

Subdivision 3. Duties of the Board. The board shall by rule establish fees, including late fees, for licenses and renewals so that the total fees collected by the board will as closely as possible equal anticipated expenditures during the fiscal biennium, as provided in section 16A.1285. Fees must be credited to accounts in the special revenue fund.

148B.21 REQUIREMENTS FOR LICENSURE.

Subdivision 1. Categories of licensees. The board shall issue licenses for the following four groups of individuals qualified under sections 148B.21 to 148B.23 to practice social work:

- (1) social workers;
- (2) graduate social workers;
- (3) independent social workers; and
- (4) independent clinical social workers.

Subdivision 2. Fee. Each applicant shall pay a nonrefundable fee set by the board. Fees paid to the board shall be deposited in the state government special revenue fund.

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

- (1) has received a baccalaureate degree from an accredited program of social work;
- (2) has passed the examination provided for in section 148B.20, subdivision 1;
- (3) will engage in social work practice only under supervision as defined in section 148B.18, subdivision 12, for at least two years in full-time employment or 4,000 hours of part-time employment;
- (4) will conduct all professional activities as a social worker in accordance with standards for professional conduct established by the statutes and rules of the board; and
- (5) has not engaged in conduct warranting a disciplinary action against a licensee. If the applicant has engaged in conduct warranting disciplinary action against a licensee, the board may issue a license only on the applicant's showing that the public will be protected through the issuance of a license with conditions or limitations approved by the board.

Subdivision 4. Graduate social worker. To be licensed as a graduate social worker, an applicant must provide evidence satisfactory to the board that the applicant:

- (1) has received a master's degree from an accredited program of social work or doctoral degree in social work;
- (2) has passed the examination provided for in section 148B.20, subdivision 1;
- (3) will engage in social work practice only under supervision as defined in section 148B.18, subdivision 12;
- (4) will conduct all professional activities as a graduate social worker in accordance with standards for professional conduct established by the statutes and rules of the board; and
- (5) has not engaged in conduct warranting a disciplinary action against a licensee. If the applicant has engaged in conduct warranting disciplinary action against a licensee, the board may issue a license only on the applicant's showing that the public will be protected through the issuance of a license with conditions or limitations approved by the board.

Subdivision 5. Independent social worker. To be licensed as an independent social worker, an applicant must provide evidence satisfactory to the board that the applicant:

- (1) has received a master's degree from an accredited program of social work or doctoral degree in social work;

- (2) has passed the examination provided for in section 148B.20, subdivision 1;
- (3) has practiced social work for at least two years in full-time employment or 4,000 hours of part-time employment under supervision as defined in section 148B.18, subdivision 12, after receiving the master's or doctoral degree in social work;
- (4) will conduct all professional activities as an independent social worker in accordance with standards for professional conduct established by the statutes and rules of the board; and
- (5) has not engaged in conduct warranting a disciplinary action against a licensee. If the applicant has engaged in conduct warranting disciplinary action against a licensee, the board may issue a license only on the applicant's showing that the public will be protected through the issuance of a license with conditions or limitations approved by the board.

Subdivision 6. Independent clinical social worker. To be licensed as an independent clinical social worker, an applicant must provide evidence satisfactory to the board that the applicant:

- (1) has received a master's degree from an accredited program of social work, or doctoral degree in social work, that included an advanced concentration of clinically oriented course work as defined by the board and a supervised clinical field placement at the graduate level, or post-master's clinical training that is found by the board to be equivalent to that course work and field placement;
- (2) has practiced clinical social work for at least two years in full-time employment or 4,000 hours of part-time employment under supervision as defined in section 148B.18, subdivision 12, after receiving the master's or doctoral degree in social work;
- (3) has passed the examination provided for in section 148B.20, subdivision 1;
- (4) will conduct all professional activities as an independent clinical social worker in accordance with standards for professional conduct established by the statutes and rules of the board; and
- (5) has not engaged in conduct warranting a disciplinary action against a licensee. If the applicant has engaged in conduct warranting disciplinary action against a licensee, the board may issue a license only on the applicant's showing that the public will be protected through the issuance of a license with conditions or limitations approved by the board.

Subdivision 6a. Background Checks. The board shall request a criminal history background check from the superintendent of the bureau of criminal apprehension on all applicants for initial licensure. An application for a license under this section must be accompanied by an executed criminal history consent form and the fee for conducting the criminal history background check.

Subdivision 7. Temporary Permit. (a) The board may issue a temporary permit to practice social work to an applicant in the following situations, provided the applicant meets all other requirements for licensure:

- (1) the applicant has passed the licensure examination and the applicant's accredited program of social work has submitted an affidavit on a form provided by the board verifying the applicant's completion of the requirements for a degree. The affidavit must be submitted within 15 days of the date of completion of the degree requirements. The temporary permit under this clause is valid for six months, or until a license is issued, whichever comes first, and is nonrenewable;
- (2) the applicant has applied for licensure under section 148B.24 and the board determines that the applicant must pass the licensure examination before being licensed. The temporary permit under this clause is valid if the applicant passes the examination and completes the licensure process within the time periods specified by the board, and is nonrenewable; or
- (3) the applicant has passed the licensure examination, has graduated from a program of social work in candidacy status with the Council on Social Work Education, and the program of social work has submitted an affidavit on a form provided by the board verifying the applicant's completion of the

requirements for a degree. The affidavit must be submitted within 15 days of the date of completion of the degree requirements. The temporary permit under this clause is valid for six months, and may be extended at the board's discretion upon a showing that the social work program remains in good standing with the Council on Social Work Education. If the board receives notice from the Council on Social Work Education that the program of social work is not in good standing or that accreditation will not be granted to the program of social work, then the temporary permit shall be invalid immediately and the applicant shall not qualify for licensure.

(b) An applicant who obtains a temporary permit may practice social work only under the supervision of a licensed social worker who is eligible to provide supervision under section 148B.18, subdivision 12. The applicant's supervisor must provide evidence to the board, before the applicant is approved by the board for licensure, that the applicant has practiced social work under supervision. This supervision will not apply toward the supervision requirement required after licensure.

(c) A temporary permit is nonrenewable.

Subdivision 8. Change of licensure level. An applicant who applies under this section for licensure as a licensed independent social worker or a licensed independent clinical social worker, and who is licensed at the time of application as a licensed graduate social worker, licensed independent social worker, or a licensed independent clinical social worker under section 148B.23, is not required to meet the educational requirement of this section. The applicant must meet all other requirements for licensure at the new level of licensure.

Subdivision 9. Supervision requirement. If supervised social work practice is required for licensure under this section, and if the applicant has not engaged in the practice of social work during the five years preceding the applicant's application for licensure, then the board may grant a conditional license to the applicant that would require that the applicant obtain additional social work supervision or additional continuing education hours, or both, within a specified time period after licensure. The board shall establish rules to implement this section.

148B.215 CONTESTED CASE HEARING.

An applicant or a licensee who is the subject of an adverse action by the board may request a contested case hearing under chapter 14. An applicant or a licensee who desires to request a contested case hearing must submit a written request to the board within 90 days of the date on which the board mailed the notification of the adverse action.

148B.22 LICENSE RENEWAL REQUIREMENTS.

Subdivision 1. Renewal. Licensees shall renew licenses at the time and in the manner established by the rules of the board.

Subdivision 2. Continuing education. At the time of renewal, each licensee shall provide evidence satisfactory to the board that the licensee has completed during each two-year period at least the equivalent of 30 clock hours of continuing professional postdegree education in programs approved by the board and continues to be qualified to practice under sections 148B.18 to 148B.289.

Subdivision 3. Background Checks. The board shall request a criminal history background check from the superintendent of the bureau of criminal apprehension on all licensees under its jurisdiction who did not

complete a criminal history background check as part of an application for initial licensure. This background check is a one-time requirement. An application for a license under this section must be accompanied by an executed criminal history consent form and the fee for conducting the criminal history background check.

148B.23. Repealed. [Grandparenting Requirements.]

148B.24 RECIPROCITY.

The board shall issue an appropriate license to an individual who holds a current license or other credential from another jurisdiction if the board finds that the requirements for that credential are substantially similar to the requirements in sections 148B.21 to 148B.23.

148B.25 NONTRANSFERABILITY OF LICENSES.

A social work license is not transferable.

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

Subdivision 1. Grounds. The following conduct is grounds for the board to deny the application for or the renewal of a temporary permit or license, to take disciplinary or other action against a license as provided for in section 148B.281, or to take corrective action against a licensee as provided for in chapter 214:

- (1) engaging in any conduct which violates any statute or rule enforced by the board, or any other law that is related to the practice of social work;
- (2) violating any order issued by the board;
- (3) practicing outside the scope of practice authorized by this chapter for each level of licensure;
- (4) failing to demonstrate the qualifications or satisfy the requirements for licensure, with the burden of proof on the applicant to demonstrate the qualifications or the satisfaction of the requirements;
- (5) obtaining a temporary permit, license, or license renewal by fraud, bribery, or cheating, or attempting to subvert the examination process;
- (6) making a false statement or misrepresentation to the board;
- (7) having been the subject of revocation, suspension, or surrender of a social work or related license or of other adverse action related to a social work or related license in another jurisdiction or country;
- (8) failing to report the revocation, suspension, or surrender of a social work or related license or other adverse action related to a social work or related license in another jurisdiction or country, failing to report that a complaint or other charges regarding the person's license have been brought in this or another jurisdiction or country, or having been refused a license by any other jurisdiction or country;
- (9) engaging in unprofessional conduct or any other conduct which has the potential for causing harm to the public, including any departure from or failure to conform to the minimum standards of acceptable and prevailing practice without actual injury having to be established;
- (10) engaging in unethical conduct or conduct likely to deceive, defraud, or harm the public, demonstrating a willful or careless disregard for the health, welfare, or safety of a client, or engaging in a practice which is professionally incompetent with proof of actual injury not having to be established;
- (11) being adjudicated by a court of competent jurisdiction, within or without this state, as incapacitated, mentally incompetent or mentally ill, chemically dependent, mentally ill and dangerous to the public, or a psychopathic personality;

(12) being 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 or physical condition;

(13) engaging in improper or fraudulent billing practices, including violations of the federal Medicare and Medicaid laws or state medical assistance laws;

(14) obtaining money, property, or services from a client through the use of undue influence, harassment, duress, deception, or fraud or through the improper use of a professional position;

(15) engaging in sexual contact, as defined in section 148A.01, with a client or conduct that is or may reasonably be interpreted by the client as sexual, engaging in verbal behavior that is or may be reasonably be interpreted as sexually seductive or sexually demeaning to a client, or engaging in conduct that violates section 617.23;

(16) being convicted, including a finding or verdict of guilt, whether or not the adjudication of guilt is withheld or not entered, an admission of guilt, or a no contest plea, of a crime against a minor;

(17) being convicted, including a finding or verdict of guilt, whether or not the adjudication of guilt is withheld or not entered, an admission of guilt, or a no contest plea of a felony, gross misdemeanor, or misdemeanor reasonably related to the practice of social work, as evidenced by a certified copy of the conviction;

(18) engaging in an unfair discriminatory practice prohibited by chapter 363 of an employee of the applicant, licensee, or facility in which the applicant or licensee practices;

(19) engaging in false, fraudulent, deceptive, or misleading advertising; or

(20) revealing a privileged communication from or relating to a client except when otherwise required or permitted by law.

