specified in subdivision 3, paragraph (a), to a third party for the purpose of payment for services rendered only with the client's written informed consent.

(c) Except as provided in subdivision 5, a social worker may disclose client information specified in subdivision 3, paragraph (a), only with the client's or the client's legal representative's written informed consent. When it is not practical to obtain written informed consent before providing necessary services, a social worker may disclose or release client information with the client's or the client's legal representative's oral informed consent.

(d) Unless otherwise authorized by law, a social worker must obtain a client's written informed consent before taking a photograph of the client or making an audio or video recording of the client, or allowing a third party to do the same. The written informed consent must explain:

- (1) the purpose of the photograph or the recording and how the photograph or recording will be used, how it will be stored, and when it will be destroyed; and
- (2) how the client may have access to the photograph or recording.

Subd. 5. Release of client information without written informed consent. (a) A social worker may disclose client information specified in subdivision 3, paragraph (a), with-

out the written consent of the client or the client's legal representative only under the following circumstances or under the circumstances described in paragraph (b):

(1) when mandated or authorized by federal or state law, including the mandatory reporting requirements under the duty to warn, maltreatment of minors, and vulnerable adult laws specified in section 148D.240, subdivisions 6 to 8;

(2) when the board issues a subpoena to the social worker; or

(3) when a court of competent jurisdiction orders release of the client records or information.

(b) When providing services authorized or required by law to a client who does not have the capacity to provide consent and who does not have a legal representative, a social worker must disclose or release client records or information as necessary to provide services to ensure the client's safety or to preserve the client's property or financial resources.

Subd. 6. **Release of client records or information.** When releasing client records or information under this section, a social worker must release current, accurate, and complete records or information.

History: 2005 c 147 art 1 s 51

148D.235 FEES AND BILLING PRACTICES.

Subdivision 1. **Fees and payments.** (a) A social worker must ensure that a client or a client's legal representative is informed of all fees at the initial session or meeting with the client, and that payment for services is arranged with the client or the client's legal representative at the beginning of the professional relationship. Upon request from a client or a client's legal representative, a social worker must provide in a timely manner a written payment plan or a written explanation of the charges for any services rendered.

(b) When providing services authorized or required by law to a client who does not have the capacity to provide consent and who does not have a legal representative, a social worker may submit reasonable bills to an appropriate payer for services provided.

Subd. 2. **Billing for services not provided.** A social worker must not bill for services that have not been provided except that, with prior notice to the client, a social worker may bill for failed appointments or for cancellations without sufficient notice. A social worker may bill only for provided services which are necessary and appropriate. Financial responsibility for failed appointment billings resides solely with the client and such costs may not be billed to public or private payers.

Subd. 3. **No payment for referrals.** A social worker must not accept or give a commission, rebate, or other form of remuneration solely or primarily to profit from the referral of a client.

Subd. 4. **Fees and billing practices.** A social worker must not engage in improper or fraudulent billing practices, including, but not limited to, violations of the federal Medicare and Medicaid laws or state medical assistance laws.

History: 2005 c 147 art 1 s 52

148D.240 REPORTING REQUIREMENTS.

Subdivision 1. **Failure to self-report adverse actions.** The board has grounds to take action under sections 148D.255 to 148D.270 when a social worker fails to report to the board within 90 days:

(1) having been disciplined, sanctioned, or found to have violated a state, territorial, provincial, or foreign licensing agency's laws or rules;

(2) having been convicted of committing a felony, gross misdemeanor, or misdemeanor reasonably related to the practice of social work;

(3) having had a finding or verdict of guilt, whether or not the adjudication of guilt is withheld or not entered, of committing a felony, gross misdemeanor, or misdemeanor reasonably related to the practice of social work;

(4) having admitted to committing, or entering a no contest plea to committing, a felony, gross misdemeanor, or misdemeanor reasonably related to the practice of social work; or

(5) having been denied licensure by a state, territorial, provincial, or foreign licensing agency.

Subd. 2. Failure to submit application information. The board has grounds to take action under sections 148D.255 to 148D.270 when an applicant or licensee fails to submit with an application the following information:

(1) the dates and dispositions of any malpractice settlements or awards made relating to the social work services provided by the applicant or licensee; or

(2) the dates and dispositions of any civil litigations or arbitrations relating to the social work services provided by the applicant or licensee.

Subd. 3. Reporting other licensed health professionals. An applicant or licensee must report to the appropriate health-related licensing board conduct by a licensed health professional which would constitute grounds for disciplinary action under the statutes and rules enforced by that board.