Subdivision 2. Restoring a license. For reasons it finds sufficient, the board may grant a license previously refused, restore a license that has been revoked, or reduce a period of suspension or restriction of a license.

Subdivision 3. Review. Suspension, revocation, or restriction of a license shall be reviewed by the board at the request of the licensee against whom the disciplinary action was taken.

Subdivision 4. Conduct before Licensure. The board's jurisdiction to exercise its powers as provided for in subdivision 1 extends to an applicant's or licensee's conduct that occurred prior to licensure, if the conduct fell below minimum standards for the practice of social work at the time the conduct occurred or the conduct continues to affect the applicant's or licensee's present ability to practice social work in conformity with this chapter and the board's rules.

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

Subdivision 1. Practice. No individual shall engage in social work practice unless that individual holds a valid temporary permit or a license as a licensed social worker, licensed graduate social worker, licensed independent social worker, or licensed independent clinical social worker.

Subdivision 2. Use of titles. No individual shall be presented to the public by any title incorporating the words "social work" or "social worker" unless that individual holds a valid temporary permit or a license issued under sections 148B.18 to 148B.289. City, county, and state agency social workers who are not licensed under sections 148B.18 to 148B.289 may use only the title city agency social worker or county agency social worker or state agency social worker.

Subdivision 2a. Jurisdiction. Nothing in sections 148B.60 to 148B.71 shall prohibit the board from taking disciplinary or other action that the board is authorized to take against either a licensee who is found to be practicing outside the scope of the license or a person who is found to be engaging in the unauthorized practice of social work.

Subdivision 2b. Use of hospital social worker title. Individuals employed as social workers on June 30, 1996, by a hospital licensed under chapter 144 who do not qualify for licensure under section 148B.21 or 148B.23, subdivision 1, may use the title "hospital social worker" for as long as they continue to be employed by a hospital licensed under chapter 144.

Subdivision 3. Penalty. A person who violates sections 148B.21 to 148B.28 is guilty of a misdemeanor.

148B.28 EXCEPTIONS TO LICENSE REQUIREMENT.

Subdivision 1. Other professionals. Nothing in sections 148B.18 to 148B.289 shall 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; psychological practitioners; probation officers; members of the clergy; attorneys; marriage and family therapists; chemical dependency 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 above titles.

Subdivision 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.

Subdivision 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 will permit agencies to hire individuals, who do not meet the qualifications of section 148B.21, to practice social work.

Subdivision 4. City, county, and state agency social workers. The licensing of city, county, and state agency social workers shall be voluntary. City, county, and state agencies employing social workers shall not be required to employ licensed social workers.

Subdivision 5. Federally recognized tribes and private nonprofit agencies with a minority focus. 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 are themselves members of ethnic minority populations within said agencies, shall be voluntary.

148B.281 COMPLAINTS; INVESTIGATION AND HEARING.

Subdivision 1. Discovery; subpoenas. In all matters relating to its lawful regulatory activities, 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. Any person failing or refusing to appear to

testify regarding any matter about which the person may be lawfully questioned or failing 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 may, upon application to the district court in any district, be ordered to comply with the subpoena or order. Any board member may administer oaths to witnesses or take their affirmation. Depositions may be taken within or without the state in the manner provided by law for the taking of depositions in civil actions. A subpoena or other process or paper may be served upon a person it names anywhere within the state by any officer authorized to serve subpoenas or other process or paper in civil actions in the same manner as prescribed by law for service of process issued out of the district court of this state.

Subdivision 2. Classification of data. The board shall maintain any records, other than client records, obtained as part of an investigation, as investigative data under section 13.41. Client records are classified as private under chapter 13, and must be protected as such 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.

Subdivision 3. Examination. If the board has probable cause to believe that an applicant or licensee has engaged in conduct prohibited by chapter 214 or a statute or rule enforced by the board, it may issue an order directing the applicant or licensee to submit to a mental or physical examination or chemical dependency evaluation. For the purpose of this section, every applicant or licensee is considered to have consented to submit to a mental or physical examination or chemical dependency evaluation when ordered to do so in writing by the board and to have waived all objections to the admissibility of the examiner's or evaluator's testimony or reports on the grounds that the testimony or reports constitute a privileged communication.

Subdivision 4. Failure to submit to an examination. Failure to submit to an examination or evaluation when ordered, unless the failure was due to circumstances beyond the control of the applicant or licensee, constitutes an admission that the applicant or licensee violated chapter 214 or a statute or rule enforced by the board, based on the factual specifications in the examination or evaluation order, and may result in an application being denied or a default and final disciplinary order being entered without the taking of testimony or other evidence. If a contested case hearing is requested, the only issues to be determined at the hearing are whether the designated board member had probable cause to issue the examination or evaluation order and whether the failure to submit was due to circumstances beyond the control of the applicant or licensee. Neither the record of a proceeding under this subdivision nor the orders entered by the board are admissible, subject to subpoena, or to be used against the applicant or licensee in a proceeding in which the board is not a party or decision maker. Information obtained under this subdivision is classified as private under chapter 13 and the orders issued by the board as the result of an applicant's or a licensee's failure to submit to an examination or evaluation are classified as public.

Subdivision 5. Access to data and records. In addition to ordering a physical or mental examination or chemical dependency evaluation and notwithstanding section 13.42, 144.651, 595.02, or any other law limiting access to medical or other health records, the board may obtain data and health records relating to an applicant or licensee without the applicant's or licensee's consent if the board has probable cause to believe that an applicant or licensee has engaged in conduct prohibited by chapter 214 or a statute or rule enforced by the board. An applicant, licensee, insurance company, health care facility, provider as defined in section 144.335, subdivision 1, paragraph (b), or government agency shall comply with any written request of the board under this subdivision and is not liable in any action for damages for releasing the data

requested by the board if the data are released in accordance with a written request made under this subdivision, unless the information is false and the person or entity giving the information knew or had reason to know that the information was false. Information on individuals obtained under this section is investigative data under section 13.41.

Subdivision 6. Forms of disciplinary action. When grounds for disciplinary action exist under chapter 214 or a statute or rule enforced by the board, it may take one or more of the following disciplinary actions:

- (1) deny the right to practice;
- (2) revoke the right to practice;
- (3) suspend the right to practice;
- (4) impose limitations on the practice of the licensee;
- (5) impose conditions on the practice of the licensee;
- (6) impose a civil penalty not exceeding \$10,000 for each separate violation, the amount of the civil penalty to be fixed so as to deprive the licensee of any economic advantage gained by reason of the violation charged, or to discourage repeated violations;
- (7) 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 from the office of administrative hearings, attorney fees, court reporters, witnesses, reproduction of records, board members' per diem compensation, board staff time, and expense incurred by board members and staff;
- (8) censure or reprimand the licensee;
- (9) require the passing of the examination provided for in section 148B.20, subdivision 1; or
- (10) take any other action justified by the facts of the case.

Subdivision 7. Censure or reprimand. (a) In addition to the board's authority to issue a censure or a reprimand to a licensee, a designated board member reviewing a complaint as provided for in chapter 214 may issue a censure or a reprimand to a licensee. The censure or reprimand shall notify the licensee that the censure or reprimand will become final disciplinary action unless the licensee requests a hearing within 14 days.

(b) If the licensee requests a timely hearing, the committee shall either schedule a hearing or withdraw the censure or reprimand. The hearing shall be de novo before the board, provided that the designated board member who issued the censure or reprimand shall not deliberate or vote. Evidence shall be received only in form of affidavits or other documents except for testimony by the licensee or other witnesses whose testimony the board chair has authorized for good cause. If testimony is authorized, it shall be subject to cross-examination. After the hearing, the board shall affirm or dismiss the censure or reprimand, or direct the committee to initiate a contested case proceeding pursuant to chapter 14.

Subdivision 8. Temporary suspension. In addition to any other remedy provided by law, the board may, acting through its designated board member and without a hearing, temporarily suspend the right of a licensee to practice if the board member finds that the licensee has violated a statute or rule that the board is empowered to enforce and that continued practice by the licensee would create a serious risk of harm to others. The suspension is in effect upon service of a written order on the licensee specifying the statute or rule violated. The order remains in effect until the board issues a final order in the matter after a hearing or upon agreement between the board and the licensee. Service of the order is effective if the order is served on the licensee or counsel of record personally or by first class mail to the most recent address provided to the board for the licensee or the counsel of record. Within ten days of service of the order, the board shall hold a hearing before its own members on the sole issue of whether there is a reasonable basis to continue, modify, or lift the suspension. Evidence presented by the board or licensee may be in affidavit

form only. The licensee or the counsel of record may appear for oral argument. Within five working days after the hearing, the board shall issue its order and, if the suspension is continued, schedule a contested case hearing within 45 days after issuance of the order. The administrative law judge shall issue a report within 30 days after closing of the contested case hearing record. The board shall issue a final order within 30 days after receipt of that report.

Subdivision 9. Automatic suspension; restoration. The right to practice is automatically suspended if (1) a guardian of a licensee is appointed by order of a court under sections 525.54 to 525.61, or (2) the licensee is committed by order of a court pursuant to chapter 253B. The right to practice remains suspended until the licensee is restored to capacity by a court and, upon petition by the licensee, the suspension is terminated by the board after a hearing or upon agreement between the board and the licensee. In its discretion, the board may restore and reissue permission to provide services, but as a condition of the permission may impose a disciplinary or corrective measure that it might originally have imposed.

Subdivision 10. Additional remedies. The board may in its own name issue a cease and desist order to stop a person from engaging in an unauthorized practice or violating or threatening to violate a statute, rule, or order which the board has issued or is empowered to enforce. 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, within 15 days of service of the order, the subject of the order fails to request a hearing in writing, the order is the final order of the board and is not reviewable by a court or agency. A hearing must be initiated by the board not later than 30 days from the date of the board's receipt of a written hearing request. Within 30 days of receipt of the administrative law judge's report, the board shall issue a final order modifying, vacating, or making permanent the cease and desist order as the facts require. The final order remains in effect until modified or vacated by the board. When a request for a stay accompanies a timely hearing request, the board may, in its discretion, grant the stay. If the board does not grant a requested stay, it shall refer the request to the office of administrative hearings within three working days of receipt of the request. Within ten days after receiving the request from the board, an administrative law judge shall issue a recommendation to grant or deny the stay. The board shall grant or deny the stay within five days of receiving the administrative law judge's recommendation. In the event of noncompliance with a cease and desist order, the board may institute a proceeding in Ramsey county district court to obtain injunctive relief or other appropriate relief, including a civil penalty payable to the board not exceeding \$10,000 for each separate violation.

Subdivision 11. Injunctive Relief. In addition to any other remedy provided by law, including the issuance of a cease and desist order under subdivision 1, the board may in its own name bring an action in Ramsey county district court for injunctive relief to restrain any unauthorized practice or violation or threatened violation of any statute, rule, or order which the board is empowered to regulate, enforce, or issue. A temporary restraining order must be granted in the proceeding if continued activity by a licensee would create a serious risk of harm to others. The board need not show irreparable harm.

Subdivision 12. Additional powers. The issuance of a cease and desist order or injunctive relief granted under this section does not relieve a licensee from criminal prosecution by a competent authority or from disciplinary action by the board. Nothing in this section limits the board's authority to seek injunctive relief under section 214.11.

Subdivision 13. Pending Appeal. A suspension, revocation, condition, limitation, qualification, or restriction of an individual's license or right to practice is in effect pending determination of an appeal unless the court, upon petition and for good cause shown, orders otherwise.

148B.282 PROFESSIONAL COOPERATION.

An applicant or a licensee who is the subject of an investigation, or who is questioned in connection with an investigation, by or on behalf of the board shall cooperate fully with the investigation. Cooperation includes responding fully and promptly to any question raised by or on behalf of the board relating to the subject of the investigation, providing copies of client and other records in the applicant's or licensee's possession relating to the matter under investigation and executing releases for records, as reasonably requested by the board, and appearing at conferences or hearings scheduled by the board. The board shall pay for copies requested. The board shall be allowed access to any records of a client provided services by the applicant or licensee under review. If the client has not signed a consent permitting access to the client's records, the applicant or licensee shall delete any data in the record that identifies the client before providing them to the board. The board shall maintain any records obtained pursuant to this section as investigative data pursuant to chapter 13.

148B.283 REPORTING OBLIGATIONS.

Subdivision 1. Permission to Report. A person who has knowledge of any conduct by an applicant or a licensee which may constitute grounds for disciplinary action under this chapter or the rules of the board or of any unlicensed practice under this chapter may report the violation to the board.

Subdivision 2. 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 located in this state shall report to the board any action taken by the agency, institution, or organization or any of its administrators or medical or other committees to revoke, suspend, restrict, or condition an applicant's or a licensee's privilege to practice or treat patients or clients in the institution, or as part of the organization, any denial of privileges, or any other disciplinary action for conduct that might constitute grounds for disciplinary action by the board under this chapter. The institution or organization shall also report the resignation of any applicants or licensees prior to the conclusion of any disciplinary action proceeding for conduct that might constitute grounds for disciplinary action under this chapter, or prior to the commencement of formal charges but after the applicant or licensee had knowledge that formal charges were contemplated or in preparation.

Subdivision 3. Professional societies or associations. A state or local professional society or association for licensees shall forward to the board any complaint received concerning the ethics or conduct of the practice which the board regulates. The society or association shall forward a complaint to the board upon receipt of the complaint. The society or association shall also report to the board any disciplinary action taken against a member.

Subdivision 4. Licensed professionals. (a) A licensed health professional shall report to the board information on the following conduct by an applicant or a licensee:

- (1) sexual contact or sexual conduct with a client or a former client;
- (2) failure to make reports required by section 626.556 or 626.557;
- (3) impairment in the ability to practice by reason of illness, use of alcohol, drugs, or other chemicals, or as a result of any mental or physical condition;
- (4) improper or fraudulent billing practices, including violations of the federal Medicare and Medicaid laws or state medical assistance laws;
- (5) fraud in the licensure application process or any other false statements made to the board;

(6) conviction of a felony reasonably related to the practice of social work, including conviction of the psychotherapist sex crimes in chapter 609; and

(7) a violation of a board order.

(b) A licensed health professional shall also report to the board information on any other conduct by an applicant or a licensee that constitutes grounds for disciplinary action under this chapter or the rules of the board when the licensed health professional reasonably believes, after appropriate assessment, that the client's functioning has been or likely will be affected negatively by the conduct, regardless of whether the conduct has ceased.

(c) Notwithstanding paragraphs (a) and (b), a licensed health professional shall report to the board knowledge of any actions which institutions must report under subdivision 2.

Subdivision 5. Reporting other licensed professionals. An applicant or a licensee shall report to the appropriate board conduct by a licensed health professional which would constitute grounds for disciplinary action under the chapter governing the practice of the other licensed health professional and which is required by law to be reported to the same board.

Subdivision 6. Insurers and other entities making liability payments. (a) Four times each year as prescribed by the board, each insurer authorized to sell insurance described in section 60A.06, subdivision 1, clause (13), and providing professional liability insurance to licensees, or the medical joint underwriting association under chapter 62F, shall submit to the board a report concerning the licensees against whom malpractice settlements or awards have been made to the plaintiff. The report must contain at least the following information:

(1) the total number of malpractice settlements or awards made;

(2) the date the malpractice settlements or awards were made;

(3) the allegations contained in the claim or complaint leading to the settlements or awards made;

(4) the dollar amount of each malpractice settlement or award;

(5) the regular address of the practice of the licensee against whom an award was made or with whom a settlement was made; and

(6) the name of the licensee against whom an award was made or with whom a settlement was made.

(b) A medical clinic, hospital, political subdivision, or other entity which makes professional liability insurance payments on behalf of applicants or licensees shall submit to the board a report concerning malpractice settlements or awards paid on behalf of applicants or licensees, and any settlements or awards paid by a clinic, hospital, political subdivision, or other entity on its own behalf because of care rendered by applicants or licensees. This requirement excludes forgiveness of bills. The report shall be made to the board within 30 days of payment of all or part of any settlement or award.

(c) The insurance company or other entity making professional liability insurance payments shall, in addition to the information in paragraph (b), report to the board any information it possesses that tends to substantiate a charge, including the factual data underlying a settlement, that an applicant or a licensee may have engaged in conduct violating this chapter.

Subdivision 7. Courts. The court administrator of district court or any other court of competent jurisdiction shall report to the board any judgment or other determination of the court that adjudges or includes a finding that an applicant or a licensee is mentally ill, mentally incompetent, guilty of a felony, guilty of a violation of federal or state narcotics laws or controlled substances act, or guilty of an abuse or fraud under Medicare or Medicaid; or that appoints a guardian of the applicant or licensee pursuant to sections 525.54 to 525.61 or commits an applicant or a licensee pursuant to chapter 253B.

Subdivision 8. Self-reporting. An applicant or a licensee shall report to the board any personal action that would require that a report be filed by any person, health care facility, business, or organization pursuant to subdivisions 2 to 7.

Subdivision 9. Deadlines; forms. Reports required by subdivisions 2 to 8 must be submitted not later than 30 days after the occurrence of the reportable event or transaction. The board may provide forms for the submission of reports required by this section, may require that reports be submitted on the forms provided, and may adopt rules necessary to assure prompt and accurate reporting.

Subdivision 10. Subpoenas. The board may issue subpoenas for the production of any reports required by subdivisions 2 to 8 or any related documents.

148B.284. IMMUNITY.

Subdivision 1. Reporting. Any person, health care facility, business, or organization is immune from civil liability or criminal prosecution for submitting in good faith a report under section 148B.283 or for otherwise reporting, providing information, or testifying about violations or alleged violations of this chapter. The reports are classified under section 13.41.

Subdivision 2. Investigation. Board members and employees; persons engaged on behalf of the board in the investigation of violations and in the preparation, presentation, and management of and testimony pertaining to charges of violations; and persons engaged in monitoring compliance with statutes, rules, board orders, or corrective action agreements are immune from civil liability and criminal prosecution for any actions, transactions, or publications in the execution of, or relating to, their duties under this chapter.

148B.285 DISCLOSURE.

Subdivision 1. Contested case proceedings. (a) Upon application of a party in a board hearing or a contested case hearing before the board, the board shall produce and permit the inspection and copying, by or on behalf of the moving party, of any designated documents or papers relevant to the proceedings, in accordance with rule 34, Minnesota rules of civil procedure.

(b) The board hearing or contested case hearing shall be open to the public, except that the board or administrative law judge shall close the hearing for testimony by clients, and testimony and argument about clients.

(c) Notwithstanding section 13.41, information which may identify a client, client records, and licensee health records are private data during the contested case hearing, as part of the hearing record, and as part of any appellate or other court record.

(d) Clients may waive the protections afforded by this subdivision.

Subdivision 2. Information on disciplinary actions. If the board imposes disciplinary measures or takes disciplinary action of any kind, the name and business address of the licensee, the nature of the misconduct, and the action taken by the board, including all settlement agreements and other board orders, are public data.

Subdivision 3. Exchange of information. The board shall exchange information with other boards, agencies, or departments within the state, as required under section 214.10, subdivision 8, paragraph (d).

Subdivision 4. Information to the complainant. The board shall furnish to a person who made a complaint a statement of the result of an investigation of the complaint and a description of the activities and actions of the board relating to the complaint.

Subdivision 5. Classification of certain residence addresses and telephone numbers. Notwithstanding section 13.41, subdivision 2 or 4, the residence address and telephone number of an applicant or licensee are private data on individuals as defined in section 13.02, subdivision 12, if the applicant or licensee so requests and provides an alternative address and telephone number.

Subdivision 6. Publication of disciplinary actions. At least annually, each board shall publish and release to the public a description of all disciplinary measures or actions taken by the board. The publication must include, for each disciplinary measure or action taken, the name and business address of the licensee, the nature of the misconduct, and the measure or action taken by the board.

148B.286 PROFESSIONAL ACCOUNTABILITY.

Subdivision 1. Investigation. The board shall maintain and keep current a file containing the reports and complaints filed against applicants or licensees within the board's jurisdiction. Each complaint filed with the board pursuant to chapter 214 must be investigated according to chapter 214. If the files maintained by the board show that a malpractice settlement or award to the plaintiff has been made against an applicant or a licensee as reported by insurers under section 148B.283, the executive director of the board shall notify the board and the board may authorize a review of the provider's practice.

Subdivision 2. Attorney general investigates. When the board initiates a review of an applicant's or a licensee's practice it shall notify the attorney general who shall investigate the matter in the same manner as provided in chapter 214. If an investigation is to be made, the attorney general shall notify the applicant or licensee, and, if the incident being investigated occurred there, the administrator and chief of staff at the health care facilities or clinics in which the professional serves, if applicable.

Subdivision 3. Access to records. The board shall be allowed access to any records of a client provided services by the applicant or licensee under review. If the client has not signed a consent permitting access, the applicant, licensee, or custodian of the records shall first delete the client's name or other client identifiers before providing the records to the board.

148B.287 MALPRACTICE HISTORY.

Subdivision 1. Submission. Licensees or applicants for licensure who have previously practiced in another state shall submit with their application the following information:

(1) number, date, and disposition of any malpractice settlement or award made relating to the quality of services provided by the licensee or applicant; and

(2) number, date, and disposition of any civil litigations or arbitrations relating to the quality of services provided by the licensee or applicant in which the party complaining against the licensee or applicant prevailed or otherwise received a favorable decision or order.

Subdivision 2. Board action. The board shall give due consideration to the information submitted under this section. A licensee or applicant for licensure who willfully submits incorrect information is subject to disciplinary action under this chapter.

148B.288 EVIDENCE OF PAST SEXUAL CONDUCT.

In a proceeding for the suspension or revocation of the right to practice or other disciplinary or adverse action involving sexual contact with a client or former client, the board or administrative law judge shall not consider evidence of the client's previous sexual conduct nor shall any reference to this conduct 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.