Subd. 4. Reporting unlicensed practice. An applicant or licensee must report to the board conduct by an unlicensed person which constitutes the practice of social work, as defined in section 148D.010, except when the unlicensed person is exempt from licensure pursuant to section 148D.065.

Subd. 5. Failure to report other applicants or licensees; unlicensed practice. The board has grounds to take action under sections 148D.255 to 148D.270 when an applicant or licensee fails to report to the board conduct:

(1) by another licensee or applicant which the applicant or licensee has reason to believe may reasonably constitute grounds for disciplinary action under this section; or

(2) by an unlicensed person that constitutes the practice of social work when a license is required to practice social work.

Subd. 6. Duty to warn. A licensee must comply with the duty to warn established by section 148.975.

Subd. 7. Reporting maltreatment of minors. An applicant or licensee must comply with the reporting of maltreatment of minors established by section 626.556.

Subd. 8. Reporting maltreatment of vulnerable adults. An applicant or licensee must comply with the reporting of maltreatment of vulnerable adults established by section 626.557.

Subd. 9. Subpoenas. The board may issue subpoenas pursuant to section 148D.245 and chapter 214 for the production of any reports required by this section or any related documents.

History: 2005 c 147 art 1 s 53; 2006 c 212 art 3 s 15

148D.245 INVESTIGATIVE POWERS AND PROCEDURES.

Subdivision 1. Subpoenas. (a) The board may issue subpoenas and compel the attendance of witnesses and the production of all necessary papers, books, records, documents, and other evidentiary material as part of its investigation of an applicant or licensee under this section or chapter 214.

(b) If any person fails or refuses to appear or testify regarding any matter about which the person may be lawfully questioned, or fails or refuses to produce any papers, books, records, documents, or other evidentiary materials in the matter to be heard, after having been required by order of the board or by a subpoena of the board to do so, the board may institute a proceeding in any district court to enforce the board's order or subpoena.

(c) The board or a designated member of the board acting on behalf of the board may issue subpoenas or administer oaths to witnesses or take affirmations. Depositions may be taken within or out of the state in the manner provided by law for the taking of depositions in civil actions.

(d) A subpoena or other process or paper may be served upon any person named therein, by mail or by any officer authorized to serve subpoenas or other process or paper in civil actions, with the same fees and mileage and in the same manner as prescribed by law for service of process issued out of the district court of this state.

(e) Fees, mileage, and other costs must be paid as the board directs.

Subd. 2. Classification of data. (a) Any records obtained as part of an investigation must be treated as investigative data under section 13.41 and be classified as confidential data.

(b) Notwithstanding paragraph (a), client records must be treated as private data under chapter 13. Client records must be protected as private data in the records of the board and in administrative or judicial proceedings unless the client authorizes the board in writing to make public the identity of the client or a portion or all of the client's records.

Subd. 3. Mental or physical examination; chemical dependency evaluation. (a) If the board (1) has probable cause to believe that an applicant or licensee has violated a statute or rule enforced by the board, or an order issued by the board and (2) believes the applicant may have a health-related condition relevant to the violation, the board may issue an order directing the applicant or licensee to submit to one or more of the following: a mental examination, a physical examination, or a chemical dependency evaluation.

(b) An examination or evaluation order issued by the board must include:

- (1) factual specifications on which the order is based;
- (2) the purpose of the examination or evaluation;
- (3) the name of the person or entity that will conduct the examination or evaluation; and
- (4) the means by which the examination or evaluation will be paid for.

(c) Every applicant or licensee must submit to a mental examination, a physical examination, or a chemical dependency evaluation when ordered to do so in writing by the board.

(d) By submitting to a mental examination, a physical examination, or a chemical dependency evaluation, an applicant or licensee waives all objections to the admissibility of the examiner or evaluator's testimony or reports on the grounds that the testimony or reports constitute a privileged communication.

Subd. 4. Failure to submit to an examination. (a) If an applicant or licensee fails to submit to an examination or evaluation ordered by the board pursuant to subdivision 3, unless the failure was due to circumstances beyond the control of the applicant or licensee, the failure is an admission that the applicant or licensee violated a statute or rule enforced by the board as specified in the examination or evaluation order issued by the board. The failure may result in an application being denied or other adversarial, corrective, or disciplinary action being taken by the board without a contested case hearing.