148B.289 TAX CLEARANCE CERTIFICATE

Subdivision 1. Certificate required. The board may not issue or renew a license if the commissioner of revenue notifies the board and the licensee or applicant for a license that the licensee or applicant owes the state delinquent taxes in the amount of \$500 or more. The board may issue or renew a license or filing only if the commissioner of revenue issues a tax clearance certificate and the commissioner of revenue or the licensee or applicant forwards a copy of the clearance to the board. The commissioner of revenue may issue a clearance certificate only if the licensee or applicant does not owe the state any uncontested delinquent taxes. For purposes of this section, "taxes" means all taxes payable to the commissioner of revenue, including penalties and interest due on those taxes. "Delinquent taxes" do not include a tax liability if (1) an administrative or court action that contests the amount or validity of the liability has been filed or served, (2) the appeal period to contest the tax liability has not expired, or (3) the licensee or applicant has entered into a payment agreement to pay the liability and is current with the payments.

Subdivision 2. Hearing. In lieu of the notice and hearing requirements of section 148B.281, when a licensee or applicant is required to obtain a clearance certificate under this subdivision, a contested case hearing must be held if the licensee or applicant requests a hearing in writing to the commissioner of revenue within 30 days of the date of the notice required in subdivision 1. The hearing must be held within 45 days of the date the commissioner of revenue refers the case to the office of administrative hearings. Notwithstanding any other law, the licensee or applicant must be served with 20 days' notice in writing specifying the time and place of the hearing and the allegations against the licensee or applicant. The notice may be served personally or by mail.

Subdivision 3. Information required. The board shall require licensees or applicants to provide their social security number and Minnesota business identification number on all license applications. Upon request of the commissioner of revenue, the board must provide to the commissioner of revenue a list of all licensees and applicants, including the name and address, social security number, and business identification number. The commissioner of revenue may request a list of the licensees and applicants no more than once each calendar year.



STATE OF MINNESOTA

BOARD OF SOCIAL WORK

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Minnesota Board of Social Work Rules -- Minnesota Rules, Chapter 8740

The Minnesota Social Work Rules are the rules promulgated by the Minnesota Board of Social Work. The Legislature has given the Board of Social Work the power to enact rules, provided that the rules are consistent with the Board's laws. Rules have the same force and effect of laws.

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Minnesota Board of Social Work Rules -- Minnesota Rules, Chapter 8740

8740.0100 PURPOSE.

Parts 8740.0100 to 8740.0310 protect the public by:

- A. setting standards of qualifications, training, and experience for those who seek to represent themselves to the public as social workers; and
- B. promoting high standards of professional performance for those engaged in the practice of social work.

Parts 8740.0110 to 8740.0310 contain procedures and guidelines for licensing and regulating social workers.

8740.0110 DEFINITIONS.

Subpart 1. Scope. For the purposes of this chapter, unless the context otherwise requires, the following terms have the meanings given.

Subpart 2. Advertising. "Advertising" means a communication to a potential client about the availability, nature, or terms of services within the scope of social work practice. Advertising includes business solicitations, with or without limiting qualifications, in a card, sign, or device issued to a person; in a sign or marking in or on a building; in a newspaper, magazine, or other print media; or via live or recorded electronic media.

Subpart 3. Applicant. "Applicant" means an individual seeking a license as a social worker, graduate social worker, independent social worker, or independent clinical social worker from the Board of Social Work.

Subpart 4. Approval date. "Approval date" means the date on which the board approves an applicant for licensure because that applicant meets the qualifications for licensure under Minnesota Statutes, section 148B.21 or 148B.23, except for payment of the fee.

Subpart 5. Board. "Board" means the Board of Social Work created in Minnesota Statutes, section 148B.19.

Subpart 6. Clinical social work. "Clinical social work" means social work that is consistent with the definition of social work practice for licensed independent clinical social workers under Minnesota Statutes, section 148B.18, subdivision 11, paragraph (c).

Subpart 7. Continuing education. "Continuing education" means 30 continuing education hours within the biennial licensure period. Continuing education is education obtained by a professional social worker licensee to maintain, improve, or expand skills and knowledge related to the practice of social work as defined in parts 8740.0100 to 8740.0310.

Subpart 8. Council on Social Work Education. "Council on Social Work Education" means the national accreditation body for social work education as recognized by the United States Department of Education and the National Commission on Accreditation.

Subpart 9. Effective date. "Effective date" means the date the applicant, after having paid the required fee, has been issued a number.

Subpart 10. Emeritus. "Emeritus" means retired from active practice but retaining one's license and title.

Subpart 11. Examination. "Examination" means a national examination that follows the uniform guidelines on employee selection procedures issued by the equal employment opportunity commission, civil service commission, and United States Department of Labor and Justice.

Subpart 12. Examination application. "Examination application" means the form supplied by the board, or the agency specified by the board, used in applying for the licensing examination.

Subpart 13. Face-to-face supervision. "Face-to-face supervision" means direct in-person supervision. Supervision via telephone or other live electronic media is acceptable supervision if it is logged or recorded and does not account for more than one-quarter of the total number of hours required under part 8740.0130.

Subpart 14. Group supervision. "Group supervision" means two or more supervisees with one supervisor. Group supervision must not exceed eight hours of the supervisory time required under part 8740.0130.

Subpart 15. Inactive status. "Inactive status" means holding a valid inactive status license and not engaging in the practice of social work.

Subpart 16. Independent social work. "Independent social work" means social work that is consistent with the definition of social work practice for licensed independent social workers under Minnesota Statutes, section 148B.18, subdivision 11, paragraph (b).

Subpart 17. Interdisciplinary supervision. "Interdisciplinary supervision" means team intervention or collaboration, which includes members of different professions or disciplines. Interdisciplinary supervision must not exceed eight hours of the total supervisory time required under part 8740.0130.

Subpart 18. Licensee. "Licensee" means a person holding a license issued by the board.

Subpart 19. Peer supervision. "Peer supervision" means collegial supervision. Peer supervision must not exceed eight hours of the total supervisory time required under part 8740.0130.

Subpart 20. Qualified professional. "Qualified professional" means an individual who has the authority to direct the practice of the licensee, including but not limited to an agency director, a consulting supervisor, a school principal, or a nursing home administrator whom the board considers appropriate when a social work supervisor, as required, is unobtainable.

Subpart 21. Supervisee. "Supervisee" means an individual who is engaged in professional practice under the direction of a supervisor.

Subpart 22. Supervisor. "Supervisor" means a social worker who is licensed or was eligible for licensure during the transition period and under the emergency rules and who has the authority to direct the practice

of the licensee. The supervisor must have completed the two years or 4,000 hours of supervised social work experience required under part 8740.0130 prior to providing supervision.

Subpart 23. Supervisor's verification. "Supervisor's verification" means a form supplied by the board attesting to the hours of supervision.

Subpart 24. Transition period. "Transition period" means the period of time from July 1, 1987, through June 30, 1989, during which a social worker applied for initial licensure by the board.

Subpart 25. Variance. "Variance" means board authorized permission to comply with a rule in a manner other than that generally specified in the rule.

8740.0120 PROCEDURES FOR APPLICATION.

Subpart 1. Information required. A person seeking a license from the board must submit to the board the information and documents in items A to E.

A. An application completed, signed, and notarized on the forms provided by the board. The applicant must furnish all documentation requested on the application.

B. The required, nonrefundable fee as specified in part 8740.0290, payable to the Board of Social Work.

C. An official copy of the transcript, including verification of the degree granted required for the level of licensure being applied for. Transcripts should be sent directly to the board office from the institution granting the degree.

D. Where applicable, verification of two years or 4,000 hours of supervised experience in the practice of social work to be completed before the date of application. A supervisor's verification form shall be completed and signed by the supervisor and sent directly to the board office.

E. A form provided by the board signed by the applicant's supervisor that states that the requirements for supervision under part 8740.0130 have been met. If an applicant cannot provide a signed statement from the supervisor, the board may accept alternative verification of supervision. The burden of proof of the required supervision rests with the applicant.

Subpart 2. Taking examination prior to graduation. A person enrolled in an accredited program of social work who expects to graduate within six months after the date of an examination may take the examination before graduation if, prior to the exam date, the board receives from that person:

A. a letter from the department chair or advisor that the person is in good standing in an accredited program of social work;

B. verification of the expected graduation date; and

C. verification that the person is majoring in social work.

Subpart 3. Verification; board authority. An applicant, by submitting an application, authorizes the board to investigate or contact persons to verify information in the application. The board may request that the applicant provide additional verification or documentation to aid in the board's decision making.

8740.0130 SUPERVISION REQUIREMENTS.

Subpart 1. General. An applicant for a license by the board must show that the applicant has the supervised experience required under the appropriate subpart 3 to 6. The supervised work experience

required for a licensee at the licensed social worker (LSW) level under subpart 3 must be documented by the licensee's first biennial renewal. The continuing supervision required for a licensee at the licensed graduate social worker (LGSW) level under subpart 4 must be documented at each license renewal. The supervised work experience required for licensure at the licensed independent social worker (LISW) level under subpart 5 and at the licensed independent clinical social worker (LICSW) level under subpart 6 must be documented at the time of application for those levels.

Subpart 2. Unobtainable supervision. Supervision shall be determined to be unobtainable if the applicant or licensee provides evidence satisfactory to the board that the applicant or licensee has conducted a thorough search for the supervision required under this part and that the search was unsuccessful. The evidence must be in writing on a variance form supplied by the board.

Subpart 3. Licensed social worker (LSW). For a licensed social worker (LSW), supervision qualifying an applicant as a licensed social worker consists of face-to-face, group, peer, or interdisciplinary supervision sessions for a minimum of 50 hours of supervision during two years or 4,000 hours of social work practice. Supervision must be or have been provided by a licensed social worker or a social worker licensed at a higher level than the applicant. The applicant must provide verification of that supervision. If that supervision is found by the board to be unobtainable, the board may accept supervision from another qualified professional as defined under part 8740.0110, subpart 20. The burden of proof of the required supervision rests with the licensee. Experience required under this subpart does not include internships or volunteer work. The experience must have been obtained after the applicant received a bachelor's degree and must be supervised, paid, social work experience.

Subpart 4. Licensed graduate social worker (LGSW). For a licensed graduate social worker (LGSW), supervision qualifying an applicant as a licensed graduate social worker consists of face-to-face, group, peer, or interdisciplinary supervision sessions for a minimum of 50 hours at each two-year renewal. Supervision must be or have been provided by a licensed social worker at least at the level of the applicant or at a higher level than the applicant. The applicant must provide verification of supervision. If that supervision is found by the board to be unobtainable, the board may accept supervision from another qualified professional as defined under part 8740.0110, subpart 20. The burden of proof of the required supervision rests with the licensee. Experience required under this subpart does not include internships or volunteer work. The experience must have been obtained after the applicant received a master's or doctorate degree and must be supervised, paid, social work experience.

Subpart 5. Licensed independent social worker (LISW). For a licensed independent social worker (LISW), supervision qualifying an applicant as a licensed independent social worker consists of face-to-face, group, or interdisciplinary supervision sessions for a minimum of 50 hours for two years or 4,000 hours of supervised social work practice. The supervision must have been obtained after the applicant received a master's or doctorate degree. The supervision must be or have been provided by a licensed independent social worker or licensed independent clinical social worker. Experience required under this subpart does not include internships or volunteer work. The applicant must provide verification of supervision. If that supervision is found by the board to be unobtainable, the board may accept supervision from another qualified professional as defined under part 8740.0110, subpart 20. The burden of proof of the required supervision rests with the licensee.

Subpart 6. Licensed independent clinical social worker (LICSW). For a licensed independent clinical social worker (LICSW), supervision qualifying an applicant for an independent clinical social worker license

includes review of a social worker's interaction with clients, with the goal of improving the social worker's clinical skills. Supervision must be conducted face-to-face or in group or interdisciplinary supervision sessions. The content may include but not be limited to discussion of case presentations, review of audio tapes, and direct observation of the social worker-client interaction by the supervisor. Supervision must have been provided for a minimum of 50 hours for the two years or 4,000 hours of supervised social work practice, in order to qualify the social worker for this level of licensure. The supervision must have been obtained after the applicant received a master's or doctorate degree. The supervision must have been provided by a licensed independent clinical social worker. Experience required under this subpart does not include internships or volunteer work. The applicant must provide verification of supervision. If that supervision is found by the board to be unobtainable, the board may accept supervision from a qualified mental health professional as defined in Minnesota Statutes, section 148B.18, subdivision 10. The burden of proof of the required supervision rests with the licensee.

8740.0140 EXAMINATION APPLICATION AND REEXAMINATION.

A. An applicant who otherwise qualifies for a license must take the examination required by this part.

B. An applicant shall obtain an examination application from the board or an agency specified by the board. The application fee and examination fee must be submitted either to the board or to the agency specified by the board, each time an applicant wants to be scheduled to take an examination.

C. The examination required for each of the categories of licensing described in Minnesota Statutes, section 148B.21, subdivisions 1 to 6, is the examination of the American Association of State Social Work Boards.

D. The examination shall be scheduled at least twice a year, at times and places the board determines.

E. The board, or the agency specified by the board, shall notify applicants in writing of the time and place of the examination.

F. There is no limit on the number of times an applicant may take the examination.

G. A licensee granted a licensed graduate social worker (LGSW) license during the transition period who did not have a Masters in Social Work degree from an accredited social work program may take the examination required for either the licensed independent social worker (LISW) license or the licensed independent clinical social worker license (LICSW) upon completion of supervision as required in part 8740.0130, subparts 5 and 6.

H. A licensee granted a licensed independent social worker (LISW) license during the transition period who did not have a Masters in Social Work degree from an accredited social work program may take the examination required for the licensed independent clinical social worker (LICSW) license upon completion of supervision as required in part 8740.0130, subpart 6.

I. A licensee granted a licensed independent clinical social worker (LICSW) license during the transition period who did not have a Masters in Social Work degree from an accredited social work program may take the examination required for the licensed independent social worker (LISW) license upon completion of supervision as required in part 8740.0130, subpart 5.

8740.0145 DENIAL OF LICENSE.

If an applicant fails to meet the requirements in Minnesota Statutes, section 148B.21, including but not limited to passing the examination, or fails to complete the required forms and provide information to the board, the board shall deny the application for a license according to the procedures in items A and B.

- A. The board shall notify the applicant, in writing, of the denial and the reason for the denial.
- B. An application submitted following denial is a new application which must be accompanied by the appropriate fee in part 8740.0290.

8740.0150 RECIPROCITY.

The board may grant a license to an applicant who provides satisfactory verification that the applicant is licensed currently under the laws of states or territories of the United States that at the time of original licensure imposed substantially the same requirements as parts 8740.0100 to 8740.0310. To obtain a license under parts 8740.0100 to 8740.0310, the applicant must meet the conditions in items A to D.

A. The applicant must submit a completed, signed, notarized application for reciprocity that includes the applicant's affirmation that the statements in the application are true and correct to the best knowledge of the applicant. The application must identify all states or territories in which the applicant has ever held a professional license.

B. The applicant must provide the board with a copy of the rules and statutes governing licensing at the time of the original licensure in the other states where the applicant is licensed. The board shall determine substantial comparability of requirements by considering education and training, supervision, scope of practice, continuing education requirements, and code of conduct.

C. If the applicant fails to provide satisfactory verification of supervision of the level applied for, or the board determines that the requirements imposed by the other states at the time of original licensure are not comparable to parts 8740.0100 to 8740.0310, then the applicant must pass the examination required by part 8740.0140.

D. The board must receive verification from the licensing agency of any state or territory in which the applicant has held a professional license of the status of any disciplinary action involving the applicant. This information must be contained on forms provided by the board. Based on this information, the board may deny, limit, or restrict any license as the board deems necessary for the protection of the public.

8740.0160 ISSUANCE OF LICENSE.

If the applicant meets the requirements in parts 8740.0120 to 8740.0150, the board shall issue a license and a number to the applicant to practice social work according to parts 8740.0100 to 8740.0310 and Minnesota Statutes, chapter 148B.

8740.0170 DISPLAY OF LICENSE.

A licensee must prominently display the license issued by the board at the licensee's primary place of employment or practice.

8740.0180 TERM OF LICENSE, EFFECTIVE DATE.

An initial license is effective when the applicant has been issued a number after having paid the required fees. The applicant must pay the required fees within 60 days after the date of the board's approval of a license application. If after 60 days the board has not received an applicant's fee the applicant's file shall be closed and the applicant shall reapply according to part 8740.0120. Unless a license is revoked or suspended, it is initially valid for the period of time allowed in parts 8740.0195 and 8740.0210. It must be renewed according to parts 8740.0190, 8740.0195, 8740.0200, and 8740.0210.

8740.0185 DUPLICATE LICENSE.

A duplicate license may be issued for the fee set in part 8740.0290, item E, when the licensee notifies the board by certified statement that the original license was lost, stolen, or destroyed. The duplicate license shall be marked "duplicate" and the date of its issuance indicated. If the licensee has a name change, the board shall issue a new license when the licensee provides verification of the name change, surrenders the original license, and pays a duplicate license fee.

8740.0190 RENEWAL OF LICENSE.

A license granted in the transition period must be initially renewed according to part 8740.0195. Subsequent renewals of all licenses must be according to part 8740.0210. For a license to be renewed, a licensee must pay the renewal fee as defined in parts 8740.0210, subpart 5, and 8740.0290, complete the appropriate number of continuing education hours, and, where applicable, show compliance with supervision requirements of part 8740.0130.

8740.0195 RENEWAL OF LICENSES ISSUED IN THE TRANSITION PERIOD.

A license issued to applicants who applied for licensure during the transition period must be renewed initially according to items A and B.

A. An odd-numbered license must be initially renewed by June 30, 1991.

B. An even-numbered license approved by the board on or before December 31, 1989, must be renewed by June 30, 1990.

C. An even-numbered license approved by the board on or after January 1, 1990, must be renewed by June 30, 1992.

8740.0200 RENEWAL APPLICATION PROCEDURES.

Subpart 1. Service. The licensee must maintain a current correct mailing address with the board for receiving board communications, notices, and license renewal documents. Placing the renewal application in first class United States mail, addressed to the licensee at the licensee's last known address with postage prepaid, constitutes valid service.

Subpart 2. Application mailing date. The board shall mail a license renewal application to the last known address of every licensee holding a current license. Failure to receive the renewal documents does not relieve a license holder of the obligation to renew or to pay the renewal fee. The licensee must inform the board in writing of a change in address within 30 days of the address change.

Subpart 3. Expired license. The failure to renew will result in an expired license. An expired license must be reinstated according to part 8740.0205.

Subpart 4. Incomplete application notice. If a licensee submits a renewal form or renewal fee or continuing education form that is incomplete, incorrect, or not in compliance with this part, the board shall notify the licensee of the deficiency and shall give the licensee instructions for completing or correcting the application. The board will cancel a licensee renewal if the correction required in the board notice is not made within 30 days after the notice was mailed.

8740.0205 REINSTATEMENT OF EXPIRED LICENSE.

Subpart 1. Guidelines for reinstatement. An expired license shall be reinstated if no fact, circumstance, or condition exists to justify revocation or suspension under part 8740.0250; if the individual meets the education and supervision requirements of Minnesota Statutes, section 148B.21; if the individual passes the examination required in part 8740.0140; and if the individual pays the fees required in part 8740.0290, item B.

Subpart 2. Use of an expired license. An individual whose license has expired shall not use the title for which the license was issued and shall not practice social work. A licensee whose license has expired must return the license certificate and the most recent evidence of renewal to the board within ten days after the effective date the license expires.

8740.0210 CONVERSION OF LICENSE RENEWAL PROCEDURES.

Subpart 1. License renewal cycle conversion. Beginning January 1, 1992, all licenses will be renewed on a biennial (two-year) cycle basis that begins on the first day of the month following the individual's birth month rather than on June 30 or on the actual anniversary date of licensure. Future cycles will run consecutively from that point.

Subpart 2. Conversion of license renewal cycles for current licenses. The license renewal cycles for current licenses are converted according to items A and B.

A. Beginning January 1, 1992, for a licensee who applied for licensure during the transition period, and who was issued an odd-numbered license, which is due to be initially renewed according to part 8740.0195, item A, by June 30, 1991, that renewed license is current until the last day of the licensee's birth month in 1993.

For example, license number 00001 must be initially renewed by June 30, 1991, under part 8740.0195, item A. If the licensee's birth month is May, the licensee must renew the license again by May 31, 1993.

B. Beginning January 1, 1992, for a licensee who applied for licensure during the transition period and who was issued before January 1, 1990, an even-numbered license which is due to be initially renewed according to part 8740.0195, item B, on June 30, 1990, that renewed license is current until the last day of the licensee's birth month in 1992.

For example, a license numbered 00002 must be initially renewed by June 30, 1990, according to part 8740.0195, item B. If the licensee's birth month is September, the licensee must renew the license again by September 30, 1992.

C. Beginning January 1, 1992, for a licensee who applied for licensure during the transition period and who was issued after December 31, 1989, an even-numbered license which is due to be renewed according to part 8740.0195, item B, on June 30, 1992, that renewed license is current until the last day of the licensee's birth month in 1994.

For example, a license numbered 6000 must be initially renewed by June 30, 1992, according to part 8740.0195, item B. If the licensee's birth month is September, the licensee must renew the license again by September 30, 1994.

Subpart 3. Subsequent renewal cycles. After the licensee's renewal during the conversion period under subpart 2, the subsequent renewal cycles shall be biennial cycles that begin on the first day of the month following the licensee's birth month.

For example, a licensee who was born in August, who initially renewed the license by August 31, 1992, must renew the license by August 31 of every two years. The new renewal cycle begins September 1.

Subpart 4. Licenses issued after June 30, 1989. Licenses issued to persons who applied after June 30, 1989, will be current and effective from the effective date under part 8740.0180 until the last day of their birth month the second year after the initial licensing. After the initial licensure period, subsequent renewal periods shall be biennial cycles that begin on the first day of the month following the licensee's birth.

For example, a licensee who was born in October, and who applied for and was issued a license on May 15, 1990, must initially renew the license by October 31, 1992. The license must be subsequently renewed every two years, by October 31. The new renewal cycle begins November 1.