(b) If an applicant or licensee requests a contested case hearing after the board denies an application or takes other disciplinary or adversarial action, the only issues which may be determined at the hearing are:

(1) whether the board had probable cause to issue the examination or evaluation order; and

(2) whether the failure to submit to the examination or evaluation was due to circumstances beyond the control of the applicant or licensee.

(c) Neither the record of a proceeding under this subdivision nor an order issued by the board may be admissible, subject to subpoena, or be used against the applicant or licensee in a proceeding in which the board is not a party or decision maker.

(d) Information obtained under this subdivision must be treated as private data under chapter 13. An order issued by the board as the result of an applicant's or licensee's failure to submit to an examination or evaluation must be treated as public data under chapter 13.

Subd. 5. Access to data and records. (a) In addition to ordering a physical or mental examination or chemical dependency evaluation, and notwithstanding section 13.384,

144.651, 595.02, or any other statute limiting access to health records, the board or a designated member of the board acting on behalf of the board may subpoena physical, mental, and chemical dependency health records relating to an applicant or licensee without the applicant's or licensee's consent if:

(1) the board has probable cause to believe that the applicant or licensee has violated chapter 214, a statute or rule enforced by the board, or an order issued by the board; and

(2) the board has reason to believe that the records are relevant and necessary to the investigation.

(b) An applicant, licensee, insurance company, government agency, health care facility, or provider as defined in section 144.335, subdivision 1, paragraph (b), must comply with any subpoena of the board under this subdivision and is not liable in any action for damages for releasing information subpoenaed by the board under this subdivision unless the information provided is false and the person or entity providing the information knew or had reason to know that the information was false.

(c) Information on individuals obtained under this subdivision must be treated as investigative data under section 13.41 and be classified as confidential data.

(d) If an applicant, licensee, person, or entity does not comply with any subpoena of the board under this subdivision, the board may institute a proceeding in any district court to enforce the board's subpoena.

Subd. 6. Evidence of past sexual conduct. If, in a proceeding for taking action against an applicant or licensee under this section, the charges involve sexual contact with a client or former client, the board or administrative law judge must not consider evidence of the client's or former client's previous sexual conduct. Reference to the client's or former client's previous sexual conduct must not be made during the proceedings or in the findings, except by motion of the complainant, unless the evidence would be admissible under the applicable provisions of section 609.347, subdivision 3.

Subd. 7. Investigations involving vulnerable adults or children in need of protection. (a) Except as provided in paragraph (b), if the board receives a complaint about a social worker regarding the social worker's involvement in a case of vulnerable adults or children in need of protection, the county or other appropriate public authority may request that the board suspend its investigation, and the board must comply until such time as the court issues its findings on the case.

(b) Notwithstanding paragraph (a), the board may continue with an investigation if the board determines that doing so is in the best interests of the vulnerable adult or child and is consistent with the board's obligation to protect the public. If the board chooses to continue an investigation, the board must notify the county or other appropriate public authority in writing and state its reasons for doing so.

Subd. 8. Notification of complainant. (a) In no more than 14 calendar days after receiving a complaint regarding a licensee, the board must notify the complainant that the board has received the complaint.

(b) The board must periodically notify the complainant of the status of the complaint.

Subd. 9. Notification of licensee. (a) Except as provided in paragraph (b), in no more than 60 calendar days after receiving a complaint regarding a licensee, the board must notify the licensee that the board has received the complaint and inform the licensee of:

(1) the substance of the complaint;

(2) the sections of the law that allegedly have been violated; and

(3) whether an investigation is being conducted.

(b) Paragraph (a) does not apply if:

(1) the board determines that such notice would compromise the board's investigation pursuant to section 214.10; or

(2) the board determines that such notice cannot reasonably be accomplished within this time.

(c) The board must periodically notify the licensee of the status of the complaint.

Subd. 10. **Resolution of complaints.** In no more than one year after receiving a complaint regarding a licensee, the board must resolve or dismiss the complaint unless the board determines that resolving or dismissing the complaint cannot reasonably be accomplished within this time.

History: 2005 c 147 art 1 s 54

148D.250 OBLIGATION TO COOPERATE.

Subdivision 1. **Obligation to cooperate.** An applicant or licensee who is the subject of an investigation, or who is questioned by or on behalf of the board in connection with an investigation, must cooperate fully with the investigation. Cooperation includes, but is not limited to:

- (1) responding fully and promptly to any question relating to the investigation;
- (2) as reasonably requested by the board, providing copies of client and other records in the applicant's or licensee's possession relating to the investigation;
- (3) executing release of records as reasonably requested by the board; and
- (4) appearing at conferences, hearings, or meetings scheduled by the board, as required in sections 148D.255 to 148D.270 and chapter 214.