Subpart 5. Conversion period and fees. A licensee who applied for a license during the transition period, and who renews that license according to the conversion under subpart 2, shall pay the prorated renewal fees required by items A to D. All renewals after the conversion period must be accompanied by the renewal fee in part 8740.0290, item F.

A. Licensees due to be renewed June 30, 1990, and having a birth month between January 1 and June 30, 1992, will pay the renewal fee under part 8740.0290, item E, prorated for the total number of months the license will be valid, at a rate of 1/24 of the biennial fee per month.

For example, during the conversion, the renewal cycle for a licensee who initially renews the license June 30, 1990, and whose birthday falls in January 1992, will be only 19 months. The renewal fee the licensee will pay for this renewal cycle is prorated for 19 months.

B. Licensees due to be renewed June 30, 1990, and having a birth month between July 1 and December 31, 1992, will pay the renewal fee under part 8740.0290, item E, prorated for the total number of months the license will be valid, at a rate of 1/24 of the biennial fee per month.

For example, during the conversion, the renewal cycle for a licensee who initially renews the license June 30, 1990, and whose birthday falls in August 1992, will be 26 months. For this renewal cycle, the licensee will pay the full renewal fee, plus the amount of the fee prorated for two additional months.

C. Licensees due to be renewed June 30, 1991, and having a birth month between January 1 and June 30, 1993, will pay the renewal fee under part 8740.0290, item F, prorated for the total number of months the license will be valid, at a rate of 1/24 of the biennial fee per month.

For example, during the conversion, the renewal cycle for a licensee who initially renews the license June 30, 1991, and whose birthday falls in February, 1993, will be only 20 months. The renewal fee the licensee will pay for this renewal cycle is prorated for 20 months.

D. Licensees due to be renewed June 30, 1991, and having a birth month between July 1 and December 31, 1993, will pay the renewal fee under part 8740.0290, item F, prorated for the total number of months the license will be valid, at a rate of 1/24 of the biennial fee per month.

For example, during the conversion, the renewal cycle for a licensee who initially renews the license on June 30, 1991, and whose birthday falls in December 1993, will be 30 months. For this renewal

cycle, the licensee will pay the full renewal fee plus the amount of the fee prorated for an additional six months.

E. Licensees with an approval date after January 1, 1990, and due to be renewed June 30, 1992, and having a birth month between January 1 and June 30, 1994, will pay the renewal fee under part 8740.0290, item F, prorated for the total number of months the license will be valid, at a rate of 1/24 of the biennial fee per month.

For example, during the conversion, the renewal cycle for a licensee who initially renews the license June 30, 1991, and whose birthday falls in February 1994, will be only 20 months. The renewal fee the licensee will pay for this renewal cycle is prorated for 20 months.

F. Licensees with an approval date after January 1, 1990, and due to be renewed June 30, 1992, and having a birth month between July 1 and December 31, 1994, will pay the renewal fee under part 8740.0290, item F, prorated for the total number of months the license will be valid, at a rate of 1/24 of the biennial fee per month.

For example, during the conversion, the renewal cycle for a licensee who initially renews the license on June 30, 1991, and whose birthday falls in December 1993, will be 30 months. For this renewal cycle, the licensee will pay the full renewal fee plus the amount of the fee prorated for an additional six months.

Subpart 6. Initial license period and fees. An individual who is initially licensed by the board after June 30, 1989, shall pay the social work application fee, examination fee, and biennial renewal fees in part 8740.0290, as provided in items A to C.

A. Beginning January 1, 1992, the initial licensure period begins with the date the individual becomes licensed and ends with the last day of the licensee's birth month two years later. For a person whose birth month is more or less than 24 months after the initial licensure, the renewal fee will be prorated based on the total number of months the license will be valid, at a rate of 1/24 of the biennial fee per month.

B. The second license renewal made after the conversion period for the individual and all subsequent license renewals shall be assessed the license renewal fee in part 8740.0290, item F.

C. A licensee who does not supply a month, day, and year of birth shall be assigned a month and year for license renewal purposes.

8740.0220 INACTIVE LICENSE STATUS.

Subpart 1. Application. An application for an inactive license must be submitted before the expiration of the license period. Upon receiving notice of the board's approval of the application, the licensee must discontinue practicing social work, cease displaying the license, and pay the inactive status fee in part 8740.0290, item F.

Subpart 2. Time limit on inactive status. The inactive status shall not exceed ten consecutive years. After ten years, the licensee must reapply for active status or the board shall cancel the license.

Subpart 3. Supervision requirement. If the licensee has had an inactive license for more than five consecutive years, the licensee must receive 25 hours of supervision during the first 12 months of reemployment in social work practice. This supervision must be documented at the time of license renewal.

Subpart 4. Limit on practice. Persons with licenses on inactive status shall not practice, attempt to practice, offer to practice, or advertise or hold themselves out as authorized to practice social work.

Subpart 5. Reactivating a license. The board shall reactivate a license of a person who is on inactive status and who desires to resume the practice of social work, if the person notifies the board in writing of this intention, agrees to the supervision requirements, has met the continuing education requirements in effect while on inactive status, and pays the prorated license renewal fees sufficient to return to the biennial birth month renewal schedule. The board shall then reissue a license.

A. Licensed social workers who have not completed the required two years or 4,000 hours of supervised practice as defined in part 8740.0130, subpart 3, must meet that requirement in addition to any specified in subpart 3.

B. Licensed graduate social workers are required by part 8740.0130, subpart 4, to document 50 hours of supervision at each renewal. Licensed graduate social workers returning to active status who have been on inactive status for more than five years must meet the requirements of subpart 3, before applying to take an examination for a higher level license.

C. Nothing in this part precludes the board from taking disciplinary action against a licensee based on conduct occurring before inactive status was granted or during the inactive period.

8740.0225 EMERITUS LICENSE STATUS.

Subpart 1. Emeritus status; requirements. A social worker duly licensed to practice social work in the state under Minnesota Statutes, chapter 148B, and who is retired from the active practice of social work, may apply to the board for emeritus status:

A. by indicating on the person's renewal form, or by petitioning the board in writing;

B. by indicating the person has not been the subject of disciplinary action resulting in the suspension, revocation, qualification, condition, or restriction to practice social work; and

C. by paying the one-time emeritus fee.

Subpart 2. Limit on practice. A licensee who has emeritus status shall not engage in social work practice.

Subpart 3. Continuing education not required. Continuing education requirements are not applicable to emeritus status.

Subpart 4. Reactivating license. In the exceptional case that a social worker issued an emeritus license should wish to resume practicing, the board shall reactivate the license according to the procedure in part 8740.0220, subpart 5, for reactivating an inactive license. The person seeking reactivation must notify the board of the intent to resume practice, agree to the supervision requirement if applicable, document that the licensee has completed the required continuing education, pay the inactive status fees for the emeritus period, and pay the prorated renewal fee sufficient to return to the biennial birth month renewal schedule. Nothing in this part precludes the board from taking disciplinary action against a licensee based on conduct occurring before emeritus status was granted or during the emeritus status. If a person has had an emeritus license more than five consecutive years, the licensee must receive 25 hours of supervision during the first 12-month period. This must be documented at the time of renewal.

8740.0230 CHANGE OF ADDRESS.

A licensee must notify the board in writing of any change of name, address, or place of residence within 30 days after the change.

8740.0240 VOLUNTARY TERMINATION OF LICENSE.

A licensee may request voluntary termination of a license by notifying the board in writing. The board shall notify the licensee in writing if the request is approved or denied. A licensee who has voluntarily terminated a license must return the license certificate and the most recent evidence of renewal to the board within ten days after the effective date of the voluntary termination. An individual whose request for voluntary termination has been accepted by the board or whose license has expired shall not use the title for which the license was issued and shall not practice, offer to practice, advertise, or otherwise represent the person as authorized to practice social work. A licensee who voluntarily terminates a license may reapply for a license according to the requirements in parts 8740.0120 to 8740.0310. Nothing in this part shall preclude the board from taking disciplinary action against a licensee based on conduct occurring before the voluntary termination.

8740.0250 SUSPENSION OR REVOCATION OF LICENSE.

The board has the authority to deny, suspend, revoke, condition, or limit a license based on the procedures and criteria in Minnesota Statutes, chapters 14 and 148B.

8740.0260 SUSPENDED OR REVOKED LICENSE.

A licensee whose license has been suspended or revoked must return the license certificate and the most recent evidence of renewal to the board within ten days after the effective date of the suspension or revocation. Failure to comply with this part constitutes grounds for the denial of any subsequent request for reinstatement.

8740.0270 VARIANCE.

Subpart 1. Request for variance. An applicant or licensee may ask the board for a variance from the provisions of parts 8740.0100 to 8740.0285. A request for a variance must be submitted to the board in writing and must contain:

- A. the specific rule for which the variance is requested;
- B. the reason for the request;
- C. the alternative measures that will be taken to protect the public if a variance is granted;
- D. the length of time for which a variance is requested; and
- E. additional information that the board requests from the applicant, that relates to the request for a variance.

Subpart 2. Criteria for approval. The board shall grant a variance if it determines that:

- A. the variance will not adversely affect, directly or indirectly, the health, safety, or well-being of the public;
- B. the alternative measures to be taken, if any, are equivalent or superior to those prescribed in the part for which the variance is requested; and

C. compliance with the part for which the variance is requested would impose an undue burden upon the applicant for the variance.

The board shall deny, revoke, or refuse to renew a variance if the board determines that item A, B, or C has not been met.

Subpart 3. Notification. The board shall notify the applicant in writing of the board's decision. If the variance is granted, the notice must specify the period of time for which the variance is effective and the alternative measures or conditions, if any, the applicant must meet.

Subpart 4. Renewal. An applicant must submit a request for the renewal of a variance, in writing, before the expiration date of the existing variance. A renewal request must contain the information specified in subpart 1. The board shall renew a variance if the applicant for the renewal continues to satisfy the criteria in subpart 2 and complies with the alternative measures or conditions imposed at the time the original variance was granted.

8740.0285 CONTINUING EDUCATION REQUIREMENTS.

Subpart 1. Continuing education requirements. At the time of renewal, each licensee shall provide evidence satisfactory to the board that the licensee has completed 30 continuing education hours of approved continuing education during each biennium of licensure. The licensee may attend programs approved by the Board of Social Work or other programs that meet the requirements in subparts 4 and 6 and are documented as indicated in subpart 8.

A person licensed during the transition period under part 8740.0195 may include and count continuing education programs from January 1989 for credit at the time of the first license renewal if the program meets the requirements in subparts 2 to 11.

Subpart 2. Transition period. For licensees who are issued even-numbered licenses during the transition period under part 8740.0195, item B, 15 continuing education hours are required for the one-year, one time only, license renewal.

Subpart 3. Emeritus license holders. Emeritus licensees are exempt from the continuing education requirement.

Subpart 4. Content areas for continuing education. Continuing education programs approved under subparts 6 to 11 must contain one of the following content areas related to social work practice:

- A. theories and concepts of human behavior and the social environment;
- B. social work practice/knowledge and skills;
- C. social work research, program, or practice evaluation;
- D. management/administration/social policy;
- E. social work ethics; or
- F. an area, chosen by the board, deemed to be of current importance.

Subpart 5. Nonacceptable subject areas. Final determination of the acceptability of approved content areas rests with the board. Nonacceptable subjects include, but are not limited to, subjects contrary to the code of ethics, marketing, business, personal development, time management, and supervisory sessions. Staff orientation and agency activities that address procedural issues are ineligible. Where there is any question about the acceptability of a program, a licensee should inquire of the board.

Subpart 6. Continuing education program types. Continuing education must be earned in at least two of the program areas in items A to G.

A. Academic course work:

- (1) courses and seminars given by accredited social work programs;
- (2) postgraduate courses from a university, college, or other institution of higher education, in a field other than social work, upon proof that the course is relevant to social work practice;
- (3) undergraduate courses from a university, college, or other institution of higher education, if they can be shown to update or enhance the licensee's social work competency. Course and supporting information must accompany the request; and
- (4) correspondence work, televised courses, audiovisual, video tapes, and other forms of self study, shown to update or enhance competency. These activities must be preapproved by the board. No more than ten hours from this category will be acceptable as continuing education for each renewal cycle.

B. Continuing education presentations at national, international, regional, or subregional conferences or association meetings.

C. Workshops or institutes, including approved workshops at conventions.

D. Public or private agency staff development programs that contribute to the enhancement of social work practices or knowledge and that are not primarily procedural or administrative.

E. Individual activities such as lectures, publications of professional articles, course or conference presentation, or research leading to publication or presentation. The activities must be approved by the board on an individual basis. No more than ten hours from this category will be acceptable as continuing education for each renewal cycle.

F. Informal study carried on individually and documented by the name of the topic, the title and author of resources or books used in the informal study, and the time spent in informal study. Informal programs of study must be approved by the board. No more than ten hours from this category will be acceptable as continuing education for each renewal cycle.

G. Continuing education hours completed by licensees to meet the requirements of other boards or authorities will be accepted by the board as long as the program types and content areas are consistent with those in subpart 4.

Subpart 7. Continuing education hours. Continuing education hours are determined according to items A to E.

A. "One continuing education hour" means at least 50 minutes of uninterrupted learning in each hour.

B. One semester credit equals 15 continuing education hours. One quarter credit equals ten continuing education hours. Credit for auditing will be actual clock hours attended not to exceed the academic credit.

C. Presenters will be credited with two continuing education hours for every hour of presentation at a conference, workshop, or institute. Credit will be given only once regardless of the number of times the course is presented.

D. Multiday, convention type meetings, national or local, that meet the criteria of subpart 6, items B and C, are credited the hours given by the sponsor.

E. Individual study hours may be approved by the board at the request of the licensee.

Subpart 8. Documentation of courses. A licensee must document completion of continuing education requirements according to items A to D.

A. When the licensee applies for renewal of the license, the licensee must submit documentation of completion of the required continuing education hours on an appropriate form furnished by the board.

B. Documentation must include the following information:

- (1) the title of the activity;
- (2) the number of credit hours for the activity;
- (3) the name of the provider or sponsor of the activity; and
- (4) the date and location of the course.

C. Licensees must keep in their records documentation of their participation in continuing education activities according to subitems (1) to (4).

(1) For workshops, institutes, and conferences as described in subpart 6, items B to D, at least one of the following is required:

- (a) a copy of the certificate, if any, the provider or sponsor issued to the participants;
- (b) the certificate of attendance, if any, provided by the program sponsor with all information completed; or
- (c) an affidavit signed by the program or course instructor that the licensee attended the workshop, conference, or institute.

(2) Individual activities as described in subpart 6, item E, are verified by:

- (a) a copy of the program for the lecture or presentation;
- (b) a notice of publication of the written material; or
- (c) other material that may be requested by the board.

(3) Academic course work as described in subpart 6, item A, is verified by:

- (a) a copy of the transcript; or
- (b) a report signed by the instructor of hours attended.

(4) Informal studies as defined in subpart 6, item F, are verified by written summaries of course work with title, instructors' names, course content, and the time spent in informal study. Such activities must be approved by the board to be considered for continuing education hours.

D. The board shall audit a random sample of continuing education reports. It is the responsibility of the licensee to keep copies of all documentation required under this part for an audit. The licensee must keep all records of evidence or proof of continued education activities for the four years following the license renewal.

Subpart 9. Violation of continuing education requirements. Falsification of continuing education reports or failure to meet continuing education requirements is a violation of license renewal requirements and may result in formal disciplinary action.

Subpart 10. Sponsor application for preapproval of continuing education programs. Board approval of a continuing education program must be obtained according to items A and B.

A. Application may be made by an association, corporation, educational institution, organization, or person to have a program preapproved by the board. In order to advertise that the program is approved for continuing education by the board, the sponsor must have received board approval.

The request must be submitted to the board, typed on the appropriate forms, and must contain the following information:

- (1) a statement of the objectives and goals of the program or course, including the knowledge and skills each participant is expected to gain upon completion;
- (2) a description of the content of the program or course, including a detailed agenda;
- (3) a description of the teaching method to be used;
- (4) a copy of the evaluation form to be used by the participants; and
- (5) a listing of the qualifications of each instructor as evidence of the instructor's current knowledge and skill in the program or course subject.

The request for approval for single programs must be submitted to the board at least 60 days before the date of the program, and must include the appropriate application fee, before the application will be considered. Requests for approval of multiple programs must be submitted to the board at least 90 days before the programs begin.

B. Program approval shall remain in effect for one year. Sponsors of approved courses shall retain a list of participants to whom continuing education hours are granted for four years. Proposed content changes in any approved program or course must be submitted to the board for its approval.

Subpart 11. Board review of continuing education sponsor applications.

A. The board shall approve or deny applications for continuing education programs or courses within 45 days after receipt of the application and respond in writing to the applicant.

B. The board may deny, refuse to renew, revoke, or suspend authorization or approval previously furnished to sponsors of an approved program, if the program fails to conform to its application as approved by the board, or if it fails to furnish program content as publicized, or for falsification of any information requested by the board.

Subpart 12. Renewal of sponsor applications. An application for course approval or renewal must be submitted to the board with the appropriate fee at least 60 days before the expiration of the annual date.

8740.0290 FEES.

The fees in items A to G shall be paid by cash, personal check, bank draft, cashier's check, or money order made payable to the Board of Social Work. All fees are nonrefundable.

A. Application fee, \$30.

B. Initial license fee, payable in addition to application fee:

- (1) licensed social worker, \$80;
- (2) licensed graduate social worker, \$140;
- (3) licensed independent social worker, \$210;
- (4) licensed independent clinical social worker, \$230.

C. Biennial renewal fee:

- (1) licensed social worker, \$80;
- (2) licensed graduate social worker, \$140;
- (3) licensed independent social worker, \$210;
- (4) licensed independent clinical social worker, \$230.

D. Emeritus fee, \$30.

E. Duplicate license, \$15.

F. Inactive status fee:

- (1) licensed social worker, \$80;
- (2) licensed graduate social worker, \$140;
- (3) licensed independent social worker, \$210;
- (4) licensed independent clinical social worker, \$230.

G. Application fee for continuing education program sponsor:

- (1) for one to four continuing education hours applied for, \$30;
- (2) for five to eight continuing education hours applied for, \$45;
- (3) for nine to 16 continuing education hours applied for, \$60;
- (4) for 17 to 24 continuing education hours applied for, \$75;
- (5) for more than 24 hours applied for, \$100.

8740.0300 CODE OF ETHICS.

Subpart 1. Code of ethics. The code of ethics applies to the licensees and applicants who practice social work and applies to their conduct during the period of education, training, and employment which is required for licensure.

Subpart 2. Purpose. The code of ethics constitutes the standards by which the professional conduct of a licensee is measured.

Subpart 3. Violations. A violation of the code of ethics is unprofessional or unethical conduct and is a sufficient reason for disciplinary action or denial of licensure under part 8740.0250.

8740.0310 ETHICAL STANDARDS.

Subpart 1. Responsibility to clients. A licensee's primary professional responsibility is to the client. The licensee shall make every effort to advance the welfare and best interests of families, individuals, groups, and communities. A licensee must respect the rights, including the right to self-determination, of those persons seeking assistance. A licensee must perform professional duties on the highest levels of integrity and confidentiality and shall not hesitate to ask for assistance from other professional disciplines when circumstances dictate. A licensee must protect the public against, and shall report, unethical, incompetent, and dishonorable practices by social workers and other regulated health professionals to the board or other appropriate authority, as required under Minnesota Statutes, section 626.556, governing reporting of maltreatment of minors, or 626.557, governing reporting of maltreatment of vulnerable adults, and as required under Minnesota Statutes, section 148B.07, subdivision 4, governing reporting unprofessional conduct or mental incompetence, or other incompetence of licensed professionals.

Subpart 2. Nondiscrimination. In the treatment of clients, a licensee must not discriminate on the basis of age, sex, race, national origin, religion, physical handicap, political affiliation, or social or economic status. In addition, a licensee must not discriminate on the basis of affectional preference, or choice of lifestyle. When unable to offer services for any reason, a licensee shall make an appropriate referral.

Subpart 3. Relations with clients.

A. A licensee shall not engage in any type of sexual contact with a client, as defined in Minnesota Statutes, chapter 148A.01, subdivision 7.

B. A licensee shall not engage in sexual contact with a former client for at least two years after the professional relationship with the client ends, or for a longer period if there is a finding that the client is emotionally dependent on the licensee.

C. A licensee shall not offer medication, controlled substances, or alcoholic beverages to a client, or accept these substances from a client.

D. A licensee must be cautious in prognosis and shall not exaggerate the efficacy of services.

E. The licensee must recognize the importance of clear understandings of financial matters with clients. Fees and payments must be arranged at the beginning of the relationship. Bartering between the licensee and the licensee's client in establishing fees and payments is not allowed.

Subpart 4. Code of personal conduct. The licensee must demonstrate objectivity, integrity, and sound standards in the interest of service to the public and to the profession. Licensed status shall not be used as

a claim, promise, or guarantee of successful service, nor shall the license be used to imply that the licensee has competence in another service. The licensee shall not misrepresent professional qualifications, affiliations, and licenses of the licensee or the institutions and organizations with which the licensee is associated.

A. A licensee shall not sexually harass, make sexual advances toward, or engage in sexual contact with any client, student, or trainee under the licensee's supervision.

B. A licensee shall not use or possess prohibited drugs as they are defined in Minnesota Statutes, chapter 152, unless prescribed for a legitimate medical purpose.

C. A licensee shall not use any drug, controlled substance, alcoholic beverage, or medication in a manner that impairs the licensee's ability to conduct the practice authorized by license.

D. A licensee shall not use a professional relationship to further personal, religious, political, or business interests.

E. A licensee shall not participate in relationships with clients which could impair the licensee's professional judgment.

F. A licensee shall not wrongfully disparage the qualifications or character of any professional colleagues, agencies, organizations, or clients.

G. A licensee shall not diagnose, prescribe for, treat, or advise on problems beyond the licensee's level of competence. A licensee shall not provide services outside of the licensee's level of licensure.

H. A licensee shall not permit a student, trainee, or intern under supervision to perform, nor endorse any claim to be competent to perform, professional services beyond the student's, trainee's, or intern's level of training.