Subd. 2. **Investigation.** A social worker must not knowingly withhold relevant information, give false or misleading information, or do anything to obstruct an investigation of the social worker or another social worker by the board or by another state or federal regulatory or law enforcement authority.

Subd. 3. **Payment for copies.** The board must pay for copies requested by the board.

Subd. 4. **Access to client records.** Notwithstanding any law to the contrary, an applicant or licensee must allow the board access to any records of a client provided services by the applicant or licensee under investigation. If the client has not signed a consent permitting access to the client's records, the applicant or licensee must delete any data in the records that identifies the client before providing the records to the board.

Subd. 5. **Classification of data.** Any records obtained pursuant to this subdivision must be treated as investigative data pursuant to section 13.41 and be classified as confidential data.

History: 2005 c 147 art 1 s 55

148D.255 TYPES OF ACTIONS.

Subdivision 1. **Actions.** The board may take disciplinary action pursuant to section 148D.260, adversarial but nondisciplinary action pursuant to section 148D.265, or voluntary action pursuant to section 148D.270. Any action taken under sections 148D.260 to 148D.270 is public data.

Subd. 2. **Disciplinary action.** For purposes of section 148D.260, "disciplinary action" means an action taken by the board against an applicant or licensee that addresses a complaint alleging a violation of a statute or rule the board is empowered to enforce.

Subd. 3. **Adversarial but nondisciplinary action.** For purposes of section 148D.265, "adversarial but nondisciplinary action" means a nondisciplinary action taken by the board that addresses a complaint alleging a violation of a statute or rule the board is empowered to enforce.

Subd. 4. **Voluntary action.** For purposes of section 148D.270, "voluntary action" means a nondisciplinary action agreed to by the board or a designated board member and an applicant or licensee that, through educational or other corrective means, addresses a complaint alleging a violation of a statute or rule that the board is empowered to enforce.

History: 2005 c 147 art 1 s 56

148D.260 DISCIPLINARY ACTIONS.

Subdivision 1. **General disciplinary actions.** (a) When the board has grounds for disciplinary actions under this chapter, the board may take one or more of the following disciplinary actions:

- (1) deny an application;
- (2) permanently revoke a license to practice social work;
- (3) indefinitely or temporarily suspend a license to practice social work;
- (4) impose restrictions on a licensee's scope of practice;
- (5) impose conditions required for the licensee to maintain licensure, including, but not limited to, additional education, supervision, and requiring the passing of an examination provided for in section 148D.055;
- (6) reprimand a licensee;
- (7) impose a civil penalty of up to \$10,000 for each violation in order to discourage future violations or to deprive the licensee of any economic advantage gained by reason of the violation; or
- (8) impose a fee to reimburse the board for all or part of the cost of the proceedings resulting in disciplinary action, including, but not limited to, the amount paid by the board for services received from or expenses incurred by the Office of Administrative Hearings, the Office of the Attorney General, court reporters, witnesses, board members, board staff, or the amount paid by the board for reproducing records.

(b) Disciplinary action taken by the board under this subdivision is in effect pending determination of an appeal unless the court, upon petition and for good cause shown, decides otherwise.

Subd. 2. Reprimands. (a) In addition to the board's authority to issue a reprimand pursuant to subdivision 1, a designated board member reviewing a complaint as provided for in chapter 214 may issue a reprimand to a licensee. The designated board member must notify the licensee that the reprimand will become final disciplinary action unless the licensee requests a hearing by the board within 14 calendar days.

(b) If the licensee requests a hearing within 14 calendar days, the board must schedule a hearing unless the designated board member withdraws the reprimand.

(c) The hearing must be scheduled within 14 working days of the time the licensee submits a request for the hearing.

(d) The designated board member who issued the reprimand may participate in the hearing but must not deliberate or vote on the decision by the board.

(e) The only evidence permitted at the hearing is affidavits or other documents except for testimony by the licensee or other witnesses whose testimony the board chair has authorized for good cause.

(f) If testimony is authorized, the testimony is subject to cross-examination.

(g) After the hearing, the board must affirm or dismiss the reprimand.

Subd. 3. Temporary suspensions. (a) In addition to any other remedy provided by statute, the board or a designated board member may, without a hearing, temporarily suspend a license to practice social work if the board or the designated board member finds that:

(1) the licensee has violated a statute or rule enforced by the board, any other federal or state law or rule related to the practice of social work, or an order, stipulation, or agreement agreed to or issued by the board; and

(2) continued practice by the licensee would create a serious risk of harm to others.

(b) The suspension is in effect upon service of a written order on the licensee specifying the statute, rule, order, stipulation, or agreement violated. Service of the order is effective if the order is served on the licensee or the licensee's attorney personally or by first class mail to the most recent address provided to the board for the licensee or the licensee's attorney.

(c) The temporary suspension remains in effect until after the board issues an order pursuant to paragraph (e), or if there is a contested case hearing, after the board issues a written final order pursuant to paragraph (g).

(d) If the licensee requests in writing within five calendar days of service of the order that the board hold a hearing, the board must hold a hearing on the sole issue of whether to continue, modify, or lift the suspension. The board must hold the hearing within ten working days of receipt of the licensee's written request. Evidence presented by the board or licensee must be in affidavit form only, except that the licensee or the licensee's attorney may present oral argument.

(e) Within five working days after the hearing, the board must issue its order. If the licensee contests the order, the board must schedule a contested case hearing under chapter 14. The contested case hearing must be scheduled to occur within 45 calendar days after issuance of the order.

(f) The administrative law judge must issue a report within 30 calendar days after the contested case hearing is concluded.

(g) The board must issue a final order within 30 calendar days after the board receives the administrative law judge's report.

History: 2005 c 147 art 1 s 57

148D.265 ADVERSARIAL BUT NONDISCIPLINARY ACTIONS.

Subdivision 1. **Automatic suspensions.** (a) A license to practice social work is automatically suspended if:

(1) a guardian of a licensee is appointed by order of a court pursuant to sections 524.5–101 and 524.5.102; or

(2) the licensee is committed by order of a court pursuant to chapter 253B.

(b) A license remains suspended until:

(1) the licensee is restored to capacity by a court; and

(2) upon petition by the licensee and after a hearing or an agreement with the licensee, the board terminates the suspension.

(c) If the board terminates the suspension, it may do so with or without conditions or restrictions, including, but not limited to, participation in the health professional services program.

Subd. 2. **Cease and desist orders.** (a) The board or a designated board member may issue a cease and desist order to stop a person from engaging in unauthorized practice or from violating or threatening to violate a statute or rule enforced by the board or an order, stipulation, or agreement agreed to or issued by the board.

(b) The cease and desist order must state the reason for its issuance and give notice of the person's right to request a hearing under sections 14.57 to 14.62. If the person fails to request a hearing in writing postmarked within 15 calendar days after service of the cease and desist order, the order is the final order of the board and is not reviewable by a court or agency.

(c) If the board receives a written request for a hearing postmarked within 15 calendar days after service of the cease and desist order, the board must schedule a hearing within 30 calendar days of receiving the request.

(d) The administrative law judge must issue a report within 30 calendar days after the contested case hearing is concluded.

(e) Within 30 calendar days after the board receives the administrative law judge's report, the board must issue a final order modifying, vacating, or making permanent the cease and desist order. The final order remains in effect until modified or vacated by the board.

(f) If a person does not comply with a cease and desist order, the board may institute a proceeding in any district court to obtain injunctive relief or other appropriate relief, including but not limited to, a civil penalty payable to the board of up to \$10,000 for each violation.

(g) A cease and desist order issued pursuant to this subdivision does not relieve a person from criminal prosecution by a competent authority or from disciplinary action by the board.

Subd. 3. **Injunctive relief.** (a) In addition to any other remedy provided by law, the board may bring an action in district court for injunctive relief to restrain any unauthorized practice or violation or threatened violation of any statute or rule, stipulation, or agreement agreed to or enforced by the board or an order issued by the board.

(b) A temporary restraining order may be granted in the proceeding if continued activity by a person would create an imminent risk of harm to others.

(c) Injunctive relief granted pursuant to this subdivision does not relieve a person from criminal prosecution by a competent authority or from disciplinary action by the board.

(d) In bringing an action for injunctive relief, the board need not show irreparable harm.

History: 2005 c 147 art 1 s 58

148D.270 VOLUNTARY ACTIONS.

Subdivision 1. **Agreements for corrective action.** (a) The board or a designated board member may enter into an agreement for corrective action with an applicant or licensee when the board or a designated board member determines that a complaint alleging a violation of a statute or rule enforced by the board or an order issued by the board may best be resolved through an agreement for corrective action when disciplinary action is not required to protect the public.