I. A licensee shall terminate service to a client and a professional relationship with a client when the service and relationship are no longer required to serve the client's needs or interests.

Subpart 5. Confidentiality and keeping records.

A. A licensee must keep accurate records detailing problems, scope of services, and dates of client contacts for a minimum of three years after the date on which services were last provided to the client. Records must be securely kept to ensure the confidentiality of clients. Records or other oral or written information which personally identifies the client shall not be released to third parties unless:

(1) the client or authorized representative consents in writing;

(2) a court of competent jurisdiction orders release of the records;

(3) the records are disclosable under the Minnesota Government Data Practices Act, Minnesota Statutes, chapter 13;

(4) the information released does not compromise the confidentiality of any other individuals; or

(5) the board issues a subpoena for the records according to Minnesota Statutes, section 148B.07, subdivision 9.

B. The licensee must inform clients of the limits of confidentiality.

C. The licensee must submit required reports and documents in a timely enough fashion that the well-being of the client is not adversely affected.

D. When a licensee has reason to believe that a client presents clear and immediate danger to an individual or society, the licensee has the duty to warn the potential victim and the appropriate authorities. A licensee shall communicate this warning with or without the client's consent.

E. A licensee must report suspected abuse of children and vulnerable adults as required by Minnesota Statutes, sections 626.556 and 626.557. A licensee shall not knowingly report distorted, erroneous, or misleading research conclusions.

Subpart 6. Research. A licensee must conduct research activities with full respect for the rights and dignity of participants and with full concern for their welfare. A person's participation in research must be voluntary, and based on the informed consent of the participant or the legally appointed guardian. In the case of a minor, informed consent must be obtained from a parent or legally appointed guardian.

Subpart 7. Advertising. A licensee shall not use false, fraudulent, or misleading advertising in the marketing of services under the scope of social work practice.

GENERAL INFORMATION

Massachusetts law specifies four different licensing titles. The Board of Registration of Social Workers has published Regulations which explain the qualifications and functions for each title and which contain the rules and standards governing professional ethics and practice for which licensees are held accountable. **Every social worker should have a copy.** Obtain the *Regulations of the Board of Registration of Social Workers, 258 CMR* from the State House Book Store in person for \$3.15 or by mail for \$5.35 (in the form of a check made out to the Commonwealth of Massachusetts). To obtain a copy of the licensing law, photocopy Chapter 818 of the Acts and Resolves of 1977 (G.L.C112, ss 130-137).

RESOURCES REGARDING LICENSING

Massachusetts Board of Registration of Social Workers, Saltonstall Bldg, 100 Cambridge Street, Boston, MA., 02202.
Telephone: 617-727-3073

State House Book Store (for the Regulations), Rm 116, State House, Boston, Massachusetts 02133 Telephone: 727-2834
Testing Organization: AASSWB/ASI, 3 Bala Plaza West, #300, Bala Cynwyd, PA 19004. Telephone: 800-274-0650 or 215-829-1901. Customer Service: 800-225-6880

NASW, Massachusetts Chapter, 14 Beacon Street, Boston, MA 02108. Telephone: 617-227-9635.

WHO MUST BE LICENSED?

All persons who practice social work, use the title "social worker," or refer to themselves as practicing social work must be licensed, unless they are county, state, or municipal employees, or social work students in a program accredited by the Council on Social Work Education or social work interns. Practicing social work without a license is punishable by fine and/or imprisonment, as is performing functions reserved for a higher licensing level.

The Board of Registration expects to adopt new Regulations to permit new graduates to practice as social work interns while waiting to complete the licensing process. While these new Regulations are being developed, it is the Board's policy not to penalize unlicensed new graduates for engaging in the practice of social work, as long as they have applied for licensure and use the title "social work intern."

HOW TO OBTAIN A LICENSE: A 3 STEP PROCESS

Step 1: Applying to Take the Exam -- No Documentation Required

The Massachusetts Board of Registration is a member of the American Association of State Social Work Boards (AASSWB) and through AASSWB has contracted with a non-profit testing organization, Assessment Systems, Inc. (ASI) to administer the examinations. The examination is administered electronically Tuesday through Saturday in Boston and Saturdays only in Lowell, Westfield and New Bedford. Reservations may be made up to 14 business days before the chosen exam date.

To sit for the exam, contact the Massachusetts Board of Registration for the candidate Handbook and for a state specific information card, both of which contain information you will need when making a reservation to take the exam. Call 1-800-274-0650 Monday through Friday 8 AM to 11 PM, Saturday 8 AM to 4 PM or Sunday 10 AM to 4 PM to make a reservation, or fax the application in the Candidate Handbook anytime to 1-215-925-7756. You will be given a confirmation number which you must bring to the test center together with the \$110 test fee (bank check, cashier's check or money order) and two signature bearing I.D.'s, one with your picture.

The electronic examination process employs an individual laptop computer but knowledge of computers and typing is absolutely not required. Candidates who need special arrangements should contact the Board of Registration before making a reservation, at least 14 days and preferably considerably more before the test date.

Candidates will know the result before leaving the test site and those who pass will receive license application materials. You should apply for the license within a year of passing the examination.

Note: If you take and pass an examination for a title for which you are not eligible, you will not receive a license and will have to pay another \$110 to sit for the exam for which you are eligible.

Step 2: What the Application for Licensure Requires -- Documentation to Send to ASI

- Official transcripts for earned degrees.
- Three professional references (on forms received with the application), one of which must be from your most recent supervisor. The other two should be from professionals in a position which permits an informed evaluation of your experience in social work. Ask your references to return the completed forms to you and enclose them with your application. For LICSW applicants, all references must be from licensed professionals in clinical social work, psychology, psychiatry, or nursing with a specialty in clinical mental health.
- Confirmation from your present and past supervisors (on forms received with the application) that you meet the experience and supervision requirements for the title for which you are applying (see Eligibility section over).
- Application fee in the form of a certified check or money order made out to ASI (currently \$57).

Those whose credentials are approved will receive a notice in about 30 days and may send for a license.

Step 3: Sending for the License.

Send your approval notice and fee to P.O. Box 3607 of the Division of Registration, Commonwealth of Massachusetts

including social workers in administration, planning, policy, community organization, research, and clinical practice.

LICSW - Licensed Independent Clinical Social Worker

Education: MSW, DSW, or PhD in Social Work from a school accredited by the Council on Social Work Education. (As of 1991 there is no concentration requirement.)

Previous License: A currently valid license as an LCSW.

Experience: 5,250 hours (three years) of supervised paid or unpaid work in clinical social work providing direct service. At least 3,500 hours (two years) must be post-MSW, accumulated within ten years if part time. Credit for up to 1,750 hours will be given for clinical internships providing direct service which are part of the MSW program. In a fee-for-service setting, appropriate time for paper work should be included by your supervisor in your reference in addition to direct client hours. Only that work which was directly supervised by persons licensed or eligible for licensure at the LICSW level will be credited.

Supervision: Supervision must be individual one-to-one supervision for a minimum of one hour for every 35 hours of practice (150 hours). Up to 50 hours of supervision may be obtained during the MSW program.

LICSW is called "Clinical" in the Candidate Handbook. It is the only advanced specialty license available in Massachusetts at this time.

LSW - Licensed Social Worker

Baccalaureate degree in Social Work, or Baccalaureate degree in any field plus two years of experience in the practice of social work. The experience must be supervised a minimum of 50 hours a year individually or in a group by an MSW. Consult the Regulations for requirements for non-college graduates.

LSW is called "Basic" in the Candidate Handbook.

LSWA - Licensed Social Work Associate

Consult the Regulations for requirements.

LSWA is called "Associate" in the Candidate Handbook.

LICENSE RENEWAL

It is your responsibility to renew your license every two years on October 1 of every even year. This is true even if you received your license just months before the renewal date. You should receive a computerized license renewal card, which must be returned with a renewal fee. The most recent fees were \$30, LICSW; \$25, LCSW; \$20, LSW; \$15, LSWA. IF YOU *DON'T* RECEIVE A RENEWAL CARD, IT IS YOUR RESPONSIBILITY TO GET ONE FROM THE BOARD. Those who miss the October 1 deadline and have an expired license may not practice, no matter what the circumstances. However, one may apply for renewal for up to one year after the October 1 deadline and may be reinstated upon receipt by the Board of Registration of the renewal card and a check including a late fee. After this first year however, those with lapsed licenses must reapply and meet current requirements, including taking an examination.

CONTINUING EDUCATION (CE) REQUIREMENTS

All licensees must complete a required amount of continuing education every two years by the license renewal date, (October 1 of every even year), as follows: LICSW 30 hours; LCSW 20 hours; LSW 10 hours; LSWA 5 hours. See the *Rules and Regulations* and the Board of Registration's *Continuing Education Advisory* (available from the Board) for information about the CE Requirements. NASW members may request a *Continuing Education Fact Sheet* from the NASW office.

COMPARISON OF FUNCTIONS OF CLINICIANS WITH LCSWs AND LICSWs

All clinical work done by LCSWs must be supervised by persons licensed or eligible for licensure at the LICSW level. LICSWs may practice autonomously; LCSWs may provide clinical services as employees, but not in private practice. The NASW office has some guidelines discussing this further.

RECIPROCITY

Social workers licensed in other states with substantially the same requirements and examinations as Massachusetts may be able to obtain a license without taking an examination. Special applications are available by writing to the Massachusetts Board of Registration. A certified copy of the out-of-state license, three recent references, and a check (not personal) must accompany the application.

Members of NASW who still have licensing questions after obtaining the application and instructions and after reading the Rules and Regulations may direct questions in writing to the Board of Registration for Social Workers or may call the Chapter office for help.

ARE YOU A MEMBER OF NASW?

We have lots to offer you! NASW is the key national and state professional organization which advocates for its individual members, for the profession, for clients, and for social and economic justice. For membership information call the NASW office at 617-227-9635

Direct Inquiries to the
Technical Assistance Unit

Telephone No.: 217-782-8556
TDD No.: 217-524-6735

STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL & PROFESSIONAL REGULATION
320 West Washington Street, 3rd Floor
Springfield, Illinois 62786
www.idfpr.com

Date: 1/25/2007

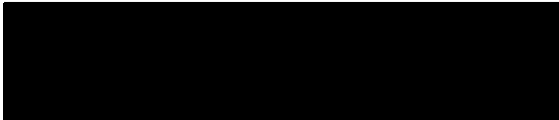
Initials: JC

License No: 149 Attn: HSS

**YOUR APPLICATION OR REQUEST CANNOT BE PROCESSED DUE TO ERRORS OR DEFICIENCIES.
NO FURTHER ACTION CAN BE TAKEN ON YOUR APPLICATION UNTIL SUCH TIME AS ALL DEFICIENCIES HAVE
BEEN MET.**

TO:

SUSAN MARIE SCHILLMOELLER



**RETURN THIS FORM
AND APPLICATION
WITH REMITTANCE,
IF APPLICABLE**

Deficiency Checklist

Please submit proof of successful completion of the Clinical examination administered by the Association of Social Work Boards within 1 year prior to application. Scores must come directly from the ASWB.

RETURN INFORMATION IN THE ENCLOSED ENVELOPE WITH A COPY OF THIS NOTICE.

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