(b) An agreement for corrective action must:

(1) be in writing;

(2) specify the facts upon which the agreement is based;

(3) clearly indicate the corrective action agreed upon; and

(4) provide that the complaint that resulted in the agreement must be dismissed by the board or the designated board member upon successful completion of the corrective action.

(c) The board or designated board member may determine successful completion when the applicant or licensee submits a request for dismissal that documents the applicant's or licensee's successful completion of the corrective action. The burden of proof is on the applicant or licensee to prove successful completion.

(d) An agreement for corrective action is not disciplinary action but must be treated as public data under chapter 13.

(e) The board may impose a fee to reimburse the board for all or part of the costs of the proceedings resulting in a corrective action, including, but not limited to, the amount paid by the board for services received from or expenses incurred by the Office of the Attorney General, board members, board staff, or the amount paid by the board for reproducing records.

(f) The board or designated board member must not enter into an agreement for corrective action when the complaint alleged sexual conduct with a client unless there is insufficient evidence to justify disciplinary action but there is a basis for corrective action.

Subd. 2. **Stipulations to cease practicing social work.** (a) The board or a designated board member may enter into a stipulation to cease practicing social work with a licensee if the board or designated board member determines that the licensee is unable to practice social work competently or safely or that the social worker's continued practice creates an unacceptable risk of safety to clients, potential clients, or the public.

(b) A stipulation to cease practicing social work must:

(1) be in writing;

(2) specify the facts upon which the stipulation is based;

(3) clearly indicate that the licensee must not practice social work and must not hold out to the public that the social worker is licensed; and

(4) specify the term of the stipulation or when and under what circumstances the licensee may petition the board for termination of the stipulation.

(c) A stipulation to cease practicing social work is not disciplinary action but must be treated as public data under chapter 13.

(d) Nothing in this subdivision prevents the board or designated board member from taking any other disciplinary or adversarial action authorized by sections 148D.255 to 148D.265 in lieu of or in addition to entering into a stipulation to cease practicing social work.

History: 2005 c 147 art 1 s 59

148D.275 UNAUTHORIZED PRACTICE.

No individual may:

(1) engage in the practice of social work without a social work license under sections 148D.055 and 148D.060, except when the individual is exempt from licensure pursuant to section 148D.065;

(2) provide social work services to a client who resides in this state when the individual providing the services is not licensed as a social worker pursuant to sections 148D.055 to 148D.060, except when the individual is exempt from licensure pursuant to section 148D.065.

History: 2005 c 147 art 1 s 60

148D.280 USE OF TITLES.

No individual may be presented to the public by any title incorporating the words "social work" or "social worker" or in the titles in section 148D.195, unless that individual holds a license pursuant to sections 148D.055 and 148D.060, or practices in a setting exempt from licensure pursuant to section 148D.065.

History: 2005 c 147 art 1 s 61

148D.285 REPORTING REQUIREMENTS.

Subdivision 1. **Institutions.** A state agency, political subdivision, agency of a local unit of government, private agency, hospital, clinic, prepaid medical plan, or other health care institution or organization must report to the board:

(1) any adversarial action, disciplinary action, or other sanction for conduct that might constitute grounds for action under section 148D.190;

(2) the resignation of any applicant or licensee prior to the conclusion of any proceeding for adversarial action, disciplinary action, or other sanction for conduct that might constitute grounds for action under section 148D.190; or

(3) the resignation of any applicant or licensee prior to the commencement of a proceeding for adversarial action, disciplinary action, or other sanction for conduct that might constitute grounds for action under section 148D.190, but after the applicant or licensee had knowledge that a proceeding was contemplated or in preparation.

Subd. 2. **Professional societies and associations.** A state or local professional society or association whose members consist primarily of licensed social workers must report to the board any adversarial action, disciplinary action, or other sanction taken against a member.

Subd. 3. **Immunity.** An individual, professional society or association, state agency, political subdivision, agency of a local unit of government, private agency, hospital, clinic, prepaid medical plan, other health care institution or organization or other entity is immune from civil liability or criminal prosecution for submitting in good faith a report under subdivision 1 or 2 or for otherwise reporting, providing information, or testifying about violations or alleged violations of this chapter.

History: 2005 c 147 art 1 s 62

148D.290 PENALTIES.

An individual or other entity that violates section 148D.275, 148D.280, or 148D.285 is guilty of a misdemeanor.

History: 2005 c 147 art 1 s 63